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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 55**

**The Disability Discrimination Act 1995  
(Amendment) Regulations (Northern Ireland) 2004**

**PART II**

**AMENDMENTS TO THE ACT**

**Amendments to Schedules 2, 3, 4 and 8**

**28.**—(1) In Schedule 2 (past disabilities) –

(a) after paragraph 2, insert the following paragraph –

“**2A.** In section 3A(5), after “not having that particular disability” insert “and who has not had that particular disability”.”;

(b) for paragraph 3, substitute –

“**3.** In sections 4A(1), 4B(4), 4E(1), 4H(1), 6B(1), 7B(1), 14(1), 14B(1), 14D(1) and 16A(4), section 21A(4)(a) (in the words to be read as section 19(1)(aa)) and section 21A(6)(a) (in the words to be substituted in section 21(1)), after “not disabled” (in each place it occurs) insert “and who have not had a disability”.”;

(c) for paragraph 4, substitute –

“**4.** In sections 4A(3)(b), 4E(3)(b), 4H(3)(b), 6B(3)(b), 7B(3)(b), 14(3)(b), 14B(3)(b), 14D(3)(b) and 16A(6), for “has” (in each place it occurs) substitute “has had”.”.

(2) In Schedule 3(1) (enforcement and procedure) –

(a) in the side note, for “8(8)” substitute “17A(8)”;

(b) for paragraph 2(1), substitute –

“(1) Except as provided by Part II, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under that Part.”;

(c) in paragraph 2(2), at the end add “or the investigation or determination of any matter in accordance with the Part X (investigations: the Pensions Ombudsman) of the Pension Schemes (Northern Ireland) Act 1993(2) by the Pensions Ombudsman”;

(d) in paragraph 3(1), for “section 8” substitute “section 17A or 25(8)”;

(e) in paragraph 3(3)(a), omit “of discrimination”;

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(1) Part I of Schedule 3 was amended by Schedule 3 to the Industrial Tribunals (Northern Ireland) Order 1996 (S.I. 1996/1921 (N.I. 18)) and the Employment Relations Act 1999 (c. 26) sections 41, 44, Schedule 8, paragraph 7 and Schedule 9, Table 12 (1993 c. 49); Part X was amended by Articles 152 to 156 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), paragraph 70 of Schedule 5 to the Bank of England Act 1998 (c. 11) and sections 49 and 50 of, and Schedule 9 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

- (f) in paragraph 4(1)(3), for “section 8” substitute “section 17A or 25(8)”.
- (3) In Schedule 4 (premises occupied under leases) –
  - (a) in the side note, for “16(5)” substitute “18A(5)”;
  - (b) in the heading to Part I of the Schedule, for “EMPLOYER OR TRADE ORGANISATION” substitute “EMPLOYER etc.”;
  - (c) in paragraph 1, for “the section 6 or section 15 duty” substitute “any duty to make reasonable adjustments”;
  - (d) in the cross-heading preceding paragraph 2, for “section 8” substitute “section 17A or 25(8)”;
  - (e) in paragraph 2(1) –
    - (i) for “section 8” substitute “section 17A or 25(8)”;
    - (ii) for “section 16” substitute “section 18A”;
  - (f) in paragraph 2(8) and (9), for “section 8(2)” substitute “section 17A(2)”;
  - (g) in paragraphs 3 and 4, for “section 16” substitute “section 18A”.
- (4) In Schedule 8 (modification of this Act in its application to Northern Ireland), omit paragraphs 3, 4(1), 5, 6(1), 7, 8 and 44(3), (4)(c) and (d).

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(3) Paragraph 4(1), in its application to Northern Ireland, is modified by paragraph 50(2) of Schedule 8 to the Disability Discrimination Act 1995 (c. 50)