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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**

**Partnerships**

6. After section 4K (as substituted by regulation 5), insert the following sections –

*“Partnerships*

**Partnerships: discrimination and harassment**

**6A.—(1)** It is unlawful for a firm, in relation to a position as partner in the firm, to discriminate against a disabled person –

- (a) in the arrangements which they make for the purpose of determining who should be offered that position;
- (b) in the terms on which they offer him that position;
- (c) by refusing or deliberately omitting to offer him that position; or
- (d) in a case where the person already holds that position –
  - (i) in the way they afford him access to any benefits or by refusing or deliberately omitting to afford him access to them; or
  - (ii) by expelling him from that position, or subjecting him to any other detriment.

(2) It is also unlawful for a firm, in relation to a position as partner in the firm, to subject to harassment a disabled person who holds or has applied for that position.

(3) Subsection (1) does not apply to benefits of any description if the firm are concerned with the provision (whether or not for payment) of benefits of that description to the public, or to a section of the public which includes the partner in question, unless that provision differs in a material respect from the provision of the benefits to other partners.

(4) The reference in subsection (1)(d)(ii) to the expulsion of a person from a position as partner includes a reference –

- (a) to the termination of that person’s partnership by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the partnership is renewed on the same terms; and

- (b) to the termination of that person’s partnership by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the other partners.

**Partnerships: duty to make adjustments**

**6B.—(1)** Where –

- (a) a provision, criterion or practice applied by or on behalf of a firm, or
- (b) any physical feature of premises occupied by the firm,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the firm to take such steps as it is reasonable, in all the circumstances of the case, for them to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

(2) In this section, “the disabled person concerned” means –

- (a) in the case of a provision, criterion or practice for determining to whom the position of partner should be offered, any disabled person who is, or has notified the firm that he may be, a candidate for that position;
- (b) in any other case, a disabled person who is –
  - (i) a partner, or
  - (ii) a candidate for the position of partner.

(3) Nothing in this section imposes any duty on a firm in relation to a disabled person if the firm do not know, and could not reasonably be expected to know –

- (a) in the case of a candidate or potential candidate, that the disabled person concerned is, or may be, a candidate for the position of partner; or
- (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

(4) Where a firm are required by this section to take any steps in relation to the disabled person concerned, the cost of taking those steps shall be treated as an expense of the firm; and the extent to which such cost should be borne by that person, where he is or becomes a partner in the firm, shall not exceed such amount as is reasonable, having regard in particular to the proportion in which he is entitled to share in the firm’s profits.

**Partnerships: supplementary**

**6C.—(1)** Sections 6A(1)(a) to (c) and (2) and section 6B apply in relation to persons proposing to form themselves into a partnership as they apply in relation to a firm.

(2) Sections 6A and 6B apply to a limited liability partnership as they apply to a firm; and, in the application of those sections to a limited liability partnership, references to a partner in a firm are references to a member of the limited liability partnership.

(3) In the case of a limited partnership, references in sections 6A and 6B to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907(1).

(4) In sections 6A and 6B and in this section, “firm” has the meaning given by section 4 of the Partnership Act 1890(2).”.

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(1) 1907 c. 24  
(2) 1890 c. 39

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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