Disability Discrimination Act 1995

1995 CHAPTER 50

PART I

DISABILITY

1 Meaning of "disability" and "disabled person".

(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act "disabled person" means a person who has a disability.

Modifications etc. (not altering text)

C1 S. 1 applied (N.I.) (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **2(3)**

Commencement Information

I1 S. 1 wholly in force at 30.5.1996; s. 1 not in force at Royal Assent see. s. 70(3); s. 1 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(a)**; s. 1 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(a)**

2 Past disabilities.

(1) The provisions of this Part and Parts II and III apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.

(2) Those provisions are subject to the modifications made by Schedule 2.

(3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.

(4) In any proceedings under Part II or Part III of this Act, the question whether a person had a disability at a particular time ("the relevant time") shall be determined, for the

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

(5) The relevant time may be a time before the passing of this Act.

Commencement Information

I2 S. 2 wholly in force at 30.5.1996; s. 2 not in force at Royal Assent see. s. 70(3); s. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(b)**; s. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(b)**

3 Guidance.

(1) The Secretary of State may issue guidance about the matters to be taken into account in determining—

(a) whether an impairment has a substantial adverse effect on a person's ability to carry out normal day-to-day activities; or

(b) whether such an impairment has a long-term effect.

(2) The guidance may, among other things, give examples of—

(a) effects which it would be reasonable, in relation to particular activities, to regard for purposes of this Act as substantial adverse effects;

(b) effects which it would not be reasonable, in relation to particular activities, to regard for such purposes as substantial adverse effects;

(c) substantial adverse effects which it would be reasonable to regard, for such purposes, as long-term;

(d) substantial adverse effects which it would not be reasonable to regard, for such purposes, as long-term.

(3) A tribunal or court determining, for any purpose of this Act, whether an impairment has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities, shall take into account any guidance which appears to it to be relevant.

(4) In preparing a draft of any guidance, the Secretary of State shall consult such persons as he considers appropriate.

(5) Where the Secretary of State proposes to issue any guidance, he shall publish a draft of it, consider any representations that are made to him about the draft and, if he thinks it appropriate, modify his proposals in the light of any of those representations.

(6) If the Secretary of State decides to proceed with any proposed guidance, he shall lay a draft of it before each House of Parliament.

(7) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed guidance.

(8) If no such resolution is made within the 40-day period, the Secretary of State shall issue the guidance in the form of his draft.

(9) The guidance shall come into force on such date as the Secretary of State may appoint by order.

(10) Subsection (7) does not prevent a new draft of the proposed guidance from being laid before Parliament.

(11) The Secretary of State may—

(a) from time to time revise the whole or part of any guidance and re-issue it;

(b) by order revoke any guidance.

(12) In this section—

"40-day period", in relation to the draft of any proposed guidance, means—

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days; and

"guidance" means guidance issued by the Secretary of State under this section and includes guidance which has been revised and re-issued.

Extent Information

E1 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I3 S. 3 wholly in force at 30.5.1996; s. 3 not in force at Royal Assent see. s. 70(3); s. 3 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(c)**; s. 3 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(c)**

PART II

EMPLOYMENT

VALID FROM 03/07/2003

[F1 Meaning of "discrimination" and "harassment"

Textual Amendments

F1 Ss. 3A, 3B and cross-heading inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations (S.I. 2003/1673), regs. 1(2)(3), {4(2)} and said sections and cross-heading inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), regs. 1(2)(3), {4(2)}

3A Meaning of "discrimination"

(1) For the purposes of this Part, a person discriminates against a disabled person if—

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply, and

(b) he cannot show that the treatment in question is justified.

(2) For the purposes of this Part, a person also discriminates against a disabled person if he fails to comply with a duty to make reasonable adjustments imposed on him in relation to the disabled person.

(3) Treatment is justified for the purposes of subsection (1)(b) if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.

(4) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within subsection (5).

(5) A person directly discriminates against a disabled person if, on the ground of the disabled person's disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person.

(6) If, in a case falling within subsection (1), a person is under a duty to make reasonable adjustments in relation to a disabled person but fails to comply with that duty, his treatment of that person cannot be justified under subsection (3) unless it would have been justified even if he had complied with that duty.

3B Meaning of "harassment"

(1) For the purposes of this Part, a person subjects a disabled person to harassment where, for a reason which relates to the disabled person's disability, he engages in unwanted conduct which has the purpose or effect of—

(a) violating the disabled person's dignity, or

(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him.

(2) Conduct shall be regarded as having the effect referred to in paragraph (a) or (b) of subsection (1) only if, having regard to all the circumstances, including in particular the perception of the disabled person, it should reasonably be considered as having that effect.**]**

Discrimination by employers

4 Discrimination against applicants and employees.

(1) It is unlawful for an employer to discriminate against a disabled person—

(a) in the arrangements which he makes for the purpose of determining to whom he should offer employment;

(b) in the terms on which he offers that person employment; or

(c) by refusing to offer, or deliberately not offering, him employment.

(2) It is unlawful for an employer to discriminate against a disabled person whom he employs—
  (a) in the terms of employment which he affords him;
  (b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit;
  (c) by refusing to afford him, or deliberately not affording him, any such opportunity; or
  (d) by dismissing him, or subjecting him to any other detriment.

(3) Subsection (2) does not apply to benefits of any description if the employer is 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 employee in question, unless—
  (a) that provision differs in a material respect from the provision of the benefits by the employer to his employees; or
  (b) the provision of the benefits to the employee in question is regulated by his contract of employment; or
  (c) the benefits relate to training.

(4) In this Part "benefits" includes facilities and services.

(5) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(6) This section applies only in relation to employment at an establishment in Great Britain.

Extent Information

E2 In its application to Northern Ireland, this section has effect subject to the modification set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C2 S. 4 modified (E.W.) (2.3.1998 subject to art. 1(2) of the amending S.I.) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 4 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

VALID FROM 03/07/2003

[F2 4A Employers: duty to make adjustments

(1) Where—
  (a) a provision, criterion or practice applied by or on behalf of an employer, or
  (b) any physical feature of premises occupied by the employer,

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

(2) In subsection (1), "the disabled person concerned" means—

(a) in the case of a provision, criterion or practice for determining to whom employment should be offered, any disabled person who is, or has notified the employer that he may be, an applicant for that employment;

(b) in any other case, a disabled person who is—

(i) an applicant for the employment concerned, or

(ii) an employee of the employer concerned.

(3) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).**]**

Extent Information

E3 This section extends to England and Wales and Scotland only until 1.10.2010; a separate s. 4A exists for Northern Ireland only from 21.2.2004 .

Textual Amendments

F2 Ss. 4-4F and cross-headings substituted for ss. 4-6 (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **5**

Modifications etc. (not altering text)

C3 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

C4 Ss. 4-6 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order 2006 (S.I. 2006/1073), art. 3, **Sch.**

5 Meaning of "discrimination".

(1) For the purposes of this Part, an employer discriminates against a disabled person if—

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

(2) For the purposes of this Part, an employer also discriminates against a disabled person if—

(a) he fails to comply with a section 6 duty imposed on him in relation to the disabled person; and

(b) he cannot show that his failure to comply with that duty is justified.

(3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.

(4) For the purposes of subsection (2), failure to comply with a section 6 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.

(5) If, in a case falling within subsection (1), the employer is under a section 6 duty in relation to the disabled person but fails without justification to comply with that duty, his treatment of that person cannot be justified under subsection (3) unless it would have been justified even if he had complied with the section 6 duty.

(6) Regulations may make provision, for purposes of this section, as to circumstances in which—

(a) treatment is to be taken to be justified;

(b) failure to comply with a section 6 duty is to be taken to be justified;

(c) treatment is to be taken not to be justified;

(d) failure to comply with a section 6 duty is to be taken not to be justified.

(7) Regulations under subsection (6) may, in particular—

(a) make provision by reference to the cost of affording any benefit; and

(b) in relation to benefits under occupational pension schemes, make provision with a view to enabling uniform rates of contributions to be maintained.

Modifications etc. (not altering text)

C5 S. 5 modifed (E.W.) (2.3.1998 subject to art. 1(2) of the amending S.I.) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 5 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

Commencement Information

I4 S. 5 wholly in force at 2.12.1996; s. 5 not in force at Royal Assent see s. 70(3); s. 5(6)(7) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 5(6)(7) in force (N.I.) at 11.7.1996 by S.R. 1996/280, **art. 2(1)**; s. 5(1)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 5(1)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

6 Duty of employer to make adjustments.

(1) Where—

(a) any arrangements made by or on behalf of an employer, or

(b) any physical feature of premises occupied by the employer,

place the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the arrangements or feature having that effect.

(2) Subsection (1)(a) applies only in relation to—

(a) arrangements for determining to whom employment should be offered;

(b) any term, condition or arrangements on which employment, promotion, a transfer, training or any other benefit is offered or afforded.

(3) The following are examples of steps which an employer may have to take in relation to a disabled person in order to comply with subsection (1)—

(a) making adjustments to premises;

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(b) allocating some of the disabled person's duties to another person;
(c) transferring him to fill an existing vacancy;
(d) altering his working hours;
(e) assigning him to a different place of work;
(f) allowing him to be absent during working hours for rehabilitation, assessment or treatment;
(g) giving him, or arranging for him to be given, training;
(h) acquiring or modifying equipment;
(i) modifying instructions or reference manuals;
(j) modifying procedures for testing or assessment;
(k) providing a reader or interpreter;
(l) providing supervision.

(4) In determining whether it is reasonable for an employer to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—
(a) the extent to which taking the step would prevent the effect in question;
(b) the extent to which it is practicable for the employer to take the step;
(c) the financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt any of his activities;
(d) the extent of the employer's financial and other resources;
(e) the availability to the employer of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (8).

(5) In this section, "the disabled person concerned" means—
(a) in the case of arrangements for determining to whom employment should be offered, any disabled person who is, or has notified the employer that he may be, an applicant for that employment;
(b) in any other case, a disabled person who is—
(i) an applicant for the employment concerned; or
(ii) an employee of the employer concerned.

(6) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know—
(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or
(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

(7) Subject to the provisions of this section, nothing in this Part is to be taken to require an employer to treat a disabled person more favourably than he treats or would treat others.

(8) Regulations may make provision, for the purposes of subsection (1)—
(a) as to circumstances in which arrangements are, or a physical feature is, to be taken to have the effect mentioned in that subsection;
(b) as to circumstances in which arrangements are not, or a physical feature is not, to be taken to have that effect;

(c) as to circumstances in which it is reasonable for an employer to have to take steps of a prescribed description;
(d) as to steps which it is always reasonable for an employer to have to take;
(e) as to circumstances in which it is not reasonable for an employer to have to take steps of a prescribed description;
(f) as to steps which it is never reasonable for an employer to have to take;
(g) as to things which are to be treated as physical features;
(h) as to things which are not to be treated as such features.

(9) Regulations made under subsection (8)(c), (d), (e) or (f) may, in particular, make provision by reference to the cost of taking the steps concerned.

(10) Regulations may make provision adding to the duty imposed on employers by this section, including provision of a kind which may be made under subsection (8).

(11) This section does not apply in relation to any benefit under an occupational pension scheme or any other benefit payable in money or money's worth under a scheme or arrangement for the benefit of employees in respect of—
(a) termination of service;
(b) retirement, old age or death;
(c) accident, injury, sickness or invalidity; or
(d) any other prescribed matter.

(12) This section imposes duties only for the purpose of determining whether an employer has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

Modifications etc. (not altering text)

C6 S. 6 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.** (with art. 1(2))
S. 6 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

Commencement Information

I5 S. 6 wholly in force at 2.12.1996; s. 6 not in force at Royal Assent see s. 70(3); s. 6(8)(9)(10) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 6(8)(9)(10) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 6(1)-(7)(11)(12) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 6(1)-(7)(11)(12) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

7 Exemption for small businesses. E+W+S

(1) Nothing in this Part applies in relation to an employer who has fewer than **[**[F3]15**]** employees.

(2) The Secretary of State may by order amend subsection (1) by substituting a different number (not greater than 20) for the number for the time being specified there.

[[F4](3) Before making an order under subsection (2) the Secretary of State shall consult—
(a) the Disability Rights Commission;
(b) such organisations representing the interests of employers as he considers appropriate; and

(c) such organisations representing the interests of disabled persons in employment or seeking employment as he considers appropriate.

(4) The Secretary of State shall, before laying an order under this section before Parliament, publish a summary of the views expressed to him in his consultations.**]**

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F3 Word in s. 7(1) substituted (1.12.1998) by S.I. 1998/2618, **art. 2**; S.R. 1998/391, **art. 2**

F4 S. 7(3)(4) substituted for S. 7(3)-(10) (E.W.S.) (25.4.2000) by 1999 c. 17, **s. 11**; S.I. 2000/880, art. 2, **Sch. 2**

7 Exemption for small businesses. N.I.

(1) Nothing in this Part applies in relation to an employer who has fewer than **[**[F118]15**]** employees.

(2) The **[**[F119]Department of Economic Development**]** may by order amend subsection (1) by substituting a different number (not greater than 20) for the number for the time being specified there.

[[F120](3) Before making an order under subsection (2) the Office of the First Minister and deputy First Minister shall consult—

(a) the Equality Commission for Northern Ireland;

(b) such organisations representing the interests of employers as that Office considers appropriate; and

(c) such organisations representing the interests of disabled persons in employment or seeking employment as that Office considers appropriate.

(4) The Office of the First Minister and deputy First Minister shall, before laying an order under this section before the Assembly, publish a summary of the views expressed to it in its consultations.**]**

Extent Information

E72 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

Textual Amendments

F118 Word in s. 7(1) substituted (1.12.1998) by S.I. 1998/2618, **art. 2**; S.R. 1998/391, **art. 2**

F119 Words in s. 7(2) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 4(1) of this Act

F120 S. 7(3)(4) substituted for s. 7(3)-(10) (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 13** (with art. 17); S.R. 2000/140, art. 2, **Sch.**

VALID FROM 03/07/2003

[F5 Contract workers

Textual Amendments

F5 Ss. 4-4F and cross-headings substituted (E.W.S.) for ss. 4-6 and preceding cross-heading (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **5(1)**

4B Contract workers

(1) It is unlawful for a principal, in relation to contract work, to discriminate against a disabled person who is a contract worker (a "disabled contract worker")—
- (a) in the terms on which he allows him to do that work;
- (b) by not allowing him to do it or continue to do it;
- (c) in the way he affords him access to any benefits or by refusing or deliberately omitting to afford him access to them; or
- (d) by subjecting him to any other detriment.

(2) It is also unlawful for a principal, in relation to contract work, to subject a disabled contract worker to harassment.

(3) Subsection (1) does not apply to benefits of any description if the principal is 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 contract worker in question, unless that provision differs in a material respect from the provision of the benefits by the principal to contract workers.

(4) This subsection applies to a disabled contract worker where, by virtue of—
- (a) a provision, criterion or practice applied by or on behalf of all or most of the principals to whom he is or might be supplied, or
- (b) a physical feature of premises occupied by such persons,

he is likely, on each occasion when he is supplied to a principal to do contract work, to be placed at a substantial disadvantage in comparison with persons who are not disabled which is the same or similar in each case.

(5) Where subsection (4) applies to a disabled contract worker, his employer must take such steps as he would have to take under section 4A if the provision, criterion or practice were applied by him or on his behalf or (as the case may be) if the premises were occupied by him.

(6) Section 4A applies to any principal, in relation to contract work, as if he were, or would be, the employer of the disabled contract worker and as if any contract worker supplied to do work for him were an employee of his.

(7) However, for the purposes of section 4A as applied by subsection (6), a principal is not required to take a step in relation to a disabled contract worker if under that

section the disabled contract worker's employer is required to take the step in relation to him.

(8) This section applies only in relation to contract work done at an establishment in Great Britain (the provisions of section 68 about the meaning of "employment at an establishment in Great Britain" applying for the purposes of this subsection with the appropriate modifications).

(9) In this section—

"principal" means a person ("A") who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;

"contract work" means work so made available; and

"contract worker" means any individual who is supplied to the principal under such a contract.**]**

Extent Information

E5 This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4B exists for Northern Ireland only from 21.2.2004.

Modifications etc. (not altering text)

C7 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

C8 Ss. 4-6 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3,{Sch.}

VALID FROM 03/07/2003

[F6 Office-holders

Textual Amendments

F6 Ss. 4-4F and cross-headings substituted for ss. 4-6 and preceding cross-heading (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **5(1)**

4C Office-holders: introductory

(1) Subject to subsection (5), sections 4D and 4E apply to an office or post if—

(a) no relevant provision of this Part applies in relation to an appointment to the office or post; and

(b) one or more of the conditions specified in subsection (3) is satisfied.

(2) The following are relevant provisions of this Part for the purposes of subsection (1)(a): section 4, section 4B, section 6A, section 7A, section 7C and section 14C.

(3) The conditions specified in this subsection are that—

(a) the office or post is one to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration;

(b) the office or post is one to which appointments are made by a Minister of the Crown, a government department, the National Assembly for Wales or any part of the Scottish Administration;

(c) the office or post is one to which appointments are made on the recommendation of, or subject to the approval of, a person referred to in paragraph (b).

(4) For the purposes of subsection (3)(a) the holder of an office or post—

(a) is to be regarded as discharging his functions under the direction of another person if that other person is entitled to direct him as to when and where he discharges those functions;

(b) is not to be regarded as entitled to remuneration merely because he is entitled to payments—

(i) in respect of expenses incurred by him in carrying out the functions of the office or post, or

(ii) by way of compensation for the loss of income or benefits he would or might have received from any person had he not been carrying out the functions of the office or post.

(5) Sections 4D and 4E do not apply to—

(a) any office of the House of Commons held by a member of it,

(b) a life peerage within the meaning of the Life Peerages Act 1958 [F7], or any office of the House of Lords held by a member of it,

(c) any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 [F8],

(d) the offices of Leader of the Opposition, Chief Opposition Whip or Assistant Opposition Whip within the meaning of the Ministerial and other Salaries Act 1975 [F9],

(e) any office of the Scottish Parliament held by a member of it,

(f) a member of the Scottish Executive within the meaning of section 44 of the Scotland Act 1998 [F10], or a junior Scottish Minister within the meaning of section 49 of that Act,

(g) any office of the National Assembly for Wales held by a member of it,

(h) in England, any office of a county council, a London borough council, a district council or a parish council held by a member of it,

(i) in Wales, any office of a county council, a county borough council or a community council held by a member of it,

(j) in relation to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [F11] or a community council established under section 51 of the Local Government (Scotland) Act 1973 [F12], any office of such a council held by a member of it,

(k) any office of the Greater London Authority held by a member of it,

(l) any office of the Common Council of the City of London held by a member of it,

(m) any office of the Council of the Isles of Scilly held by a member of it, or

(n) any office of a political party.

Extent Information

E6 This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4C exists for Northern Ireland only from 21.2.2004.

Textual Amendments

F7 1958 c. 21.

F8 1975 c. 24. Schedule 2 was amended by S.I. 2002/794, article 5(2), **Schedule 2** and by the Scotland Act 1998 sections 48(6), 125, Schedule 9 and section 87(1).

F9 1975 c. 27.

F10 1998 c. 46.

F11 1994 c. 39.

F12 1973 c. 65, amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2), **Schedule 14**, paragraph 1.

Modifications etc. (not altering text)

C9 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. Sch.

4D Office-holders: discrimination and harassment

(1) It is unlawful for a relevant person, in relation to an appointment to an office or post to which this section applies, to discriminate against a disabled person—

(a) in the arrangements which he makes for the purpose of determining who should be offered the appointment;

(b) in the terms on which he offers him the appointment; or

(c) by refusing to offer him the appointment.

(2) It is unlawful for a relevant person, in relation to an appointment to an office or post to which this section applies and which satisfies the condition set out in section 4C(3)(c), to discriminate against a disabled person—

(a) in the arrangements which he makes for the purpose of determining who should be recommended or approved in relation to the appointment; or

(b) in making or refusing to make a recommendation, or giving or refusing to give an approval, in relation to the appointment.

(3) It is unlawful for a relevant person, in relation to a disabled person who has been appointed to an office or post to which this section applies, to discriminate against him—

(a) in the terms of the appointment;

(b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit, or by refusing to afford him any such opportunity;

(c) by terminating the appointment; or

(d) by subjecting him to any other detriment in relation to the appointment.

(4) It is also unlawful for a relevant person, in relation to an office or post to which this section applies, to subject to harassment a disabled person—

(a) who has been appointed to the office or post;

(b) who is seeking or being considered for appointment to the office or post; or

(c) who is seeking or being considered for a recommendation or approval in relation to an appointment to an office or post satisfying the condition set out in section 4C(3)(c).

(5) Subsection (3) does not apply to benefits of any description if the relevant person is concerned with the provision (for payment or not) of benefits of that description to the public, or a section of the public to which the disabled person belongs, unless—

(a) that provision differs in a material respect from the provision of the benefits to persons appointed to offices or posts which are the same as, or not materially different from, that to which the disabled person has been appointed;

(b) the provision of the benefits to the person appointed is regulated by the terms and conditions of his appointment; or

(c) the benefits relate to training.

(6) In subsection (3)(c) the reference to the termination of the appointment includes a reference—

(a) to the termination of the appointment 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 appointment is renewed on the same terms and conditions; and

(b) to the termination of the appointment by any act of the person appointed (including the giving of notice) in circumstances such that he is entitled to terminate the appointment by reason of the conduct of the relevant person.

(7) In this section—

(a) references to making a recommendation include references to making a negative recommendation; and

(b) references to refusal include references to deliberate omission.

Extent Information

E7 This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4D exists for Northern Ireland only from 21.2.2004.

Modifications etc. (not altering text)

C10 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

C11 Ss. 4-6 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3,{Sch.}

4E Office-holders: duty to make adjustments

(1) Where—

(a) a provision, criterion or practice applied by or on behalf of a relevant person, or

(b) any physical feature of premises—

(i) under the control of a relevant person, and

(ii) at or from which the functions of an office or post to which this section applies are performed,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him 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 who should be appointed to, or recommended or approved in relation to, an office or post to which this section applies, any disabled person who—

(i) is, or has notified the relevant person that he may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or

(ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post;

(b) in any other case, a disabled person—

(i) who is seeking or being considered for appointment to, or a recommendation or approval in relation to, the office or post concerned, or

(ii) who has been appointed to the office or post concerned.

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

(a) in the case of a person who is being considered for, or is or may be seeking, appointment to, or a recommendation or approval in relation to, an office or post, that the disabled person concerned—

(i) is, or may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or

(ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

Extent Information

E8 This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4E exists for Northern Ireland only from 21.2.2004.

Modifications etc. (not altering text)

C12 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

C13 Ss. 4-6 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3,{Sch.}

4F Office-holders: supplementary

(1) In sections 4C to 4E, appointment to an office or post does not include election to an office or post.

(2) In sections 4D and 4E, "relevant person" means—

(a) in a case relating to an appointment to an office or post, the person with power to make that appointment;

(b) in a case relating to the making of a recommendation or the giving of an approval in relation to an appointment, a person or body referred to in section 4C(3)(b) with power to make that recommendation or (as the case may be) to give that approval;

(c) in a case relating to a term of an appointment, the person with power to determine that term;

(d) in a case relating to a working condition afforded in relation to an appointment—

(i) the person with power to determine that working condition; or

(ii) where there is no such person, the person with power to make the appointment;

(e) in a case relating to the termination of an appointment, the person with power to terminate the appointment;

(f) in a case relating to the subjection of a disabled person to any other detriment or to harassment, any person or body falling within one or more of paragraphs (a) to (e) in relation to such cases as are there mentioned.

(3) In subsection (2)(d), "working condition" includes—

(a) any opportunity for promotion, a transfer, training or receiving any other benefit; and

(b) any physical feature of premises at or from which the functions of an office or post are performed.**]**

Extent Information

E9 This section extends to England, Wales and Scotland only until 1.10.2010 ; a separate s. 4F exists for Northern Ireland only from 21.2.2004.

Modifications etc. (not altering text)

C14 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

C15 Ss. 4-6 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3,{Sch.}

VALID FROM 01/12/2003

[F13 *Occupational pension schemes*]

Textual Amendments

F13 Ss. 4G-4K and cross-heading inserted (E.W.S.) (1.12.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Pensions) Regulations 2003 (S.I. 2003/2770), **regs. 1(2)(3)**{3}

4G Occupational pension schemes: non-discrimination rule

(1) Every occupational pension scheme shall be taken to include a provision ("the non-discrimination rule") containing the following requirements—

(a) a requirement that the trustees or managers of the scheme refrain from discriminating against a relevant disabled person in carrying out any of their functions in relation to the scheme (including in particular their functions relating to the admission of members to the scheme and the treatment of members of the scheme);

(b) a requirement that the trustees or managers of the scheme do not subject a relevant disabled person to harassment in relation to the scheme.

(2) The other provisions of the scheme are to have effect subject to the non-discrimination rule.

(3) It is unlawful for the trustees or managers of an occupational pension scheme—

(a) to discriminate against a relevant disabled person contrary to requirement (a) of the non-discrimination rule; or

(b) to subject a relevant disabled person to harassment contrary to requirement (b) of the non-discrimination rule.

(4) The non-discrimination rule does not apply in relation to rights accrued, or benefits payable, in respect of periods of service prior to the coming into force of this section (but it does apply to communications with members or prospective members of the scheme in relation to such rights or benefits).

(5) The trustees or managers of an occupational pension scheme may, if—

(a) they do not (apart from this subsection) have power to make such alterations to the scheme as may be required to secure conformity with the non-discrimination rule, or

(b) they have such power but the procedure for doing so—

(i) is liable to be unduly complex or protracted, or

(ii) involves the obtaining of consents which cannot be obtained, or can only be obtained with undue delay or difficulty,

by resolution make such alterations to the scheme.

(6) The alterations referred to in subsection (5) may have effect in relation to a period before the alterations are made (but may not have effect in relation to a period before the coming into force of this section).

Extent Information

E10 This section extends to England and Wales and Scotland only; a separate s. 4G exists for Northern Ireland only.

Modifications etc. (not altering text)

C16 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

4H Occupational pension schemes: duty to make adjustments

(1) Where—

(a) a provision, criterion or practice (including a scheme rule) applied by or onbehalf of the trustees or managers of an occupational pension scheme, or

(b) any physical feature of premises occupied by the trustees or managers,

places a relevant disabled person at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the trustees or managers 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) The making of alterations to scheme rules is (in addition to the examples set out in section 18B(2)) an example of a step which trustees or managers may have to take in order to comply with the duty set out in subsection (1).

(3) Nothing in subsection (1) imposes any duty on trustees or managers in relation to a disabled person if they do not know, and could not reasonably be expected to know—

(a) that the disabled person is a relevant disabled person; or

(b) that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

Extent Information

E11 This section extends to England and Wales and Scotland only; a separate s. 4H exists for Northern Ireland only.

Modifications etc. (not altering text)

C17 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

4I Occupational pension schemes: procedure

(1) Where under section 17A [F14] a relevant disabled person presents a complaint to an employment tribunal that the trustees or managers of an occupational pension scheme have acted in relation to him in a way which is unlawful under this Part, the employer in relation to that scheme shall, for the purposes of the rules governing procedure, be treated as a party and be entitled to appear and be heard in accordance with those rules.

(2) In this section, "employer", in relation to an occupational pension scheme, has the meaning given by section 124(1) of the Pensions Act 1995 [F15] as at the date of coming into force of this section.

Extent Information

E12 This section extended to England, Wales and Scotland only; a separate s. 4I exists for Northern Ireland only.

Textual Amendments

F14 The former section 8 of the 1995 Act, moved, renumbered and amended by regulation 9 of the Amendment Regulations.

F15 1995 c. 26.

Modifications etc. (not altering text)

C18 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

4J Occupational pension schemes: remedies

(1) This section applies where—

(a) under section 17A a relevant disabled person presents to an employment tribunal a complaint that—

(i) the trustees or managers of an occupational pension scheme have acted in relation to him in a way which is unlawful under this Part; or

(ii) an employer has so acted in relation to him;

(b) the complaint relates to—

(i) the terms on which persons become members of an occupational pension scheme, or

(ii) the terms on which members of the scheme are treated;

(c) the disabled person is not a pensioner member of the scheme; and

(d) the tribunal finds that the complaint is well-founded.

(2) The tribunal may, without prejudice to the generality of its power under section 17A(2)(a), make a declaration that the complainant has a right—

(a) (where subsection (1)(b)(i) applies) to be admitted to the scheme in question; or

(b) (where subsection (1)(b)(ii) applies) to membership of the scheme without discrimination.

(3) A declaration under subsection (2)—

(a) may be made in respect of such period as the declaration may specify (but may not be made in respect of any period before the coming into force of this section);

(b) may make such provision as the tribunal considers appropriate as to the terms upon which, or the capacity in which, the disabled person is to enjoy such admission or membership.

(4) The tribunal may not award the disabled person any compensation under section 17A(2)(b) (whether in relation to arrears of benefits or otherwise) other than—

(a) compensation for injury to feelings;

(b) compensation pursuant to section 17A(5).

Extent Information

E13 This version of this provision extended to England, Wales and Scotland only; a separate version exists for Northern Ireland only .

Modifications etc. (not altering text)

C19 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

4K Occupational pension schemes: supplementary

(1) In their application to communications, sections 4G to 4J apply in relation to a disabled person who is—

(a) entitled to the present payment of dependants' or survivors' benefits under an occupational pension scheme; or

(b) a pension credit member of such a scheme,

as they apply in relation to a disabled person who is a pensioner member of the scheme.

(2) In sections 4G to 4J and in this section—

"active member", "deferred member", "managers", "pension credit member", "pensioner member" and "trustees or managers" have the meanings given by section 124(1) of the Pensions Act 1995 [F16] as at the date of coming into force of this section;

"communications" includes—

(i) the provision of information, and

(ii) the operation of a dispute resolution procedure;

"member", in relation to an occupational pension scheme, means any active, deferred or pensioner member;

"non-discrimination rule" means the rule in section 4G(1);

"relevant disabled person", in relation to an occupational pension scheme, means a disabled person who is a member or prospective member of the scheme; and

"prospective member" means any person who, under the terms of his contract of employment or the scheme rules or both—

(i) is able, at his own option, to become a member of the scheme,

(ii) will become so able if he continues in the same employment for a sufficiently long period,

(iii) will be admitted to it automatically unless he makes an election not to become a member, or

(iv) may be admitted to it subject to the consent of his employer.

Extent Information

E14 This section extends to England and Wales and Scotland only; a separate s. 4K exists for Northern Ireland only from 21.2.2004.

Textual Amendments

F16 1995 c. 26.

Modifications etc. (not altering text)

C20 Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. {Sch.}

VALID FROM 03/07/2003

[F17 Partnerships

Textual Amendments

F17 Ss. 6A-6C and cross-heading inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), {6}

6A Partnerships: discrimination and harassment

(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.

Extent Information

E15 This section extends to England and Wales and Scotland only; a separate s. 6A exists for Northern Ireland only from 21.2.2004.

6B Partnerships: duty to make adjustments

(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.

Extent Information

E16 This section extends to England and Wales and Scotland only; a separate s. 6B exists for Northern Ireland only from 21.2.2004.

6C Partnerships: supplementary

(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 [F18].

(4) In sections 6A and 6B and in this section, "firm" has the meaning given by section 4 of the Partnership Act 1890 [F19].]

Extent Information

E17 This section extended to England, Wales and Scotland only; a separate s. 6C exists for Northern Ireland only.

Textual Amendments

F18 1907 c. 24.

F19 1890 c. 39.

VALID FROM 03/07/2003

[[F20]*Barristers and advocates*

Textual Amendments

F20 Ss. 7A-7D and cross-heading inserted (E.W. for ss. 7A, 7B, S. for ss. 7C, 7D) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **8** - see also s. 70(5A)(5B) of this Act.

7A Barristers: discrimination and harassment

(1) It is unlawful for a barrister or a barrister's clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a disabled person—

(a) in the arrangements which are made for the purpose of determining to whom it should be offered;
(b) in respect of any terms on which it is offered; or
(c) by refusing, or deliberately omitting, to offer it to him.

(2) It is unlawful for a barrister or a barrister's clerk, in relation to a disabled pupil or tenant in the set of chambers in question, to discriminate against him—
(a) in respect of any terms applicable to him as a pupil or tenant;
(b) in the opportunities for training, or gaining experience, which are afforded or denied to him;
(c) in the benefits which are afforded or denied to him;
(d) by terminating his pupillage or by subjecting him to any pressure to leave the chambers; or
(e) by subjecting him to any other detriment.

(3) It is unlawful for a barrister or barrister's clerk, in relation to a pupillage or tenancy, to subject to harassment a disabled person who is, or has applied to be, a pupil or tenant in the set of chambers in question.

(4) It is also unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against a disabled person or to subject him to harassment.

(5) In this section and in section 7B—

"barrister's clerk" includes any person carrying out any of the functions of a barrister's clerk;

"pupil", "pupillage" and "set of chambers" have the meanings commonly associated with their use in the context of barristers practising in independent practice; and

"tenancy" and "tenant" have the meanings commonly associated with their use in the context of barristers practising in independent practice, but they also include reference to any barrister permitted to practise from a set of chambers.

Extent Information
E18 This section extended to England and Wales only; a separate s. 7A exists for Northern Ireland.

7C Advocates: discrimination and harassment

(1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a disabled person—
(a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
(b) in respect of any terms on which he offers to take the disabled person as his pupil; or
(c) by refusing, or deliberately omitting, to take the disabled person as his pupil.

(2) It is unlawful for an advocate, in relation to a disabled person who is a pupil, to discriminate against him—

(a) in respect of any terms applicable to him as a pupil;

(b) in the opportunities for training, or gaining experience, which are afforded or denied to him;

(c) in the benefits which are afforded or denied to him;

(d) by terminating the relationship or by subjecting him to any pressure to leave; or

(e) by subjecting him to any other detriment.

(3) It is unlawful for an advocate, in relation to taking any person as his pupil, to subject to harassment a disabled person who is, or has applied to be taken as, his pupil.

(4) It is also unlawful for any person, in relation to the giving, withholding or acceptance of instructions to an advocate, to discriminate against a disabled person or to subject him to harassment.

(5) In this section and section 7D—

"advocate" means a member of the Faculty of Advocates practising as such; and

"pupil" has the meaning commonly associated with its use in the context of a person training to be an advocate.

7D Advocates: duty to make adjustments

(1) Where—

(a) a provision, criterion or practice applied by or on behalf of an advocate, or

(b) any physical feature of premises occupied by, and under the control of, an advocate,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the advocate to take such steps as it is reasonable, in all the circumstances of the case, for him 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 whom he will take as his pupil, any disabled person who has applied, or has notified the advocate that he may apply, to be taken as a pupil;

(b) in any other case, a disabled person who is—

(i) an applicant to be taken as the advocate's pupil, or

(ii) a pupil.

(3) Nothing in this section imposes any duty on an advocate in relation to a disabled person if he does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, applying to be taken as his pupil; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).**]**

VALID FROM 21/02/2004

[F21 Barristers

Textual Amendments

F21 Ss. 7A, 7B and cross-heading inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **8**

7B Barristers: duty to make adjustments

(1) Where –

(a) a provision, criterion or practice applied by or on behalf of a barrister, or

(b) any physical feature of premises occupied by, and under the control of, a barrister,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the barrister to take such steps as it is reasonable, in all the circumstances of the case, for him 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 whom he will take as his pupil, any disabled person who has applied, or has notified the barrister that he may apply, to be taken as a pupil;

(b) in any other case, a disabled person who is –

(i) an applicant to be taken as the barrister's pupil, or

(ii) a pupil.

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

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, applying to be taken as his pupil; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).**]**

Extent Information

E19 This section extends to Northern Ireland only; a separate s. 7B for England, Wales and Scotland only repealed (1.10.2010).

F22 Enforcement etc.

Textual Amendments

F22 Cross-heading "Enforcement etc." preceding s. 8 moved (to follow s. 17) (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment)

Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9** and said cross-heading moved (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), regs. 1(2)(3), {9}

[F23]8 Enforcement, remedies and procedure. E+W+S

(1) A complaint by any person that another person—

(a) has discriminated against him in a way which is unlawful under this Part, or

(b) is, by virtue of section 57 or 58, to be treated as having discriminated against him in such a way,

may be presented to an **[**[F24]employment tribunal**]**.

(2) Where an **[**[F24]employment tribunal**]** finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—

(a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;

(b) ordering the respondent to pay compensation to the complainant;

(c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.

(3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort or (in Scotland) in reparation for breach of statutory duty.

(4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.

(5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an **[**[F24]employment tribunal**]** under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—

(a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or

(b) make an order under subsection (2)(b).

(6) Regulations may make provision—

(a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and

(b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.

(7) Regulations may modify the operation of any order made under **[**[F25]section 14 of **[**[F26]the Employment Tribunals Act 1996**]]** (power to make provision as to interest on sums payable in pursuance of **[**[F24]employment tribunal**]** decisions) to the extent that it relates to an award of compensation under subsection (2)(b).

(8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

Extent Information

E20 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F23 S. 8 moved and renumbered (as s. 17A) (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(1)** and s. 8 moved and renumbered (as s. 17A) (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by S.R. 2004/55, regs. 1(2)(3), **9(1)**

F24 Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F25 Words in s. 8(7) substituted (E.W.S.) (28.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 12(1)(2)** (with s. 38)

F26 Words in s. 8(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(c)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Commencement Information

I6 S. 8 wholly in force at 2.12.1996; s. 8 not in force at Royal Assent see s. 70(3); s. 8(6)(7) in force at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 8(1)-(5)(8) in force at 2.12.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. III**

F121 8 Enforcement, remedies and procedure. N.I.

(1) A complaint by any person that another person—

(a) has discriminated against him in a way which is unlawful under this Part, or

(b) is, by virtue of section 57 or 58, to be treated as having discriminated against him in such a way,

may be presented to an industrial tribunal.

(2) Where an industrial tribunal finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—

(a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;

(b) ordering the respondent to pay compensation to the complainant;

(c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.

(3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort or (in Scotland) in reparation for breach of statutory duty.

(4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.

(5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an industrial tribunal under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—

(a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or

(b) make an order under subsection (2)(b).

(6) Regulations may make provision—

(a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and

(b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.

(7) Regulations may modify the operation of any order made under paragraph 6A of Schedule 9 to the Employment Protection (consolidation)Act 1978 (power to make provision as to interest on sums payable in pursuance of industrial tribunal decisions) to the extent that it relates to an award of compensation under subsection (2)(b).

(8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

Extent Information

E73 This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6).

Textual Amendments

F121 S. 8 moved and renumbered (as s. 17A) (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(1)** and s. 8 moved and renumbered (as s. 17A) (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by S.R. 2004/55, regs. 1(2)(3), **9(1)**

Modifications etc. (not altering text)

C55 S. 8: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 4(b), **Sch. 2 Pt. II**

Commencement Information

I44 S. 8 wholly in force at 2.12.1996; s. 8 not in force at Royal Assent see s. 70(3); s. 8(6)(7) in force at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 8(1)-(5)(8) in force at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

9 Validity of certain agreements. E+W+S

(1) Any term in a contract of employment or other agreement is void so far as it purports to—

(a) require a person to do anything which would contravene any provision of, or made under, this Part;

(b) exclude or limit the operation of any provision of this Part; or

(c) prevent any person from presenting a complaint to an **[**[F27]employment tribunal**]** under this Part.

(2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement not to institute proceedings under section 8(1), or to an agreement not to continue such proceedings, if—

(a) a conciliation officer has acted under **[**[F28]section 18 of **[**[F27]the Employment Tribunals Act 1996**]]** in relation to the matter; or

(b) the conditions set out in subsection (3) are satisfied.

(3) The conditions are that—

(a) the complainant must have received **[**[F29]advice from a relevant independent adviser**]** as to the terms and effect of the proposed agreement (and in particular its effect on his ability to pursue his complaint before an **[**[F27]employment tribunal**]**);

(b) when the adviser gave the advice there must have been in force a **[**[F30]contract of insurance, or an indemnity provided for members of a profession or professional body,**]** covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice; and

(c) the agreement must be in writing, relate to the particular complaint, identify the adviser and state that the conditions are satisfied.

[[F31](4) A person is a relevant independent adviser for the purposes of subsection (3)(a)—

(a) if he is a qualified lawyer,

(b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union,

(c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre, or

(d) if he is a person of a description specified in an order made by the Secretary of State.

[F31](4A) But a person is not a relevant independent adviser for the purposes of subsection (3)(a) in relation to the complainant—

(a) if he is, is employed by or is acting in the matter for the other party or a person who is connected with the other party,

(b) in the case of a person within subsection (4)(b) or (c), if the trade union or advice centre is the other party or a person who is connected with the other party,

(c) in the case of a person within subsection (4)(c), if the complainant makes a payment for the advice received from him, or

(d) in the case of a person of a description specified in an order under subsection (4)(d), if any condition specified in the order in relation to the giving of advice by persons of that description is not satisfied.

[F31](4B) In subsection (4)(a) "qualified lawyer" means—

(a) as respects England and Wales, a barrister (whether in practice as such or employed to give legal advice), a solicitor who holds a practising certificate, or a person other than a barrister or solicitor who is an authorised advocate or authorised litigator (within the meaning of the [M1]Courts and Legal Services Act 1990), and

(b) as respects Scotland, an advocate (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.

[F31](4C) In subsection (4)(b) "independent trade union" has the same meaning as in the [M2]Trade Union and Labour Relations (Consolidation) Act 1992.

[F31](5) For the purposes of subsection (4A) any two persons are to be treated as connected—

(a) if one is a company of which the other (directly or indirectly) has control, or

(b) if both are companies of which a third person (directly or indirectly) has control.**]**

[[F32](6) An agreement under which the parties agree to submit a dispute to arbitration—

(a) shall be regarded for the purposes of subsection (2) as being an agreement not to institute, or an agreement not to continue, proceedings if—

(i) the dispute is covered by a scheme having effect by virtue of an order under section 212A of the [M3]Trade Union and Labour Relations (Consolidation) Act 1992, and

(ii) the agreement is to submit it to arbitration in accordance with the scheme, but

(b) shall be regarded as neither being nor including such an agreement in any other case.**]**

Extent Information

E21 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F27 Words in s. 9 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)(b)(c)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F28 Words in s. 9(2)(a) substituted (E.W.S.) (28.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 12(1)(3)** (with s. 38)

F29 Words in s. 9(3)(a) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 9(1)(2)(d)**; S.I. 1998/1658, art. 2(1), **Sch. 1**

F30 Words in s. 9(3)(b) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 10(1)(2)(d)**; S.I. 1998/1658, art. 2(1), **Sch. 1**

F31 S. 9(4)(4A)(4B)(4C)(5) substituted for s. 9(4)(5) (E.W.S.) (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 11**; S.I. 1998/1658, art. 2(1), **Sch. 1**

F32 S. 9(6) added (E.W.S.) (1.8.1998) by 1998 c. 8, 8(4); S.I. 1998/1658, art. 2(1), **Sch. 1**

Marginal Citations

M1 1990 c. 41.

M2 1992 c. 52.

M3 1992 c. 52.

9 Validity of certain agreements. N.I.

(1) Any term in a contract of employment or other agreement is void so far as it purports to—

(a) require a person to do anything which would contravene any provision of, or made under, this Part;

(b) exclude or limit the operation of any provision of this Part; or

(c) prevent any person from presenting a complaint to an industrial tribunal under this Part.

(2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement not to institute proceedings under section 8(1), or to an agreement not to continue such proceedings, if—

(a) a conciliation officer has acted under paragraph 1 of Schedule 3 in relation to the matter; or

(b) the conditions set out in subsection (3) are satisfied.

(3) The conditions are that—

(a) the complainant must have received **[**[F122]advice from a relevant independent adviser**]** as to the terms and effect of the proposed agreement (and in particular its effect on his ability to pursue his complaint before an industrial tribunal);

(b) when the adviser gave the advice there must have been in force a **[**[F123]contract of insurance, or an indemnity provided for members of a profession or professional body,**]** covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice; and

(c) the agreement must be in writing, relate to the particular complaint, identify the adviser and state that the conditions are satisfied.

[[F124](4) A person is a relevant independent adviser for the purposes of subsection (3)(a)—

(a) if he is a qualified lawyer,

(b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union,

(c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre, or

(d) if he is a person of a description specified in an order made by the Department of Economic Development.

(4A) But a person is not a relevant independent adviser for the purposes of subsection (3)(a) in relation to the complainant—

(a) if he is, is employed by or is acting in the matter for the other party or a person who is connected with the other party,

(b) in the case of a person within subsection (4)(b) or (c), if the trade union or advice centre is the other party or a person who is connected with the other party,

(c) in the case of a person within subsection (4)(c), if the complainant makes a payment for the advice received from him, or

(d) in the case of a person of a description specified in an order under subsection (4)(d), if any condition specified in the order in relation to the giving of advice by persons of that description is not satisfied.

(4B) In subsection (4)(a) "qualified lawyer" means a barrister (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.

(4C) In subsection (4)(b) "independent trade union" has the same meaning as in the Industrial Relations (Northern Ireland) Order 1992.

(5) For the purposes of subsection (4A) any two persons are to be treated as connected—

(a) if one is a company of which the other (directly or indirectly) has control, or

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(b) if both are companies of which a third person (directly or indirectly) has control.**]**

[[F125](6) An agreement under which the parties agree to submit a dispute to arbitration—

(a) shall be regarded for the purposes of subsection (2) as being an agreement not to institute, or an agreement not to continue, proceedings if—

(i) the dispute is covered by a scheme having effect by virtue of an order under Article 84A of the Industrial Relations (Northern Ireland) Order 1992, and

(ii) the agreement is to submit it to arbitration in accordance with the scheme, but

(b) shall be regarded as neither being nor including such an agreement in any other case.**]**

Extent Information

E74 This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section also has effect subject to the modifications set out in Sch. 8; see s. 70(6). A separate version has been created for England and Wales and Scotland only

Textual Amendments

F122 Words in s. 9(3)(a) substituted (8.8.1998) by S.I. 1998/1265 (N.I. 8), **art. 10(2)(c)**; S.R. 1998/274, art. 2(1), **Sch. 1**

F123 Words in s. 9(3)(b) substituted (8.8.1998) by S.I. 1998/1265 (N.I. 8), **art. 11(2)(c)**; S.R. 1998/274, art. 2(1), **Sch. 1**

F124 S. 9(4)(4A)(4B)(4C)(5) substituted for s. 9(4)(5) (8.8.1998) by S.I. 1998/1265 (N.I. 8), art. 16, **Sch. 1 para. 6**; S.R. 1998/274, art. 2(1), **Sch. 1**

F125 S. 9(6) added (8.8.1998) by S.I. 1998/1265 (N.I. 8), art. 16, **Sch. 1 para. 6**; S.R. 1998/274, art. 2(1), **Sch. 1**

10 Charities and support for particular groups of persons.

(1) Nothing in this Part—

(a) affects any charitable instrument which provides for conferring benefits on one or more categories of person determined by reference to any physical or mental capacity; or

(b) makes unlawful any act done by a charity or recognised body in pursuance of any of its charitable purposes, so far as those purposes are connected with persons so determined.

(2) Nothing in this Part prevents—

(a) a person who provides supported employment from treating members of a particular group of disabled persons more favourably than other persons in providing such employment; or

(b) the Secretary of State from agreeing to arrangements for the provision of supported employment which will, or may, have that effect.

(3) In this section—

"charitable instrument" means an enactment or other instrument (whenever taking effect) so far as it relates to charitable purposes;

"charity" has the same meaning as in the [M4]Charities Act 1993;

"recognised body" means a body which is a recognised body for the purposes of Part I of the [M5]Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; and

"supported employment" means facilities provided, or in respect of which payments are made, under section 15 of the [M6]Disabled Persons (Employment) Act 1944.

(4) In the application of this section to England and Wales, "charitable purposes" means purposes which are exclusively charitable according to the law of England and Wales.

(5) In the application of this section to Scotland, "charitable purposes" shall be construed in the same way as if it were contained in the Income Tax Acts.

Extent Information

E22 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Marginal Citations

M4 1993 c. 10.
M5 1990 c. 40.
M6 1944 c. 10.

[X1]11 Advertisements suggesting that employers will discriminate against disabled persons.

(1) This section applies where—

(a) a disabled person has applied for employment with an employer;

(b) the employer has refused to offer, or has deliberately not offered, him the employment;

(c) the disabled person has presented a complaint under section 8 against the employer;

(d) the employer has advertised the employment (whether before or after the disabled person applied for it); and

(e) the advertisement indicated, or might reasonably be understood to have indicated, that any application for the advertised employment would, or might, be determined to any extent by reference to—

(i) the successful applicant not having any disability or any category of disability which includes the disabled person's disability; or

(ii) the employer's reluctance to take any action of a kind mentioned in section 6.

(2) The tribunal hearing the complaint shall assume, unless the contrary is shown, that the employer's reason for refusing to offer, or deliberately not offering, the employment to the complainant was related to the complainant's disability.

(3) In this section "advertisement" includes every form of advertisement or notice, whether to the public or not.

Editorial Information

X1 The moving of the cross-heading preceding s. 8 to follow s. 17 on 3.7.2003 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of s. 11 which is brought under a different existing cross-heading.

Modifications etc. (not altering text)

C21 S. 11 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.** (with art. 1(2))
S. 11 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**
S. 11 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**, Sch.

Discrimination by other persons

12 Discrimination against contract workers.

(1) It is unlawful for a principal, in relation to contract work, to discriminate against a disabled person—

(a) in the terms on which he allows him to do that work;

(b) by not allowing him to do it or continue to do it;

(c) in the way he affords him access to any benefits or by refusing or deliberately omitting to afford him access to them; or

(d) by subjecting him to any other detriment.

(2) Subsection (1) does not apply to benefits of any description if the principal is 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 contract worker in question, unless that provision differs in a material respect from the provision of the benefits by the principal to contract workers.

(3) The provisions of this Part (other than subsections (1) to (3) of section 4) apply to any principal, in relation to contract work, as if he were, or would be, the employer of the contract worker and as if any contract worker supplied to do work for him were an employee of his.

(4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(5) This section applies only in relation to contract work done at an establishment in Great Britain (the provisions of section 68 about the meaning of "employment at an establishment in Great Britain" applying for the purposes of this subsection with the appropriate modifications).

(6) In this section—

"principal" means a person ("A") who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;

"contract work" means work so made available; and

"contract worker" means any individual who is supplied to the principal under such a contract.

Extent Information

E23 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C22 S. 12 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order (S.I. 2003/1964), art. 3, {Sch.}

C23 S. 12 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.** (with art. 1(2))
S. 12 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

Commencement Information

I7 S. 12 wholly in force at 2.12.1996; s. 12 not in force at Royal Assent see s. 70(3); s. 12(3)(6) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 12(3)(6) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 12(1)(2)(4)(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 12(1)(2)(4)(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

13 Discrimination by trade organisations.

(1) It is unlawful for a trade organisation to discriminate against a disabled person—
  (a) in the terms on which it is prepared to admit him to membership of the organisation; or
  (b) by refusing to accept, or deliberately not accepting, his application for membership.

(2) It is unlawful for a trade organisation, in the case of a disabled person who is a member of the organisation, to discriminate against him—
  (a) in the way it affords him access to any benefits or by refusing or deliberately omitting to afford him access to them;
  (b) by depriving him of membership, or varying the terms on which he is a member; or
  (c) by subjecting him to any other detriment.

(3) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(4) In this section "trade organisation" means an organisation of workers, an organisation of employers or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.

14 Meaning of "discrimination" in relation to trade organisations.

(1) For the purposes of this Part, a trade organisation discriminates against a disabled person if—
  (a) for a reason which relates to the disabled person's disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  (b) it cannot show that the treatment in question is justified.

(2) For the purposes of this Part, a trade organisation also discriminates against a disabled person if—

(a) it fails to comply with a section 15 duty imposed on it in relation to the disabled person; and

(b) it cannot show that its failure to comply with that duty is justified.

(3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.

(4) For the purposes of subsection (2), failure to comply with a section 15 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.

(5) If, in a case falling within subsection (1), the trade organisation is under a section 15 duty in relation to the disabled person concerned but fails without justification to comply with that duty, its treatment of that person cannot be justified under subsection (3) unless the treatment would have been justified even if the organisation had complied with the section 15 duty.

(6) Regulations may make provision, for purposes of this section, as to circumstances in which—

(a) treatment is to be taken to be justified;

(b) failure to comply with a section 15 duty is to be taken to be justified;

(c) treatment is to be taken not to be justified;

(d) failure to comply with a section 15 duty is to be taken not to be justified.

Commencement Information

I8 S. 14 wholly in force at 1.10.1999; s. 14 not in force at Royal Assent see s. 70(3); s. 14(6) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 14(6) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 14(1)(3) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 14(1)(3) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 14(2)(4)(5) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(a)**; s. 14(2)(4)(5) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(a)**

X2 15 Appeal against refusal of exemption certificate.

(1) Where—

(a) any arrangements made by or on behalf of a trade organisation, or

(b) any physical feature of premises occupied by the organisation,

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

(2) Subsection (1)(a) applies only in relation to—

(a) arrangements for determining who should become or remain a member of the organisation;

(b) any term, condition or arrangements on which membership or any benefit is offered or afforded.

(3) In determining whether it is reasonable for a trade organisation to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—

(a) the extent to which taking the step would prevent the effect in question;

(b) the extent to which it is practicable for the organisation to take the step;

(c) the financial and other costs which would be incurred by the organisation in taking the step and the extent to which taking it would disrupt any of its activities;

(d) the extent of the organisation's financial and other resources;

(e) the availability to the organisation of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (7).

(4) In this section "the disabled person concerned" means—

(a) in the case of arrangements for determining to whom membership should be offered, any disabled person who is, or has notified the organisation that he may be, an applicant for membership;

(b) in any other case, a disabled person who is—

(i) an applicant for membership; or

(ii) a member of the organisation.

(5) Nothing in this section imposes any duty on an organisation in relation to a disabled person if the organisation does not know, and could not reasonably be expected to know that the disabled person concerned—

(a) is, or may be, an applicant for membership; or

(b) has a disability and is likely to be affected in the way mentioned in subsection (1).

(6) Subject to the provisions of this section, nothing in this Part is to be taken to require a trade organisation to treat a disabled person more favourably than it treats or would treat others.

(7) Regulations may make provision for the purposes of subsection (1) as to any of the matters mentioned in paragraphs (a) to (h) of section 6(8) (the references in those paragraphs to an employer being read for these purposes as references to a trade organisation).

(8) Subsection (9) of section 6 applies in relation to such regulations as it applies in relation to regulations made under section 6(8).

(9) Regulations may make provision adding to the duty imposed on trade organisations by this section, including provision of a kind which may be made under subsection (7).

(10) This section imposes duties only for the purpose of determining whether a trade organisation has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

Editorial Information

X2 Ss. 13-14D and cross-headings substituted for ss. 13-15 (3.7.2003 for certain purposes for E.W.S. and 21.2.2004 for certain purposes for N.I. and 1.10.2004 otherwise) by The Disability Discrimination Act

1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **13**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **13**

Commencement Information

I9 S. 15 not in force at Royal Assent see s. 70(3); s. 15(1)(a)(2)-(10) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(b)**; s. 15(1)(a)(2)-(10) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(b)**

VALID FROM 03/07/2003

[F33 Trade and professional bodies

Textual Amendments

F33 Ss. 13-14D and cross-headings substituted for ss. 13-15 (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **13**

14A Qualifications bodies: discrimination and harassment

(1) It is unlawful for a qualifications body to discriminate against a disabled person—
- (a) in the arrangements which it makes for the purpose of determining upon whom to confer a professional or trade qualification;
- (b) in the terms on which it is prepared to confer a professional or trade qualification on him;
- (c) by refusing or deliberately omitting to grant any application by him for such a qualification; or
- (d) by withdrawing such a qualification from him or varying the terms on which he holds it.

(2) It is also unlawful for a qualifications body, in relation to a professional or trade qualification conferred by it, to subject to harassment a disabled person who holds or applies for such a qualification.

(3) In determining for the purposes of subsection (1) whether the application by a qualifications body of a competence standard to a disabled person constitutes discrimination within the meaning of section 3A, the application of the standard is justified for the purposes of section 3A(1)(b) if, but only if, the qualifications body can show that—
- (a) the standard is, or would be, applied equally to persons who do not have his particular disability; and
- (b) its application is a proportionate means of achieving a legitimate aim.

(4) For the purposes of subsection (3)—
- (a) section 3A(2) (and (6)) does not apply; and
- (b) section 3A(4) has effect as if the reference to section 3A(3) were a reference to subsection (3) of this section.

(5) In this section and section 14B—

"qualifications body" means any authority or body which can confer a professional or trade qualification, but it does not include—

(a) a responsible body (within the meaning of Chapter 1 or 2 of Part 4),

(b) a local education authority in England or Wales, or

(c) an education authority (within the meaning of section 135(1) of the Education (Scotland) Act 1980);

"confer" includes renew or extend;

"professional or trade qualification" means an authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or facilitates engagement in, a particular profession or trade;

"competence standard" means an academic, medical or other standard applied by or on behalf of a qualifications body for the purpose of determining whether or not a person has a particular level of competence or ability.

Extent Information

E24 This section extends to England and Wales and Scotland only; a separate s. 14A exists for Northern Ireland only from 21.2.2004.

14B Qualifications bodies: duty to make adjustments

(1) Where—

(a) a provision, criterion or practice, other than a competence standard, applied by or on behalf of a qualifications body; or

(b) any physical feature of premises occupied by a qualifications body,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the qualifications body to take such steps as it is reasonable, in all the circumstances of the case, for it 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 on whom a professional or trade qualification is to be conferred, any disabled person who is, or has notified the qualifications body that he may be, an applicant for the conferment of that qualification;

(b) in any other case, a disabled person who—

(i) holds a professional or trade qualification conferred by the qualifications body, or

(ii) applies for a professional or trade qualification which it confers.

(3) Nothing in this section imposes a duty on a qualifications body in relation to a disabled person if the body does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the conferment of a professional or trade qualification; or

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

Extent Information

E25 This section extends to England and Wales and Scotland only; a separate s. 14B exists for Northern Ireland only from 21.2.2004.

VALID FROM 03/07/2003

Practical work experience

14D Practical work experience: duty to make adjustments

(1) Where—

(a) a provision, criterion or practice applied by or on behalf of a placement provider, or

(b) any physical feature of premises occupied by the placement provider,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the placement provider to take such steps as it is reasonable, in all the circumstances of the case, for him 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 a work placement should be offered, any disabled person who is, or has notified the placement provider that he may be, an applicant for that work placement;

(b) in any other case, a disabled person who is—

(i) an applicant for the work placement concerned, or

(ii) undertaking a work placement with the placement provider.

(3) Nothing in this section imposes any duty on a placement provider in relation to the disabled person concerned if he does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the work placement; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).**]**

Extent Information

E26 This section extends to England and Wales and Scotland only; a separate s. 14D exists for Northern Ireland only from 21.2.2004.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 05/12/2005

[F34 Relationships between locally-electable authorities and their members

Textual Amendments

F34 Ss. 15A-15C and cross-heading inserted (E.W.S.) (5.12. 2005 so far as the amending provision inserts s. 15A to the extent that it relates to s. 15B, and s. 15B, and 4.12.2006 so far as the amending provision is not already in force) by Disability Discrimination Act 2005 (c. 13), **ss. 1**, 20(3)-(6); S.I. 2005/2774, **arts. 3(a)**, **4(a)**

15A Interpretation of sections 15B and 15C

(1) Sections 15B and 15C apply to the following authorities—

(a) the Greater London Authority;
(b) a county council (in England or Wales);
(c) a county borough council (in Wales);
(d) a district council (in England);
(e) a London borough council;
(f) the Common Council of the City of London;
(g) the Council of the Isles of Scilly;
(h) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
(i) a parish council (in England); and
(j) a community council (in Wales or Scotland).

(2) In relation to a member of an authority to which sections 15B and 15C apply, a reference in those sections to his carrying-out of official business is to his doing of anything—

(a) as member of the authority;
(b) as member of any body to which he is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority; or
(c) as member of any other body if it is a public body.

(3) In this section and sections 15B and 15C "member", in relation to the Greater London Authority, means Mayor of London or member of the London Assembly.

15B Authorities and their members: discrimination and harassment

(1) It is unlawful for an authority to which this section applies to discriminate against a disabled person who is a member of the authority—

(a) in the opportunities which it affords the disabled person to receive training, or any other facility, for his carrying-out of official business;
(b) by refusing to afford, or deliberately not affording, the disabled person any such opportunities; or
(c) by subjecting the disabled person to any other detriment in connection with his carrying-out of official business.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(2) It is unlawful for an authority to which this section applies to subject a disabled person who is a member of the authority to harassment in connection with his carrying-out of official business.

(3) A member of an authority to which this section applies is not subjected to a detriment for the purposes of subsection (1)(c) by reason of—
  (a) his not being appointed or elected to an office of the authority;
  (b) his not being appointed or elected to, or to an office of, a committee or sub-committee of the authority; or
  (c) his not being appointed or nominated in exercise of any power of the authority, or of a group of bodies that includes the authority, to appoint, or nominate for appointment, to any body.

(4) Regulations may make provision as to the circumstances in which treatment is to be taken to be justified, or is to be taken not to be justified, for the purposes of section 3A(1)(b) as it has effect for the interpretation of "discriminate" in subsection (1).

(5) Regulations under subsection (4) may (in particular) provide for section 3A(3) to apply with prescribed modifications, or not to apply, for those purposes; but treatment of a disabled person cannot be justified under subsection (4) if it amounts to direct discrimination falling within section 3A(5).

(6) If, in a case falling within section 3A(1) as it has effect for the interpretation of "discriminate" in subsection (1), an authority to which this section applies is under a duty imposed by section 15C in relation to a disabled person but fails to comply with that duty, its treatment of that person cannot be justified under subsection (4) unless it would have been justified even if it had complied with that duty.

VALID FROM 04/12/2006

15C Authorities and their members: duty to make adjustments

(1) Subsection (2) applies where—
  (a) a provision, criterion or practice applied by or on behalf of an authority to which this section applies, or
  (b) any physical feature of premises occupied by, or under the control of, such an authority,

  places a disabled person who is a member of the authority at a substantial disadvantage, in comparison with members of the authority who are not disabled persons, in connection with his carrying-out of official business.

(2) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

(3) Subsection (2) does not impose any duty on an authority to which this section applies in relation to a member of the authority who is a disabled person if the authority does not know, and could not reasonably be expected to know, that the member—
  (a) has a disability; and

(b) is likely to be affected in the way mentioned in subsection (1).

(4) Regulations may make provision, for purposes of this section—

(a) as to circumstances in which a provision, criterion or practice, or physical feature, is to be taken to have the effect mentioned in subsection (1);

(b) as to circumstances in which a provision, criterion or practice, or physical feature, is to be taken not to have the effect mentioned in subsection (1);

(c) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for an authority to have to take steps of a prescribed description;

(d) as to steps which it is always, or as to steps which it is never, reasonable for an authority to have to take;

(e) as to things which are, or as to things which are not, to be treated as physical features.**]**

Premises occupied under leases

[X3]16 Alterations to premises occupied under leases.

(1) This section applies where—

(a) an employer or trade organisation ("the occupier") occupies premises under a lease;

(b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and

(c) the alteration is one which the occupier proposes to make in order to comply with a section 6 duty or section 15 duty.

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—

(a) for the occupier to be entitled to make the alteration with the written consent of the lessor;

(b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;

(c) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(d) for the lessor to be entitled to make his consent subject to reasonable conditions.

[[F35](2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

(i) for the lessee to have to make a written application to the lessor for consent to the alteration;

(ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(iii) for the lessor to be entitled to make his consent subject to reasonable conditions.**]**

(3) In this section—

"lease" includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

"sub-lease" and "sub-tenancy" have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

(a) impose conditions which are to apply if the occupier alters the premises, or

(b) entitle the lessor to impose conditions when consenting to the occupier's altering the premises,

the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part I of Schedule 4 supplements the provisions of this section.

Editorial Information

X3 The moving and renumbering of s. 16 (as s. 18A) which began on 3.7.2003 for E.W.S. and began on 21.2.2004 for N.I. gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of s. 16 which is brought under a different existing cross-heading (as s. 18A).

Textual Amendments

F35 S. 16(2A) added (7.6.1996) by S.I. 1996/1333, **reg. 4(2)**

Modifications etc. (not altering text)

C24 S. 16 modified (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order (S.I. 2003/1964), art. 3, {Sch.}

C25 S. 16 modified (E.W.) (2.3.1998) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 16 modified (7.6.1996) by S.I. 1996/1333, **reg. 4(a)**
S. 16 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

Commencement Information

I10 S. 16 wholly in force at 2.12.1996; s. 16 not in force at Royal Assent see s. 70(3); s. 16(3)(5) in force for certain purposes (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(d)**; s. 16(3)(5) in force for certain purposes (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(d)**; s. 16(5) in force insofar as not already in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 16(5) in force (N.I.) insofar as not already in force at 1.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 16(3) in force (E.W.S.) insofar as not already in force at 2.12.1996 by S.I. 1996/3003, **art. 3**; s. 16(3) in force insofar as not already in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 16(1)(2)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 16(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 03/07/2003

[F36 Other unlawful acts

Textual Amendments

F36 Ss. 16A-16C and cross-heading inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **15(1)**

16A Relationships which have come to an end

(1) This section applies where—

(a) there has been a relevant relationship between a disabled person and another person ("the relevant person"), and

(b) the relationship has come to an end.

(2) In this section a "relevant relationship" is—

(a) a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under any preceding provision of this Part; or

(b) a relationship between a person providing employment services (within the meaning of Part 3) and a person receiving such services.

(3) It is unlawful for the relevant person—

(a) to discriminate against the disabled person by subjecting him to a detriment, or

(b) to subject the disabled person to harassment,

where the discrimination or harassment arises out of and is closely connected to the relevant relationship.

(4) This subsection applies where—

(a) a provision, criterion or practice applied by the relevant person to the disabled person in relation to any matter arising out of the relevant relationship, or

(b) a physical feature of premises which are occupied by the relevant person,

places the disabled person at a substantial disadvantage in comparison with persons who are not disabled, but are in the same position as the disabled person in relation to the relevant person.

(5) Where subsection (4) applies, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, practice or criterion, or feature, having that effect.

(6) Nothing in subsection (5) imposes any duty on the relevant person if he does not know, and could not reasonably be expected to know, that the disabled person has a disability and is likely to be affected in the way mentioned in that subsection.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(7) In subsection (2), reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before the commencement of this section, reference to such an act which would, after the commencement of this section, be unlawful.

16B Discriminatory advertisements

(1) It is unlawful for a person, in relation to a relevant appointment or benefit which he intends to make or confer, to publish or cause to be published an advertisement which—
- (a) invites applications for that appointment or benefit; and
- (b) indicates, or might reasonably be understood to indicate, that an application will or may be determined to any extent by reference to—
  - (i) the applicant not having any disability, or any particular disability, or
  - (ii) any reluctance of the person determining the application to comply with a duty to make reasonable adjustments or (in relation to employment services) with the duty imposed by section 21(1) as modified by section 21A(6).

(2) Subsection (1) does not apply where it would not in fact be unlawful under this Part or, to the extent that it relates to the provision of employment services, Part 3 for an application to be determined in the manner indicated (or understood to be indicated) in the advertisement.

(3) In subsection (1), "relevant appointment or benefit" means—
- (a) any employment, promotion or transfer of employment;
- (b) membership of, or a benefit under, an occupational pension scheme;
- (c) an appointment to any office or post to which section 4D applies;
- (d) any partnership in a firm (within the meaning of section 6A);
- (e) any tenancy or pupillage (within the meaning of section 7A or 7C);
- (f) any membership of a trade organisation (within the meaning of section 13);
- (g) any professional or trade qualification (within the meaning of section 14A);
- (h) any work placement (within the meaning of section 14C);
- (i) any employment services (within the meaning of Part 3).

(4) In this section, "advertisement" includes every form of advertisement or notice, whether to the public or not.

16C Instructions and pressure to discriminate

(1) It is unlawful for a person—
- (a) who has authority over another person, or
- (b) in accordance with whose wishes that other person is accustomed to act,

to instruct him to do any act which is unlawful under this Part or, to the extent that it relates to the provision of employment services, Part 3, or to procure or attempt to procure the doing by him of any such act.

(2) It is also unlawful to induce, or attempt to induce, a person to do any act which contravenes this Part or, to the extent that it relates to the provision of employment services, Part 3 by—
  (a) providing or offering to provide him with any benefit, or
  (b) subjecting or threatening to subject him to any detriment.

(3) An attempted inducement is not prevented from falling within subsection (2) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.**]**

Occupational pension schemes and insurance services

17 Occupational pension schemes.

(1) Every occupational pension scheme shall be taken to include a provision ("a non-discrimination rule")—
  (a) relating to the terms on which—
    (i) persons become members of the scheme; and
    (ii) members of the scheme are treated; and
  (b) requiring the trustees or managers of the scheme to refrain from any act or omission which, if done in relation to a person by an employer, would amount to unlawful discrimination against that person for the purposes of this Part.

(2) The other provisions of the scheme are to have effect subject to the non-discrimination rule.

(3) Without prejudice to section 67, regulations under this Part may—
  (a) with respect to trustees or managers of occupational pension schemes make different provision from that made with respect to employers; or
  (b) make provision modifying the application to such trustees or managers of any regulations made under this Part, or of any provisions of this Part so far as they apply to employers.

(4) In determining, for the purposes of this section, whether an act or omission would amount to unlawful discrimination if done by an employer, any provision made under subsection (3) shall be applied as if it applied in relation to the notional employer.

Commencement Information

I11 S. 17 wholly in force at 2.12.1996; s. 17 not in force at Royal Assent see s. 70(3); s. 17(3) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 17(3) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 17(1)(2)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 17(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

18 Insurance services

(1) This section applies where a provider of insurance services ("the insurer") enters into arrangements with an employer under which the employer's employees, or a class of his employees—
  (a) receive insurance services provided by the insurer; or

(b) are given an opportunity to receive such services.

(2) The insurer is to be taken, for the purposes of this Part, to discriminate unlawfully against a disabled person who is a relevant employee if he acts in relation to that employee in a way which would be unlawful discrimination for the purposes of Part III if—

(a) he were providing the service in question to members of the public; and

(b) the employee was provided with, or was trying to secure the provision of, that service as a member of the public.

(3) In this section—

"insurance services" means services of a prescribed description for the provision of benefits in respect of—

(a) termination of service;

(b) retirement, old age or death;

(c) accident, injury, sickness or invalidity; or

(d) any other prescribed matter; and

"relevant employee" means—

(a) in the case of an arrangement which applies to employees of the employer in question, an employee of his;

(b) in the case of an arrangement which applies to a class of employees of the employer, an employee who is in that class.

(4) For the purposes of the definition of "relevant employee" in subsection (3), "employee", in relation to an employer, includes a person who has applied for, or is contemplating applying for, employment by that employer or (as the case may be) employment by him in the class in question.

Modifications etc. (not altering text)

C26 S. 18(3) applied (N.I.) (14.12.1999) by S.R. 1999/440, **reg. 2**

Commencement Information

I12 S. 18 wholly in force at 2.12.1996; s. 18 not in force at Royal Assent see s. 70(3); s. 18(3)(4) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 18(3)(4) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 18(1)(2) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 18(1)(2) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

VALID FROM 03/07/2003

[F37 Enforcement etc.]

Textual Amendments

F37 Cross-heading preceding s. 8 moved (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(1)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(1)**

[F38 17A Enforcement, remedies and procedure. E+W+S

(1) A complaint by any person that another person—

(a) has discriminated against him [F39, or subjected him to harassment,] in a way which is unlawful under this Part, or

(b) is, by virtue of section 57 or 58, to be treated as having [F40done so],

may be presented to an [F41employment tribunal]].

[F42(1A) Subsection (1) does not apply to a complaint under section 14A(1) or (2) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

(1B) In subsection (1A), "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

(1C) Where, on the hearing of a complaint under subsection (1), the complainant proves facts from which the tribunal could, apart from this subsection, conclude in the absence of an adequate explanation that the respondent has acted in a way which is unlawful under this Part, the tribunal shall uphold the complaint unless the respondent proves that he did not so act.]

(2) Where an [F43employment tribunal] finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—

(a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;

(b) ordering the respondent to pay compensation to the complainant;

(c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.

(3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort or (in Scotland) in reparation for breach of statutory duty.

(4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.

(5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an [F44employment tribunal] under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—

(a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or

(b) make an order under subsection (2)(b).

(6) Regulations may make provision—

(a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and

(b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.

(7) Regulations may modify the operation of any order made under **[**[F45]section 14 of **[**[F46]the Employment Tribunals Act 1996**]]** (power to make provision as to interest on sums payable in pursuance of **[**[F47]employment tribunal**]** decisions) to the extent that it relates to an award of compensation under subsection (2)(b).

(8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

Extent Information

E27 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only (from 21.2.2004)

Textual Amendments

F38 S. 8 moved and renumbered (as s. 17A) (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(1)**

F39 Words in s. 17A(1)(a) inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(2)(a)**

F40 Words in s. 17A(1)(b) substituted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(2)(b)**

F41 Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F42 S. 17A(1A)-(1C) inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **9(2)(c)**

F43 Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F44 Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F45 Words in s. 8(7) substituted (E.W.S.) (28.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 12(1)(2)** (with s. 38)

F46 Words in s. 8(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(c)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

F47 Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Commencement Information

I13 S. 8 (now s. 17A) wholly in force at 2.12.1996; s. 8 not in force at Royal Assent see s. 70(3); s. 8(6)(7) in force at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 8(1)-(5)(8) in force at 2.12.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. III**

[[F126]**17A Enforcement, remedies and procedure.** N.I.

(1) A complaint by any person that another person—

(a) has discriminated against him **[**[F127], or subjected him to harassment,**]** in a way which is unlawful under this Part, or

(b) is, by virtue of section 57 or 58, to be treated as having **[**[F128]done so**]**,

may be presented to an industrial tribunal.

[F129]**[** (1A) Subsection (1) does not apply to a complaint under section 14A(1) or (2) about an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

(1B) Where, on the hearing of a complaint under subsection (1), the complainant proves facts from which the tribunal could, apart from this subsection, conclude in the absence of an adequate explanation that the respondent has acted in a way which is unlawful under this Part, the tribunal shall uphold the complaint unless the respondent proves that he did not so act.**]**

(2) Where an industrial tribunal finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—

(a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;

(b) ordering the respondent to pay compensation to the complainant;

(c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.

[[F130](3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort for breach of statutory duty.**]**

(4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.

(5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an industrial tribunal under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—

(a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or

(b) make an order under subsection (2)(b).

(6) Regulations may make provision—

(a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and

(b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.

[[F131](7) Regulations may modify the operation of any order made under Article 16 of the Industrial Tribunals (Northern Ireland) Order 1996 [F132] (power to make provision as to interest on sums payable in pursuance of industrial tribunal decisions) to the extent that it relates to an award of compensation under subsection (2)(b).**]**

(8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.**]**

Extent Information

E75 This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8 para. 5; see s. 70(6). A separate version has been created for England and Wales and Scotland only

Textual Amendments

F126 S. 8 moved and renumbered (as s. 17A) (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by S.R. 2004/55, regs. 1(2)(3), **9(1)**

F127 Words in s. 17A(1)(a) inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(2)(a)**

F128 Words in s. 17A(1)(b) substituted (N.I.) (21.2.2004 for specified purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(2)(b)**

F129 S. 17A(1A)(1B) inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(2)(c)**

F130 S. 17A(3) substituted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(2)(d)**

F131 S. 17A(7) substituted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **9(2)(e)**

F132 S.I. 1996/1921 (N.I. 18)

Commencement Information

I13 S. 8 (now s. 17A) wholly in force at 2.12.1996; s. 8 not in force at Royal Assent see s. 70(3); s. 8(6)(7) in force at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 8(1)-(5)(8) in force at 2.12.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. III**

[F48 17B Enforcement of sections 16B and 16C

(1) Only the Disability Rights Commission may bring proceedings in respect of a contravention of section 16B (discriminatory advertisements) or section 16C (instructions and pressure to discriminate).

(2) The Commission shall bring any such proceedings in accordance with subsection (3) or (4).

(3) The Commission may present to an employment tribunal a complaint that a person has done an act which is unlawful under section 16B or 16C; and if the tribunal finds that the complaint is well-founded it shall make a declaration to that effect.

(4) Where—

(a) a tribunal has made a finding pursuant to subsection (3) that a person has done an act which is unlawful under section 16B or 16C,

(b) that finding has become final, and

(c) it appears to the Commission that, unless restrained, he is likely to do a further act which is unlawful under that section,

the Commission may apply to a county court for an injunction, or (in Scotland) to a sheriff court for an interdict, restraining him from doing such an act; and the court, if satisfied that the application is well-founded, may grant the injunction or interdict in the terms applied for or in more limited terms.

(5) A finding of a tribunal under subsection (3) in respect of any act shall, if it has become final, be treated as conclusive by a county court or sheriff court upon an application under subsection (4).

(6) A finding of a tribunal becomes final for the purposes of this section when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.

(7) An employment tribunal shall not consider a complaint under subsection (3) unless it is presented before the end of the period of six months beginning when the act to which it relates was done; and a county court or sheriff court shall not consider an application under subsection (4) unless it is made before the end of the period of five years so beginning.

(8) A court or tribunal may consider any such complaint or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(9) The provisions of paragraph 3(3) and (4) of Schedule 3 apply for the purposes of subsection (7) as they apply for the purposes of paragraph 3(1) of that Schedule.**]**

Textual Amendments

F48 Ss. 17B, 17C inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **16(1)**

[F48 17C Validity of contracts, collective agreements and rules of undertakings

Schedule 3A shall have effect.**]**

Textual Amendments

F48 Ss. 17B, 17C inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **16(1)**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 03/07/2003

[F49 *Supplementary and general*]

Textual Amendments

F49 Cross-heading "Supplementary and General" inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **17(1)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), {17(1)}

[F50 18A Alterations to premises occupied under leases.

(1) This section applies where—

(a) [F51 a person to whom a duty to make reasonable adjustments applies] ("the occupier") occupies premises under a lease;

(b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and

(c) the alteration is one which the occupier proposes to make in order to comply with [F52 that duty].

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—

(a) for the occupier to be entitled to make the alteration with the written consent of the lessor;

(b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;

(c) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(d) for the lessor to be entitled to make his consent subject to reasonable conditions.

F53 [(2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

(i) for the lessee to have to make a written application to the lessor for consent to the alteration;

(ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(iii) for the lessor to be entitled to make his consent subject to reasonable conditions.]]

(3) In this section—

"lease" includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

"sub-lease" and "sub-tenancy" have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

(a) impose conditions which are to apply if the occupier alters the premises, or

(b) entitle the lessor to impose conditions when consenting to the occupier's altering the premises,

the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part I of Schedule 4 supplements the provisions of this section.

Textual Amendments

F50 S. 16 moved and renumbered (as s. 18A) (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **14(2)**; S.R. 2004/55, regs. 1(2)(3), **14(2)**

F51 Words in s. 18A(1)(a) substituted (E.W.S.) (3.7.2003 for certain purposes) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **14(3)(a)**

F52 Words in s. 18A(1)(c) substituted (E.W.S.) (3.7.2003 for certain purposes) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **14(3)(a)**

F53 S. 16(2A) added (7.6.1996) by S.I. 1996/1333, **reg. 4(2)**

Modifications etc. (not altering text)

C27 S. 16 modified (E.W.) (2.3.1998) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 16 modified (7.6.1996) by S.I. 1996/1333, **reg. 4(a)**
S. 16 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

C28 Ss. 16 modified (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order (S.I. 2003/1964), art. 3, {Sch.}

Commencement Information

I14 S. 16 wholly in force at 2.12.1996; s. 16 not in force at Royal Assent see s. 70(3); s. 16(3)(5) in force for certain purposes (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(d)**; s. 16(3)(5) in force for certain purposes (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(d)**; s. 16(5) in force insofar as not already in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 16(5) in force (N.I.) insofar as not already in force at 1.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 16(3) in force (E.W.S.) insofar as not already in force at 2.12.1996 by S.I. 1996/3003, **art. 3**; s. 16(3) in force insofar as not already in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 16(1)(2)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 16(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

[F133 18A Alterations to premises occupied under leases. U.K.

(1) This section applies where—

(a) [F134 a person to whom a duty to make reasonable adjustments applies] ("the occupier") occupies premises under a lease;

(b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and

(c) the alteration is one which the occupier proposes to make in order to comply with [F135 that duty].

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—

(a) for the occupier to be entitled to make the alteration with the written consent of the lessor;

(b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;

(c) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(d) for the lessor to be entitled to make his consent subject to reasonable conditions.

F53 **[** (2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

(i) for the lessee to have to make a written application to the lessor for consent to the alteration;

(ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and

(iii) for the lessor to be entitled to make his consent subject to reasonable conditions.**]]**

(3) In this section—

"lease" includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

"sub-lease" and "sub-tenancy" have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

(a) impose conditions which are to apply if the occupier alters the premises, or

(b) entitle the lessor to impose conditions when consenting to the occupier's altering the premises,

the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part I of Schedule 4 supplements the provisions of this section.

Textual Amendments

F53 S. 16(2A) added (7.6.1996) by S.I. 1996/1333, **reg. 4(2)**

F133 S. 16 moved and renumbered (as s. 18A) (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **14(2)**; S.R. 2004/55, regs. 1(2)(3), **14(2)**

F134 Words in s. 18A(1)(a) substituted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **14(3)(a)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), regs. 1(2)(3), {14(3)(a)}

F135 Words in s. 18A(1)(c) substituted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **14(3)(b)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), regs. 1(2)(3), {14(3)(b)}

Modifications etc. (not altering text)

C27 S. 16 modified (E.W.) (2.3.1998) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 16 modified (7.6.1996) by S.I. 1996/1333, **reg. 4(a)**
S. 16 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

C28 Ss. 16 modified (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order (S.I. 2003/1964), art. 3, {Sch.}

C56 S. 18A modified (N.I.) (1.10.2004) by The Disability Discrimination (Employment Field) (Leasehold Premises) Regulations (Northern Ireland) (S.R. 2004/374, **regs. 4-9**

C57 S. 18A modified (E.W.S) (1.10.2004) by The Disability Discrimination (Employment Field) (Leasehold Premises) Regulations (S.I 2004/153), {regs. 4-9}

C58 S. 16 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3,{Sch.}

Commencement Information

I14 S. 16 wholly in force at 2.12.1996; s. 16 not in force at Royal Assent see s. 70(3); s. 16(3)(5) in force for certain purposes (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(d)**; s. 16(3)(5) in force for certain purposes (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(d)**; s. 16(5) in force insofar as not already in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 16(5) in force (N.I.) insofar as not already in force at 1.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 16(3) in force (E.W.S.) insofar as not already in force at 2.12.1996 by S.I. 1996/3003, **art. 3**; s. 16(3) in force insofar as not already in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 16(1)(2)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 16(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

[F54 18B Reasonable adjustments: supplementary

(1) In determining whether it is reasonable for a person to have to take a particular step in order to comply with a duty to make reasonable adjustments, regard shall be had, in particular, to—
- (a) the extent to which taking the step would prevent the effect in relation to which the duty is imposed;
- (b) the extent to which it is practicable for him to take the step;
- (c) the financial and other costs which would be incurred by him in taking the step and the extent to which taking it would disrupt any of his activities;
- (d) the extent of his financial and other resources;
- (e) the availability to him of financial or other assistance with respect to taking the step;
- (f) the nature of his activities and the size of his undertaking;
- (g) where the step would be taken in relation to a private household, the extent to which taking it would—
  - (i) disrupt that household, or
  - (ii) disturb any person residing there.

(2) The following are examples of steps which a person may need to take in relation to a disabled person in order to comply with a duty to make reasonable adjustments—
- (a) making adjustments to premises;
- (b) allocating some of the disabled person's duties to another person;
- (c) transferring him to fill an existing vacancy;

(d) altering his hours of working or training;
(e) assigning him to a different place of work or training;
(f) allowing him to be absent during working or training hours for rehabilitation, assessment or treatment;
(g) giving, or arranging for, training or mentoring (whether for the disabled person or any other person);
(h) acquiring or modifying equipment;
(i) modifying instructions or reference manuals;
(j) modifying procedures for testing or assessment;
(k) providing a reader or interpreter;
(l) providing supervision or other support.

(3) For the purposes of a duty to make reasonable adjustments, where under any binding obligation a person is required to obtain the consent of another person to any alteration of the premises occupied by him—
(a) it is always reasonable for him to have to take steps to obtain that consent; and
(b) it is never reasonable for him to have to make that alteration before that consent is obtained.

(4) The steps referred to in subsection (3)(a) shall not be taken to include an application to a court or tribunal.

(5) In subsection (3), "binding obligation" means a legally binding obligation (not contained in a lease (within the meaning of section 18A(3)) in relation to the premises, whether arising from an agreement or otherwise.

(6) A provision of this Part imposing a duty to make reasonable adjustments applies only for the purpose of determining whether a person has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.**]**

Textual Amendments

F54 S. 18B inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **17(2)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **17(2)**

[F55 18C Charities and support for particular groups of persons.

(1) Nothing in this Part—
(a) affects any charitable instrument which provides for conferring benefits on one or more categories of person determined by reference to any physical or mental capacity; or
(b) makes unlawful any act done by a charity or recognised body in pursuance of any of its charitable purposes, so far as those purposes are connected with persons so determined.

(2) Nothing in this Part prevents—

(a) a person who provides supported employment from treating members of a particular group of disabled persons more favourably than other persons in providing such employment; or

(b) the Secretary of State from agreeing to arrangements for the provision of supported employment which will, or may, have that effect.

(3) In this section—

"charitable instrument" means an enactment or other instrument (whenever taking effect) so far as it relates to charitable purposes;

"charity" has the same meaning as in the [M7]Charities Act 1993;

"recognised body" means a body which is a recognised body for the purposes of Part I of the [M8]Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; and

"supported employment" means facilities provided, or in respect of which payments are made, under section 15 of the [M9]Disabled Persons (Employment) Act 1944.

(4) In the application of this section to England and Wales, "charitable purposes" means purposes which are exclusively charitable according to the law of England and Wales.

(5) In the application of this section to Scotland, "charitable purposes" shall be construed in the same way as if it were contained in the Income Tax Acts.**]**

Extent Information

E28 This section extends to England and Wales and Scotland only; a separate s. 18C exists for Northern Ireland only from 21.2.2004.

Textual Amendments

F55 S. 10 moved and renumbered (as s. 18C) (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), arts. 1(2)(3), **11**

Marginal Citations

M7 1993 c. 10.
M8 1990 c. 40.
M9 1944 c. 10.

[[F56]18D Interpretation of Part 2

(1) Subject to any duty to make reasonable adjustments, nothing in this Part is to be taken to require a person to treat a disabled person more favourably than he treats or would treat others.

(2) In this Part—

"benefits" includes facilities and services;

"detriment", except in section 16C(2)(b), does not include conduct of the nature referred to in section 3B (harassment);

"discriminate", "discrimination" and other related expressions are to be construed in accordance with section 3A;

"duty to make reasonable adjustments" means a duty imposed by or under section 4A, 4B(5) or (6), 4E, 6B, 7B, 7D, 14, 14B, 14D or 16A(5);

"employer" includes a person who has no employees but is seeking to employ another person;

"harassment" is to be construed in accordance with section 3B;

"physical feature", in relation to any premises, includes any of the following (whether permanent or temporary)—

(a) any feature arising from the design or construction of a building on the premises,

(b) any feature on the premises of any approach to, exit from or access to such a building,

(c) any fixtures, fittings, furnishings, furniture, equipment or material in or on the premises,

(d) any other physical element or quality of any land comprised in the premises;

"provision, criterion or practice" includes any arrangements.**]**

Extent Information

E29 This version of this provision extends to England and Wales and Scotland only; a separate s. 18D exists for Northern Ireland only from 21.2.2004

Textual Amendments

F56 S. 18D inserted (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **18**

VALID FROM 04/12/2006

[[F58]18E [[F57]Premises provided otherwise than in course of a Part 2 relationship]

(1) This Part does not apply in relation to the provision, otherwise than in the course of a Part 2 relationship, of premises by the regulated party to the other party.

(2) For the purposes of subsection (1)—

(a) "Part 2 relationship" means a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under sections 4 to 15C; and

(b) in relation to a Part 2 relationship, "regulated party" means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.**]**

Textual Amendments

F57 Cross-heading "Supplementary and General" inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **17(1)**; The Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), {17(1)}

F58 S. 18E inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 12**; S.I. 2005/2774, **art. 4(f)** and same section inserted (N.I.) (31.12.2007) by virtue of The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 11**; S.R. 2007/466, **art. 2(2)(l)**

PART III

DISCRIMINATION IN OTHER AREAS

Goods, facilities and services

19 Discrimination in relation to goods, facilities and services.

(1) It is unlawful for a provider of services to discriminate against a disabled person—
- (a) in refusing to provide, or deliberately not providing, to the disabled person any service which he provides, or is prepared to provide, to members of the public;
- (b) in failing to comply with any duty imposed on him by section 21 in circumstances in which the effect of that failure is to make it impossible or unreasonably difficult for the disabled person to make use of any such service;
- (c) in the standard of service which he provides to the disabled person or the manner in which he provides it to him; or
- (d) in the terms on which he provides a service to the disabled person.

(2) For the purposes of this section and sections 20 and 21—
- (a) the provision of services includes the provision of any goods or facilities;
- (b) a person is "a provider of services" if he is concerned with the provision, in the United Kingdom, of services to the public or to a section of the public; and
- (c) it is irrelevant whether a service is provided on payment or without payment.

(3) The following are examples of services to which this section and sections 20 and 21 apply—
- (a) access to and use of any place which members of the public are permitted to enter;
- (b) access to and use of means of communication;
- (c) access to and use of information services;
- (d) accommodation in a hotel, boarding house or other similar establishment;
- (e) facilities by way of banking or insurance or for grants, loans, credit or finance;
- (f) facilities for entertainment, recreation or refreshment;
- (g) facilities provided by employment agencies or under section 2 of the [M10]Employment and Training Act 1973;
- (h) the services of any profession or trade, or any local or other public authority.

(4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(5) Except in such circumstances as may be prescribed, this section and sections 20 and 21 do not apply to—
- (a) education which is funded, or secured, by a relevant body or provided at—

(i) an establishment which is funded by such a body or by a Minister of the Crown; or

(ii) any other establishment which is a school as defined in **[**[F59]section 4(1) and (2) of the Education Act 1996**]** or section 135(1) of the [M11]Education (Scotland) Act 1980;

(b) any service so far as it consists of the use of any means of transport; or

(c) such other services as may be prescribed.

(6) In subsection (5) "relevant body" means—

(a) a local education authority in England and Wales;

(b) an education authority in Scotland;

[[F60](c) the Funding Agency for Schools;**]**

[[F60](d) the Schools Funding Council for Wales;**]**

(e) the Further Education Funding Council for England;

(f) the Further Education Funding Council for Wales;

[[F61](ff) the Scottish Further Education Funding Council established by an order under section 7(1) of the Further and Higher Education (Scotland) Act 1992;**]**

(g) the Higher Education Funding Council for England;

(h) the Scottish Higher Education Funding Council;

(i) the Higher Education Funding Council for Wales;

(j) the Teacher Training Agency;

(k) a voluntary organisation; or

(l) a body of a prescribed kind.

Extent Information

E30 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F59 Words in s. 19(5)(a)(ii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 129** (with ss. 1(4), 561, 562, Sch. 39)

F60 S. 19(6)(c)(d) repealed (E.W.) (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F61 S. 19(6)(ff) inserted (S.) (1.1.1999) by 1998 c. 30, **s. 38**; S.I. 1998/3237, **art. 2(3)** (with s. 42(8))

Commencement Information

I15 S. 19 wholly in force at 1.10.1999; s. 19 not in force at Royal Assent see s. 70(3); s. 19(5)(c) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 19(5)(c) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I s.19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6)** in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 19(1)(b) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(c)**; s. 19(1)(b) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(c)**

Marginal Citations

M10 1973 c. 50.

M11 1980 c. 44.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

20 Meaning of "discrimination"

(1) For the purposes of section 19, a provider of services discriminates against a disabled person if —

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

(2) For the purposes of section 19, a provider of services also discriminates against a disabled person if —

(a) he fails to comply with a section 21 duty imposed on him in relation to the disabled person; and

(b) he cannot show that his failure to comply with that duty is justified.

(3) For the purposes of this section, treatment is justified only if—

(a) in the opinion of the provider of services, one or more of the conditions mentioned in subsection (4) are satisfied; and

(b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.

(4) The conditions are that—

(a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

(b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;

(c) in a case falling within section 19(1)(a), the treatment is necessary because the provider of services would otherwise be unable to provide the service to members of the public;

(d) in a case falling within section 19(1)(c) or (d), the treatment is necessary in order for the provider of services to be able to provide the service to the disabled person or to other members of the public;

(e) in a case falling within section 19(1)(d), the difference in the terms on which the service is provided to the disabled person and those on which it is provided to other members of the public reflects the greater cost to the provider of services in providing the service to the disabled person.

(5) Any increase in the cost of providing a service to a disabled person which results from compliance by a provider of services with a section 21 duty shall be disregarded for the purposes of subsection (4)(e).

(6) Regulations may make provision, for purposes of this section, as to circumstances in which—

(a) it is reasonable for a provider of services to hold the opinion mentioned in subsection (3)(a);

(b) it is not reasonable for a provider of services to hold that opinion.

(7) Regulations may make provision for subsection (4)(b) not to apply in prescribed circumstances where—

(a) a person is acting for a disabled person under a power of attorney;

(b) functions conferred by or under Part VII of the Mental Health Act 1983 are exercisable in relation to a disabled person's property or affairs; or

(c) powers are exercisable in Scotland in relation to a disabled person's property or affairs in consequence of the appointment of a curator bonis, tutor or judicial factor.

(8) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (4)) in which treatment is to be taken to be justified.

(9) In subsections (3), (4) and (8) "treatment" includes failure to comply with a section 21 duty.

Extent Information

E31 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I16 S. 20 wholly in force at 1.10.1999; s. 20 not in force at Royal Assent see s. 70(3); s. 20(6)(7)(8) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I** ;s. 20(6)(7)(8) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 20(1)(3)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 20(1)(3)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 20(2)(5)(9) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(d)(e)(f)**; s. 20(2)(5)(9) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(d)-(f)**

21 Duty of providers of services to make adjustments.

(1) Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

(2) Where a physical feature (for example, one arising from the design or construction of a building or the approach or access to premises) makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to—

(a) remove the feature;

(b) alter it so that it no longer has that effect;

(c) provide a reasonable means of avoiding the feature; or

(d) provide a reasonable alternative method of making the service in question available to disabled persons.

(3) Regulations may prescribe—

(a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (2)(c) or (d) is reasonable; and

(b) categories of providers of services to whom subsection (2) does not apply.

(4) Where an auxiliary aid or service (for example, the provision of information on audio tape or of a sign language interpreter) would—

(a) enable disabled persons to make use of a service which a provider of services provides, or is prepared to provide, to members of the public, or

(b) facilitate the use by disabled persons of such a service,

it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide that auxiliary aid or service.

(5) Regulations may make provision, for the purposes of this section—

(a) as to circumstances in which it is reasonable for a provider of services to have to take steps of a prescribed description;

(b) as to circumstances in which it is not reasonable for a provider of services to have to take steps of a prescribed description;

(c) as to what is to be included within the meaning of "practice, policy or procedure";

(d) as to what is not to be included within the meaning of that expression;

(e) as to things which are to be treated as physical features;

(f) as to things which are not to be treated as such features;

(g) as to things which are to be treated as auxiliary aids or services;

(h) as to things which are not to be treated as auxiliary aids or services.

(6) Nothing in this section requires a provider of services to take any steps which would fundamentally alter the nature of the service in question or the nature of his trade, profession or business.

(7) Nothing in this section requires a provider of services to take any steps which would cause him to incur expenditure exceeding the prescribed maximum.

(8) Regulations under subsection (7) may provide for the prescribed maximum to be calculated by reference to—

(a) aggregate amounts of expenditure incurred in relation to different cases;

(b) prescribed periods;

(c) services of a prescribed description;

(d) premises of a prescribed description; or

(e) such other criteria as may be prescribed.

(9) Regulations may provide, for the purposes of subsection (7), for expenditure incurred by one provider of services to be treated as incurred by another.

(10) This section imposes duties only for the purpose of determining whether a provider of services has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

Modifications etc. (not altering text)

C29 S. 21(2) applied (N.I.)(1.10.1999) by S.R. 1999/202, **art. 2**
S. 21(2) applied (1.10.1999) by S.I. 1999/1191, **art. 3**

C30 S. 21(2) modified (4.12.2006) by The Disability Discrimination (Transport Vehicles) Regulations 2005 (S.I. 2005/3190), **reg. 8**

C31 S. 21(4) applied (N.I.)(1.10.1999) by S.R. 1999/202, **art. 3**

C32 S. 21(4) modified (4.12.2006) by The Disability Discrimination (Transport Vehicles) Regulations 2005 (S.I. 2005/3190), **reg. 7**

Commencement Information

I17 S. 21 not in force at Royal Assent see s. 70(3); s. 21(3)(5) in force at 26.4.1999 by S.I. 1999/1190, **art. 4** and S.R. 1999/196, **art. 3**; s. 21(1)(2)(d)(4)(6)(10) in force at 1.10.1999 by S.I. 1999/1190, **art. 5(g)** and S.R. 1999/196, **art. 4(g)**; s. 21(2) in force at 1.10.2004 to the extent that it is not already in force by S.I. 2001/2030, **art. 3(a)** and S.R. 2001/439, **art. 2(a)**

VALID FROM 30/06/2005

[F62 21ZA Application of sections 19 to 21 to transport vehicles

(1) Section 19(1) (a), (c) and (d) do not apply in relation to a case where the service is a transport service and, as provider of that service, the provider of services discriminates against a disabled person—

(a) in not providing, or in providing, him with a vehicle; or

(b) in not providing, or in providing, him with services when he is travelling in a vehicle provided in the course of the transport service.

(2) For the purposes of section 21(1), (2) and (4), it is never reasonable for a provider of services, as a provider of a transport service—

(a) to have to take steps which would involve the alteration or removal of a physical feature of a vehicle used in providing the service;

(b) to have to take steps which would—

(i) affect whether vehicles are provided in the course of the service or what vehicles are so provided, or

(ii) where a vehicle is provided in the course of the service, affect what happens in the vehicle while someone is travelling in it.

(3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only to a prescribed extent, in relation to vehicles of a prescribed description.

(4) In this section—

"transport service" means a service which (to any extent) involves transport of people by vehicle;

"vehicle" means a vehicle for transporting people by land, air or water, and includes (in particular)—

(a) a vehicle not having wheels, and

(b) a vehicle constructed or adapted to carry passengers on a system using a mode of guided transport;

"guided transport" has the same meaning as in the Transport and Works Act 1992.**]**

Extent Information

E32 This section extends to England, Wales and Scotland only; a separate s. 21ZA exists for Northern Ireland.

Textual Amendments

F62 S. 21ZA inserted (E.W.S.) (30.6.2005) by Disability Discrimination Act 2005 (c. 13), **s. 5**, 20(3)-(6); S.I. 2005/1676, **art. 2(1)(a)**

Modifications etc. (not altering text)

C33 S. 21ZA(1) excluded (4.12.2006) by The Disability Discrimination (Transport Vehicles) Regulations 2005 (S.I. 2005/3190), **reg. 3**

C34 S. 21ZA(2) excluded (4.12.2006) by The Disability Discrimination (Transport Vehicles) Regulations 2005 (S.I. 2005/3190), **reg. 6**

C35 S. 21ZA(2)(b) restricted (4.12.2006) by The Disability Discrimination (Transport Vehicles) Regulations 2005 (S.I. 2005/3190), regs. {4}, {5}

VALID FROM 03/07/2003

[F63 21A Employment services

(1) In this Part, "employment services" means—

(a) vocational guidance;

(b) vocational training; or

(c) services to assist a person to obtain or retain employment, or to establish himself as self-employed.

(2) It is unlawful for a provider of employment services, in relation to such services, to subject to harassment a disabled person—

(a) to whom he is providing such services, or

(b) who has requested him to provide such services;

and section 3B (meaning of "harassment") applies for the purposes of this subsection as it applies for the purposes of Part 2.

(3) In their application to employment services, the preceding provisions of this Part have effect as follows.

(4) Section 19 has effect as if—

(a) after subsection (1)(a), there were inserted the following paragraph—

"(aa) in failing to comply with a duty imposed on him by subsection (1) of section 21 in circumstances in which the effect of that failure is to place the disabled person at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of the service;";

(b) in subsection (1)(b), for "section 21" there were substituted " subsection (2) or (4) of section 21 ";

(c) in subsection (2), for "sections 20 and 21" there were substituted " sections 20, 21 and 21A ".

(5) Section 20 has effect as if—

(a) after subsection (1), there were inserted the following subsection—

"(1A) For the purposes of section 19, a provider of services also discriminates against a disabled person if he fails to comply with a duty imposed on him by subsection (1) of section 21 in relation to the disabled person.";

(b) in subsection (2)(a), for "a section 21 duty imposed" there were substituted " a duty imposed by subsection (2) or (4) of section 21 ";

(c) after subsection (3), there were inserted the following subsection—

"(3A) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within section 3A(5).".

(6) Section 21 has effect as if—

(a) in subsection (1), for "makes it impossible or unreasonably difficult for disabled persons to make use of" there were substituted " places disabled persons at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of ";

(b) after subsection (1), there were inserted the following subsection—

"(1A) In subsection (1), "practice, policy or procedure" includes a provision or criterion.".**]**

Textual Amendments

F63 S. 21A inserted (E.W.S.) (3.7.2003 for specified purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3),{19(1)} and same section inserted (N.I.) (21.2.2004 for specified purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **19(1)**: Note - the reference to "Part 2" in s. 21A(2) in the E.W.S. text of the provision appears as "Part II" in the N.I. text

VALID FROM 30/06/2005

[F64 Public authorities

Textual Amendments

F64 Ss. 21B-21E and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21D and 21E for the purpose only of exercising any power to make regulations, orders or rules of court and otherwise 4.12.2006 for all remaining purposes and for all inserted sections) by Disability Discrimination Act 2005 (c. 13), ss. {2}, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(a)**; S.I. 2005/2774, **art. 4(a)**

VALID FROM 04/12/2006

21B Discrimination by public authorities

(1) It is unlawful for a public authority to discriminate against a disabled person in carrying out its functions.

(2) In this section, and sections 21D and 21E, "public authority"—

(a) includes any person certain of whose functions are functions of a public nature; but

(b) does not include any person mentioned in subsection (3).

(3) The persons are—
- (a) either House of Parliament;
- (b) a person exercising functions in connection with proceedings in Parliament;
- (c) the Security Service;
- (d) the Secret Intelligence Service;
- (e) the Government Communications Headquarters; and
- (f) a unit, or part of a unit, of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.

(4) In relation to a particular act, a person is not a public authority by virtue only of subsection (2)(a) if the nature of the act is private.

(5) Regulations may provide for a person of a prescribed description to be treated as not being a public authority for purposes of this section and sections 21D and 21E.

(6) In the case of an act which constitutes discrimination by virtue of section 55, subsection (1) of this section also applies to discrimination against a person who is not disabled.

(7) Subsection (1)—
- (a) does not apply to anything which is unlawful under any provision of this Act other than subsection (1); and
- (b) does not, subject to subsections (8) and (9), apply to anything which would be unlawful under any such provision but for the operation of any provision in or made under this Act.

(8) Subsection (1) does apply in relation to a public authority's function of appointing a person to, and in relation to a public authority's functions with respect to a person as holder of, an office or post if—
- (a) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
- (b) sections 4D and 4E would apply in relation to an appointment to the office or post if any of those conditions was satisfied.

(9) Subsection (1) does apply in relation to a public authority's functions with respect to a person as candidate or prospective candidate for election to, and in relation to a public authority's functions with respect to a person as elected holder of, an office or post if—
- (a) the office or post is not membership of a House of Parliament, the Scottish Parliament, the National Assembly for Wales or an authority mentioned in section 15A(1);
- (b) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
- (c) sections 4D and 4E would apply in relation to an appointment to the office or post if—
  - (i) any of those conditions was satisfied, and
  - (ii) section 4F(1) (but not section 4C(5)) was omitted.

(10) Subsections (8) and (9)—

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(a) shall not be taken to prejudice the generality of subsection (1); but
(b) are subject to section 21C(5).

VALID FROM 04/12/2006

21C Exceptions from section 21B(1)

(1) Section 21B(1) does not apply to—
(a) a judicial act (whether done by a court, tribunal or other person); or
(b) an act done on the instructions, or on behalf, of a person acting in a judicial capacity.

(2) Section 21B(1) does not apply to any act of, or relating to, making, confirming or approving—
(a) an Act, an Act of the Scottish Parliament or an Order in Council; or
(b) an instrument made under an Act, or under an Act of the Scottish Parliament, by—
(i) a Minister of the Crown;
(ii) a member of the Scottish Executive; or
(iii) the National Assembly for Wales.

(3) Section 21B(1) does not apply to any act of, or relating to, imposing conditions or requirements of a kind falling within section 59(1)(c).

(4) Section 21B(1) does not apply to—
(a) a decision not to institute criminal proceedings;
(b) where such a decision is made, an act done for the purpose of enabling the decision to be made;
(c) a decision not to continue criminal proceedings; or
(d) where such a decision is made—
(i) an act done for the purpose of enabling the decision to be made; or
(ii) an act done for the purpose of securing that the proceedings are not continued.

(5) Section 21B(1) does not apply to an act of a prescribed description.

21D Meaning of "discrimination" in section 21B

(1) For the purposes of section 21B(1), a public authority discriminates against a disabled person if—
(a) for a reason which relates to the disabled person's disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
(b) it cannot show that the treatment in question is justified under subsection (3), (5) or (7)(c).

(2) For the purposes of section 21B(1), a public authority also discriminates against a disabled person if—

(a) it fails to comply with a duty imposed on it by section 21E in circumstances in which the effect of that failure is to make it—

(i) impossible or unreasonably difficult for the disabled person to receive any benefit that is or may be conferred, or

(ii) unreasonably adverse for the disabled person to experience being subjected to any detriment to which a person is or may be subjected,

by the carrying-out of a function by the authority; and

(b) it cannot show that its failure to comply with that duty is justified under subsection (3), (5) or (7)(c).

(3) Treatment, or a failure to comply with a duty, is justified under this subsection if—

(a) in the opinion of the public authority, one or more of the conditions specified in subsection (4) are satisfied; and

(b) it is reasonable, in all the circumstances of the case, for it to hold that opinion.

(4) The conditions are—

(a) that the treatment, or non-compliance with the duty, is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

(b) that the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment, or non-compliance with the duty, is reasonable in the particular case;

(c) that, in the case of treatment mentioned in subsection (1), treating the disabled person equally favourably would in the particular case involve substantial extra costs and, having regard to resources, the extra costs in that particular case would be too great;

(d) that the treatment, or non-compliance with the duty, is necessary for the protection of rights and freedoms of other persons.

(5) Treatment, or a failure to comply with a duty, is justified under this subsection if the acts of the public authority which give rise to the treatment or failure are a proportionate means of achieving a legitimate aim.

(6) Regulations may make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to hold the opinion mentioned in subsection (3)(a).

(7) Regulations may—

(a) amend or omit a condition specified in subsection (4) or make provision for it not to apply in prescribed circumstances;

(b) amend or omit subsection (5) or make provision for it not to apply in prescribed circumstances;

(c) make provision for purposes of this section (in addition to any provision for the time being made by subsections (3) to (5)) as to circumstances in which treatment, or a failure to comply with a duty, is to be taken to be justified.

Modifications etc. (not altering text)

C36 S. 21D(4)(b) excluded (4.12.2006) by The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations (S.I. 2005/2901), {regs. 1, 3}

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

21E Duties for purposes of section 21D(2) to make adjustments

(1) Subsection (2) applies where a public authority has a practice, policy or procedure which makes it—
- (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
- (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,

by the carrying-out of a function by the authority.

(2) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

(3) Subsection (4) applies where a physical feature makes it—
- (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
- (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,

by the carrying-out of a function by a public authority.

(4) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to—
- (a) remove the feature;
- (b) alter it so that it no longer has that effect;
- (c) provide a reasonable means of avoiding the feature; or
- (d) adopt a reasonable alternative method of carrying out the function.

(5) Regulations may prescribe—
- (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (4)(c) or (d) is reasonable;
- (b) categories of public authorities to whom subsection (4) does not apply.

(6) Subsection (7) applies where an auxiliary aid or service would—
- (a) enable disabled persons to receive, or facilitate the receiving by disabled persons of, any benefit that is or may be conferred, or
- (b) reduce the extent to which it is adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,

by the carrying-out of a function by a public authority.

(7) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to provide that auxiliary aid or service.

(8) Regulations may make provision, for purposes of this section—
- (a) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to have to take steps of a prescribed description;
- (b) as to steps which it is always, or as to steps which it is never, reasonable for a public authority to have to take;
- (c) as to what is, or as to what is not, to be included within the meaning of "practice, policy or procedure";

(d) as to things which are, or as to things which are not, to be treated as physical features;

(e) as to things which are, or as to things which are not, to be treated as auxiliary aids or services.

(9) Nothing in this section requires a public authority to take any steps which, apart from this section, it has no power to take.

(10) This section imposes duties only for the purposes of determining whether a public authority has, for the purposes of section 21B(1), discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.**]**

VALID FROM 30/06/2005

[F65 Private clubs etc.

Textual Amendments

F65 Ss. 21F-21J and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21G, 21 H for certain purposes, 10.10.2005 for s. 21F for certain purposes and 5.12.2005 for all provisions insofar as not already in force) by Disability Discrimination Act 2005 (c. 13), **ss. 12**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(c)**; S.I. 2005/2774, arts. {2(a)}, {3(g)} and the same sections and cross-heading inserted (N.I.) (3.7.2006 for ss. 21G and 21 H for certain purposes, 9.11.2007 for s. 21F for certain purposes and 31.12.2007 for all provisions insofar as not already in force) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **13**; S.R. 2006/289, **art. 2(2)(b)**; S.R. 2007/466, **art. 2(1)(2)(g)**

VALID FROM 10/10/2005

21F Discrimination by private clubs etc.

(1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if—

(a) it has twenty-five or more members;

(b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 19(2); and

(c) it is not an organisation to which section 13 applies.

(2) It is unlawful for an association to which this section applies, in the case of a disabled person who is not a member of the association, to discriminate against him—

(a) in the terms on which it is prepared to admit him to membership; or

(b) by refusing or deliberately omitting to accept his application for membership.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(3) It is unlawful for an association to which this section applies, in the case of a disabled person who is a member, or associate, of the association, to discriminate against him—
- (a) in the way it affords him access to a benefit, facility or service;
- (b) by refusing or deliberately omitting to afford him access to a benefit, facility or service;
- (c) in the case of a member—
  - (i) by depriving him of membership, or
  - (ii) by varying the terms on which he is a member;
- (d) in the case of an associate—
  - (i) by depriving him of his rights as an associate, or
  - (ii) by varying those rights; or
- (e) in either case, by subjecting him to any other detriment.

(4) It is unlawful for an association to which this section applies to discriminate against a disabled person—
- (a) in the way it affords him access to a benefit, facility or service,
- (b) by refusing or deliberately omitting to afford him access to a benefit, facility or service, or
- (c) by subjecting him to any other detriment,

in his capacity as a guest of the association.

(5) It is unlawful for an association to which this section applies to discriminate against a disabled person—
- (a) in the terms on which it is prepared to invite him, or permit a member or associate to invite him, to be a guest of the association;
- (b) by refusing or deliberately omitting to invite him to be a guest of the association; or
- (c) by not permitting a member or associate to invite him to be a guest of the association.

(6) It is unlawful for an association to which this section applies to discriminate against a disabled person in failing in prescribed circumstances to comply with a duty imposed on it under section 21H.

(7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

21G Meaning of "discrimination"

(1) For the purposes of section 21F, an association discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person's disability, the association treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
- (b) it cannot show that the treatment in question is justified.

(2) For the purposes of subsection (1), treatment is justified only if—
- (a) in the opinion of the association, one or more of the conditions mentioned in subsection (3) are satisfied; and

(b) it is reasonable, in all the circumstances, for it to hold that opinion.

(3) The conditions are that—

(a) the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

(b) the disabled person is incapable of entering into an enforceable agreement, or giving an informed consent, and for that reason the treatment is reasonable in that case;

(c) in a case falling within section 21F(2)(a), (3)(a), (c)(ii), (d)(ii) or (e), (4)(a) or (c) or (5)(a), the treatment is necessary in order for the association to be able to afford members, associates or guests of the association, or the disabled person, access to a benefit, facility or service;

(d) in a case falling within section 21F(2)(b), (3)(b), (c)(i) or (d)(i), (4)(b) or (5)(b) or (c), the treatment is necessary because the association would otherwise be unable to afford members, associates or guests of the association access to a benefit, facility or service;

(e) in a case falling within section 21F(2)(a), the difference between—

(i) the terms on which membership is offered to the disabled person, and

(ii) those on which it is offered to other persons,

reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service;

(f) in a case falling within section 21F(3)(a), (c)(ii) or (d)(ii) or (4)(a), the difference between—

(i) the association's treatment of the disabled person, and

(ii) its treatment of other members or (as the case may be) other associates or other guests of the association,

reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service;

(g) in a case falling within section 21F(5)(a), the difference between—

(i) the terms on which the disabled person is invited, or permitted to be invited, to be a guest of the association, and

(ii) those on which other persons are invited, or permitted to be invited, to be guests of the association,

reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service.

(4) Any increase in the cost of affording a disabled person access to a benefit, facility or service which results from compliance with a duty under section 21H shall be disregarded for the purposes of subsection (3)(e), (f) and (g).

(5) Regulations may—

(a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for an association to hold the opinion mentioned in subsection (2)(a);

(b) amend or omit a condition specified in subsection (3) or make provision for it not to apply in prescribed circumstances;

(c) make provision as to circumstances (other than any for the time being mentioned in subsection (3)) in which treatment is to be taken to be justified for the purposes of subsection (1).

(6) For the purposes of section 21F, an association also discriminates against a disabled person if—

(a) it fails to comply with a duty under section 21H imposed on it in relation to the disabled person; and

(b) it cannot show that its failure to comply with that duty is justified.

(7) Regulations may make provision as to circumstances in which failure to comply with a duty under section 21H is to be taken to be justified for the purposes of subsection (6).

Modifications etc. (not altering text)

C37 S. 21G(3)(b) excluded (E.W.S) (5.12.2006) by The Disability Discrimination (Private Clubs etc.) Regulations (S.I. 2005/3258), {reg. 3}

21H Duty to make adjustments

(1) Regulations may make provision imposing on an association to which section 21F applies—

(a) a duty to take steps for a purpose relating to a policy, practice or procedure of the association, or a physical feature, which adversely affects disabled persons who—

(i) are, or might wish to become, members or associates of the association, or

(ii) are, or are likely to become, guests of the association;

(b) a duty to take steps for the purpose of making an auxiliary aid or service available to any such disabled persons.

(2) Regulations under subsection (1) may (in particular)—

(a) make provision as to the cases in which a duty is imposed;

(b) make provision as to the steps which a duty requires to be taken;

(c) make provision as to the purpose for which a duty requires steps to be taken.

(3) Any duty imposed under this section is imposed only for the purpose of determining whether an association has, for the purposes of section 21F, discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

VALID FROM 05/12/2005

21J "Member", "associate" and "guest"

(1) For the purposes of sections 21F to 21H and this section—

(a) a person is a member of an association to which section 21F applies if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of his membership of some other association), and references to membership of an association shall be construed accordingly;

(b) a person is an associate of an association to which section 21F applies if, not being a member of it, he has under its constitution some or all of the

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rights enjoyed by members (or would have apart from any provision in its constitution authorising the refusal of those rights in particular cases).

(2) References in sections 21F to 21H to a guest of an association include a person who is a guest of the association by virtue of an invitation issued by a member or associate of the association and permitted by the association.

(3) Regulations may make provision, for purposes of sections 21F to 21H, as to circumstances in which a person is to be treated as being, or as to circumstances in which a person is to be treated as not being, a guest of an association.**]**

Premises

22 Discrimination in relation to premises.

(1) It is unlawful for a person with power to dispose of any premises to discriminate against a disabled person—
  (a) in the terms on which he offers to dispose of those premises to the disabled person;
  (b) by refusing to dispose of those premises to the disabled person; or
  (c) in his treatment of the disabled person in relation to any list of persons in need of premises of that description.

(2) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he—
  (a) uses the services of an estate agent, or
  (b) publishes an advertisement or causes an advertisement to be published.

(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises—
  (a) in the way he permits the disabled person to make use of any benefits or facilities;
  (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
  (c) by evicting the disabled person, or subjecting him to any other detriment.

(4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in, or (in Scotland) the subject of, a tenancy to discriminate against a disabled person by withholding his licence or consent for the disposal of the premises to the disabled person.

(5) Subsection (4) applies to tenancies created before as well as after the passing of this Act.

(6) In this section—

"advertisement" includes every form of advertisement or notice, whether to the public or not;

"dispose", in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in, or (in Scotland) the subject of, a tenancy, includes—

(a) assigning the tenancy, and

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(b) sub-letting or parting with possession of the premises or any part of the premises;

and "disposal" shall be construed accordingly;

"estate agent" means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and

"tenancy" means a tenancy created—

(a) by a lease or sub-lease,

(b) by an agreement for a lease or sub-lease,

(c) by a tenancy agreement, or

(d) in pursuance of any enactment.

(7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(8) This section applies only in relation to premises in the United Kingdom.

Extent Information

E33 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8; see s. 70(6)

VALID FROM 30/06/2005

[F66 22A Commonholds

(1) It is unlawful for any person whose licence or consent is required for the disposal of an interest in a commonhold unit by the unit-holder to discriminate against a disabled person by withholding his licence or consent for the disposal of the interest in favour of, or to, the disabled person.

(2) Where it is not possible for an interest in a commonhold unit to be disposed of by the unit-holder unless some other person is a party to the disposal of the interest, it is unlawful for that other person to discriminate against a disabled person by deliberately not being a party to the disposal of the interest in favour of, or to, the disabled person.

(3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only, in cases of a prescribed description.

(4) Regulations may make provision, for purposes of this section—

(a) as to what is, or as to what is not, to be included within the meaning of "dispose" (and "disposal");

(b) as to what is, or as to what is not, to be included within the meaning of "interest in a commonhold unit".

(5) In this section "commonhold unit", and "unit-holder" in relation to such a unit, have the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.

(6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(7) This section applies only in relation to premises in England and Wales.**]**

Textual Amendments

F66 S. 22A inserted (E.W.S. with application to E.W. only) (30.6.2005 for certain purposes, and 4.12.2006 insofar as not already in force) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 17**; S.I. 2005/1676, **art. 2(2)(g)**; S.I 2005/2774, {art. 4(f)}

23 Exemption for small dwellings.

(1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.

(2) The conditions are that—

(a) the relevant occupier resides, and intends to continue to reside, on the premises;

(b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;

(c) the shared accommodation is not storage accommodation or a means of access; and

(d) the premises are small premises.

(3) For the purposes of this section, premises are "small premises" if they fall within subsection (4) or (5).

(4) Premises fall within this subsection if—

(a) only the relevant occupier and members of his household reside in the accommodation occupied by him;

(b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;

(c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and

(d) there are not normally more than two such other households.

(5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

(6) For the purposes of this section "the relevant occupier" means—

(a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;

(b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.

(7) For the purposes of this section—

"near relative" means a person's spouse, partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or by affinity); and

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"partner" means the other member of a couple consisting of a man and a woman who are not married to each other but are living together as husband and wife.

24 Meaning of "discrimination" .

(1) For the purposes of section 22, a person ("A") discriminates against a disabled person if—

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

(2) For the purposes of this section, treatment is justified only if—

(a) in A's opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and

(b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.

(3) The conditions are that—

(a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

(b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;

(c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;

(d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.

(4) Regulations may make provision, for purposes of this section, as to circumstances in which—

(a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);

(b) it is not reasonable for a person to hold that opinion.

(5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.

Commencement Information

I18 S. 24 wholly in force at 2.12.1996; s. 24 not in force at Royal Assent see s. 70(3); s. 24(5) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 24(5) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 24(1)-(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 21(1)-(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

VALID FROM 04/12/2006

[F67 24A Let premises: discrimination in failing to comply with duty

(1) It is unlawful for a controller of let premises to discriminate against a disabled person—
  (a) who is a person to whom the premises are let; or
  (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.

(2) For the purposes of subsection (1), a controller of let premises discriminates against a disabled person if—
  (a) he fails to comply with a duty under section 24C or 24D imposed on him by reference to the disabled person; and
  (b) he cannot show that failure to comply with the duty is justified (see section 24K).

(3) For the purposes of this section and sections 24B to 24F, a person is a controller of let premises if he is—
  (a) a person by whom the premises are let; or
  (b) a person who manages the premises.

(4) For the purposes of this section and sections 24B to 24F—
  (a) "let" includes sub-let; and
  (b) premises shall be treated as let by a person to another where a person has granted another a contractual licence to occupy them.

(5) This section applies only in relation to premises in the United Kingdom.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24B Exceptions to section 24A(1)

(1) Section 24A(1) does not apply if—
  (a) the premises are, or have at any time been, the only or principal home of an individual who is a person by whom they are let; and
  (b) since entering into the letting—
    (i) the individual has not, and
    (ii) where he is not the sole person by whom the premises are let, no other person by whom they are let has,

  used for the purpose of managing the premises the services of a person who, by profession or trade, manages let premises.

(2) Section 24A(1) does not apply if the premises are of a prescribed description.

(3) Where the conditions mentioned in section 23(2) are satisfied, section 24A(1) does not apply.

(4) For the purposes of section 23 "the relevant occupier" means, in a case falling within section 24A(1), a controller of the let premises, or a near relative of his; and "near relative" has here the same meaning as in section 23.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24C Duty for purposes of section 24A(2) to provide auxiliary aid or service

(1) Subsection (2) applies where—

(a) a controller of let premises receives a request made by or on behalf of a person to whom the premises are let;

(b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service; and

(c) either the first condition, or the second condition, is satisfied.

(2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide the auxiliary aid or service (but see section 24E(1)).

(3) The first condition is that—

(a) the auxiliary aid or service—

(i) would enable a relevant disabled person to enjoy, or facilitate such a person's enjoyment of, the premises, but

(ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and

(b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to enjoy the premises.

(4) The second condition is that—

(a) the auxiliary aid or service—

(i) would enable a relevant disabled person to make use, or facilitate such a person's making use, of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, but

(ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and

(b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24D Duty for purposes of section 24A(2) to change practices, terms etc

(1) Subsection (3) applies where—

(a) a controller of let premises has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person—

(i) to enjoy the premises, or

(ii) to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, or

(b) a term of the letting has that effect,

and (in either case) the conditions specified in subsection (2) are satisfied.

(2) Those conditions are—

(a) that the practice, policy, procedure or term would not have that effect if the relevant disabled person concerned did not have a disability;

(b) that the controller receives a request made by or on behalf of a person to whom the premises are let; and

(c) that it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy, procedure or term so as to stop it having that effect.

(3) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy, procedure or term so as to stop it having that effect (but see section 24E(1)).**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24E Sections 24C and 24D: supplementary and interpretation

(1) For the purposes of sections 24C and 24D, it is never reasonable for a controller of let premises to have to take steps consisting of, or including, the removal or alteration of a physical feature.

(2) Sections 24C and 24D impose duties only for the purpose of determining whether a person has, for the purposes of section 24A, discriminated against another; and accordingly a breach of any such duty is not actionable as such.

(3) In sections 24C and 24D "relevant disabled person", in relation to let premises, means a particular disabled person—

(a) who is a person to whom the premises are let; or

(b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.

(4) For the purposes of sections 24C and 24D, the terms of a letting of premises include the terms of any agreement which relates to the letting of the premises.]

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24F Let premises: victimisation of persons to whom premises are let

(1) Where a duty under section 24C or 24D is imposed on a controller of let premises by reference to a person who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises, it is unlawful for a controller of the let premises to discriminate against a person to whom the premises are let.

(2) For the purposes of subsection (1), a controller of the let premises discriminates against a person to whom the premises are let if—

(a) the controller treats that person ("T") less favourably than he treats or would treat other persons whose circumstances are the same as T's; and

(b) he does so because of costs incurred in connection with taking steps to avoid liability under section 24A(1) for failure to comply with the duty.

(3) In comparing T's circumstances with those of any other person for the purposes of subsection (2)(a), the following (as well as the costs' having been incurred) shall be disregarded—

(a) the making of the request that gave rise to the imposition of the duty; and

(b) the disability of each person who—

(i) is a disabled person or a person who has had a disability, and

(ii) is a person to whom the premises are let or, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24G Premises that are to let: discrimination in failing to comply with duty

(1) Where—

(a) a person has premises to let, and

(b) a disabled person is considering taking a letting of the premises,

it is unlawful for a controller of the premises to discriminate against the disabled person.

(2) For the purposes of subsection (1), a controller of premises that are to let discriminates against a disabled person if—

(a) he fails to comply with a duty under section 24J imposed on him by reference to the disabled person; and

(b) he cannot show that failure to comply with the duty is justified (see section 24K).

(3) For the purposes of this section and sections 24H and 24J, a person is a controller of premises that are to let if he is—

(a) a person who has the premises to let; or

(b) a person who manages the premises.

(4) For the purposes of this section and sections 24H and 24J—

(a) "let" includes sub-let;

(b) premises shall be treated as to let by a person to another where a person proposes to grant another a contractual licence to occupy them;

and references to a person considering taking a letting of premises shall be construed accordingly.

(5) This section applies only in relation to premises in the United Kingdom.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 04/12/2006

[F67 24H Exceptions to section 24G(1)

(1) Section 24G(1) does not apply in relation to premises that are to let if the premises are, or have at any time been, the only or principal home of an individual who is a person who has them to let and—

(a) the individual does not use, and

(b) where he is not the sole person who has the premises to let, no other person who has the premises to let uses,

the services of an estate agent (within the meaning given by section 22(6)) for the purposes of letting the premises.

(2) Section 24G(1) does not apply if the premises are of a prescribed description.

(3) Where the conditions mentioned in section 23(2) are satisfied, section 24G(1) does not apply.

(4) For the purposes of section 23 "the relevant occupier" means, in a case falling within section 24G(1), a controller of the premises that are to let, or a near relative of his; and "near relative" has here the same meaning as in section 23.]

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F67 24J Duties for purposes of section 24G(2)

(1) Subsection (2) applies where—

(a) a controller of premises that are to let receives a request made by or on behalf of a relevant disabled person;

(b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service;

(c) the auxiliary aid or service—

(i) would enable the relevant disabled person to become, or facilitate his becoming, a person to whom the premises are let, but

(ii) would be of little or no practical use to him if he were not considering taking a letting of the premises; and

(d) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person to become a person to whom the premises are let.

(2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for the controller to have to take in order to provide the auxiliary aid or service (but see subsection (5)).

(3) Subsection (4) applies where—

(a) a controller of premises that are to let has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person to become a person to whom the premises are let;

(b) the practice, policy or procedure would not have that effect if the relevant disabled person did not have a disability;

(c) the controller receives a request made by or on behalf of the relevant disabled person; and

(d) it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy or procedure so as to stop it having that effect.

(4) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy or procedure so as to stop it having that effect (but see subsection (5)).

(5) For the purposes of this section, it is never reasonable for a controller of premises that are to let to have to take steps consisting of, or including, the removal or alteration of a physical feature.

(6) In this section "relevant disabled person", in relation to premises that are to let, means a particular disabled person who is considering taking a letting of the premises.

(7) This section imposes duties only for the purpose of determining whether a person has, for the purposes of section 24G, discriminated against another; and accordingly a breach of any such duty is not actionable as such.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 30/06/2005

[F67 24K Let premises and premises that are to let: justification

(1) For the purposes of sections 24A(2) and 24G(2), a person's failure to comply with a duty is justified only if—

(a) in his opinion, a condition mentioned in subsection (2) is satisfied; and

(b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.

(2) The conditions are—

(a) that it is necessary to refrain from complying with the duty in order not to endanger the health or safety of any person (which may include that of the disabled person concerned);

(b) that the disabled person concerned is incapable of entering into an enforceable agreement, or of giving informed consent, and for that reason the failure is reasonable.

(3) Regulations may—

(a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to hold the opinion mentioned in subsection (1)(a);

(b) amend or omit a condition specified in subsection (2) or make provision for it not to apply in prescribed circumstances;

(c) make provision, for purposes of this section, as to circumstances (other than any for the time being mentioned in subsection (2)) in which a failure is to be taken to be justified.**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 30/06/2005

[F67 24L Sections 24 to 24K: power to make supplementary provision

(1) Regulations may make provision, for purposes of sections 24(3A) and (3B) and 24A to 24K—

(a) as to circumstances in which premises are to be treated as let to a person;

(b) as to circumstances in which premises are to be treated as not let to a person;

(c) as to circumstances in which premises are to be treated as being, or as not being, to let;

(d) as to who is to be treated as being, or as to who is to be treated as not being, a person who, although not a person to whom let premises are let, is lawfully under the letting an occupier of the premises;

(e) as to who is to be treated as being, or as to who is to be treated as not being, a person by whom premises are let;

(f) as to who is to be treated as having, or as to who is to be treated as not having, premises to let;

(g) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;

(h) as to things which are, or as to things which are not, to be treated as auxiliary aids or services;

(i) as to what is, or as to what is not, to be included within the meaning of "practice, policy or procedure";

(j) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to have to take steps of a prescribed description;

(k) as to steps which it is always, or as to steps which it is never, reasonable for a person to have to take;

(l) as to circumstances in which it is, or as to circumstances in which it is not, reasonable to regard a request as being of a particular kind;

(m) as to things which are, or as to things which are not, to be treated as physical features;

(n) as to things which are, or as to things which are not, to be treated as alterations of physical features.

(2) Regulations under subsection (1)(a) may (in particular) provide for premises to be treated as let to a person where they are a commonhold unit of which he is a unit-holder; and "commonhold unit", and "unit-holder" in relation to such a unit, have here the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.

(3) The powers under subsections (1)(j) and (k) are subject to sections 24E(1) and 24J(5).**]**

Textual Amendments

F67 S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by Disability Discrimination Act 2005 (c. 13), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

VALID FROM 04/12/2006

[F68 24M Premises provisions do not apply where other provisions operate

(1) Sections 22 to 24L do not apply—

(a) in relation to the provision of premises by a provider of services where he provides the premises in providing services to members of the public;

(b) in relation to the provision, in the course of a Part 2 relationship, of premises by the regulated party to the other party;

(c) in relation to the provision of premises to a student or prospective student—

(i) by a responsible body within the meaning of Chapter 1 or 2 of Part 4, or

(ii) by an authority in discharging any functions mentioned in section 28F(1); or

(d) to anything which is unlawful under section 21F or which would be unlawful under that section but for the operation of any provision in or made under this Act.

(2) Subsection (1)(a) has effect subject to any prescribed exceptions.

(3) In subsection (1)(a) "provider of services", and providing services, have the same meaning as in section 19.

(4) For the purposes of subsection (1)(b)—

(a) "Part 2 relationship" means a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under sections 4 to 15C; and

(b) in relation to a Part 2 relationship, "regulated party" means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.

(5) In subsection (1)(c) "student" includes pupil.**]**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Textual Amendments

F68 S. 24M inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 20**; S.I. 2005/2774, **art. 4(f)**

Enforcement, etc.

25 Enforcement, remedies and procedure.

(1) A claim by any person that another person—

(a) has discriminated against him in a way which is unlawful under this Part; or

(b) is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way,

may be made the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) For the avoidance of doubt it is hereby declared that damages in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not they include compensation under any other head.

(3) Proceedings in England and Wales shall be brought only in a county court.

(4) Proceedings in Scotland shall be brought only in a sheriff court.

(5) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.

(6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

Extent Information

E34 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

26 Validity and revision of certain agreements.

(1) Any term in a contract for the provision of goods, facilities or services or in any other agreement is void so far as it purports to—

(a) require a person to do anything which would contravene any provision of, or made under, this Part,

(b) exclude or limit the operation of any provision of this Part, or

(c) prevent any person from making a claim under this Part.

(2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement settling a claim to which section 25 applies.

(3) On the application of any person interested in an agreement to which subsection (1) applies, a county court or a sheriff court may make such order as it thinks just for modifying the agreement to take account of the effect of subsection (1).

(4) No such order shall be made unless all persons affected have been—

(a) given notice of the application; and
(b) afforded an opportunity to make representations to the court.

(5) Subsection (4) applies subject to any rules of court providing for that notice to be dispensed with.

(6) An order under subsection (3) may include provision as respects any period before the making of the order.

Extent Information

E35 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

VALID FROM 09/05/2001

27 Alterations to premises occupied under leases.

(1) This section applies where—
(a) a provider of services ("the occupier") occupies premises under a lease;
(b) but for this section, he would not be entitled to make a particular alteration to the premises; and
(c) the alteration is one which the occupier proposes to make in order to comply with a section 21 duty.

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
(a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
(b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
(c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
(d) for the lessor to be entitled to make his consent subject to reasonable conditions.

(3) In this section—
"lease" includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and
"sub-lease" and "sub-tenancy" have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—
(a) impose conditions which are to apply if the occupier alters the premises, or
(b) entitle the lessor to impose conditions when consenting to the occupier's altering the premises,
the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part II of Schedule 4 supplements the provisions of this section.

Modifications etc. (not altering text)

C38 S. 27 modified (1.10.2004) by S.I. 2001/3253, **reg. 9**

C39 S. 27 modified (N.I.) (1.10.2004) by The Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003 (S.R. 2003/109), **reg. 9**

Commencement Information

I19 S. 27 wholly in force at 1.10.2004; s. 27 not in force at Royal Assent see s. 70(3); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (E.W.S.) at 9.5.2001 by S.I. 2001/2030, **art. 2(a)(b)**; s. 27(3) wholly in force and s. 27(5) in force for specified puroses (N.I.) at 31.12.2001 by S.R. 2001/439, **art. 2(1)(a)(b)**; s. 27(1)(2)(4) wholly in force and and s. 27(5) in force to the extent that it is not already in force at 1.10.2004 by S.I. 2001/2030, **art. 3(b)** and S.R. 2001/439, **art. 2(2)(b)**

[F69 28 Conciliation of disputes. E+W+S

(1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.

(2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.

(3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.

(4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.

(5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.

(6) Subsection (4) does not apply to information which—
  (a) is not identifiable with a particular dispute or a particular person; and
  (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.

(7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.

(8) In this section "conciliation services" means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

Extent Information

E36 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F69 S. 28 substituted (E.W.S.) (25.4.2000) by 1999 c. 17, **s. 10**, (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**

Commencement Information

I20 s. 28 wholly in force at 30.5.1996; s. 28 not in force at Royal Assent see s. 70(3); s. 28 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(e)**; s. 28 in force (N.I.) at 30.5.1996 by S.I. 1996/219, **art. 3(e)**

[F136 28 Conciliation of disputes. N.I.

(1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.

(2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.

(3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.

(4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.

(5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.

(6) Subsection (4) does not apply to information which—

(a) is not identifiable with a particular dispute or a particular person; and

(b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.

(7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.

(8) In this section—

"the Commission" means the Equality Commission for Northern Ireland; and

"conciliation services" means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

Extent Information

E76 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F136 S. 28 substituted (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 12** (with art. 17); S.R. 2000/140, art. 2, **Sch.**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Commencement Information

I45 S. 28 wholly in force at 30.5.1996; s. 28 not in force at Royal Assent see s. 70(3); s. 28 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(e)**; s. 28 in force (N.I.) at 30.5.1996 by S.I. 1996/219, **art. 3(e)**

PART IV

EDUCATION

29 Education of disabled persons.

[F70](1) . . . . . .

[F71](2) . . . . . .

(3) In section 1 of the [M12]Education Act 1994 (establishment of the Teacher Training Agency) add, at the end—

"(4) In exercising their functions, the Teacher Training Agency shall have regard to the requirements of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995."

Extent Information

E37 In the application of the Act to Northern Ireland, this section is omitted; see s. 70(6), Sch. 8 paras. 1, 15

Textual Amendments

F70 S. 29(1)(2) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

F71 S. 29(1)(2) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I21 S. 29(3) in force at 31.7.1996 by S.I. 1996/1474, art. 2(2), **Sch. Pt. II**

Marginal Citations

M12 1994 c.30.

30 Further and higher education of disabled persons. 1992 c.13.

(1) The Further and Higher Education Act 1992 is amended as set out in subsections (2) to (6).

(2) In section 5 (administration of funds by further education funding councils), in subsection (6)(b), after "may" insert " , subject to subsection (7A) below, ".

(3) After section 5(7) insert—

"(7A) Without prejudice to the power to impose conditions given by subsection (6)(b) above, the conditions subject to which a council gives financial support

under this section to the governing body of an institution within the further education sector—

(a) shall require the governing body to publish disability statements at such intervals as may be prescribed; and

(b) may include conditions relating to the provision made, or to be made, by the institution with respect to disabled persons.

(7B) For the purposes of subsection (7A) above—

"disability statement" means a statement containing information of a prescribed description about the provision of facilities for education made by the institution in respect of disabled persons;

"disabled persons" means persons who are disabled persons for the purposes of [M13]theDisability Discrimination Act 1995; and

"prescribed" means prescribed by regulations."

(4) In section 8 (supplementary functions) add, at the end—

"(6) As soon as is reasonably practicable after the end of its financial year, each council shall make a written report to the Secretary of State on—

(a) the progress made during the year to which the report relates in the provision of further education for disabled students in their area; and

(b) their plans for the future provision of further education for disabled students in their area.

(7) In subsection (6) above—

"disabled students" means students who are disabled persons for the purposes of the Disability Discrimination Act 1995; and

"financial year" means the period of twelve months ending with 31st March 1997 and each successive period of twelve months."

(5) In section 62 (establishment of higher education funding councils), after subsection (7) insert—

"(7A) In exercising their functions, each council shall have regard to the requirements of disabled persons.

(7B) In subsection (7A) "disabled persons" means persons who are disabled persons for the purposes of the Disability Discrimination Act 1995."

(6) In section 65 (administration of funds by higher education funding councils), after subsection (4) insert—

"(4A) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which a council makes grants, loans or other payments under this section to the governing body of a higher education institution shall require the governing body to publish disability statements at such intervals as may be specified.

(4B) For the purposes of subsection (4A) above—

"disability statement" means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purposes of the [M14]Disability Discrimination Act 1995; and

"specified" means specified in the conditions subject to which grants, loans or other payments are made by a council under this section."

[F72](7) . . . . . .

[F73](8) . . . . . .

[F74](9) . . . . . .

Extent Information

E38 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F72 S. 30(7)-(9) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

F73 S. 30(7)-(9) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

F74 S. 30(7)-(9) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I22 S. 30 partly in force; s. 30 not in force at Royal Assent see s. 70(3); s. 30(1)-(6) in force at 31.7.1996 by S.I. 1996/1474, art. 2(2), **Sch. Pt. II**

Marginal Citations

M13 1995 c.50.

M14 1995 c.50.

31 Further and higher education of disabled persons: Scotland. 1992 c. 37.

(1) The Further and Higher Education (Scotland) Act 1992 is amended as follows.

(2) In section 37 (establishment of Scottish Higher Education Funding Council) after subsection (4) insert—

"(4A) In exercising their functions, the Council shall have regard to the requirements of disabled persons.

(4B) In subsection (4A) above, "disabled persons" means persons who are disabled persons for the purpose of the Disability Discrimination Act 1995."

(3) In section 40 (administration of funds by the Council), after subsection (4) insert—

"(5) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which the Council make grants, loans or other payments under this section to the governing body of an institution within the higher education sector shall require the governing body to publish disability statements at such intervals as may be specified.

(6) For the purposes of subsection (5) above—

"disability statement" means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purpose of the Disability Discrimination Act 1995; and

"specified" means specified in the conditions subject to which grants, loans or other payments are made by the Council under this section."

Extent Information

E39 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

PART V

PUBLIC TRANSPORT

Taxis

32 Taxi accessibility regulations.

(1) The Secretary of State may make regulations ("taxi accessibility regulations") for the purpose of securing that it is possible—

(a) for disabled persons—

(i) to get into and out of taxis in safety;

(ii) to be carried in taxis in safety and in reasonable comfort; and

(b) for disabled persons in wheelchairs—

(i) to be conveyed in safety into and out of taxis while remaining in their wheelchairs; and

(ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.

(2) Taxi accessibility regulations may, in particular—

(a) require any regulated taxi to conform with provisions of the regulations as to—

(i) the size of any door opening which is for the use of passengers;

(ii) the floor area of the passenger compartment;

(iii) the amount of headroom in the passenger compartment;

(iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;

(b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;

(c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

with provisions of the regulations as to the position in which the wheelchair is to be secured.

(3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—

(a) he fails to comply with any requirement imposed on him by the regulations; or

(b) the taxi fails to conform with any provision of the regulations with which it is required to conform.

(4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5) In this section—

"passenger compartment" has such meaning as may be prescribed;

"regulated taxi" means any taxi to which the regulations are expressed to apply;

[[F75]"taxi" means a taxi within the meaning of the Taxis Act (Northern Ireland) 2008 which is licensed under section 13 of that Act for use in standing or plying for hire or reward or to carry passengers for hire or reward.**]**

Extent Information

E40 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F75 S. 32(5): definition of "taxi" (as modified for N.I. by Sch. 8 para. 16(2) of this Act) substituted (N.I.) (prosp.) by Taxis Act (Northern Ireland) (2008 c. 4 (N.I)), ss. 58(1), 59, **Sch. 2 para. 3**

Marginal Citations

M15 1847 c.89.

M16 1869 c.115.

33 Designated transport facilities.

(1) In this section "a franchise agreement" means a contract entered into by the operator of a designated transport facility for the provision by the other party to the contract of hire car services—

(a) for members of the public using any part of the transport facility; and

(b) which involve vehicles entering any part of that facility.

(2) The **[**[F76]appropriate national authority**]** may by regulations provide for the application of any taxi provision in relation to—

(a) vehicles used for the provision of services under a franchise agreement; or

(b) the drivers of such vehicles.

(3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the **[**[F77]authority making the regulations**]** considers appropriate.

(4) In this section—

[[F78]appropriate national authority means—

(a) in relation to transport facilities in England and Wales, the Secretary of State, and

(b) in relation to transport facilities in Scotland, the Scottish Ministers (but see subsection (5));**]**

"designated" means designated for the purposes of this section by an order made by the **[**[F76]appropriate national authority**]**;

"hire car" has such meaning as may be **[**[F79]specified by regulations made by the appropriate national authority**]**;

"operator", in relation to a transport facility, means any person who is concerned with the management or operation of the facility;

"taxi provision" means any provision of—

(a) this Act, or

(b) regulations made in pursuance of section 20(2A) of the [M17]Civic Government (Scotland) Act 1982,

which applies in relation to taxis or the drivers of taxis; and

"transport facility" means any premises which form part of any port, airport, railway station or bus station.

[[F80](5) The Secretary of State may, for the purposes mentioned in section 2(2) of the European Communities Act 1972 (implementation of Community obligations etc. of the United Kingdom), exercise the powers conferred by this section on the Scottish Ministers.**]**

Extent Information

E41 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F76 Words in s. 33(2)(4) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(2)**; S.I. 2005/2774, **art. 3(j)**

F77 Words in s. 33(3) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(3)**; S.I. 2005/2774, **art. 3(j)**

F78 S. 33(4): definition of "appropriate national authority" inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(4)**; S.I. 2005/2774, **art. 3(j)**

F79 S. 33(4): words in definition of "prescribed" substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(5)**; S.I. 2005/2774, **art. 3(j)**

F80 S. 33(5) inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(6)**; S.I. 2005/2774, **art. 3(j)**

Modifications etc. (not altering text)

C40 S. 33: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

Marginal Citations

M17 1982 c.45.

33 Designated transport facilities. U.K.

(1) In this section "a franchise agreement" means a contract entered into by the operator of a designated transport facility for the provision by the other party to the contract of hire car services—

(a) for members of the public using any part of the transport facility; and

(b) which involve vehicles entering any part of that facility.

(2) The Secretary of State may by regulations provide for the application of any taxi provision in relation to—

(a) vehicles used for the provision of services under a franchise agreement; or

(b) the drivers of such vehicles.

(3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the Secretary of State considers appropriate.

(4) In this section—

"designated" means designated for the purposes of this section by an order made by the Secretary of State;

"hire car" has such meaning as may be prescribed;

"operator", in relation to a transport facility, means any person who is concerned with the management or operation of the facility;

"taxi provision" means any provision of—

(a) this Act, or

(b) regulations made in pursuance of section 20(2A) of the [M17]Civic Government (Scotland) Act 1982,

which applies in relation to taxis or the drivers of taxis; and

"transport facility" means any premises which form part of any port, airport, railway station or bus station.

Extent Information

E41 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C40 S. 33: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

Marginal Citations

M17 1982 c.45.

34 New licences conditional on compliance with taxi accessibility regulations.

(1) No licensing authority shall grant a licence for a taxi to ply for hire unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.

(2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.

(3) The Secretary of State may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order.

(4) Separate orders may be made under subsection (3) with respect to different areas or localities.

Extent Information

E42 In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 18; see s. 70(6)

35 Exemption from taxi accessibility regulations.

(1) The Secretary of State may make regulations ("exemption regulations") for the purpose of enabling any relevant licensing authority to apply to him for an order (an "exemption order") exempting the authority from the requirements of section 34.

(2) Exemption regulations may, in particular, make provision requiring a licensing authority proposing to apply for an exemption order—
- (a) to carry out such consultations as may be prescribed;
- (b) to publish the proposal in the prescribed manner;
- (c) to consider any representations made to it about the proposal, before applying for the order;
- (d) to make its application in the prescribed form.

(3) A licensing authority may apply for an exemption order only if it is satisfied—
- (a) that, having regard to the circumstances prevailing in its area, it would be inappropriate for the requirements of section 34 to apply; and
- (b) that the application of section 34 would result in an unacceptable reduction in the number of taxis in its area.

(4) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
- (a) make an exemption order in the terms of the application;
- (b) make an exemption order in such other terms as he considers appropriate; or
- (c) refuse to make an exemption order.

(5) The Secretary of State may by regulations ("swivel seat regulations") make provision requiring any exempt taxi plying for hire in an area in respect of which an exemption order is in force to conform with provisions of the regulations as to the fitting and use of swivel seats.

(6) The Secretary of State may by regulations make provision with respect to swivel seat regulations similar to that made by section 34 with respect to taxi accessibility regulations.

(7) In this section—

"exempt taxi" means a taxi in relation to which section 34(1) would apply if the exemption order were not in force;

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

"relevant licensing authority" means a licensing authority responsible for licensing taxis in any area of England and Wales other than the area to which the [M18]Metropolitan Public Carriage Act 1869 applies; and

"swivel seats" has such meaning as may be prescribed.

Extent Information

E43 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Marginal Citations

M18 1869 c.115.

36 Carrying of passengers in wheelchairs.

(1) This section imposes duties on the driver of a regulated taxi which has been hired—

(a) by or for a disabled person who is in a wheelchair; or

(b) by a person who wishes such a disabled person to accompany him in the taxi.

(2) In this section—

"carry" means carry in the taxi concerned; and

"the passenger" means the disabled person concerned.

(3) The duties are—

(a) to carry the passenger while he remains in his wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;

(e) to give such assistance as may be reasonably required—

(i) to enable the passenger to get into or out of the taxi;

(ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the taxi while in his wheelchair;

(iii) to load the passenger's luggage into or out of the taxi;

(iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the taxi.

(4) Nothing in this section is to be taken to require the driver of any taxi—

(a) except in the case of a taxi of a prescribed description, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey; or

(b) to carry any person in circumstances in which it would otherwise be lawful for him to refuse to carry that person.

(5) A driver of a regulated taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) In any proceedings for an offence under this section, it is a defence for the accused to show that, even though at the time of the alleged offence the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform,

it would not have been possible for the wheelchair in question to be carried in safety in the taxi.

(7) If the licensing authority is satisfied that it is appropriate to exempt a person from the duties imposed by this section—
  (a) on medical grounds, or
  (b) on the ground that his physical condition makes it impossible or unreasonably difficult for him to comply with the duties imposed on drivers by this section,

it shall issue him with a certificate of exemption.

(8) A certificate of exemption shall be issued for such period as may be specified in the certificate.

(9) The driver of a regulated taxi is exempt from the duties imposed by this section if—
  (a) a certificate of exemption issued to him under this section is in force; and
  (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.

Extent Information

E44 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modification for Northern Ireland set out in Sch. 8 para. 20; see s. 70(6).

VALID FROM 27/01/2009

[F81 36A List of wheelchair-accessible vehicles providing local services

(1) A licensing authority may maintain a list of vehicles falling within subsection (2).

(2) A vehicle falls within this subsection if—
  (a) it is either a taxi or a private hire vehicle,
  (b) it is being used or is to be used by the holder of a special licence under that licence, and
  (c) it conforms to such accessibility requirements as the licensing authority thinks fit.

(3) "Accessibility requirements" are any requirements for the purpose of securing that it is possible for disabled persons in wheelchairs—
  (a) to get into and out of vehicles in safety, or to be conveyed in safety into and out of vehicles while remaining in their wheelchairs; and
  (b) to be carried in vehicles in safety and reasonable comfort (whether or not they wish to remain in their wheelchairs).

(4) The Secretary of State may issue guidance to licensing authorities as to—
  (a) the accessibility requirements which they should apply for the purposes of this section;
  (b) any other aspect of their functions under or by virtue of this section.

(5) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (4).

(6) In this section—

"licensing authority", in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area;

"private hire vehicle" means—

(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;

(c) a vehicle licensed under an equivalent provision of a local enactment;

(d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;

"special licence" has the meaning given by section 12 of the Transport Act 1985 (use of taxis in providing local services);

"taxi" includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982.**]**

Textual Amendments

F81 S. 36A inserted (E.W.S.) (27.1.2009) by Local Transport Act 2008 (c. 26), **ss. 56(2)(9)**, 134(2)

Modifications etc. (not altering text)

C41 S. 36A modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. {3}, {4 Table}

VALID FROM 01/12/2000

37 Carrying of guide dogs and hearing dogs.

(1) This section imposes duties on the driver of a taxi which has been hired—

(a) by or for a disabled person who is accompanied by his guide dog or hearing dog, or

(b) by a person who wishes such a disabled person to accompany him in the taxi.

(2) The disabled person is referred to in this section as "the passenger".

(3) The duties are—

(a) to carry the passenger's dog and allow it to remain with the passenger; and

(b) not to make any additional charge for doing so.

(4) A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5) If the licensing authority is satisfied that it is appropriate on medical grounds to exempt a person from the duties imposed by this section, it shall issue him with a certificate of exemption.

(6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.

(7) A certificate of exemption shall be issued—
- (a) with respect to a specified taxi or a specified kind of taxi; and
- (b) for such period as may be specified in the certificate.

(8) The driver of a taxi is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the taxi; and
- (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.

(9) The Secretary of State may, for the purposes of this section, prescribe any other category of dog trained to assist a disabled person who has a disability of a prescribed kind.

(10) This section applies in relation to any such prescribed category of dog as it applies in relation to guide dogs.

(11) In this section—

"guide dog" means a dog which has been trained to guide a blind person; and

"hearing dog" means a dog which has been trained to assist a deaf person.

Extent Information

E45 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8 para. 21; see s. 70(6)

Commencement Information

I23 S. 37 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 37 in force for E.W. at 1.12.2000 for specified purposes and at 31.3.2001 for all other purposes by S.I. 2000/2989, **art. 2(a)(b)**; s. 37 in force for N.I. at 1.6.2001 for specified purposes and at 1.8.2001 for all other purposes by S.R. 2001/163, **art. 2(1)**

VALID FROM 31/12/2003

[F82 37A Carrying of assistance dogs in private hire vehicles

(1) It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for a private hire vehicle—
- (a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
- (b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(2) It is an offence for the operator of a private hire vehicle to make an additional charge for carrying an assistance dog which is accompanying a disabled person.

(3) It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle—

(a) if the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and

(b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.

(4) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If the licensing authority is satisfied that it is appropriate on medical grounds to issue a certificate of exemption to a driver in respect of subsection (3) it must do so.

(6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the private hire vehicle which the applicant drives or those of any kind of private hire vehicle in relation to which he requires the certificate.

(7) A certificate of exemption shall be issued—

(a) with respect to a specified private hire vehicle or a specified kind of private hire vehicle; and

(b) for such period as may be specified in the certificate.

(8) No offence is committed by a driver under subsection (3) if—

(a) a certificate of exemption issued to him under this section is in force with respect to the private hire vehicle; and

(b) the prescribed notice is exhibited on the private hire vehicle in the prescribed manner.

(9) In this section—

"assistance dog" means a dog which—

(a) has been trained to guide a blind person;

(b) has been trained to assist a deaf person;

(c) has been trained by a prescribed charity to assist a disabled person who has a disability which—

(i) consists of epilepsy; or

(ii) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

"driver" means a person who holds a licence granted under—

(a) section 13 of the Private Hire Vehicles (London) Act 1998 (c. 34) ("the 1998 Act");

(b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) ("the 1976 Act"); or

(c) an equivalent provision of a local enactment;

"licensing authority", in relation to any area of England and Wales, means the authority responsible for licensing private hire vehicles in that area;

"operator" means a person who holds a licence granted under—

(a) section 3 of the 1998 Act;
(b) section 55 of the 1976 Act; or
(c) an equivalent provision of a local enactment;

"private hire vehicle" means a vehicle licensed under—
(a) section 6 of the 1998 Act;
(b) section 48 of the 1976 Act; or
(c) an equivalent provision of a local enactment.]

Extent Information

E46 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F82 S. 37A inserted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c. 37), ss. 1(1), 6(2); S.I. 2003/3123, **art. 2**; S.I. 2007/3477, **art. 2**

Modifications etc. (not altering text)

C42 S. 37A modified (E.W.S.) (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. {3}, {4 Table}

VALID FROM 01/12/2000

38 Appeal against refusal of exemption certificate.

(1) Any person who is aggrieved by the refusal of a licensing authority to issue an exemption certificate under section 36 or 37 may appeal to the appropriate court before the end of the period of 28 days beginning with the date of the refusal.

(2) On an appeal to it under this section, the court may direct the licensing authority concerned to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.

(3) "Appropriate court" means the magistrates' court for the petty sessions area in which the licensing authority has its principal office.

Extent Information

E47 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I24 S. 38 partly in force; s. 38 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 38 in force for E.W. at 1.12.2000 by S.I. 2000/2989, **art. 3**; s. 38 in force for N.I. at 1.6.2001 by S.R. 2001/163, **art. 2(2)**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 05/02/2003

39 Requirements as to disabled passengers in Scotland.

(1) Part II of the [M19]Civic Government (Scotland) Act 1982 (licensing and regulation) is amended as follows.

(2) In subsection (4) of section 10 (suitability of vehicle for use as taxi)—

(a) after "authority" insert " — (a) "; and

(b) at the end add "; and

(b) as not being so suitable if it does not so comply."

(3) In section 20 (regulations relating to taxis etc.) after subsection (2) insert—

"(2A) Without prejudice to the generality of subsections (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 1(2) of the [M20]Disability Discrimination Act 1995) and such provision may in particular prescribe—

(a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;

(b) a date from which any such provision is to apply and the extent to which it is to apply; and

(c) the circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,

and in this subsection—

"guide dog" means a dog which has been trained to guide a blind person;

"hearing dog" means a dog which has been trained to assist a deaf person; and

"other categories of dog" means such other categories of dog as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe."

Extent Information

E48 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I25 S. 39 not in force at Royal Assent, see s. 70(3); s. 39 in force at 5.2.2003 in relation to Scotland by S.I. 2003/215, **art. 2**

Marginal Citations

M19 1982 c. 45.

M20 1995 c.50.

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Public service vehicles

40 PSV accessibility regulations.

(1) The Secretary of State may make regulations ("PSV accessibility regulations") for the purpose of securing that it is possible for disabled persons—

(a) to get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs); and

(b) to be carried in such vehicles in safety and in reasonable comfort.

(2) PSV accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated public service vehicles including provision as to—

(a) the fitting of equipment to vehicles;

(b) equipment to be carried by vehicles;

(c) the design of equipment to be fitted to, or carried by, vehicles;

(d) the fitting and use of restraining devices designed to ensure the stability of wheelchairs while vehicles are moving;

(e) the position in which wheelchairs are to be secured while vehicles are moving.

(3) Any person who—

(a) contravenes or fails to comply with any provision of the PSV accessibility regulations,

(b) uses on a road a regulated public service vehicle which does not conform with any provision of the regulations with which it is required to conform, or

(c) causes or permits to be used on a road such a regulated public service vehicle,

is guilty of an offence.

(4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(5) In this section—

"public service vehicle" means a vehicle which is—

(a) adapted to carry more than eight passengers; and

(b) a public service vehicle for the purposes of the [M21]Public Passenger Vehicles Act 1981;

"regulated public service vehicle" means any public service vehicle to which the PSV accessibility regulations are expressed to apply.

(6) Different provision may be made in regulations under this section—

(a) as respects different classes or descriptions of vehicle;

(b) as respects the same class or description of vehicle in different circumstances.

(7) Before making any regulations under this section or section 41 or 42 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

Extent Information

E49 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I26 S. 40 fully in force at 21.1.2003; s. 40 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 40 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 40 in force for N.I. at 21.1.2003 by S.R. 2003/24, **art. 2**

Marginal Citations

M21 1981 c.14.

41 Accessibility certificates.

(1) A regulated public service vehicle shall not be used on a road unless—

(a) a vehicle examiner has issued a certificate (an "accessibility certificate") that such provisions of the PSV accessibility regulations as may be prescribed are satisfied in respect of the vehicle; or

(b) an approval certificate has been issued under section 42 in respect of the vehicle.

(2) The Secretary of State may make regulations—

(a) with respect to applications for, and the issue of, accessibility certificates;

(b) providing for the examination of vehicles in respect of which applications have been made;

(c) with respect to the issue of copies of accessibility certificates in place of certificates which have been lost or destroyed.

(3) If a regulated public service vehicle is used in contravention of this section, the operator of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) In this section "operator" has the same meaning as in the [M22]Public Passenger Vehicles Act 1981.

Extent Information

E50 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I27 S. 41 fully in force at 21.1.2003; s. 41 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 41 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 41 in force for N.I. at 21.1.2003 by S.R. 2003/24, **art. 2**

Marginal Citations

M22 1981 c.14.

42 Approval certificates.

(1) Where the Secretary of State is satisfied that such provisions of the PSV accessibility regulations as may be prescribed for the purposes of section 41 are satisfied in respect of a particular vehicle he may approve the vehicle for the purposes of this section.

(2) A vehicle which has been so approved is referred to in this section as a "type vehicle".

(3) Subsection (4) applies where a declaration in the prescribed form has been made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.

(4) A vehicle examiner may, after examining (if he thinks fit) the vehicle to which the declaration applies, issue a certificate in the prescribed form ("an approval certificate") that it conforms to the type vehicle.

(5) The Secretary of State may make regulations—

(a) with respect to applications for, and grants of, approval under subsection (1);

(b) with respect to applications for, and the issue of, approval certificates;

(c) providing for the examination of vehicles in respect of which applications have been made;

(d) with respect to the issue of copies of approval certificates in place of certificates which have been lost or destroyed.

(6) The Secretary of State may at any time withdraw his approval of a type vehicle.

(7) Where an approval is withdrawn—

(a) no further approval certificates shall be issued by reference to the type vehicle; but

(b) any approval certificate issued by reference to the type vehicle before the withdrawal shall continue to have effect for the purposes of section 41.

(8) In subsection (3) "authorised person" means a person authorised by the Secretary of State for the purposes of that subsection.

Extent Information

E51 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I28 S. 42 fully in force at 21.1.2003; s. 42 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 42 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 42 in force for N.I. at 21.1.2003 by S.R. 3003/24, **art. 2**

43 Special authorisations.

(1) The Secretary of State may by order authorise the use on roads of—

(a) any regulated public service vehicle of a class or description specified by the order, or

(b) any regulated public service vehicle which is so specified,

and nothing in section 40, 41 or 42 prevents the use of any vehicle in accordance with the order.

(2) Any such authorisation may be given subject to such restrictions and conditions as may be specified by or under the order.

(3) The Secretary of State may by order make provision for the purpose of securing that, subject to such restrictions and conditions as may be specified by or under the order, provisions of the PSV accessibility regulations apply to regulated public

service vehicles of a description specified by the order subject to such modifications or exceptions as may be specified by the order.

Extent Information

E52 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8 para. 27; see s. 70(6)

Commencement Information

I29 S. 43 fully in force at 21.1.2003; s. 43 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 43 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 43 in force for N.I. at 21.1.2003 by S.R. 3003/24, **art. 2**

44 Reviews and appeals.

(1) Subsection (2) applies where—

(a) the Secretary of State refuses an application for the approval of a vehicle under section 42(1); and

(b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 45.

(2) The Secretary of State shall—

(a) review the decision; and

(b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.

(3) A person applying for an accessibility certificate or an approval certificate may appeal to the Secretary of State against the refusal of a vehicle examiner to issue such a certificate.

(4) An appeal must be made within the prescribed time and in the prescribed manner.

(5) Regulations may make provision as to the procedure to be followed in connection with appeals.

(6) On the determination of an appeal, the Secretary of State may—

(a) confirm, vary or reverse the decision appealed against;

(b) give such directions as he thinks fit to the vehicle examiner for giving effect to his decision.

Extent Information

E53 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I30 S. 44 fully in force at 21.1.2003; s. 44 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 44 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 44 in force for N.I. at 21.1.2003 by S.R. 3003/24, **art. 2**

45 Fees.

(1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—

(a) applications for, and grants of, approval under section 42(1);

(b) applications for, and the issue of, accessibility certificates and approval certificates;

(c) copies of such certificates;

(d) reviews and appeals under section 44.

(2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.

(3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.

(4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.

Extent Information

E54 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I31 S. 45 fully in force at 21.1.2003; s. 45 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 45 in force for E.W.S. at 30.8.2000 by S.I. 2000/1969, art. 2; s. 45 in force for N.I. at 21.1.2003 by S.R. 3003/24, **art. 2**

Rail vehicles

46 Rail vehicle accessibility regulations.

(1) The Secretary of State may make regulations ("rail vehicle accessibility regulations") for the purpose of securing that it is possible—

(a) for disabled persons—

(i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;

(ii) to be carried in such vehicles in safety and in reasonable comfort; and

(b) for disabled persons in wheelchairs—

(i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and

(ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.

(2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—

(a) the fitting of equipment to vehicles;

(b) equipment to be carried by vehicles;

(c) the design of equipment to be fitted to, or carried by, vehicles;

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(d) the use of equipment fitted to, or carried by, vehicles;

(e) the toilet facilities to be provided in vehicles;

(f) the location and floor area of the wheelchair accommodation to be provided in vehicles;

(g) assistance to be given to disabled persons.

(3) If a regulated rail vehicle which does not conform with any provision of the rail vehicle accessibility regulations with which it is required to conform is used for carriage, the operator of the vehicle is guilty of an offence.

(4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(5) Different provision may be made in rail vehicle accessibility regulations—

(a) as respects different classes or descriptions of rail vehicle;

(b) as respects the same class or description of rail vehicle in different circumstances;

(c) as respects different networks.

(6) In this section—

"network" means any permanent way or other means of guiding or supporting rail vehicles or any section of it;

"operator", in relation to any rail vehicle, means the person having the management of that vehicle;

"rail vehicle" means a vehicle—

(a) constructed or adapted to carry passengers on any railway, tramway or prescribed system; and

(b) first brought into use, or belonging to a class of vehicle first brought into use, after 31st December 1998;

"regulated rail vehicle" means any rail vehicle to which the rail vehicle accessibility regulations are expressed to apply; and

"wheelchair accommodation" has such meaning as may be prescribed.

(7) In subsection (6)—

"prescribed system" means a system using a prescribed mode of guided transport "guided transport" having the same meaning as in the [M23]Transport and Works Act 1992); and

"railway" and "tramway" have the same meaning as in that Act.

(8) The Secretary of State may by regulations make provision as to the time when a rail vehicle, or a class of rail vehicle, is to be treated, for the purposes of this section, as first brought into use.

(9) Regulations under subsection (8) may include provision for disregarding periods of testing and other prescribed periods of use.

(10) For the purposes of this section and section 47, a person uses a vehicle for carriage if he uses it for the carriage of members of the public for hire or reward at separate fares.

(11) Before making any regulations under subsection (1) or section 47 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

Extent Information

E55 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C43 S. 46: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

Marginal Citations

M23 1992 c.42.

47 Exemption from rail vehicle accessibility regulations.

(1) The Secretary of State may by order (an "exemption order") authorise the use for carriage of any regulated rail vehicle of a specified description, or in specified circumstances, even though that vehicle does not conform with the provisions of the rail vehicle accessibility regulations with which it is required to conform.

(2) Regulations may make provision with respect to exemption orders including, in particular, provision as to—
- (a) the persons by whom applications for exemption orders may be made;
- (b) the form in which such applications are to be made;
- (c) information to be supplied in connection with such applications;
- (d) the period for which exemption orders are to continue in force;
- (e) the revocation of exemption orders.

(3) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
- (a) make an exemption order in the terms of the application;
- (b) make an exemption order in such other terms as he considers appropriate;
- (c) refuse to make an exemption order.

(4) An exemption order may be made subject to such restrictions and conditions as may be specified.

(5) In this section "specified" means specified in an exemption order.

Extent Information

E56 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C44 S. 47: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

47A Rail vehicle accessibility compliance certificates

(1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.

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(2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
  (a) is prescribed; or
  (b) is of a prescribed class or description.

(3) A rail vehicle accessibility compliance certificate is a certificate that the Secretary of State is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.

(4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.

(5) Subsection (6) applies where—
  (a) the Secretary of State refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and
  (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 47C.

(6) The Secretary of State shall—
  (a) review the decision; and
  (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.

47B Rail vehicle accessibility compliance certificates: supplementary

(1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.

(2) The provision that may be made under subsection (1) includes (in particular)—
  (a) provision for certificates to be issued on application;
  (b) provision specifying conditions to which certificates are subject;
  (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
  (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
  (e) provision for the withdrawal of certificates issued in error;
  (f) provision for the correction of errors in certificates;
  (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
  (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.

(3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
  (a) make provision as to the persons by whom applications may be made;
  (b) make provision as to the form in which applications are to be made;
  (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.

(4) For the purposes of this section, a "compliance assessment" is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.

(5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Secretary of State to carry out compliance assessments (an "appointed assessor").

(6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—

(a) may make provision about appointments of appointed assessors, including (in particular)—

(i) provision for an appointment to be on application or otherwise than on application;

(ii) provision as to who may be appointed;

(iii) provision as to the form of applications for appointment;

(iv) provision as to information to be supplied with applications for appointment;

(v) provision as to terms and conditions, or the period or termination, of an appointment; and

(vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Secretary of State when making the appointment;

(b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—

(i) provision restricting the amount of a fee;

(ii) provision authorising fees that contain a profit element; and

(iii) provision for advance payment of fees;

(c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;

(d) shall make provision for the referral to the Secretary of State of disputes between—

(i) an appointed assessor carrying out a compliance assessment, and

(ii) the person who requested the assessment,

relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.

(7) In subsection (6)(b) to (d) "compliance assessment" includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

47C Rail vehicle accessibility compliance certificates: fees

(1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
  (a) applications for, and the issue of, rail vehicle accessibility compliance certificates;
  (b) copies of such certificates;
  (c) reviews under section 47A;
  (d) referrals of disputes under provision that, in accordance with section 47B(6)(d), is contained in regulations under section 47B(1).

(2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.

(3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.

(4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.

47D Penalty for using rail vehicle without accessibility compliance certificate

If a regulated rail vehicle to which section 47A(1) applies is used for carriage at a time when no rail vehicle accessibility compliance certificate is in force for the vehicle, the Secretary of State may require the operator of the vehicle to pay a penalty.

47E Penalty for using rail vehicle that does not conform with accessibility regulations

(1) Where it appears to the Secretary of State that a regulated rail vehicle does not conform with a provision of rail vehicle accessibility regulations with which the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—
  (a) identifying the vehicle, the provision and how the vehicle fails to conform with the provision; and
  (b) specifying the improvement deadline.

(2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

(3) Subsection (4) applies where—
  (a) the Secretary of State has given a notice under subsection (1);
  (b) the improvement deadline specified in the notice has passed; and
  (c) it appears to the Secretary of State that the vehicle still does not conform with the provision identified in the notice.

(4) The Secretary of State may give to the operator a further notice—
  (a) identifying the vehicle, the provision and how the vehicle fails to conform to the provision; and
  (b) specifying the final deadline.

(5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

(6) If—

(a) the Secretary of State has given a notice under subsection (4) to the operator of a regulated rail vehicle, and

(b) the vehicle is used for carriage at a time after the final deadline when the vehicle does not conform with the provision identified in the notice,

the Secretary of State may require the operator to pay a penalty.

47F Penalty for using rail vehicle otherwise than in conformity with accessibility regulations

(1) Where it appears to the Secretary of State that a regulated rail vehicle has been used for carriage otherwise than in conformity with a provision of rail vehicle accessibility regulations with which use of the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—

(a) identifying the provision and how it was breached;

(b) identifying which of the regulated rail vehicles operated by the operator is or are covered by the notice; and

(c) specifying the improvement deadline.

(2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

(3) Subsection (4) applies where—

(a) the Secretary of State has given a notice under subsection (1);

(b) the improvement deadline specified in the notice has passed; and

(c) it appears to the Secretary of State that a vehicle covered by the notice has after that deadline been used for carriage otherwise than in conformity with the provision identified in the notice.

(4) The Secretary of State may give to the operator a further notice—

(a) identifying the provision and how it was breached;

(b) identifying which of the regulated rail vehicles covered by the notice under subsection (1) is or are covered by the further notice; and

(c) specifying the final deadline.

(5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

(6) If—

(a) the Secretary of State has given a notice under subsection (4), and

(b) a vehicle covered by the notice is at a time after the final deadline used for carriage otherwise than in conformity with the provision identified in the notice,

the Secretary of State may require the operator of the vehicle to pay a penalty.

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(7) For the purposes of subsection (1), a vehicle is operated by a person if that person is the operator of the vehicle.

47G Sections 47E and 47F: inspection of rail vehicles

(1) Where the Secretary of State has reasonable grounds for suspecting that a regulated rail vehicle may not conform with provisions of rail vehicle accessibility regulations with which it is required to conform, a person authorised by the Secretary of State—
- (a) may inspect the vehicle for conformity with the provisions;
- (b) for the purpose of exercising his power under paragraph (a)—
  - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
  - (ii) may enter the vehicle; and
- (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.

(2) Where the Secretary of State has given a notice under section 47E(1) or (4), a person authorised by the Secretary of State—
- (a) may inspect the vehicle concerned for conformity with the provision specified in the notice;
- (b) for the purpose of exercising his power under paragraph (a)—
  - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
  - (ii) may enter the vehicle; and
- (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.

(3) A person exercising power under subsection (1) or (2) shall, if required to do so, produce evidence of his authority to exercise the power.

(4) Where a person obstructs the exercise of power under subsection (1), the Secretary of State may, for purposes of section 47E(1) or 47F(1), draw such inferences from the obstruction as appear proper.

(5) Where—
- (a) a person obstructs the exercise of power under subsection (2), and
- (b) the obstruction occurs before a notice under section 47E(4) is given in respect of the vehicle concerned,

the Secretary of State may treat section 47E(3)(c) as satisfied in the case concerned.

(6) Where a person obstructs the exercise of power under subsection (2) and the obstruction occurs—
- (a) after a notice under section 47E(4) has been given in respect of the vehicle concerned, and
- (b) as a result of the operator, or a person who acts on his behalf, behaving in a particular way with the intention of obstructing the exercise of the power,

the Secretary of State may require the operator of the vehicle to pay a penalty.

(7) In this section "inspect" includes test.

47H Sections 47E and 47F: supplementary powers

(1) For the purposes of section 47E, the Secretary of State may give notice to a person requiring the person to supply the Secretary of State, by a time specified in the notice, with a vehicle number or other identifier for a rail vehicle—
  (a) of which that person is the operator; and
  (b) which is described in the notice.

(2) The time specified in a notice given to a person under subsection (1) may not be earlier than the end of 14 days beginning with the day when the notice is given to the person.

(3) If a person to whom a notice is given under subsection (1) does not comply with the notice by the time specified in the notice, the Secretary of State may require the person to pay a penalty.

(4) Where the Secretary of State has given a notice to a person under section 47E(1) or (4) or 47F(1) or (4), the Secretary of State may request that person to supply the Secretary of State, by a time specified in the request, with a statement detailing the steps taken in response to the notice.

(5) The time specified in a request under subsection (4) must—
  (a) if the request relates to a notice under section 47E(1) or 47F(1), be no earlier than the improvement deadline; and
  (b) if the request relates to a notice under section 47E(4) or 47F(4), be no earlier than the final deadline.

(6) Where a request under subsection (4)—
  (a) relates to a notice under section 47E(1) or 47F(1), and
  (b) is not complied with by the time specified in the request,

  the Secretary of State may treat section 47E(3)(c) or (as the case may be) section 47F(3)(c) as being satisfied in the case concerned.

47J Penalties under sections 47D to 47H: amount, due date and recovery

(1) In this section "penalty" means a penalty under any of sections 47D to 47H.

(2) The amount of a penalty—
  (a) must not exceed the maximum prescribed for the purposes of this subsection; and
  (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.

(3) For the purposes of subsection (2)(b), a person's turnover shall be determined in accordance with regulations.

(4) A penalty must be paid to the Secretary of State before the end of the prescribed period.

(5) Any sum payable to the Secretary of State as a penalty may be recovered by the Secretary of State as a debt due to him.

(6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
  (a) liability to the imposition of the penalty; or
  (b) its amount.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(7) Any sum paid to the Secretary of State as a penalty shall be paid by him into the Consolidated Fund.

(8) The Secretary of State shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.

(9) The Secretary of State may from time to time revise the whole or any part of the code and issue the code as revised.

(10) Before issuing the first or a revised version of the code, the Secretary of State shall lay a draft of that version before Parliament.

(11) After laying the draft of a version of the code before Parliament, the Secretary of State may bring that version of the code into operation by order.

(12) The Secretary of State shall have regard to the code (in addition to any other matters he thinks relevant)—
- (a) when imposing a penalty; and
- (b) when considering under section 47K(6) a notice of objection under section 47K(4).

47K Penalties under sections 47D to 47H: procedure

(1) In this section "penalty" means a penalty under any of sections 47D to 47H.

(2) If the Secretary of State decides that a person is liable to a penalty, the Secretary of State must notify the person of the decision.

(3) A notification under subsection (2) must—
- (a) state the Secretary of State's reasons for deciding that the person is liable to the penalty;
- (b) state the amount of the penalty;
- (c) specify the date before which, and the manner in which, the penalty must be paid; and
- (d) include an explanation of the steps that the person may take if he objects to the penalty.

(4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
- (a) he is not liable to the imposition of a penalty, or
- (b) the amount of the penalty is too high,

the person may give a notice of objection to the Secretary of State.

(5) A notice of objection must—
- (a) be in writing;
- (b) give the objector's reasons; and
- (c) be given before the end of the prescribed period.

(6) Where the Secretary of State receives a notice of objection to a penalty in accordance with this section, he shall consider it and—
- (a) cancel the penalty;
- (b) reduce the penalty; or
- (c) determine to do neither of those things.

(7) Where the Secretary of State considers under subsection (6) a notice of objection under subsection (4), he shall—
  (a) inform the objector of his decision before the end of the prescribed period or such longer period as he may agree with the objector; and
  (b) if he reduces the penalty, notify the objector of the reduced amount.

47L Penalties under sections 47D to 47H: appeals

(1) A person may appeal to the court against a penalty imposed on him under any of sections 47D to 47H on the ground that—
  (a) he is not liable to the imposition of a penalty; or
  (b) the amount of the penalty is too high.

(2) On an appeal under this section, the court may—
  (a) allow the appeal and cancel the penalty;
  (b) allow the appeal and reduce the penalty; or
  (c) dismiss the appeal.

(3) An appeal under this section shall be a re-hearing of the Secretary of State's decision to impose a penalty, and shall be determined having regard to—
  (a) any code of practice under section 47J which has effect at the time of the appeal; and
  (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).

(4) An appeal may be brought by a person under this section against a penalty whether or not—
  (a) he has given notice of objection under section 47K(4); or
  (b) the penalty has been reduced under section 47K(6).

(5) A reference in this section to "the court" is a reference—
  (a) in England and Wales, to a county court; and
  (b) in Scotland, to the sheriff.

(6) The sheriff may transfer proceedings under this section to the Court of Session.

(7) Where the sheriff has made a determination under subsection (2), any party to the proceedings may appeal on a point of law, either to the Sheriff Principal or to the Court of Session, against that determination.

47M Sections 46 to 47H: interpretation

(1) In sections 46 to 47H "operator", in relation to any rail vehicle, means the person having the management of that vehicle.

(2) For the purposes of those sections, a person uses a vehicle for carriage if he uses it for the carriage of passengers.

(3) Where an exemption order under section 47 authorises use of a rail vehicle even though the vehicle does not conform with a provision of rail vehicle accessibility regulations, references in sections 47A to 47G to provisions of rail vehicle accessibility regulations

with which the vehicle is required to conform do not, in the vehicle's case, include that provision.

Supplemental

48 Offences by bodies corporate etc.

(1) Where an offence under section 40 or 46 committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of the offence.

(2) In subsection (1) "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where, in Scotland, an offence under section 40 or 46 committed by a partnership or by an unincorporated association other than a partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association, he, as well as the partnership or association, is guilty of the offence.

Extent Information

E57 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I32 S. 48 fully in force at 21.1.2003; s. 48 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 48 in force for certain purposes (E.W.S.) at 13.5.1998 by S.I. 1998/1282, art. 2; s. 48 in force for certain purposes (N.I.) at 13.5.1998 by S.R. 1998/183, art. 2; s. 48 in force (E.W.S.) at 30.8.2000 to the extent not previously in force by S.I. 2000/1969, art. 2; s. 48 in force (N.I.) at 21.1.2003 to the extent not previously in force by S.R. 2003/24, **art. 2**

49 Forgery and false statements.

(1) In this section "relevant document" means—
- (a) a certificate of exemption issued under section 36 or 37;
- (b) a notice of a kind mentioned in section 36(9)(b) or 37(8)(b);
- (c) an accessibility certificate; or
- (d) an approval certificate.

(2) A person is guilty of an offence if, with intent to deceive, he—
- (a) forges, alters or uses a relevant document;
- (b) lends a relevant document to any other person;
- (c) allows a relevant document to be used by any other person; or
- (d) makes or has in his possession any document which closely resembles a relevant document.

(3) A person who is guilty of an offence under subsection (2) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(4) A person who knowingly makes a false statement for the purpose of obtaining an accessibility certificate or an approval certificate is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

VALID FROM 30/06/2005

[[F83]PART 5A

PUBLIC AUTHORITIES

Textual Amendments

F83 Pt. 5A (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 3, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(b)**; S.I. 2005/2774, **arts. 3(b)**, **4(a)**

VALID FROM 05/12/2005

49A General duty

(1) Every public authority shall in carrying out its functions have due regard to—

(a) the need to eliminate discrimination that is unlawful under this Act;

(b) the need to eliminate harassment of disabled persons that is related to their disabilities;

(c) the need to promote equality of opportunity between disabled persons and other persons;

(d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;

(e) the need to promote positive attitudes towards disabled persons; and

(f) the need to encourage participation by disabled persons in public life.

(2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.

VALID FROM 05/12/2005

49B Meaning of "public authority" in Part 5A

(1) In this Part "public authority"—

(a) includes any person certain of whose functions are functions of a public nature; but

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(b) does not include—

(i) any person mentioned in section 21B(3);

(ii) the Scottish Parliament; or

(iii) a person, other than the Scottish Parliamentary Corporate Body, exercising functions in connection with proceedings in the Scottish Parliament.

(2) In relation to a particular act, a person is not a public authority by virtue only of subsection (1)(a) if the nature of the act is private.

(3) Regulations may provide for a person of a prescribed description to be treated as not being a public authority for the purposes of this Part.

VALID FROM 05/12/2005

49C Exceptions from section 49A(1)

(1) Section 49A(1) does not apply to—

(a) a judicial act (whether done by a court, tribunal or other person); or

(b) an act done on the instructions, or on behalf, of a person acting in a judicial capacity.

(2) Section 49A(1) does not apply to any act of, or relating to, making or approving an Act of Parliament, an Act of the Scottish Parliament or an Order in Council.

(3) Section 49A(1)(c) and (d) do not apply to—

(a) an act done in connection with recruitment to any of the naval, military or air forces of the Crown; or

(b) an act done in relation to a person in connection with service by him as a member of any of those forces.

(4) Regulations may provide for section 49A(1)(a), (b), (c) or (d) not to apply to an act of a prescribed description.

49D Power to impose specific duties

(1) The Secretary of State may by regulations impose on a public authority, other than a relevant Scottish authority or a cross-border authority, such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).

(2) The Secretary of State may by regulations impose on a cross-border authority such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to such of its functions as are not Scottish functions.

(3) The Scottish Ministers may by regulations impose on a relevant Scottish authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).

(4) The Scottish Ministers may by regulations impose on a cross-border authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the

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better performance by that authority of its duty under section 49A(1) so far as relating to its Scottish functions.

(5) Before making regulations under any of subsections (1) to (4), the person making the regulations shall consult the Disability Rights Commission.

(6) Before making regulations under subsection (1) or (2) in relation to functions exercisable in relation to Wales by a public authority that is not a relevant Welsh authority, the Secretary of State shall consult the National Assembly for Wales.

(7) The Secretary of State shall not make regulations under subsection (1) or (2) in relation to a relevant Welsh authority except with the consent of the National Assembly for Wales.

(8) Before making regulations under subsection (2), the Secretary of State shall consult the Scottish Ministers.

(9) Before making regulations under subsection (4), the Scottish Ministers shall consult the Secretary of State.

(10) In this section—

"relevant Scottish authority" means—

(a) a member of the Scottish executive or a junior Scottish Minister;

(b) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland or the Keeper of the Records of Scotland;

(c) any office of a description specified in an Order in Council under section 126(8)(b) of the Scotland Act 1998 (other non-ministerial office in the Scottish Administration); or

(d) a public body, public office or holder of a public office—

(i) which (or who) is not a cross-border authority or the Scottish Parliamentary Corporate Body;

(ii) whose functions are exercisable only in or as regards Scotland; and

(iii) some at least of whose functions do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

"cross-border authority" means a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998;

"Scottish functions" means functions which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

"relevant Welsh authority" means—

(a) the National Assembly for Wales; or

(b) a public authority whose functions are exercisable only in relation to Wales.

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

VALID FROM 05/12/2005

49E Duties under section 49D: compliance notices

(1) Where the Disability Rights Commission is satisfied that a public authority has failed to comply with, or is failing to comply with, a duty imposed on it by regulations under section 49D, the Commission may serve a notice on it.

(2) The following provisions of this section apply to a notice served on an authority under subsection (1).

(3) The notice shall require the authority—

(a) to comply with the duty concerned; and

(b) to furnish the Commission, by the end of the period of 28 days beginning with the day on which the notice is served, with details of the steps that it has taken, or is taking, to comply with the duty.

(4) The notice may also require the authority to furnish the Commission with other information specified in the notice if the Commission reasonably requires the information in order to verify that the duty has been complied with.

(5) The notice shall specify the time by which the authority is to furnish information which it is required to furnish under subsection (4).

(6) A time specified under subsection (5) shall not be later than the end of the three months beginning with the day on which the notice is served.

(7) The notice may specify the manner and form in which the authority is to furnish information which the notice requires it to furnish to the Commission.

(8) The notice shall not require the authority—

(a) to furnish information which it could not be compelled to furnish in evidence in civil proceedings before the High Court; or

(b) to furnish information which it could not be compelled to furnish in evidence in civil proceedings before the Court of Session.

VALID FROM 05/12/2005

49F Enforcement of compliance notices

(1) If—

(a) a public authority on which a notice has been served under section 49E fails to furnish the Disability Rights Commission, in accordance with the notice, with any information required by the notice, or

(b) the Commission has reasonable cause to believe that a public authority on which a notice has been served under section 49E does not intend to furnish the information required by the notice,

the Commission may apply to a county court or, in Scotland, the sheriff for an order requiring the authority to furnish any information required by the notice.

(2) If on an application under subsection (1) the court is satisfied that either of the conditions specified in paragraphs (a) and (b) of that subsection is met, the court may grant the order in the terms applied for or in more limited terms.

(3) If—

(a) the period of three months beginning with the day on which a notice is served on a public authority under section 49E has ended,

(b) the notice required the authority to comply with a duty imposed on it by regulations under section 49D, and

(c) the Commission considers that the authority has not complied with the duty,

the Commission may apply to a county court or, in Scotland, the sheriff for an order requiring the authority to comply with the duty.

(4) If on an application under subsection (3) the court is satisfied—

(a) that the conditions specified in paragraphs (a) and (b) of that subsection are met, and

(b) that the authority has not complied with the duty,

the court may grant the order in the terms applied for or in more limited terms.

(5) The sanctions in section 49E and this section shall be the only sanctions for breach of any duty imposed by regulations under section 49D, but without prejudice to the enforcement of any other provision of this Act (where the breach is also a contravention of that provision).**]**

VALID FROM 04/12/2006

[[F84]PART 5B

IMPROVEMENTS TO DWELLING HOUSES

Textual Amendments

F84 Pt. 5B (ss. 49G, 49H) inserted (E.W.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), **ss. 16(1)**, 20(3)-(6), S.I 2005/2774, {art. 4(d)}

49G Improvements to let dwelling houses

(1) This section applies in relation to a lease of a dwelling house if—

(a) the tenancy is not a protected tenancy, a statutory tenancy or a secure tenancy,

(b) the tenant or any other person who lawfully occupies or is intended lawfully to occupy the premises is a disabled person,

(c) the person mentioned in paragraph (b) occupies or is intended to occupy the premises as his only or principal home,

(d) the tenant is entitled under the lease to make improvements to the premises with the consent of the landlord, and

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Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(e) the tenant applies to the landlord for his consent to make a relevant improvement.

(2) If the consent of the landlord is unreasonably withheld it must be taken to have been given.

(3) Where the tenant applies in writing for the consent—

(a) if the landlord refuses to give consent, he must give the tenant a written statement of the reason why the consent was withheld;

(b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been withheld.

(4) If the landlord gives consent to the making of an improvement subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.

(5) In any question as to whether—

(a) the consent of the landlord was unreasonably withheld, or

(b) a condition imposed by the landlord is unreasonable,

it is for the landlord to show that it was not.

(6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of his tenancy.

(7) An improvement to premises is a relevant improvement if, having regard to the disability which the disabled person mentioned in subsection (1)(b) has, it is likely to facilitate his enjoyment of the premises.

(8) Subsections (2) to (6) apply to a lease only to the extent that provision of a like nature is not made by the lease.

(9) In this section—

"improvement" means any alteration in or addition to premises and includes—

(a) any addition to or alteration in landlord's fittings and fixtures,

(b) any addition or alteration connected with the provision of services to the premises,

(c) the erection of a wireless or television aerial, and

(d) the carrying out of external decoration;

"lease" includes a sub-lease or other tenancy, and "landlord" and "tenant" must be construed accordingly;

"protected tenancy" has the same meaning as in section 1 of the Rent Act 1977;

"statutory tenancy" must be construed in accordance with section 2 of that Act;

"secure tenancy" has the same meaning as in section 79 of the Housing Act 1985.

49H Conciliation of disputes

(1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house.

(2) Subsections (2) to (8) of section 28 apply for the purposes of this section as they apply for the purposes of that section and for that purpose a reference in that section to—
  (a) a dispute arising under Part 3 must be construed as a reference to a dispute mentioned in subsection (1) above;
  (b) arrangements under that section must be construed as a reference to arrangements under this section.

(3) "Relevant improvement" has the same meaning as in section 49G.

[F85 49I Conciliation of disputes: rented housing in Scotland]

(1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether—
  (a) it is unreasonable for a landlord to withhold consent to the carrying out of any relevant work in relation to a house (within the meaning of the Housing (Scotland) Act 2006 (asp 01)) in Scotland, or
  (b) any condition imposed by a landlord on consenting to the carrying out of any such work is unreasonable.

(2) Subsections (2) to (8) of section 28 apply for the purpose of this section as they apply for the purpose of that section and for that purpose a reference in that section to—
  (a) a dispute arising under Part 3 is to be construed as a reference to a dispute mentioned in subsection (1), and
  (b) arrangements under that section is to be construed as a reference to arrangements under subsection (1).

(3) In subsection (1), "relevant work", in relation to a house, means work for the purpose of making the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house as a sole or main residence.**]**

Textual Amendments

F85 S. 49I inserted (E.W.S.) (4.12.2006) by Equality Act 2006 (c. 3), **ss. 43(1)**, 93 (with s. 92); S.I. 2006/1082, **art. 3**

PART VI

THE NATIONAL DISABILITY COUNCIL

F86F87 50 . . . . . .

Textual Amendments

F86 S. 50 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**, Appendix

F87 S. 50 repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.**, Appendix

[F88 51 Codes of practice prepared by the Council. E+W+S

F88 (1) . . . . . .

F88 (2) . . . . . .

(3) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

(4) A code is admissible in evidence in any proceedings under this Act before an **[**F89 employment tribunal**]**, a county court or a sheriff court.

(5) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.

(6) In this section and section 52 "code" means a code issued by the Secretary of State under this section and includes a code which has been altered and re-issued.**]**

Extent Information

E58 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F88 S. 51 repealed (E.W.S.) (25.4.2000 in relation to s. 51(1)(2) and otherwise prosp.) by 1999 c. 17, ss. 14(2), 16(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**, Appendix

F89 Words in s. 51 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. art. 2(1), Sch. 1

Commencement Information

I33 S. 51 wholly in force at 1.1.1996; s. 51 not in force at Royal Assent see. s. 70(3); s. 51 in force (E.W.S.) at 1.1.1996 by S.I.1995/3330, **art. 2**

[F137 51 Codes of practice prepared by the Council. N.I.

F137 (1) . . . . . .

F137 (2) . . . . . .

(3) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

(4) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, **[**F138 or a county court**]**.

(5) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.

(6) In this section and section 52 "code" means a code issued by **[**[F139]a Northern Ireland department**]** under this section and includes a code which has been altered and re-issued.**]**

Extent Information

E77 This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 34 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F137 S. 51 repealed (N.I.) (25.4.2000 in relation to s. 51(1)(2) and otherwise prosp.) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.**, Appendix

F138 Words in s. 51(4) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 34(3) of this Act

F139 Words in s. 51(6) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 34(4) of this Act

Commencement Information

I46 S. 51 wholly in force at 2.1.1996; s. 51 not in force at Royal Assent see. s. 70(3); s. 51 in force (N.I.) at 2.1.1996 by S.R. 1996/1, **art. 2**

[[F90F91]**52 Further provision about codes issued under section 51.**

[F90](1) . . . . . .

[F90](2) . . . . . .

[F90](3) . . . . . .

[F90](4) . . . . . .

[F90](5) . . . . . .

[F90](6) . . . . . .

[F90](7) . . . . . .

[F90](8) . . . . . .

[F90](9) . . . . . .

[F90](10) . . . . . .

(11) The Secretary of State may by order revoke a code.

[F90](12) . . . . . .**]**

Extent Information

E59 In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 35 of this Act; see s. 70(6)

Textual Amendments

F90 S. 52 repealed (E.W.S.) (25.4.2000 in relation to s. 52(1)-(10)(12), otherwise prosp.) by 1999 c. 17, ss. 14(2), 16(2), **Sch. 5** (with ss. 9(2), 15); S.I. 2000/880, art. 2, **Sch. 2** Appendix

F91 S. 52 (as substituted by Sch. 8 para. 35 of this Act) repealed (N.I.) (25.4.2000 in relation to s. 52(1) (with the exception of para. (b) in the definition of "responsible Department") to (10), otherwise prosp.) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, **Sch.** Appendix

Commencement Information

I34 S. 52 wholly in force at 2.1.1996; s. 52 not in force at Royal Assent see. s. 70(3); s. 52 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, **art. 2**; s. 52 in force (N.I.) at 2.1.1996 by S.R. 1996/1, **art. 2**

PART VII

SUPPLEMENTAL

[F92 53A Codes of practice.

(1) The Disability Rights Commission may prepare and issue codes of practice giving practical guidance—

(a) to employers, service providers or other persons to whom provisions of Part II or Part III apply on how to avoid discrimination or on any other matter relating to the operation of those provisions in relation to them; or

(b) to any persons on any other matter, with a view to—

(i) promoting the equalisation of opportunities for disabled persons and persons who have had a disability, or

(ii) encouraging good practice regarding the treatment of such persons,

in any field of activity regulated by any provision of Part II or Part III.

(2) The Commission shall, when requested to do so by the Secretary of State, prepare a code of practice dealing with the matters specified in the request.

(3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).

(4) The Commission may not issue a code of practice unless—

(a) a draft of it has been submitted to and approved by the Secretary of State and laid by him before both Houses of Parliament; and

(b) the 40 day period has elapsed without either House resolving not to approve the draft.

(5) If the Secretary of State does not approve a draft code of practice submitted to him he shall give the Commission a written statement of his reasons.

(6) A code of practice issued by the Commission—

(a) shall come into effect on such day as the Secretary of State may by order appoint;

(b) may be revised in whole or part, and re-issued, by the Commission; and

(c) may be revoked by an order made by the Secretary of State at the request of the Commission.

(7) Where the Commission proposes to revise a code of practice—

(a) it shall comply with subsection (3) in relation to the revisions; and

(b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.

(8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or tribunal to be relevant to any question arising in any proceedings under Part II or Part III shall be taken into account in determining that question.

(9) In this section—

"code of practice" means a code of practice under this section;

"discrimination" means anything which is unlawful discrimination for the purposes of any provision of Part II or Part III; and

"40 day period" has the same meaning in relation to a draft code of practice as it has in section 3 in relation to draft guidance.**]**

Textual Amendments

F92 S. 53A inserted at the beginning of Pt. VII (E.W.S.) (25.4.2000) by 1999 c. 17, **s. 9(1)** (with ss. 9(2)(3), 15); S.I. 2000/880, art. 2, **Sch. 2**

Modifications etc. (not altering text)

C45 S. 53A(3): power to extend conferred (25.4.2000) by 1999 c. 17, **s. 9(2)** (with ss. 9(3), 15); S.I. 2000/880, art. 2, **Sch. 2**

[F93 54A Codes of practice.

(1) The Commission may prepare and issue codes of practice giving practical guidance—

(a) to employers, service providers or other persons to whom provisions of Part II or Part III apply on how to avoid discrimination or on any other matter relating to the operation of those provisions in relation to them; or

(b) to any persons on any other matter, with a view to—

(i) promoting the equalisation of opportunities for disabled persons and persons who have had a disability, or

(ii) encouraging good practice regarding the treatment of such persons,

in any field of activity regulated by any provision of Part II or Part III.

(2) The Commission shall, when requested to do so by the Office, prepare a code of practice dealing with the matters specified in the request.

(3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).

(4) The Commission may not issue a code of practice unless—

(a) a draft of it has been submitted to and approved by the Office and laid by the Office before the Assembly; and

(b) the statutory period has elapsed without the Assembly resolving not to approve the draft.

(5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.

(6) A code of practice issued by the Commission—

(a) shall come into effect on such day as the Office may by order appoint;

(b) may be revised in whole or part, and re-issued, by the Commission; and

(c) may be revoked by an order made by the Office at the request of the Commission.

(7) Where the Commission proposes to revise a code of practice—

(a) it shall comply with subsection (3) in relation to the revisions; and

(b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.

(8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or tribunal to be relevant to any question arising in any proceedings under Part II or Part III shall be taken into account in determining that question.

(9) In this section—

"code of practice" means a code of practice under this section;

"the Commission" means the Equality Commission for Northern Ireland;

"discrimination" means anything which is unlawful discrimination for the purposes of any provision of Part II or Part III;

"the Office" means the Office of the First Minister and deputy First Minister; and

"statutory period" has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.**]**

Textual Amendments

F93 S. 54A inserted at the beginning of Pt. VII (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(1)** (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, **Sch.**

Modifications etc. (not altering text)

C46 S. 54A: power to extend conferred (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(2)** (with arts. 11(3), 17); S.R. 2000/140, art. 2, **Sch.**

[F94 53 Codes of practice prepared by the Secretary of State. E+W+S

F94(1) . . . . . .

F94(2) . . . . . .

F94(3) . . . . . .

(4) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

(5) A code is admissible in evidence in any proceedings under this Act before an **[**F95employment tribunal**]**, a county court or a sheriff court.

(6) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.

(7) In this section and section 54 "code" means a code issued by the Secretary of State under this section and includes a code which has been revised and re-issued.

[F94](8) . . . . . .

[F94](9) . . . . . .]

Extent Information

E60 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F94 S. 53 repealed (E.W.S) (25.4.2000 in relation to s. 53(1)-(3)(8)(9) and otherwise*prosp.*) by 1999 c. 17, ss. 14(2), 16(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**, Appendix

F95 Words in s. 53(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Commencement Information

I35 S. 53 wholly in force at 6.6.1996; s. 53 not in force at Royal Assent see s. 70(3); s. 53 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**

[[F140]53 Codes of practice prepared by the Secretary of State. N.I.

[F140](1) . . . . . .

[F140](2) . . . . . .

[F140](3) . . . . . .

(4) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

(5) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, **[**[F141]or a county court**]**.

(6) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.

(7) In this section and section 54 "code" means a code issued by the Secretary of State under this section and includes a code which has been revised and re-issued.

[F140](8) . . . . . .

[F140](9) . . . . . .]

Extent Information

E78 This version of this provision extends to Northern Ireland only; it incorporates the N.I. modification set out in Sch. 8 para. 36(3). A separate version has been created for England, Wales and Scotland only.

Textual Amendments

F140 S. 53 repealed (N.I.) (25.4.2000 in relation to s. 53(1)-(3)(8)(9) and otherwise prosp.) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.** Appendix

F141 Words in s. 53(5) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 36 of this Act

Commencement Information

I47 S. 53 wholly in force 11.7.1996; s. 53 not in force at Royal Assent see s. 70(3); s. 53 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

[F96F97 54 F97 Further provision about codes issued under section 53.

F96(1) . . . . . .

F96(2) . . . . . .

F96(3) . . . . . .

F96(4) . . . . . .

F96(5) . . . . . .

F96(6) . . . . . .

F96(7) . . . . . .

(8) The Secretary of State may by order revoke a code.

F96(9) . . . . . .]

Extent Information

E61 In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 37 of this Act; see s. 70(6)

Textual Amendments

F96 S. 54 repealed (E.W.S.) (25.4.2000 in relation to s. 54(1) to (7) and (9) otherwise 4.12.2006) by Disability Rights Commission Act 1999 (c. 17), ss. 14(2), 16(2), Sch. 5 (with ss. 9(2), 15); S.I. 2000/880, art. 2, {Sch. 2 Appendix}; S.I. 2006/3189, **art. 2**

F97 S. 54 (as substituted by Sch. 8 para. 37 of this Act) repealed (N.I.) (25.4.2000 in relation to s. 54(1)-(7) and (9) (with the exception of the definition of the "Department") and otherwise *prosp.*) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with art. 17), S.R. 2000/140, art. 2, **Sch.** Appendix

Commencement Information

I36 S. 54 wholly in force at 11.7.1996; s. 54 not in force at Royal Assent see s. 70(3); s. 54 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 54 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

55 Victimisation.

(1) For the purposes of Part II or Part III, a person ("A") discriminates against another person ("B") if—

(a) he treats B less favourably than he treats or would treat other persons whose circumstances are the same as B's; and

(b) he does so for a reason mentioned in subsection (2).

(2) The reasons are that—

(a) B has—

(i) brought proceedings against A or any other person under this Act; or

(ii) given evidence or information in connection with such proceedings brought by any person; or

(iii) otherwise done anything under this Act in relation to A or any other person; or

(iv) alleged that A or any other person has (whether or not the allegation so states) contravened this Act; or

(b) A believes or suspects that B has done or intends to do any of those things.

(3) Where B is a disabled person, or a person who has had a disability, the disability in question shall be disregarded in comparing his circumstances with those of any other person for the purposes of subsection (1)(a).

(4) Subsection (1) does not apply to treatment of a person because of an allegation made by him if the allegation was false and not made in good faith.

Modifications etc. (not altering text)

C47 S. 55 modified (E.W.) (2.3.1998) by S.I. 1999/218, art. 3, **Sch.** (with art. 1(2))
S. 55 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

56 Help for persons suffering discrimination. E+W+S

(1) For the purposes of this section—

(a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as "the complainant"; and

(b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as "the respondent".

(2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—

(a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and

(b) forms by which the respondent may if he so wishes reply to any questions.

(3) Where the complainant questions the respondent in accordance with forms prescribed by an order under subsection (2)—

(a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II;

(b) if it appears to the tribunal in any such proceedings—

(i) that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period, or

(ii) that the respondent's reply is evasive or equivocal,

it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a provision of Part II.

(4) The Secretary of State may by order prescribe—

(a) the period within which questions must be duly served in order to be admissible under subsection (3)(a); and

(b) the manner in which a question, and any reply by the respondent, may be duly served.

(5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an **[**[F98]employment tribunal**]**, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

Extent Information

E62 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F98 Words in s. 56(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Commencement Information

I37 S. 56 wholly in force at 11.7.1996; s. 56 not in force at Royal assent see s. 70(3); s. 56 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**

56 Help for persons suffering discrimination. N.I.

(1) For the purposes of this section—

(a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as "the complainant"; and

(b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as "the respondent".

(2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—

(a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and

(b) forms by which the respondent may if he so wishes reply to any questions.

(3) Where the complainant questions the respondent in accordance with forms prescribed by an order under subsection (2)—

(a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II;

(b) if it appears to the tribunal in any such proceedings—

(i) that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period, or

(ii) that the respondent's reply is evasive or equivocal,

it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a provision of Part II.

(4) The Secretary of State may by order prescribe—

(a) the period within which questions must be duly served in order to be admissible under subsection (3)(a); and

(b) the manner in which a question, and any reply by the respondent, may be duly served.

(5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an industrial tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

Extent Information

E79 This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section also has effect subject to the modifications set out in Sch. 8; see s. 70(6). A separate version has been created for England and Wales and Scotland only

Commencement Information

I48 S. 56 wholly in force at 11.7.1996; s. 56 not in force at Royal assent see s. 70(3); s. 56 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

57 Aiding unlawful acts.

(1) A person who knowingly aids another person to do an act made unlawful by this Act is to be treated for the purposes of this Act as himself doing the same kind of unlawful act.

(2) For the purposes of subsection (1), an employee or agent for whose act the employer or principal is liable under section 58 (or would be so liable but for section 58(5)) shall be taken to have aided the employer or principal to do the act.

(3) For the purposes of this section, a person does not knowingly aid another to do an unlawful act if—

(a) he acts in reliance on a statement made to him by that other person that, because of any provision of this Act, the act would not be unlawful; and

(b) it is reasonable for him to rely on the statement.

(4) A person who knowingly or recklessly makes such a statement which is false or misleading in a material respect is guilty of an offence.

(5) Any person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Modifications etc. (not altering text)

C48 S. 57 modified (E.W.)(2.3.1998) by S.I. 1998/218, art. 3, **Sch.** (with art. 1(2))
S. 57 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

58 Liability of employers and principals.

(1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as also done by his employer, whether or not it was done with the employer's knowledge or approval.

(2) Anything done by a person as agent for another person with the authority of that other person shall be treated for the purposes of this Act as also done by that other person.

(3) Subsection (2) applies whether the authority was—
- (a) express or implied; or
- (b) given before or after the act in question was done.

(4) Subsections (1) and (2) do not apply in relation to an offence under section 57(4).

(5) In proceedings under this Act against any person in respect of an act alleged to have been done by an employee of his, it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from—
- (a) doing that act; or
- (b) doing, in the course of his employment, acts of that description.

Modifications etc. (not altering text)

C49 S. 58 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.** (with s. 1(2))
S. 58 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

C50 Ss. 4-6, 11, 12, 16, 55, 57, 58 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), art. 3, **Sch.**

C51 S. 58 modified (W.) (12.5.2006) by The Education (Modification of Enactments Relating to Employment) (Wales) Order (S.I. 2006/1073), art. 3, {Sch.}

C52 S. 58 applied (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 4 para. 4(3)(4)**; S.I. 2013/1682, **art. 3(k)**

59 Statutory authority and national security etc.

(1) Nothing in this Act makes unlawful any act done—
- (a) in pursuance of any enactment; or
- (b) in pursuance of any instrument made by a Minister of the Crown under any enactment; or
- (c) to comply with any condition or requirement imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment.

(2) In subsection (1) "enactment" includes one passed or made after the date on which this Act is passed and "instrument" includes one made after that date.

(3) Nothing in this Act makes unlawful any act done for the purpose of safeguarding national security.

Extent Information

E63 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I38 S. 59 wholly in force at 30.5.1996; s. 59 not in force at Royal Assent see. s. 70(3); s. 59 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(f)**; s. 59 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(f)**

VALID FROM 18/04/2006

[F99 59A National security

(1) Rules of court may make provision for enabling a county court or sheriff court in which a claim is brought in respect of alleged discrimination contrary to this Act (including anything treated by virtue of this Act as amounting to discrimination contrary to this Act), where the court considers it expedient in the interests of national security—

(a) to exclude from all or part of the proceedings—

(i) the claimant;

(ii) the claimant's representatives;

(iii) any assessors;

(b) to permit a claimant or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or the part of the proceedings, from which he is excluded;

(c) to take steps to keep secret all or part of the reasons for the court's decision in the proceedings.

(2) The Attorney General or, in Scotland, the Advocate General for Scotland, may appoint a person to represent the interests of a claimant in, or in any part of, proceedings from which the claimant or his representatives are excluded by virtue of subsection (1).

(3) A person may be appointed under subsection (2) only—

(a) in relation to proceedings in England and Wales, if he has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)), or

(b) in relation to proceedings in Scotland, if he is—

(i) an advocate, or

(ii) qualified to practice as a solicitor in Scotland.

(4) A person appointed under subsection (2) shall not be responsible to the person whose interests he is appointed to represent.]

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Textual Amendments

F99 S. 59A inserted (18.4.2006) by Equality Act 2006 (c. 3), **ss. 89**, 93, (with s. 92); S.I. 2006/1082, **art. 2(j)**

PART VIII

MISCELLANEOUS

60 Appointment by Secretary of State of advisers.

(1) The Secretary of State may appoint such persons as he thinks fit to advise or assist him in connection with matters relating to the employment of disabled persons and persons who have had a disability.

(2) Persons may be appointed by the Secretary of State to act generally or in relation to a particular area or locality.

(3) The Secretary of State may pay to any person appointed under this section such allowances and compensation for loss of earnings as he considers appropriate.

(4) The approval of the Treasury is required for any payment under this section.

(5) In subsection (1) "employment" includes self-employment.

(6) The Secretary of State may by order—

(a) provide for section 17 of, and Schedule 2 to, the [M24]Disabled Persons (Employment) Act 1944 (national advisory council and district advisory committees) to cease to have effect—

(i) so far as concerns the national advisory council; or

(ii) so far as concerns district advisory committees; or

(b) repeal that section and Schedule.

(7) At any time before the coming into force of an order under paragraph (b) of subsection (6), section 17 of the Act of 1944 shall have effect as if in subsection (1), after "disabled persons" in each case there were inserted ", and persons who have had a disability," and as if at the end of the section there were added—

"(3) For the purposes of this section—

(a) a person is a disabled person if he is a disabled person for the purposes of the [M25]Disability Discrimination Act 1995; and

(b) "disability" has the same meaning as in that Act."

(8) At any time before the coming into force of an order under paragraph (a)(i) or (b) of subsection (6), section 16 of the [M26]Chronically Sick and Disabled Persons Act 1970 (which extends the functions of the national advisory council) shall have effect as if after "disabled persons" in each case there were inserted " , and persons who have had a disability, " and as if at the end of the section there were added—

"(2) For the purposes of this section—

(a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and

(b) "disability" has the same meaning as in that Act."

Extent Information

E64 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Marginal Citations

M24 1944 c.10.
M25 1995 c. 50.
M26 1970 c. 44.

61 Amendment of Disabled Persons (Employment) Act 1944.

(1) Section 15 of the [M27]Disabled Persons (Employment) Act 1944 (which gives the Secretary of State power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

(2) In subsection (1)—
(a) for "persons registered as handicapped by disablement" substitute " disabled persons ";
(b) for "their disablement" substitute " their disability "; and
(c) for "are not subject to disablement" substitute " do not have a disability ".

(3) In subsection (2), for the words from "any of one or more companies" to "so required and prohibited" substitute " any company, association or body ".

(4) After subsection (2) insert—

"(2A) The only kind of company which the Minister himself may form in exercising his powers under this section is a company which is—
(a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
(b) prohibited by its constitution from paying any dividend to its members."

(5) After subsection (5) insert—

"(5A) For the purposes of this section—
(a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
(b) "disability" has the same meaning as in that Act."

(6) The provisions of section 16 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—

"and whose disability is due to that service.

(2) For the purposes of subsection (1) of this section, a disabled person's disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed."

(7) The following provisions of the Act of 1944 shall cease to have effect—

(a) section 1 (definition of "disabled person");

(b) sections 6 to 8 (the register of disabled persons);

(c) sections 9 to 11 (obligations on employers with substantial staffs to employ a quota of registered persons);

(d) section 12 (the designated employment scheme for persons registered as handicapped by disablement);

(e) section 13 (interpretation of provisions repealed by this Act);

(f) section 14 (records to be kept by employers);

(g) section 19 (proceedings in relation to offences); and

(h) section 21 (application as respects place of employment, and nationality).

(8) Any provision of subordinate legislation in which "disabled person" is defined by reference to the Act of 1944 shall be construed as if that expression had the same meaning as in this Act.

(9) Subsection (8) does not prevent the further amendment of any such provision by subordinate legislation.

Extent Information

E65 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Commencement Information

I39 S. 61 wholly in force at 2.12.1996; s. 61 not in force at Royal Assent see s. 70(3); s. 61 in force at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III** (with art. 3)

Marginal Citations

M27 1944 c. 10.

F100 62 . . . . . .

Textual Amendments

F100 S. 62 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, **ss. 45**, 46 Sch. 3 Pt. I (with s. 38) and (N.I.) (24.9.1996) by S.I. 1996/1921 (N.I. 18), art. 28, **Sch. 3** (with Sch. 2)

63 Restriction of publicity: Employment Appeal Tribunal.

F101 . . . . . .

Extent Information

E66 In the application of this Act to Northern Ireland, this section is omitted; see s. 70(6), Sch. 8 para. 43

Textual Amendments

F101 S. 63 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

64 Application to Crown etc.

(1) This Act applies—

(a) to an act done by or for purposes of a Minister of the Crown or government department, or

(b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) Subject to subsection (5), Part II applies to service—

(a) for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or

(b) on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,

as it applies to employment by a private person.

(3) The provisions of Parts II to IV of the 1947 Act apply to proceedings against the Crown under this Act as they apply to Crown proceedings in England and Wales; but section 20 of that Act (removal of proceedings from county court to High Court) does not apply.

(4) The provisions of Part V of the 1947 Act apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which by virtue of that Part are treated as civil proceedings by or against the Crown; but the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) does not apply.

(5) Part II does not apply to service—

(a) as a member of the Ministry of Defence Police, the British Transport Police, the Royal Parks Constabulary or the United Kingdom Atomic Energy Authority Constabulary;

(b) as a prison officer; or

(c) for purposes of a Minister of the Crown or government department having functions with respect to defence as a person who is or may be required by his terms of service to engage in fire fighting.

(6) Part II does not apply to service as a member of a fire brigade who is or may be required by his terms of service to engage in fire fighting.

(7) It is hereby declared (for the avoidance of doubt) that Part II does not apply to service in any of the naval, military or air forces of the Crown.

(8) In this section—

"the 1947 Act" means the [M28]Crown Proceedings Act 1947;

"British Transport Police" means the constables appointed, or deemed to have been appointed, under section 53 of the [M29]British Transport Commission Act 1949;

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

"Crown proceedings" means proceedings which, by virtue of section 23 of the 1947 Act, are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown;

"fire brigade" means a fire brigade maintained in pursuance of the [M30]Fire Services Act 1947;

"Ministry of Defence Police" means the force established under section 1 of the [M31]Ministry of Defence Police Act 1987;

"prison officer" means a person who is a prison officer within the meaning of section 127 of the [M32]Criminal Justice and Public Order Act 1994, apart from those who are custody officers within the meaning of Part I of that Act;

"Royal Parks Constabulary" means the park constables appointed under the [M33]Parks Regulation Act 1872;

"service for purposes of a Minister of the Crown or government department" does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the [M34]House of Commons Disqualification Act 1975;

"statutory body" means a body set up by or under an enactment;

"statutory office" means an office so set up; and

"United Kingdom Atomic Energy Authority Constabulary" means the special constables appointed under section 3 of the [M35]Special Constables Act 1923 on the nomination of the United Kingdom Atomic Energy Authority.

Extent Information

E67 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Marginal Citations

M28 1947 c. 44.
M29 1949 c. xxix.
M30 1947 c. 41.
M31 1987 c. 4.
M32 1994 c. 33.
M33 1872 c. 15.
M34 1975 c. 24.
M35 1923 c. 11.

VALID FROM 03/07/2003

[[F102]64A Police

(1) For the purposes of Part 2, the holding of the office of constable shall be treated as employment—

(a) by the chief officer of police as respects any act done by him in relation to a constable or that office;

(b) by the police authority as respects any act done by them in relation to a constable or that office.

(2) For the purposes of section 58—

(a) the holding of the office of constable shall be treated as employment by the chief officer of police (and as not being employment by any other person); and

(b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

(a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under Part 2, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under Part 2 if the settlement is approved by the police authority.

(4) Any proceedings under Part 2 which, by virtue of subsection (1), would lie against a chief officer of police shall be brought against—

(a) the chief officer of police for the time being, or

(b) in the case of a vacancy in that office, against the person for the time being performing the functions of that office;

and references in subsection (3) to the chief officer of police shall be construed accordingly.

(5) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

(a) any compensation, costs or expenses awarded in proceedings under Part 2 of this Act against a person under the direction and control of the chief officer of police;

(b) any costs or expenses incurred and not recovered by such a person in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(6) Subsections (1) and (2) apply to a police cadet and appointment as a police cadet as they apply to a constable and the office of constable.

(7) Subject to subsection (8), in this section—

"chief officer of police"—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996 [F103],

(b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 [F104] (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,

(c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967 [F105], means the chief constable of the relevant police force,

(d) in relation to any other person or appointment means the officer or other person who has the direction and control of the body of constables or cadets in question;

"police authority"—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996,

(b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997, means the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad,

(c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967, has the meaning given in that Act,

(d) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

"police cadet" means any person appointed to undergo training with a view to becoming a constable;

"police fund"—

(a) in relation to a chief officer of police within paragraph (a) of the above definition of that term, has the same meaning as in the Police Act 1996,

(b) in relation to a chief officer of police within paragraph (b) of that definition, means the service fund established under section 16 or (as the case may be) section 61 of the Police Act 1997, and

(c) in any other case means money provided by the police authority;

"specified Act" means the Metropolitan Police Act 1829 [F106], the City of London Police Act 1839 [F107] or the Police Act 1996.

(8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority for that force.]

Textual Amendments

F102 S. 64A inserted (E.W.S.) (3.7.2003 for certain purposes, otherwise1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **25**

F103 1996 c. 16.

F104 1997 c. 50.

F105 1967 c. 77.

F106 1829 c. 44.

F107 1839 c.xciv.

VALID FROM 21/02/2004

[F108 64B Other police bodies

(1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment –

(a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;

(b) by the police authority as respects any act done by it in relation to that office or the holder of it;

(2) For the purposes of section 58 –

(a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and

(b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund –

(a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under Part II, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under Part II if the settlement is approved by the police authority.

(4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund –

(a) any compensation, damages or costs awarded in proceedings under Part II against a person under the direction and control of the chief officer of police;

(b) any costs incurred and not recovered by such a person in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in subsection (4).

(6) Subject to subsection (8), in this section –

"chief officer of police" means –

(a) in relation to the National Criminal Intelligence Service, the Director General of that Service;

(b) in relation to any other body of constables, the person who has the direction and control of the body in question;

"police authority" means –

(a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;

(b) in relation to any other body of constables, the authority by which the members of the body are paid;

"police fund" means –

(a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;

(b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.

(7) Nothing in subsections (3) to (6) applies in relation to the police.

(8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority for that force.**]**

Textual Amendments

F108 S. 64A, 64B inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **25**

65 Application to Parliament.

(1) This Act applies to an act done by or for purposes of the House of Lords or the House of Commons as it applies to an act done by a private person.

(2) For the purposes of the application of Part II in relation to the House of Commons, the Corporate Officer of that House shall be treated as the employer of a person who is (or would be) a relevant member of the House of Commons staff for the purposes of **[**[F109]section 195 of the Employment Rights Act 1996**]**.

(3) Except as provided in subsection (4), for the purposes of the application of sections 19 to 21, the provider of services is—

(a) as respects the House of Lords, the Corporate Officer of that House; and

(b) as respects the House of Commons, the Corporate Officer of that House.

(4) Where the service in question is access to and use of any place in the Palace of Westminster which members of the public are permitted to enter, the Corporate Officers of both Houses jointly are the provider of that service.

(5) Nothing in any rule of law or the law or practice of Parliament prevents proceedings being instituted before an **[**[F110]employment tribunal**]** under Part II or before any court under Part III.

Extent Information

E68 In the application of this Act to Northern Ireland, this section is omitted: see s. 70(6), Sch. 8 para. 45

Textual Amendments

F109 Words in s. 65(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 6** (with ss. 191-195, 202, Sch. 1 para. 69)

F110 Words in s. 65(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

66 Government appointments outside Part II.

(1) Subject to regulations under subsection (3), this section applies to any appointment made by a Minister of the Crown or government department to an office or post where Part II does not apply in relation to the appointment.

(2) In making the appointment, and in making arrangements for determining to whom the office or post should be offered, the Minister of the Crown or government department shall not act in a way which would contravene Part II if he or the department were the employer for the purposes of this Act.

(3) Regulations may provide for this section not to apply to such appointments as may be prescribed.

67 Regulations and orders. E+W+S

(1) Any power under this Act to make regulations or orders shall be exercisable by statutory instrument.

(2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.

(3) Any such power includes power—
   (a) to make such incidental, supplemental, consequential or transitional provision as appears to the Secretary of State to be expedient; and
   (b) to provide for a person to exercise a discretion in dealing with any matter.

(4) No order shall be made under section 50(3) unless a draft of the statutory instrument containing the order has been laid before Parliament and approved by a resolution of each House.

(5) Any other statutory instrument made under this Act, other than one made under section 3(9), **[**[F111]53A(6)(a)**]** or 70(3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory instrument but such an order shall be as capable of being amended or revoked as an order which is made by statutory instrument.

(7) Nothing in section 34(4), 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).

Extent Information

E69 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 46 and subsequent amendments

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Textual Amendments

F111 Words in s. 67(5) substituted (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(1), **Sch. 4 para. 3(2)** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**

Modifications etc. (not altering text)

C53 S. 67(2)(3) applied (1.11.1996) by 1996 c. 56, **s. 583(2)(5)(b)** (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I40 S. 67 wholly in force at 30.5.1996; s. 67 not in force at Royal Assent see s. 70(3); s. 67 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(i)**; s. 67 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(h)**

67 Regulations and orders. N.I.

(1) Any power under this Act to make regulations or orders shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.

(3) Any such power, includes power—

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Northern Ireland department exercising the power to be expedient; and

(b) to provide for a person to exercise a discretion in dealing with any matter.

(4) [F142] . . . . . .

(5) Any other order made under this Act, other than an order under section 3(9), **[**[F143]54A(6)(a)**]** or 70(3), and any regulations made under this Act shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

(6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to any instrument or document which by virtue of this Act is required to be laid before the Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.

(7) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory rule.

(8) Nothing in section 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).

Extent Information

E80 This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 46 and subsequent amendments; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F142 S. 67(4) repealed (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2**; S.R. 2000/140, art. 2, **Sch.** Appendix

F143 Words in s. 67(5) substituted (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 15** (with art. 17); S.R. 2000/140, art.2, **Sch.**

Commencement Information

I49 S. 67 wholly in force at 30.5.1996; s. 67 not in force at Royal Assent see s. 70(3); s. 67 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(i)**; s. 67 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(h)**

VALID FROM 05/12/2005

[F112 67A Exercise of discretion under section 67(5A)

(1) Before the Secretary of State decides which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of any particular order under section 47(1), he must consult the Disabled Persons Transport Advisory Committee.

(2) An order under section 47(1) may be made without a draft of the instrument that contains it having been laid before, and approved by a resolution of, each House of Parliament only if—

(a) regulations under subsection (3) are in force; and

(b) the making of the order without such laying and approval is in accordance with the regulations.

(3) Regulations may set out the basis on which the Secretary of State, when he comes to make an order under section 47(1), will decide which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of the order.

(4) Before making regulations under subsection (3), the Secretary of State must consult—

(a) the Disabled Persons Transport Advisory Committee; and

(b) such other persons as he considers appropriate.]

Textual Amendments

F112 S. 67A inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. {6(4)}, 20(3)-(6); S.I. 2005/2774, **art. 3(d)**

VALID FROM 05/12/2005

[F113 67B Annual report on rail vehicle exemption orders

(1) The Secretary of State must after each 31st December prepare, in respect of the year that ended with that day, a report on—

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

(a) the exercise in that year of the power to make orders under section 47(1); and
(b) the exercise in that year of the discretion under section 67(5A).

(2) A report under subsection (1) must (in particular) contain—
(a) details of each order made under section 47(1) in the year in respect of which the report is made; and
(b) details of consultation carried out under sections 47(3) and 67A(1) in connection with orders made in that year under section 47(1).

(3) The Secretary of State must lay before each House of Parliament each report that he prepares under this section.**]**

Textual Amendments

F113 S. 67B inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. {6(5)}, 20(3)-(6); S.I. 2005/2774, **art. 3(d)**

68 Interpretation. E+W+S

(1) In this Act—

"accessibility certificate" means a certificate issued under section 41(1)(a);

"act" includes a deliberate omission;

"approval certificate" means a certificate issued under section 42(4);

"benefits", in Part II, has the meaning given in section 4(4);

"conciliation officer" means a person designated under section 211 of the [M36]Trade Union and Labour Relations (Consolidation) Act 1992;

"employment" means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do any work, and related expressions are to be construed accordingly;

"employment at an establishment in Great Britain" is to be construed in accordance with subsections (2) to (5);

"enactment" includes subordinate legislation and any Order in Council **[**[F114], and (except in section 56(5)) includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament**]**;

"licensing authority" means—

(a) in relation to the area to which the [M37]Metropolitan Public Carriage Act 1869 applies, the Secretary of State or the holder of any office for the time being designated by the Secretary of State; or

(b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area;

"mental impairment" does not have the same meaning as in the [M38]Mental Health Act 1983 or the [M39]Mental Health (Scotland) Act 1984 but the fact that an impairment would be a mental impairment for the purposes of either of those Acts does not prevent it from being a mental impairment for the purposes of this Act;

"Minister of the Crown" includes the Treasury;

"occupational pension scheme" has the same meaning as in the [M40]Pension Schemes Act 1993;

"premises" includes land of any description;

"prescribed" means prescribed by regulations;

"profession" includes any vocation or occupation;

"provider of services" has the meaning given in section 19(2)(b);

"public service vehicle" and "regulated public service vehicle" have the meaning given in section 40;

"PSV accessibility regulations" means regulations made under section 40(1);

"rail vehicle" and "regulated rail vehicle" have the meaning given in section 46;

"rail vehicle accessibility regulations" means regulations made under section 46(1);

"regulations" means regulations made by the Secretary of State;

"section 6 duty" means any duty imposed by or under section 6;

"section 15 duty" means any duty imposed by or under section 15;

"section 21 duty" means any duty imposed by or under section 21;

"subordinate legislation" has the same meaning as in section 21 of the [M41]Interpretation Act 1978;

"taxi" and "regulated taxi" have the meaning given in section 32;

"taxi accessibility regulations" means regulations made under section 32(1);

"trade" includes any business;

"trade organisation" has the meaning given in section 13;

"vehicle examiner" means an examiner appointed under section 66A of the [M42]Road Traffic Act 1988.

[[F115](2) Where an employee does his work wholly outside Great Britain, his employment is not to be treated as being work at an establishment in Great Britain.**]**

(3) Except in prescribed cases, employment on board a ship, aircraft or hovercraft is to be regarded as not being employment at an establishment in Great Britain.

(4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in Great Britain.

(5) Where work is not done at an establishment it shall be treated as done—

(a) at the establishment from which it is done; or

(b) where it is not done from any establishment, at the establishment with which it has the closest connection.

Extent Information

E70 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

F114 S. 68(1): Words in the definition of "enactment" inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)

F115 S. 68(2) substituted (E.W.S.) (16.12.1999) by S.I. 1999/3163, **reg. 4**

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Commencement Information

I41 S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III** ; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

Marginal Citations

M36 1992 c. 52.
M37 1869 c. 115.
M38 1983 c. 20.
M39 1984 c. 36.
M40 1993 c. 48.
M41 1978 c. 30.
M42 1988 c. 52.

68 Interpretation. N.I.

[[F144](1) In this Act—

"accessibility certificate" means a certificate issued under section 41(1)(a);

"act" includes a deliberate omission;

"the Agency" means the Labour Relations Agency;

"approval certificate" means a certificate issued under section 42(4);

"the Assembly" means the Northern Ireland Assembly;

"benefits", in Part II, has the meaning given in section 4(4);

"the Department of Economic Development" means the Department of Economic Development in Northern Ireland;

"the Department of the Environment" means the Department of the Environment for Northern Ireland;

"the Department of Health and Social Services" means the Department of Health and Social Services for Northern Ireland;

"employment" means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do work and related expressions are to be construed accordingly;

"employment at an establishment in Northern Ireland" is to be construed in accordance with subsections (2) to (5);

"enactment" means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 **[**[F145], and (except in section 56(5)) includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament**]**;

"government department" means a Northern Ireland department or a department of the Government of the United Kingdom;

"Minister of the Crown" includes the Treasury;

"Northern Ireland department" includes (except in sections 51 and 52) the head of a Northern Ireland department;

"occupational pension scheme" has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;

"premises", includes land of any description;

"prescribed" means prescribed by regulations;

"profession" includes any vocation or occupation;

"provider of services" has the meaning given in section 19(2)(b);

"public service vehicle" and "regulated public service vehicle" have the meaning given in section 40;

"PSV accessibility regulations" means regulations made under section 40(1);

"rail vehicle" and "regulated rail vehicle" have the meaning given in section 46;

"rail vehicle accessibility regulations" means regulations made under section 46(1);

"regulations" means—

(a) in Parts I and II of this Act, section 66, the definition of "employment" above and subsections (3) and (4) below, regulations made by the Department of Economic Development;

(b) in Part V of this Act, regulations made by the Department of the Environment;

(c) in any other provision of this Act, regulations made by the Department of Health and Social Services.

"section 6 duty" means any duty imposed by or under section 6;

"section 15 duty" means any duty imposed by or under section 15;

"section 21 duty" means any duty imposed by or under section 21;

"taxi" and "regulated taxi" have the meaning given in section 32;

"taxi accessibility regulations" means regulations made under section 32(1);

"trade" includes any business;

"trade organisation" has the meaning given in section 13;

"vehicle examiner" means an officer of the Department of the Environment authorised by that Department for the purposes of sections 41 and 42.**]**

[[F146](2) Where an employee does his work wholly outside Northern Ireland, his employment is not to be treated as being work at an establishment in Northern Ireland.**]**

(3) Except in prescribed cases, employment on board a ship, aircraft or hovercraft is to be regarded as not being employment at an establishment in **[**[F146]Northern Ireland**]**.

(4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in **[**[F146]Northern Ireland**]**.

(5) Where work is not done at an establishment it shall be treated as done—

(a) at the establishment from which it is done; or

(b) where it is not done from any establishment, at the establishment with which it has the closest connection.

Extent Information

E81 This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 47 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F144 S. 68(1) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.

F145 S. 68(1): words in the definition of "enactment" inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)

F146 S. 68(2) and words in s. 68(3)(4) substituted (N.I.) (9.3.2000) by virtue of S.R. 2000/8, **art. 3(2)**

Commencement Information

I50 S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

69 Financial provisions.

There shall be paid out of money provided by Parliament—

(a) any expenditure incurred by a Minister of the Crown under this Act;

(b) any increase attributable to this Act in the sums payable out of money so provided under or by virtue of any other enactment.

Commencement Information

I42 S. 69 wholly in force at 30.5.1996; s. 69 not in force at Royal Assent see. s. 70(3); s. 69 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(k)**; s. 69 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(j)**

70 Short title, commencement, extent etc.

(1) This Act may be cited as the Disability Discrimination Act 1995.

(2) This section (apart from subsections (4), (5) and (7)) comes into force on the passing of this Act.

(3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint and different days may be appointed for different purposes.

(4) Schedule 6 makes consequential amendments.

(5) The repeals set out in Schedule 7 shall have effect.

(6) This Act extends to Northern Ireland, but in their application to Northern Ireland the provisions of this Act mentioned in Schedule 8 shall have effect subject to the modifications set out in that Schedule.

[[F116](7) In Part II of Schedule 1 to the [M43]House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the [M44]Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) in each case insert at the appropriate places—

[[F117]"The National Disability Council. "**]**

"The Northern Ireland Disability Council"**]**

(8) Consultations which are required by any provision of this Act to be held by the Secretary of State may be held by him before the coming into force of that provision.

Subordinate Legislation Made

P1 S. 70(3) power partly exercised: 1.1.1996 appointed day for specified provisions by S.I. 1995/3330, **art. 2**
S. 70(3) power partly exercised: 2.1.1996 appointed day for specified provisions by S.R. 1996/1, **art. 2**
S. 70(3) power partly exercised: 17.5.1996 appointed day for specified provisions by S.I. 1996/1336, **art. 3**
S. 70(3) power partly exercised: 30.5.1996 appointed day for specified provisions by S.R. 1996/219, **art. 3**
S. 70(3) power partly exercised: different days appointed for specified provisions by S.I. 1996/1474, **art. 2**
S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1996/280, **art. 2**
S. 70(3) power partly exercised: 2.12.1996 appointed day for specified provision by S.R. 1996/580, **art. 2**
S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 1999/1190, **arts. 2-5**
S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1999/196, **arts. 2-4**
S. 70(3) power partly exercised: 13.5.1998 appointed day for specified provisions by S.R. 1998/183, **art. 2**
S. 70(3) power partly exercised: 30.8.2000 appointed for specified provisions by S.I. 2000/1969, **art. 2**
S. 70(3) power partly execised: different dates appointed for specified provisions and purposes by S.I. 2000/2989, **arts. 2**, 3
S. 70(3) power partly exercised: different dates appointed for specified provisions and purposes by S.R. 2001/163, **art. 2**
S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 2001/2030, **arts. 2**, 3
S. 70(3) power partly exercised: different dates appointed for specified purposes by S.R. 2001/439, **art. 2(1)**
s. 70(3) power partly exercised: 21.1.2003 appointed day for specified provisions by S.R. 2003/24, **art. 2**
s. 70(3) power partly exercised: 5.2.2003 appointed day for specified provision by S.I. 2003/215, **art. 2**
s. 70(3) power partly exercised: 6.4.2005 appointed day for specified provision by S.I. 2005/1122, **art. 2**
s. 70(3) power partly exercised: 3.6.2008 appointed day for specified provision by S.R. 2008/236, **art. 2**

Extent Information

E71 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F116 S. 70(7) repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.** Appendix

F117 Words in s. 70(7) repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2** Appendix

Status: *Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)*

Modifications etc. (not altering text)

C54 S. 70(3) applied (1.11.1996) by 1996 c. 56, **s. 583(2)(5)(b)** (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I43 S. 70 partly in force at Royal Assent see s. 70(2)(3); S. 70(7) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(l)**; s. 70(7) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(k)**; s. 70(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 70(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 70(5) in force (E.W.S.) for specified purposes at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III** (with s. 3); s. 70(5) in force for specified purposes (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II** (with art. 3)

Marginal Citations

M43 1975 c. 24.
M44 1975 c. 25.

Status:
Point in time view as at 30/08/2000. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Disability Discrimination Act 1995.