

# Disability Discrimination Act 1995

# **CHAPTER 50**

# **DISABILITY DISCRIMINATION ACT 1995**

### PART I

# DISABILITY

- 1 Meaning of "disability" and "disabled person"
- 2 Past disabilities
- 3 Guidance

# PART II

### **EMPLOYMENT**

# Discrimination by employers

- 4 Discrimination against applicants and employees
- 5 Meaning of "discrimination"
- 6 Duty of employer to make adjustments
- 7 Exemption for small businesses

### Enforcement etc.

- 8 Enforcement, remedies and procedure
- 9 Validity of certain agreements
- 10 Charities and support for particular groups of persons
- 11 Advertisements suggesting that employers will discriminate against disabled persons

# Discrimination by other persons

- 12 Discrimination against contract workers
- 13 Discrimination by trade organisations

- 14 Meaning of "discrimination" in relation to trade organisations
- 15 Appeal against refusal of exemption certificate

### Premises occupied under leases

16 Alterations to premises occupied under leases

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- 17 Occupational pension schemes
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#### PART III

# DISCRIMINATION IN OTHER AREAS

### Goods, facilities and services

- 19 Discrimination in relation to goods, facilities and services
- 20 Meaning of "discrimination"
- 21 Duty of providers of services to make adjustments

#### Premises

- 22 Discrimination in relation to premises
- 23 Exemption for small dwellings
- 24 Meaning of "discrimination"

### Enforcement, etc.

- 25 Enforcement, remedies and procedure
- 26 Validity and revision of certain agreements
- 27 Alterations to premises occupied under leases
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#### **PART IV**

### **EDUCATION**

- 29 Education of disabled persons
- 30 Further and higher education of disabled persons. 1992 c. 13
- Further and higher education of disabled persons: Scotland. 1992 c. 37

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#### PUBLIC TRANSPORT

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- 33 Designated transport facilities
- New licences conditional on compliance with taxi accessibility regulations
- 35 Exemption from taxi accessibility regulations
- 36 Carrying of passengers in wheelchairs
- 37 Carrying of guide dogs and hearing dogs
- 38 Appeal against refusal of exemption certificate
- 39 Requirements as to disabled passengers in Scotland

### Public service vehicles

- 40 PSV accessibility regulations
- 41 Accessibility certificates
- 42 Approval certificates
- 43 Special authorisations
- 44 Reviews and appeals
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- 48 Offences by bodies corporate etc
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### THE NATIONAL DISABILITY COUNCIL

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- 51 Codes of practice prepared by the Council
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- 55 Victimisation
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### PART VIII

### **MISCELLANEOUS**

- 60 Appointment by Secretary of State of advisers
- 61 Amendment of Disabled Persons (Employment) Act 1944
- 62 Restriction of publicity: industrial tribunals
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- 70 Short title, commencement, extent etc

### **SCHEDULES**

# SCHEDULE 1 — Provisions Supplementing Section 1

## *Impairment*

1 (1) "Mental impairment" includes an impairment resulting from or consisting...

### Long-term effects

2 (1) The effect of an impairment is a long-term effect...

### Severe disfigurement

3 (1) An impairment which consists of a severe disfigurement is...

# Normal day-to-day activities

4 (1) An impairment is to be taken to affect the...

### Substantial adverse effects

5 Regulations may make provision for the purposes of this Act—...

# Effect of medical treatment

6 (1) An impairment which would be likely to have a...

# Persons deemed to be disabled

7 (1) Sub-paragraph (2) applies to any person whose name is,...

# Progressive conditions

8 (1) Where— (a) a person has a progressive condition (such...

### SCHEDULE 2 — Past Disabilities

- 1 The modifications referred to in section 2 are as follows....
- 2 References in Parts II and III to a disabled person...
- 3 In section 6(1), after "not disabled" insert "and who have...
- 4 In section 6(6), for "has" substitute "has had".
- 5 For paragraph 2(1) to (3) of Schedule 1, substitute—

# SCHEDULE 3 — Enforcement and Procedure

Part I — EMPLOYMENT

### Conciliation

1 (1) Where a complaint is presented to an industrial tribunal...

# Restriction on proceedings for breach of Part II

2 (1) Except as provided by section 8, no civil or...

# Period within which proceedings must be brought

3 (1) An industrial tribunal shall not consider a complaint under...

### Evidence

4 (1) In any proceedings under section 8, a certificate signed...
Part II — DISCRIMINATION IN OTHER AREAS

Restriction on proceedings for breach of Part III

5 (1) Except as provided by section 25 no civil or...

Period within which proceedings must be brought

6 (1) A county court or a sheriff court shall not...

Compensation for injury to feelings

7 In any proceedings under section 25, the amount of any...

### Evidence

8 (1) In any proceedings under section 25, a certificate signed...

SCHEDULE 4 — Premises Occupied Under Leases

Part I — OCCUPATION BY EMPLOYER OR TRADE ORGANISATION

Failure to obtain consent to alteration

1 If any question arises as to whether the occupier has...

Joining lessors in proceedings under section 8

2 (1) In any proceedings under section 8, in a case...

### Regulations

3 Regulations may make provision as to circumstances in which—

# Sub-leases etc.

4 The Secretary of State may by regulations make provision supplementing,...

Part II — OCCUPATION BY PROVIDER OF SERVICES

Failure to obtain consent to alteration

5 If any question arises as to whether the occupier has...

# Reference to court

6 (1) If the occupier has applied in writing to the...

Joining lessors in proceedings under section 25

7 (1) In any proceedings on a claim under section 25,...

### Regulations

8 Regulations may make provision as to circumstances in which—

### Sub-leases etc.

9 The Secretary of State may by regulations make provision supplementing,...

SCHEDULE 5 — The National Disability Council

### Status

1 (1) The Council shall be a body corporate.

### Procedure

2 The Council has power to regulate its own procedure (including...

### Membership

3 (1) The Council shall consist of at least 10, but...

# Term of office of members

4 (1) Each member shall be appointed for a term which...

# Remuneration

5 (1) The Secretary of State may pay such remuneration or...

# Staff

6 The Secretary of State shall provide the Council with such...

Supplementary regulation-making power

7 The Secretary of State may by regulations make provision—

### Annual report

8 (1) As soon as is practicable after the end of...

# SCHEDULE 6 — Consequential Amendments

Employment and Training Act 1973 (c. 50)

1 In section 12(1) of the Employment and Training Act 1973...

Employment Protection (Consolidation) Act 1978 (c. 44)

- 2 In section 136(1) of the Employment Protection (Consolidation) Act
- 3 In paragraph 20 of Schedule 13 to that Act (reinstatement...

# Companies Act 1985 (c. 6)

4 In paragraph 9 of Schedule 7 to the Companies Act...

### Local Government and Housing Act 1989 (c. 42)

5 In section 7 of the Local Government and Housing Act...

# Enterprise and New Towns (Scotland) Act 1990 (c. 35)

6 In section 16 of the Enterprise and New Towns (Scotland)...

# SCHEDULE 7 — Repeals

## SCHEDULE 8 — Modifications of this Act in its application to Northern Ireland

- 1 In its application to Northern Ireland this Act shall have...
- 2 (1) In section 3(1) for "Secretary of State" substitute "Department"....
- 3 In section 4(6) for "Great Britain" substitute "Northern Ireland".
- 4 (1) In section 7(2) for "Secretary of State" substitute "Department...
- 5 (1) In section 8(3) omit "or (in Scotland) in reparation"....
- 6 (1) In section 9(2)(a) for "a conciliation officer" substitute "the...
- 7 (1) In section 10(1)(b) omit "or recognised body".
- 8 In section 12(5) for "Great Britain" where it twice...
- 9 (1) In section 19(3)(g) for "section 2 of the Employment...
- 10 In section 20(7) for paragraphs (b) and (c) substitute ;...
- In section 22(4) and (6) omit "or (in Scotland) the...
- 12 (1) In section 25(1) omit "or (in Scotland) in reparation"....
- 13 In section 26(3) omit "or a sheriff court".
- 14 (1) In section 28 for "Secretary of State" wherever it...
- 15 Omit sections 29, 30 and 31.
- 16 (1) In section 32(1) for "Secretary of State" substitute "Department...
- 17 In section 33, for "Secretary of State", wherever it occurs,...
- 18 For section 34 substitute— New licences conditional on compliance with...
- 19 Omit section 35.
- 20 In section 36(7) for "licensing authority" substitute "Department of the...
- 21 (1) In section 37(5) and (6) for "licensing authority" substitute...
- 22 (1) In section 38(1) for "a licensing authority" substitute "the...
- 23 Omit section 39.
- 24 (1) In section 40 for "Secretary of State" wherever it...
- 25 (1) In section 41(2) for "Secretary of State" substitute "Department...
- 26 (1) In section 42 for "Secretary of State" wherever it...
- 27 In section 43 for "Secretary of State" wherever it occurs...
- 28 (1) In section 44 for "Secretary of State" wherever it...
- 29 (1) In section 45 for "Secretary of State" wherever it...
- 30 (1) In section 46 for "Secretary of State" wherever it...
- 31 (1) In section 47 for "Secretary of State" wherever it...
- 32 Omit section 48(3).
- 33 (1) In the heading to Part VI of this Act...
- 34 (1) In section 51(1) for "the Secretary of State" substitute...
- For section 52 substitute— Further provisions about codes issued under...
- 36 (1) In section 53 for "Secretary of State" wherever it...
- For section 54 substitute—Further provisions about codes issued under
- 38 In section 56(2) and (4) for "Secretary of State" substitute...
- 39 In section 59(1) after "Crown" where it twice occurs insert...

- 40 (1) In section 60(1) to (3) for "Secretary of State"...
- For section 61 substitute— Amendments of Disabled Persons (Employment) Act...
- 42 (1) In section 62(2) for "Secretary of State" substitute "Department...
- 43 Omit section 63.
- 44 (1) In section 64(3) for "England and Wales" substitute "Northern...
- 45 Omit section 65.
- For section 67 substitute— Regulations and orders etc. (1) Any power under this Act to make regulations or...
- 47 (1) For section 68(1) substitute—(1) In this Act—"accessibility...
- 48 (1) In section 70(3) for "Secretary of State" substitute "Department...
- 49 (1) In Schedule 1 in paragraph 7(1) for "Act 1944"...
- 50 (1) In Schedule 3 in paragraph 1—
- 51 (1) In Schedule 4 in paragraphs 2(1) and (5) and...
- 52 (1) In Schedule 5 in the heading for "National" substitute...
- 53 For Schedules 6 and 7 substitute— SCHEDULE 6 Consequential Amendments...