

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 2(2).

PAST DISABILITIES

1

[^{F1}The modifications referred to in section 2 are as follows.]

Extent Information

- E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only.

Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Commencement Information

- I1** [Sch. 2](#) wholly in force at 30.5.1996; [Sch. 2](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(m\)](#); [Sch. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(1\)](#)

2

[^{F2}References in Parts II [^{F3}, III and VA][^{F4} and Part III of the 2005 Order] to a disabled person are to be read as references to a person who has had a disability.]

Extent Information

- E2** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only. Prior to that repeal, different versions of this provision had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Textual Amendments

- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F3** Words in [Sch. 2](#) para. 2 substituted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, [Sch. 1 para. 28\(2\)](#); [S.R. 2007/430](#), [art. 2\(b\)](#)
- F4** Words in [Sch. 2](#) para. 2 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by [The Special Educational Needs and Disability \(Northern Ireland\) Order \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, {48(9)}; [S.R. 2005/336](#), [art. 2](#), [Sch.](#) (as amended (16.1.2007) by [S.R. 2007/25](#), [art. 2](#)); [S.R. 2005/337](#), [art. 2](#), [Sch.](#)

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Commencement Information

I2 Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

- 2A F5
- 2B F6

Textual Amendments

F6 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, Sch. 2) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, art. 16); S.I. 2010/2317, art. 2(15)(f) (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, art. 2(h)

[^{F7}2C ^{F8}

Textual Amendments

- F7** Sch. 2 para. 2C inserted (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), 29(1)(a)
- F8** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, Sch. 2) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, art. 16); S.I. 2010/2317, art. 2(15)(f) (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, art. 2(h)

[^{F9}3 [^{F10}In sections 4A(1), 4B(4), 4E(1), 4H(1), 6B(1), 7B(1), 14(1), 14B(1), 14D(1) [^{F11}, 15C(1)] and 16A(4), section 21A(4)(a) (in the words to be read as section 19(1)(aa)) and section 21A(6)(a) (in the words to be substituted in section 21(1)), after “not disabled” (in each place it occurs) insert “ and who have not had a disability ”.]]

Extent Information

E4 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only. Prior to that repeal, different versions of this provision had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Textual Amendments

- F9** Sch. 2 para. 3 substituted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 insofar as not yet in force) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), {reg. 28(1)(b)}
- F10** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, Sch. 2) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, art. 16); S.I. 2010/2317, art. 2(15)(f) (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, art. 2(h)

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F11 Words in Sch. 2 para. 3 inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, **Sch. 1 para. 28(3)**; S.R. 2007/430, **art. 2**

Commencement Information

I3 [Sch. 2](#) wholly in force at 30.5.1996; [Sch. 2](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336, art. 3\(m\)](#); [Sch. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219, art. 3\(1\)](#)

[^{F12} ^{F13}In sections 4A(3)(b), 4E(3)(b), 4H(3)(b), 6B(3)(b), 7B(3)(b), 14(3)(b), 14B(3)(b), 14D(3)(b) [^{F14}, 15C(3)(a)] and 16A(6), for “has” (in each place it occurs) substitute “ has had ”.]

Extent Information

E5 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only. Prior to that repeal, different versions of this provision had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Textual Amendments

F12 [Sch. 2 para. 4](#) substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **28(1)(c)**

F13 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

F14 Words in [Sch. 2 para. 4](#) inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, **Sch. 1 para. 28(4)**; S.R. 2007/430, **art. 2(b)**

Commencement Information

I4 [Sch. 2](#) wholly in force at 30.5.1996; [Sch. 2](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336, art. 3\(m\)](#); [Sch. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219, art. 3\(1\)](#)

[^{F15}4ZA ^{F16}

Textual Amendments

F15 [Sch. 2 para. 4ZA, 4ZB](#) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 37(6)**; [S.I. 2005/2774, art. 4\(f\)](#)

F16 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

4ZB ^{F17}

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Textual Amendments

- F15** Sch. 2 para. 4ZA, 4ZB inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 37\(6\)](#); S.I. 2005/2774, [art. 4\(f\)](#)
- F17** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A–49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, [art. 16](#)); S.I. 2010/2317, [art. 2\(15\)\(f\)](#) (with arts. 4–25, Schs. 1–16); S.I. 2011/1066, [art. 2\(h\)](#)

[^{F18} 4A	F19]
F20 4B	F21
[^{F22F23} 4C	F24]

Textual Amendments

- F22** Sch. 2 para. 4C substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), regs. 1, [18\(2\)](#)
- F23** Sch. 2 paras. 4A–4E inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(13\)](#) (with s. 43(13)); S.I. 2002/2217, art. 3, [Sch. 1 Pt. I](#)
- F24** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A–49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, [art. 16](#)); S.I. 2010/2317, [art. 2\(15\)\(f\)](#) (with arts. 4–25, Schs. 1–16); S.I. 2011/1066, [art. 2\(h\)](#)

F25 4D	F26
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Textual Amendments

- F25** Sch. 2 paras. 4A–4E inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(13\)](#) (with s. 43(13)); S.I. 2002/2217, art. 3, [Sch. 1 Pt. I](#)
- F26** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A–49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, [art. 16](#)); S.I. 2010/2317, [art. 2\(15\)\(f\)](#) (with arts. 4–25, Schs. 1–16); S.I. 2011/1066, [art. 2\(h\)](#)

F27 4E	F28
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Textual Amendments

- F27** Sch. 2 paras. 4A–4E inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 39\(13\)](#) (with s. 43(13)); S.I. 2002/2217, art. 3, [Sch. 1 Pt. I](#)
- F28** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A–49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, [art. 16](#)); S.I. 2010/2317, [art. 2\(15\)\(f\)](#) (with arts. 4–25, Schs. 1–16); S.I. 2011/1066, [art. 2\(h\)](#)

[^{F29}For paragraph 2(1) to (3) of Schedule 1, substitute—

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- “(1) The effect of an impairment is a long-term effect if it has lasted for at least 12 months.
- (2) Where an impairment ceases to have a substantial adverse effect on a person’s ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect recurs.
- (3) For the purposes of sub-paragraph (2), the recurrence of an effect shall be disregarded in prescribed circumstances.”]

Extent Information

- E8** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only.

Textual Amendments

- F29** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Commencement Information

- I5** [Sch. 2](#) wholly in force at 30.5.1996; [Sch. 2](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(m\)](#); [Sch. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(1\)](#)

- [^{F30F31}6** References in Chapter I of Part III of the 2005 Order to a disabled pupil are to be read as references to a pupil who has had a disability.

Textual Amendments

- F30** [Sch. 2 paras. 6-13](#) inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order ([S.I. 2005/1117 \(N.I. 6\)](#)), art. 1, {48(10)}; [S.R. 2005/336](#), [art. 2](#), [Sch.](#) (as amended 16.1.2007 by [S.R. 2007/25](#), [art. 2](#)); [S.R. 2005/337](#), [art. 2](#), [Sch.](#)
- F31** [Sch. 2 para. 6](#) substituted without change of text (10.8.2006 for certain purposes and 1.9.2006 insofar as not yet in force) by virtue of [S.R. 2006/332](#), [regs. 1\(2\)\(3\)](#), [14](#)

- F327** References in Chapter II of Part III of the 2005 Order to a disabled student are to be read as references to a student who has had a disability.

Textual Amendments

- F30** [Sch. 2 paras. 6-13](#) inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order ([S.I. 2005/1117 \(N.I. 6\)](#)), art. 1, {48(10)}; [S.R. 2005/336](#), [art. 2](#), [Sch.](#) (as amended 16.1.2007 by [S.R. 2007/25](#), [art. 2](#)); [S.R. 2005/337](#), [art. 2](#), [Sch.](#)
- F32** [Sch. 2 para. 7](#) substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of [S.R. 2006/332](#), [regs. 1\(2\)\(3\)](#), [14](#)

- F33g** In Article 15(3)(a) and (4) of the 2005 Order, after “disabled” insert “ or that he had had a disability ”.

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Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F33** Sch. 2 para. 8 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- ^{F34}9 In Article 16(1) of the 2005 Order, in sub-paragraphs (a) and (b), after “not disabled” insert “ and who have not had a disability ”.

Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F34** Sch. 2 para. 9 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- [^{F35}10 (1) In Article 29 of the 2005 Order in paragraph (3)(a), after “disabled” insert “ or that he had had a disability ”;
- (2) in paragraph (6)(a) of that Article, after “who do not have” insert “ and have not had ”; and
- (3) in paragraph (10) of that Article, for “that particular disability” substitute “ and who has not had that particular disability and ”.]

Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F35** Sch. 2 para. 10 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- [^{F36}11 In Articles 30(1)(c), (1A)(d), (1B)(c), (1C) and (1D) and 37(1)(d), 2(c) and (3) of the 2005 Order, after “not disabled” insert “ and who have not had a disability ”.]

Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F36** Sch. 2 para. 11 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- ^{F37}12 In Article 35(8) of the 2005 Order after “not having that particular disability” insert “ and who has not had that particular disability ”.

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Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F37** Sch. 2 para. 12 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

^{F38}13 In Article 37(4)(b) of the 2005 Order for “has” substitute “ has had ”.]

Textual Amendments

- F30** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F38** Sch. 2 para. 13 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

Status:

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