

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

Section 2(2).

#### PAST DISABILITIES

1 The modifications referred to in section 2 are as follows.

##### Annotations:

##### Commencement Information

- II** 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 References in Parts II [<sup>F1</sup>to 4][<sup>F2</sup>and 5A] to a disabled person are to be read as references to a person who has had a disability.

[<sup>F3</sup>2A In section 3A(5), after “not having that particular disability” insert “ and who has not had that particular disability ”.]

##### Annotations:

##### Amendments (Textual)

- F3** Sch. 2 para. 2A inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004 ) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), {regs. 1(2)(3), 28(1)(a)}

[<sup>F4</sup>2A References in Chapter 1 of Part 4 to a disabled pupil are to be read as references to a pupil who has had a disability.]

##### Annotations:

##### Amendments (Textual)

- F4** Sch. 2 paras. 2A, 2B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(12) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

<sup>F5</sup>2B References in Chapter 2 of Part 4 to a disabled student are to be read as references to a student who has had a disability.

##### Annotations:

##### Amendments (Textual)

- F5** Sch. 2 paras. 2A, 2B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(12) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

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[<sup>F6</sup>2C In [<sup>F7</sup>sections 3A(5) and 31AB(8)], after “not having that particular disability” insert “and who has not had that particular disability ”.]

**Annotations:**

**Amendments (Textual)**

- F6** 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)
- F7** Words in Sch. 2 para. 2C substituted (1.9.2007) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 37(3); S.I. 2007/1555, art. 3(b)

[<sup>F8</sup>3 In sections 4A(1), 4B(4), 4E(1), [<sup>F9</sup>4H(1),] 6B(1), 7B(1), 7D(1), 14(1), 14B(1), 14D(1) [<sup>F10</sup>, 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)) [<sup>F11</sup>and section 31AD(1)(d), (2)(c) and (3),] after “not disabled” (in each place it occurs) insert “and who have not had a disability ”.]

[<sup>F12</sup>4 In sections 4A(3)(b), 4E(3)(b), [<sup>F13</sup>4H(3)(b),] 6B(3)(b), 7B(4)(b), 7D(3)(b), 14(3)(b), 14B(3)(b), 14D(3)(b) [<sup>F14</sup>, 15C(3)(a)] [<sup>F15</sup>, 16A(6) and 31AD(4)(b),] for “has” (in each place it occurs) substitute “has had ”.]

[<sup>F16</sup>4A In section 24(3)(e)(i) and (f)(i), after “having” insert had.

**Annotations:**

**Amendments (Textual)**

- F16** Sch. 2 paras. 4A, 4B 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(5); S.R. 2007/430, art. 2

4B In sections 24D(2)(a) and 24J(3)(b), for “did not have” substitute had not had.]

**Annotations:**

**Amendments (Textual)**

- F16** Sch. 2 paras. 4A, 4B 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(5); S.R. 2007/430, art. 2

[<sup>F17</sup>4ZA In section 24(3)(e)(i) and (f)(i), after “having” insert “ had ”

**Annotations:**

**Amendments (Textual)**

- F17** 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)

4ZB In sections 24D(2)(a) and 24J(3)(b), for “did not have” substitute “ had not had ”.]

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**Annotations:**

**Amendments (Textual)**

**F17** 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)

[<sup>F18</sup>4A In section 28B(3)(a) and (4), after “disabled” insert “or that he had had a disability”.]

**Annotations:**

**Amendments (Textual)**

**F18** 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

<sup>F19</sup>4B In section 28C(1), in paragraphs (a) and (b), after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

**F19** 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

[<sup>F20F21</sup>4C In section 28S  
(a) in subsection (3)(a), after “disabled” insert “ or that he had had a disability ”,  
(b) in subsection (6)(a), after “who do not have” insert “ and have not had ”, and  
(c) in subsection (10), for “that particular disability” substitute “and who has not had that particular disability and]

**Annotations:**

**Amendments (Textual)**

**F20** 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)

**F21** 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

<sup>F22</sup>4D In [<sup>F23</sup>subsections (1), (1A), (1B) (1C) and (1D)] of section 28T, after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

**F22** 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

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**F23** Words in Sch. 2 para. 4D 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(3)**

<sup>F24</sup>4E In [<sup>F25</sup>subsection (1) of that section] as substituted by paragraphs 2 [<sup>F26</sup>9, 14 and 21] of Schedule 4C, after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

- F24** 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. 1**
- F25** Words in Sch. 2 para. 4E 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(4)(a)**
- F26** Words in Sch. 2 para. 4E 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(4)(b)**

5 For paragraph 2(1) to (3) of Schedule 1, substitute—

- “(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.”

**Annotations:**

**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)**

<sup>F27</sup><sup>F28</sup>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.

**Annotations:**

**Amendments (Textual)**

- F27** 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.
- F28** 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**

<sup>F29</sup>7 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.

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**Annotations:**

**Amendments (Textual)**

- F27** 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.
- F29** 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

- <sup>F30</sup>g In Article 15(3)(a) and (4) of the 2005 Order, after “disabled” insert “ or that he had had a disability ”.

**Annotations:**

**Amendments (Textual)**

- F27** 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.
- F30** 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

- <sup>F31</sup>g 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 ”.

**Annotations:**

**Amendments (Textual)**

- F27** 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. 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

- <sup>F32</sup>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 ”.]

**Annotations:**

**Amendments (Textual)**

- F27** 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. 10 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

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[<sup>F33</sup>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 ”.]

**Annotations:**

**Amendments (Textual)**

- F27** 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. 11 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

<sup>F34</sup>12 In Article 35(8) of the 2005 Order after “not having that particular disability” insert “ and who has not had that particular disability ”.

**Annotations:**

**Amendments (Textual)**

- F27** 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. 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

<sup>F35</sup>13 In Article 37(4)(b) of the 2005 Order for “has” substitute “ has had ”.]

**Annotations:**

**Amendments (Textual)**

- F27** 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. 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

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision 2009 nawm 5 by [S.I. 2010/1148 art. 5\(2\)](#)
- Act applied by [2015 c. 10 \(N.I.\) s. 9\(3\)\(b\)](#)
- Act repealed by [2010 c. 15 Sch. 27 Pt. 1](#) (Sch. 27 Pt. 1 was substituted by [SI 2010/2279](#), art. 13, Sch. 2)
- Act savings for effects of [2010 c. 15 Sch. 27](#) by [S.I. 2010/2279 art. 16\(5\)](#)
- Act transfer of functions by [S.R. 2016/76 Sch. 1 Pt. 2](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 19(4B) inserted by [S.I. 2010/1504 reg. 10](#)
- Sch. 1 para. 4(1)(i)(j) inserted by [2011 c. 27 \(N.I.\) s. 1\(2\)](#)
- Sch. 3 para. 3(1A)(1B) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 11](#)

**Commencement Orders yet to be applied to the Disability Discrimination Act 1995**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/303 art. 2-7 Sch. 1-6](#) commences ([2009 c. 22](#))
- [S.I. 2010/341 art. 2](#) commences ([2005 c. 13](#))
- [S.I. 2010/1151 art. 2-4](#) commences ([2009 c. 22](#))
- [S.I. 2010/2317 art. 2 3](#) commences ([2010 c. 15](#))
- [S.I. 2011/1066 art. 2](#) commences ([2010 c. 15](#))
- [S.R. 2013/216 art. 2](#) commences ([S.I. 2006/312 \(N.I.\)](#))
- [S.R. 2015/35 art. 2](#) commences ([2014 c. 12 \(N.I.\)](#))
- [S.R. 2015/389 art. 2\(3\) Sch. Pt. 3](#) commences ([2008 c. 4 \(N.I.\)](#))
- [S.R. 2016/387 art. 2](#) commences ([2015 c. 9 \(N.I.\)](#))