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## SCHEDULES

### SCHEDULE 2

Section 2(2).

#### PAST DISABILITIES

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

**Annotations:**

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**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:**

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**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:**

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**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:**

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**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

**Changes to legislation:**

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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 \(N.I.\)](#))