



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *Goods, facilities and services*

#### **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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.