

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 21B. (See end of Document for details)



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

^{F1} [^{F2}Public authorities]

[^{F2}21B Discrimination by public authorities **E+W+S**

^{F3}]

Extent Information

E1 This section extended to England, Wales and Scotland only; a separate s. 21B exists for Northern Ireland only.

Textual Amendments

F2 Ss. 21B-21E and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21D and 21E for the purpose only of exercising any power to make regulations, orders or rules of court and otherwise 4.12.2006 for all remaining purposes and for all inserted sections) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {2}, 20(3)-(6); [S.I. 2005/1676](#), [art. 2\(2\)\(a\)](#); [S.I. 2005/2774](#), [art. 4\(a\)](#)

F3 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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\(h\)](#)

[^{F1}21B Discrimination by public authorities **N.I.**

- (1) It is unlawful for a public authority to discriminate against a disabled person in carrying out its functions.
- (2) In this section, and sections 21D and 21E, “public authority”—

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- (a) includes any person certain of whose functions are functions of a public nature; but
 - (b) does not include any person mentioned in subsection (3).
- (3) The persons are—
- (a) either House of Parliament;
 - (b) a person exercising functions in connection with proceedings in Parliament;
 - (c) the Assembly;
 - (d) a person exercising functions in connection with proceedings in the Assembly;
 - (e) the Security Service;
 - (f) the Secret Intelligence Service;
 - (g) the Government Communications Headquarters; and
 - (h) a unit, or part of a unit, of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.
- (4) In relation to a particular act, a person is not a public authority by virtue only of subsection (2)(a) if the nature of the act is private.
- (5) Regulations may provide for a person of a prescribed description to be treated as not being a public authority for the purposes of this section and sections 21D and 21E.
- (6) In the case of an act which constitutes discrimination by virtue of section 55, subsection (1) also applies to discrimination against a person who is not disabled.
- (7) Subsection (1)—
- (a) does not apply to anything which is unlawful under any provision of this Act other than subsection (1) or under any provision of the 2005 Order;
 - (b) does not, subject to subsections (8) and (9), apply to anything which would be unlawful under any such provision but for the operation of any provision in or made under this Act or that Order.
- (8) Subsection (1) does apply in relation to a public authority's function of appointing a person to, and in relation to a public authority's functions with respect to a person as the holder of, an office or post if—
- (a) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
 - (b) sections 4D and 4E would apply in relation to an appointment to the office or post if any of those conditions was satisfied.
- (9) Subsection (1) does apply in relation to a public authority's functions with respect to a person as candidate or prospective candidate for election to, and in relation to a public authority's functions with respect to a person as elected holder of, an office or post if—
- (a) the office or post is not membership of a House of Parliament, the Assembly or a district council;
 - (b) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
 - (c) sections 4D and 4E would apply in relation to an appointment to the office or post if—
 - (i) any of those conditions was satisfied, and
 - (ii) section 4F(1) (but not section 4C(5)) was omitted.

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(10) Subsections (8) and (9)—

- (a) shall not be taken to prejudice the generality of subsection (1); but
- (b) are subject to section 21C(5).]

Extent Information

E2 This section extends to Northern Ireland only; a separate s. 21B for England, Wales and Scotland only repealed (1.10.2010).

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