



Disability Discrimination Act 1995

1995 CHAPTER 50

PART VII

SUPPLEMENTAL

[^{F1}54A Codes of practice.

[^{F2}(1) The Commission may prepare and issue codes of practice giving practical guidance on how to avoid acts which are unlawful under Part II or III of this Act or Part III of the 2005 Order, or on any other matter relating to the operation of any provision of Part II or III of this Act or Part III of the 2005 Order, to—

- (a) employers;
- (b) service providers;
- [^{F3}(ba) public authorities within the meaning given by section 21B;
- (bb) associations to which section 21F applies;]
- (c) bodies which are responsible bodies for the purposes of Chapter I or II of Part III of the 2005 Order; or
- (d) other persons to whom the provisions of Part II or III of this Act or Part III of the 2005 Order apply.

(1A) The Commission may also prepare and issue codes of practice giving practical guidance to any persons on any other matter with a view to—

- (a) promoting the equalisation of opportunities for disabled persons and persons who have had a disability; or
- (b) encouraging good practice in the way such persons are treated,

in any field of activity regulated by any provision of Part II or III of this Act or Part III of the 2005 Order.

(1B) Neither subsection (1) nor (1A) applies in relation to any duty imposed by or under Article 17 or 18 of the 2005 Order.]

[^{F4}(1C) The Commission may prepare and issue codes of practice giving practical guidance to persons subject to duties under section 49A on how to perform those duties.]

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[^{F5}(1D) The Commission may prepare and issue codes of practice giving practical guidance to landlords and tenants as to—

- (a) circumstances in which a tenant requires the consent of his landlord for making a relevant improvement to a dwelling house;
- (b) circumstances in which it is unreasonable to withhold such consent;
- (c) the application of the improvement provisions in relation to relevant improvements to dwelling houses.

(1E) In subsection (1D) the improvement provisions are—

- (a) Article 42(e) of the Rent (Northern Ireland) Order 1978 (NI 20);
- (b) Article 34 of the Housing (Northern Ireland) Order 1983 (NI 15);
- (c) Article 49C.]

(2) The Commission shall, when requested to do so by the Office, prepare a code of practice dealing with the matters specified in the request.

(3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).

(4) The Commission may not issue a code of practice unless—

- (a) a draft of it has been submitted to and approved by the Office and laid by the Office before the Assembly; and
- (b) the statutory period has elapsed without the Assembly resolving not to approve the draft.

(5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.

(6) A code of practice issued by the Commission—

- (a) shall come into effect on such day as the Office may by order appoint;
- (b) may be revised in whole or part, and re-issued, by the Commission; and
- (c) may be revoked by an order made by the Office at the request of the Commission.

(7) Where the Commission proposes to revise a code of practice—

- (a) it shall comply with subsection (3) in relation to the revisions; and
- (b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.

(8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or tribunal to be relevant to any question arising in any proceedings under Part II [^{F6}, III or VA], or any proceedings relating to a relevant improvement, [^{F7} or Part III of the 2005 Order] shall be taken into account in determining that question.

(9) In this section—

“code of practice” means a code of practice under this section;

“the Commission” means the Equality Commission for Northern Ireland;

^{F8}

“the Office” means the Office of the First Minister and deputy First Minister; and

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[^{F9}“relevant improvement” means an improvement (within the meaning of section 49C(9)) to premises which, having regard to the disability which a disabled person who lawfully occupies or is intended lawfully the premises has, is likely to facilitate his enjoyment of the premises.]

“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.

[^{F10}(10) Subject to subsection (12), in relation to a code of practice giving practical guidance wholly or mainly as to—

- (a) any matter relating to the operation of any provision of Chapter I or III of Part III of the 2005 Order; or
- (b) any field of activity regulated by any such provision,

any reference in this section to the Office shall be read as a reference to the Department of Education.

(11) Subject to subsection (12), in relation to a code of practice giving practical guidance wholly or mainly as to—

- (a) any matter relating to the operation of any provision of Chapter II of Part III of the 2005 Order; or
- (b) any field of activity regulated by any such provision,

any reference in this section to the Office shall be read as a reference to the Department for Employment and Learning.

(12) Practical guidance which but for this subsection would fall to be contained in separate codes of practice by virtue of subsections (10) and (11) may be contained in a single code of practice; and in relation to any such code of practice any reference in this section to the Office shall be read as a reference to the Department of Education and the Department for Employment and Learning, acting jointly.]]

Annotations:

Amendments (Textual)

- F1** S. 54A inserted at the beginning of Pt. VII (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(1)** (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, **Sch.**
- F2** S. 54A(1)-(1B) substituted (6.4.2005) for s. 54(1) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(2)** (with art. 47)
- F3** S. 54A(1)(ba)(bb) inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 22(2)**; S.R. 2006/289, **art. 2(1)(b)**
- F4** S. 54A(1C) inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), {Sch. 1 para. 22(3)}; S.R. 2006/289, **art. 2(1)(b)**
- F5** S. 54A(1D)(1E) inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **16(2)**; S.R. 2006/289, **art. 2(1)(a)**
- F6** Words in s. 54A(8) substituted for "or Part III" (31.12.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 22(4)**; S.R. 2007/466, **art. 2(2)(m)**
- F7** Words in s. 54A(8) inserted (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(3)** (with art. 47)
- F8** S. 19(9): definition of "discrimination" omitted (N.I.) (21.2.2004 for certain purposes, otherwise prosp.) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **20(b)**

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- F9** S. 54A(9): definition of "relevant improvement" inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 22(5)**; S.R. 2006/289, **art. 2(1)(b)**
- F10** S. 54A(10)-(12) added (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(4)** (with art. 47)

Modifications etc. (not altering text)

- C1** S. 54A: power to extend conferred (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(2)** (with arts. 11(3), 17); S.R. 2000/140, art. 2, **Sch.**

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Changes and effects yet to be applied to :

- s. 54A(11) words substituted by S.R. 2016/76 Sch. 6 para. 46
- s. 54A(12) words substituted by S.R. 2016/76 Sch. 6 para. 46

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.))