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STATUTORY INSTRUMENTS

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**2003 No. 1673**

The Disability Discrimination Act  
1995 (Amendment) Regulations 2003

PART 2

AMENDMENTS TO THE 1995 ACT

**Enforcement**

**9. —**

(1) Move section 8(1) (enforcement, remedies and procedure), and the preceding cross-heading, to follow section 17; and renumber the section as section 17A.

(2) In that section—

- (a) in subsection (1)(a), after “discriminated against him” insert “, or subjected him to harassment,”;
- (b) in subsection (1)(b), for “discriminated against him in such a way”, substitute “done so”;
- (c) after subsection (1), insert the following subsections—

“(1A) Subsection (1) does not apply to a complaint under section 14A(1) or (2) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

(1B) In subsection (1A), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

(1C) Where, on the hearing of a complaint under subsection (1), the complainant proves facts from which the tribunal could, apart from this subsection, conclude in the absence of an adequate explanation that the respondent has acted in a way which is unlawful under this Part, the tribunal shall uphold the complaint unless the respondent proves that he did not so act.”.

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(1) All references in the 1995 Act to an “employment tribunal” were substituted by the Employment Rights (Dispute Resolution) Act 1998 (c. 8) (“the 1998 Act”), section 1(2)(a). In subsection (7) of section 8, the words “section 14 of” were substituted by the Employment Tribunals Act 1996 (c. 17), section 43, Schedule 1, paragraph 12(1) and (2); and all references in the 1995 Act to the Employment Tribunals Act 1996 were substituted by section 1(2)(c) of the 1998 Act.