
STATUTORY INSTRUMENTS

2010 No. 2128

The Equality Act 2010 (Disability) Regulations 2010

PART 2

Determination of Disability

Addictions

3.—(1) Subject to paragraph (2) below, addiction to alcohol, nicotine or any other substance is to be treated as not amounting to an impairment for the purposes of the Act.

(2) Paragraph (1) above does not apply to addiction which was originally the result of administration of medically prescribed drugs or other medical treatment.

Other conditions not to be treated as impairments

4.—(1) For the purposes of the Act the following conditions are to be treated as not amounting to impairments:—

- (a) a tendency to set fires,
- (b) a tendency to steal,
- (c) a tendency to physical or sexual abuse of other persons,
- (d) exhibitionism, and
- (e) voyeurism.

(2) Subject to paragraph (3) below, for the purposes of the Act the condition known as seasonal allergic rhinitis shall be treated as not amounting to an impairment.

(3) Paragraph (2) above shall not prevent that condition from being taken into account for the purposes of the Act where it aggravates the effect of any other condition.

Tattoos and piercings

5. For the purposes of paragraph 3 of Schedule 1 to the Act, a severe disfigurement is not to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities if it consists of—

- (a) a tattoo (which has not been removed), or
- (b) a piercing of the body for decorative or other non-medical purposes, including any object attached through the piercing for such purposes.

Babies and young children

6. For the purposes of the Act, where a child under six years of age has an impairment which does not have a substantial and long-term adverse effect on the ability of that child to carry out normal day-to-day activities, the impairment is to be taken to have a substantial and long-term adverse effect

on the ability of that child to carry out normal day-to-day activities where it would normally have that effect on the ability of a person aged 6 years or over to carry out normal day-to-day activities.

Persons deemed to have a disability

7. A person is deemed to have a disability, and hence to be a disabled person, for the purposes of the Act where that person is certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist.