



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### <sup>F1</sup>[<sup>F2</sup>PART 5A

#### PUBLIC AUTHORITIES]

##### Textual Amendments

- F1** Pt. VA (ss. 49A, 49B) inserted (N.I.) (1.1.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 5; S.R. 2006/470, art. 2
- F2** Pt. 5A (ss. 49A-49F) inserted (E.W.S.) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); S.I. 2005/1676, art. 2(2)(b); S.I. 2005/2774, arts. 3(b), 4(a) [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]

#### <sup>F2</sup>49A General duty **E+W+S**

<sup>F3</sup> .....

##### Extent Information

- E1** This section extended to England, Wales and Scotland only; a separate s. 49A exists for Northern Ireland only.

##### Textual Amendments

- F3** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch.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

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5A. (See end of Document for details)*

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### [<sup>F1</sup>49A General duty **N.I.**

- (1) Every public authority shall in carrying out its functions have due regard to—
  - (a) the need to promote positive attitudes towards disabled persons; and
  - (b) the need to encourage participation by disabled persons in public life.
- (2) Subsection (1) does not apply to—
  - (a) the functions of the Director of Public Prosecutions for Northern Ireland relating to the prosecution of offences; or
  - (b) any act of a description prescribed by regulations.
- (3) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other statutory provision (including any other provision of this Act).
- (4) The Commission shall—
  - (a) keep under review the effectiveness of the duty imposed by this section;
  - (b) offer advice to public authorities and others in connection with that duty.
- (5) Not later than 3 years after the appointed day, the Commission shall prepare and publish a report on the effectiveness of the duty imposed by this section.
- (6) In this section—
 

“the appointed day” means the day appointed under Article 1(2) of the Disability Discrimination (Northern Ireland) Order 2006 for the coming into operation of Article 5 of that Order;

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

“public authority” has the same meaning as in section 75 of the Northern Ireland Act 1998 (c. 47).]

### [<sup>F2</sup>49B Meaning of “public authority” in Part 5A **E+W+S**

<sup>F4</sup> .....

#### Extent Information

**E2** This section extended to England, Wales and Scotland only; a separate s. 49B exists for Northern Ireland only.

#### Textual Amendments

**F4** 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\(h\)](#)

### [<sup>F1</sup>49B Plan as to duty under section 49A **N.I.**

- (1) A public authority to which this subsection applies shall prepare and submit to the Commission a plan showing how the public authority proposes to fulfil the duty imposed by section 49A in relation to the relevant functions.
- (2) Any other public authority shall prepare and submit to the Commission such a plan if requested to do so by the Commission.

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5A. (See end of Document for details)*

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- (3) A public authority—
- (a) may at any time revise its plan and submit the revised plan to the Commission;
  - (b) shall, if requested to do so by the Commission, revise its plan and submit the revised plan to the Commission.
- (4) A plan (or revised plan) shall—
- (a) conform to any guidelines as to form or content which are issued by the Commission with the approval of the Office;
  - (b) specify a timetable for measures proposed in the plan;
  - (c) include details of how it will be published.
- (5) Subsection (1) applies to any public authority except one which is notified in writing by the Commission that that subsection does not apply to it.
- (6) If a public authority—
- (a) fails to submit a plan under subsection (1) before the end of the period of 6 months beginning with the appointed day or, if later, the establishment of the authority,
  - (b) fails to submit a plan under subsection (2) before the end of the period of 6 months beginning with the date of the request under that subsection,
  - (c) fails to submit a revised plan under subsection (3)(b) before the end of the period of 3 months beginning with the date of the request under that paragraph, or
  - (d) submits to the Commission under paragraph (3)(a) or (b) a revised plan which in the opinion of the Commission fails to comply with subsection (4),
- the Commission shall lay before the Assembly a report of that failure containing such comments and other material as appear to the Commission to be appropriate to bring to the attention of the Assembly.
- (7) A public authority—
- (a) shall review its current plan under this section—
    - (i) in the case of an authority in relation to which there is a scheme under Schedule 9 to the Northern Ireland Act 1998, at the same time as the authority reviews its current scheme under paragraph 8(3) of that Schedule;
    - (ii) in the case of any other authority, at such times as the Commission may request; and
  - (b) inform the Commission of the outcome of the review.
- (8) In this section—
- “the appointed day”, “the Commission” and “public authority” have the same meanings as in section 49A;
- “the relevant functions” means the functions of the public authority or, in the case of a plan submitted in response to a request which specifies particular functions of the public authority, those functions.]

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5A.