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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 55**

**The Disability Discrimination Act 1995  
(Amendment) Regulations (Northern Ireland) 2004**

**PART II**

**AMENDMENTS TO THE ACT**

**Interpretation**

**27.** In section 68(1) –

(a) in subsection (1) –

(i) omit the definitions of “benefits”, “section 6 duty” and “section 15 duty”;

(ii) for the definition of “employment at an establishment in Northern Ireland” substitute

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““employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (4)”;

(iii) for the definition of “Minister of the Crown” substitute –

““Minister of the Crown” includes the Treasury and the Defence Council”;

(iv) in the definition of “regulations” –

(aa) for paragraph (a) substitute –

“(a) in section 17A, regulations made by the Department for Employment and Learning;”;

(bb) for paragraph (c) substitute –

“(c) in any other provision of this Act, regulations made by the Office of the First Minister and deputy First Minister.”;

(b) for subsections (2)(2) and (3), substitute the following subsections –

“(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Northern Ireland if the employee –

(a) does his work wholly or partly in Northern Ireland; or,

(b) does his work wholly outside Northern Ireland and subsection (2A) applies.

(2A) This subsection applies if –

(a) the employer has a place of business at an establishment in Northern Ireland;

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(1) Section 68, in its application to Northern Ireland, is modified by paragraph 47 of Schedule 8 to the Disability Discrimination Act 1995 (c. 50) as amended by S. R. 2000 No. 8, regulation 3

(2) Subsection (2) was substituted by S.R. 2000 No. 8, regulation 3

- (b) the work is for the purposes of the business carried on at the establishment;  
and
- (c) the employee is ordinarily resident in Northern Ireland –
  - (i) at the time when he applies for or is offered the employment, or
  - (ii) at any time during the course of the employment.
- (2B) This subsection applies to a ship if –
  - (a) it is registered at a port of registry in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2C) This subsection applies to an aircraft or hovercraft if –
  - (a) it is –
    - (i) registered in the United Kingdom, and
    - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2D) The following are not to be regarded as being employment at an establishment in Northern Ireland –
  - (a) employment on board a ship to which subsection (2B) does not apply;
  - (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.”;
- (c) omit subsection (5).