

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace (in part) the Disability Discrimination (Services and Premises) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 557) and (in full) the Disability Discrimination (Services and Premises) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 202). In addition, they amend the application of the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 109) and revoke and replace Regulation 3 of and the Schedule to those Regulations. These changes partially consolidate provisions in relation to providers of services. In addition, these Regulations make provision in relation to public authorities, which arises out of new duties on public authorities carrying out their functions, introduced into the Disability Discrimination Act 1995 (“the 1995 Act”) by the Disability Discrimination (Northern Ireland) Order 2006.

Regulation 3 (which replaces S.R. 1996 No. 557, Regulation 8) prescribes the circumstances where justification for discrimination on grounds of mental incapacity and inability to give informed consent in sections 20(4)(b) and 21D(4)(b) of the 1995 Act is not available. The Regulation applies to service providers and to public authorities carrying out functions.

Regulations 4 to 8 (which replace S.R. 1996 No. 557, Regulations 2 to 6) deal with justification for discrimination against disabled people by service providers, who provide insurance or guarantees for their services, or who request deposits in respect of goods and facilities they provide.

Regulation 9 (which replaces S.R. 1999 No. 202, Regulation 3) sets out a list of things that are to be treated as “physical features” in the context of the duty to make reasonable adjustments in sections 21(2) and 21E(3) and (4) of the 1995 Act which apply to service providers and to public authorities carrying out functions respectively.

Regulation 10 (which replaces S.R. 2003 No. 109, Regulation 3(2)) sets out, in the context of the duty to make reasonable adjustments in sections 21(2) and 21E(3) and (4) of the 1995 Act, what are and what are not reasonable steps for service providers or public authorities carrying out functions to take, where they require the consent of a third party before making an alteration to premises that they occupy.

Regulation 11 (which introduces Schedule 1 and together they replace S.R. 2003 No. 109, Regulation 3(3) and (4) and the Schedule to those Regulations) sets out, in the context of the duty to make reasonable adjustments in sections 21(2) and 21E(3) and (4) of the 1995 Act, what steps it is not reasonable for service providers or public authorities carrying out functions to take, where the premises that they occupy satisfy a relevant design standard. The meaning of “relevant design standard” is set out in detail in Schedule 1 to the Regulations.

Regulation 12 amends the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 109) (“the 2003 Regulations”) and inserts an application provision, which provides that the Regulations apply to service providers, public authorities carrying out functions within the meaning of section 21B of the 1995 Act and to associations to which section 21F of the 1995 Act applies. Regulation 3 of the 2003 Regulations is replaced by Regulations 10 and 11 of these Regulations and revoked. The 2003 Regulations, as amended, relate therefore solely to the withholding of consent where the premises are occupied under a lease, sub-lease or sub-tenancy.

An assessment of the impact of these Regulations on bodies exercising public functions was made as part of the regulatory impact assessment in relation to the Disability Discrimination (Northern

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Ireland) Order 2006. A copy may be obtained from: Equality, Rights and Social Need Division, Office of the First Minister and deputy First Minister, Room E3.19, Castle Buildings, Stormont, Belfast, BT4 3SR. A copy of the assessment for the Disability Discrimination (Northern Ireland) Order 2006 has been placed in the library of the Northern Ireland Assembly.

Schedule 1 refers to “Technical Booklet R”, “Technical Booklet V: 2000” and “Technical Booklet H: 2006”. Copies of “Technical Booklet R” (1994 version ISBN 0 337 08328 2, 2001 version ISBN 0 337 23709 3 and 2006 version ISBN 0 337 08826 8), “Technical Booklet V: 2000” (ISBN 0 337 08828 4) and “Technical Booklet H : 200” (ISBN 0 337 08825 X) are available from The Publications Centre (mail, telephone and fax orders only) PO Box 276, London SW8 5DT (Telephone orders 0171 873 9090); Fax orders 0171 873 8200 and from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD (Telephone 028 9023 8541; Fax 028 9023 5401). They are also available on the Department of Finance and Personnel’s website ([www.dfpni.gov.uk/buildingregulations/techbooklets.htm](http://www.dfpni.gov.uk/buildingregulations/techbooklets.htm)).