



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

[<sup>F1</sup>THE EMPLOYMENT FIELD][<sup>F2</sup>AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

<sup>F3</sup>[<sup>F4</sup>*Other unlawful acts*]

#### Textual Amendments

- F3** Ss. 16A-16C and cross-heading inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **15**
- F4** Ss. 16A-16C and cross-heading inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **15(1)**

#### [<sup>F4</sup>16A Relationships which have come to an end **E+W+S**

- (1) This section applies where—
- there has been a relevant relationship between a disabled person and another person (“the relevant person”), and
  - the relationship has come to an end.
- (2) In this section a “relevant relationship” is—
- a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under any preceding provision of this Part [<sup>F5</sup>, other than sections 15B and 15C]; or
  - a relationship between a person providing employment services <sup>F6</sup>. . . and a person receiving such services.

*Status: Point in time view as at 01/10/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Other unlawful acts. (See end of Document for details)*

- (3) It is unlawful for the relevant person—
- (a) to discriminate against the disabled person by subjecting him to a detriment, or
  - (b) to subject the disabled person to harassment,
- where the discrimination or harassment arises out of and is closely connected to the relevant relationship.
- (4) This subsection applies where—
- (a) a provision, criterion or practice applied by the relevant person to the disabled person in relation to any matter arising out of the relevant relationship, or
  - (b) a physical feature of premises which are occupied by the relevant person,
- places the disabled person at a substantial disadvantage in comparison with persons who are not disabled, but are in the same position as the disabled person in relation to the relevant person.
- (5) Where subsection (4) applies, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, practice or criterion, or feature, having that effect.
- (6) Nothing in subsection (5) imposes any duty on the relevant person if he does not know, and could not reasonably be expected to know, that the disabled person has a disability and is likely to be affected in the way mentioned in that subsection.
- (7) In subsection (2), reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before the commencement of this section, reference to such an act which would, after the commencement of this section, be unlawful.]

#### **Extent Information**

**E1** This section extends to England, Wales and Scotland only; a separate s. 16A exists for Northern Ireland only from 21.2.2004.

#### **Textual Amendments**

**F5** Words in s. 16A(2)(a) inserted (E.W.S.) (5.12.2005 for certain purposes and 4.12.2006 otherwise) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 7(a)**; S.I. 2005/2774, **art. 3(j), 4(f)**

**F6** Words in s. 16A(2)(b) repealed (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 7(b), **Sch. 2**; S.I. 2005/2774, **art. 3(j)**

### **[F3] 16A Relationships which have come to an end N.I.**

- (1) This section applies where –
- (a) there has been a relevant relationship between a disabled person and another person (“the relevant person”), and
  - (b) the relationship has come to an end.
- (2) In this section a “relevant relationship” is –
- (a) a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under any preceding provision of this Part; or

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- (b) a relationship between a person providing employment services (within the meaning of Part III) and a person receiving such services.
- (3) It is unlawful for the relevant person –
- (a) to discriminate against the disabled person by subjecting him to a detriment, or
  - (b) to subject the disabled person to harassment,
- where the discrimination or harassment arises out of and is closely connected to the relevant relationship.
- (4) This subsection applies where –
- (a) a provision, criterion or practice applied by the relevant person to the disabled person in relation to any matter arising out of the relevant relationship, or
  - (b) a physical feature of premises which are occupied by the relevant person,
- places the disabled person at a substantial disadvantage in comparison with persons who are not disabled, but are in the same position as the disabled person in relation to the relevant person.
- (5) Where subsection (4) applies, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, practice or criterion, or feature, having that effect.
- (6) Nothing in subsection (5) imposes any duty on the relevant person if he does not know, and could not reasonably be expected to know, that the disabled person has a disability and is likely to be affected in the way mentioned in that subsection.
- (7) In subsection (2), reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before the commencement of this section, reference to such an act which would, after the commencement of this section, be unlawful.]

#### [<sup>F4</sup>16B Discriminatory advertisements **E+W+S**

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- [<sup>F7</sup>(1) It is unlawful for a person to publish or cause to be published an advertisement which—
- (a) invites applications for a relevant appointment or benefit; and
  - (b) indicates, or might reasonably be understood to indicate, that an application will or may be determined to any extent by reference to—
    - (i) the applicant not having any disability, or any particular disability,
    - (ii) the applicant not having had any disability, or any particular disability,
 or
    - (iii) any reluctance of the person determining the application to comply with a duty to make reasonable adjustments or (in relation to employment services) with the duty imposed by section 21(1) as modified by section 21A(6).]
- (2) Subsection (1) does not apply where it would not in fact be unlawful under this Part or, to the extent that it relates to the provision of employment services, Part 3 for an application to be determined in the manner indicated (or understood to be indicated) in the advertisement.

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- [<sup>F8</sup>(2A) A person who publishes an advertisement of the kind described in subsection (1) shall not be subject to any liability under subsection (1) in respect of the publication of the advertisement if he proves—
- (a) that the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2), the publication would not be unlawful; and
  - (b) that it was reasonable for him to rely on the statement.
- (2B) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (2A)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- [<sup>F9</sup>(2C) Subsection (1) does not apply in relation to an advertisement so far as it invites persons to apply, in their capacity as members of an authority to which sections 15B and 15C apply, for a relevant appointment or benefit which the authority is intending to make or confer.]
- (3) In [<sup>F10</sup>;this section], “relevant appointment or benefit” means—
- (a) any employment, promotion or transfer of employment;
  - (b) membership of, or a benefit under, an occupational pension scheme;
  - (c) an appointment to any office or post to which section 4D applies;
  - (d) any partnership in a firm (within the meaning of section 6A);
  - (e) any tenancy or pupillage (within the meaning of section 7A or 7C);
  - (f) any membership of a trade organisation (within the meaning of section 13);
  - (g) any professional or trade qualification (within the meaning of section 14A);
  - (h) any work placement (within the meaning of section 14C);
  - (i) any employment services<sup>F11</sup>. . . .
- (4) In this section, “advertisement” includes every form of advertisement or notice, whether to the public or not.
- [<sup>F12</sup>(5) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission for Equality and Human Rights, and
  - (b) in accordance with section 25 of the Equality Act 2006.]

#### Extent Information

- E2** This section extends to England, Wales and Scotland only; a separate s. 16B exists for Northern Ireland only from 21.2.2004.

#### Textual Amendments

- F7** S. 16B(1) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 10(1)(2), 20(3)-(6)**; S.I. 2005/2774, **art. 3(j)**
- F8** S. 16B(2A)(2B) inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 10(1)(3), 20(3)-(6)**; S.I. 2005/2774, **art. 3(j)**
- F9** S. 16B(2C) inserted (E.W.S.) (5.12.2005 for certain purposes and 4.12.2006 otherwise) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 19(1), 20(3)-(6)**, **Sch. 1 para. 8(1)(2)**; S.I. 2005/2774, **arts. 3(j), 4(f)**
- F10** Words in s. 16B(3) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 10(1)(4), 20(3)-(6)**; S.I. 2005/2774, **art. 3(j)**

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- F11** Words in s. 16B(3)(i) repealed (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19, 20(3)-(6), Sch. 1 para. 8(1)(3), **Sch. 2**; S.I. 2005/2774, **art. 3(j)(k)**
- F12** S. 16B(5) added (E.W.S.) (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 42**; S.I. 2007/2603, **art. 2**

### [<sup>F3</sup>16B Discriminatory advertisements **N.I.**

- (1) It is unlawful for a person, in relation to a relevant appointment or benefit which he intends to make or confer, to publish or cause to be published an advertisement which –
- (a) invites applications for that appointment or benefit; and
  - (b) indicates, or might reasonably be understood to indicate, that an application will or may be determined to any extent by reference to –
    - (i) the applicant not having any disability, or any particular disability, or
    - (ii) any reluctance of the person determining the application to comply with a duty to make reasonable adjustments or (in relation to employment services) with the duty imposed by section 21(1) as modified by section 21A(6).
- (2) Subsection (1) does not apply where it would not in fact be unlawful under this Part or, to the extent that it relates to the provision of employment services, Part III for an application to be determined in the manner indicated (or understood to be indicated) in the advertisement.
- (3) In subsection (1), “relevant appointment or benefit” means –
- (a) any employment, promotion or transfer of employment;
  - (b) membership of, or a benefit under, an occupational pension scheme;
  - (c) an appointment to any office or post to which section 4D applies;
  - (d) any partnership in a firm (within the meaning of section 6A);
  - (e) any pupillage (within the meaning of section 7A);
  - (f) any membership of a trade organisation (within the meaning of section 13);
  - (g) any professional or trade qualification (within the meaning of section 14A);
  - (h) any work placement (within the meaning of section 14C);
  - (i) any employment services (within the meaning of Part III).
- (4) In this section, “advertisement” includes every form of advertisement or notice, whether to the public or not.]

### [<sup>F4</sup>16C Instructions and pressure to discriminate **E+W+S**

- (1) It is unlawful for a person—
- (a) who has authority over another person, or
  - (b) in accordance with whose wishes that other person is accustomed to act,
- to instruct him to do any act which is unlawful under this Part or, to the extent that it relates to the provision of employment services, Part 3, or to procure or attempt to procure the doing by him of any such act.
- (2) It is also unlawful to induce, or attempt to induce, a person to do any act which contravenes this Part or, to the extent that it relates to the provision of employment services, Part 3 by—

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- (a) providing or offering to provide him with any benefit, or
  - (b) subjecting or threatening to subject him to any detriment.
- (3) An attempted inducement is not prevented from falling within subsection (2) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.]

[<sup>F13</sup>(4) Proceedings in respect of a contravention of this section may be brought only—

- (a) by the Commission for Equality and Human Rights, and
- (b) in accordance with section 25 of the Equality Act 2006.]

#### **Extent Information**

**E3** This section extends to England, Wales and Scotland only; a separate s. 16C exists for Northern Ireland only from 21.2.2004.

#### **Textual Amendments**

**F13** [S. 16C\(4\)](#) added (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 93, [Sch. 3 para. 43](#); S.I. 2007/2603, [art. 2](#)

### [<sup>F3</sup>**16C Instructions and pressure to discriminate** **N.I.**

- (1) It is unlawful for a person –
- (a) who has authority over another person, or
  - (b) in accordance with whose wishes that other person is accustomed to act,
- to instruct him to do any act which is unlawful under this Part or, to the extent that it relates to the provision of employment services, Part III, or to procure or attempt to procure the doing by him of any such act.
- (2) It is also unlawful to induce, or attempt to induce, a person to do any act which contravenes this Part or, to the extent that it relates to the provision of employment services, Part III by –
- (a) providing or offering to provide him with any benefit, or
  - (b) subjecting or threatening to subject him to any detriment.
- (3) An attempted inducement is not prevented from falling within subsection (2) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.]

#### **Extent Information**

**E4** This section extends to Northern Ireland only; a separate s. 16C for England, Wales and Scotland only repealed (1.10.2010).

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995,  
Cross Heading: Other unlawful acts.