



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

#### [<sup>F1</sup>THE EMPLOYMENT FIELD]

#### [<sup>F1</sup>Supplementary and general]

#### Textual Amendments

- F1** Cross-heading "Supplementary and General" inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. 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), **17(1)**; [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), {17(1)}

#### 18 Insurance services.

- (1) This section applies where a provider of insurance services ("the insurer") enters into arrangements with an employer under which the employer's employees, or a class of his employees—
  - (a) receive insurance services provided by the insurer; or
  - (b) are given an opportunity to receive such services.
- (2) The insurer is to be taken, for the purposes of this Part, to discriminate unlawfully against a disabled person who is a relevant employee if he acts in relation to that employee in a way which would be unlawful discrimination for the purposes of Part III if—
  - (a) he were providing the service in question to members of the public; and
  - (b) the employee was provided with, or was trying to secure the provision of, that service as a member of the public.
- (3) In this section—

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“insurance services” means services of a prescribed description for the provision of benefits in respect of—

- (a) termination of service;
- (b) retirement, old age or death;
- (c) accident, injury, sickness or invalidity; or
- (d) any other prescribed matter; and

“relevant employee” means—

- (a) in the case of an arrangement which applies to employees of the employer in question, an employee of his;
- (b) in the case of an arrangement which applies to a class of employees of the employer, an employee who is in that class.

- (4) For the purposes of the definition of “relevant employee” in subsection (3), “employee”, in relation to an employer, includes a person who has applied for, or is contemplating applying for, employment by that employer or (as the case may be) employment by him in the class in question.

**Modifications etc. (not altering text)**

**C1** S. 18(3) applied (N.I.) (14.12.1999) by S.R. 1999/440, **reg. 2**

**Commencement Information**

**II** S. 18 wholly in force at 2.12.1996; s. 18 not in force at Royal Assent see s. 70(3); s. 18(3)(4) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 18(3)(4) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 18(1)(2) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 18(1)(2) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

**[<sup>F2</sup>18A Alterations to premises occupied under leases.**

(1) This section applies where—

- (a) [<sup>F3</sup>a person to whom a duty to make reasonable adjustments applies](“the occupier”) occupies premises under a lease;
- (b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and
- (c) the alteration is one which the occupier proposes to make in order to comply with [<sup>F4</sup>that duty].

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—

- (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
- (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
- (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (d) for the lessor to be entitled to make his consent subject to reasonable conditions.

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[ Except to the extent to which it expressly so provides, any superior lease under which<sup>F5</sup>(2A) the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

- (i) for the lessee to have to make a written application to the lessor for consent to the alteration;
- (ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (iii) for the lessor to be entitled to make his consent subject to reasonable conditions.]]

(3) In this section—

“lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

“sub-lease” and “sub-tenancy” have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

- (a) impose conditions which are to apply if the occupier alters the premises, or
- (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,

the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part I of Schedule 4 supplements the provisions of this section.

#### Textual Amendments

- F2** S. 16 moved and renumbered (as s. 18A) (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), arts. 1(2)(3), **14(2)**; S.R. 2004/55, regs. 1(2)(3), **14(2)**
- F3** Words in s. 18A(1)(a) substituted (E.W.S.) (3.7.2003 for certain purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **14(3)(a)**
- F4** Words in s. 18A(1)(c) substituted (E.W.S.) (3.7.2003 for certain purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **14(3)(a)**
- F5** S. 16(2A) added (7.6.1996) by S.I. 1996/1333, **reg. 4(2)**

#### Modifications etc. (not altering text)

- C2** S. 16 modified (E.W.) (2.3.1998) by S.I. 1998/218, arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))  
S. 16 modified (7.6.1996) by S.I. 1996/1333, **reg. 4(a)**  
S. 16 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**
- C3** Ss. 16 modified (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order (S.I. 2003/1964), art. 3, {Sch.}

#### Commencement Information

- I2** S. 16 wholly in force at 2.12.1996; s. 16 not in force at Royal Assent see s. 70(3); s. 16(3)(5) in force for certain purposes (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(d)**; s. 16(3)(5) in force for certain purposes (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(d)**; s. 16(5) in force insofar as not already in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 16(5) in force (N.I.) insofar as not already in force at 1.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 16(3) in force (E.W.S.) insofar as not already in force at 2.12.1996 by S.I. 1996/3003, **art. 3**; s. 16(3) in force insofar as not already in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 16(1)(2)(4) in force (E.W.S.) at

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2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 16(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

## [<sup>F6</sup>18B Reasonable adjustments: supplementary

- (1) In determining whether it is reasonable for a person to have to take a particular step in order to comply with a duty to make reasonable adjustments, regard shall be had, in particular, to—
  - (a) the extent to which taking the step would prevent the effect in relation to which the duty is imposed;
  - (b) the extent to which it is practicable for him to take the step;
  - (c) the financial and other costs which would be incurred by him in taking the step and the extent to which taking it would disrupt any of his activities;
  - (d) the extent of his financial and other resources;
  - (e) the availability to him of financial or other assistance with respect to taking the step;
  - (f) the nature of his activities and the size of his undertaking;
  - (g) where the step would be taken in relation to a private household, the extent to which taking it would—
    - (i) disrupt that household, or
    - (ii) disturb any person residing there.
- (2) The following are examples of steps which a person may need to take in relation to a disabled person in order to comply with a duty to make reasonable adjustments—
  - (a) making adjustments to premises;
  - (b) allocating some of the disabled person's duties to another person;
  - (c) transferring him to fill an existing vacancy;
  - (d) altering his hours of working or training;
  - (e) assigning him to a different place of work or training;
  - (f) allowing him to be absent during working or training hours for rehabilitation, assessment or treatment;
  - (g) giving, or arranging for, training or mentoring (whether for the disabled person or any other person);
  - (h) acquiring or modifying equipment;
  - (i) modifying instructions or reference manuals;
  - (j) modifying procedures for testing or assessment;
  - (k) providing a reader or interpreter;
  - (l) providing supervision or other support.
- (3) For the purposes of a duty to make reasonable adjustments, where under any binding obligation a person is required to obtain the consent of another person to any alteration of the premises occupied by him—
  - (a) it is always reasonable for him to have to take steps to obtain that consent; and
  - (b) it is never reasonable for him to have to make that alteration before that consent is obtained.
- (4) The steps referred to in subsection (3)(a) shall not be taken to include an application to a court or tribunal.

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- (5) In subsection (3), “binding obligation” means a legally binding obligation (not contained in a lease (within the meaning of section 18A(3)) in relation to the premises, whether arising from an agreement or otherwise.
- (6) A provision of this Part imposing a duty to make reasonable adjustments applies only for the purpose of determining whether a person has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

#### Textual Amendments

- F6** S. 18B inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. 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), **17(2)**; [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **17(2)**

### [<sup>F7</sup>18C Charities and support for particular groups of persons.

- (1) Nothing in this Part—
  - (a) affects any charitable instrument which provides for conferring benefits on one or more categories of person determined by reference to any physical or mental capacity; or
  - (b) makes unlawful any act done by a charity or recognised body in pursuance of any of its charitable purposes, so far as those purposes are connected with persons so determined.
- (2) Nothing in this Part prevents—
  - (a) a person who provides supported employment from treating members of a particular group of disabled persons more favourably than other persons in providing such employment; or
  - (b) the Secretary of State from agreeing to arrangements for the provision of supported employment which will, or may, have that effect.
- (3) In this section—

“charitable instrument” means an enactment or other instrument (whenever taking effect) so far as it relates to charitable purposes;

“charity” has the same meaning as in the <sup>M1</sup>Charities Act 1993;

“recognised body” means a body which is a recognised body for the purposes of Part I of the <sup>M2</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; and

“supported employment” means facilities provided, or in respect of which payments are made, under section 15 of the <sup>M3</sup>Disabled Persons (Employment) Act 1944.
- (4) In the application of this section to England and Wales, “charitable purposes” means purposes which are exclusively charitable according to the law of England and Wales.
- (5) In the application of this section to Scotland, “charitable purposes” shall be construed in the same way as if it were contained in the Income Tax Acts.]

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### Extent Information

- E1** This section extends to England and Wales and Scotland only; a separate s. 18C exists for Northern Ireland only from 21.2.2004.

### Textual Amendments

- F7** [S. 10](#) moved and renumbered (as s. 18C) (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), arts. 1(2)(3), **11**

### Marginal Citations

- M1** 1993 c. 10.  
**M2** 1990 c. 40.  
**M3** 1944 c. 10.

## [<sup>F8</sup>18D Interpretation of Part 2

- (1) Subject to any duty to make reasonable adjustments, nothing in this Part is to be taken to require a person to treat a disabled person more favourably than he treats or would treat others.
- (2) In this Part—
- “benefits” includes facilities and services;
  - “detriment”, except in section 16C(2)(b), does not include conduct of the nature referred to in section 3B (harassment);
  - “discriminate”, “discrimination” and other related expressions are to be construed in accordance with section 3A;
  - “duty to make reasonable adjustments” means a duty imposed by or under section 4A, 4B(5) or (6), 4E, 6B, 7B, 7D, 14, 14B, 14D or 16A(5);
  - “employer” includes a person who has no employees but is seeking to employ another person;
  - “harassment” is to be construed in accordance with section 3B;
  - “physical feature”, in relation to any premises, includes any of the following (whether permanent or temporary)—
    - (a) any feature arising from the design or construction of a building on the premises,
    - (b) any feature on the premises of any approach to, exit from or access to such a building,
    - (c) any fixtures, fittings, furnishings, furniture, equipment or material in or on the premises,
    - (d) any other physical element or quality of any land comprised in the premises;
  - “provision, criterion or practice” includes any arrangements.]

### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate s. 18D exists for Northern Ireland only from 21.2.2004

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#### Textual Amendments

- F8** S. 18D 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), **18**

VALID FROM 04/12/2006

#### [<sup>F10</sup>18E [<sup>F9</sup>Premises provided otherwise than in course of a Part 2 relationship]

- (1) This Part does not apply in relation to the provision, otherwise than in the course of a Part 2 relationship, of premises by the regulated party to the other party.
- (2) For the purposes of subsection (1)—
  - (a) “Part 2 relationship” means 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 sections 4 to 15C; and
  - (b) in relation to a Part 2 relationship, “regulated party” means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.]

#### Textual Amendments

- F9** Cross-heading "Supplementary and General" inserted (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. 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), **17(1)**; [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), {17(1)}
- F10** S. 18E inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 12**; [S.I. 2005/2774](#), **art. 4(f)** and same section inserted (N.I.) (31.12.2007) by virtue of [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 11**; [S.R. 2007/466](#), **art. 2(2)(l)**

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