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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SECTIONS [F117A(8)] AND 25(6)[F1, 31ADA] ENFORCEMENT AND PROCEDURE

Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

- F1** Sch. 3: word in side note substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **29(2)(a)** and same word substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **28(2)(a)**
- F1** Sch. 3: word in sidenote inserted (E.W.S.) (1.9.2007) by [The Disability Discrimination Act 1995 \(Amendment etc.\) \(General Qualifications Bodies\) \(Alteration of Premises and Enforcement\) Regulations \(S.I. 2007/2405\)](#), regs. 1(2), 4(2)

[F1PART 3

DISCRIMINATION IN SCHOOLS]

Textual Amendments

- F1** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 19\(2\)](#), **Sch. 3 para. 1** (with s. 43(13)); [S.I. 2002/2217, art. 3](#), **Sch. 1 Pt. 1**

Restriction on proceedings for breach of Part 4, Chapter 1

- F29** (1) Except as provided by sections 28I, 28K [F3, 28L and 28N], no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 1 of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.
- [F4(3) Sub-paragraph (1) does not prevent the bringing of proceedings in respect of an offence under section 28J(9).]

Textual Amendments

- F2** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 19\(2\)](#), **Sch. 3 para. 1** (with s. 43(13)); [S.I. 2002/2217, art. 3](#), **Sch. 1 Pt. 1**

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- F3** Words in Sch. 3 para. 9(1) substituted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(7)**; S.I. 2005/1676, **art. 2(1)(c)**
- F4** Sch. 3 para. 9(3) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(8)**; S.I. 2005/1676, **art. 2(1)(c)**

Period within which proceedings must be brought

- ^{F5}10 (1) The Tribunal [^{F6}or the Welsh Tribunal] shall not consider a claim under section 28I unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 28I, the dispute concerned is referred for conciliation in pursuance of arrangements under [^{F7}section 27 of the Equality Act 2006] before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by [^{F8}three months.].
- (3) The Tribunal [^{F6}or the Welsh Tribunal] may consider any claim under section 28I which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) But sub-paragraph (3) does not permit the Tribunal [^{F6}or the Welsh Tribunal] to decide to consider a claim if a decision not to consider that claim has previously been taken under that sub-paragraph.
- (5) For the purposes of sub-paragraph (1)—
- (a) if an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (6) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Textual Amendments

- F5** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, **art. 3, Sch. 1 Pt. 1**
- F6** Words in Sch. 3 para. 10(1)(3)(4) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 12** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, **art. 6, Sch. Pt. III**
- F7** Words in Sch. 3 para. 10(2) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 56(2)(a)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F8** Words in Sch. 3 para. 10(2) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 56(2)(b)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

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Evidence

- ^{F9}11 (1) In any proceedings under section 28I, 28K [^{F10}, 28L or 28N], a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.
- [^{F11}(1A) In any proceedings under section 28N, a certificate signed by or on behalf of the Scottish Ministers and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a member of the Scottish Executive, and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.
- (1B) In any proceedings under section 28I, 28K or 28L, a certificate signed by or on behalf of the [^{F12}Welsh Ministers] and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by the [^{F13}National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.]
- (2) A document purporting to be such a certificate [^{F14}as is mentioned in subparagraph (1), (1A) or (1B)] shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Textual Amendments

- F9** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F10** Words in Sch. 3 para. 11(1) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(9)**; S.I. 2005/1676, art. 2(1)(c)
- F11** Sch. 3 para. 11(1A)(1B) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(10)**; S.I. 2005/1676, art. 2(1)(c)
- F12** Words in Sch. 3 para. 11(1B) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 63(4)(a)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(5) of the Government of Wales Act 2006.
- F13** Words in Sch. 3 para. 11(1B)(a) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 63(4)(b)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(5) of the Government of Wales Act 2006.
- F14** Words in Sch. 3 para. 11(2) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(11)**; S.I. 2005/1676, art. 2(1)(c)

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