

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Paragraph 41. (See end of Document for details)

SCHEDULES

SCHEDULE 8

MODIFICATIONS OF THIS ACT IN ITS APPLICATION TO NORTHERN IRELAND

Extent Information

E1 Sch. 8 extends to the United Kingdom but the operation of Sch. 8 is limited by application as mentioned in s. 70(6).

41 [F1For section 61 substitute—

“Amendments of Disabled Persons (Employment) Act (Northern Ireland) 1945.

(1) Section 15 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 (which gives the Department of Economic Development power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

(2) In subsection (1)—

- (a) for “persons registered as handicapped by disablement” substitute “disabled persons”;
- (b) for “their disablement” substitute “their disability”; and
- (c) for “are not subject to disablement” substitute “do not have a disability”.

(3) In subsection (2) for the words from “any of one or more companies” to “so required and prohibited” substitute “any company, association or body”.

(4) After subsection (2) insert—

“(2A) The only kind of company which the Department itself may form in exercising its powers under this section is a company which is—

- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
- (b) prohibited by its constitution from paying any dividend to its members.”.

(5) After subsection (5) insert—

“(5A) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”.

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- (6) The provisions of section 16 of the Act of 1945 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—

“and whose disability is due to that service.

(2) or the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”

- (7) The following provisions of the Act of 1945 shall cease to have effect—

- (a) section 1 (definition of “disabled person”);
- (b) sections 2 to 4 (training for disabled persons);
- (c) sections 6 to 8 (the register of disabled persons);
- (d) sections 9 to 11 (obligations on employers with substantial staffs to employ quota of registered persons);
- (e) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
- (f) section 13 (interpretation of provisions repealed by this Act);
- (g) section 14 (records to be kept by employer);
- (h) section 19 (proceedings in relation to offences);
- (j) sections 21 and 22 (supplementary).

- (8) Any statutory provision in which “disabled person” is defined by reference to the Act of 1945 shall be construed as if that expression had the same meaning as in this Act.]

Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

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