



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD][^{F2} AND DISTRICT COUNCILS][^{F3} AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

^{F4}[^{F5}Other unlawful acts]

[^{F5}16B Discriminatory advertisements **E+W+S**

^{F6}

Extent Information

E1 This section extended to England, Wales and Scotland only; a separate s. 16B exists for Northern Ireland only.

Textual Amendments

- F5** 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)**
- F6** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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)**

[^{F4}16B Discriminatory advertisements **N.I.**

[^{F7}(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

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 16B. (See end of Document for details)

- (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 III for an application to be determined in the manner indicated (or understood to be indicated) in the advertisement.

[A person who publishes an advertisement of the kind described in subsection (1) shall

^{F8}(2A) 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.]

[Subsection (1) does not apply in relation to an advertisement so far as it invites persons

^{F9}(2C) to apply in their capacity as members of a district council, for a relevant appointment or benefit which the council is intending to make or confer.]

(3) In [^{F10}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 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 ^{F11}. . . .

(4) In this section, “advertisement” includes every form of advertisement or notice, whether to the public or not.]

Extent Information

E2 This section extends to Northern Ireland only; a separate s. 16B for England, Wales and Scotland only repealed (1.10.2010).

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 16B. (See end of Document for details)

Textual Amendments

- F7** S. 16B(1) substituted (N.I) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, {11(1)}; S.R. 2007/466, **art. 2(2)(e)**
- F8** S. 16B(2A)(2B) inserted (N.I) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, {11(2)}; S.R. 2007/466, **art. 2(2)(e)**
- F9** S. 16B(2C) inserted (N.I) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), {Sch. 1 para. 8(2)}; S.R. 2007/466, **art. 2(2)(l)**
- F10** Words in s. 16B(3) substituted (N.I) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, {11(3)}; S.R. 2007/466, **art. 2(2)(l)**
- F11** Words in s. 16B(3)(i) repealed (N.I) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, 19, Sch. 1 para. 8(3), {Sch. 2}; S.R. 2007/466, **art. 2(2)(l)(n)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 16B.