



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}Supplementary and general

[^{F5}18D [^{F4}Interpretation of Part 2] **E+W+S**

- (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” [^{F6}, except in sections 4G to 4K,] 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, [^{F7}4H,] 6B, 7B, 7D, 14, 14B, 14D [^{F8}, 15C] 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 [^{F9}(subject to any provision under section 15C(4)(e))] any of the following (whether permanent or temporary)—
 - (a) any feature arising from the design or construction of a building on the premises,

Status: Point in time view as at 31/12/2007. There are multiple versions of this provision on screen. These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 18D. (See end of Document for details)

- (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

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

Textual Amendments

- F4** 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)}
- F5** [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**
- F6** Words in [s. 18D\(2\)](#) inserted (E.W.S) (1.12.2003 for specified purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Pensions) Regulations (S.I 2003/2770), regs 1(2)(3), {4(2)(a)}
- F7** Words in [s. 18D\(2\)](#) inserted (E.W.S) (1.12.2003 for specified purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Pensions) Regulations (S.I 2003/2770), regs 1(2)(3), {4(2)(b)}
- F8** [S. 18D\(2\)](#): words in definition of "duty to make reasonable adjustments" inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 11(a)**; S.I. 2005/2774, **art.4(f)**
- F9** [S. 18D\(2\)](#): words in definition of "physical feature" inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 11(b)**; S.I. 2005/2774, **art.4(f)**

^{F4} _{F10} **18D** Interpretation of Part II **N.I.**

- (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”, except in sections 4G to 4K, 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, 4H, 6B, 7B, 14, 14B, 14D ^{F11} or 15C] 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;

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“physical feature”, in relation to any premises, includes [^{F12}(subject to any provision under section 15C(4)(e))] 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 section extends to Northern Ireland only; a separate s. 18D for England, Wales and Scotland only repealed (1.10.2010).

Textual Amendments

- F10** S. 18D 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), **18**
- F11** 18D(2): word in definition of "duty to make reasonable adjustments" inserted (31.12.2007) by [Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 10(a)**; S.R. 2007/466, **art. 2(2)(I)**
- F12** 18D(2): words in definition of "physical feature" inserted (31.12.2007) by [Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 10(b)**; S.R. 2007/466, **art. 2(2)(I)**

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Changes to legislation:

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