



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}Office-holders]

[^{F5}4E Office-holders: duty to make adjustments **E+W+S**

(1) Where—

- (a) a provision, criterion or practice applied by or on behalf of a relevant person,
or
- (b) any physical feature of premises—
 - (i) under the control of a relevant person, and
 - (ii) at or from which the functions of an office or post to which this section
applies are performed,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

(2) In this section, “the disabled person concerned” means—

- (a) in the case of a provision, criterion or practice for determining who should be appointed to, or recommended or approved in relation to, an office or post to which this section applies, any disabled person who—
 - (i) is, or has notified the relevant person that he may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or
 - (ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post;

*Status: Point in time view as at 06/04/2008. 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 This version of this provision has been superseded.*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 4E. (See end of Document for details)*

- (b) in any other case, a disabled person—
 - (i) who is seeking or being considered for appointment to, or a recommendation or approval in relation to, the office or post concerned, or
 - (ii) who has been appointed to the office or post concerned.
- (3) Nothing in this section imposes any duty on the relevant person in relation to a disabled person if the relevant person does not know, and could not reasonably be expected to know—
 - (a) in the case of a person who is being considered for, or is or may be seeking, appointment to, or a recommendation or approval in relation to, an office or post, that the disabled person concerned—
 - (i) is, or may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or
 - (ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post; or
 - (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).]

Extent Information

- E1** This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4E exists for Northern Ireland only from 21.2.2004.

Textual Amendments

- F5** Ss. 4-4F and cross-headings substituted for ss. 4-6 and preceding cross-heading (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), 5(1)

Modifications etc. (not altering text)

- C2** Ss. 4-6 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), art. 3. {Sch.}
- C3** Ss. 4-6 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order \(S.I. 2006/1073\)](#), art. 3, {Sch.}

[^{F6}4E **Office-holders: duty to make adjustments** **N.I.**

- (1) Where –
 - (a) a provision, criterion or practice applied by or on behalf of a relevant person, or
 - (b) any physical feature of premises –
 - (i) under the control of a relevant person, and
 - (ii) at or from which the functions of an office or post to which this section applies are performed,
- places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the relevant person to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

Status: Point in time view as at 06/04/2008. 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 4E. (See end of Document for details)

- (2) In this section, “the disabled person concerned” means –
- (a) in the case of a provision, criterion or practice for determining who should be appointed to, or recommended or approved in relation to, an office or post to which this section applies, any disabled person who –
 - (i) is, or has notified the relevant person that he may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or
 - (ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post;
 - (b) in any other case, a disabled person –
 - (i) who is seeking or being considered for appointment to, or a recommendation or approval in relation to, the office or post concerned, or
 - (ii) who has been appointed to the office or post concerned.
- (3) Nothing in this section imposes any duty on the relevant person in relation to a disabled person if the relevant person does not know, and could not reasonably be expected to know –
- (a) in the case of a person who is being considered for, or is or may be seeking, appointment to, or a recommendation or approval in relation to, an office or post, that the disabled person concerned –
 - (i) is, or may be, seeking appointment to, or (as the case may be) seeking a recommendation or approval in relation to, that office or post, or
 - (ii) is being considered for appointment to, or (as the case may be) for a recommendation or approval in relation to, that office or post; or
 - (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).]

Extent Information

- E2** This section extends to Northern Ireland only; a separate s. 4E existed for England, Wales and Scotland only until 1.10.2010.
-

Textual Amendments

- F6** Ss. 4-4K and cross-headings substituted for s. 4 and preceding cross-heading (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), **5(1)**

Status:

Point in time view as at 06/04/2008. 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 4E.