



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### 64 Application to Crown etc.

[<sup>F1</sup>[<sup>F2</sup>(A1) The following provisions bind the Crown—

- (a) sections 21B to 21E and Part 5A, and
- (b) the other provisions of this Act so far as applying for the purposes of provisions mentioned in paragraph (a);

and sections 57 and 58 shall apply for purposes of provisions mentioned in paragraph (a) as if service as a Crown servant were employment by the Crown.]

(1) This Act [<sup>F3</sup>, other than the provisions mentioned in paragraphs (a) and (b) of subsection (A1),] applies—

- (a) to an act done by or for purposes of a Minister of the Crown or government department, or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) <sup>F4</sup>. . . Part II applies to service—

- (a) for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or
- (b) on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,

as it applies to employment by a private person.

[<sup>F5</sup>(2A) Subsections [<sup>F6</sup>(A1) to](2) have effect subject to section 64A and section 64B.]

[<sup>F7</sup>(2A) Subsections [<sup>F8</sup>(A1) to](2) have effect subject to section 64A.]

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 64. (See end of Document for details)*

- (3) The provisions of Parts II to IV of the 1947 Act apply to proceedings against the Crown under this Act as they apply to Crown proceedings in England and Wales <sup>F9</sup> . . . .
  - (4) The provisions of Part V of the 1947 Act apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which by virtue of that Part are treated as civil proceedings by or against the Crown; but the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) does not apply.
  - (5) <sup>F10</sup> . . . . .
  - (6) <sup>F10</sup> . . . . .
  - (7) <sup>F11</sup> . . . Part II does not apply to service in any of the naval, military or air forces of the Crown.
  - (8) In this section—
    - “the 1947 Act” means the <sup>M1</sup>Crown Proceedings Act 1947;  
<sup>F12</sup> . . . . .
    - “Crown proceedings” means proceedings which, by virtue of section 23 of the 1947 Act, are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown;  
<sup>F13</sup> . . . . .  
<sup>F13</sup> . . . . .  
<sup>F13</sup> . . . . .  
<sup>F14</sup> . . . . .
    - “service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the <sup>M2</sup>House of Commons Disqualification Act 1975;
    - “statutory body” means a body set up by or under an enactment;
    - “statutory office” means an office so set up; <sup>F15</sup> . . .
- <sup>F16</sup> . . . . . ]

**Extent Information**

**E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 44; see [s. 70\(6\)](#)

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**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\(h\)](#)

**F2** [S. 64\(A1\)](#) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 31\(2\)](#); [S.I. 2005/2774](#), [arts. 3\(j\)](#), [4\(f\)](#) and said subsection inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 24\(2\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(l\)](#)

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- F3** Words in s. 64(1) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(3)**; S.I. 2005/2774, **arts. 3(j), 4(f)** and same words inserted (N.I.) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 24(3)**; S.R. 2007/466, **art. 2(2)(l)**
- F4** Words in s. 64(2) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(a)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(a)**
- F5** S. 64(2A) inserted (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), **24(b)**
- F6** Words in s. 64(2A) (as inserted (N.I.)) substituted (N.I.) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 24(4)**; S.R. 2007/466, **art. 2(2)(l)**
- F7** S. 64(2A) inserted (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), **24(b)**
- F8** In s. 64(2A) words substituted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(4)**; S.I. 2005/2774, **arts. 3(j), 4(f)**
- F9** Words in s. 64(3) repealed (1.10.2005) by The Civil Procedure (Modification of Crown Proceedings Act 1947) Order 2005 (S.I. 2005/2712), art. 3, **Sch. 2** {para. 3}
- F10** S. 64(5)(6) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(c)** and said subsections omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(c)**
- F11** Words in s. 64(7) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(d)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(d)**
- F12** S. 64(8): definition of "British Transport Police" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3), 24(e)**  
S. 64(8): definition of "British Transport Police" ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**
- F13** S. 64(8): definitions of "fire brigade", "Ministry of Defence Police" and "prison officer" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said definitions omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**
- F14** S. 64(8): definition of "Royal Parks Constabulary" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3), 24(e)**
- F15** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by

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virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**

- F16** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 24(e) and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**

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#### Marginal Citations

**M1** 1947 c. 44.

**M2** 1975 c. 24.

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