



Disability Discrimination Act 1995

1995 CHAPTER 50

PART VIII

MISCELLANEOUS

68 Interpretation. **E+W+S**

(1) In this Act—

“accessibility certificate” means a certificate issued under section 41(1)(a);

“act” includes a deliberate omission;

“approval certificate” means a certificate issued under section 42(4);

“benefits”, in Part II, has the meaning given in section 4(4);

“conciliation officer” means a person designated under section 211 of the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992;

“employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do any work, and related expressions are to be construed accordingly;

“employment at an establishment in Great Britain” is to be construed in accordance with subsections (2) to (5);

“enactment” includes subordinate legislation and any Order in Council [^{F1}, and (except in section 56(5)) includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament];

“licensing authority” means—

(a) in relation to the area to which the ^{M2}Metropolitan Public Carriage Act 1869 applies, the Secretary of State or the holder of any office for the time being designated by the Secretary of State; or

(b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area;

“mental impairment” does not have the same meaning as in the ^{M3}Mental Health Act 1983 or the ^{M4}Mental Health (Scotland) Act 1984 but the fact that an impairment would be a mental impairment for the purposes of either of

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 68. (See end of Document for details)

those Acts does not prevent it from being a mental impairment for the purposes of this Act;

“Minister of the Crown” includes the Treasury;

“occupational pension scheme” has the same meaning as in the ^{M5}Pension Schemes Act 1993;

“premises” includes land of any description;

“prescribed” means prescribed by regulations;

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

“public service vehicle” and “regulated public service vehicle” have the meaning given in section 40;

“PSV accessibility regulations” means regulations made under section 40(1);

“rail vehicle” and “regulated rail vehicle” have the meaning given in section 46;

“rail vehicle accessibility regulations” means regulations made under section 46(1);

“regulations” means regulations made by the Secretary of State;

“section 6 duty” means any duty imposed by or under section 6;

“section 15 duty” means any duty imposed by or under section 15;

“section 21 duty” means any duty imposed by or under section 21;

“subordinate legislation” has the same meaning as in section 21 of the ^{M6}Interpretation Act 1978;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

“vehicle examiner” means an examiner appointed under section 66A of the ^{M7}Road Traffic Act 1988.

[^{F2}(2) Where an employee does his work wholly outside Great Britain, his employment is not to be treated as being work at an establishment in Great Britain.]

(3) Except in prescribed cases, employment on board a ship, aircraft or hovercraft is to be regarded as not being employment at an establishment in Great Britain.

(4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in Great Britain.

(5) Where work is not done at an establishment it shall be treated as done—

(a) at the establishment from which it is done; or

(b) where it is not done from any establishment, at the establishment with which it has the closest connection.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

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Changes to legislation: There are currently no known outstanding effects for the
Disability Discrimination Act 1995, Section 68. (See end of Document for details)

Textual Amendments

- F1** S. 68(1): Words in the definition of “enactment” inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)
- F2** S. 68(2) substituted (E.W.S.) (16.12.1999) by S.I. 1999/3163, **reg. 4**

Commencement Information

- I1** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

Marginal Citations

- M1** 1992 c. 52.
M2 1869 c. 115.
M3 1983 c. 20.
M4 1984 c. 36.
M5 1993 c. 48.
M6 1978 c. 30.
M7 1988 c. 52.

68 Interpretation. **N.I.**

[^{F3}(1) In this Act—

- “accessibility certificate” means a certificate issued under section 41(1)(a);
- “act” includes a deliberate omission;
- “the Agency” means the Labour Relations Agency;
- “approval certificate” means a certificate issued under section 42(4);
- “the Assembly” means the Northern Ireland Assembly;
- “benefits”, in Part II, has the meaning given in section 4(4);
- “the Department of Economic Development” means the Department of Economic Development in Northern Ireland;
- “the Department of the Environment” means the Department of the Environment for Northern Ireland;
- “the Department of Health and Social Services” means the Department of Health and Social Services for Northern Ireland;
- “employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do work and related expressions are to be construed accordingly;
- “employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (5);
- “enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 [^{F4}, and (except in section 56(5)) includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament];
- “government department” means a Northern Ireland department or a department of the Government of the United Kingdom;
- “Minister of the Crown” includes the Treasury;
- “Northern Ireland department” includes (except in sections 51 and 52) the head of a Northern Ireland department;

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“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;

“premises”, includes land of any description;

“prescribed” means prescribed by regulations;

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

“public service vehicle” and “regulated public service vehicle” have the meaning given in section 40;

“PSV accessibility regulations” means regulations made under section 40(1);

“rail vehicle” and “regulated rail vehicle” have the meaning given in section 46;

“rail vehicle accessibility regulations” means regulations made under section 46(1);

“regulations” means—

- (a) in Parts I and II of this Act, section 66, the definition of “employment” above and subsections (3) and (4) below, regulations made by the Department of Economic Development;
- (b) in Part V of this Act, regulations made by the Department of the Environment;
- (c) in any other provision of this Act, regulations made by the Department of Health and Social Services.

“section 6 duty” means any duty imposed by or under section 6;

“section 15 duty” means any duty imposed by or under section 15;

“section 21 duty” means any duty imposed by or under section 21;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

“vehicle examiner” means an officer of the Department of the Environment authorised by that Department for the purposes of sections 41 and 42.]

[^{F5}(2) Where an employee does his work wholly outside Northern Ireland, his employment is not to be treated as being work at an establishment in Northern Ireland.]

(3) Except in prescribed cases, employment on board a ship, aircraft or hovercraft is to be regarded as not being employment at an establishment in [^{F5}Northern Ireland].

(4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in [^{F5}Northern Ireland].

(5) Where work is not done at an establishment it shall be treated as done—

- (a) at the establishment from which it is done; or
- (b) where it is not done from any establishment, at the establishment with which it has the closest connection.

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 68. (See end of Document for details)

Extent Information

- E2** This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 47 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F3** S. 68(1) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
F4 S. 68(1): words in the definition of “enactment” inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)
F5 S. 68(2) and words in s. 68(3)(4) substituted (N.I.) (9.3.2000) by virtue of S.R. 2000/8, **art. 3(2)**

Commencement Information

- I2** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

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Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 68.