
STATUTORY INSTRUMENTS

2005 No. 2703

**The Disability Discrimination
(Questions and Replies) Order 2005**

Amendment of the Disability Discrimination (Questions and Replies) Order 2004

5.—(1) Amend the Disability Discrimination (Questions and Replies) Order 2004⁽¹⁾ as follows.

(2) In article 3—

(a) after “the purposes of section 56 of the Act” insert “for cases falling within Part 2 of the Act (the employment field and members of locally-electable authorities) and, in relation to Part 3 of the Act (discrimination in other areas), for cases falling within section 21A (employment services) and sections 19 to 21 of the Act (discrimination in relation to services and duty to make adjustments) in so far as sections 19 to 21 relate to a group insurance arrangement”⁽²⁾;

(b) in paragraph (a), for “complainant” substitute “person aggrieved”.

(3) In article 5(b), for “complainant” substitute “person aggrieved”.

(4) In Schedule 1—

(a) for “complainant” (in each place) substitute “person aggrieved”;

(b) in paragraph 1—

(i) for “the Disability Discrimination Act 1995 (“the Act”) by” substitute “Part 2 of the Disability Discrimination Act 1995 (“the Act”) or Part 3 of that Act so far as it relates to employment services or a group insurance arrangement by”;

(ii) in sub-paragraph (a)(i), after “against me”, insert “(not applicable in a group insurance case)”;

(iii) after “harassment contrary to the Act” insert “(not applicable in a group insurance case)”;

(c) in the Notes—

(i) for paragraph (1) substitute the following paragraph—

“(1) Under section 56(3) of the Act (as substituted by the Disability Discrimination Act 2005), this questionnaire and any reply are admissible in evidence in employment tribunal proceedings brought under Part 2 of the Act or under section 21A (employment services) and sections 19 to 21 (discrimination in relation to services and duty to make adjustments) in so far as sections 19 to 21 relate to a group insurance arrangement, of Part 3 of the Act.”

(ii) in paragraph (2), for “a failure,” substitute “a deliberate failure,” and for “Part 3 if the case concerns employment services” substitute “the provisions of Part 3 mentioned in paragraph (1).”

(5) In Schedule 2—

⁽¹⁾ S.I.2004/1168.

⁽²⁾ The definition of “group insurance arrangement” was inserted in section 68(1) of the Disability Discrimination Act 1995 by section 11(3) of the Disability Discrimination Act 2005.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) for “(name of complainant)” substitute “(name of person aggrieved)”;
- (b) in paragraph 3 for “(Include any reasons which in your view explain or justify your treatment of the complainant or explain any failure on your part to comply with a duty to make a reasonable adjustment).” substitute “(Include any reasons which in your view explain or justify your treatment of the person aggrieved or which explain, or in a group insurance case justify, any failure on your part to comply with a duty to make a reasonable adjustment).”.