
STATUTORY INSTRUMENTS

2007 No. 2405

The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations 2007

PART 2

Amendments to the Disability Discrimination Act 1995

Enforcement, remedies and procedures

3. After section 31AD of the 1995 Act (general qualifications bodies: duty to make adjustments)(1) insert—

“31ADA Enforcement, remedies and procedures

(1) A claim by a person—

- (a) that a general qualifications body has discriminated against him, or subjected him to harassment, in a way which is unlawful under this Chapter,
- (b) that a general qualifications body is by virtue of section 57 or 58 to be treated as having done so, or
- (c) that a person is by virtue of section 57 to be treated as having done so,

may be made the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) Where—

- (a) a claim is brought under subsection (1), and
- (b) the claimant (or pursuer, in Scotland) proves facts from which the court could, apart from this subsection, conclude in the absence of an adequate explanation that the defendant (or defender, in Scotland) has acted in a way which is unlawful under this Chapter,

the court shall uphold the claim unless the defendant (or defender, in Scotland) proves that he did not so act.

(3) Damages in respect of discrimination in a way which is unlawful under this Chapter may include compensation for injury to feelings whether or not they include compensation under any other head.

(4) Proceedings in England and Wales may be brought only in a county court.

(5) Proceedings in Scotland may be brought only in a sheriff court.

(1) Section 31AD was inserted by the 2005 Act, section 15.

Status: *This is the original version (as it was originally made).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

(6) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.

(7) Part 5 of Schedule 3 makes further provision about the enforcement of this Part and about procedure and evidence.”