



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

An Act to make it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises; to make provision about the employment of disabled persons; and to establish a National Disability Council. [8th November 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Annotations:

#### Extent Information

**E1** Act extends to Northern Ireland subject to modifications: see [s. 70\(6\)](#), [Sch. 8](#).

#### Modifications etc. (not altering text)

**C1** Act restricted (E.W.S.) (22.8.1996) by [1996 c. 17](#), [ss. 21, 46](#) (with [s. 38](#))  
Act restricted (8.8.1998) by [S.I. 1996/1919 \(N.I. 16\)](#), [art. 160\(1\)\(b\)](#) (as substituted (8.8.1998) by [S.I. 1998/1265 \(N.I. 8\)](#), [arts. 1\(2\), 15\(3\)](#); [S.R. 1998/274](#), [art. 2\(1\)](#), [Sch. 1](#) (with savings and transitional provisions in [art. 3](#)))  
Act: transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), [art. 8\(a\)](#), [Sch. 6 Pt. I](#)  
Act (except [ss. 8, 9\(4\)\(d\), 10\(2\)\(b\)](#)): transfer of certain functions (N.I.)(1.12.1999) by [S.R. 1999/481](#), [art. 4\(a\)](#), [Sch. 2 Pt. I](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## PART I

### DISABILITY

#### 1 Meaning of “disability” and “disabled person”.

- (1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.
- (2) In this Act “disabled person” means a person who has a disability.

##### Annotations:

##### Commencement Information

- II** [S. 1](#) wholly in force at 30.5.1996; [s. 1](#) not in force at Royal Assent see. [s. 70\(3\)](#); [s. 1](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(a\)](#); [s. 1](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(a\)](#)

#### 2 Past disabilities.

- (1) The provisions of this Part and Parts II [<sup>F1</sup>to 4] apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.
- (2) Those provisions are subject to the modifications made by Schedule 2.
- (3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.
- (4) In any proceedings under Part II [<sup>F2</sup>, 3 or 4] of this Act, the question whether a person had a disability at a particular time (“the relevant time”) shall be determined, for the purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.
- (5) The relevant time may be a time before the passing of this Act.

##### Annotations:

##### Amendments (Textual)

- F1** [S. 2\(1\)](#): words “to 4” substituted for words “and III” (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 38\(2\)\(a\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)
- F2** [S. 2\(4\)](#): words “, 3 or 4” substituted for words “or Part III” (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 38\(2\)\(b\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

##### Commencement Information

- I2** [S. 2](#) wholly in force at 30.5.1996; [s. 2](#) not in force at Royal Assent see. [s. 70\(3\)](#); [s. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(b\)](#); [s. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(b\)](#)

#### 3 Guidance.

- (1) The Secretary of State may issue guidance about the matters to be taken into account in determining—

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- (a) whether an impairment has a substantial adverse effect on a person's ability to carry out normal day-to-day activities; or
  - (b) whether such an impairment has a long-term effect.
- (2) The guidance may, among other things, give examples of—
  - (a) effects which it would be reasonable, in relation to particular activities, to regard for purposes of this Act as substantial adverse effects;
  - (b) effects which it would not be reasonable, in relation to particular activities, to regard for such purposes as substantial adverse effects;
  - (c) substantial adverse effects which it would be reasonable to regard, for such purposes, as long-term;
  - (d) substantial adverse effects which it would not be reasonable to regard, for such purposes, as long-term.
- (3) [<sup>F3</sup>An adjudicating body] determining, for any purpose of this Act, whether an impairment has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities, shall take into account any guidance which appears to it to be relevant.
- [<sup>F4</sup>(3A) “Adjudicating body” means—
  - (a) a court;
  - (b) a tribunal; and
  - (c) any other person who, or body which, may decide a claim under Part 4.]
- (4) In preparing a draft of any guidance, the Secretary of State shall consult such persons as he considers appropriate.
- (5) Where the Secretary of State proposes to issue any guidance, he shall publish a draft of it, consider any representations that are made to him about the draft and, if he thinks it appropriate, modify his proposals in the light of any of those representations.
- (6) If the Secretary of State decides to proceed with any proposed guidance, he shall lay a draft of it before each House of Parliament.
- (7) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed guidance.
- (8) If no such resolution is made within the 40-day period, the Secretary of State shall issue the guidance in the form of his draft.
- (9) The guidance shall come into force on such date as the Secretary of State may appoint by order.
- (10) Subsection (7) does not prevent a new draft of the proposed guidance from being laid before Parliament.
- (11) The Secretary of State may—
  - (a) from time to time revise the whole or part of any guidance and re-issue it;
  - (b) by order revoke any guidance.
- (12) In this section—
  - “40-day period”, in relation to the draft of any proposed guidance, means—
    - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

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(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days; and

“guidance” means guidance issued by the Secretary of State under this section and includes guidance which has been revised and re-issued.

#### Annotations:

##### Extent Information

**E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Amendments (Textual)

**F3** [S. 3\(3\)](#): words “An adjudicating body” substituted for words “A tribunal or court” (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(3\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

**F4** [S. 3\(3A\)](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(4\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

##### Commencement Information

**I3** [S. 3](#) wholly in force at 30.5.1996; [s. 3](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 3](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336, art. 3\(c\)](#); [s. 3](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219, art. 3\(c\)](#)

## PART II

### EMPLOYMENT

#### *Discrimination by employers*

#### **4 Discrimination against applicants and employees.**

- (1) It is unlawful for an employer to discriminate against a disabled person—
  - (a) in the arrangements which he makes for the purpose of determining to whom he should offer employment;
  - (b) in the terms on which he offers that person employment; or
  - (c) by refusing to offer, or deliberately not offering, him employment.
- (2) It is unlawful for an employer to discriminate against a disabled person whom he employs—
  - (a) in the terms of employment which he affords him;
  - (b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit;
  - (c) by refusing to afford him, or deliberately not affording him, any such opportunity; or
  - (d) by dismissing him, or subjecting him to any other detriment.
- (3) Subsection (2) does not apply to benefits of any description if the employer is concerned with the provision (whether or not for payment) of benefits of that

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description to the public, or to a section of the public which includes the employee in question, unless—

- (a) that provision differs in a material respect from the provision of the benefits by the employer to his employees; or
  - (b) the provision of the benefits to the employee in question is regulated by his contract of employment; or
  - (c) the benefits relate to training.
- (4) In this Part “benefits” includes facilities and services.
- (5) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (6) This section applies only in relation to employment at an establishment in Great Britain.

#### Annotations:

##### Extent Information

- E3** In its application to Northern Ireland, this section has effect subject to the modification set out in Sch. 8; see [s. 70\(6\)](#)

##### Modifications etc. (not altering text)

- C2** [S. 4](#) modified (E.W.) (2.3.1998 subject to art. 1(2) of the amending S.I.) by [S.I. 1998/218](#), [arts. 1\(2\)](#), [3\(1\)](#), [Sch.](#) (with [art. 3\(2\)\(b\)](#))  
[S. 4](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

## 5 Meaning of “discrimination”.

- (1) For the purposes of this Part, an employer discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
  - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this Part, an employer also discriminates against a disabled person if—
- (a) he fails to comply with a section 6 duty imposed on him in relation to the disabled person; and
  - (b) he cannot show that his failure to comply with that duty is justified.
- (3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.
- (4) For the purposes of subsection (2), failure to comply with a section 6 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.
- (5) If, in a case falling within subsection (1), the employer is under a section 6 duty in relation to the disabled person but fails without justification to comply with that duty, his treatment of that person cannot be justified under subsection (3) unless it would have been justified even if he had complied with the section 6 duty.

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- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—
- (a) treatment is to be taken to be justified;
  - (b) failure to comply with a section 6 duty is to be taken to be justified;
  - (c) treatment is to be taken not to be justified;
  - (d) failure to comply with a section 6 duty is to be taken not to be justified.
- (7) Regulations under subsection (6) may, in particular—
- (a) make provision by reference to the cost of affording any benefit; and
  - (b) in relation to benefits under occupational pension schemes, make provision with a view to enabling uniform rates of contributions to be maintained.

#### Annotations:

##### Modifications etc. (not altering text)

- C3** [S. 5](#) modified (E.W.) (2.3.1998 subject to art. 1(2) of the amending S.I.) by [S.I. 1998/218](#), [arts. 1\(2\), 3\(1\)](#), [Sch.](#) (with [art. 3\(2\)\(b\)](#))  
[S. 5](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

##### Commencement Information

- I4** [S. 5](#) wholly in force at 2.12.1996; [s. 5](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 5\(6\)\(7\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 5\(6\)\(7\)](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#); [s. 5\(1\)–\(5\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 5\(1\)–\(5\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

## 6 Duty of employer to make adjustments.

- (1) Where—
- (a) any arrangements made by or on behalf of an employer, or
  - (b) any physical feature of premises occupied by the employer,
- place the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer 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 arrangements or feature having that effect.
- (2) Subsection (1)(a) applies only in relation to—
- (a) arrangements for determining to whom employment should be offered;
  - (b) any term, condition or arrangements on which employment, promotion, a transfer, training or any other benefit is offered or afforded.
- (3) The following are examples of steps which an employer may have to take in relation to a disabled person in order to comply with subsection (1)—
- (a) making adjustments to premises;
  - (b) allocating some of the disabled person's duties to another person;
  - (c) transferring him to fill an existing vacancy;
  - (d) altering his working hours;
  - (e) assigning him to a different place of work;
  - (f) allowing him to be absent during working hours for rehabilitation, assessment or treatment;

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- (g) giving him, or arranging for him to be given, training;
  - (h) acquiring or modifying equipment;
  - (i) modifying instructions or reference manuals;
  - (j) modifying procedures for testing or assessment;
  - (k) providing a reader or interpreter;
  - (l) providing supervision.
- (4) In determining whether it is reasonable for an employer to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—
- (a) the extent to which taking the step would prevent the effect in question;
  - (b) the extent to which it is practicable for the employer to take the step;
  - (c) the financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt any of his activities;
  - (d) the extent of the employer's financial and other resources;
  - (e) the availability to the employer of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (8).

- (5) In this section, “the disabled person concerned” means—
- (a) in the case of arrangements for determining to whom employment should be offered, any disabled person who is, or has notified the employer that he may be, an applicant for that employment;
  - (b) in any other case, a disabled person who is—
    - (i) an applicant for the employment concerned; or
    - (ii) an employee of the employer concerned.
- (6) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know—
- (a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or
  - (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).
- (7) Subject to the provisions of this section, nothing in this Part is to be taken to require an employer to treat a disabled person more favourably than he treats or would treat others.
- (8) Regulations may make provision, for the purposes of subsection (1)—
- (a) as to circumstances in which arrangements are, or a physical feature is, to be taken to have the effect mentioned in that subsection;
  - (b) as to circumstances in which arrangements are not, or a physical feature is not, to be taken to have that effect;
  - (c) as to circumstances in which it is reasonable for an employer to have to take steps of a prescribed description;
  - (d) as to steps which it is always reasonable for an employer to have to take;
  - (e) as to circumstances in which it is not reasonable for an employer to have to take steps of a prescribed description;
  - (f) as to steps which it is never reasonable for an employer to have to take;
  - (g) as to things which are to be treated as physical features;

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- (h) as to things which are not to be treated as such features.
- (9) Regulations made under subsection (8)(c), (d), (e) or (f) may, in particular, make provision by reference to the cost of taking the steps concerned.
- (10) Regulations may make provision adding to the duty imposed on employers by this section, including provision of a kind which may be made under subsection (8).
- (11) This section does not apply in relation to any benefit under an occupational pension scheme or any other benefit payable in money or money's worth under a scheme or arrangement for the benefit of employees in respect of—
  - (a) termination of service;
  - (b) retirement, old age or death;
  - (c) accident, injury, sickness or invalidity; or
  - (d) any other prescribed matter.
- (12) This section imposes duties only for the purpose of determining whether an employer has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

#### Annotations:

#### Modifications etc. (not altering text)

- C4** [S. 6](#) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (with [art. 1\(2\)](#))  
[S. 6](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

#### Commencement Information

- I5** [S. 6](#) wholly in force at 2.12.1996; [s. 6](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 6\(8\)\(9\)\(10\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 6\(8\)\(9\)\(10\)](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 6\(1\)-\(7\)\(11\)\(12\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 6\(1\)-\(7\)\(11\)\(12\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

## 7 Exemption for small businesses. **E+W+S**

- (1) Nothing in this Part applies in relation to an employer who has fewer than [<sup>F5</sup>15] employees.
- (2) The Secretary of State may by order amend subsection (1) by substituting a different number (not greater than 20) for the number for the time being specified there.
- [<sup>F6</sup>(3) Before making an order under subsection (2) the Secretary of State shall consult—
  - (a) the Disability Rights Commission;
  - (b) such organisations representing the interests of employers as he considers appropriate; and
  - (c) such organisations representing the interests of disabled persons in employment or seeking employment as he considers appropriate.
- (4) The Secretary of State shall, before laying an order under this section before Parliament, publish a summary of the views expressed to him in his consultations.]



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## Annotations:

### Extent Information

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

### Amendments (Textual)

- F5** Word in [s. 7\(1\)](#) substituted (1.12.1998) by [S.I. 1998/2618](#), [art. 2](#); [S.R. 1998/391](#), [art. 2](#)  
**F6** [S. 7\(3\)\(4\)](#) substituted for [S. 7\(3\)-\(10\)](#) (E.W.S.) (25.4.2000) by [1999 c. 17](#), [s. 11](#); [S.I. 2000/880](#), [art. 2](#), [Sch. 2](#)

## 7 Exemption for small businesses. **N.I.**

- (1) Nothing in this Part applies in relation to an employer who has fewer than [<sup>F198</sup>15] employees.
- (2) The [<sup>F199</sup>Department of Economic Development] may by order amend subsection (1) by substituting a different number (not greater than 20) for the number for the time being specified there.
- [<sup>F200</sup>(3) Before making an order under subsection (2) the Office of the First Minister and deputy First Minister shall consult—
- (a) the Equality Commission for Northern Ireland;
  - (b) such organisations representing the interests of employers as that Office considers appropriate; and
  - (c) such organisations representing the interests of disabled persons in employment or seeking employment as that Office considers appropriate.
- (4) The Office of the First Minister and deputy First Minister shall, before laying an order under this section before the Assembly, publish a summary of the views expressed to it in its consultations.]

## Annotations:

### Extent Information

- E57** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

### Amendments (Textual)

- F198** Word in [s. 7\(1\)](#) substituted (1.12.1998) by [S.I. 1998/2618](#), [art. 2](#); [S.R. 1998/391](#), [art. 2](#)  
**F199** Words in [s. 7\(2\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), [Sch. 8 para. 4\(1\)](#) of this Act  
**F200** [S. 7\(3\)\(4\)](#) substituted for [s. 7\(3\)-\(10\)](#) (N.I.) (25.4.2000) by [S.I. 2000/1110](#) (N.I. 2), [art. 13](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#)

*Enforcement etc.*

## 8 Enforcement, remedies and procedure. **E+W+S**

- (1) A complaint by any person that another person—

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- (a) has discriminated against him in a way which is unlawful under this Part, or
  - (b) is, by virtue of section 57 or 58, to be treated as having discriminated against him in such a way,

may be presented to an [<sup>F7</sup>employment tribunal].
- (2) Where an [<sup>F7</sup>employment tribunal] finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—
  - (a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;
  - (b) ordering the respondent to pay compensation to the complainant;
  - (c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.
- (3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort or (in Scotland) in reparation for breach of statutory duty.
- (4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.
- (5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an [<sup>F7</sup>employment tribunal] under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—
  - (a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or
  - (b) make an order under subsection (2)(b).
- (6) Regulations may make provision—
  - (a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and
  - (b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.
- (7) Regulations may modify the operation of any order made under [<sup>F8</sup>section 14 of [<sup>F9</sup>the Employment Tribunals Act 1996]] (power to make provision as to interest on sums payable in pursuance of [<sup>F7</sup>employment tribunal] decisions) to the extent that it relates to an award of compensation under subsection (2)(b).
- (8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

#### Annotations:

#### Extent Information

- E5** 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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#### Amendments (Textual)

- F7** Words in s. 8(1)(b)(2)(5)(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F8** Words in s. 8(7) substituted (E.W.S.) (28.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 12(1)(2)** (with s. 38)
- F9** Words in s. 8(7) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(c) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

#### Commencement Information

- I6** S. 8 wholly in force at 2.12.1996; s. 8 not in force at Royal Assent see s. 70(3); s. 8(6)(7) in force at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 8(1)-(5)(8) in force at 2.12.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. III**

## 8 Enforcement, remedies and procedure. **N.I.**

- (1) A complaint by any person that another person—
- (a) has discriminated against him in a way which is unlawful under this Part, or
  - (b) is, by virtue of section 57 or 58, to be treated as having discriminated against him in such a way,
- may be presented to an industrial tribunal.
- (2) Where an industrial tribunal finds that a complaint presented to it under this section is well-founded, it shall take such of the following steps as it considers just and equitable—
- (a) making a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates;
  - (b) ordering the respondent to pay compensation to the complainant;
  - (c) recommending that the respondent take, within a specified period, action appearing to the tribunal to be reasonable, in all the circumstances of the case, for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the complaint relates.
- (3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort or (in Scotland) in reparation for breach of statutory duty.
- (4) For the avoidance of doubt it is hereby declared that compensation in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not it includes compensation under any other head.
- (5) If the respondent to a complaint fails, without reasonable justification, to comply with a recommendation made by an industrial tribunal under subsection (2)(c) the tribunal may, if it thinks it just and equitable to do so—
- (a) increase the amount of compensation required to be paid to the complainant in respect of the complaint, where an order was made under subsection (2)(b); or
  - (b) make an order under subsection (2)(b).
- (6) Regulations may make provision—
- (a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (2)(b), to include in the award interest on that amount; and

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined.
- (7) Regulations may modify the operation of any order made under paragraph 6A of Schedule 9 to the Employment Protection (consolidation) Act 1978 (power to make provision as to interest on sums payable in pursuance of industrial tribunal decisions) to the extent that it relates to an award of compensation under subsection (2)(b).
- (8) Part I of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

#### Annotations:

##### Extent Information

**E58** This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#). A separate version has been created for England and Wales and Scotland only

##### Modifications etc. (not altering text)

**C34** [S. 8](#): transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), [art. 4\(b\)](#), [Sch. 2 Pt. II](#)

##### Commencement Information

**I67** [S. 8](#) wholly in force at 2.12.1996; [s. 8](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 8\(6\)\(7\)](#) in force at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 8\(1\)-\(5\)\(8\)](#) in force at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

## 9 Validity of certain agreements. **E+W+S**

- (1) Any term in a contract of employment or other agreement is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Part;
  - (b) exclude or limit the operation of any provision of this Part; or
  - (c) prevent any person from presenting a complaint to an <sup>F10</sup>employment tribunal under this Part.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement not to institute proceedings under section 8(1), or to an agreement not to continue such proceedings, if—
  - (a) a conciliation officer has acted under <sup>F11</sup>section 18 of <sup>F10</sup>the Employment Tribunals Act 1996 in relation to the matter; or
  - (b) the conditions set out in subsection (3) are satisfied.
- (3) The conditions are that—
  - (a) the complainant must have received <sup>F12</sup>advice from a relevant independent adviser as to the terms and effect of the proposed agreement (and in particular its effect on his ability to pursue his complaint before an <sup>F10</sup>employment tribunal);
  - (b) when the adviser gave the advice there must have been in force a <sup>F13</sup>contract of insurance, or an indemnity provided for members of a profession or

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professional body,] covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice; and

- (c) the agreement must be in writing, relate to the particular complaint, identify the adviser and state that the conditions are satisfied.

[<sup>F14</sup>(4) A person is a relevant independent adviser for the purposes of subsection (3)(a)—

- (a) if he is a qualified lawyer,
- (b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union,
- (c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre, or
- (d) if he is a person of a description specified in an order made by the Secretary of State.

(4A) But a person is not a relevant independent adviser for the purposes of subsection (3) (a) in relation to the complainant—

- (a) if he is, is employed by or is acting in the matter for the other party or a person who is connected with the other party,
- (b) in the case of a person within subsection (4)(b) or (c), if the trade union or advice centre is the other party or a person who is connected with the other party,
- (c) in the case of a person within subsection (4)(c), if the complainant makes a payment for the advice received from him, or
- (d) in the case of a person of a description specified in an order under subsection (4)(d), if any condition specified in the order in relation to the giving of advice by persons of that description is not satisfied.

(4B) In subsection (4)(a) “qualified lawyer” means—

- (a) as respects England and Wales, a barrister (whether in practice as such or employed to give legal advice), a solicitor who holds a practising certificate, or a person other than a barrister or solicitor who is an authorised advocate or authorised litigator (within the meaning of the <sup>M1</sup>Courts and Legal Services Act 1990), and
- (b) as respects Scotland, an advocate (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.

(4C) In subsection (4)(b) “independent trade union” has the same meaning as in the <sup>M2</sup>Trade Union and Labour Relations (Consolidation) Act 1992.

(5) For the purposes of subsection (4A) any two persons are to be treated as connected—

- (a) if one is a company of which the other (directly or indirectly) has control, or
- (b) if both are companies of which a third person (directly or indirectly) has control.]

[<sup>F15</sup>(6) An agreement under which the parties agree to submit a dispute to arbitration—

- (a) shall be regarded for the purposes of subsection (2) as being an agreement not to institute, or an agreement not to continue, proceedings if—
  - (i) the dispute is covered by a scheme having effect by virtue of an order under section 212A of the <sup>M3</sup>Trade Union and Labour Relations (Consolidation) Act 1992, and

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- (ii) the agreement is to submit it to arbitration in accordance with the scheme, but
- (b) shall be regarded as neither being nor including such an agreement in any other case.]

#### Annotations:

##### Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

##### Amendments (Textual)

- F10** Words in s. 9 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b)(c) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F11** Words in s. 9(2)(a) substituted (E.W.S.) (28.8.1996) by 1996 c. 17, ss. 43, 46, Sch. 1 para. 12(1)(3) (with s. 38)
- F12** Words in s. 9(3)(a) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 9(1)(2)(d); S.I. 1998/1658, art. 2(1), Sch. 1
- F13** Words in s. 9(3)(b) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 10(1)(2)(d); S.I. 1998/1658, art. 2(1), Sch. 1
- F14** S. 9(4)(4A)(4B)(4C)(5) substituted for s. 9(4)(5) (E.W.S.) (1.8.1998) by 1998 c. 8, s. 15, Sch. 1 para. 11; S.I. 1998/1658, art. 2(1), Sch. 1
- F15** S. 9(6) added (E.W.S.) (1.8.1998) by 1998 c. 8, 8(4); S.I. 1998/1658, art. 2(1), Sch. 1

##### Marginal Citations

- M1** 1990 c. 41.
- M2** 1992 c. 52.
- M3** 1992 c. 52.

## 9 Validity of certain agreements. **N.I.**

- (1) Any term in a contract of employment or other agreement is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Part;
  - (b) exclude or limit the operation of any provision of this Part; or
  - (c) prevent any person from presenting a complaint to an industrial tribunal under this Part.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement not to institute proceedings under section 8(1), or to an agreement not to continue such proceedings, if—
  - (a) a conciliation officer has acted under paragraph 1 of Schedule 3 in relation to the matter; or
  - (b) the conditions set out in subsection (3) are satisfied.
- (3) The conditions are that—
  - (a) the complainant must have received [<sup>F201</sup>advice from a relevant independent adviser] as to the terms and effect of the proposed agreement (and in particular its effect on his ability to pursue his complaint before an industrial tribunal);

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- (b) when the adviser gave the advice there must have been in force a [<sup>F202</sup>contract of insurance, or an indemnity provided for members of a profession or professional body,] covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice; and
  - (c) the agreement must be in writing, relate to the particular complaint, identify the adviser and state that the conditions are satisfied.
- [<sup>F203</sup>(4) A person is a relevant independent adviser for the purposes of subsection (3)(a)—
  - (a) if he is a qualified lawyer,
  - (b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union,
  - (c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre, or
  - (d) if he is a person of a description specified in an order made by the Department of Economic Development.
- (4A) But a person is not a relevant independent adviser for the purposes of subsection (3)
  - (a) in relation to the complainant—
    - (a) if he is, is employed by or is acting in the matter for the other party or a person who is connected with the other party,
    - (b) in the case of a person within subsection (4)(b) or (c), if the trade union or advice centre is the other party or a person who is connected with the other party,
    - (c) in the case of a person within subsection (4)(c), if the complainant makes a payment for the advice received from him, or
    - (d) in the case of a person of a description specified in an order under subsection (4)(d), if any condition specified in the order in relation to the giving of advice by persons of that description is not satisfied.
  - (4B) In subsection (4)(a) “qualified lawyer” means a barrister (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.
  - (4C) In subsection (4)(b) “independent trade union” has the same meaning as in the Industrial Relations (Northern Ireland) Order 1992.
- (5) For the purposes of subsection (4A) any two persons are to be treated as connected—
  - (a) if one is a company of which the other (directly or indirectly) has control, or
  - (b) if both are companies of which a third person (directly or indirectly) has control.]
- [<sup>F204</sup>(6) An agreement under which the parties agree to submit a dispute to arbitration—
  - (a) shall be regarded for the purposes of subsection (2) as being an agreement not to institute, or an agreement not to continue, proceedings if—
    - (i) the dispute is covered by a scheme having effect by virtue of an order under Article 84A of the Industrial Relations (Northern Ireland) Order 1992, and
    - (ii) the agreement is to submit it to arbitration in accordance with the scheme, but
  - (b) shall be regarded as neither being nor including such an agreement in any other case.]

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## Annotations:

### Extent Information

- E59** This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#). A separate version has been created for England and Wales and Scotland only

### Amendments (Textual)

- F201** Words in [s. 9\(3\)\(a\)](#) substituted (8.8.1998) by [S.I. 1998/1265 \(N.I. 8\)](#), [art. 10\(2\)\(c\)](#); [S.R. 1998/274](#), [art. 2\(1\)](#), [Sch. 1](#)
- F202** Words in [s. 9\(3\)\(b\)](#) substituted (8.8.1998) by [S.I. 1998/1265 \(N.I. 8\)](#), [art. 11\(2\)\(c\)](#); [S.R. 1998/274](#), [art. 2\(1\)](#), [Sch. 1](#)
- F203** [S. 9\(4\)\(4A\)\(4B\)\(4C\)\(5\)](#) substituted for [s. 9\(4\)\(5\)](#) (8.8.1998) by [S.I. 1998/1265 \(N.I. 8\)](#), [art. 16](#), [Sch. 1 para. 6](#); [S.R. 1998/274](#), [art. 2\(1\)](#), [Sch. 1](#)
- F204** [S. 9\(6\)](#) added (8.8.1998) by [S.I. 1998/1265 \(N.I. 8\)](#), [art. 16](#), [Sch. 1 para. 6](#); [S.R. 1998/274](#), [art. 2\(1\)](#), [Sch. 1](#)

## 10 Charities and support for particular groups of persons.

### (1) Nothing in this Part—

- (a) affects any charitable instrument which provides for conferring benefits on one or more categories of person determined by reference to any physical or mental capacity; or
- (b) makes unlawful any act done by a charity or recognised body in pursuance of any of its charitable purposes, so far as those purposes are connected with persons so determined.

### (2) Nothing in this Part prevents—

- (a) a person who provides supported employment from treating members of a particular group of disabled persons more favourably than other persons in providing such employment; or
- (b) the Secretary of State from agreeing to arrangements for the provision of supported employment which will, or may, have that effect.

### (3) In this section—

“charitable instrument” means an enactment or other instrument (whenever taking effect) so far as it relates to charitable purposes;

“charity” has the same meaning as in the <sup>M4</sup>Charities Act 1993;

“recognised body” means a body which is a recognised body for the purposes of Part I of the <sup>M5</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; and

“supported employment” means facilities provided, or in respect of which payments are made, under section 15 of the <sup>M6</sup>Disabled Persons (Employment) Act 1944.

### (4) In the application of this section to England and Wales, “charitable purposes” means purposes which are exclusively charitable according to the law of England and Wales.

### (5) In the application of this section to Scotland, “charitable purposes” shall be construed in the same way as if it were contained in the Income Tax Acts.



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#### Annotations:

#### Extent Information

- E7** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Marginal Citations

- M4** [1993 c. 10.](#)  
**M5** [1990 c. 40.](#)  
**M6** [1944 c. 10.](#)

## 11 Advertisements suggesting that employers will discriminate against disabled persons.

- (1) This section applies where—
- (a) a disabled person has applied for employment with an employer;
  - (b) the employer has refused to offer, or has deliberately not offered, him the employment;
  - (c) the disabled person has presented a complaint under section 8 against the employer;
  - (d) the employer has advertised the employment (whether before or after the disabled person applied for it); and
  - (e) the advertisement indicated, or might reasonably be understood to have indicated, that any application for the advertised employment would, or might, be determined to any extent by reference to—
    - (i) the successful applicant not having any disability or any category of disability which includes the disabled person's disability; or
    - (ii) the employer's reluctance to take any action of a kind mentioned in section 6.
- (2) The tribunal hearing the complaint shall assume, unless the contrary is shown, that the employer's reason for refusing to offer, or deliberately not offering, the employment to the complainant was related to the complainant's disability.
- (3) In this section "advertisement" includes every form of advertisement or notice, whether to the public or not.

#### Annotations:

#### Modifications etc. (not altering text)

- C5** [S. 11](#) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (with [art. 1\(2\)](#))  
[S. 11](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

### *Discrimination by other persons*

## 12 Discrimination against contract workers.

- (1) It is unlawful for a principal, in relation to contract work, to discriminate against a disabled person—

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- (a) in the terms on which he allows him to do that work;
  - (b) by not allowing him to do it or continue to do it;
  - (c) in the way he affords him access to any benefits or by refusing or deliberately omitting to afford him access to them; or
  - (d) by subjecting him to any other detriment.
- (2) Subsection (1) does not apply to benefits of any description if the principal is concerned with the provision (whether or not for payment) of benefits of that description to the public, or to a section of the public which includes the contract worker in question, unless that provision differs in a material respect from the provision of the benefits by the principal to contract workers.
- (3) The provisions of this Part (other than subsections (1) to (3) of section 4) apply to any principal, in relation to contract work, as if he were, or would be, the employer of the contract worker and as if any contract worker supplied to do work for him were an employee of his.
- (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (5) This section applies only in relation to contract work done at an establishment in Great Britain (the provisions of section 68 about the meaning of “employment at an establishment in Great Britain” applying for the purposes of this subsection with the appropriate modifications).
- (6) In this section—
- “principal” means a person (“A”) who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;
  - “contract work” means work so made available; and
  - “contract worker” means any individual who is supplied to the principal under such a contract.

#### Annotations:

#### Extent Information

- E8** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Modifications etc. (not altering text)

- C6** [S. 12](#) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (with [art. 1\(2\)](#))  
[S. 12](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

#### Commencement Information

- I7** [S. 12](#) wholly in force at 2.12.1996; [s. 12](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 12\(3\)\(6\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 12\(3\)\(6\)](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 12\(1\)\(2\)\(4\)\(5\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 12\(1\)\(2\)\(4\)\(5\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

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### **13 Discrimination by trade organisations.**

- (1) It is unlawful for a trade organisation to discriminate against a disabled person—
  - (a) in the terms on which it is prepared to admit him to membership of the organisation; or
  - (b) by refusing to accept, or deliberately not accepting, his application for membership.
- (2) It is unlawful for a trade organisation, in the case of a disabled person who is a member of the organisation, to discriminate against him—
  - (a) in the way it affords him access to any benefits or by refusing or deliberately omitting to afford him access to them;
  - (b) by depriving him of membership, or varying the terms on which he is a member; or
  - (c) by subjecting him to any other detriment.
- (3) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (4) In this section “trade organisation” means an organisation of workers, an organisation of employers or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.

### **14 Meaning of “discrimination” in relation to trade organisations.**

- (1) For the purposes of this Part, a trade organisation discriminates against a disabled person if—
  - (a) for a reason which relates to the disabled person’s disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  - (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of this Part, a trade organisation also discriminates against a disabled person if—
  - (a) it fails to comply with a section 15 duty imposed on it in relation to the disabled person; and
  - (b) it cannot show that its failure to comply with that duty is justified.
- (3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.
- (4) For the purposes of subsection (2), failure to comply with a section 15 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.
- (5) If, in a case falling within subsection (1), the trade organisation is under a section 15 duty in relation to the disabled person concerned but fails without justification to comply with that duty, its treatment of that person cannot be justified under subsection (3) unless the treatment would have been justified even if the organisation had complied with the section 15 duty.
- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—

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- (a) treatment is to be taken to be justified;
- (b) failure to comply with a section 15 duty is to be taken to be justified;
- (c) treatment is to be taken not to be justified;
- (d) failure to comply with a section 15 duty is to be taken not to be justified.

#### Annotations:

#### Commencement Information

- I8** S. 14 wholly in force at 1.10.1999; s. 14 not in force at Royal Assent see s. 70(3); s. 14(6) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 14(6) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**; s. 14(1)(3) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 14(1)(3) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 14(2)(4)(5) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(a)**; s. 14(2)(4)(5) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(a)**

### 15 Appeal against refusal of exemption certificate.

- (1) Where—
  - (a) any arrangements made by or on behalf of a trade organisation, or
  - (b) any physical feature of premises occupied by the organisation,
 place the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the organisation to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the arrangements or feature having that effect.
- (2) Subsection (1)(a) applies only in relation to—
  - (a) arrangements for determining who should become or remain a member of the organisation;
  - (b) any term, condition or arrangements on which membership or any benefit is offered or afforded.
- (3) In determining whether it is reasonable for a trade organisation to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—
  - (a) the extent to which taking the step would prevent the effect in question;
  - (b) the extent to which it is practicable for the organisation to take the step;
  - (c) the financial and other costs which would be incurred by the organisation in taking the step and the extent to which taking it would disrupt any of its activities;
  - (d) the extent of the organisation's financial and other resources;
  - (e) the availability to the organisation of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (7).

- (4) In this section “the disabled person concerned” means—
  - (a) in the case of arrangements for determining to whom membership should be offered, any disabled person who is, or has notified the organisation that he may be, an applicant for membership;
  - (b) in any other case, a disabled person who is—

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (i) an applicant for membership; or
  - (ii) a member of the organisation.
- (5) Nothing in this section imposes any duty on an organisation in relation to a disabled person if the organisation does not know, and could not reasonably be expected to know that the disabled person concerned—
  - (a) is, or may be, an applicant for membership; or
  - (b) has a disability and is likely to be affected in the way mentioned in subsection (1).
- (6) Subject to the provisions of this section, nothing in this Part is to be taken to require a trade organisation to treat a disabled person more favourably than it treats or would treat others.
- (7) Regulations may make provision for the purposes of subsection (1) as to any of the matters mentioned in paragraphs (a) to (h) of section 6(8) (the references in those paragraphs to an employer being read for these purposes as references to a trade organisation).
- (8) Subsection (9) of section 6 applies in relation to such regulations as it applies in relation to regulations made under section 6(8).
- (9) Regulations may make provision adding to the duty imposed on trade organisations by this section, including provision of a kind which may be made under subsection (7).
- (10) This section imposes duties only for the purpose of determining whether a trade organisation has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

**Annotations:**

**Commencement Information**

- 19** [S. 15](#) partly in force; [s. 15](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 15\(1\)\(a\)\(2\)-\(10\)](#) in force (E.W.S.) at 1.10.1999 by [S.I. 1999/1190](#), [art. 5\(b\)](#); [s. 15\(1\)\(a\)\(2\)-\(10\)](#) in force (N.I.) at 1.10.1999 by [S.R. 1999/196](#), [art. 4\(b\)](#)

*Premises occupied under leases*

**16 Alterations to premises occupied under leases.**

- (1) This section applies where—
  - (a) an employer or trade organisation (“the occupier”) occupies premises under a lease;
  - (b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the occupier proposes to make in order to comply with a section 6 duty or section 15 duty.
- (2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
  - (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;

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- (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
- (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (d) for the lessor to be entitled to make his consent subject to reasonable conditions.

[<sup>F16</sup>(2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

- (i) for the lessee to have to make a written application to the lessor for consent to the alteration;
- (ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (iii) for the lessor to be entitled to make his consent subject to reasonable conditions.]

(3) In this section—

“lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

“sub-lease” and “sub-tenancy” have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

- (a) impose conditions which are to apply if the occupier alters the premises, or
- (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,

the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part I of Schedule 4 supplements the provisions of this section.

#### Annotations:

#### Amendments (Textual)

**F16** [S. 16\(2A\)](#) added (7.6.1996) by [S.I. 1996/1333](#), [reg. 4\(2\)](#)

#### Modifications etc. (not altering text)

**C7** [S. 16](#) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), [arts. 1\(2\), 3\(1\)](#), [Sch.](#) (with [art. 3\(2\)\(b\)](#))  
[S. 16](#) modified (7.6.1996) by [S.I. 1996/1333](#), [reg. 4\(a\)](#)  
[S. 16](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

#### Commencement Information

**I10** [S. 16](#) wholly in force at 2.12.1996; [s. 16](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 16\(3\)\(5\)](#) in force for certain purposes (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(d\)](#); [s. 16\(3\)\(5\)](#) in force for certain purposes (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(d\)](#); [s. 16\(5\)](#) in force insofar as not already in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 16\(5\)](#) in force (N.I.) insofar as not already in force at 1.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 16\(3\)](#) in force (E.W.S.) insofar as not already in force at 2.12.1996 by [S.I. 1996/3003](#), [art. 3](#); [s. 16\(3\)](#) in force insofar as not already in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#); [s. 16\(1\)\(2\)\(4\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 16\(1\)\(2\)\(4\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

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### *Occupational pension schemes and insurance services*

## **17 Occupational pension schemes.**

- (1) Every occupational pension scheme shall be taken to include a provision (“a non-discrimination rule”)—
  - (a) relating to the terms on which—
    - (i) persons become members of the scheme; and
    - (ii) members of the scheme are treated; and
  - (b) requiring the trustees or managers of the scheme to refrain from any act or omission which, if done in relation to a person by an employer, would amount to unlawful discrimination against that person for the purposes of this Part.
- (2) The other provisions of the scheme are to have effect subject to the non-discrimination rule.
- (3) Without prejudice to section 67, regulations under this Part may—
  - (a) with respect to trustees or managers of occupational pension schemes make different provision from that made with respect to employers; or
  - (b) make provision modifying the application to such trustees or managers of any regulations made under this Part, or of any provisions of this Part so far as they apply to employers.
- (4) In determining, for the purposes of this section, whether an act or omission would amount to unlawful discrimination if done by an employer, any provision made under subsection (3) shall be applied as if it applied in relation to the notional employer.

#### **Annotations:**

##### **Commencement Information**

**III** [S. 17](#) wholly in force at 2.12.1996; [s. 17](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 17\(3\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), art. 2(1), [Sch. Pt. I](#); [s. 17\(3\)](#) in force (N.I.) at 10.7.1996 by [S.R. 1996/280](#), art. 2(1), [Sch. Pt. I](#); [s. 17\(1\)\(2\)\(4\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), art. 2(3), [Sch. Pt. III](#); [s. 17\(1\)\(2\)\(4\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), art. 2(2), [Sch. Pt. II](#)

## **18 Insurance services.**

- (1) This section applies where a provider of insurance services (“the insurer”) enters into arrangements with an employer under which the employer’s employees, or a class of his employees—
  - (a) receive insurance services provided by the insurer; or
  - (b) are given an opportunity to receive such services.
- (2) The insurer is to be taken, for the purposes of this Part, to discriminate unlawfully against a disabled person who is a relevant employee if he acts in relation to that employee in a way which would be unlawful discrimination for the purposes of Part III if—
  - (a) he were providing the service in question to members of the public; and
  - (b) the employee was provided with, or was trying to secure the provision of, that service as a member of the public.
- (3) In this section—

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“insurance services” means services of a prescribed description for the provision of benefits in respect of—

- (a) termination of service;
- (b) retirement, old age or death;
- (c) accident, injury, sickness or invalidity; or
- (d) any other prescribed matter; and

“relevant employee” means—

- (a) in the case of an arrangement which applies to employees of the employer in question, an employee of his;
- (b) in the case of an arrangement which applies to a class of employees of the employer, an employee who is in that class.

- (4) For the purposes of the definition of “relevant employee” in subsection (3), “employee”, in relation to an employer, includes a person who has applied for, or is contemplating applying for, employment by that employer or (as the case may be) employment by him in the class in question.

#### Annotations:

#### Modifications etc. (not altering text)

**C8** [S. 18\(3\)](#) applied (N.I.) (14.12.1999) by [S.R. 1999/440](#), [reg. 2](#)

#### Commencement Information

**I12** [S. 18](#) wholly in force at 2.12.1996; [s. 18](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 18\(3\)\(4\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 18\(3\)\(4\)](#) in force (N.I.) at 10.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 18\(1\)\(2\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 18\(1\)\(2\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

## PART III

### DISCRIMINATION IN OTHER AREAS

#### *Goods, facilities and services*

#### **19 Discrimination in relation to goods, facilities and services.**

- (1) It is unlawful for a provider of services to discriminate against a disabled person—
- (a) in refusing to provide, or deliberately not providing, to the disabled person any service which he provides, or is prepared to provide, to members of the public;
  - (b) in failing to comply with any duty imposed on him by section 21 in circumstances in which the effect of that failure is to make it impossible or unreasonably difficult for the disabled person to make use of any such service;
  - (c) in the standard of service which he provides to the disabled person or the manner in which he provides it to him; or
  - (d) in the terms on which he provides a service to the disabled person.
- (2) For the purposes of this section and sections 20 and 21—
- (a) the provision of services includes the provision of any goods or facilities;



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- (b) a person is “a provider of services” if he is concerned with the provision, in the United Kingdom, of services to the public or to a section of the public; and
  - (c) it is irrelevant whether a service is provided on payment or without payment.
- (3) The following are examples of services to which this section and sections 20 and 21 apply—
- (a) access to and use of any place which members of the public are permitted to enter;
  - (b) access to and use of means of communication;
  - (c) access to and use of information services;
  - (d) accommodation in a hotel, boarding house or other similar establishment;
  - (e) facilities by way of banking or insurance or for grants, loans, credit or finance;
  - (f) facilities for entertainment, recreation or refreshment;
  - (g) facilities provided by employment agencies or under section 2 of the <sup>M7</sup>Employment and Training Act 1973;
  - (h) the services of any profession or trade, or any local or other public authority.
- (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (5) Except in such circumstances as may be prescribed, this section and sections 20 and 21 do not apply to—
- [<sup>F17</sup>(a) education which is funded, or secured, by a relevant body or provided at—
    - (i) an establishment which is funded by such a body or by a Minister of the Crown; or
    - (ii) any other establishment which is a school as defined in [<sup>F18</sup>section 4(1) and (2) of the Education Act 1996] or section 135(1) of the <sup>M8</sup>Education (Scotland) Act 1980;
  - [<sup>F19</sup>(aa) education which is provided by an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992);
  - (ab) education which is provided by such establishments as may be specified by the Secretary of State by order;]]
  - (b) any service so far as it consists of the use of any means of transport; or
  - (c) such other services as may be prescribed.
- [<sup>F20</sup>(5A) Nothing in this Part applies to the provision of a service in relation to which discrimination is made unlawful by section 28A, 28F or 28R.]
- [<sup>F21</sup>(6) In subsection (5) “relevant body” means—
- (a) a local education authority in England and Wales;
  - (b) an education authority in Scotland;
  - [<sup>F22</sup>(c) the Funding Agency for Schools;]
  - [<sup>F22</sup>(d) the Schools Funding Council for Wales;]
  - <sup>F23</sup>(e) . . . . .
  - [<sup>F24</sup>(f) the Further Education Funding Council for Wales;]
  - [<sup>F25</sup>(ff) the Scottish Further Education Funding Council established by an order under section 7(1) of the Further and Higher Education (Scotland) Act 1992;]
  - (g) the Higher Education Funding Council for England;
  - (h) the Scottish Higher Education Funding Council;

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- (i) the Higher Education Funding Council for Wales;
- (j) the Teacher Training Agency;
- (k) a voluntary organisation; or
- (l) a body of a prescribed kind.]

## Annotations:

### Extent Information

- E9** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

### Amendments (Textual)

- F17** S. 19(5)(a)-(ab) repealed (E.W.S.)(1.9.2002) by 2001 c. 10, s. 38(5)(a), 42(6), **Sch. 9** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F18** Words in s. 19(5)(a)(ii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 129** (with ss. 1(4), 561, 562, **Sch. 39**)
- F19** S. 19(5)(aa)(ab) inserted (1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 49** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with savings and transitional provisions in art. 3)
- F20** S. 19(5A) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(6) (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F21** S. 19(6) repealed (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(5)(b), 42(6), **Sch. 9** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F22** S. 19(6)(c)(d) repealed (E.W.) (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F23** S. 19(6)(e) repealed (1.4.2001) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with savings and transitional provisions in art. 3)
- F24** S. 19(6)(f) repealed (W.) (1.4.2001) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with savings and transitional provisions in arts. 3, 4)
- F25** S. 19(6)(ff) inserted (S.) (1.1.1999) by 1998 c. 30, s. 38; S.I. 1998/3237, **art. 2(3)** (with s. 42(8))

### Commencement Information

- I13** S. 19 wholly in force at 1.10.1999; s. 19 not in force at Royal Assent see s. 70(3); s. 19(5)(c) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 19(5)(c) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I s.19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6)** in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 19(1)(b) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(c)**; s. 19(1)(b) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(c)**

### Marginal Citations

- M7** 1973 c. 50.
- M8** 1980 c. 44.

## 20 Meaning of “discrimination”.

- (1) For the purposes of section 19, a provider of services discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
  - (b) he cannot show that the treatment in question is justified.

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- (2) For the purposes of section 19, a provider of services also discriminates against a disabled person if—
  - (a) he fails to comply with a section 21 duty imposed on him in relation to the disabled person; and
  - (b) he cannot show that his failure to comply with that duty is justified.
- (3) For the purposes of this section, treatment is justified only if—
  - (a) in the opinion of the provider of services, one or more of the conditions mentioned in subsection (4) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (4) The conditions are that—
  - (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
  - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
  - (c) in a case falling within section 19(1)(a), the treatment is necessary because the provider of services would otherwise be unable to provide the service to members of the public;
  - (d) in a case falling within section 19(1)(c) or (d), the treatment is necessary in order for the provider of services to be able to provide the service to the disabled person or to other members of the public;
  - (e) in a case falling within section 19(1)(d), the difference in the terms on which the service is provided to the disabled person and those on which it is provided to other members of the public reflects the greater cost to the provider of services in providing the service to the disabled person.
- (5) Any increase in the cost of providing a service to a disabled person which results from compliance by a provider of services with a section 21 duty shall be disregarded for the purposes of subsection (4)(e).
- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—
  - (a) it is reasonable for a provider of services to hold the opinion mentioned in subsection (3)(a);
  - (b) it is not reasonable for a provider of services to hold that opinion.
- (7) Regulations may make provision for subsection (4)(b) not to apply in prescribed circumstances where—
  - (a) a person is acting for a disabled person under a power of attorney;
  - (b) functions conferred by or under Part VII of the <sup>M9</sup>Mental Health Act 1983 are exercisable in relation to a disabled person's property or affairs; or
  - (c) powers are exercisable in Scotland in relation to a disabled person's property or affairs in consequence of the appointment of a curator bonis, tutor or judicial factor.
- (8) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (4)) in which treatment is to be taken to be justified.

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- (9) In subsections (3), (4) and (8) “treatment” includes failure to comply with a section 21 duty.

#### Annotations:

##### Extent Information

- E10** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Commencement Information

- I14** [S. 20](#) wholly in force at 1.10.1999; [s. 20](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 20\(6\)\(7\)\(8\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 20\(6\)\(7\)\(8\)](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 20\(1\)\(3\)\(4\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 20\(1\)\(3\)\(4\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#); [s. 20\(2\)\(5\)\(9\)](#) in force (E.W.S.) at 1.10.1999 by [S.I. 1999/1190](#), [art. 5\(d\)\(e\)\(f\)](#); [s. 20\(2\)\(5\)\(9\)](#) in force (N.I.) at 1.10.1999 by [S.R. 1999/196](#), [art. 4\(d\)-\(f\)](#)

##### Marginal Citations

- M9** [1983 c. 20](#).

## 21 Duty of providers of services to make adjustments.

- (1) Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.
- (2) Where a physical feature (for example, one arising from the design or construction of a building or the approach or access to premises) makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to—
  - (a) remove the feature;
  - (b) alter it so that it no longer has that effect;
  - (c) provide a reasonable means of avoiding the feature; or
  - (d) provide a reasonable alternative method of making the service in question available to disabled persons.
- (3) Regulations may prescribe—
  - (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (2)(c) or (d) is reasonable; and
  - (b) categories of providers of services to whom subsection (2) does not apply.
- (4) Where an auxiliary aid or service (for example, the provision of information on audio tape or of a sign language interpreter) would—
  - (a) enable disabled persons to make use of a service which a provider of services provides, or is prepared to provide, to members of the public, or
  - (b) facilitate the use by disabled persons of such a service,

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it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide that auxiliary aid or service.

- (5) Regulations may make provision, for the purposes of this section—
- (a) as to circumstances in which it is reasonable for a provider of services to have to take steps of a prescribed description;
  - (b) as to circumstances in which it is not reasonable for a provider of services to have to take steps of a prescribed description;
  - (c) as to what is to be included within the meaning of “practice, policy or procedure”;
  - (d) as to what is not to be included within the meaning of that expression;
  - (e) as to things which are to be treated as physical features;
  - (f) as to things which are not to be treated as such features;
  - (g) as to things which are to be treated as auxiliary aids or services;
  - (h) as to things which are not to be treated as auxiliary aids or services.
- (6) Nothing in this section requires a provider of services to take any steps which would fundamentally alter the nature of the service in question or the nature of his trade, profession or business.
- (7) Nothing in this section requires a provider of services to take any steps which would cause him to incur expenditure exceeding the prescribed maximum.
- (8) Regulations under subsection (7) may provide for the prescribed maximum to be calculated by reference to—
- (a) aggregate amounts of expenditure incurred in relation to different cases;
  - (b) prescribed periods;
  - (c) services of a prescribed description;
  - (d) premises of a prescribed description; or
  - (e) such other criteria as may be prescribed.
- (9) Regulations may provide, for the purposes of subsection (7), for expenditure incurred by one provider of services to be treated as incurred by another.
- (10) This section imposes duties only for the purpose of determining whether a provider of services has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

#### Annotations:

##### Modifications etc. (not altering text)

**C9** [S. 21\(2\)](#) applied (N.I.)(1.10.1999) by [S.R. 1999/202, art. 2](#)

[S. 21\(2\)](#) applied (1.10.1999) by [S.I. 1999/1191, art. 3](#)

**C10** [S. 21\(4\)](#) applied (N.I.)(1.10.1999) by [S.R. 1999/202, art. 3](#)

##### Commencement Information

**I15** [S. 21](#) partly in force; [s. 21](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 21\(3\)\(5\)](#) in force at 26.4.1999 by [S.I. 1999/1190, art. 4](#) and [S.R. 1999/196, art. 3](#); [s. 21\(1\)\(2\)\(d\)\(4\)\(6\)\(10\)](#) in force at 1.10.1999 by [S.I. 1999/1190, art. 5\(g\)](#) and [S.R. 1999/196, art. 4\(g\)](#); [s. 21\(2\)](#) in force at 1.10.2004 to the extent that it is not already in force by [S.I. 2001/2030, art. 3\(a\)](#) and [S.R. 2001/439, art. 2\(a\)](#)

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*Status: This version of this Act contains provisions that are prospective.*

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## Premises

### 22 Discrimination in relation to premises.

- (1) It is unlawful for a person with power to dispose of any premises to discriminate against a disabled person—
  - (a) in the terms on which he offers to dispose of those premises to the disabled person;
  - (b) by refusing to dispose of those premises to the disabled person; or
  - (c) in his treatment of the disabled person in relation to any list of persons in need of premises of that description.
- (2) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he—
  - (a) uses the services of an estate agent, or
  - (b) publishes an advertisement or causes an advertisement to be published.
- (3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises—
  - (a) in the way he permits the disabled person to make use of any benefits or facilities;
  - (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
  - (c) by evicting the disabled person, or subjecting him to any other detriment.
- (4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in, or (in Scotland) the subject of, a tenancy to discriminate against a disabled person by withholding his licence or consent for the disposal of the premises to the disabled person.
- (5) Subsection (4) applies to tenancies created before as well as after the passing of this Act.
- (6) In this section—
 

“advertisement” includes every form of advertisement or notice, whether to the public or not;

“dispose”, in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in, or (in Scotland) the subject of, a tenancy, includes—

  - (a) assigning the tenancy, and
  - (b) sub-letting or parting with possession of the premises or any part of the premises;

and “disposal” shall be construed accordingly;

“estate agent” means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and

“tenancy” means a tenancy created—

  - (a) by a lease or sub-lease,
  - (b) by an agreement for a lease or sub-lease,
  - (c) by a tenancy agreement, or
  - (d) in pursuance of any enactment.

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(7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(8) This section applies only in relation to premises in the United Kingdom.

**Annotations:**

**Extent Information**

**E11** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

**23 Exemption for small dwellings.**

(1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.

(2) The conditions are that—

- (a) the relevant occupier resides, and intends to continue to reside, on the premises;
- (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
- (c) the shared accommodation is not storage accommodation or a means of access; and
- (d) the premises are small premises.

(3) For the purposes of this section, premises are “small premises” if they fall within subsection (4) or (5).

(4) Premises fall within this subsection if—

- (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;
- (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;
- (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
- (d) there are not normally more than two such other households.

(5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

(6) For the purposes of this section “the relevant occupier” means—

- (a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;
- (b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.

(7) For the purposes of this section—

“near relative” means a person’s spouse, partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or by affinity); and

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“partner” means the other member of a couple consisting of a man and a woman who are not married to each other but are living together as husband and wife.

## 24 Meaning of “discrimination” .

- (1) For the purposes of section 22, a person (“A”) discriminates against a disabled person if—
  - (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
  - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this section, treatment is justified only if—
  - (a) in A’s opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (3) The conditions are that—
  - (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
  - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
  - (c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;
  - (d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.
- (4) Regulations may make provision, for purposes of this section, as to circumstances in which—
  - (a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);
  - (b) it is not reasonable for a person to hold that opinion.
- (5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.

### Annotations:

#### Commencement Information

**I16** S. 24 wholly in force at 2.12.1996; s. 24 not in force at Royal Assent see s. 70(3); s. 24(5) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), Sch. Pt. I; s. 24(5) in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), Sch. Pt. I; s. 24(1)-(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), Sch. Pt. III; s. 21(1)-(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), Sch. Pt. II



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*Enforcement, etc.*

## **25 Enforcement, remedies and procedure.**

- (1) A claim by any person that another person—
  - (a) has discriminated against him in a way which is unlawful under this Part; or
  - (b) is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way,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) For the avoidance of doubt it is hereby declared that damages in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not they include compensation under any other head.
- (3) Proceedings in England and Wales shall be brought only in a county court.
- (4) Proceedings in Scotland shall be brought only in a sheriff court.
- (5) 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.
- (6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

### **Annotations:**

#### **Extent Information**

- E12** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

## **26 Validity and revision of certain agreements.**

- (1) Any term in a contract for the provision of goods, facilities or services or in any other agreement is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Part,
  - (b) exclude or limit the operation of any provision of this Part, or
  - (c) prevent any person from making a claim under this Part.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement settling a claim to which section 25 applies.
- (3) On the application of any person interested in an agreement to which subsection (1) applies, a county court or a sheriff court may make such order as it thinks just for modifying the agreement to take account of the effect of subsection (1).
- (4) No such order shall be made unless all persons affected have been—
  - (a) given notice of the application; and
  - (b) afforded an opportunity to make representations to the court.
- (5) Subsection (4) applies subject to any rules of court providing for that notice to be dispensed with.

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- (6) An order under subsection (3) may include provision as respects any period before the making of the order.

#### Annotations:

#### Extent Information

**E13** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

## 27 Alterations to premises occupied under leases.

- (1) This section applies where—
- (a) a provider of services (“the occupier”) occupies premises under a lease;
  - (b) but for this section, he would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the occupier proposes to make in order to comply with a section 21 duty.
- (2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
- (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
  - (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
  - (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
  - (d) for the lessor to be entitled to make his consent subject to reasonable conditions.
- (3) In this section—
- “lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and
  - “sub-lease” and “sub-tenancy” have such meaning as may be prescribed.
- (4) If the terms and conditions of a lease—
- (a) impose conditions which are to apply if the occupier alters the premises, or
  - (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,
- the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.
- (5) Part II of Schedule 4 supplements the provisions of this section.

#### Annotations:

#### Modifications etc. (not altering text)

**C11** [S. 27](#) modified (1.10.2004) by [S.I. 2001/3253](#), [reg. 9](#)

*Status: This version of this Act contains provisions that are prospective.*

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#### Commencement Information

- I17** S. 27 wholly in force at 1.10.2004; s. 27 not in force at Royal Assent see s. 70(3); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (E.W.S.) at 9.5.2001 by S.I. 2001/2030, art. 2(a)(b); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (N.I.) at 31.12.2001 by S.R. 2001/439, art. 2(1)(a)(b); s. 27(1)(2)(4) wholly in force and s. 27(5) in force to the extent that it is not already in force at 1.10.2004 by S.I. 2001/2030, art. 3(b) and S.R. 2001/439, art. 2(2)(b)

#### [<sup>F26</sup>28 Conciliation of disputes. E+W+S

- (1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.
- (2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.
- (4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.
- (5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.
- (6) Subsection (4) does not apply to information which—
  - (a) is not identifiable with a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.
- (8) In this section “conciliation services” means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

#### Annotations:

##### Extent Information

- E14** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

##### Amendments (Textual)

- F26** S. 28 substituted (E.W.S.) (25.4.2000) by 1999 c. 17, s. 10, (with s. 15); S.I. 2000/880, art. 2, Sch. 2

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

**I18** s. 28 wholly in force at 30.5.1996; s. 28 not in force at Royal Assent see s. 70(3); s. 28 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(e); s. 28 in force (N.I.) at 30.5.1996 by S.I. 1996/219, art. 3(e)

## [<sup>F205</sup>28 Conciliation of disputes. N.I.]

- (1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.
- (2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.
- (4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.
- (5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.
- (6) Subsection (4) does not apply to information which—
  - (a) is not identifiable with a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.
- (8) In this section—
 

“the Commission” means the Equality Commission for Northern Ireland; and

“conciliation services” means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

### Annotations:

#### Extent Information

**E60** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Amendments (Textual)

**F205** S. 28 substituted (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 12 (with art. 17); S.R. 2000/140, art. 2, Sch.

*Status: This version of this Act contains provisions that are prospective.*

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## PART IV

### EDUCATION

#### [<sup>F27</sup>CHAPTER 1

#### SCHOOLS]

##### Annotations:

##### Amendments (Textual)

**F27** Pt. IV: Chapter heading, cross-heading and s. 28A inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 11(1) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

#### [<sup>F28</sup>Duties of responsible bodies]

##### Annotations:

##### Amendments (Textual)

**F28** Pt. IV Ch. 1: Cross-heading and s. 28A inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 11(1) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

#### [<sup>F29</sup>28A Discrimination against disabled pupils and prospective pupils

- (1) It is unlawful for the body responsible for a school to discriminate against a disabled person—
  - (a) in the arrangements it makes for determining admission to the school as a pupil;
  - (b) in the terms on which it offers to admit him to the school as a pupil; or
  - (c) by refusing or deliberately omitting to accept an application for his admission to the school as a pupil.
- (2) It is unlawful for the body responsible for a school to discriminate against a disabled pupil in the education or associated services provided for, or offered to, pupils at the school by that body.
- (3) The Secretary of State may by regulations prescribe services which are, or services which are not, to be regarded for the purposes of subsection (2) as being—
  - (a) education; or
  - (b) an associated service.
- (4) It is unlawful for the body responsible for a school to discriminate against a disabled pupil by excluding him from the school, whether permanently or temporarily.
- (5) The body responsible for a school is to be determined in accordance with Schedule 4A, and in the remaining provisions of this Chapter is referred to as the “responsible body”.
- (6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.]

*Status: This version of this Act contains provisions that are prospective.*

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#### Annotations:

#### Amendments (Textual)

**F29** S. 28A inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 11(1) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

### [<sup>F30</sup> 28B Meaning of “discrimination”

- (1) For the purposes of section 28A, a responsible body discriminates against a disabled person if—
  - (a) for a reason which relates to his disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  - (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of section 28A, a responsible body also discriminates against a disabled person if—
  - (a) it fails, to his detriment, to comply with section 28C; and
  - (b) it cannot show that its failure to comply is justified.
- (3) In relation to a failure to take a particular step, a responsible body does not discriminate against a person if it shows—
  - (a) that, at the time in question, it did not know and could not reasonably have been expected to know, that he was disabled; and
  - (b) that its failure to take the step was attributable to that lack of knowledge.
- (4) The taking of a particular step by a responsible body in relation to a person does not amount to less favourable treatment if it shows that at the time in question it did not know, and could not reasonably have been expected to know, that he was disabled.
- (5) Subsections (6) to (8) apply in determining whether, for the purposes of this section—
  - (a) less favourable treatment of a person, or
  - (b) failure to comply with section 28C,
 is justified.
- (6) Less favourable treatment of a person is justified if it is the result of a permitted form of selection.
- (7) Otherwise, less favourable treatment, or a failure to comply with section 28C, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.
- (8) If, in a case falling within subsection (1)—
  - (a) the responsible body is under a duty imposed by section 28C in relation to the disabled person, but
  - (b) it fails without justification to comply with that duty,
 its treatment of that person cannot be justified under subsection (7) unless that treatment would have been justified even if it had complied with that duty.]

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#### Annotations:

#### Amendments (Textual)

**F30** [S. 28B](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 12](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

### [<sup>F31</sup>28C Disabled pupils not to be substantially disadvantaged

- (1) The responsible body for a school must take such steps as it is reasonable for it to have to take to ensure that—
  - (a) in relation to the arrangements it makes for determining the admission of pupils to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and
  - (b) in relation to education and associated services provided for, or offered to, pupils at the school by it, disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled.
- (2) That does not require the responsible body to—
  - (a) remove or alter a physical feature (for example, one arising from the design or construction of the school premises or the location of resources); or
  - (b) provide auxiliary aids or services.
- (3) Regulations may make provision, for the purposes of this section—
  - (a) as to circumstances in which it is reasonable for a responsible body to have to take steps of a prescribed description;
  - (b) as to steps which it is always reasonable for a responsible body to have to take;
  - (c) as to circumstances in which it is not reasonable for a responsible body to have to take steps of a prescribed description;
  - (d) as to steps which it is never reasonable for a responsible body to have to take.
- (4) In considering whether it is reasonable for it to have to take a particular step in order to comply with its duty under subsection (1), a responsible body must have regard to any relevant provisions of a code of practice issued under section 53A.
- (5) Subsection (6) applies if, in relation to a person, a confidentiality request has been made of which a responsible body is aware.
- (6) In determining whether it is reasonable for the responsible body to have to take a particular step in relation to that person in order to comply with its duty under subsection (1), regard shall be had to the extent to which taking the step in question is consistent with compliance with that request.
- (7) “Confidentiality request” means a request which asks for the nature, or asks for the existence, of a disabled person’s disability to be treated as confidential and which satisfies either of the following conditions—
  - (a) it is made by that person’s parent; or
  - (b) it is made by that person himself and the responsible body reasonably believes that he has sufficient understanding of the nature of the request and of its effect.



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- (8) This section imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

#### Annotations:

#### Amendments (Textual)

**F31** S. 28C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 13 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

#### Modifications etc. (not altering text)

**C12** S. 28C: Functions of a local education authority made exercisable by authorised persons (1.4.2002) by S.I. 2002/928, art. 3, Sch. 3 para. (q)

### [<sup>F32</sup>28D Accessibility strategies and plans

- (1) Each local education authority must prepare, in relation to schools for which they are the responsible body—
  - (a) an accessibility strategy;
  - (b) further such strategies at such times as may be prescribed.
- (2) An accessibility strategy is a strategy for, over a prescribed period—
  - (a) increasing the extent to which disabled pupils can participate in the schools' curriculums;
  - (b) improving the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the schools; and
  - (c) improving the delivery to disabled pupils—
    - (i) within a reasonable time, and
    - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,
 of information which is provided in writing for pupils who are not disabled.
- (3) An accessibility strategy must be in writing.
- (4) Each local education authority must keep their accessibility strategy under review during the period to which it relates and, if necessary, revise it.
- (5) It is the duty of each local education authority to implement their accessibility strategy.
- (6) An inspection under section 38 of the Education Act 1997 (inspections of local education authorities) may extend to the performance by a local education authority of their functions in relation to the preparation, review, revision and implementation of their accessibility strategy.
- (7) Subsections (8) to (13) apply to—
  - (a) maintained schools;
  - (b) independent schools; and
  - (c) special schools which are not maintained special schools but which are approved by the Secretary of State, or by the National Assembly, under section 342 of the Education Act 1996.



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- (8) The responsible body must prepare—
  - (a) an accessibility plan;
  - (b) further such plans at such times as may be prescribed.
- (9) An accessibility plan is a plan for, over a prescribed period—
  - (a) increasing the extent to which disabled pupils can participate in the school's curriculum;
  - (b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school; and
  - (c) improving the delivery to disabled pupils—
    - (i) within a reasonable time, and
    - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,of information which is provided in writing for pupils who are not disabled.
- (10) An accessibility plan must be in writing.
- (11) During the period to which the plan relates, the responsible body must keep its accessibility plan under review and, if necessary, revise it.
- (12) It is the duty of the responsible body to implement its accessibility plan.
- (13) An inspection under the School Inspections Act 1996 may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision and implementation of its accessibility plan.
- (14) For a maintained school, the duties imposed by subsections (8) to (12) are duties of the governing body.
- (15) Regulations may prescribe services which are, or services which are not, to be regarded for the purposes of this section as being—
  - (a) education; or
  - (b) an associated service.
- (16) In this section and in section 28E, “local education authority” has the meaning given in section 12 of the Education Act 1996.
- (17) In relation to Wales—
  - “prescribed” means prescribed in regulations; and
  - “regulations” means regulations made by the National Assembly.
- (18) “Disabled pupil” includes a disabled person who may be admitted to the school as a pupil.
- (19) “Maintained school” and “independent school” have the meaning given in section 28Q(5).]

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#### Annotations:

#### Amendments (Textual)

**F32** S. 28D inserted (E.W.S.) (1.7.2002 for specified purposes and otherwise 1.9.2002 for E.S.; and *prosp.* for W.) by 2001 c. 10, ss. 14(1), 43(3) (with s. 43(13)); S.I. 2002/1721, art. 4, **Sch. Pt. II**; S.I. 2002/2217, art. 4, **Sch. 1 Pt. II**

#### Modifications etc. (not altering text)

**C13** S. 28D(1)-(3)(5)(6): Functions of a local education authority made exercisable by authorised persons (E.) (1.4.2002) by S.I. 2002/928, art. 3, **Sch. 3** para. (r)

### [<sup>F33</sup> 28E Accessibility strategies and plans: procedure

- (1) In preparing their accessibility strategy, a local education authority must have regard to—
  - (a) the need to allocate adequate resources for implementing the strategy; and
  - (b) any guidance issued as to—
    - (i) the content of an accessibility strategy;
    - (ii) the form in which it is to be produced; and
    - (iii) the persons to be consulted in its preparation.
- (2) A local education authority must have regard to any guidance issued as to compliance with the requirements of section 28D(4).
- (3) Guidance under subsection (1)(b) or (2) may be issued—
  - (a) for England, by the Secretary of State; and
  - (b) for Wales, by the National Assembly.
- (4) In preparing an accessibility plan, the responsible body must have regard to the need to allocate adequate resources for implementing the plan.
- (5) If the Secretary of State asks for a copy of—
  - (a) the accessibility strategy prepared by a local education authority in England, or
  - (b) the accessibility plan prepared by the proprietor of an independent school (other than [<sup>F34</sup>an Academy]) in England,
 the strategy or plan must be given to him.
- (6) If the National Assembly asks for a copy of—
  - (a) the accessibility strategy prepared by a local education authority in Wales, or
  - (b) the accessibility plan prepared by the proprietor of an independent school [<sup>F35</sup>(other than an Academy)] in Wales,
 the strategy or plan must be given to it.
- (7) If asked to do so, a local education authority must make a copy of their accessibility strategy available for inspection at such reasonable times as they may determine.
- (8) If asked to do so, the proprietor of an independent school which is not [<sup>F36</sup>an Academy] must make a copy of his accessibility plan available for inspection at such reasonable times as he may determine.]

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#### Annotations:

##### Amendments (Textual)

- F33** S. 28E inserted (E.W.S.) (1.7.2002 for specified purposes and otherwise 1.9.2002 for E.S. and *prosp.* for W.) by 2001 c. 10, ss. 15, 43(3) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. II; S.I. 2002/2217, art. 4, Sch. 1 Pt. II
- F34** Words in s. 28E(5)(b) substituted (26.7.2002) by 2002 c. 32, s. 65, Sch. 7 para. 5(2)(a) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- F35** Words in s. 28E(6)(b) inserted (26.7.2002) by 2002 c. 32, s. 65, Sch. 7 para. 5(2)(b) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- F36** Words in s. 28E(8) substituted (26.7.2002) by 2002 c. 32, s. 65, Sch. 7 para. 5(2)(c) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2

#### [<sup>F37</sup> Residual duty of education authorities]

#### Annotations:

##### Amendments (Textual)

- F37** Pt. IV Ch. 1: Cross-heading and ss. 28F, 28G inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 16 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

#### [<sup>F38</sup> 28F Duty of education authorities not to discriminate

- (1) This section applies to—
  - (a) the functions of a local education authority under the Education Acts; and
  - (b) the functions of an education authority under—
    - (i) the Education (Scotland) Act 1980;
    - (ii) the Education (Scotland) Act 1996; and
    - (iii) the Standards in Scotland's Schools etc. Act 2000.
- (2) But it does not apply to any prescribed function.
- (3) In discharging a function to which this section applies, it is unlawful for the authority to discriminate against—
  - (a) a disabled pupil; or
  - (b) a disabled person who may be admitted to a school as a pupil.
- (4) But an act done in the discharge of a function to which this section applies is unlawful as a result of subsection (3) only if no other provision of this Chapter makes that act unlawful.
- (5) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (6) In this section and section 28G, “local education authority” has the meaning given in section 12 of the Education Act 1996.
- (7) “The Education Acts” has the meaning given in section 578 of the Education Act 1996.
- (8) In this section and section 28G, “education authority” has the meaning given in section 135(1) of the Education (Scotland) Act 1980.]

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#### Annotations:

#### Amendments (Textual)

**F38** S. 28F inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 16 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

### [<sup>F39</sup> 28G Residual duty: supplementary provisions

- (1) Section 28B applies for the purposes of section 28F as it applies for the purposes of section 28A with the following modifications—
  - (a) references to a responsible body are to be read as references to an authority; and
  - (b) references to section 28C are to be read as references to subsections (2) to (4).
- (2) Each authority must take such steps as it is reasonable for it to have to take to ensure that, in discharging any function to which section 28F applies—
  - (a) disabled persons who may be admitted to a school as pupils are not placed at a substantial disadvantage in comparison with persons who are not disabled; and
  - (b) disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled.
- (3) That does not require the authority to—
  - (a) remove or alter a physical feature; or
  - (b) provide auxiliary aids or services.
- (4) This section imposes duties only for the purpose of determining whether an authority has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.
- (5) A reference in sections 28I, 28K(1), 28M(6) and 28P to a responsible body is to be read as including a reference to a local education authority in relation to a function to which section 28F applies.
- (6) A reference in section 28N and 28P to a responsible body is to be read as including a reference to an education authority in relation to a function to which section 28F applies.
- (7) “Authority” means—
  - (a) in relation to England and Wales, a local education authority; and
  - (b) in relation to Scotland, an education authority.]

#### Annotations:

#### Amendments (Textual)

**F39** S. 28G inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 16 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

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*[<sup>F40</sup> Enforcement: England and Wales]*

**Annotations:**

**Amendments (Textual)**

**F40** Pt. IV Ch. 1: Cross-heading and s. 28H inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 17(1) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**[<sup>F42</sup>28H [<sup>F41</sup>Tribunals]**

(1) The Special Educational Needs Tribunal—

- (a) is to continue to exist; but
- (b) after the commencement date is to be known as the Special Educational Needs and Disability Tribunal.

[<sup>F43</sup>(2) In this Chapter—

“the Tribunal” means the Special Educational Needs and Disability Tribunal, and

“the Welsh Tribunal” means the Special Educational Needs Tribunal for Wales.

(3) In addition to the jurisdiction of those tribunals under Part 4 of the Education Act 1996, each of them is to exercise the jurisdiction conferred on it by this Chapter.]

(3) In addition to its jurisdiction under Part 4 of the Education Act 1996, the Tribunal is to exercise the jurisdiction conferred on it by this Chapter.

(4) “Commencement date” means the day on which section 17 of the Special Educational Needs and Disability Act 2001 comes into force.]

**Annotations:**

**Amendments (Textual)**

**F41** S. 28H heading substituted (31.3.2003 for certain purposes otherwise 1.9.2003) by 2002 c. 32, s. 195, Sch. 18 para. 8(2) (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, arts. 5, 6, Sch. Pt. II, III

**F42** S. 28H inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 17(1) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**F43** S. 28H(2)(3) substituted (31.3.2003 for certain purposes otherwise 1.9.2003) by 2002 c. 32, s. 195, Sch. 18 para. 8(1) (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, arts. 5, 6, Sch. Pt. II, III

**[<sup>F44</sup>28I Jurisdiction and powers of the Tribunal**

(1) A claim that a responsible body—

- (a) has discriminated against a person (“A”) in a way which is made unlawful under this Chapter, or
- (b) is by virtue of section 58 to be treated as having discriminated against a person (“A”) in such a way,

may be made to the [<sup>F45</sup>appropriate tribunal] by A’s parent.

(2) But this section does not apply to a claim to which section 28K or 28L applies.

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- (3) If the [<sup>F45</sup>appropriate tribunal] considers that a claim under subsection (1) is well founded—
- (a) it may declare that A has been unlawfully discriminated against; and
  - (b) if it does so, it may make such order as it considers reasonable in all the circumstances of the case.
- (4) The power conferred by subsection (3)(b)—
- (a) may, in particular, be exercised with a view to obviating or reducing the adverse effect on the person concerned of any matter to which the claim relates; but
  - (b) does not include power to order the payment of any sum by way of compensation.
- [<sup>F46</sup>(5) Subject to regulations under section 28J(8), the appropriate tribunal—
- (a) for a claim against the responsible body for a school in England, is the Tribunal,
  - (b) for a claim against the responsible body for a school in Wales, is the Welsh Tribunal.]]

#### Annotations:

##### Amendments (Textual)

**F44** S. 28I inserted (1.9.2002) by 2001 c. 10, s. 18 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

**F45** Words in s. 28I(1)(3) substituted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 9(2)** (with ss. 210(8), 214(4), **Sch. 18 para. 17**); S.I. 2002/3185, art. 6, **Sch. Pt. III**

**F46** S. 28I(5) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 9(3)** (with ss. 210(8), 214(4), **Sch. 18 para. 17**); S.I. 2002/3185, art. 6, **Sch. Pt. III**

#### [<sup>F47</sup>28J Procedure

- (1) Regulations may make provision about—
- (a) the proceedings of the Tribunal on a claim of unlawful discrimination under this Chapter; and
  - (b) the making of a claim.
- (2) The regulations may, in particular, include provision—
- (a) as to the manner in which a claim must be made;
  - (b) if the jurisdiction of the Tribunal is being exercised by more than one tribunal—
    - (i) for determining by which tribunal any claim is to be heard, and
    - (ii) for the transfer of proceedings from one tribunal to another;
  - (c) for enabling functions which relate to matters preliminary or incidental to a claim (including, in particular, decisions under paragraph 10(3) of Schedule 3) to be performed by the President, or by the chairman;
  - (d) enabling hearings to be conducted in the absence of any member other than the chairman;
  - (e) as to the persons who may appear on behalf of the parties;
  - (f) for granting any person such disclosure or inspection of documents or right to further particulars as might be granted by a county court;

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- (g) requiring persons to attend to give evidence and produce documents;
- (h) for authorising the administration of oaths to witnesses;
- (i) for the determination of claims without a hearing in prescribed circumstances;
- (j) as to the withdrawal of claims;
- (k) for enabling the Tribunal to stay proceedings on a claim;
- (l) for the award of costs or expenses;
- (m) for taxing or otherwise settling costs or expenses (and, in particular, for enabling costs to be taxed in the county court);
- (n) for the registration and proof of decisions and orders; and
- (o) for enabling prescribed decisions to be reviewed, or prescribed orders to be varied or revoked, in such circumstances as may be determined in accordance with the regulations.

[<sup>F48</sup>(2A) If made with the agreement of the National Assembly, the regulations apply to the Welsh Tribunal as they apply to the Tribunal, subject to such modifications as may be specified in the regulations.]

(3) Proceedings before the Tribunal [<sup>F49</sup>or the Welsh Tribunal] are to be held in private, except in prescribed circumstances.

<sup>F50</sup>(4) .....

(5) The Secretary of State may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal [<sup>F49</sup>or the Welsh Tribunal] as he may, with the consent of the Treasury, determine.

(6) In relation to [<sup>F51</sup>the Welsh Tribunal], the power conferred by subsection (5) may be exercised only with the agreement of the National Assembly.

(7) Part 1 of the Arbitration Act 1996 does not apply to proceedings before the Tribunal [<sup>F49</sup>or the Welsh Tribunal] but regulations may make provision, in relation to such proceedings, corresponding to any provision of that Part.

(8) The regulations may make provision for a claim under this Chapter to be heard, in prescribed circumstances, with an appeal under Part 4 of the Education Act 1996 [<sup>F52</sup>, including provision—

- (a) for determining the appropriate tribunal for the purposes of section 28I for such a claim, and
- (b) for the transfer of proceedings between the Tribunal and the Welsh Tribunal.]]

(9) A person who without reasonable excuse fails to comply with—

- (a) a requirement in respect of the disclosure or inspection of documents imposed by the regulations by virtue of subsection (2)(f), or
- (b) a requirement imposed by the regulations by virtue of subsection (2)(g),

is guilty of an offence.

(10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) Part 3 of Schedule 3 makes further provision about enforcement of this Chapter and about procedure.

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## Annotations:

### Amendments (Textual)

- F47** S. 28J inserted (1.7.2002 for certain purposes otherwise 1.9.2002) by 2001 c. 10, s. 19(1) (with s. 43(13)); S.I. 2002/1721, art. 3, **Sch. Pt. I**; S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**
- F48** S. 28J(2A) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 10(2)** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**
- F49** Words in s. 28J(3)(5)(7) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 10(3)(5)(7)** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**
- F50** S. 28J(4) repealed (1.9.2003) by 2002 c. 32, ss. 195, 215(2), Sch. 18 para. 10(4), **Sch. 22 Pt. II** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**
- F51** Words in s. 28J(6) substituted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 10(6)** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**
- F52** S. 28J(8)(a)(b) and the preceding words inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 10(8)** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**

## [<sup>F53</sup>28K Admissions

- (1) If the condition mentioned in subsection (2) is satisfied, this section applies to a claim in relation to an admissions decision that a responsible body—
  - (a) has discriminated against a person (“A”) in a way which is made unlawful under this Chapter; or
  - (b) is by virtue of section 58 to be treated as having discriminated against a person (“A”) in such a way.
- (2) The condition is that arrangements (“appeal arrangements”) have been made—
  - (a) under section 94 of the School Standards and Framework Act 1998, or
  - (b) under an agreement entered into between the responsible body for [<sup>F54</sup>an Academy] and the Secretary of State under section 482 of the Education Act 1996,
 enabling an appeal to be made against the decision by A’s parent.
- (3) The claim must be made under the appeal arrangements.
- (4) The body hearing the claim has the powers which it has in relation to an appeal under the appeal arrangements.
- (5) “Admissions decision” means—
  - (a) a decision of a kind mentioned in section 94(1) or (2) of the School Standards and Framework Act 1998;
  - (b) a decision as to the admission of a person to [<sup>F54</sup>an Academy] taken by the responsible body or on its behalf.

## Annotations:

### Amendments (Textual)

- F53** S. 28K inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 20 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F54** Words in s. 28K(2)(b)(5)(b) substituted (26.7.2002) by 2002 c. 32, s. 65, **Sch. 7 para. 5(3)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2



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## **[<sup>F55</sup>28L Exclusions**

- (1) If the condition mentioned in subsection (2) is satisfied, this section applies to a claim in relation to an exclusion decision that a responsible body—
  - (a) has discriminated against a person (“A”) in a way which is made unlawful under this Chapter; or
  - (b) is by virtue of section 58 to be treated as having discriminated against a person (“A”) in such a way.
- (2) The condition is that arrangements (“appeal arrangements”) have been made—
  - (a) under [<sup>F56</sup>section 52(3)(c) of the Education Act 2002], or
  - (b) under an agreement entered into between the responsible body for [<sup>F57</sup>an Academy] and the Secretary of State under section 482 of the Education Act 1996,
 enabling an appeal to be made against the decision by A or by his parent.
- (3) The claim must be made under the appeal arrangements.
- (4) The body hearing the claim has the powers which it has in relation to an appeal under the appeal arrangements.
- (5) “Exclusion decision” means—
  - (a) a decision of a kind mentioned in [<sup>F56</sup>section 52(3)(c) of the Education Act 2002];
  - (b) a decision not to reinstate a pupil who has been permanently excluded from [<sup>F57</sup>an Academy] by its head teacher, taken by the responsible body or on its behalf.
- (6) “Responsible body”, in relation to a maintained school, includes the discipline committee of the governing body if that committee is required to be established as a result of regulations made under paragraph 4 of Schedule 11 to the School Standards and Framework Act 1998.
- (7) “Maintained school” has the meaning given in section 28Q(5).]

### **Annotations:**

#### **Amendments (Textual)**

- F55** S. 28L inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 21 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F56** Words in s. 28L(2)(a)(5)(a) substituted (20.1.2003 for E. and otherwise *prosp.*) by 2002 c. 32, ss. 215(1), 216, **Sch. 21 para. 27(2)** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2**
- F57** Words in s. 28L(2)(b)(5)(b) substituted (26.7.2002) by 2002 c. 32, s. 65, **Sch. 7 para. 5(4)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

## **[<sup>F58</sup>28M Roles of the Secretary of State and the National Assembly**

- (1) If the appropriate authority is satisfied (whether on a complaint or otherwise) that a responsible body—
  - (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under section 28D or 28E, or
  - (b) has failed to discharge a duty imposed by or under either of those sections,

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it may give that body such directions as to the discharge of the duty as appear to it to be expedient.

(2) Subsection (3) applies in relation to—

- (a) special schools which are not maintained special schools but which are approved by the Secretary of State, or by the National Assembly, under section 342 of the Education Act 1996; and
- (b) city academies.

(3) If the appropriate authority is satisfied (whether on a complaint or otherwise) that a responsible body—

- (a) has acted, or is proposing to act, unreasonably in the discharge of a duty which that body has in relation to—
  - (i) the provision to the appropriate authority of copies of that body’s accessibility plan, or
  - (ii) the inspection of that plan, or
- (b) has failed to discharge that duty,

it may give that body such directions as to the discharge of the duty as appear to it to be expedient.

(4) Directions may be given under subsection (1) or (3) even if the performance of the duty is contingent upon the opinion of the responsible body.

(5) Subsection (6) applies if the Tribunal [<sup>F59</sup>or the Welsh Tribunal] has made an order under section 28I(3).

(6) If the Secretary of State is satisfied (whether on a complaint or otherwise) that the responsible body concerned—

- (a) has acted, or is proposing to act, unreasonably in complying with the order, or
- (b) has failed to comply with the order,

he may give that body such directions as to compliance with the order as appear to him to be expedient.

(7) Directions given under subsection (1), (3) or (6)—

- (a) may be varied or revoked by the directing authority; and
- (b) may be enforced, on the application of the directing authority, by a mandatory order obtained in accordance with section 31 of the Supreme Court Act 1981.

(8) “Appropriate authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the National Assembly.

(9) “Directing authority” means—

- (a) the Secretary of State in relation to a direction given by him; and
- (b) the National Assembly in relation to a direction given by it.]

#### Annotations:

#### Amendments (Textual)

**F58** S. 28M inserted (E.W.S.) (1.9.2002 for certain purposes otherwise *prosp.*) by 2001 c. 10, ss. 22, 43(3) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

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**F59** Words in s. 28M(5) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 11** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**

*[<sup>F60</sup> Enforcement: Scotland]*

**Annotations:**

**Amendments (Textual)**

**F60** Pt. IV Ch. 1: Cross-heading and s. 28N inserted (1.9.2002) by 2001 c. 10, s. 23 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

**[<sup>F61</sup> 28N Civil proceedings]**

- (1) A claim that a responsible body in Scotland—
  - (a) has discriminated against a person in a way which is unlawful under this Chapter, or
  - (b) is by virtue of section 58 to be treated as having discriminated against a person in such a way,may be made the subject of civil proceedings in the same way as any other claim for the enforcement of a statutory duty.
- (2) Proceedings in Scotland may be brought only in a sheriff court.
- (3) The remedies available in such proceedings are those which are available in the Court of Session other than an award of damages.
- (4) Part 3 of Schedule 3 makes further provision about the enforcement of this Chapter and about procedure.
- (5) In relation to civil proceedings in Scotland, in that Part of that Schedule—
  - (a) references to sections 28I, 28K and 28L, or any of them, are to be construed as a reference to this section;
  - (b) references to the Tribunal are to be construed as references to the sheriff court.]

**Annotations:**

**Amendments (Textual)**

**F61** S. 28N inserted (1.9.2002) by 2001 c. 10, s. 23 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

*[<sup>F62</sup> Agreements relating to enforcement]*

**Annotations:**

**Amendments (Textual)**

**F62** Pt. IV Ch. 1: Cross-heading and s. 28P inserted (1.9.2002) by 2001 c. 10, s. 24 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

*Status: This version of this Act contains provisions that are prospective.*

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## [<sup>F63</sup> 28P Validity and revision of agreements of responsible bodies

- (1) Any term in a contract or other agreement made by or on behalf of a responsible body is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Chapter;
  - (b) exclude or limit the operation of any provision of, or made under, this Chapter; or
  - (c) prevent any person from making a claim under this Chapter.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement settling a claim—
  - (a) under section 28I or 28N; or
  - (b) to which section 28K or 28L applies.
- (3) On the application of any person interested in an agreement to which subsection (1) applies, a county court or a sheriff court may make such order as it thinks just for modifying the agreement to take account of the effect of subsection (1).
- (4) No such order may be made unless all persons affected have been—
  - (a) given notice of the application; and
  - (b) afforded an opportunity to make representations to the court.
- (5) Subsection (4) applies subject to any rules of court providing for notice to be dispensed with.
- (6) An order under subsection (3) may include provision as respects any period before the making of the order.]

### Annotations:

#### Amendments (Textual)

**F63** S. 28P inserted (1.9.2002) by 2001 c. 10, s. 24 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

## [<sup>F64</sup> Interpretation of Chapter 1]

### Annotations:

#### Amendments (Textual)

**F64** Pt. IV Ch. 1: Cross-heading and s. 28Q inserted (1.9.2002) by 2001 c. 10, s. 25 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

## [<sup>F65</sup> 28Q Interpretation

- (1) This section applies for the purpose of interpreting this Chapter.
- (2) “Disabled pupil” means a pupil who is a disabled person.
- (3) “Pupil”—
  - (a) in relation to England and Wales, has the meaning given in section 3(1) of the Education Act 1996; and
  - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

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- (4) Except in relation to Scotland (when it has the meaning given in section 135(1) of the Education (Scotland) Act 1980) “school” means—
- (a) a maintained school;
  - (b) a maintained nursery school;
  - (c) an independent school;
  - (d) a special school which is not a maintained special school but which is approved by the Secretary of State, or by the National Assembly, under section 342 of the Education Act 1996;
  - (e) a pupil referral unit.
- (5) In subsection (4)—
- “maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;
  - “maintained nursery school” has the meaning given in section 22(9) of the School Standards and Framework Act 1998;
  - “independent school” has the meaning given in section 463 of the Education Act 1996; and
  - “pupil referral unit” has the meaning given in section 19(2) of the Education Act 1996.
- (6) “Responsible body” has the meaning given in section 28A(5).
- (7) “Governing body”, in relation to a maintained school, means the body corporate (constituted in accordance with Schedule 9 to the School Standards and Framework Act 1998) which the school has as a result of section 36 of that Act.
- (8) “Parent”—
- (a) in relation to England and Wales, has the meaning given in section 576 of the Education Act 1996; and
  - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (9) In relation to England and Wales “permitted form of selection” means—
- (a) if the school is a maintained school which is not designated as a grammar school under section 104 of the School Standards and Framework Act 1998, any form of selection mentioned in section 99(2) or (4) of that Act;
  - (b) if the school is a maintained school which is so designated, any of its selective admission arrangements;
  - (c) if the school is an independent school, any arrangements which make provision for any or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.
- (10) In relation to Scotland, “permitted form of selection” means—
- (a) if the school is managed by an education authority, such arrangements as have been approved by the Scottish Ministers for the selection of pupils for admission;
  - (b) if the school is an independent school or a self-governing school, any arrangements which make provision for any or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.

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(11) In subsection (10), “education authority”, “independent school” and “self-governing school” have the meaning given in section 135(1) of the Education (Scotland) Act 1980.

[<sup>F66</sup>(12) “City academy” means a school which is known as a city academy as a result of subsection (3) or (3A) of section 482 of the Education Act 1996.]

(13) “Accessibility strategy” and “accessibility plan” have the meaning given in section 28D.

(14) “The National Assembly” means the National Assembly for Wales.]

**Annotations:**

**Amendments (Textual)**

**F65** S. 28Q inserted (1.9.2002) by 2001 c. 10, s. 25 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

**F66** S. 28Q(12) ceased to have effect (26.7.2002) and repealed (26.7.2002 for E.S and otherwise *prosp.*) by 2002 c. 32, s. 65, 215(2), 216, Sch. 7 para. 5(5), **Sch. 22 Pt. III** (with ss. 210(8), 214(4)); S.I. 2002/2002, **arts. 2, 3**

[<sup>F67</sup>**CHAPTER 2**

**FURTHER AND HIGHER EDUCATION]**

**Annotations:**

**Amendments (Textual)**

**F67** Pt. IV Ch. 2: Chapter heading, cross-heading and s. 28R inserted (30.5.2002 for certain purposes and otherwise 1.9.2002) by 2001 c. 10, s. 26 (with s. 43(13)); S.I. 2002/1647, **art. 3**; S.I. 2002/2217, **art. 3**, **Sch. 1 Pt. 1**

*[<sup>F68</sup> Duties of responsible bodies]*

**Annotations:**

**Amendments (Textual)**

**F68** Pt. IV Ch. 2: Cross-heading and s. 28R inserted (30.5.2002 for certain purposes and otherwise 1.9.2002) by 2001 c. 10, s. 26 (with s. 43(13)); S.I. 2002/1647, **art. 3**; S.I. 2002/2217, **art. 3**, **Sch. 1 Pt. 1**

[<sup>F69</sup>**28R Discrimination against disabled students and prospective students**

(1) It is unlawful for the body responsible for an educational institution to discriminate against a disabled person—

- (a) in the arrangements it makes for determining admissions to the institution;
- (b) in the terms on which it offers to admit him to the institution; or
- (c) by refusing or deliberately omitting to accept an application for his admission to the institution.

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- (2) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student in the student services it provides, or offers to provide.
- (3) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student by excluding him from the institution, whether permanently or temporarily.
- (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (5) The body responsible for an educational institution is to be determined in accordance with Schedule 4B, and in the remaining provisions of this Chapter is referred to as the “responsible body”.
- (6) “Educational institution”, in relation to England and Wales, means an institution—
  - (a) within the higher education sector;
  - (b) within the further education sector; or
  - (c) designated in an order made by the Secretary of State.
- (7) “Educational institution”, in relation to Scotland, means—
  - (a) an institution within the higher education sector (within the meaning of section 56(2) of the Further and Higher Education (Scotland) Act 1992);
  - (b) a college of further education with a board of management within the meaning of section 36 of that Act;
  - (c) a central institution within the meaning of section 135 of the Education (Scotland) Act 1980;
  - (d) a college of further education maintained by an education authority in the exercise of their further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of that Act;
  - (e) an institution designated in an order made by the Secretary of State.
- (8) Subsection (6) is to be read with section 91 of the Further and Higher Education Act 1992.
- (9) The Secretary of State may not make an order under subsection (6)(c) or (7)(e) unless he is satisfied that the institution concerned is wholly or partly funded from public funds.
- (10) Before making an order under subsection (7)(e), the Secretary of State must consult the Scottish Ministers.
- (11) “Student services” means services of any description which are provided wholly or mainly for students.
- (12) Regulations may make provision as to services which are, or are not, to be regarded for the purposes of subsection (2) as student services.]

**Annotations:**

**Amendments (Textual)**

**F69** [S. 28R](#) inserted (30.5.2002 for certain purposes and otherwise 1.9.2002) by [2001 c. 10, s. 26](#) (with [s. 43\(13\)](#)); [S.I. 2002/1647, art. 3](#); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

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## **[<sup>F70</sup>28S Meaning of “discrimination”**

- (1) For the purposes of section 28R, a responsible body discriminates against a disabled person if—
  - (a) for a reason which relates to his disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  - (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of section 28R, a responsible body also discriminates against a disabled person if—
  - (a) it fails, to his detriment, to comply with section 28T; and
  - (b) it cannot show that its failure to comply is justified.
- (3) In relation to a failure to take a particular step, a responsible body does not discriminate against a person if it shows—
  - (a) that, at the time in question, it did not know and could not reasonably have been expected to know, that he was disabled; and
  - (b) that its failure to take the step was attributable to that lack of knowledge.
- (4) The taking of a particular step by a responsible body in relation to a person does not amount to less favourable treatment if it shows that at the time in question it did not know, and could not reasonably have been expected to know, that he was disabled.
- (5) Subsections (6) to (9) apply in determining whether, for the purposes of this section—
  - (a) less favourable treatment of a person, or
  - (b) failure to comply with section 28T,
 is justified.
- (6) Less favourable treatment of a person is justified if it is necessary in order to maintain —
  - (a) academic standards; or
  - (b) standards of any other prescribed kind.
- (7) Less favourable treatment is also justified if—
  - (a) it is of a prescribed kind;
  - (b) it occurs in prescribed circumstances; or
  - (c) it is of a prescribed kind and it occurs in prescribed circumstances.
- (8) Otherwise less favourable treatment, or a failure to comply with section 28T, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.
- (9) If, in a case falling within subsection (1)—
  - (a) the responsible body is under a duty imposed by section 28T in relation to the disabled person, but
  - (b) fails without justification to comply with that duty,
 its treatment of that person cannot be justified under subsection (8) unless that treatment would have been justified even if it had complied with that duty.]



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**Annotations:**

**Amendments (Textual)**

**F70** [S. 28S](#) inserted (1.9.2002) by [2001 c. 10, s. 27](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

**[<sup>F71</sup>28T Disabled students not to be substantially disadvantaged**

- (1) The responsible body for an educational institution must take such steps as it is reasonable for it to have to take to ensure that—
  - (a) in relation to the arrangements it makes for determining admissions to the institution, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and
  - (b) in relation to student services provided for, or offered to, students by it, disabled students are not placed at a substantial disadvantage in comparison with students who are not disabled.
- (2) In considering whether it is reasonable for it to have to take a particular step in order to comply with its duty under subsection (1), a responsible body must have regard to any relevant provisions of a code of practice issued under section 53A.
- (3) Subsection (4) applies if a person has made a confidentiality request of which a responsible body is aware.
- (4) In determining whether it is reasonable for the responsible body to have to take a particular step in relation to that person in order to comply with its duty under subsection (1), regard shall be had to the extent to which taking the step in question is consistent with compliance with that request.
- (5) “Confidentiality request” means a request made by a disabled person, which asks for the nature, or asks for the existence, of his disability to be treated as confidential.
- (6) This section imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

**Annotations:**

**Amendments (Textual)**

**F71** [S. 28T](#) inserted (1.9.2002) by [2001 c. 10, s. 28](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, arts. 5, 6](#)

**Modifications etc. (not altering text)**

**C14** [S. 28T](#): Functions of a local education authority made exercisable by authorised persons (E.) (1.4.2002) by [S.I. 2002/928, art. 3, Sch. 3](#) para. (s)

**C15** [S. 28T\(1\)](#) applied (with modifications) (*temp.*) by [S.I. 2002/2217, art. 6, Sch. 2](#)

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*[<sup>F72</sup> Other providers of further education or training facilities]*

**Annotations:**

**Amendments (Textual)**

**F72** Pt. IV Ch. 2: Cross-heading and s. 28U inserted (1.9.2002) by 2001 c. 10, s. 29 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**[<sup>F73</sup> 28U Further education etc. provided by local education authorities and schools**

- (1) Part 1 of Schedule 4C modifies this Chapter for the purpose of its application in relation to—
  - (a) higher education secured by a local education authority;
  - (b) further education—
    - (i) secured by a local education authority; or
    - (ii) provided by the governing body of a maintained school;
  - (c) recreational or training facilities secured by a local education authority.
- (2) Part 2 of that Schedule modifies this Chapter for the purpose of its application in relation to—
  - (a) further education, within the meaning of section 1(5)(b)(iii) of the Education (Scotland) Act 1980;
  - (b) facilities whose provision is secured by an education authority under section 1(3) of that Act.]

**Annotations:**

**Amendments (Textual)**

**F73** S. 28U inserted (1.9.2002) by 2001 c. 10, s. 29 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

*[<sup>F74</sup> Enforcement, etc.]*

**Annotations:**

**Amendments (Textual)**

**F74** Pt. IV Ch. 2: Cross-heading and s. 28V inserted (1.9.2002) by 2001 c. 10, s. 30 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**[<sup>F75</sup> 28V Enforcement, remedies and procedure**

- (1) A claim by a person—
  - (a) that a responsible body has discriminated against him in a way which is unlawful under this Chapter,
  - (b) that a responsible body is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way, or
  - (c) that a person is by virtue of section 57 to be treated as having discriminated against him in such a way,

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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) For the avoidance of doubt it is hereby declared that 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.
- (3) Proceedings in England and Wales may be brought only in a county court.
- (4) Proceedings in Scotland may be brought only in a sheriff court.
- (5) 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.
- (6) The fact that a person who brings proceedings under this Part against a responsible body may also be entitled to bring proceedings against that body under Part 2 is not to affect the proceedings under this Part.
- (7) Part 4 of Schedule 3 makes further provision about the enforcement of this Part and about procedure.]

**Annotations:**

**Amendments (Textual)**

**F75** [S. 28V](#) inserted (1.9.2002) by [2001 c. 10, s. 30](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

**[<sup>F76</sup>28W Occupation of premises by educational institutions**

- (1) This section applies if—
  - (a) premises are occupied by an educational institution under a lease;
  - (b) but for this section, the responsible body would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the responsible body proposes to make in order to comply with section 28T.
- (2) Except to the extent to which it expressly so provides, the lease has effect, as a result of this subsection, as if it provided—
  - (a) for the responsible body to be entitled to make the alteration with the written consent of the lessor;
  - (b) for the responsible body to have to make a written application to the lessor for consent if it wishes to make the alteration;
  - (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
  - (d) for the lessor to be entitled to make his consent subject to reasonable conditions.
- (3) In this section—

“lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

“sub-lease” and “sub-tenancy” have such meaning as may be prescribed.
- (4) If the terms and conditions of a lease—

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- (a) impose conditions which are to apply if the responsible body alters the premises, or
- (b) entitle the lessor to impose conditions when consenting to the responsible body's altering the premises,

the responsible body is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part 3 of Schedule 4 supplements the provisions of this section.]

#### Annotations:

#### Amendments (Textual)

**F76** [S. 28W](#) inserted (30.5.2002) by [2001 c. 10, s. 31](#) (with [s. 43\(13\)](#)); [S.I. 2002/1649, art. 3](#)

#### Modifications etc. (not altering text)

**C16** [S. 28W](#) modified (28.6.2002) by [S.I. 2002/1458, reg. 7](#)

### [<sup>F77</sup>**28X Validity and revision of agreements**

Section 28P applies for the purposes of this Chapter as it applies for the purposes of Chapter 1, but with the substitution, for paragraphs (a) and (b) of subsection (2), of “under section 28V”.]

#### Annotations:

#### Amendments (Textual)

**F77** [S. 28X](#) inserted (1.9.2002) by [2001 c. 10, s. 32](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

### <sup>X1F78</sup>**29 Education of disabled persons.**

<sup>F79</sup>(1) .....

(2) .....

(3) In section 1 of the <sup>M10</sup>Education Act 1994 (establishment of the Teacher Training Agency) add, at the end—

“(4) In exercising their functions, the Teacher Training Agency shall have regard to the requirements of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995.”

#### Annotations:

#### Editorial Information

**X1** [S. 29](#): With effect from 30.05.2002 s. 29 became subsumed by newly inserted cross-heading "Enforcement, etc.". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 30.5.2002 or navigate via the Pt. IV heading.

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### Extent Information

**E15** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

### Amendments (Textual)

**F78** S. 29 repealed (E.W.S.) (1.9.2002) by 2001 c. 10, s. 40(1), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**F79** S. 29(1)(2) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39)

### Commencement Information

**I19** S. 29(3) in force at 31.7.1996 by S.I. 1996/1474, art. 2(2), Sch. Pt. II

### Marginal Citations

**M10** 1994 c.30.

## *[<sup>F80</sup> Duties of funding councils]*

### Annotations:

### Amendments (Textual)

**F80** Pt. IV Ch. 2: Cross-heading inserted before s. 30 (E.W.S.) (1.9.2002) by 2001 c. 10, s. 34(4) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

## <sup>X2</sup>30 Further and higher education of disabled persons. 1992 c.13.

(1) The Further and Higher Education Act 1992 is amended as set out in subsections (2) to (6).

<sup>F81</sup>(2) . . . . .

(3) . . . . .

(4) . . . . .

(5) In section 62 (establishment of higher education funding councils), after subsection (7) insert—

“(7A) In exercising their functions, each council shall have regard to the requirements of disabled persons.

(7B) In subsection (7A) “disabled persons” means persons who are disabled persons for the purposes of the Disability Discrimination Act 1995.”

[<sup>F82</sup>(6) In section 65 (administration of funds by higher education funding councils), after subsection (4) insert—

“(4A) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which a council makes grants, loans or other payments under this section to the governing body of a higher education institution shall require the governing body to publish disability statements at such intervals as may be specified.

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(4B) For the purposes of subsection (4A) above—

“disability statement” means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995; and

“specified” means specified in the conditions subject to which grants, loans or other payments are made by a council under this section.”]

- <sup>F83</sup>(7) .....
- (8) .....
- (9) .....

#### Annotations:

##### Editorial Information

- X2** [S. 30](#): With effect from 01.9.2002 s. 30 became subsumed by newly inserted cross-heading "Enforcement, etc.". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 01.9.2002 or navigate via the Pt. IV heading.

##### Extent Information

- E16** In its application to Northern Ireland, this section has effect subject to the modifications set out in [Sch. 8](#); see [s. 70\(6\)](#)

##### Amendments (Textual)

- F81** [S. 30\(2\)-\(4\)](#) repealed (1.4.2001) by [2000 c. 21](#), s. 153, [Sch. 11](#) (with s. 150); [S.I. 2001/654](#), art. 2(2), [Sch. Pt. II](#) (with savings and transitional provisions in art. 3); [S.I. 2001/1274](#), art. 2(1), [Sch. Pt. I](#)
- F82** [S. 30\(6\)](#) repealed (E.W.S) (1.9.2002) by [2001 c. 10](#), ss. 34(5), 42(6), [Sch. 9](#) (with s. 43(13)); [S.I. 2002/2217](#), art. 3, [Sch. 1 Pt. 1](#)
- F83** [S. 30\(7\)-\(9\)](#) repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583(2), [Sch. 38 Pt. I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

##### Commencement Information

- I20** [S. 30\(1\)-\(6\)](#) in force at 31.7.1996 by [S.I. 1996/1474](#), art. 2(2), [Sch. Pt. II](#)

### <sup>X3</sup>**31 Further and higher education of disabled persons: Scotland. 1992 c. 37.**

- (1) The Further and Higher Education (Scotland) Act 1992 is amended as follows.
- (2) In section 37 (establishment of Scottish Higher Education Funding Council) after subsection (4) insert—
  - “(4A) In exercising their functions, the Council shall have regard to the requirements of disabled persons.
  - (4B) In subsection (4A) above, “disabled persons” means persons who are disabled persons for the purpose of the Disability Discrimination Act 1995.”

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F84</sup>(3) In section 40 (administration of funds by the Council), after subsection (4) insert—

“(5) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which the Council make grants, loans or other payments under this section to the governing body of an institution within the higher education sector shall require the governing body to publish disability statements at such intervals as may be specified.

(6) For the purposes of subsection (5) above—

“disability statement” means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purpose of the Disability Discrimination Act 1995; and

“specified” means specified in the conditions subject to which grants, loans or other payments are made by the Council under this section.”]

#### Annotations:

##### Extent Information

**E17** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Editorial Information

**X3** [S. 31](#): With effect from 01.9.2002 [s. 31](#) became subsumed by newly inserted cross-heading "Duties of funding council". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 01.9.2002 or navigate via the Pt. IV heading.

##### Amendments (Textual)

**F84** [S. 31\(3\)](#) repealed (E.W.S.) (1.9.2002) by [2001 c. 10](#), ss. [34\(6\)](#), [42\(6\)](#), [Sch. 9](#) (with [s. 43\(13\)](#)); S.I. [2002/2217](#), art. 3, [Sch. 1 Pt. 1](#)

### [<sup>F85</sup> Interpretation of Chapter 2

#### Annotations:

##### Amendments (Textual)

**F85** [Pt. IV Ch. 2](#): Cross-heading and [s. 31A](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 33](#) (with [s. 43\(13\)](#)); S.I. [2002/2217](#), art. 3, [Sch. 1 Pt. 1](#)

### <sup>F86</sup>31A Interpretation

- (1) Subsections (2) to (4) apply for the purpose of interpreting this Chapter.
- (2) “Disabled student” means a student who is a disabled person.
- (3) “Student” means a person who is attending, or undertaking a course of study at, an educational institution.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) “Educational institution”, “responsible body” and “student services” have the meaning given in section 28R.]

**Annotations:**

**Amendments (Textual)**

**F86** S. 31A inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 33 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

[<sup>F87</sup> **CHAPTER 3**

**SUPPLEMENTARY**

**Annotations:**

**Amendments (Textual)**

**F87** Pt. IV: Chapter heading and s. 31B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 37 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

<sup>F88</sup> **31B Conciliation for disputes**

- (1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in connection with disputes.
- (2) In deciding what arrangements (if any) to make, the Commission must have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in connection with disputes.
- (4) The Commission must ensure that arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by any person in connection with the provision of conciliation services in accordance with the arrangements.
- (5) Subsection (4) does not apply to information which is disclosed with the consent of the parties to the dispute to which it relates.
- (6) Subsection (4) does not apply to information which—
  - (a) does not identify a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person providing conciliation services in accordance with arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it.



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- (8) “Conciliation services” means advice and assistance provided to the parties to a dispute, by a conciliator, with a view to promoting its settlement otherwise than through a court, tribunal or other body.
- (9) “Dispute” means a dispute arising under Chapter 1 or 2 concerning an allegation of discrimination.
- (10) “Discrimination” means anything which is made unlawful discrimination by a provision of Chapter 1 or 2.]

**Annotations:**

**Amendments (Textual)**

**F88** [S. 31B](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 37](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

[<sup>F89</sup> **31C Application to Isles of Scilly**

This Part applies to the Isles of Scilly—

- (a) as if the Isles were a separate non-metropolitan county (and the Council of the Isles of Scilly were a county council), and
- (b) with such other modifications as may be specified in an order made by the Secretary of State.]

**Annotations:**

**Amendments (Textual)**

**F89** [S. 31C](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 39](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

**PART V**

**PUBLIC TRANSPORT**

*Taxis*

PROSPECTIVE

**32 Taxi accessibility regulations.**

- (1) The Secretary of State may make regulations (“taxi accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
- (i) to get into and out of taxis in safety;
- (ii) to be carried in taxis in safety and in reasonable comfort; and
- (b) for disabled persons in wheelchairs—

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- (i) to be conveyed in safety into and out of taxis while remaining in their wheelchairs; and
  - (ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Taxi accessibility regulations may, in particular—
  - (a) require any regulated taxi to conform with provisions of the regulations as to—
    - (i) the size of any door opening which is for the use of passengers;
    - (ii) the floor area of the passenger compartment;
    - (iii) the amount of headroom in the passenger compartment;
    - (iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;
  - (b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
  - (c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply with provisions of the regulations as to the position in which the wheelchair is to be secured.
- (3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—
  - (a) he fails to comply with any requirement imposed on him by the regulations; or
  - (b) the taxi fails to conform with any provision of the regulations with which it is required to conform.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
  - “passenger compartment” has such meaning as may be prescribed;
  - “regulated taxi” means any taxi to which the regulations are expressed to apply;
  - “taxi” means a vehicle licensed under—
    - (a) section 37 of the <sup>M11</sup>Town Police Clauses Act 1847, or
    - (b) section 6 of the <sup>M12</sup>Metropolitan Public Carriage Act 1869,
 but does not include a taxi which is drawn by a horse or other animal.

#### Annotations:

#### Extent Information

**E18** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Marginal Citations

**M11** 1847 c.89.

**M12** 1869 c.115.

*Status: This version of this Act contains provisions that are prospective.*

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PROSPECTIVE

### 33 Designated transport facilities.

- (1) In this section “a franchise agreement” means a contract entered into by the operator of a designated transport facility for the provision by the other party to the contract of hire car services—
  - (a) for members of the public using any part of the transport facility; and
  - (b) which involve vehicles entering any part of that facility.
- (2) The Secretary of State may by regulations provide for the application of any taxi provision in relation to—
  - (a) vehicles used for the provision of services under a franchise agreement; or
  - (b) the drivers of such vehicles.
- (3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the Secretary of State considers appropriate.
- (4) In this section—

“designated” means designated for the purposes of this section by an order made by the Secretary of State;

“hire car” has such meaning as may be prescribed;

“operator”, in relation to a transport facility, means any person who is concerned with the management or operation of the facility;

“taxi provision” means any provision of—

  - (a) this Act, or
  - (b) regulations made in pursuance of section 20(2A) of the <sup>M13</sup>Civic Government (Scotland) Act 1982,

which applies in relation to taxis or the drivers of taxis; and

“transport facility” means any premises which form part of any port, airport, railway station or bus station.

#### Annotations:

##### Extent Information

**E19** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Modifications etc. (not altering text)

**C17** [S. 33](#): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

##### Marginal Citations

**M13** [1982 c.45](#).

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## PROSPECTIVE

### 34 New licences conditional on compliance with taxi accessibility regulations.

- (1) No licensing authority shall grant a licence for a taxi to ply for hire unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.
- (2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.
- (3) The Secretary of State may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order.
- (4) Separate orders may be made under subsection (3) with respect to different areas or localities.

#### Annotations:

#### Extent Information

**E20** In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 18; see [s. 70\(6\)](#)

## PROSPECTIVE

### 35 Exemption from taxi accessibility regulations.

- (1) The Secretary of State may make regulations (“exemption regulations”) for the purpose of enabling any relevant licensing authority to apply to him for an order (an “exemption order”) exempting the authority from the requirements of section 34.
- (2) Exemption regulations may, in particular, make provision requiring a licensing authority proposing to apply for an exemption order—
  - (a) to carry out such consultations as may be prescribed;
  - (b) to publish the proposal in the prescribed manner;
  - (c) to consider any representations made to it about the proposal, before applying for the order;
  - (d) to make its application in the prescribed form.
- (3) A licensing authority may apply for an exemption order only if it is satisfied—
  - (a) that, having regard to the circumstances prevailing in its area, it would be inappropriate for the requirements of section 34 to apply; and
  - (b) that the application of section 34 would result in an unacceptable reduction in the number of taxis in its area.
- (4) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
  - (a) make an exemption order in the terms of the application;

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- (b) make an exemption order in such other terms as he considers appropriate; or
  - (c) refuse to make an exemption order.
- (5) The Secretary of State may by regulations (“swivel seat regulations”) make provision requiring any exempt taxi plying for hire in an area in respect of which an exemption order is in force to conform with provisions of the regulations as to the fitting and use of swivel seats.
- (6) The Secretary of State may by regulations make provision with respect to swivel seat regulations similar to that made by section 34 with respect to taxi accessibility regulations.
- (7) In this section—
- “exempt taxi” means a taxi in relation to which section 34(1) would apply if the exemption order were not in force;
  - “relevant licensing authority” means a licensing authority responsible for licensing taxis in any area of England and Wales other than the area to which the <sup>M14</sup>Metropolitan Public Carriage Act 1869 applies; and
  - “swivel seats” has such meaning as may be prescribed.

#### Annotations:

##### Extent Information

**E21** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Marginal Citations

**M14** [1869 c.115](#).

PROSPECTIVE

## 36 Carrying of passengers in wheelchairs.

- (1) This section imposes duties on the driver of a regulated taxi which has been hired—
- (a) by or for a disabled person who is in a wheelchair; or
  - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) In this section—
- “carry” means carry in the taxi concerned; and
  - “the passenger” means the disabled person concerned.
- (3) The duties are—
- (a) to carry the passenger while he remains in his wheelchair;
  - (b) not to make any additional charge for doing so;
  - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
  - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;
  - (e) to give such assistance as may be reasonably required—
    - (i) to enable the passenger to get into or out of the taxi;

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- (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the taxi while in his wheelchair;
  - (iii) to load the passenger's luggage into or out of the taxi;
  - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the taxi.
- (4) Nothing in this section is to be taken to require the driver of any taxi—
  - (a) except in the case of a taxi of a prescribed description, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey; or
  - (b) to carry any person in circumstances in which it would otherwise be lawful for him to refuse to carry that person.
- (5) A driver of a regulated taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In any proceedings for an offence under this section, it is a defence for the accused to show that, even though at the time of the alleged offence the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform, it would not have been possible for the wheelchair in question to be carried in safety in the taxi.
- (7) If the licensing authority is satisfied that it is appropriate to exempt a person from the duties imposed by this section—
  - (a) on medical grounds, or
  - (b) on the ground that his physical condition makes it impossible or unreasonably difficult for him to comply with the duties imposed on drivers by this section,
 it shall issue him with a certificate of exemption.
- (8) A certificate of exemption shall be issued for such period as may be specified in the certificate.
- (9) The driver of a regulated taxi is exempt from the duties imposed by this section if—
  - (a) a certificate of exemption issued to him under this section is in force; and
  - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.

#### Annotations:

#### Extent Information

**E22** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

### 37 Carrying of guide dogs and hearing dogs.

- (1) This section imposes duties on the driver of a taxi which has been hired—
  - (a) by or for a disabled person who is accompanied by his guide dog or hearing dog, or
  - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) The disabled person is referred to in this section as “the passenger”.

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- (3) The duties are—
- (a) to carry the passenger's dog and allow it to remain with the passenger; and
  - (b) not to make any additional charge for doing so.
- (4) A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to exempt a person from the duties imposed by this section, it shall issue him with a certificate of exemption.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
- (a) with respect to a specified taxi or a specified kind of taxi; and
  - (b) for such period as may be specified in the certificate.
- (8) The driver of a taxi is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the taxi; and
  - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.
- (9) The Secretary of State may, for the purposes of this section, prescribe any other category of dog trained to assist a disabled person who has a disability of a prescribed kind.
- (10) This section applies in relation to any such prescribed category of dog as it applies in relation to guide dogs.
- (11) In this section—
- “guide dog” means a dog which has been trained to guide a blind person; and
  - “hearing dog” means a dog which has been trained to assist a deaf person.

#### Annotations:

##### Extent Information

**E23** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Commencement Information

**I21** [S. 37](#) partly in force; [s. 37](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 37](#) in force for E.W. at 1.12.2000 for specified purposes and at 31.3.2001 for all other purposes by [S.I. 2000/2989](#), [art. 2\(a\)\(b\)](#); [s. 37](#) in force for N.I. at 1.6.2001 for specified purposes and at 1.8.2001 for all other purposes by [S.R. 2001/163](#), [art. 2\(1\)](#)



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## PROSPECTIVE

### [<sup>F90</sup>37A Carrying of assistance dogs in private hire vehicles

- (1) It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for a private hire vehicle—
  - (a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
  - (b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
- (2) It is an offence for the operator of a private hire vehicle to make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle—
  - (a) if the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
  - (b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.
- (4) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to issue a certificate of exemption to a driver in respect of subsection (3) it must do so.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the private hire vehicle which the applicant drives or those of any kind of private hire vehicle in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
  - (a) with respect to a specified private hire vehicle or a specified kind of private hire vehicle; and
  - (b) for such period as may be specified in the certificate.
- (8) No offence is committed by a driver under subsection (3) if—
  - (a) a certificate of exemption issued to him under this section is in force with respect to the private hire vehicle; and
  - (b) the prescribed notice is exhibited on the private hire vehicle in the prescribed manner.
- (9) In this section—
 

“assistance dog” means a dog which—

  - (a) has been trained to guide a blind person;
  - (b) has been trained to assist a deaf person;
  - (c) has been trained by a prescribed charity to assist a disabled person who has a disability which—
    - (i) consists of epilepsy; or



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- (ii) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

“driver” means a person who holds a licence granted under—

- (a) section 13 of the Private Hire Vehicles (London) Act 1998 (c. 34) (“the 1998 Act”);  
(b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (“the 1976 Act”); or  
(c) an equivalent provision of a local enactment;

“licensing authority”, in relation to any area of England and Wales, means the authority responsible for licensing private hire vehicles in that area;

“operator” means a person who holds a licence granted under—

- (a) section 3 of the 1998 Act;  
(b) section 55 of the 1976 Act; or  
(c) an equivalent provision of a local enactment;

“private hire vehicle” means a vehicle licensed under—

- (a) section 6 of the 1998 Act;  
(b) section 48 of the 1976 Act; or  
(c) an equivalent provision of a local enactment.]

#### Annotations:

##### Extent Information

**E24** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Amendments (Textual)

**F90** [S. 37A](#) inserted (*prosp.*) by [2002 c. 37, ss. 1\(1\), 6\(2\)](#)

### 38 Appeal against refusal of exemption certificate.

- (1) Any person who is aggrieved by the refusal of a licensing authority to issue an exemption certificate under section 36 or 37 may appeal to the appropriate court before the end of the period of 28 days beginning with the date of the refusal.
- (2) On an appeal to it under this section, the court may direct the licensing authority concerned to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.
- (3) “Appropriate court” means the magistrates’ court for the petty sessions area in which the licensing authority has its principal office.

#### Annotations:

##### Extent Information

**E25** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I22** S. 38 partly in force; s. 38 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 38 in force for E.W. at 1.12.2000 by S.I. 2000/2989, art. 3; s. 38 in force for N.I. at 1.6.2001 by S.R. 2001/163, art. 2(2)

## PROSPECTIVE

### 39 Requirements as to disabled passengers in Scotland.

- (1) Part II of the <sup>M15</sup>Civic Government (Scotland) Act 1982 (licensing and regulation) is amended as follows.
- (2) In subsection (4) of section 10 (suitability of vehicle for use as taxi)—
  - (a) after “authority” insert “ — (a)”; and
  - (b) at the end add “; and  
 (b) as not being so suitable if it does not so comply.”
- (3) In section 20 (regulations relating to taxis etc.) after subsection (2) insert—
 

“(2A) Without prejudice to the generality of subsections (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 1(2) of the <sup>M16</sup>Disability Discrimination Act 1995) and such provision may in particular prescribe—

  - (a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;
  - (b) a date from which any such provision is to apply and the extent to which it is to apply; and
  - (c) the circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,

and in this subsection—

“guide dog” means a dog which has been trained to guide a blind person;

“hearing dog” means a dog which has been trained to assist a deaf person; and

“other categories of dog” means such other categories of dog as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.”

### Annotations:

#### Extent Information

- E26** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Marginal Citations

- M15** 1982 c. 45.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**M16** 1995 c.50.

### *Public service vehicles*

#### **40 PSV accessibility regulations.**

- (1) The Secretary of State may make regulations (“PSV accessibility regulations”) for the purpose of securing that it is possible for disabled persons—
  - (a) to get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs); and
  - (b) to be carried in such vehicles in safety and in reasonable comfort.
- (2) PSV accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated public service vehicles including provision as to—
  - (a) the fitting of equipment to vehicles;
  - (b) equipment to be carried by vehicles;
  - (c) the design of equipment to be fitted to, or carried by, vehicles;
  - (d) the fitting and use of restraining devices designed to ensure the stability of wheelchairs while vehicles are moving;
  - (e) the position in which wheelchairs are to be secured while vehicles are moving.
- (3) Any person who—
  - (a) contravenes or fails to comply with any provision of the PSV accessibility regulations,
  - (b) uses on a road a regulated public service vehicle which does not conform with any provision of the regulations with which it is required to conform, or
  - (c) causes or permits to be used on a road such a regulated public service vehicle,is guilty of an offence.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) In this section—

“public service vehicle” means a vehicle which is—

  - (a) adapted to carry more than eight passengers; and
  - (b) a public service vehicle for the purposes of the <sup>M17</sup>Public Passenger Vehicles Act 1981;

“regulated public service vehicle” means any public service vehicle to which the PSV accessibility regulations are expressed to apply.
- (6) Different provision may be made in regulations under this section—
  - (a) as respects different classes or descriptions of vehicle;
  - (b) as respects the same class or description of vehicle in different circumstances.
- (7) Before making any regulations under this section or section 41 or 42 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Annotations:

#### Extent Information

**E27** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Commencement Information

**I23** [S. 40](#) partly in force; [s. 40](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 40](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

#### Marginal Citations

**M17** [1981 c.14](#).

### 41 Accessibility certificates.

- (1) A regulated public service vehicle shall not be used on a road unless—
  - (a) a vehicle examiner has issued a certificate (an “accessibility certificate”) that such provisions of the PSV accessibility regulations as may be prescribed are satisfied in respect of the vehicle; or
  - (b) an approval certificate has been issued under section 42 in respect of the vehicle.
- (2) The Secretary of State may make regulations—
  - (a) with respect to applications for, and the issue of, accessibility certificates;
  - (b) providing for the examination of vehicles in respect of which applications have been made;
  - (c) with respect to the issue of copies of accessibility certificates in place of certificates which have been lost or destroyed.
- (3) If a regulated public service vehicle is used in contravention of this section, the operator of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “operator” has the same meaning as in the <sup>M18</sup>Public Passenger Vehicles Act 1981.

#### Annotations:

#### Extent Information

**E28** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Commencement Information

**I24** [S. 41](#) partly in force; [s. 41](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 41](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

#### Marginal Citations

**M18** [1981 c.14](#).

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## 42 Approval certificates.

- (1) Where the Secretary of State is satisfied that such provisions of the PSV accessibility regulations as may be prescribed for the purposes of section 41 are satisfied in respect of a particular vehicle he may approve the vehicle for the purposes of this section.
- (2) A vehicle which has been so approved is referred to in this section as a “type vehicle”.
- (3) Subsection (4) applies where a declaration in the prescribed form has been made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.
- (4) A vehicle examiner may, after examining (if he thinks fit) the vehicle to which the declaration applies, issue a certificate in the prescribed form (“an approval certificate”) that it conforms to the type vehicle.
- (5) The Secretary of State may make regulations—
  - (a) with respect to applications for, and grants of, approval under subsection (1);
  - (b) with respect to applications for, and the issue of, approval certificates;
  - (c) providing for the examination of vehicles in respect of which applications have been made;
  - (d) with respect to the issue of copies of approval certificates in place of certificates which have been lost or destroyed.
- (6) The Secretary of State may at any time withdraw his approval of a type vehicle.
- (7) Where an approval is withdrawn—
  - (a) no further approval certificates shall be issued by reference to the type vehicle; but
  - (b) any approval certificate issued by reference to the type vehicle before the withdrawal shall continue to have effect for the purposes of section 41.
- (8) In subsection (3) “authorised person” means a person authorised by the Secretary of State for the purposes of that subsection.

### Annotations:

#### Extent Information

**E29** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Commencement Information

**I25** [S. 42](#) partly in force; [s. 42](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 42](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

## 43 Special authorisations.

- (1) The Secretary of State may by order authorise the use on roads of—
  - (a) any regulated public service vehicle of a class or description specified by the order, or
  - (b) any regulated public service vehicle which is so specified,and nothing in section 40, 41 or 42 prevents the use of any vehicle in accordance with the order.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Any such authorisation may be given subject to such restrictions and conditions as may be specified by or under the order.
- (3) The Secretary of State may by order make provision for the purpose of securing that, subject to such restrictions and conditions as may be specified by or under the order, provisions of the PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order subject to such modifications or exceptions as may be specified by the order.

#### Annotations:

##### Extent Information

**E30** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8 para. 27; see [s. 70\(6\)](#)

##### Commencement Information

**I26** [S. 43](#) partly in force; [s. 43](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 43](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

## 44 Reviews and appeals.

- (1) Subsection (2) applies where—
  - (a) the Secretary of State refuses an application for the approval of a vehicle under section 42(1); and
  - (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 45.
- (2) The Secretary of State shall—
  - (a) review the decision; and
  - (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.
- (3) A person applying for an accessibility certificate or an approval certificate may appeal to the Secretary of State against the refusal of a vehicle examiner to issue such a certificate.
- (4) An appeal must be made within the prescribed time and in the prescribed manner.
- (5) Regulations may make provision as to the procedure to be followed in connection with appeals.
- (6) On the determination of an appeal, the Secretary of State may—
  - (a) confirm, vary or reverse the decision appealed against;
  - (b) give such directions as he thinks fit to the vehicle examiner for giving effect to his decision.

#### Annotations:

##### Extent Information

**E31** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I27** [S. 44](#) partly in force; [s. 44](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 44](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

#### 45 Fees.

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
  - (a) applications for, and grants of, approval under section 42(1);
  - (b) applications for, and the issue of, accessibility certificates and approval certificates;
  - (c) copies of such certificates;
  - (d) reviews and appeals under section 44.
- (2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.
- (4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.

#### Annotations:

##### Extent Information

**E32** In its application to Northern Ireland, this section has effect subject to the modifications set out in [Sch. 8](#); see [s. 70\(6\)](#)

##### Commencement Information

**I28** [S. 45](#) partly in force; [s. 45](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 45](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#)

#### *Rail vehicles*

#### 46 Rail vehicle accessibility regulations.

- (1) The Secretary of State may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
  - (a) for disabled persons—
    - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
    - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
  - (b) for disabled persons in wheelchairs—
    - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
    - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.

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*Status: This version of this Act contains provisions that are prospective.*

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- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to —
- (a) the fitting of equipment to vehicles;
  - (b) equipment to be carried by vehicles;
  - (c) the design of equipment to be fitted to, or carried by, vehicles;
  - (d) the use of equipment fitted to, or carried by, vehicles;
  - (e) the toilet facilities to be provided in vehicles;
  - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;
  - (g) assistance to be given to disabled persons.
- (3) If a regulated rail vehicle which does not conform with any provision of the rail vehicle accessibility regulations with which it is required to conform is used for carriage, the operator of the vehicle is guilty of an offence.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) Different provision may be made in rail vehicle accessibility regulations—
- (a) as respects different classes or descriptions of rail vehicle;
  - (b) as respects the same class or description of rail vehicle in different circumstances;
  - (c) as respects different networks.
- (6) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
  - “operator”, in relation to any rail vehicle, means the person having the management of that vehicle;
  - “rail vehicle” means a vehicle—
    - (a) constructed or adapted to carry passengers on any railway, tramway or prescribed system; and
    - (b) first brought into use, or belonging to a class of vehicle first brought into use, after 31st December 1998;
  - “regulated rail vehicle” means any rail vehicle to which the rail vehicle accessibility regulations are expressed to apply; and
  - “wheelchair accommodation” has such meaning as may be prescribed.
- (7) In subsection (6)—
- “prescribed system” means a system using a prescribed mode of guided transport “guided transport” having the same meaning as in the <sup>M19</sup>Transport and Works Act 1992); and
  - “railway” and “tramway” have the same meaning as in that Act.
- (8) The Secretary of State may by regulations make provision as to the time when a rail vehicle, or a class of rail vehicle, is to be treated, for the purposes of this section, as first brought into use.
- (9) Regulations under subsection (8) may include provision for disregarding periods of testing and other prescribed periods of use.



*Status: This version of this Act contains provisions that are prospective.*

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- (10) For the purposes of this section and section 47, a person uses a vehicle for carriage if he uses it for the carriage of members of the public for hire or reward at separate fares.
- (11) Before making any regulations under subsection (1) or section 47 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

**Annotations:**

**Extent Information**

**E33** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

**Modifications etc. (not altering text)**

**C18** [S. 46](#): transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), art. 6(d), [Sch. 4 Pt. IV](#)

**Marginal Citations**

**M19** [1992 c.42](#).

**47 Exemption from rail vehicle accessibility regulations.**

- (1) The Secretary of State may by order (an “exemption order”) authorise the use for carriage of any regulated rail vehicle of a specified description, or in specified circumstances, even though that vehicle does not conform with the provisions of the rail vehicle accessibility regulations with which it is required to conform.
- (2) Regulations may make provision with respect to exemption orders including, in particular, provision as to—
- (a) the persons by whom applications for exemption orders may be made;
  - (b) the form in which such applications are to be made;
  - (c) information to be supplied in connection with such applications;
  - (d) the period for which exemption orders are to continue in force;
  - (e) the revocation of exemption orders.
- (3) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
- (a) make an exemption order in the terms of the application;
  - (b) make an exemption order in such other terms as he considers appropriate;
  - (c) refuse to make an exemption order.
- (4) An exemption order may be made subject to such restrictions and conditions as may be specified.
- (5) In this section “specified” means specified in an exemption order.

**Annotations:**

**Extent Information**

**E34** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Modifications etc. (not altering text)

**C19** [S. 47](#): transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), [art. 6\(d\)](#), [Sch. 4 Pt. IV](#)

### Supplemental

#### 48 Offences by bodies corporate etc.

- (1) Where an offence under section 40 or 46 committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of the offence.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Where, in Scotland, an offence under section 40 or 46 committed by a partnership or by an unincorporated association other than a partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association, he, as well as the partnership or association, is guilty of the offence.

#### Annotations:

##### Extent Information

**E35** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Commencement Information

**I29** [S. 48](#) partly in force; [s. 48](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 48](#) in force for certain purposes (E.W.S.) at 13.5.1998 by [S.I. 1998/1282](#), [art. 2](#); [s. 48](#) in force for certain purposes (N.I.) at 13.5.1998 by [S.R. 1998/183](#), [art. 2](#); [s. 48](#) in force (E.W.S.) at 30.8.2000 to the extent not previously in force by [S.I. 2000/1969](#), [art. 2](#)

PROSPECTIVE

#### 49 Forgery and false statements.

- (1) In this section “relevant document” means—
  - (a) a certificate of exemption issued under section 36 or 37;
  - (b) a notice of a kind mentioned in section 36(9)(b) or 37(8)(b);
  - (c) an accessibility certificate; or
  - (d) an approval certificate.
- (2) A person is guilty of an offence if, with intent to deceive, he—
  - (a) forges, alters or uses a relevant document;
  - (b) lends a relevant document to any other person;
  - (c) allows a relevant document to be used by any other person; or
  - (d) makes or has in his possession any document which closely resembles a relevant document.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) A person who is guilty of an offence under subsection (2) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) A person who knowingly makes a false statement for the purpose of obtaining an accessibility certificate or an approval certificate is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### 49 Forgery and false statements. **E+W+S+N.I.**

- (1) In this section “relevant document” means—
  - (a) a certificate of exemption issued under section [F206section 36, 37 or 37A];
  - (b) a notice of a kind mentioned in [F207section 36(9)(b), 37(8)(b) or 37A(8)(b)];
  - (c) an accessibility certificate; or
  - (d) an approval certificate.
- (2) A person is guilty of an offence if, with intent to deceive, he—
  - (a) forges, alters or uses a relevant document;
  - (b) lends a relevant document to any other person;
  - (c) allows a relevant document to be used by any other person; or
  - (d) makes or has in his possession any document which closely resembles a relevant document.
- (3) A person who is guilty of an offence under subsection (2) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) A person who knowingly makes a false statement for the purpose of obtaining an accessibility certificate or an approval certificate is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Annotations:

#### Amendments (Textual)

**F206** Words in s. 49(1)(a) substituted (*prosp.*) by 2002 c. 37, ss. 4(2), 6(2)

**F207** Words in s. 49(1)(b) substituted (*prosp.*) by 2002 c. 37, ss. 4(3), 6(2)

## PART VI

### THE NATIONAL DISABILITY COUNCIL

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Annotations:

#### Amendments (Textual)

- F91** S. 50 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**, Appendix
- F92** S. 50 repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.**, Appendix

#### [<sup>F93</sup>51 Codes of practice prepared by the Council. **E+W+S**

- (1) .....
- (2) .....
- (3) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.
- (4) A code is admissible in evidence in any proceedings under this Act before an [<sup>F94</sup>employment tribunal], a county court or a sheriff court.
- (5) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.
- (6) In this section and section 52 “code” means a code issued by the Secretary of State under this section and includes a code which has been altered and re-issued.]

#### Annotations:

#### Extent Information

- E36** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Amendments (Textual)

- F93** S. 51 repealed (E.W.S.) (25.4.2000 in relation to s. 51(1)(2) and otherwise *prosp.*) by 1999 c. 17, ss. 14(2), 16(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**, Appendix
- F94** Words in s. 51 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. art. 2(1), Sch. 1

#### Commencement Information

- I30** S. 51 wholly in force at 1.1.1996; s. 51 not in force at Royal Assent see. s. 70(3); s. 51 in force (E.W.S.) at 1.1.1996 by S.I.1995/3330, art. 2

#### [<sup>F208</sup>51 Codes of practice prepared by the Council. **N.I.**

- (1) .....
- (2) .....
- (3) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, [<sup>F209</sup>or a county court].
- (5) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.
- (6) In this section and section 52 “code” means a code issued by [<sup>F210</sup>a Northern Ireland department] under this section and includes a code which has been altered and re-issued.]

#### Annotations:

#### Extent Information

- E61** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Amendments (Textual)

- F208** [S. 51](#) repealed (N.I.) (25.4.2000 in relation to s. 51(1)(2) and otherwise *prosp.*) by [S.I. 2000/1110 \(N.I. 2\)](#), [arts. 1\(2\), 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#), Appendix
- F209** Words in [s. 51\(4\)](#) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 34(3) of this Act
- F210** Words in [s. 51\(6\)](#) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 34(4) of this Act

#### Commencement Information

- I68** [S. 51](#) wholly in force at 2.1.1996; [s. 51](#) not in force at Royal Assent see. [s. 70\(3\)](#); [s. 51](#) in force (N.I.) at 2.1.1996 by [S.R. 1996/1](#), [art. 2](#)

#### [<sup>F95F96</sup>52 Further provision about codes issued under section 51.

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....
- (6) .....
- (7) .....
- (8) .....
- (9) .....
- (10) .....
- (11) The Secretary of State may by order revoke a code.
- (12) .....]

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## Annotations:

### Extent Information

- E37** In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 35 of this Act; see [s. 70\(6\)](#)

### Amendments (Textual)

- F95** [S. 52](#) repealed (E.W.S.) (25.4.2000 in relation to [s. 52\(1\)-\(10\)\(12\)](#), otherwise *prosp.*) by [1999 c. 17](#), [ss. 14\(2\)](#), [16\(2\)](#), [Sch. 5](#) (with [ss. 9\(2\)](#), [15](#)); [S.I. 2000/880](#), [art. 2](#), [Sch. 2](#) Appendix
- F96** [S. 52](#) repealed (N.I.) (25.4.2000 in relation to [s. 52\(1\)](#) (with the exception of para. (b) in the definition of “responsible Department”) to (10), otherwise *prosp.*) by [S.I. 2000/1110](#) (N.I. 2), [arts. 1\(2\)](#), [16](#), [Sch. 2](#) (with [arts. 11\(2\)\(3\)](#), [17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch. Appendix](#)

### Commencement Information

- I31** [S. 52](#) wholly in force at 2.1.1996; [s. 52](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 52](#) in force (E.W.S.) at 1.1.1996 by [S.I. 1995/3330](#), [art. 2](#); [s. 52](#) in force (N.I.) at 2.1.1996 by [S.R. 1996/1](#), [art. 2](#)

## PART VII

### SUPPLEMENTAL

#### [<sup>F97</sup> 53A Codes of practice.

[<sup>F98</sup>(1) The Disability Rights Commission may prepare and issue codes of practice giving practical guidance on how to avoid discrimination, or on any other matter relating to the operation of any provision of Part 2, 3 or 4, to—

- (a) employers;
- (b) service providers;
- (c) bodies which are responsible bodies for the purposes of Chapter 1 or 2 of Part 4; or
- (d) other persons to whom the provisions of Parts 2 or 3 or Chapter 2 of Part 4 apply.

(1A) The Commission may also prepare and issue codes of practice giving practical guidance to any persons on any other matter with a view to—

- (a) promoting the equalisation of opportunities for disabled persons and persons who have had a disability; or
  - (b) encouraging good practice in the way such persons are treated,
- in any field of activity regulated by any provision of Part 2, 3 or 4.

(1B) Neither subsection (1) nor (1A) applies in relation to any duty imposed by or under sections 28D or 28E.]

(2) The Commission shall, when requested to do so by the Secretary of State, prepare a code of practice dealing with the matters specified in the request.

(3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).

(4) The Commission may not issue a code of practice unless—

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a draft of it has been submitted to and approved by the Secretary of State and laid by him before both Houses of Parliament; and
  - (b) the 40 day period has elapsed without either House resolving not to approve the draft.
- (5) If the Secretary of State does not approve a draft code of practice submitted to him he shall give the Commission a written statement of his reasons.
- (6) A code of practice issued by the Commission—
- (a) shall come into effect on such day as the Secretary of State may by order appoint;
  - (b) may be revised in whole or part, and re-issued, by the Commission; and
  - (c) may be revoked by an order made by the Secretary of State at the request of the Commission.
- (7) Where the Commission proposes to revise a code of practice—
- (a) it shall comply with subsection (3) in relation to the revisions; and
  - (b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.
- (8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings<sup>F99</sup> . . .
- [<sup>F100</sup>(8A) But if a provision of a code of practice appears to a court, tribunal or other body hearing any proceedings under Part 2, 3 or 4 to be relevant, it must take that provision into account.]
- (9) In this section—
- “code of practice” means a code of practice under this section;
  - “discrimination” means anything which is unlawful discrimination for the purposes of any provision of Part II [<sup>F101</sup>, 3 or 4]; and
  - “40 day period” has the same meaning in relation to a draft code of practice as it has in section 3 in relation to draft guidance.]

#### Annotations:

##### Amendments (Textual)

- F97** S. 53A inserted at the beginning of Pt. VII (E.W.S.) (25.4.2000) by 1999 c. 17, s. 9(1) (with ss. 9(2)(3), 15); S.I. 2000/880, art. 2, Sch. 2
- F98** S. 53A(1)-(1B) substituted for s. 53A(1) (1.7.2002 for certain purposes otherwise 1.9.2002) by 2001 c. 10, s. 36(2) (with s. 43(13)); S.I. 2002/1721, art. 3, Sch. Pt. I; S.I. 2002/2217, art. 3, Sch. 1 Pt. I
- F99** Words in s. 53A(8) repealed (1.9.2002) by 2001 c. 10, ss. 36(3), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1
- F100** S. 53A(8A) inserted (1.9.2002) by 2001 c. 10, s. 36(4) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1
- F101** S. 53A(9): Words in definition of “discrimination” substituted (1.9.2002) by 2001 c. 10, s. 36(5) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

##### Modifications etc. (not altering text)

- C20** S. 53A: power to extend conferred (25.4.2000) by 1999 c. 17, s. 9(2) (with ss. 9(3), 15); S.I. 2000/880, art. 2, Sch. 2

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**[<sup>F102</sup>54A Codes of practice.**

- (1) The Commission may prepare and issue codes of practice giving practical guidance—
  - (a) to employers, service providers or other persons to whom provisions of Part II or Part III apply on how to avoid discrimination or on any other matter relating to the operation of those provisions in relation to them; or
  - (b) to any persons on any other matter, with a view to—
    - (i) promoting the equalisation of opportunities for disabled persons and persons who have had a disability, or
    - (ii) encouraging good practice regarding the treatment of such persons, in any field of activity regulated by any provision of Part II or Part III.
- (2) The Commission shall, when requested to do so by the Office, prepare a code of practice dealing with the matters specified in the request.
- (3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).
- (4) The Commission may not issue a code of practice unless—
  - (a) a draft of it has been submitted to and approved by the Office and laid by the Office before the Assembly; and
  - (b) the statutory period has elapsed without the Assembly resolving not to approve the draft.
- (5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.
- (6) A code of practice issued by the Commission—
  - (a) shall come into effect on such day as the Office may by order appoint;
  - (b) may be revised in whole or part, and re-issued, by the Commission; and
  - (c) may be revoked by an order made by the Office at the request of the Commission.
- (7) Where the Commission proposes to revise a code of practice—
  - (a) it shall comply with subsection (3) in relation to the revisions; and
  - (b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.
- (8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or tribunal to be relevant to any question arising in any proceedings under Part II or Part III shall be taken into account in determining that question.
- (9) In this section—

“code of practice” means a code of practice under this section;

“the Commission” means the Equality Commission for Northern Ireland;

“discrimination” means anything which is unlawful discrimination for the purposes of any provision of Part II or Part III;

“the Office” means the Office of the First Minister and deputy First Minister; and



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“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.]

#### Annotations:

##### Amendments (Textual)

**F102** S. 54A inserted at the beginning of Pt. VII (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 11(1) (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, Sch.

##### Modifications etc. (not altering text)

**C21** S. 54A: power to extend conferred (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 11(2) (with arts. 11(3), 17); S.R. 2000/140, art. 2, Sch.

#### [<sup>F103</sup>53 Codes of practice prepared by the Secretary of State. **E+W+S**

- (1) .....
- (2) .....
- (3) .....
- (4) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.
- (5) A code is admissible in evidence in any proceedings under this Act before an [<sup>F104</sup>employment tribunal], a county court or a sheriff court.
- (6) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.
- (7) In this section and section 54 “code” means a code issued by the Secretary of State under this section and includes a code which has been revised and re-issued.
- (8) .....
- (9) .....]

#### Annotations:

##### Extent Information

**E38** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

##### Amendments (Textual)

**F103** S. 53 repealed (E.W.S.) (25.4.2000 in relation to s. 53(1)-(3)(8)(9) and otherwise *prosp.*) by 1999 c. 17, ss. 14(2), 16(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2, Appendix

**F104** Words in s. 53(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

##### Commencement Information

**I32** S. 53 wholly in force at 6.6.1996; s. 53 not in force at Royal Assent see s. 70(3); s. 53 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), Sch. Pt. I

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[<sup>F211</sup>**53** **Codes of practice prepared by the Secretary of State.** **N.I.**]

- (1) .....
- (2) .....
- (3) .....
- (4) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.
- (5) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, a county court or a sheriff court.
- (6) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.
- (7) In this section and section 54 “code” means a code issued by the Secretary of State under this section and includes a code which has been revised and re-issued.
- (8) .....
- (9) .....]

**Annotations:**

**Extent Information**

**E62** This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#). A separate version has been created for England And Wales and Scotland only

**Amendments (Textual)**

**F211** [S. 53](#) repealed (N.I.) (25.4.2000 in relation to [s. 53\(1\)-\(3\)\(8\)\(9\)](#) and otherwise *prosp.*) by [S.I. 2000/1110](#) (N.I. 2), [arts. 1\(2\), 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#) Appendix

**Commencement Information**

**I69** [S. 53](#) wholly in force 11.7.1996; [s. 53](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 53](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#)

[<sup>F105</sup>**54** <sup>F106</sup>**Further provision about codes issued under section 53.**]

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....
- (6) .....
- (7) .....
- (8) The Secretary of State may by order revoke a code.

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(9) . . . . .]

#### Annotations:

##### Extent Information

**E39** In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 37 of this Act; see [s. 70\(6\)](#)

##### Amendments (Textual)

**F105** [S. 54](#) repealed (E.W.S.) (25.4.2000 in relation to [s. 54\(1\)-\(7\)\(9\)](#) and otherwise *prosp.*) by [1999 c. 17, s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#), Appendix

**F106** [S. 54](#) repealed (N.I.) (25.4.2000 in relation to [s. 54\(1\)-\(7\)](#) and (9) (with the exception of the definition of the “Department”) and otherwise *prosp.*) by [S.I. 2000/1110 \(N.I. 2\)](#), [arts. 1\(2\)](#), [16](#), [Sch. 2](#) (with [art. 17](#)), [S.R. 2000/140, art. 2](#), [Sch. Appendix](#)

##### Commencement Information

**I33** [S. 54](#) wholly in force at 11.7.1996; [s. 54](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 54](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474, art. 2\(1\)](#), [Sch. Pt. I](#); [s. 54](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280, art. 2\(1\)](#), [Sch. Pt. I](#)

## 55 Victimisation.

(1) For the purposes of Part II [<sup>F107</sup> Part 3 or Part 4], a person (“A”) discriminates against another person (“B”) if—

- (a) he treats B less favourably than he treats or would treat other persons whose circumstances are the same as B’s; and
- (b) he does so for a reason mentioned in subsection (2).

(2) The reasons are that—

- (a) B has—
  - (i) brought proceedings against A or any other person under this Act; or
  - (ii) given evidence or information in connection with such proceedings brought by any person; or
  - (iii) otherwise done anything under this Act in relation to A or any other person; or
  - (iv) alleged that A or any other person has (whether or not the allegation so states) contravened this Act; or
- (b) A believes or suspects that B has done or intends to do any of those things.

(3) Where B is a disabled person, or a person who has had a disability, the disability in question shall be disregarded in comparing his circumstances with those of any other person for the purposes of subsection (1)(a).

[<sup>F108</sup>(3A) For the purposes of Chapter 1 of Part 4—

- (a) references in subsection (2) to B include references to—
  - (i) a person who is, for the purposes of that Chapter, B’s parent; and
  - (ii) a sibling of B; and
- (b) references in that subsection to this Act are, as respects a person mentioned in sub-paragraph (i) or (ii) of paragraph (a), restricted to that Chapter.]

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- (4) Subsection (1) does not apply to treatment of a person because of an allegation made by him if the allegation was false and not made in good faith.

#### Annotations:

##### Amendments (Textual)

**F107** Words in [s. 55\(1\)](#) substituted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(7\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

**F108** [S. 55\(3A\)](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 38\(8\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

##### Modifications etc. (not altering text)

**C22** [S. 55](#) modified (E.W.) (2.3.1998) by [S.I. 1999/218, art. 3, Sch.](#) (with [art. 1\(2\)](#))  
[S. 55](#) modified (1.9.1999) by [S.I. 1999/2256, art. 3, Sch.](#)

## 56 Help for persons suffering discrimination. **E+W+S**

- (1) For the purposes of this section—
- (a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as “the complainant”; and
  - (b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as “the respondent”.
- (2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—
- (a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
  - (b) forms by which the respondent may if he so wishes reply to any questions.
- (3) Where the complainant questions the respondent in accordance with forms prescribed by an order under subsection (2)—
- (a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II;
  - (b) if it appears to the tribunal in any such proceedings—
    - (i) that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period, or
    - (ii) that the respondent’s reply is evasive or equivocal,
 it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a provision of Part II.
- (4) The Secretary of State may by order prescribe—
- (a) the period within which questions must be duly served in order to be admissible under subsection (3)(a); and
  - (b) the manner in which a question, and any reply by the respondent, may be duly served.

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an [F109 employment tribunal], and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

**Annotations:**

**Extent Information**

- E40** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**Amendments (Textual)**

- F109** Words in s. 56(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

**Commencement Information**

- I34** S. 56 wholly in force at 11.7.1996; s. 56 not in force at Royal assent see s. 70(3); s. 56 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), Sch. Pt. I

**56 Help for persons suffering discrimination. N.I.**

- (1) For the purposes of this section—
- (a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as “the complainant”; and
  - (b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as “the respondent”.
- (2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—
- (a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
  - (b) forms by which the respondent may if he so wishes reply to any questions.
- (3) Where the complainant questions the respondent in accordance with forms prescribed by an order under subsection (2)—
- (a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II;
  - (b) if it appears to the tribunal in any such proceedings—
    - (i) that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period, or
    - (ii) that the respondent’s reply is evasive or equivocal,it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a provision of Part II.
- (4) The Secretary of State may by order prescribe—

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- (a) the period within which questions must be duly served in order to be admissible under subsection (3)(a); and
  - (b) the manner in which a question, and any reply by the respondent, may be duly served.
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an industrial tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

#### Annotations:

##### Extent Information

**E63** This version of this provision extends to Northern Ireland only; in its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#). A separate version has been created for England and Wales and Scotland only

##### Commencement Information

**I70** [S. 56](#) wholly in force at 11.7.1996; [s. 56](#) not in force at Royal assent see [s. 70\(3\)](#); [s. 56](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), art. 2(1), [Sch. Pt. I](#)

## 57 Aiding unlawful acts.

- (1) A person who knowingly aids another person to do an <sup>F110</sup>unlawful act] is to be treated for the purposes of this Act as himself doing the same kind of unlawful act.
  - (2) For the purposes of subsection (1), an employee or agent for whose act the employer or principal is liable under section 58 (or would be so liable but for section 58(5)) shall be taken to have aided the employer or principal to do the act.
  - (3) For the purposes of this section, a person does not knowingly aid another to do an unlawful act if—
    - (a) he acts in reliance on a statement made to him by that other person that, because of any provision of this Act, the act would not be unlawful; and
    - (b) it is reasonable for him to rely on the statement.
  - (4) A person who knowingly or recklessly makes such a statement which is false or misleading in a material respect is guilty of an offence.
  - (5) Any person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- <sup>F111</sup>(6) “Unlawful act” means an act made unlawful by any provision of this Act other than a provision contained in Chapter 1 of Part 4.]

#### Annotations:

##### Amendments (Textual)

**F110** [S. 57\(1\)](#): words “unlawful act” substituted for words “act made unlawful by this Act” (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 38\(9\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), art. 3, [Sch. 1 Pt. I](#)

**F111** [S. 57\(6\)](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 38\(10\)](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), art. 3, [Sch. 1 Pt. I](#)

*Status: This version of this Act contains provisions that are prospective.*

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**Modifications etc. (not altering text)**

- C23** [S. 57](#) modified (E.W.)(2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (with [art. 1\(2\)](#))  
[S. 57](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

**58 Liability of employers and principals.**

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as also done by his employer, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority of that other person shall be treated for the purposes of this Act as also done by that other person.
- (3) Subsection (2) applies whether the authority was—
  - (a) express or implied; or
  - (b) given before or after the act in question was done.
- (4) Subsections (1) and (2) do not apply in relation to an offence under section 57(4).
- (5) In proceedings under this Act against any person in respect of an act alleged to have been done by an employee of his, it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from—
  - (a) doing that act; or
  - (b) doing, in the course of his employment, acts of that description.

**Annotations:**

**Modifications etc. (not altering text)**

- C24** [S. 58](#) modified (E.W.)(2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (with [s. 1\(2\)](#))  
[S. 58](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)

**59 Statutory authority and national security etc.**

- (1) Nothing in this Act makes unlawful any act done—
  - (a) in pursuance of any enactment; or
  - (b) in pursuance of any instrument made by a Minister of the Crown under any enactment; or
  - (c) to comply with any condition or requirement imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment.
- (2) In subsection (1) “enactment” includes one passed or made after the date on which this Act is passed and “instrument” includes one made after that date.
- (3) Nothing in this Act makes unlawful any act done for the purpose of safeguarding national security.



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## Annotations:

### Extent Information

- E41** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

### Commencement Information

- I35** [S. 59](#) wholly in force at 30.5.1996; [s. 59](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 59](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(f\)](#); [s. 59](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(f\)](#)

## PART VIII

### MISCELLANEOUS

#### 60 Appointment by Secretary of State of advisers.

- (1) The Secretary of State may appoint such persons as he thinks fit to advise or assist him in connection with matters relating to the employment of disabled persons and persons who have had a disability.
- (2) Persons may be appointed by the Secretary of State to act generally or in relation to a particular area or locality.
- (3) The Secretary of State may pay to any person appointed under this section such allowances and compensation for loss of earnings as he considers appropriate.
- (4) The approval of the Treasury is required for any payment under this section.
- (5) In subsection (1) “employment” includes self-employment.
- (6) The Secretary of State may by order—
  - (a) provide for section 17 of, and Schedule 2 to, the <sup>M20</sup>Disabled Persons (Employment) Act 1944 (national advisory council and district advisory committees) to cease to have effect—
    - (i) so far as concerns the national advisory council; or
    - (ii) so far as concerns district advisory committees; or
  - (b) repeal that section and Schedule.
- (7) At any time before the coming into force of an order under paragraph (b) of subsection (6), section 17 of the Act of 1944 shall have effect as if in subsection (1), after “disabled persons” in each case there were inserted “, and persons who have had a disability,” and as if at the end of the section there were added—
  - “(3) For the purposes of this section—
    - (a) a person is a disabled person if he is a disabled person for the purposes of the <sup>M21</sup>Disability Discrimination Act 1995; and
    - (b) “disability” has the same meaning as in that Act.”
- (8) At any time before the coming into force of an order under paragraph (a)(i) or (b) of subsection (6), section 16 of the <sup>M22</sup>Chronically Sick and Disabled Persons Act 1970 (which extends the functions of the national advisory council) shall have effect as if



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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

after “disabled persons” in each case there were inserted “  
”, and persons who have had a disability,” and as if at the end of the section there were added—

“(2) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”

**Annotations:**

**Extent Information**

**E42** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

**Marginal Citations**

**M20** 1944 c.10.

**M21** 1995 c. 50.

**M22** 1970 c. 44.

**61 Amendment of Disabled Persons (Employment) Act 1944.**

(1) Section 15 of the <sup>M23</sup>Disabled Persons (Employment) Act 1944 (which gives the Secretary of State power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

(2) In subsection (1)—

- (a) for “persons registered as handicapped by disablement” substitute “disabled persons”;
- (b) for “their disablement” substitute “  
their disability”; and
- (c) for “are not subject to disablement” substitute “  
do not have a disability”.

(3) In subsection (2), for the words from “any of one or more companies” to “so required and prohibited” substitute “  
any company, association or body”.

(4) After subsection (2) insert—

“(2A) The only kind of company which the Minister himself may form in exercising his powers under this section is a company which is—

- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
- (b) prohibited by its constitution from paying any dividend to its members.”

(5) After subsection (5) insert—

“(5A) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”

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- (6) The provisions of section 16 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—

“and whose disability is due to that service.

- (2) For the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”

- (7) The following provisions of the Act of 1944 shall cease to have effect—

- (a) section 1 (definition of “disabled person”);
- (b) sections 6 to 8 (the register of disabled persons);
- (c) sections 9 to 11 (obligations on employers with substantial staffs to employ a quota of registered persons);
- (d) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
- (e) section 13 (interpretation of provisions repealed by this Act);
- (f) section 14 (records to be kept by employers);
- (g) section 19 (proceedings in relation to offences); and
- (h) section 21 (application as respects place of employment, and nationality).

- (8) Any provision of subordinate legislation in which “disabled person” is defined by reference to the Act of 1944 shall be construed as if that expression had the same meaning as in this Act.

- (9) Subsection (8) does not prevent the further amendment of any such provision by subordinate legislation.

#### Annotations:

##### Extent Information

**E43** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Commencement Information

**I36** [S. 61](#) wholly in force at 2.12.1996; [s. 61](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 61](#) in force at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#) (with [art. 3](#))

##### Marginal Citations

**M23** [1944 c. 10](#).

**F112** 62 .....

#### Annotations:

##### Amendments (Textual)

**F112** [S. 62](#) repealed (E.W.S.) (22.8.1996) by [1996 c. 17](#), [ss. 45, 46](#) Sch. 3 Pt. I (with [s. 38](#)) and (N.I.) (24.9.1996) by [S.I. 1996/1291](#) (N.I. 18), [art. 28](#), [Sch. 3](#) (with [Sch. 2](#))

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**[<sup>F113</sup>63 Restriction of publicity: Employment Appeal Tribunal.**

- (1) This section applies to proceedings—
  - (a) on an appeal against a decision of an industrial tribunal to make, or not to make, a restricted reporting order, or
  - (b) on an appeal against any interlocutory decision of an industrial tribunal in proceedings in which the industrial tribunal has made a restricted reporting order which it has not revoked.
- (2) The power of the Lord Chancellor to make rules with respect to the procedure of the Employment Appeal Tribunal includes power to make provision in relation to proceedings to which this section applies for—
  - (a) enabling the Tribunal, on the application of the complainant or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the Tribunal’s decision; and
  - (b) where a restricted reporting order is made in relation to an appeal which is being dealt with by the Tribunal together with any other proceedings, enabling the Tribunal to direct that the order is to apply also in relation to those other proceedings or such part of them as the Tribunal may direct.
- (3) Subsections (3) to (6) of section 62 apply in relation to a restricted reporting order made by the Tribunal as they apply in relation to one made by an industrial tribunal.
- (4) In subsection (1), “restricted reporting order” means an order which is a restricted reporting order for the purposes of section 62.
- (5) In subsection (2), “restricted reporting order” means an order—
  - (a) made in exercise of the power conferred by rules made by virtue of this section; and
  - (b) prohibiting the publication in Great Britain of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Great Britain.
- (6) In this section—

“complainant” means the person who made the complaint to which the proceedings before the Tribunal relate;

“identifying matter”, “written publication” and “relevant programme” have the same meaning as in section 62; and

“promulgation” has such meaning as may be prescribed by the rules.]

**Annotations:**

**Extent Information**

**E44** In the application of this Act to Northern Ireland, this section is omitted; see [s. 70\(6\)](#), [Sch. 8 para. 43](#)

**Amendments (Textual)**

**F113** [S. 63](#) repealed (E.W.S.) (22.8.1996) by [1996 c. 17](#), [ss. 45, 46](#), [Sch. 3 Pt. I](#) (with [s. 38](#))

**Commencement Information**

**I37** [S. 63](#) partly in force; [s. 63](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 63\(1\)\(2\)\(4\)\(5\)\(6\)](#) in force at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(h\)](#)

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## **64 Application to Crown etc.**

- (1) This Act 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) Subject to subsection (5), 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.
- (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; but section 20 of that Act (removal of proceedings from county court to High Court) does not apply.
- (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) Part II does not apply to service—
  - (a) as a member of the Ministry of Defence Police, the British Transport Police, the Royal Parks Constabulary or the United Kingdom Atomic Energy Authority Constabulary;
  - (b) as a prison officer; or
  - (c) for purposes of a Minister of the Crown or government department having functions with respect to defence as a person who is or may be required by his terms of service to engage in fire fighting.
- (6) Part II does not apply to service as a member of a fire brigade who is or may be required by his terms of service to engage in fire fighting.
- (7) It is hereby declared (for the avoidance of doubt) that 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>M24</sup>Crown Proceedings Act 1947;

“British Transport Police” means the constables appointed, or deemed to have been appointed, under section 53 of the <sup>M25</sup>British Transport Commission Act 1949;

“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;

“fire brigade” means a fire brigade maintained in pursuance of the <sup>M26</sup>Fire Services Act 1947;

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“Ministry of Defence Police” means the force established under section 1 of the <sup>M27</sup>Ministry of Defence Police Act 1987;

“prison officer” means a person who is a prison officer within the meaning of section 127 of the <sup>M28</sup>Criminal Justice and Public Order Act 1994, apart from those who are custody officers within the meaning of Part I of that Act;

“Royal Parks Constabulary” means the park constables appointed under the <sup>M29</sup>Parks Regulation Act 1872;

“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>M30</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; and

“United Kingdom Atomic Energy Authority Constabulary” means the special constables appointed under section 3 of the <sup>M31</sup>Special Constables Act 1923 on the nomination of the United Kingdom Atomic Energy Authority.

#### Annotations:

##### Extent Information

**E45** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

##### Marginal Citations

**M24** 1947 c. 44.

**M25** 1949 c. xxix.

**M26** 1947 c. 41.

**M27** 1987 c. 4.

**M28** 1994 c. 33.

**M29** 1872 c. 15.

**M30** 1975 c. 24.

**M31** 1923 c. 11.

## 65 Application to Parliament.

- (1) This Act applies to an act done by or for purposes of the House of Lords or the House of Commons as it applies to an act done by a private person.
- (2) For the purposes of the application of Part II in relation to the House of Commons, the Corporate Officer of that House shall be treated as the employer of a person who is (or would be) a relevant member of the House of Commons staff for the purposes of <sup>[F114]</sup>section 195 of the Employment Rights Act 1996].
- (3) Except as provided in subsection (4), for the purposes of the application of sections 19 to 21, the provider of services is—
  - (a) as respects the House of Lords, the Corporate Officer of that House; and
  - (b) as respects the House of Commons, the Corporate Officer of that House.
- (4) Where the service in question is access to and use of any place in the Palace of Westminster which members of the public are permitted to enter, the Corporate Officers of both Houses jointly are the provider of that service.

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- (5) Nothing in any rule of law or the law or practice of Parliament prevents proceedings being instituted before an [<sup>F115</sup>employment tribunal] under Part II or before any court under Part III.

#### Annotations:

#### Extent Information

**E46** In the application of this Act to Northern Ireland, this section is omitted: see [s. 70\(6\)](#), [Sch. 8 para. 45](#)

#### Amendments (Textual)

**F114** Words in [s. 65\(2\)](#) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243](#), [Sch. 1 para. 6](#) (with [ss. 191-195, 202](#), [Sch. 1 para. 69](#))

**F115** Words in [s. 65\(5\)](#) substituted (E.W.S.) (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#) (with [s. 16\(2\)](#)); [S.I. 1998/1658, art. 2\(1\)](#), [Sch. 1](#)

## 66 Government appointments outside Part II.

- (1) Subject to regulations under subsection (3), this section applies to any appointment made by a Minister of the Crown or government department to an office or post where Part II does not apply in relation to the appointment.
- (2) In making the appointment, and in making arrangements for determining to whom the office or post should be offered, the Minister of the Crown or government department shall not act in a way which would contravene Part II if he or the department were the employer for the purposes of this Act.
- (3) Regulations may provide for this section not to apply to such appointments as may be prescribed.

## 67 Regulations and orders.

- (1) Any power under this Act to make regulations or orders shall be exercisable by statutory instrument.
- (2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.
- (3) Any such power includes power—
  - (a) to make such incidental, supplemental, consequential or transitional provision as appears to the Secretary of State to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (4) No order shall be made under section 50(3) unless a draft of the statutory instrument containing the order has been laid before Parliament and approved by a resolution of each House.
- (5) Any other statutory instrument made under this Act, other than one made under section 3(9), [<sup>F116</sup>53A(6)(a)] or 70(3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory

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instrument but such an order shall be as capable of being amended or revoked as an order which is made by statutory instrument.

- (7) Nothing in section 34(4), 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).

#### Annotations:

##### Extent Information

**E47** In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 46 of this Act; see [s. 70\(6\)](#)

##### Amendments (Textual)

**F116** Words in [s. 67\(5\)](#) substituted (E.W.S.) (25.4.2000) by [1999 c. 17, s. 14\(1\)](#), [Sch. 4 para. 3\(2\)](#) (with [s. 15](#)); [S.I. 2000/880, art. 2, Sch. 2](#)

##### Modifications etc. (not altering text)

**C25** [S. 67\(2\)\(3\)](#) applied (1.11.1996) by [1996 c. 56, s. 583\(2\)\(5\)\(b\)](#) (with [ss. 1\(4\)](#), [561](#), [562](#), [Sch. 39](#))

##### Commencement Information

**I38** [S. 67](#) wholly in force at 30.5.1996; [s. 67](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 67](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336, art. 3\(i\)](#); [s. 67](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219, art. 3\(h\)](#)

## 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 <sup>M32</sup>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 [<sup>F117</sup>, 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 <sup>M33</sup>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 <sup>M34</sup>Mental Health Act 1983 or the <sup>M35</sup>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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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 <sup>M36</sup>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 <sup>M37</sup>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 <sup>M38</sup>Road Traffic Act 1988.

[<sup>F118</sup>(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.

#### Annotations:

#### Extent Information

**E48** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.



*Status: This version of this Act contains provisions that are prospective.*

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### Amendments (Textual)

**F117** 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)

**F118** S. 68(2) substituted (E.W.S.) (16.12.1999) by S.I. 1999/3163, **reg. 4**

### Commencement Information

**I39** 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

**M32** 1992 c. 52.

**M33** 1869 c. 115.

**M34** 1983 c. 20.

**M35** 1984 c. 36.

**M36** 1993 c. 48.

**M37** 1978 c. 30.

**M38** 1988 c. 52.

## 68 Interpretation. **N.I.**

[<sup>F212</sup>(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 [<sup>F213</sup>, 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.]

- [(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 [F214Northern Ireland].
- (4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in [F214Northern 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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#### Annotations:

##### Extent Information

- E64** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

##### Amendments (Textual)

- F212** [S. 68\(1\)](#) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.  
**F213** [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](#))  
**F214** [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

- I71** [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](#)

## 69 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown under this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under or by virtue of any other enactment.

#### Annotations:

##### Commencement Information

- I40** [S. 69](#) wholly in force at 30.5.1996; [s. 69](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 69](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(k\)](#); [s. 69](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(j\)](#)

## 70 Short title, commencement, extent etc.

- (1) This Act may be cited as the Disability Discrimination Act 1995.
- (2) This section (apart from subsections (4), (5) and (7)) comes into force on the passing of this Act.
- (3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint and different days may be appointed for different purposes.
- (4) Schedule 6 makes consequential amendments.
- (5) The repeals set out in Schedule 7 shall have effect.
- (6) This Act extends to Northern Ireland, but in their application to Northern Ireland the provisions of this Act mentioned in Schedule 8 shall have effect subject to the modifications set out in that Schedule.

[<sup>F119</sup>(7) In Part II of Schedule 1 to the <sup>M39</sup>House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the <sup>M40</sup>Northern Ireland Assembly Disqualification Act 1975

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(bodies whose members are disqualified) in each case insert at the appropriate places

[<sup>F120</sup>“The National Disability Council.”]

“The Northern Ireland Disability Council”]

- (8) Consultations which are required by any provision of this Act to be held by the Secretary of State may be held by him before the coming into force of that provision.

#### Annotations:

##### Extent Information

- E49** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

##### Subordinate Legislation Made

- P1** [S. 70\(3\)](#) power partly exercised: 1.1.1996 appointed day for specified provisions by [S.I. 1995/3330](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 2.1.1996 appointed day for specified provisions by [S.R. 1996/1](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 17.5.1996 appointed day for specified provisions by [S.I. 1996/1336](#), [art. 3](#)  
[S. 70\(3\)](#) power partly exercised: 30.5.1996 appointed day for specified provisions by [S.R. 1996/219](#), [art. 3](#)  
[S. 70\(3\)](#) power partly exercised: different days appointed for specified provisions by [S.I. 1996/1474](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: different days appointed for specified provisions by [S.R. 1996/280](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 2.12.1996 appointed day for specified provision by [S.R. 1996/580](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1999/1190](#), [arts. 2-5](#)  
[S. 70\(3\)](#) power partly exercised: different days appointed for specified provisions by [S.R. 1999/196](#), [arts. 2-4](#)  
[S. 70\(3\)](#) power partly exercised: 13.5.1998 appointed day for specified provisions by [S.R. 1998/183](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 30.8.2000 appointed for specified provisions by [S.I. 2000/1969](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: different dates appointed for specified provisions and purposes by [S.I. 2000/2989](#), [arts. 2, 3](#)  
[S. 70\(3\)](#) power partly exercised: different dates appointed for specified provisions and purposes by [S.R. 2001/163](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/2030](#), [arts. 2, 3](#)  
[S. 70\(3\)](#) power partly exercised: different dates appointed for specified purposes by [S.R. 2001/439](#), [art. 2\(1\)](#)

##### Amendments (Textual)

- F119** [S. 70\(7\)](#) repealed (N.I.) (25.4.2000) by [S.I. 2000/1110](#) (N.I. 2), [art. 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch. Appendix](#)  
**F120** Words in [s. 70\(7\)](#) repealed (E.W.S.) (25.4.2000) by [1999 c. 17](#), [s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880](#), [art. 2](#), [Sch. 2 Appendix](#)

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### Modifications etc. (not altering text)

**C26** S. 70(3) applied (1.11.1996) by 1996 c. 56, s. 583(2)(5)(b) (with ss. 1(4), 561, 562, Sch. 39)

### Commencement Information

**I41** S. 70 partly in force at Royal Assent see s. 70(2)(3); S. 70(7) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(l); s. 70(7) in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(k); s. 70(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), Sch. Pt. III; s. 70(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), Sch. Pt. II; s. 70(5) in force (E.W.S.) for specified purposes at 2.12.1996 by S.I. 1996/1474, art. 2(3), Sch. Pt. III (with s. 3); s. 70(5) in force for specified purposes (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), Sch. Pt. II (with art. 3)

### Marginal Citations

**M39** 1975 c. 24.

**M40** 1975 c. 25.

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## SCHEDULES

### SCHEDULE 1

Section 1(1).

#### PROVISIONS SUPPLEMENTING SECTION 1

##### Annotations:

##### Extent Information

**E50** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### *Impairment*

- 1 (1) “Mental impairment” includes an impairment resulting from or consisting of a mental illness only if the illness is a clinically well-recognised illness.
- (2) Regulations may make provision, for the purposes of this Act—
  - (a) for conditions of a prescribed description to be treated as amounting to impairments;
  - (b) for conditions of a prescribed description to be treated as not amounting to impairments.
- (3) Regulations made under sub-paragraph (2) may make provision as to the meaning of “condition” for the purposes of those regulations.

##### Annotations:

##### Commencement Information

**I42** [Sch. 1 para. 1](#) wholly in force at 30.5.1996; [Sch. 1 para. 1](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 1 para. 1](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(m\)](#); [Sch. 1 para. 1](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(1\)](#)

#### *Long-term effects*

- 2 (1) The effect of an impairment is a long-term effect if—
  - (a) it has lasted at least 12 months;
  - (b) the period for which it lasts is likely to be at least 12 months; or
  - (c) it is likely to last for the rest of the life of the person affected.
- (2) Where an impairment ceases to have a substantial adverse effect on a person’s ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect is likely to recur.
- (3) For the purposes of sub-paragraph (2), the likelihood of an effect recurring shall be disregarded in prescribed circumstances.

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- (4) Regulations may prescribe circumstances in which, for the purposes of this Act—
- (a) an effect which would not otherwise be a long-term effect is to be treated as such an effect; or
  - (b) an effect which would otherwise be a long-term effect is to be treated as not being such an effect.

**Annotations:**

**Commencement Information**

**I43** [Sch. 1 para. 2](#) wholly in force at 30.5.1996; [Sch. 1 para. 2](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 1 para. 2](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(m\)](#); [Sch. 1 para. 2](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(1\)](#)

*Severe disfigurement*

- 3
- (1) An impairment which consists of a severe disfigurement is to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities.
  - (2) Regulations may provide that in prescribed circumstances a severe disfigurement is not to be treated as having that effect.
  - (3) Regulations under sub-paragraph (2) may, in particular, make provision with respect to deliberately acquired disfigurements.

**Annotations:**

**Commencement Information**

**I44** [Sch. 1 para. 3](#) wholly in force at 30.5.1996; [Sch. 1 para. 3](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 1 para. 3](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(m\)](#); [Sch. 1 para. 3](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(1\)](#)

*Normal day-to-day activities*

- 4
- (1) An impairment is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities only if it affects one of the following—
    - (a) mobility;
    - (b) manual dexterity;
    - (c) physical co-ordination;
    - (d) continence;
    - (e) ability to lift, carry or otherwise move everyday objects;
    - (f) speech, hearing or eyesight;
    - (g) memory or ability to concentrate, learn or understand; or
    - (h) perception of the risk of physical danger.
  - (2) Regulations may prescribe—
    - (a) circumstances in which an impairment which does not have an effect falling within sub-paragraph (1) is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities;

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- (b) circumstances in which an impairment which has an effect falling within sub-paragraph (1) is to be taken not to affect the ability of the person concerned to carry out normal day-to-day activities.

**Annotations:**

**Commencement Information**

**I45** Sch. 1 para. 4 wholly in force at 30.5.1996; Sch. 1 para. 4 not in force at Royal Assent see s. 70(3); Sch. 1 para. 4 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 1 para. 4 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

*Substantial adverse effects*

- 5 Regulations may make provision for the purposes of this Act—
- (a) for an effect of a prescribed kind on the ability of a person to carry out normal day-to-day activities to be treated as a substantial adverse effect;
  - (b) for an effect of a prescribed kind on the ability of a person to carry out normal day-to-day activities to be treated as not being a substantial adverse effect.

**Annotations:**

**Commencement Information**

**I46** Sch. 1 para. 5 wholly in force at 30.5.1996; Sch. 1 para. 5 not in force at Royal Assent see s. 70(3); Sch. 1 para. 5 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 1 para. 5 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

*Effect of medical treatment*

- 6
- (1) An impairment which would be likely to have a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities, but for the fact that measures are being taken to treat or correct it, is to be treated as having that effect.
  - (2) In sub-paragraph (1) “measures” includes, in particular, medical treatment and the use of a prosthesis or other aid.
  - (3) Sub-paragraph (1) does not apply—
    - (a) in relation to the impairment of a person’s sight, to the extent that the impairment is, in his case, correctable by spectacles or contact lenses or in such other ways as may be prescribed; or
    - (b) in relation to such other impairments as may be prescribed, in such circumstances as may be prescribed.

**Annotations:**

**Commencement Information**

**I47** Sch. 1 para. 6 wholly in force at 30.5.1996; Sch. 1 para. 6 not in force at Royal Assent see s. 70(3); Sch. 1 para. 6 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 1 para. 6 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)



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*Persons deemed to be disabled*

- 7 (1) Sub-paragraph (2) applies to any person whose name is, both on 12th January 1995 and on the date when this paragraph comes into force, in the register of disabled persons maintained under section 6 of the <sup>M41</sup>Disabled Persons (Employment) Act 1944.
- (2) That person is to be deemed—
- (a) during the initial period, to have a disability, and hence to be a disabled person; and
  - (b) afterwards, to have had a disability and hence to have been a disabled person during that period.
- (3) A certificate of registration shall be conclusive evidence, in relation to the person with respect to whom it was issued, of the matters certified.
- (4) Unless the contrary is shown, any document purporting to be a certificate of registration shall be taken to be such a certificate and to have been validly issued.
- (5) Regulations may provide for prescribed descriptions of person to be deemed to have disabilities, and hence to be disabled persons, for the purposes of this Act.
- (6) Regulations may prescribe circumstances in which a person who has been deemed to be a disabled person by the provisions of sub-paragraph (1) or regulations made under sub-paragraph (5) is to be treated as no longer being deemed to be such a person.
- (7) In this paragraph—
- “certificate of registration” means a certificate issued under regulations made under section 6 of the Act of 1944; and
  - “initial period” means the period of three years beginning with the date on which this paragraph comes into force.

**Annotations:**

**Marginal Citations**

**M41** 1944 c. 10.

*Progressive conditions*

- 8 (1) Where—
- (a) a person has a progressive condition (such as cancer, multiple sclerosis or muscular dystrophy or infection by the human immunodeficiency virus),
  - (b) as a result of that condition, he has an impairment which has (or had) an effect on his ability to carry out normal day-to-day activities, but
  - (c) that effect is not (or was not) a substantial adverse effect,
- he shall be taken to have an impairment which has such a substantial adverse effect if the condition is likely to result in his having such an impairment.
- (2) Regulations may make provision, for the purposes of this paragraph—
- (a) for conditions of a prescribed description to be treated as being progressive;
  - (b) for conditions of a prescribed description to be treated as not being progressive.

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#### Annotations:

#### Commencement Information

- I48** Sch. 1 para. 8 wholly in force at 30.5.1996; Sch. 1 para. 8 not in force at Royal Assent see s. 70(3); Sch. 1 para. 8 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 1 para. 8 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

## SCHEDULE 2

Section 2(2).

### PAST DISABILITIES

- 1 The modifications referred to in section 2 are as follows.

#### Annotations:

#### Commencement Information

- I49** Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

- 2 References in Parts II [<sup>F121</sup>to 4] to a disabled person are to be read as references to a person who has had a disability.

#### Annotations:

#### Amendments (Textual)

- F121** Sch. 2 para. 2: words “to 4” substituted for words “and III” (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(11) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

#### Commencement Information

- I50** Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

- [<sup>F122</sup>2A References in Chapter 1 of Part 4 to a disabled pupil are to be read as references to a pupil who has had a disability.]

#### Annotations:

#### Amendments (Textual)

- F122** Sch. 2 paras. 2A, 2B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(12) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

- <sup>F123</sup>2B References in Chapter 2 of Part 4 to a disabled student are to be read as references to a student who has had a disability.

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**Annotations:**

**Amendments (Textual)**

**F123** Sch. 2 paras. 2A, 2B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(12) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

3 In section 6(1), after “not disabled” insert “ and who have not had a disability”.

**Annotations:**

**Commencement Information**

**I51** Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

4 In section 6(6), for “has” substitute “ has had”.

**Annotations:**

**Commencement Information**

**I52** Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

[<sup>F124</sup>4A In section 28B(3)(a) and (4), after “disabled” insert “or that he had had a disability”.]

**Annotations:**

**Amendments (Textual)**

**F124** Sch. 2 paras. 4A-4E inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(13) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

<sup>F125</sup>4B In section 28C(1), in paragraphs (a) and (b), after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

**F125** Sch. 2 paras. 4A-4E inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(13) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

<sup>F126</sup>4C In section 28S(3)(a) and (4), after “disabled” insert “or that he had had a disability”.

**Annotations:**

**Amendments (Textual)**

**F126** Sch. 2 paras. 4A-4E inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(13) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

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- <sup>F127</sup>4D In subsection (1) of section 28T, after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

**F127** Sch. 2 paras. 4A-4E inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(13) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

- <sup>F128</sup>4E In that subsection as substituted by paragraphs 2 and 6 of Schedule 4C, after “not disabled” insert “and who have not had a disability”.

**Annotations:**

**Amendments (Textual)**

**F128** Sch. 2 paras. 4A-4E inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 39(13) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

- 5 For paragraph 2(1) to (3) of Schedule 1, substitute—

- “(1) The effect of an impairment is a long-term effect if it has lasted for at least 12 months.
- (2) Where an impairment ceases to have a substantial adverse effect on a person’s ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect recurs.
- (3) For the purposes of sub-paragraph (2), the recurrence of an effect shall be disregarded in prescribed circumstances.”

**Annotations:**

**Commencement Information**

**I53** Sch. 2 wholly in force at 30.5.1996; Sch. 2 not in force at Royal Assent see s. 70(3); Sch. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(m); Sch. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(1)

SCHEDULE 3

Sections 8(8) and 25(6).

ENFORCEMENT AND PROCEDURE

**Annotations:**

**Extent Information**

**E51** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

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## PART I

### EMPLOYMENT

#### *Conciliation*

F129 1 .....

#### Annotations:

##### Amendments (Textual)

**F129** Sch. 3 para. 1 repealed (E.W.S.)(22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38) and (N.I.) (24.9.1996) by S.I. 1996/1921 (N.I.18), art. 28, Sch. 3 (with Sch. 2)

#### *Restriction on proceedings for breach of Part II*

- 2 (1) Except as provided by section 8, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part II.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

#### *Period within which proceedings must be brought*

- 3 (1) An [F130 employment tribunal] shall not consider a complaint under section 8 unless it is presented before the end of the period of three months beginning when the act complained of was done.
- (2) A tribunal may consider any such complaint which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (3) For the purposes of sub-paragraph (1)—
- (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
  - (b) any act extending over a period shall be treated as done at the end of that period; and
  - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (4) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

#### Annotations:

##### Amendments (Textual)

**F130** Words in Sch. 3 para. 1 substituted (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2))

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### *Evidence*

- 4 (1) In any proceedings under section 8, a certificate signed by or on behalf of a Minister of the Crown and certifying—
- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, <sup>F131</sup> . . .
  - (b) . . . . .
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

#### **Annotations:**

#### **Amendments (Textual)**

**F131** Sch. 3 para. 4(1)(b) and preceding word repealed (16.7.2001) by 1999 c. 26, ss. 41, 44, Sch. 8 para. 7, Sch. 9(12); S.I. 2001/1187, art. 3, Sch. (as amended by S.I. 2001/1461, art. 2)

## **PART II**

### **DISCRIMINATION IN OTHER AREAS**

#### *Restriction on proceedings for breach of Part III*

- 5 (1) Except as provided by section 25 no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part III.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

#### *Period within which proceedings must be brought*

- 6 (1) A county court or a sheriff court shall not consider a claim under section 25 unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) Where, in relation to proceedings or prospective proceedings under section 25, [<sup>F132</sup>the dispute concerned is referred for conciliation in pursuance of arrangements under section 28] before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.
- (3) A court may consider any claim under section 25 which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) For the purposes of sub-paragraph (1)—
- (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
  - (b) any act extending over a period shall be treated as done at the end of that period; and

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- (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

**Annotations:**

**Extent Information**

**E52** In its application to Northern Ireland, this paragraph has effect subject to the modifications set out in Sch. 8: see [s. 70\(6\)](#)

**Amendments (Textual)**

**F132** Words in [Sch. 3 para. 6\(2\)](#) substituted (25.4.2000) by [1999 c. 17, s. 14\(1\)](#), [Sch. 4 para. 3\(3\)](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#) (subject to transitional provision in [art. 3](#)); [S.I. 2000/1110 \(N.I. 2\)](#), [art. 15\(3\)](#); [S.R. 2000/140, art. 2](#), [Sch.](#)

*Compensation for injury to feelings*

- 7 In any proceedings under section 25, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

*Evidence*

- 8 (1) In any proceedings under section 25, a certificate signed by or on behalf of a Minister of the Crown and certifying—
- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
  - (b) that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

**[<sup>F133</sup>PART 3**

**DISCRIMINATION IN SCHOOLS**

**Annotations:**

**Amendments (Textual)**

**F133** [Sch. 3 Pt. 3](#) (paras. 9-11) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 19\(2\)](#), [Sch. 3 para. 1](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3](#), [Sch. 1 Pt. 1](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### *Restriction on proceedings for breach of Part 4, Chapter 1*

- <sup>F1349</sup> (1) Except as provided by sections 28I, 28K and 28L, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 1 of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

#### **Annotations:**

#### **Amendments (Textual)**

**F134** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), Sch. 3 para. 1 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

### *Period within which proceedings must be brought*

- <sup>F135</sup>10 (1) The Tribunal [<sup>F136</sup>or the Welsh Tribunal] shall not consider a claim under section 28I unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 28I, the dispute concerned is referred for conciliation in pursuance of arrangements under section 31B before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.
- (3) The Tribunal [<sup>F136</sup>or the Welsh Tribunal] may consider any claim under section 28I which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) But sub-paragraph (3) does not permit the Tribunal [<sup>F136</sup>or the Welsh Tribunal] to decide to consider a claim if a decision not to consider that claim has previously been taken under that sub-paragraph.
- (5) For the purposes of sub-paragraph (1)—
- if an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
  - any act extending over a period shall be treated as done at the end of that period; and
  - a deliberate omission shall be treated as done when the person in question decided upon it.
- (6) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- when he does an act inconsistent with doing the omitted act; or
  - if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.



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#### Annotations:

#### Amendments (Textual)

**F135** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

**F136** Words in Sch. 3 para. 10(1)(3)(4) inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 12** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**

#### Evidence

- <sup>F137</sup>11 (1) In any proceedings under section 28I, 28K or 28L, a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
  - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.]

#### Annotations:

#### Amendments (Textual)

**F137** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

## <sup>F138</sup>PART 4

### DISCRIMINATION IN FURTHER AND HIGHER EDUCATION INSTITUTIONS

#### Annotations:

#### Amendments (Textual)

**F138** Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), **Sch. 3 para. 2** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**

#### Restriction on proceedings for breach of Part 4, Chapter 2

- <sup>F139</sup>12 (1) Except as provided by section 28V, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 2 of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Annotations:

#### Amendments (Textual)

**F139** Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

#### *Period within which proceedings must be brought*

- <sup>F140</sup>13 (1) A county court or a sheriff court shall not consider a claim under section 28V unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 28V, the dispute concerned is referred for conciliation in pursuance of arrangements under section 31B before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.
- (3) A court may consider any claim under section 28V which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) For the purposes of sub-paragraph (1)—
- (a) if an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
  - (b) any act extending over a period shall be treated as done at the end of that period; and
  - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

#### Annotations:

#### Amendments (Textual)

**F140** Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

#### *Compensation for injury to feelings*

- <sup>F141</sup>14 In any proceedings under section 28V, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**Annotations:**

**Amendments (Textual)**

**F141** [Sch. 3 Pt. 4](#) (paras. 12-15) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 30\(2\)](#), (with s. 43(13)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

*Evidence*

- <sup>F142</sup>15 (1) In any proceedings under section 28V, a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
  - (b) were in operation at a time or throughout a time so specified,
- is conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate is to be—
- (a) received in evidence; and
  - (b) deemed to be such a certificate unless the contrary is proved.]

**Annotations:**

**Amendments (Textual)**

**F142** [Sch. 3 Pt. 4](#) (paras. 12-15) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 30\(2\)](#), (with s. 43(13)); [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

SCHEDULE 4

Sections 16(5) and 27(5).

PREMISES OCCUPIED UNDER LEASES

**Annotations:**

**Extent Information**

**E53** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

**PART I**

OCCUPATION BY EMPLOYER OR TRADE ORGANISATION

*Failure to obtain consent to alteration*

- 1 If any question arises as to whether the occupier has failed to comply with the section 6 or section 15 duty, by failing to make a particular alteration to the premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Annotations:

#### Modifications etc. (not altering text)

**C27** [Sch. 4 para. 1](#) modified (7.6.1996) by [S.I. 1996/1333](#), [art. 4\(a\)](#)

#### *Joining lessors in proceedings under section 8*

- 2 (1) In any proceedings under section 8, in a case to which section 16 applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the complaint begins.
- (3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.
- (4) The request may not be granted if it is made after the tribunal has determined the complaint.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the tribunal may determine—
- (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable,
- (6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;
  - (b) make an order authorising the occupier to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under section 8(2).
- (9) If the tribunal orders the lessor to pay compensation it may not make an order under section 8(2) ordering the occupier to do so.

#### Annotations:

#### Modifications etc. (not altering text)

**C28** [Sch. 4 para. 2](#) modified (7.6.1996) by [S.I. 1996/1333](#), [art. 4\(c\)](#)

#### *Regulations*

- 3 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 16 and this Part of this Schedule to have—

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- (i) withheld his consent;
- (ii) withheld his consent unreasonably;
- (iii) acted reasonably in withholding his consent;
- (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
- (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

**Annotations:**

**Modifications etc. (not altering text)**

**C29** Sch. 4 para. 3 modified (7.6.1996) by S.I. 1996/1333, art. 4(c)

**Commencement Information**

**I54** Sch. 4 para. 3 wholly in force at 11.7.1996; Sch. 4 para. 3 not in force at Royal Assent see s. 70(3); Sch. 4 Pt. I para. 3 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), Sch. Pt. I; Sch. 4 Pt. I para. 3 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), Sch. Pt. I para. 3

*Sub-leases etc.*

- 4 The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by section 16 or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.

**Annotations:**

**Commencement Information**

**I55** Sch. 4 para. 4 wholly in force at 30.5.1996; Sch. 4 para. 4 not in force at Royal Assent see s. 70(3); Sch. 4 para. 4 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(o); Sch. 4 para. 4 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(n)

**PART II**

**OCCUPATION BY PROVIDER OF SERVICES**

**Annotations:**

**Modifications etc. (not altering text)**

**C30** Sch. 4 Pt. II modified (1.10.2004) by S.I. 2001/3253, reg. 9

*Failure to obtain consent to alteration*

- 5 If any question arises as to whether the occupier has failed to comply with the section 21 duty, by failing to make a particular alteration to premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### *Reference to court*

- 6 (1) If the occupier has applied in writing to the lessor for consent to the alteration and—
- (a) that consent has been refused, or
  - (b) the lessor has made his consent subject to one or more conditions,
- the occupier or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court or, in Scotland, to the sheriff.
- (2) In the following provisions of this Schedule “court” includes “sheriff”.
- (3) On such a reference the court shall determine whether the lessor’s refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (4) If the court determines—
- (a) that the lessor’s refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,
- it may make such declaration as it considers appropriate or an order authorising the occupier to make the alteration specified in the order.
- (5) An order under sub-paragraph (4) may require the occupier to comply with conditions specified in the order.

### *Joining lessors in proceedings under section 25*

- 7 (1) In any proceedings on a claim under section 25, in a case to which this Part of this Schedule applies, the plaintiff, the pursuer or the occupier concerned may ask the court to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the claim begins.
- (3) The court may refuse the request if it is made after the hearing of the claim begins.
- (4) The request may not be granted if it is made after the court has determined the claim.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the court may determine—
- (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable.
- (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;
  - (b) make an order authorising the occupier to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) If the court orders the lessor to pay compensation it may not order the occupier to do so.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Regulations

- 8 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 27 and this Part of this Schedule to have—
    - (i) withheld his consent;
    - (ii) withheld his consent unreasonably;
    - (iii) acted reasonably in withholding his consent;
  - (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
  - (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

#### Annotations:

##### Commencement Information

- I56** [Sch. 4 para. 8](#) wholly in force at 31.12.2001; [Sch. 4 para. 8](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 4 para. 8](#) in force (E.W.S.) (9.5.2001) by [S.I. 2001/2030](#), [art. 2\(c\)\(i\)](#); [Sch. 4 para. 8](#) in force (N.I.) (31.12.2001) by [S.R. 2001/439](#), [art. 2\(1\)\(c\)\(i\)](#)

### Sub-leases etc.

- 9 The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by section 27 or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.

#### Annotations:

##### Commencement Information

- I57** [Sch. 4 para. 9](#) wholly in force at 31.12.2001; [Sch. 4 para. 9](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 4 para. 9](#) in force (E.W.S.) (9.5.2001) by [S.I. 2001/2030](#), [art. 2\(c\)\(ii\)](#); [Sch. 4 para. 9](#) in force (N.I.) (31.12.2001) by [S.R. 2001/439](#), [art. 2\(1\)\(c\)\(ii\)](#)

## <sup>F143</sup>PART 3

### OCCUPATION BY EDUCATIONAL INSTITUTIONS

#### Annotations:

##### Amendments (Textual)

- F143** [Sch. 4 Pt. 3](#) (paras. 10-14) inserted (E.W.S.) (1.9.2002) by [2001 c. 10](#), [s. 31\(2\)](#), [Sch. 6](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. I](#)

##### Modifications etc. (not altering text)

- C31** [Sch. 4 Pt. 3](#) (paras. 10-14) modified (28.6.2002) by [S.I. 2002/1458](#), [reg. 7](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### *Failure to obtain consent*

- <sup>F144</sup>10 If any question arises as to whether a responsible body has failed to comply with the duty imposed by section 28T, by failing to make a particular alteration to premises, any constraint attributable to the fact that the premises are occupied by the educational institution under a lease is to be ignored unless the responsible body has applied to the lessor in writing for consent to the making of the alteration.

#### **Annotations:**

##### **Amendments (Textual)**

**F144** [Sch. 4 Pt. 3](#) (paras. 10-14) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 31\(2\)](#), [Sch. 6](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3](#), [Sch. 1 Pt. I](#)

### *Reference to court*

- <sup>F145</sup>11 (1) If the responsible body has applied in writing to the lessor for consent to the alteration and—
- (a) that consent has been refused, or
  - (b) the lessor has made his consent subject to one or more conditions,
- that body or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court or, in Scotland, to the sheriff.
- (2) On such a reference the court must determine whether the lessor's refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (3) If the court determines—
- (a) that the lessor's refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,
- it may make such declaration as it considers appropriate or an order authorising the responsible body to make the alteration specified in the order.
- (4) An order under sub-paragraph (3) may require the responsible body to comply with conditions specified in the order.

#### **Annotations:**

##### **Amendments (Textual)**

**F145** [Sch. 4 Pt. 3](#) (paras. 10-14) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 31\(2\)](#), [Sch. 6](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3](#), [Sch. 1 Pt. I](#)

### *Joining lessors in proceedings under section 28V*

- <sup>F146</sup>12 (1) In proceedings on a claim under section 28V, in a case to which this Part of this Schedule applies, the claimant, the pursuer or the responsible body concerned may ask the court to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request must be granted if it is made before the hearing of the claim begins.
- (3) The court may refuse the request if it is made after the hearing of the claim begins.



*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The request may not be granted if it is made after the court has determined the claim.
- (5) If a lessor has been so joined or sisted as a party to the proceedings, the court may determine—
  - (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable.
- (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
  - (a) make such a declaration as it considers appropriate;
  - (b) make an order authorising the responsible body to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the responsible body to comply with conditions specified in the order.
- (8) If the court orders the lessor to pay compensation it may not order the responsible body to do so.

**Annotations:**

**Amendments (Textual)**

**F146** [Sch. 4 Pt. 3](#) (paras. 10-14) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 31\(2\)](#), [Sch. 6](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3](#), [Sch. 1 Pt. I](#)

**Regulations**

- <sup>F147</sup><sub>13</sub> Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 28W and this Part of this Schedule to have—
    - (i) withheld his consent;
    - (ii) withheld his consent unreasonably;
    - (iii) acted reasonably in withholding his consent;
  - (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
  - (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

**Annotations:**

**Amendments (Textual)**

**F147** [Sch. 4 Pt. 3](#) (paras. 10-14) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 31\(2\)](#), [Sch. 6](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217, art. 3](#), [Sch. 1 Pt. I](#)

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

*Sub-leases etc.*

- <sup>F148</sup>14 Regulations may make provision supplementing, or modifying, section 28W or any provision made by or under this Part of this Schedule in relation to cases where the premises of the educational institution are occupied under a sub-lease or sub-tenancy.]

**Annotations:**

**Amendments (Textual)**

**F148** Sch. 4 Pt. 3 paras. 10-14 inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

[<sup>F149</sup>SCHEDULE 4A

Section 28A

RESPONSIBLE BODIES FOR SCHOOLS

**Annotations:**

**Amendments (Textual)**

**F149** Sch. 4A inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 11(2), Sch. 2 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

- 1 (1) The bodies responsible for schools in England and Wales are set out in the following table.
- (2) In that Table—
- “the local education authority” has the meaning given by section 22(8) of the School Standards and Framework Act 1998; and
- “proprietor” has the meaning given by section 579 of the Education Act 1996.

TABLE

Type of school	Responsible body
1. Maintained school.	The local education authority or governing body, according to which has the function in question.
2. Pupil referral unit.	The local education authority.
3. Maintained nursery school.	The local education authority.
4. Independent school.	The proprietor.
5. Special school not maintained by a local education authority.	The proprietor.

- 2 (1) The bodies responsible for schools in Scotland are set out in the following table.
- (2) In that Table “board of management”, “education authority”, “managers” and “proprietor” each have the meaning given in section 135(1) of the Education (Scotland) Act 1980.

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## TABLE

Type of school	Responsible body
1. School managed by an education authority	The education authority.
2. Independent school.	The proprietor.
3. Self-governing school.	The board of management.
4. School in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980.	The managers of the school.]

[<sup>F150</sup>SCHEDULE 4B

Section 28R

## RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

## Annotations:

## Amendments (Textual)

**F150** Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

- <sup>F151</sup> (1) The bodies responsible for educational institutions in England and Wales are set out in the following table.
- (2) In that Table “governing body” has the meaning given by section 90 of the Further and Higher Education Act 1992.

Type of institution	Responsible body
1. Institution within the further education sector.	The governing body.
2. University.	The governing body.
3. Institution, other than a university, within the higher education sector.	The governing body.
4. Institution designated under section 28R(6)(c).	The body specified in the order as the responsible body.

## Annotations:

## Amendments (Textual)

**F151** Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F152</sup> (1) The bodies responsible for relevant institutions in Scotland are set out in the following table.

(2) In that Table—

“board of management” has the meaning given in section 36(1) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”);

“central institution”, “education authority” and “managers” have the meaning given in section 135(1) of the Education (Scotland) Act 1980; and

“governing body” has the meaning given in section 56(1) of the 1992 Act.

Table

Type of institution	Responsible body
1. Designated institution within the meaning of Part 2 of the 1992 Act.	The governing body.
2. University.	The governing body.
3. College of further education with a board of management.	The board of management.
4. Institution maintained by an education authority in the exercise of their further education functions.	The education authority.
5. Central institution.	The governing body.
6. School in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980.	The managers of the school.
7. Institution designated under section 28R(7)(e).	The body specified in the order as the responsible body.]

**Annotations:**

**Amendments (Textual)**

**F152** Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

<sup>F153</sup> SCHEDULE 4C

Section 28U.

MODIFICATIONS OF CHAPTER 2 OF PART 4

**Annotations:**

**Amendments (Textual)**

**F153** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Status: This version of this Act contains provisions that are prospective.*

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## <sup>F154</sup>PART 1

### MODIFICATIONS FOR ENGLAND AND WALES

#### Annotations:

#### Amendments (Textual)

**F154** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

<sup>F155</sup><sub>1</sub> For section 28R, substitute—

- 28R
- (1) Subsections (2) and (3) apply in relation to—
    - (a) any course of higher education secured by a local education authority under section 120 of the Education Reform Act 1988;
    - (b) any course of further education—
      - (i) secured by a local education authority; or
      - (ii) provided by the governing body of a maintained school under section 80 of the School Standards and Framework Act 1998.
  - (2) It is unlawful for the local education authority or the governing body to discriminate against a disabled person—
    - (a) in the arrangements they make for determining who should be enrolled on the course;
    - (b) in the terms on which they offer to enrol him on the course; or
    - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
  - (3) It is unlawful for the local education authority or the governing body to discriminate against a disabled person who has enrolled on the course in the services which they provide, or offer to provide.
  - (4) “Services”, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
  - (5) It is unlawful for a local education authority to discriminate against a disabled person in the terms on which they provide, or offer to provide, recreational or training facilities.
  - (6) In this Chapter “responsible body” means—
    - (a) a local education authority, in relation to—
      - (i) a course of further or higher education secured by them;
      - (ii) recreational or training facilities; and
    - (b) the governing body of a maintained school, in relation to a course of further education provided under section 80 of the School Standards and Framework Act 1998.
  - (7) “Further education”—
    - (a) in relation to a course secured by a local education authority, has the meaning given in section 2(3) of the Education Act 1996; and

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- (b) in relation to a course provided under section 80 of the School Standards and Framework Act 1998 means education of a kind mentioned in subsection (1) of that section.
- (8) In relation to further education secured by a local education authority—
  - “course” includes each of the component parts of a course of further education if, in relation to the course, there is no requirement imposed on persons registered for any component part of the course to register for any other component part of that course; and
  - “enrolment”, in relation to such a course, includes registration for any one of those parts.
- (9) “Higher education” has the meaning given in section 579(1) of the Education Act 1996.
- (10) “Local education authority” has the meaning given in section 12 of the Education Act 1996.
- (11) “Governing body” and “maintained school” have the same meaning as in Chapter 1.
- (12) “Recreational or training facilities” means any facilities secured by a local education authority under subsection (1), or provided by it under subsection (1A), of section 508 of the Education Act 1996 (recreation and social and physical training).”

#### Annotations:

#### Amendments (Textual)

**F155** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

**F156**<sup>2</sup> For subsection (1) of section 28T, substitute—

- “(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—
  - (a) in relation to its arrangements for enrolling persons on a course of further or higher education provided by it, and
  - (b) in relation to services provided, or offered by it,
 disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”

#### Annotations:

#### Amendments (Textual)

**F156** Sch. 4c inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

**F157**<sup>3</sup> In section 28W(1)(a) for “by an educational institution” substitute “ a responsible body wholly or partly for the purpose of its functions”.

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**Annotations:**

**Amendments (Textual)**

**F157** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

**F158**<sup>4</sup> Omit section 31A.

**Annotations:**

**Amendments (Textual)**

**F158** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

**F159** PART 2

MODIFICATIONS FOR SCOTLAND

**Annotations:**

**Amendments (Textual)**

**F159** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, Sch. 5 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

**F160**<sup>5</sup> For section 28R, substitute—

- 28R
- (1) Subsections (2) and (3) apply to any course of further education secured by an education authority.
  - (2) It is unlawful for the education authority to discriminate against a disabled person—
    - (a) in the arrangements they make for determining who should be enrolled on the course;
    - (b) in the terms on which they offer to enrol him on the course; or
    - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
  - (3) It is unlawful for the education authority to discriminate against a disabled person who has enrolled on the course in the services which they provide, or offer to provide.
  - (4) “Services”, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
  - (5) It is unlawful for an education authority to discriminate against a disabled person in the terms on which they provide, or offer to provide, recreational or training facilities.
  - (6) In this Chapter “responsible body” means an education authority.

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(7) “Further education” has the meaning given in section 1(5) of the Education (Scotland) Act 1980.

(8) “Education authority” has the meaning given in section 135(1) of that Act.”

**Annotations:**

**Amendments (Textual)**

**F160** [Sch. 4C](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 29](#), [Sch. 5](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. I](#)

**F161**<sup>6</sup> For subsection (1) of section 28T, substitute— :

“(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—

- (a) in relation to its arrangements for enrolling persons on a course of further education provided by it, and
- (b) in relation to services provided or offered by it,

disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”

**Annotations:**

**Amendments (Textual)**

**F161** [Sch. 4C](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 29](#), [Sch. 5](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. I](#)

**F162**<sup>7</sup> In section 28W(1)(a) for “by an educational institution” substitute “by a responsible body wholly or partly for the purpose of its functions”.

**Annotations:**

**Amendments (Textual)**

**F162** [Sch. 4C](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 29](#), [Sch. 5](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. I](#)

**F163**<sup>8</sup> Omit section 31A.]

**Annotations:**

**Amendments (Textual)**

**F163** [Sch. 4C](#) inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 29](#), [Sch. 5](#) (with [s. 43\(13\)](#)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. I](#)



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[<sup>F164</sup> SCHEDULE 5

Section 50(8).]

THE NATIONAL DISABILITY COUNCIL

**Annotations:**

**Amendments (Textual)**

**F164** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

[<sup>F165</sup> Status]

**Annotations:**

**Amendments (Textual)**

**F165** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

[<sup>F166</sup>1 (1) The Council shall be a body corporate.

(2) The Council is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown.]

**Annotations:**

**Amendments (Textual)**

**F166** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

**Commencement Information**

**I58** Sch. 5 para. 1 wholly in force at 2.1.1996; Sch. 5 para. 1 not in force at Royal Assent see s. 70(3); Sch. 5 para. 1 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 1 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

[<sup>F167</sup> Procedure]

**Annotations:**

**Amendments (Textual)**

**F167** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

[<sup>F168</sup>2 The Council has power to regulate its own procedure (including power to determine its quorum).]

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#### Annotations:

#### Amendments (Textual)

**F168** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

#### Commencement Information

**I59** Sch. 5 para. 2 wholly in force at 2.1.1996; Sch. 5 para. 2 not in force at Royal Assent see s. 70(3); Sch. 5 para. 2 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 2 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

### [<sup>F169</sup> Membership]

#### Annotations:

#### Amendments (Textual)

**F169** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

- [<sup>F170</sup>3 (1) The Council shall consist of at least 10, but not more than 20, members.
- (2) In this Schedule “member”, except in sub-paragraph (5)(b), means a member of the Council.
- (3) Each member shall be appointed by the Secretary of State.
- [<sup>F171</sup>(3A) One of the members shall be a person who appears to the Secretary of State to have special knowledge of Scotland.]
- (4) The Secretary of State shall appoint one member to be chairman of the Council and another member to be its deputy chairman.
- (5) The members shall be appointed from among persons who, in the opinion of the Secretary of State—
- (a) have knowledge or experience of the needs of disabled persons or the needs of a particular group, or particular groups, of disabled persons;
  - (b) have knowledge or experience of the needs of persons who have had a disability or the needs of a particular group, or particular groups, of such persons; or
  - (c) are members of, or otherwise represent, professional bodies or bodies which represent industry or other business interests.
- (6) Before appointing any member, the Secretary of State shall consult such persons as he considers appropriate.
- (7) In exercising his powers of appointment, the Secretary of State shall try to secure that at all times at least half the membership of the Council consists of disabled persons, persons who have had a disability or the parents or guardians of disabled persons.]

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#### Annotations:

##### Amendments (Textual)

**F170** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

**F171** Sch. 5 para. 3(3A) inserted (1.7.1999) by S.I. 1999/1756, arts. 1(1), 2, Sch. para. 18 (with art. 8(2)(d)); S.I. 1998/3178, art. 3

##### Modifications etc. (not altering text)

**C32** Sch. 5 para. 3(3) amended (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, Sch. 3 (with art. 7); S.I. 1998/3178, art. 3

**C33** Sch. 5 para. 3(3A) restricted (*temp.*) by S.I. 1999/1756, art. 8(2)(d)

##### Commencement Information

**I60** Sch. 5 para. 3 wholly in force at 2.1.1996; Sch. 5 para. not in force at Royal Assent see s. 70(3); Sch. 5 para. 3 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 3 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

#### [<sup>F172</sup> Term of office of members]

#### Annotations:

##### Amendments (Textual)

**F172** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

- [<sup>F173</sup>4 (1) Each member shall be appointed for a term which does not exceed five years but shall otherwise hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be prevented from being appointed as a member merely because he has previously been a member.
- (3) Any member may at any time resign his office by written notice given to the Secretary of State.
- (4) Regulations may make provision for the Secretary of State to remove a member from his office in such circumstances as may be prescribed.]

#### Annotations:

##### Amendments (Textual)

**F173** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

##### Commencement Information

**I61** Sch. 5 para. 4 wholly in force at 2.1.1996; Sch. 5 para. 4 not in force at Royal Assent see s. 70(3); Sch. 5 para. 4 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 4 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

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### [<sup>F174</sup> Remuneration]

#### Annotations:

#### Amendments (Textual)

**F174** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

[<sup>F175</sup>5 (1) The Secretary of State may pay such remuneration or expenses to any member as he considers appropriate.

(2) The approval of the Treasury is required for any payment made under this paragraph.]

#### Annotations:

#### Amendments (Textual)

**F175** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

#### Commencement Information

**I62** Sch. 5 para. 5 wholly in force at 2.1.1996; Sch. 5 para. 5 not in force at Royal Assent see s. 70(3); Sch. 5 para. 5 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 5 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

### [<sup>F176</sup> Staff]

#### Annotations:

#### Amendments (Textual)

**F176** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

[<sup>F177</sup>6 The Secretary of State shall provide the Council with such staff as he considers appropriate.]

#### Annotations:

#### Amendments (Textual)

**F177** Sch. 5 repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), Sch. 5 (with s. 15); S.I. 2000/880, art. 2, Sch. 2 Appendix

#### Commencement Information

**I63** Sch. 5 para. 6 wholly in force at 2.1.1996; Sch. 5 para. 6 not in force at Royal Assent see s. 70(3); Sch. 5 para. 6 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 6 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

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*[<sup>F178</sup> Supplementary regulation-making power]*

**Annotations:**

**Amendments (Textual)**

**F178** [Sch. 5](#) repealed (E.W.S.) (25.4.2000) by [1999 c. 17, s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#) Appendix

- [<sup>F179</sup>** The Secretary of State may by regulations make provision—
- (a) as to the provision of information to the Council by the Secretary of State;
  - (b) as to the commissioning by the Secretary of State of research to be undertaken on behalf of the Council;
  - (c) as to the circumstances in which and conditions subject to which the Council may appoint any person as an adviser;
  - (d) as to the payment by the Secretary of State, with the approval of the Treasury, of expenses incurred by the Council.]

**Annotations:**

**Amendments (Textual)**

**F179** [Sch. 5](#) repealed (E.W.S.) (25.4.2000) by [1999 c. 17, s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#) Appendix

**Commencement Information**

**I64** [Sch. 5 para. 7](#) wholly in force at 2.1.1996; [Sch. 5 para. 7](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 5 para. 7](#) in force (E.W.S.) at 1.1.1996 by [S.I. 1995/3330, art. 2](#); [Sch. 5 para. 7](#) in force (N.I.) at 2.1.1996 by [S.R. 1996/1, art. 2](#)

*[<sup>F180</sup> Annual report]*

**Annotations:**

**Amendments (Textual)**

**F180** [Sch. 5](#) repealed (E.W.S.) (25.4.2000) by [1999 c. 17, s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#) Appendix

- [<sup>F181</sup>** (1) As soon as is practicable after the end of each financial year, the Council shall report to the Secretary of State on its activities during the financial year to which the report relates.
- (2) The Secretary of State shall lay a copy of every annual report of the Council before each House of Parliament and shall arrange for such further publication of the report as he considers appropriate.]

**Annotations:**

**Amendments (Textual)**

**F181** [Sch. 5](#) repealed (E.W.S.) (25.4.2000) by [1999 c. 17, s. 14\(2\)](#), [Sch. 5](#) (with [s. 15](#)); [S.I. 2000/880, art. 2](#), [Sch. 2](#) Appendix

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I65** Sch. 5 para. 8 wholly in force at 2.1.1996; Sch. 5 para. 8 not in force at Royal Assent see s. 70(3); Sch. 5 para. 8 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 8 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

## SCHEDULE 6

Section 70(4).

### CONSEQUENTIAL AMENDMENTS

#### Annotations:

#### Extent Information

- E54** In its application to Northern Ireland, this Schedule has effect as substituted by Sch. 8 para. 53; see s. 70(6)

#### *Employment and Training Act 1973 (c. 50)*

- [<sup>F182</sup>1 In section 12(1) of the Employment and Training Act 1973 (duty of Secretary of State to give preference to ex-service men and women in exercising certain powers in respect of disabled persons)—
- (a) for “persons registered as handicapped by disablement” substitute “disabled persons”; and
  - (b) for the words after ““disabled person”” substitute “has the same meaning as in the Disability Discrimination Act 1995.”]

#### *Employment Protection (Consolidation) Act 1978 (c. 44)*

- [<sup>F183</sup>2 In section 136(1) of the Employment Protection (Consolidation) Act 1978 (appeals to Employment Appeal Tribunal), at the end insert—
- “(ff) the Disability Discrimination Act 1995.”]

#### Annotations:

#### Amendments (Textual)

- F183** Sch. 6 para. 2 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

<sup>F184</sup>3 . . . . .

#### Annotations:

#### Amendments (Textual)

- F184** Sch. 6 para. 3 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

#### *Companies Act 1985 (c. 6)*

- 4 In paragraph 9 of Schedule 7 to the Companies Act 1985 (disclosure in directors’ report of company policy in relation to disabled persons), in the definition of

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“disabled person” in sub-paragraph (4)(b), for “Disabled Persons (Employment) Act 1944” substitute “Disability Discrimination Act 1995”.

*Local Government and Housing Act 1989 (c. 42)*

5 In section 7 of the Local Government and Housing Act 1989 (all staff of a local authority etc. to be appointed on merit), in subsection (2)—

- (a) paragraph (a) shall be omitted;
- (b) the word “and” at the end of paragraph (d) shall be omitted; and
- (c) after paragraph (e) insert—

“; and

- (f) sections 5 and 6 of the Disability Discrimination Act 1995 (meaning of discrimination and duty to make adjustments).”

*Enterprise and New Towns (Scotland) Act 1990 (c. 35)*

6 In section 16 of the Enterprise and New Towns (Scotland) Act 1990 (duty of certain Scottish bodies to give preference to ex-service men and women in exercising powers to select disabled persons for training), in subsection (2), for “said Act of 1944” substitute “Disability Discrimination Act 1995”.

SCHEDULE 7

Section 70(5).

REPEALS

**Annotations:**

**Extent Information**

**E55** In its application to Northern Ireland, this Schedule has effect as substituted by Sch. 8 para. 53; see s. 70(6)

**Commencement Information**

**I66** Sch. 7 partly in force; Sch. 7 not in force at Royal Assent see s. 70(3); Sch. 7 in force for specified purposes (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2 (3), Sch. Pt. III (with art. 3); Sch. 7 in force for specified purposes (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), Sch. Pt. II (with art. 3)

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6 c. 10.	The Disabled Persons (Employment) Act 1944.	Section 1.  Sections 6 to 14. Section 19. Section 21. Section 22(4).

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6 & 7 Eliz. 2 c. 33.	The Disabled Persons (Employment) Act 1958.	Section 2.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	Section 16.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In Schedule 13, in paragraph 20(3), the word “or” in the definitions of “relevant complaint of dismissal” and “relevant conciliation powers”.
1989 c. 42.	The Local Government and Housing Act 1989.	In section 7(2), paragraph (a) and the word “and” at the end of paragraph (d).
1993 c. 62.	The Education Act 1993.	In section 161(5), the words from “and in this subsection” to the end.

## SCHEDULE 8

Section 70(6).

### MODIFICATIONS OF THIS ACT IN ITS APPLICATION TO NORTHERN IRELAND

#### Annotations:

#### Extent Information

**E56** [Sch. 8](#) extends to Northern Ireland but the operation of Sch. 8 is limited by application as mentioned in s. 70(6).

- 1 In its application to Northern Ireland this Act shall have effect subject to the following modifications.
- 2
  - (1) In section 3(1) for “Secretary of State” substitute “Department”.
  - (2) In section 3 for subsections (4) to (12) substitute—
    - “(4) In preparing a draft of any guidance, the Department shall consult such persons as it considers appropriate.
    - (5) Where the Department proposes to issue any guidance, the Department shall publish a draft of it, consider any representations that are made to the Department about the draft and, if the Department thinks it appropriate, modify its proposals in the light of any of those representations.
    - (6) If the Department decides to proceed with any proposed guidance, the Department shall lay a draft of it before the Assembly.
    - (7) If, within the statutory period, the Assembly resolves not to approve the draft, the Department shall take no further steps in relation to the proposed guidance.



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- (8) If no such resolution is made within the statutory period, the Department shall issue the guidance in the form of its draft.
- (9) The guidance shall come into force on such date as the Department may by order appoint.
- (10) Subsection (7) does not prevent a new draft of the proposed guidance being laid before the Assembly.
- (11) The Department may—
  - (a) from time to time revise the whole or any part of any guidance and re-issue it ;
  - (b) by order revoke any guidance.
- (12) In this section—
  - “the Department” means the Department of Economic Development;
  - “guidance” means guidance issued by the Department under this section and includes guidance which has been revised and re-issued;
  - “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.”

3 In section 4(6) for “Great Britain” substitute “ Northern Ireland”.

4 (1) In section 7(2) for “Secretary of State” substitute “ Department of Economic Development”.

<sup>F185</sup>(2) .....

(3) .....

#### Annotations:

#### Amendments (Textual)

**F185** Sch. 8 para. 4(2)(3) repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, Sch. 2 (with art. 17); S.R. 2000/140, art. 2, Sch. Appendix

5 (1) In section 8(3) omit “or (in Scotland) in reparation”.

(2) In section 8(7) for “paragraph 6A of Schedule 9 to the Employment Protection (Consolidation) Act 1978” substitute “ [<sup>F186</sup>Article 16 of the Industrial Tribunals (Northern Ireland Order 1996)]”.

#### Annotations:

#### Amendments (Textual)

**F186** Words in Sch. 8 para. 5(2) substituted (24.9.1996) by S.I. 1996/1921 (N.I. 18), art. 26, Sch. 1 para. 12 (with Sch. 2)

6 (1) In section 9(2)(a) for “a conciliation officer” substitute “ the Agency”.

[<sup>F187</sup>(2) In section 9(4) in the definition of “qualified lawyer” for the words from “means” to the end substitute “ means a barrister (whether in practice as such or employed to give legal advice) or a solicitor of the Supreme Court who holds a practising certificate.”.]

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#### Annotations:

#### Amendments (Textual)

**F187** Sch. 8 para. 6(2) repealed (N.I.) (1.1.1999) by S.I. 1998/1265 (N.I. 8), art. 16, Sch. 2; S.R. 1998/274, art. 2(3), Sch. 3

- 7 (1) In section 10(1)(b) omit “or recognised body”.
- (2) In section 10(2)(b) for “Secretary of State” substitute “ Department of Economic Development”.
- (3) In section 10(3) in the definition of “charity” for “1993” substitute “ (Northern Ireland) 1964”, omit the definition of “recognised body” and in the definition of “supported employment” for “Act 1944” substitute “ Act (Northern Ireland) 1945”.
- (4) In section 10(4) for “England and Wales” where it twice occurs substitute “ Northern Ireland”.
- (5) Omit section 10(5).
- 8 — In section 12(5) for “Great Britain” where it twice occurs substitute “ Northern Ireland”.
- 9 (1) In section 19(3)(g) for “section 2 of the Employment and Training Act 1973” substitute “ sections 1 and 2 of the Employment and Training Act (Northern Ireland) 1950”.
- (2) In section 19(5) for paragraph (a) substitute—
  - “(a) education which is funded, or secured, by a relevant body or provided at—
    - (i) an establishment which is funded by such a body or by the Department of Education for Northern Ireland; or
    - (ii) any other establishment which is a school within the meaning of the Education and Libraries (Northern Ireland) Order 1986;”.
- (3) For section 19(6) substitute—
 

“(6) In subsection (5) “relevant body” means—

  - (a) an education and library board;
  - (b) a voluntary organisation; or
  - (c) a body of a prescribed kind.”.
- 10 In section 20(7) for paragraphs (b) and (c) substitute “; or
  - (b) functions conferred by or under Part VIII of the Mental Health (Northern Ireland) Order 1986 are exercisable in relation to a disabled person’s property or affairs.”.
- 11 In section 22(4) and (6) omit “or (in Scotland) the subject of”.
- 12 (1) In section 25(1) omit “or (in Scotland) in reparation”.
- (2) In section 25(3) for “England and Wales” substitute “ Northern Ireland”.
- (3) Omit section 25(4).
- (4) In section 25(5) omit the words from “or” to the end.

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13 In section 26(3) omit “or a sheriff court”.

F188 14 .....

#### Annotations:

#### Amendments (Textual)

F188 Sch. 8 para. 14 repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, Sch. 2 (with art. 17); S.R. 2000/140, art. 2, Sch. Appendix

15 Omit sections 29, 30 and 31.

16 (1) In section 32(1) for “Secretary of State” substitute “ Department of the Environment”.

(2) In section 32(5) for the definition of “taxi” substitute—

““taxi” means a vehicle which—

(a) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to stand or ply for hire; and

(b) seats not more than 8 passengers in addition to the driver”.

17 In section 33, for “Secretary of State”, wherever it occurs, substitute “ Department of the Environment”.

18 For section 34 substitute—

“34 (1) The Department of the Environment shall not grant a public service vehicle licence under Article 61 of the Road Traffic (Northern Ireland) Order 1981 for a taxi unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.

(2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.

(3) The Department of the Environment may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order.”.

19 Omit section 35.

20 In section 36(7) for “licensing authority” substitute “ Department of the Environment”.

21 (1) In section 37(5) and (6) for “licensing authority” substitute “ Department of the Environment”.

(2) In section 37(9) for “Secretary of State” substitute “ Department of the Environment”.

PROSPECTIVE

[F189 21(1)] In section 37A(5) and (6) for “licensing authority” substitute “Department of the Environment”.

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- (2) In section 37A(9) for the definitions of “driver”, “licensing authority”, “operator” and “private hire vehicle” substitute—

“driver” means a person who holds a taxi driver’s licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (NI 1));

“operator” means a person who in the course of a business makes provision for the invitation or acceptance of bookings for a private hire vehicle;

“private hire vehicle” means a vehicle which—

- (a) seats not more than 8 passengers in addition to the driver; and
- (b) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to carry passengers for hire (but not to stand or ply for hire).”]

#### Annotations:

#### Amendments (Textual)

**F189** Sch. 8 para. 21A inserted (*prosp.*) by 2002 c. 37, ss. 1(2), 6(2)

- 22 (1) In section 38(1) for “a licensing authority” substitute “ the Department of the Environment”.
- (2) In section 38(2) for “licensing authority concerned” substitute “ Department of the Environment”.
- (3) In section 38(3) for the words from “the magistrates’ court” to the end substitute “ a court of summary jurisdiction acting for the petty sessions district in which the aggrieved person resides”.
- 23 Omit section 39.
- 24 (1) In section 40 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- (2) In section 40(5) for the definition of “public service vehicle” substitute—
- ““public service vehicle” means a vehicle which—
- (a) seats more than 8 passengers in addition to the driver; and
  - (b) is a public service vehicle for the purposes of the Road Traffic (Northern Ireland) Order 1981;”.
- (3) In section 40(7) for the words from “the Disabled” to the end substitute “ such representative organisations as it thinks fit”.
- 25 (1) In section 41(2) for “Secretary of State” substitute “ Department of the Environment”.
- (2) In section 41 for subsections (3) and (4) substitute—
- “(3) Any person who uses a regulated public service vehicle in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.
- 26 (1) In section 42 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.

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- (2) In section 42(1) for “he” substitute “ it”.
- (3) In section 42(6) for “his” substitute “ its”.
- 27        In section 43 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- 28        (1) In section 44 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- (2) In section 44(2) for “him” substitute “ it”.
- (3) In section 44(6) for “he” substitute “ it” and for “his” substitute “ its”.
- 29        (1) In section 45 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- (2) In section 45(2) for “him” substitute “ it” and at the end add “ of Northern Ireland”.
- (3) In section 45(4) for “he” substitute “ it”.
- 30        (1) In section 46 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- (2) In section 46(6) in the definition of “rail vehicle” for the words “on any railway, tramway or prescribed system” substitute “ by rail”.
- (3) Omit section 46(7).
- (4) In section 46(11) for the words from “the Disabled” to the end substitute “ such representative organisations as it thinks fit”.
- 31        (1) In section 47 for “Secretary of State” wherever it occurs substitute “ Department of the Environment”.
- (2) In section 47(3) for the words “the Disabled Persons Transport Advisory Committee and such other persons as he” substitute “ such persons as it” and for “he” substitute “ it”.
- 32        Omit section 48(3).
- F19033        .....

#### Annotations:

#### Amendments (Textual)

**F190** [Sch. 8 para. 33](#) repealed (N.I.) (25.4.2000) by [S.I. 2000/1110 \(N.I. 2\)](#), [art. 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2 Sch. Appendix](#)

- [<sup>F191</sup>34(1) .....
- (2) .....
- (3) In section 51(4) for “a county court or a sheriff court” substitute “ or a county court”.
- (4) In section 51(6) for “the Secretary of State” substitute “ a Northern Ireland department”.]

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#### Annotations:

#### Amendments (Textual)

**F191** [Sch. 8 para. 34](#) repealed (N.I.) (25.4.2000 in relation to sub-paras. (1)(2) and otherwise *prosp.*) by [S.I. 2000/1110 \(N.I. 2\)](#), [art. 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#) Appendix

35 For section 52 substitute—

“52 (1) In this section—

“proposal” means a proposal made by [<sup>F192</sup>the Equality Commission for Northern Ireland] to a Northern Ireland department under section 51;

“responsible department”—

- (a) in relation to a proposal, means the Northern Ireland department to which the proposal is made,
- (b) in relation to a code, means the Northern Ireland department by which the code is issued; and

“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.

(2) In preparing any proposal, the Council shall consult—

- (a) such persons (if any) as the responsible department has specified in making its request to the Council; and
- (b) such other persons (if any) as the Council considers appropriate.

(3) Before making any proposal the Council shall publish a draft, consider any representations made to it about the draft and, if it thinks it appropriate, modify its proposal in the light of any of those representations.

(4) Where the Council makes any proposal, the responsible department may —

- (a) approve it;
- (b) approve it subject to such modifications as that department thinks appropriate; or
- (c) refuse to approve it.

(5) Where the responsible department approves any proposal (with or without modifications) that department shall prepare a draft of the proposed code and lay it before the Assembly.

(6) If, within the statutory period, the Assembly resolves not to approve the draft, the responsible department shall take no further steps in relation to the proposed code.

(7) If no such resolution is made within the statutory period, the responsible department shall issue the code in the form of its draft.

(8) The code shall come into force on such date as the responsible department may appoint by order.

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- (9) Subsection (6) does not prevent a new draft of the proposed code from being laid before the Assembly.
- (10) If the responsible department refuses to approve a proposal, that department shall give the Council a written statement of the department's reasons for not approving it.
- (11) The responsible department may by order revoke a code.”.

**Annotations:**

**Amendments (Textual)**

**F192** Words in amendment in Sch. 8 para. 35 substituted (1.10.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 16(2)(a)** (with s. 95); S.I. 1999/2204, **art. 3**

- 36 (1) In section 53 for “Secretary of State” wherever it occurs substitute “ Department of Economic Development”.
- (2) In section 53(1) for “he” substitute “it”.
- (3) In section 53(5) for “a county court or a sheriff court” substitute “ or a county court”.
- 37 For section 54 substitute—

- “54 (1) In preparing a draft of any code under section 53, the Department shall consult such organisations representing the interests of employers or of disabled persons in, or seeking, employment as the Department considers appropriate.
- (2) Where the Department proposes to issue a code, the Department shall publish a draft of the code, consider any representations that are made to the Department about the draft and, if the Department thinks it appropriate, modify its proposals in the light of any of those representations.
- (3) If the Department decides to proceed with the code, the Department shall lay a draft of it before the Assembly.
- (4) If, within the statutory period, the Assembly resolves not to approve the draft, the Department shall take no further steps in relation to the proposed code.
- (5) If no such resolution is made within the statutory period, the Department shall issue the code in the form of its draft.
- (6) The code shall come into force on such date as the Department may appoint by order.
- (7) Subsection (4) does not prevent a new draft of the proposed code from being laid before the Assembly.
- (8) The Department may by order revoke a code.
- (9) In this section—
  - “the Department” means the Department of Economic Development; and

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“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.”.

38        In section 56(2) and (4) for “Secretary of State” substitute “ Department of Economic Development”.

39        In section 59(1) after “Crown” where it twice occurs insert “ or a Northern Ireland department”.

40        (1) In section 60(1) to (3) for “Secretary of State” wherever it occurs substitute “ Department of Economic Development” and for “he” and “him” wherever they occur substitute “ it”.

          (2) In section 60(4) for “Treasury” substitute “ Department of Finance and Personnel in Northern Ireland”.

          (3) For section 60(6) substitute—

“(6) The Department of Economic Development may by order repeal section 17 of, and Schedule 2 to, the Disabled Persons (Employment) Act (Northern Ireland) 1945 (district advisory committees).”.

          (4) In section 60(7) omit “paragraph (b) of”, for “1944” substitute “ 1945” and omit “in each case”.

          (5) In section 60, omit subsection (8).

41        For section 61 substitute—

“61        (1) Section 15 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 (which gives the Department of Economic Development power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

          (2) In subsection (1)—

- (a) for “persons registered as handicapped by disablement” substitute “ disabled persons”;
- (b) for “their disablement” substitute “ their disability”; and
- (c) for “are not subject to disablement” substitute “ do not have a disability”.

          (3) In subsection (2) for the words from “any of one or more companies” to “so required and prohibited” substitute “ any company, association or body”.

          (4) After subsection (2) insert—

“(2A) The only kind of company which the Department itself may form in exercising its powers under this section is a company which is—

- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
- (b) prohibited by its constitution from paying any dividend to its members.”.

          (5) After subsection (5) insert—



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“(5A) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”.

- (6) The provisions of section 16 of the Act of 1945 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—

“and whose disability is due to that service.

- (2) or the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”

- (7) The following provisions of the Act of 1945 shall cease to have effect—

- (a) section 1 (definition of “disabled person”);
- (b) sections 2 to 4 (training for disabled persons);
- (c) sections 6 to 8 (the register of disabled persons);
- (d) sections 9 to 11 (obligations on employers with substantial staffs to employ quota of registered persons);
- (e) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
- (f) section 13 (interpretation of provisions repealed by this Act);
- (g) section 14 (records to be kept by employer);
- (h) section 19 (proceedings in relation to offences);
- (j) sections 21 and 22 (supplementary).

- (8) Any statutory provision in which “disabled person” is defined by reference to the Act of 1945 shall be construed as if that expression had the same meaning as in this Act.

- 42 (1) In section 62(2) for “Secretary of State” substitute “ Department of Economic Development”.

- [<sup>F193</sup>(2) In section 62(7) for “Great Britain” where it twice occurs substitute “ Northern Ireland”.]

#### Annotations:

#### Amendments (Textual)

**F193** Sch. 8 para. 42(2) repealed (N.I.)(24.9.1996) by S.I. 1996/1921 (N.I.18), art. 28, Sch. 3 (with Sch. 2)

- 43 Omit section 63.

- 44 (1) In section 64(3) for “England and Wales” substitute “ Northern Ireland”.

- (2) Omit section 64(4).

- (3) In section 64(5)(a) omit the words from “, the British” to the end.

- (4) In section 64(8)—

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- (a) omit the definitions of “British Transport Police”, “Royal Parks Constabulary” and “United Kingdom Atomic Energy Authority Constabulary”;
- (b) in the definition of “the 1947 Act” at the end add “ as it applies both in relation to the Crown in right of Her Majesty’s Government in Northern Ireland and in relation to the Crown in right of Her Majesty’s Government in the United Kingdom”;
- (c) in the definition of “fire brigade” for the words from “means” to the end substitute “ has the same meaning as in the Fire Services (Northern Ireland) Order 1984”;
- (d) in the definition of “prison officer” for the words from “means” to the end substitute “ means any individual who holds any post, otherwise than as a medical officer, to which he has been appointed under section 2(2) of the Prison Act (Northern Ireland) 1953 or who is a prison custody officer within the meaning of Chapter III of Part VIII of the Criminal Justice and Public Order Act 1994”;
- (e) in the definition of “service for purposes of a Minister of the Crown or government department” at the end add “ or service as the head of a Northern Ireland department”.

45 Omit section 65.

46 For section 67 substitute—

- “67
- (1) Any power under this Act to make regulations or orders shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
  - (2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.
  - (3) Any such power, includes power—
    - (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Northern Ireland department exercising the power to be expedient; and
    - (b) to provide for a person to exercise a discretion in dealing with any matter.
  - (4) <sup>F194</sup> .....
  - (5) Any other order made under this Act, other than an order under section 3(9), [<sup>F195</sup>54A(6)(a)] or 70(3), and any regulations made under this Act shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.
  - (6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to any instrument or document which by virtue of this Act is required to be laid before the Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.

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(7) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory rule.

(8) Nothing in section 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).”

#### Annotations:

##### Amendments (Textual)

**F194** [S. 67\(4\)](#) (as it has effect in its application to Northern Ireland by virtue of s. 70(6), Sch. 8 paras. 1, 46) repealed (25.4.2000) by [S.I. 2000/1110](#), art. 16, [Sch. 2](#); [S.R. 2000/140](#), art. 2, [Sch.](#) Appendix

**F195** Words in [s. 67\(5\)](#) (as it has effect in its application to Northern Ireland by virtue of s. 70(6), Sch. 8 paras. 1, 46) substituted (25.4.2000) by [S.I. 2000/1110](#), art. 15 (with art. 17); [S.R. 2000/140](#), art.2, [Sch.](#)

47 (1) For section 68(1) substitute—

“(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;

“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;

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

“premises”, includes land of any description;

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“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.”.

[<sup>F196</sup>(2) In section 68—

(a) for subsection (2) substitute— “

(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. ”; and

(b) in subsections (3) and (4) for “Great Britain” wherever it occurs substitute  
 “Northern Ireland”.]

#### Annotations:

#### Amendments (Textual)

**F196** Sch. 8 para. 47(2) substituted (N.I.) (9.3.2000) by S.R. 2000/8, reg. 3

48 (1) In section 70(3) for “Secretary of State” substitute “ Department of Health and Social  
 Services”.

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- (2) In section 70(8) for “the Secretary of State” substitute “ a Northern Ireland department” and for “him” substitute “ it”.
- 49 (1) In Schedule 1 in paragraph 7(1) for “Act 1944” substitute “ Act (Northern Ireland) 1945”.
- (2) In Schedule 1 in paragraph 7(7) for “1944” substitute “ 1945”.
- 50 (1) In Schedule 3 in paragraph 1—
- (a) for “a conciliation officer” wherever it occurs substitute “ the Agency”;
  - (b) in sub-paragraphs (1) and (4) for “he” substitute “ it”;
  - (c) in sub-paragraph (3) for “the conciliation officer” substitute “ the Agency”.
- (2) In Schedule 3 for paragraph 4(1) substitute—
- “(1) In any proceedings under section 8—
- (a) a certificate signed by or on behalf of a Minister of the Crown or a Northern Ireland department and certifying that any conditions or requirements specified in the certificate were imposed by that Minister or that department (as the case may be) and were in operation at a time or throughout a time so specified; or
  - (b) a certificate signed by or on behalf of the Secretary of State and certifying that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.”.
- (3) In Schedule 3 in paragraph 6(1) omit “or a sheriff court”.
- (4) In Schedule 3 for paragraph 8(1) substitute—
- “(1) In any proceedings under section 25—
- (a) a certificate signed by or on behalf of a Minister of the Crown or a Northern Ireland department and certifying that any conditions or requirements specified in the certificate were imposed by that Minister or that department (as the case may be) and were in operation at a time or throughout a time so specified; or
  - (b) a certificate signed by or on behalf of the Secretary of State and certifying that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.”.
- 51 (1) In Schedule 4 in paragraphs 2(1) and (5) and 7(1) and (5) omit “or sisted”.
- (2) In Schedule 4 in paragraph 4 for “Secretary of State” substitute “ Department of Economic Development”.
- (3) In Schedule 4 in paragraph 6(1) omit “or, in Scotland, to the sheriff”.
- (4) In Schedule 4 omit paragraph 6(2).
- (5) In Schedule 4 in paragraph 9 for “Secretary of State” substitute “ Department of Health and Social Services”.

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#### Annotations:

#### Amendments (Textual)

**F197** [Sch. 8 para. 52](#) repealed (N.I.) (25.4.2000) by [S.I. 2000/1110 \(N.I. 2\)](#), [art. 16](#), [Sch. 2](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#) Appendix

53 For Schedules 6 and 7 substitute—

### “SCHEDULE 6

#### CONSEQUENTIAL AMENDMENTS

##### *The Industrial Relations (Northern Ireland) Order 1976 (NI 16)*

- 1 In Article 68(6) of the Industrial Relations (Northern Ireland) Order 1976 (reinstatement or re-engagement of dismissed employees)—
- (a) in the definition of “relevant complaint of dismissal”, omit “or” and at the end insert “ or a complaint under section 8 of the Disability Discrimination Act 1995 arising out of a dismissal”;
  - (b) in the definition of “relevant conciliation powers”, omit “or” and at the end insert “ or paragraph 1 of Schedule 3 to the Disability Discrimination Act 1995”;
  - (c) in the definition of “relevant compromise contract” for “or Article” substitute “ Article” and at the end insert “ or section 9(2) of the Disability Discrimination Act 1995”.

##### *The Companies (Northern Ireland) Order 1986 (NI 6)*

- 3 In paragraph 9 of Schedule 7 to the Companies (Northern Ireland) Order 1986 (disclosure in directors’ report of company policy in relation to disabled persons) in the definition of “disabled person” in subparagraph (4)(b) for “Disabled Persons (Employment) Act (Northern Ireland) 1945” substitute “ Disability Discrimination Act 1995”.

### SCHEDULE 7

#### REPEALS

Chapter	Short title	Extent of repeal
1945 c. 6 (N.I.)	The Disabled Persons (Employment) Act (Northern Ireland) 1945.	Sections 1 to 4.
		Sections 6 to 14.
		In section 16 the words “vocational training and industrial rehabilitation courses and”, the words “courses and”

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		and the words from “and in selecting” to “engagement”.
		Section 19.
		Section 21.
		Section 22.
1960 c. 4 (N.I.)	The Disabled Persons (Employment) Act (Northern Ireland) 1960.	The whole Act.
1976 NI16	The Industrial Relations (Northern Ireland) Order 1976.	In Article 68(6) the word “or” in the definitions of “relevant complaint of dismissal” and “relevant conciliation powers”.

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**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Pt. 5 inserted by [S.I. 2007/2405 reg. 4\(3\)](#)
- Pt. 2 heading text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 4](#)
- Pt. 2 heading text amended by [S.R. 2004/55 reg. 4\(1\)](#)
- Pt. 2 heading text amended by [2005 c. 13 Sch. 1 para. 4](#)
- Pt. 2 heading text amended by [S.I. 2003/1673 reg. 4\(1\)](#)
- Pt. 4 Ch. 2A inserted by [2005 c. 13 s. 15](#)
- Pt. 4 inserted by [S.I. 2007/2405 reg. 6\(3\) 8-12](#)
- Pt. 4 power to amend or repeal conferred by [2009 nawm 5 s. 18](#)
- s. 1 applied by [S.I. 2005/1117 \(N.I.\) art. 2\(3\)](#)
- s. 1 text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(2\)](#)
- s. 2(1) text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(3\)\(a\)](#)
- s. 2(1) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 2\(2\)](#)
- s. 2(1) text amended by [2005 c. 13 Sch. 1 para. 2\(1\)\(2\)](#)
- s. 2(3) text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(3\)\(b\)](#)
- s. 2(3) text amended by [2005 c. 13 Sch. 1 para. 2\(1\)\(3\)](#)
- s. 2(3) text amended by [S.I. 2007/1388 Sch. 1 para. 48](#)
- s. 2(4) text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(3\)\(c\)](#)
- s. 2(4) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 2\(3\)](#)
- s. 2(4) text amended by [2005 c. 13 Sch. 1 para. 2\(1\)\(4\)](#)
- s. 2(5) text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(3\)\(d\)](#)
- s. 3(A1) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 3\(2\)](#)
- s. 3(0A1) inserted by [2005 c. 13 Sch. 1 para. 3\(1\)\(2\)](#)
- s. 3(1) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 3\(3\)](#)
- s. 3(1) text amended by [2005 c. 13 Sch. 1 para. 3\(1\)\(3\)](#)
- s. 3(2) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 3\(4\)](#)
- s. 3(2) text amended by [2005 c. 13 Sch. 1 para. 3\(1\)\(4\)](#)
- s. 3(3) text amended by [S.I. 2005/1117 \(N.I.\) art. 48\(4\)](#)
- s. 3(3) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 3\(5\)](#)
- s. 3(3) text amended by [2005 c. 13 Sch. 1 para. 3\(1\)\(5\)](#)
- s. 4-6 modified by [S.I. 2003/1964 art. 3 Sch.](#)
- s. 4-6 modified by [S.I. 2006/1073 art. 3 Sch.](#)
- s. 4-4K substituted for s. 4 by [S.R. 2004/55 reg. 5\(1\)](#)
- s. 4-4F substituted for s. 4-6 by [S.I. 2003/1673 reg. 5](#)
- s. 5 repealed by [S.R. 2004/55 reg. 5\(2\)](#)
- s. 6 repealed by [S.R. 2004/55 reg. 5\(2\)](#)
- s. 7 omitted by [S.I. 2003/1673 reg. 7](#)
- s. 7 repealed by [S.R. 2004/55 reg. 7](#)
- s. 9 omitted by [S.I. 2003/1673 reg. 10](#)
- s. 9 repealed by [S.R. 2004/55 reg. 10](#)
- s. 10 repealed by [S.R. 2004/55 reg. 11](#)
- s. 11 modified by [S.I. 2003/1964 art. 3 Sch.](#)
- s. 11 12 modified by [S.I. 2006/1073 art. 3 Sch.](#)
- s. 11 omitted by [S.I. 2003/1673 reg. 12](#)
- s. 11 repealed by [S.R. 2004/55 reg. 12](#)
- s. 12 modified by [S.I. 2003/1964 art. 3 Sch.](#)
- s. 12 omitted by [S.I. 2003/1673 reg. 12](#)
- s. 12 repealed by [S.R. 2004/55 reg. 12](#)



- s. 13-14D substituted for s. 13-15 by [S.R. 2004/55 reg. 13](#)
- s. 13-14D and heading(s) substituted for s. 13-15 by [S.I. 2003/1673 reg. 13](#)
- s. 16 modified by [S.I. 2003/1964 art. 3 Sch.](#)
- s. 16 modified by [S.I. 2006/1073 art. 3 Sch.](#)
- s. 16 cross-heading omitted by [S.R. 2004/55 reg. 14\(1\)](#)
- s. 16 and heading(s) omitted by [S.I. 2003/1673 reg. 14\(1\)](#)
- s. 17 and heading(s) omitted by [S.I. 2003/2770 reg. 4\(1\)](#)
- s. 17 repealed by [S.R. 2004/55 reg. 5\(2\)](#)
- s. 17 cross-heading text amended by [S.I. 2003/1673 reg. 15\(2\)](#)
- s. 18 cross-heading inserted by [S.R. 2004/55 s. 17\(1\)](#)
- s. 18 heading(s) inserted by [S.I. 2003/1673 reg. 17\(1\)](#)
- s. 18 repealed by [S.I. 2006/312 \(N.I.\) art. 12\(1\) Sch. 2](#)
- s. 18 repealed by [2005 c. 13 s. 11\(1\) Sch. 2](#)
- s. 19(2) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 12\(2\)](#)
- s. 19(2) text amended by [2005 c. 13 Sch. 1 para. 13\(1\)\(2\)](#)
- s. 19(4A) inserted by [S.I. 2007/1895 reg. 8](#)
- s. 19(4B) inserted by [S.I. 2010/1504 reg. 10](#)
- s. 19(5)(6) substituted by [S.I. 2005/1117 \(N.I.\) art. 48\(6\)](#)
- s. 19(5) substituted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 12\(3\)](#)
- s. 19(5) substituted by [2005 c. 13 Sch. 1 para. 13\(1\)\(3\)](#)
- s. 19(5) text amended by [S.R. 2004/55 reg. 19\(2\)](#)
- s. 19(5A) substituted by [2005 c. 13 Sch. 1 para. 13\(4\)](#)
- s. 19(6) substituted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 12\(4\)](#)
- s. 20(4)(b) excluded by [S.R. 2007/473 reg. 3](#)
- s. 20(4)(b) excluded by [S.I. 2005/2901 reg. 3](#)
- s. 20(7)(b) text amended by [2005 c. 9 Sch. 6 para. 41](#)
- s. 20(7)(c) substituted by [2005 c. 13 Sch. 1 para. 14](#)
- s. 21(2) modified by [S.I. 2005/3190 reg. 8](#)
- s. 21(4) modified by [S.I. 2005/3190 reg. 7](#)
- s. 22(3A) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 14](#)
- s. 22(3A) inserted by [2005 c. 13 Sch. 1 para. 16](#)
- s. 23 power to amend or repeal conferred by [S.I. 2006/312 \(N.I.\) art. 15\(1\)](#)
- s. 23(6)(aa) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 15](#)
- s. 23(6)(aa) inserted by [2005 c. 13 Sch. 1 para. 18](#)
- s. 23(7) text amended by [2004 c. 33 Sch. 27 para. 150](#)
- s. 24(1) text amended by [2005 c. 13 Sch. 1 para. 19\(1\)\(2\)](#)
- s. 24(3)(b) excluded by [S.R. 2007/474 reg. 2](#)
- s. 24(3)(e)(f) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 16\(2\)](#)
- s. 24(3)(e)-(f) inserted by [2005 c. 13 Sch. 1 para. 19\(1\)\(3\)](#)
- s. 24(3A)-(3C) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 16\(3\)](#)
- s. 24(3A)-(3C) inserted by [2005 c. 13 Sch. 1 para. 19\(1\)\(4\)](#)
- s. 24(4A) inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 16\(4\)](#)
- s. 24(4A) inserted by [2005 c. 13 Sch. 1 para. 19\(1\)\(5\)](#)
- s. 25(6A) inserted by [S.I. 2006/312 \(N.I.\) art. 12\(2\)](#)
- s. 25(6A) inserted by [2005 c. 13 s. 11\(2\)](#)
- s. 25(7)-(9) added by [S.R. 2004/55 reg. 19\(3\)](#)
- s. 25(7)-(9) added by [S.I. 2003/1673 reg. 19\(2\)](#)
- s. 25(7)(8) substituted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 18](#)
- s. 25(7)(8) substituted by [2005 c. 13 Sch. 1 para. 21](#)
- s. 26(1A) inserted by [S.R. 2004/55 reg. 19\(4\)](#)
- s. 26(1A) inserted by [S.I. 2003/1673 reg. 19\(3\)](#)
- s. 26(1A) substituted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 19](#)
- s. 26(1A) substituted by [2005 c. 13 Sch. 1 para. 22](#)
- s. 27 modified by [S.R. 2003/109 reg. 9](#)
- s. 27(1)(a) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 20\(a\)](#)
- s. 27(1)(a)-(c) text amended by [2005 c. 13 Sch. 1 para. 23](#)
- s. 27(1)(b) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 20\(b\)](#)
- s. 27(1)(c) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 20\(c\)](#)

- s. 28 repealed by 2006 c. 3 Sch. 3 para. 45 Sch. 4
- s. 28C(4) text amended by 2006 c. 3 Sch. 3 para. 46
- s. 28D modified by S.I. 2008/2867 reg. 12(3)(a)
- s. 28D(1) text amended by S.I. 2010/1158 Sch. 2 para. 40(3)(a)
- s. 28D(4) text amended by S.I. 2010/1158 Sch. 2 para. 40(3)(a)
- s. 28D(5) text amended by S.I. 2010/1158 Sch. 2 para. 40(3)(a)
- s. 28D(6) repealed by 2004 c. 31 Sch. 5 Pt. 3
- s. 28D(7)(a) text amended by S.I. 2005/2913 reg. 3
- s. 28D(7)(c) substituted by 2008 c. 25 Sch. 1 para. 2(2)
- s. 28D(7)(c) text amended by S.I. 2007/1388 Sch. 1 para. 51(2)
- s. 28D(13) text amended by 2005 c. 18 Sch. 9 para. 8
- s. 28D(13) text amended by 2008 c. 25 Sch. 1 para. 2(3)
- s. 28D(16) substituted by S.I. 2010/1158 Sch. 2 para. 40(3)(b)
- s. 28D(17) substituted by 2005 c. 13 Sch. 1 para. 24(2)
- s. 28D(17) text amended by S.I. 2007/1388 Sch. 1 para. 51(3)
- s. 28E(1) text amended by S.I. 2010/1158 Sch. 2 para. 40(4)
- s. 28E(2) text amended by S.I. 2010/1158 Sch. 2 para. 40(4)
- s. 28E(3)(b) text amended by S.I. 2007/1388 Sch. 1 para. 52(2)
- s. 28E(5) text amended by S.I. 2010/1158 Sch. 2 para. 40(4)
- s. 28E(6) text amended by S.I. 2007/1388 Sch. 1 para. 52(3)
- s. 28E(6) text amended by S.I. 2010/1158 Sch. 2 para. 40(4)
- s. 28E(7) text amended by S.I. 2010/1158 Sch. 2 para. 40(4)
- s. 28F(1)(a) text amended by S.I. 2010/1158 Sch. 2 para. 40(5)(a)
- s. 28F(1)(b) text amended by S.I. 2005/1791 art. 2(a)
- s. 28F(1)(b)(iv) and word inserted by S.I. 2005/1791 art. 2(b)
- s. 28F(6) substituted by S.I. 2010/1158 Sch. 2 para. 40(5)(b)
- s. 28G(5) text amended by 2009 nawm 5 Sch. para. 7
- s. 28G(5) text amended by S.I. 2010/1158 Sch. 2 para. 40(6)
- s. 28G(7)(a) text amended by S.I. 2010/1158 Sch. 2 para. 40(6)
- s. 28H transfer of functions by S.I. 2008/2833 Sch. 1 Table 1
- s. 28H(1) omitted by S.I. 2008/2833 Sch. 3 para. 115(a)
- s. 28H(2) text amended by S.I. 2008/2833 Sch. 3 para. 115(b)
- s. 28H(3) text amended by S.I. 2008/2833 Sch. 3 para. 115(c)
- s. 28I heading text amended by 2009 nawm 5 s. 9(1)
- s. 28I(5)(a) text amended by S.I. 2008/2833 Sch. 3 para. 116
- s. 28J(1) text amended by 2009 nawm 5 s. 14(2)
- s. 28J(1) text amended by S.I. 2008/2833 Sch. 3 para. 117(a)(i)
- s. 28J(1)(a) text amended by S.I. 2008/2833 Sch. 3 para. 117(a)(ii)
- s. 28J(1)(b) text amended by S.I. 2008/2833 Sch. 3 para. 117(a)(iii)
- s. 28J(2)(b) text amended by S.I. 2008/2833 Sch. 3 para. 117(b)
- s. 28J(2)(k) text amended by S.I. 2008/2833 Sch. 3 para. 117(b)
- s. 28J(2)(da) inserted by 2009 nawm 5 s. 14(3)
- s. 28J(2A) omitted by S.I. 2008/2833 Sch. 3 para. 117(c)
- s. 28J(2A) text amended by S.I. 2007/1388 Sch. 1 para. 53(2)
- s. 28J(3) text amended by S.I. 2008/2833 Sch. 3 para. 117(d)
- s. 28J(5) text amended by 2009 nawm 5 s. 14(4)
- s. 28J(5) text amended by S.I. 2008/2833 Sch. 3 para. 117(e)
- s. 28J(6) omitted by S.I. 2008/2833 Sch. 3 para. 117(f)
- s. 28J(6) text amended by S.I. 2007/1388 Sch. 1 para. 53(3)
- s. 28J(7) text amended by S.I. 2008/2833 Sch. 3 para. 117(g)
- s. 28J(8)(a) text amended by 2009 nawm 5 s. 14(5)
- s. 28J(8)(b) omitted by 2009 nawm 5 s. 14(6)
- s. 28J(8)(b) text amended by S.I. 2008/2833 Sch. 3 para. 117(h)
- s. 28J(9A) inserted by S.I. 2008/2833 Sch. 3 para. 117(i)
- s. 28J(10) text amended by S.I. 2008/2833 Sch. 3 para. 117(j)
- s. 28M heading text amended by S.I. 2007/1388 Sch. 1 para. 54(2)
- s. 28M(1A) inserted by 2009 nawm 5 s. 15(2)
- s. 28M(2)(a) substituted by 2008 c. 25 Sch. 1 para. 3

- s. 28M(2)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 54\(3\)](#)
- s. 28M(4) text amended by [2009 nawm 5 s. 15\(3\)](#)
- s. 28M(5) text amended by [2009 nawm 5 s. 15\(4\)](#)
- s. 28M(5) text amended by [S.I. 2008/2833 Sch. 3 para. 119](#)
- s. 28M(6A)(6B) inserted by [2009 nawm 5 s. 15\(5\)](#)
- s. 28M(7) text amended by [2009 nawm 5 s. 15\(6\)](#)
- s. 28M(7A)(7B) inserted by [2009 c. 22 s. 221\(3\)](#)
- s. 28M(8)(b) text amended by [S.I. 2007/1388 Sch. 1 para. 54\(4\)](#)
- s. 28M(9)(b) text amended by [S.I. 2007/1388 Sch. 1 para. 54\(5\)](#)
- s. 28N(5) text amended by [2005 c. 13 Sch. 1 para. 24\(3\)\(a\)](#)
- s. 28N(5)(a) text amended by [2005 c. 13 Sch. 1 para. 24\(3\)\(b\)](#)
- s. 28N(5)(b) text amended by [2005 c. 13 Sch. 1 para. 24\(3\)\(c\)](#)
- s. 28N(5)(b) text amended by [S.I. 2008/2833 Sch. 3 para. 120](#)
- s. 28P(2)(a) text amended by [2009 nawm 5 Sch. para. 8](#)
- s. 28Q(4)(d) substituted by [2008 c. 25 Sch. 1 para. 4](#)
- s. 28Q(4)(d) text amended by [S.I. 2007/1388 Sch. 1 para. 55\(2\)](#)
- s. 28Q(14) omitted by [S.I. 2007/1388 Sch. 1 para. 55\(3\)](#)
- s. 28R(3A)(3B) inserted by [S.I. 2006/1721 reg. 5](#)
- s. 28S(1) text amended by [S.I. 2006/1721 reg. 6\(1\)](#)
- s. 28S(2) substituted by [S.I. 2006/1721 reg. 6\(2\)](#)
- s. 28S(4) omitted by [S.I. 2006/1721 reg. 6\(3\)](#)
- s. 28S(5)-(11) substituted for s. 28S(5)-(9) by [S.I. 2006/1721 reg. 6\(4\)](#)
- s. 28T heading and s. 28T(1)(1A)-(1D) substituted for s. 28T heading and s. 28(1) by [S.I. 2006/1721 reg. 8](#)
- s. 28T(2) text amended by [2006 c. 3 Sch. 3 para. 46](#)
- s. 28T(2) text amended by [S.I. 2006/1721 reg. 9](#)
- s. 28T(4) text amended by [S.I. 2006/1721 reg. 9](#)
- s. 28U substituted by [S.I. 2006/1721 reg. 10](#)
- s. 28U text amended by [S.I. 2010/1158 Sch. 2 para. 40\(7\)](#)
- s. 28V(1)(a) text amended by [S.I. 2006/1721 reg. 15\(1\)reg. 15\(2\)\(a\)](#)
- s. 28V(1)(b) text amended by [S.I. 2006/1721 reg. 15\(1\)reg. 15\(2\)\(b\)](#)
- s. 28V(1)(c) text amended by [S.I. 2006/1721 reg. 15\(1\)reg. 15\(2\)\(b\)](#)
- s. 28V(1A) inserted by [S.I. 2006/1721 reg. 15\(3\)](#)
- s. 28W modified by [S.I. 2005/1070 reg. 7](#)
- s. 28W(1)(c) text amended by [S.I. 2006/1721 reg. 16](#)
- s. 31A(1) text amended by [S.I. 2006/1721 reg. 17](#)
- s. 31A(5)-(10) inserted by [S.I. 2006/1721 reg. 17](#)
- s. 31B repealed by [2006 c. 3 Sch. 3 para. 47 Sch. 4](#)
- s. 31B(9) substituted for s. 31B(9)-(10) by [2005 c. 13 Sch. 1 para. 25](#)
- s. 32(5) text amended by [2008 c. 4 \(N.I.\) Sch. 2 para. 3](#)
- s. 33(2)(4) text amended by [2005 c. 13 Sch. 1 para. 26\(1\)\(2\)](#)
- s. 33(3) text amended by [2005 c. 13 Sch. 1 para. 26\(1\)\(3\)](#)
- s. 33(4) text amended by [2005 c. 13 Sch. 1 para. 26\(4\)\(5\)](#)
- s. 33(5) inserted by [2005 c. 13 Sch. 1 para. 26\(6\)](#)
- s. 34(1) substituted by [2008 c. 4 \(N.I.\) Sch. 2 para. 4\(a\)](#)
- s. 34(2) text amended by [2008 c. 4 \(N.I.\) Sch. 2 para. 4\(b\)](#)
- s. 36 modified by [S.I. 2009/2863 reg. 4 Table](#)
- s. 36(1)(b) text amended by [2008 c. 26 s. 55\(2\)](#)
- s. 36(1A) inserted by [2008 c. 26 s. 55\(3\)](#)
- s. 36(2)(3)(4) text amended by [2008 c. 26 s. 55\(4\)](#)
- s. 36(5) text amended by [2008 c. 26 s. 55\(5\)](#)
- s. 36(6) text amended by [2008 c. 26 s. 55\(6\)](#)
- s. 36(10)(11) inserted by [2008 c. 26 s. 55\(7\)](#)
- s. 36(12) inserted by [2008 c. 26 s. 55\(8\)](#)
- s. 37A modified by [S.I. 2009/2863 reg. 4 Table](#)
- s. 37A text amended by [2008 c. 4 \(N.I.\) Sch. 2 para. 5\(a\)](#)
- s. 37A(9) text amended by [2008 c. 4 \(N.I.\) Sch. 2 para. 5\(b\)](#)
- s. 38 modified by [S.I. 2009/2863 reg. 4 Table](#)

- s. 38 heading substituted by 2008 c. 26 s. 56(7)
- s. 38(1) text amended by 2003 c. 39 Sch. 8 para. 368(2)
- s. 38(1) text amended by 2008 c. 26 s. 56(4)
- s. 38(2) text amended by 2008 c. 26 s. 56(5)
- s. 38(3) repealed by 2003 c. 39 Sch. 8 para. 368(3) Sch. 10
- s. 38(4)-(5) inserted by 2008 c. 26 s. 56(6)
- s. 46(3)(4) repealed by S.I. 2006/312 (N.I.) Sch. 1 para. 21(a) Sch. 2
- s. 46(3)(4) repealed by 2005 c. 13 Sch. 1 para. 27(a) Sch. 2
- s. 46(4A) inserted by S.I. 2006/312 (N.I.) art. 8(1)
- s. 46(4A) inserted by 2005 c. 13 s. 6(1)
- s. 46(6) amendment to earlier affecting provision 2005 c. 13 s. 6(2) by S.I. 2008/1746 reg. 3(2)
- s. 46(6) text amended by S.I. 2006/312 (N.I.) art. 8(2)
- s. 46(6) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 21(b)
- s. 46(6) text amended by S.I. 2006/312 (N.I.) Sch. 2
- s. 46(6) text amended by 2005 c. 13 s. 6(2)
- s. 46(6) text amended by 2005 c. 13 Sch. 1 para. 27(b)
- s. 46(6) text amended by 2005 c. 13 Sch. 2
- s. 46(8)-(10) repealed by S.I. 2006/312 (N.I.) Sch. 2
- s. 46(8)-(10) repealed by 2005 c. 13 Sch. 2
- s. 47(1)(1A) substituted for s. 47(1) by S.I. 2006/312 (N.I.) art. 8(3)
- s. 47(1)-(1A) substituted for s. 47(1) by 2005 c. 13 s. 6(3)
- s. 48(1)(3) repealed by 2005 c. 13 Sch. 2
- s. 48(1) text amended by S.I. 2006/312 (N.I.) Sch. 2
- s. 49 heading text amended by S.I. 2006/312 (N.I.) art. 10(2)
- s. 49 heading text amended by 2005 c. 13 s. 8(2)
- s. 49(1)(c) text amended by S.I. 2006/312 (N.I.) Sch. 2
- s. 49(1)(c) text amended by 2005 c. 13 Sch. 2
- s. 49(1)(e) and word inserted by S.I. 2006/312 (N.I.) art. 9(2)(a)
- s. 49(1)(e) and word inserted by 2005 c. 13 s. 7(2)(a)
- s. 49(4) text amended by S.I. 2006/312 (N.I.) art. 9(2)(b)
- s. 49(4) text amended by 2005 c. 13 s. 7(2)(b)
- s. 49(5) inserted by S.I. 2006/312 (N.I.) art. 10(2)
- s. 49(5) inserted by 2005 c. 13 s. 8(2)
- s. 53A repealed by 2006 c. 3 Sch. 3 para. 52 Sch. 4
- s. 53A(1) text amended by S.I. 2003/1673 reg. 20(a)(i)
- s. 53A(1) text amended by S.I. 2003/1673 reg. 20(a)(ii)
- s. 53A(1)(d) text amended by 2005 c. 13 Sch. 1 para. 28(1) para. 28(2)(b)
- s. 53A(1)(ba)(bb) inserted by 2005 c. 13 Sch. 1 para. 28(1) para. 28(2)(a)
- s. 53A(1C) inserted by 2005 c. 13 Sch. 1 para. 28(1)(3)
- s. 53A(1D)-(1E) inserted by 2005 c. 13 s. 16(2)
- s. 53A(1F) inserted by 2006 c. 3 s. 43(2)(a)
- s. 53A(4A) inserted by 2005 c. 13 Sch. 1 para. 28(1)(4)
- s. 53A(4A) text amended by S.I. 2007/1388 Sch. 1 para. 60(2)
- s. 53A(4B) inserted by 2006 c. 3 s. 43(2)(b)
- s. 53A(6A) inserted by 2005 c. 13 Sch. 1 para. 28(1)(5)
- s. 53A(6A) text amended by S.I. 2007/1388 Sch. 1 para. 60(3)
- s. 53A(6B) inserted by 2006 c. 3 s. 43(2)(c)
- s. 53A(8A) text amended by 2005 c. 13 Sch. 1 para. 28(1)(6)
- s. 53A(8B) inserted by 2006 c. 3 s. 43(2)(d)
- s. 53A(9) text amended by 2005 c. 13 Sch. 1 para. 28(1)(7)
- s. 53A(9) text amended by S.I. 2003/1673 reg. 20(b)
- s. 54A(1)-(1B) substituted for s. 54(1) by S.I. 2005/1117 (N.I.) art. 41(2)
- s. 54A(1) text amended by S.R. 2004/55 reg. 20(a)
- s. 54A(1)(ba)(bb) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 22(2)
- s. 54A(1C) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 22(3)
- s. 54A(1D)(1E) inserted by S.I. 2006/312 (N.I.) art. 16(2)
- s. 54A(8) text amended by S.I. 2005/1117 (N.I.) art. 41(3)



- s. 54A(8) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 22(4)
- s. 54A(9) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 22(5)
- s. 54A(9) text amended by S.R. 2004/55 reg. 20(b)
- s. 54A(10)–(12) added by S.I. 2005/1117 (N.I.) art. 41(4)
- s. 55 modified by S.I. 2003/1964 art. 3 Sch.
- s. 55 modified by S.I. 2006/1073 art. 3 Sch.
- s. 55(1) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 23(2)
- s. 55(1) text amended by 2005 c. 13 Sch. 1 para. 29(1)(2)
- s. 55(2) text amended by S.I. 2005/1117 (N.I.) art. 48(7)
- s. 55(2)(a)(iii) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 23(3)
- s. 55(2)(a)(iii) text amended by 2005 c. 13 Sch. 1 para. 29(1)(3)
- s. 55(3A) inserted by S.I. 2005/1117 (N.I.) art. 48(8)
- s. 55(5)(6) added by S.R. 2004/55 reg. 21
- s. 55(5)(6) inserted by S.I. 2003/1673 reg. 21
- s. 55(5) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 23(4)
- s. 55(5) text amended by 2005 c. 13 Sch. 1 para. 29(1)(4)
- s. 55(5) text amended by S.I. 2003/2770 reg. 4(3)
- s. 55(6) repealed by S.I. 2006/312 (N.I.) Sch. 1 para. 23(5) Sch. 2
- s. 55(6) repealed by 2005 c. 13 Sch. 1 para. 29(1)(5) Sch. 2
- s. 56 substituted by S.I. 2006/312 (N.I.) art. 17
- s. 56 substituted by 2005 c. 13 s. 17
- s. 56 text amended by S.R. 2004/55 reg. 22(a)
- s. 56 text amended by S.I. 2003/1673 reg. 22(a)
- s. 56(1)(a) text amended by S.R. 2004/55 reg. 22(b)
- s. 56(1)(a) text amended by S.I. 2003/1673 reg. 22(b)
- s. 56(3)(b)(i) text amended by S.R. 2004/55 reg. 22(c)
- s. 56(3)(b)(i) text amended by S.I. 2003/1673 reg. 22(c)
- s. 57 modified by S.I. 2003/1964 art. 3 Sch.
- s. 57 modified by S.I. 2006/1073 art. 3 Sch.
- s. 58 modified by S.I. 2003/1964 art. 3 Sch.
- s. 58 modified by S.I. 2006/1073 art. 3 Sch.
- s. 59(1)(b)(c) substituted by 2005 c. 13 Sch. 1 para. 30
- s. 59(1)(b)(ii) text amended by S.I. 2007/1388 Sch. 1 para. 61(2)
- s. 59(1)(b)(iii) text amended by S.I. 2007/1388 Sch. 1 para. 61(3)
- s. 59(1)(b)(iv) inserted by S.I. 2007/1388 Sch. 1 para. 61(3)
- s. 59(1)(c)(ii) text amended by S.I. 2007/1388 Sch. 1 para. 61(4)
- s. 59(1)(c)(iii) text amended by S.I. 2007/1388 Sch. 1 para. 61(5)
- s. 59(1)(c)(iv) and word inserted by S.I. 2007/1388 Sch. 1 para. 61(6)
- s. 59(2A) inserted by S.R. 2004/55 reg. 23(a)
- s. 59(2A) inserted by S.I. 2003/1673 reg. 23(a)
- s. 59(3) text amended by S.R. 2004/55 reg. 23(b)
- s. 59(3) text amended by S.I. 2003/1673 reg. 23(b)
- s. 64 amended by 2003 c. 20 Sch. 5 para. 4
- s. 64(A1) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 24(2)
- s. 64(A1) inserted by 2005 c. 13 Sch. 1 para. 31(1)(2)
- s. 64(1) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 24(3)
- s. 64(1) text amended by 2005 c. 13 Sch. 1 para. 31(1)(3)
- s. 64(2) text amended by S.R. 2004/55 reg. 24(a)
- s. 64(2) text amended by S.I. 2003/1673 reg. 24(a)
- s. 64(2A) inserted by S.R. 2004/55 reg. 24(b)
- s. 64(2A) inserted by S.I. 2003/1673 reg. 24(b)
- s. 64(2A) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 24(4)
- s. 64(2A) text amended by 2005 c. 13 Sch. 1 para. 31(1)(4)
- s. 64(3) text amended by S.I. 2005/2712 Sch. 2 para. 3
- s. 64(5)(6) omitted by S.R. 2004/55 reg. 24(c)
- s. 64(5)(6) omitted by S.I. 2003/1673 reg. 24(c)
- s. 64(7) text amended by S.R. 2004/55 reg. 24(d)
- s. 64(7) text amended by S.I. 2003/1673 reg. 24(d)

- s. 64(8) text amended by S.R. 2004/55 reg. 24(e)
- s. 64(8) text amended by S.I. 2003/1673 reg. 24(e)
- s. 65(5) text amended by 2005 c. 13 Sch. 1 para. 32
- s. 66 omitted by S.I. 2003/1673 reg. 26
- s. 66 repealed by S.R. 2004/55 reg. 26
- s. 67(1) text amended by 2005 c. 13 Sch. 1 para. 33(1)(2)
- s. 67(1) text amended by S.I. 2007/1388 Sch. 1 para. 62(2)
- s. 67(3)(a) text amended by 2005 c. 13 Sch. 1 para. 33(1)(3)
- s. 67(3A)(3B) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 25(2)
- s. 67(3A)-(3C) inserted by 2005 c. 13 Sch. 1 para. 33(1)(4)
- s. 67(4)-(4B) substituted for s. 67(4) by S.I. 2006/312 (N.I.) Sch. 1 para. 25(3)
- s. 67(4)-(5A) substituted for s. 67(4)(5) by 2005 c. 13 Sch. 1 para. 33(1)(5)
- s. 67(4)(f) text amended by S.I. 2007/1388 Sch. 1 para. 62(3)
- s. 67(5)(b) text amended by 2006 c. 3 Sch. 3 para. 53 Sch. 4
- s. 67(5B) inserted by 2009 nawm 5 s. 16
- s. 68(1) modified by S.I. 2009/1059 Sch. 1 para. 36(1)
- s. 68(1) text amended by S.I. 2005/1117 (N.I.) art. 48(11)
- s. 68(1) text amended by S.I. 2006/312 (N.I.) art. 9(3)
- s. 68(1) text amended by S.I. 2006/312 (N.I.) art. 12(3)
- s. 68(1) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 26(2)
- s. 68(1) text amended by S.R. 2004/55 reg. 27(a)
- s. 68(1) text amended by 2005 c. 13 s. 7(3)
- s. 68(1) text amended by 2005 c. 13 s. 11(3)
- s. 68(1) text amended by 2005 c. 13 Sch. 1 para. 34(1)(2)
- s. 68(1) text amended by 2005 c. 13 Sch. 1 para. 34(1)(3) Sch. 2
- s. 68(1) text amended by 2005 c. 13 Sch. 1 para. 34(1)(4) Sch. 2
- s. 68(1) text amended by 2005 c. 13 Sch. 1 para. 34(1)(5)
- s. 68(1) text amended by 2005 c. 13 Sch. 1 para. 34(1)(6)
- s. 68(1) text amended by 2006 c. 3 Sch. 3 para. 54 Sch. 4
- s. 68(1) text amended by 2008 c. 26 s. 56(8)
- s. 68(1) text amended by S.I. 2003/1673 reg. 27(a)(i)
- s. 68(1) text amended by S.I. 2003/1673 reg. 27(a)(ii)
- s. 68(1) text amended by S.I. 2003/1673 reg. 27(a)(iii)
- s. 68(1) text amended by S.I. 2003/1673 reg. 27(a)(iv)
- s. 68(1) text amended by S.I. 2008/2828 art. 4
- s. 68(1A)-(1C) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 26(3)
- s. 68(1A)-(1C) inserted by 2005 c. 13 Sch. 1 para. 34(1)(7)
- s. 68(1C) modified by S.I. 2009/1059 Sch. 1 para. 36(2)
- s. 68(2)-(2D) substituted for s. 68(2)(3) by S.R. 2004/55 reg. 27(b)
- s. 68(2)-(2D) substituted for s. 68(2)(3) by S.I. 2003/1673 reg. 27(b)
- s. 68(4A) inserted by S.I. 2003/1673 reg. 27(c)
- s. 68(5) omitted by S.R. 2004/55 reg. 27(c)
- s. 68(5) omitted by S.I. 2003/1673 reg. 27(d)
- s. 70(2A) inserted by 2008 c. 26 s. 56(9)
- s. 70(5A)(5B) inserted by S.I. 2003/1673 reg. 28(a)
- s. 70(5A) text amended by 2005 c. 13 Sch. 1 para. 35
- s. 70(5A) text amended by 2006 c. 3 Sch. 3 para. 55
- s. 70(6) text amended by S.I. 2003/1673 reg. 28(b)
- Sch. 1 applied by S.I. 2005/1117 (N.I.) art. 2(3)
- Sch. 1 para. 4(1)(i)(j) inserted by 2011 c. 27 (N.I.) s. 1(2)
- Sch. 1 para. 6A inserted by S.I. 2006/312 (N.I.) art. 18(3)
- Sch. 1 para. 7(5A) inserted by S.I. 2006/312 (N.I.) art. 18(4)
- Sch. 1 para. 9 inserted by S.I. 2006/312 (N.I.) art. 18(5)
- Sch. 1 para. 6A inserted by 2005 c. 13 s. 18(3)
- Sch. 1 para. 7(5A) inserted by 2005 c. 13 s. 18(4)
- Sch. 1 para. 9 inserted by 2005 c. 13 s. 18(5)
- Sch. 1 para. 1(1) repealed by S.I. 2006/312 (N.I.) art. 18(2) Sch. 2
- Sch. 1 para. 1(1) repealed by 2005 c. 13 s. 18(2) Sch. 2

- Sch. 1 para. 8(1)(a) text amended by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 27
- Sch. 1 para. 8(1)(a) text amended by [2005 c. 13](#) Sch. 1 para. 36
- Sch. 2 para. 6-13 inserted by [S.I. 2005/1117 \(N.I.\)](#) art. 48(10)
- Sch. 2 para. 4A 4B inserted by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 28(5)
- Sch. 2 para. 2A inserted by [S.R. 2004/55](#) reg. 28(1)(a)
- Sch. 2 para. 4ZA 4ZB inserted by [2005 c. 13](#) Sch. 1 para. 37(6)
- Sch. 2 para. 2C inserted by [S.I. 2003/1673](#) reg. 29(1)(a)
- Sch. 2 para. 6-13 inserted by [SI 2005/1117 \(N.I.\)](#) 6 art. 48(10) (as substituted) by [S.R. 2006/332](#) reg. 14
- Sch. 2 para. 3 substituted by [S.R. 2004/55](#) reg. 28(1)(b)
- Sch. 2 para. 4 substituted by [S.R. 2004/55](#) reg. 28(1)(c)
- Sch. 2 para. 3 substituted by [S.I. 2003/1673](#) reg. 29(1)(b)
- Sch. 2 para. 4 substituted by [S.I. 2003/1673](#) reg. 29(1)(c)
- Sch. 2 para. 4C substituted by [S.I. 2006/1721](#) reg. 18(2)
- Sch. 2 para. 2 text amended by [S.I. 2005/1117 \(N.I.\)](#) art. 48(9)
- Sch. 2 para. 2 text amended by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 28(2)
- Sch. 2 para. 3 text amended by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 28(3)
- Sch. 2 para. 4 text amended by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 28(4)
- Sch. 2 para. 2 text amended by [2005 c. 13](#) Sch. 1 para. 37(2)
- Sch. 2 para. 2C text amended by [2005 c. 13](#) Sch. 1 para. 37(3)
- Sch. 2 para. 3 text amended by [2005 c. 13](#) Sch. 1 para. 37(4)
- Sch. 2 para. 4 text amended by [2005 c. 13](#) Sch. 1 para. 37(5)
- Sch. 2 para. 3 text amended by [S.I. 2003/2770](#) reg. 4(4)(a)
- Sch. 2 para. 4 text amended by [S.I. 2003/2770](#) reg. 4(4)(b)
- Sch. 2 para. 4D text amended by [S.I. 2006/1721](#) reg. 18(3)
- Sch. 2 para. 4E text amended by [S.I. 2006/1721](#) reg. 18(4)
- Sch. 3 para. 2(3) inserted by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 29(2)
- Sch. 3 para. 6A 6B inserted by [S.I. 2006/312 \(N.I.\)](#) Sch. 1 para. 29(3)
- Sch. 3 para. 2(3) inserted by [2005 c. 13](#) Sch. 1 para. 38(2)
- Sch. 3 para. 9(3) inserted by [2005 c. 13](#) Sch. 1 para. 38(8)
- Sch. 3 para. 4(1A)(1B) inserted by [2005 c. 13](#) Sch. 1 para. 38(3)
- Sch. 3 para. 6A 6B inserted by [2005 c. 13](#) Sch. 1 para. 38(5)
- Sch. 3 para. 8(3)-(5) inserted by [2005 c. 13](#) Sch. 1 para. 38(6)
- Sch. 3 para. 11(1A)(1B) inserted by [2005 c. 13](#) Sch. 1 para. 38(10)
- Sch. 3 para. 15(1A)(1B) inserted by [2005 c. 13](#) Sch. 1 para. 38(12)
- Sch. 3 para. 17(2) modified by [S.I. 2007/2405](#) reg. 14
- Sch. 3 para. 2(1) substituted by [S.R. 2004/55](#) reg. 28(2)(b)
- Sch. 3 para. 6(2) substituted by [2006 c. 3](#) Sch. 3 para. 56(1)
- Sch. 3 para. 2(1) substituted by [S.I. 2003/1673](#) reg. 29(2)(b)
- Sch. 3 para. 13(2)(2A) substituted for Sch. 3 para. 13(2) by [2004 c. 8](#) s. 19(3)
- Sch. 3 para. 9(1) text amended by [2009 nawm 5](#) Sch. para. 9(a)
- Sch. 3 para. 10(1) text amended by [2009 nawm 5](#) Sch. para. 9(b)
- Sch. 3 para. 10(2) text amended by [2009 nawm 5](#) Sch. para. 9(c)
- Sch. 3 para. 10(3) text amended by [2009 nawm 5](#) Sch. para. 9(d)
- Sch. 3 para. 11(1B) text amended by [2009 nawm 5](#) Sch. para. 9(e)
- Sch. 3 para. 2(2) text amended by [S.R. 2004/55](#) reg. 28(2)(c)
- Sch. 3 para. 3(1) text amended by [S.R. 2004/55](#) reg. 28(2)(d)
- Sch. 3 para. 3(3)(a) text amended by [S.R. 2004/55](#) reg. 28(2)(e)
- Sch. 3 para. 4(1) text amended by [S.R. 2004/55](#) reg. 28(2)(f)
- Sch. 3 shoulder note text amended by [S.R. 2004/55](#) reg. 28(2)(a)
- Sch. 3 para. 4(2) text amended by [2005 c. 13](#) Sch. 1 para. 38(4)
- Sch. 3 para. 9(1) text amended by [2005 c. 13](#) Sch. 1 para. 38(7)
- Sch. 3 para. 11(1) text amended by [2005 c. 13](#) Sch. 1 para. 38(9)
- Sch. 3 para. 11(2) text amended by [2005 c. 13](#) Sch. 1 para. 38(11)
- Sch. 3 para. 15(2) text amended by [2005 c. 13](#) Sch. 1 para. 38(13)
- Sch. 3 para. 10(2) text amended by [2006 c. 3](#) Sch. 3 para. 56(2)
- Sch. 3 para. 13(2) text amended by [2006 c. 3](#) Sch. 3 para. 56(2)
- Sch. 3 para. 3(1) text amended by [S.I. 2003/1673](#) reg. 29(2)(c)

- Sch. 3 para. 3(3)(a) text amended by [S.I. 2003/1673 reg. 29\(2\)\(d\)](#)
- Sch. 3 para. 4(1) text amended by [S.I. 2003/1673 reg. 29\(2\)\(e\)](#)
- Sch. 3 sidenote text amended by [S.I. 2003/1673 reg. 29\(2\)\(a\)](#)
- Sch. 3 para. 2(2) text amended by [S.I. 2003/2770 reg. 4\(5\)](#)
- Sch. 3 para. 12(1) text amended by [S.I. 2006/1721 reg. 19\(1\)\(2\)](#)
- Sch. 3 para. 13(4)(a) text amended by [S.I. 2006/1721 reg. 19\(3\)](#)
- Sch. 3 para. 4(1B) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(2\)\(a\)](#)
- Sch. 3 para. 4(1B)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(2\)\(b\)](#)
- Sch. 3 para. 8(4) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(3\)\(a\)](#)
- Sch. 3 para. 8(4)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(3\)\(b\)](#)
- Sch. 3 para. 11(1B) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(4\)\(a\)](#)
- Sch. 3 para. 11(1B)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(4\)\(b\)](#)
- Sch. 3 para. 15(1B) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(5\)\(a\)](#)
- Sch. 3 para. 15(1B)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 63\(5\)\(b\)](#)
- Sch. 3 sidenote text amended by [S.I. 2007/2405 reg. 4\(2\)](#)
- Sch. 3 para. 10(1) text amended by [S.I. 2008/2833 Sch. 3 para. 121](#)
- Sch. 3 para. 10(3)(4) text amended by [S.I. 2008/2833 Sch. 3 para. 121](#)
- Sch. 4 para. 7A inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(6\)](#)
- Sch. 4 para. 7A inserted by [2005 c. 13 Sch. 1 para. 40\(6\)](#)
- Sch. 4 Pt. 2 modified by [S.R. 2003/109 reg. 9](#)
- Sch. 4 Pt. 1 modified by [S.R. 2004/374 reg. 9](#)
- Sch. 4 Pt. 1 modified by [S.I. 2004/153 reg. 4-9](#)
- Sch. 4 Pt. 3 modified by [S.I. 2005/1070 reg. 7](#)
- Sch. 4 modified by [S.I. 2007/2405 reg. 13\(3\)](#)
- Sch. 4 para. 2 heading text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(2\)\(a\)](#)
- Sch. 4 para. 2(1) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(2\)\(b\)](#)
- Sch. 4 para. 5 text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(4\)](#)
- Sch. 4 para. 7(1) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(5\)](#)
- Sch. 4 Pt. 2 heading text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 31\(3\)](#)
- Sch. 4 para. 1 text amended by [S.R. 2004/55 reg. 28\(3\)\(c\)](#)
- Sch. 4 para. 2 cross-heading text amended by [S.R. 2004/55 reg. 28\(3\)\(d\)](#)
- Sch. 4 para. 2(1) text amended by [S.R. 2004/55 reg. 28\(3\)\(e\)](#)
- Sch. 4 para. 2(8) text amended by [S.R. 2004/55 reg. 28\(3\)\(f\)](#)
- Sch. 4 para. 2(9) text amended by [S.R. 2004/55 reg. 28\(3\)\(f\)](#)
- Sch. 4 para. 3 text amended by [S.R. 2004/55 reg. 28\(3\)\(g\)](#)
- Sch. 4 para. 4 text amended by [S.R. 2004/55 reg. 28\(3\)\(g\)](#)
- Sch. 4 Pt. 1 heading text amended by [S.R. 2004/55 reg. 28\(3\)\(b\)](#)
- Sch. 4 shoulder note text amended by [S.R. 2004/55 reg. 28\(3\)\(a\)](#)
- Sch. 4 para. 2 heading text amended by [2005 c. 13 Sch. 1 para. 40\(2\)\(a\)](#)
- Sch. 4 para. 2(1) text amended by [2005 c. 13 Sch. 1 para. 40\(2\)\(b\)](#)
- Sch. 4 para. 5 text amended by [2005 c. 13 Sch. 1 para. 40\(4\)](#)
- Sch. 4 para. 7(1) text amended by [2005 c. 13 Sch. 1 para. 40\(5\)](#)
- Sch. 4 Pt 2 heading text amended by [2005 c. 13 Sch. 1 para. 40\(3\)](#)
- Sch. 4 para. 1 text amended by [S.I. 2003/1673 reg. 29\(3\)\(c\)](#)
- Sch. 4 para. 2 heading text amended by [S.I. 2003/1673 reg. 29\(3\)\(d\)](#)
- Sch. 4 para. 2(1) text amended by [S.I. 2003/1673 reg. 29\(3\)\(e\)\(i\)](#)
- Sch. 4 para. 2(1) text amended by [S.I. 2003/1673 reg. 29\(3\)\(e\)\(ii\)](#)
- Sch. 4 para. 2(8)(9) text amended by [S.I. 2003/1673 reg. 29\(3\)\(f\)](#)
- Sch. 4 para. 3 4 text amended by [S.I. 2003/1673 reg. 29\(3\)\(g\)](#)
- Sch. 4 Pt. 1 heading text amended by [S.I. 2003/1673 reg. 29\(3\)\(b\)](#)
- Sch. 4 sidenote text amended by [S.I. 2003/1673 reg. 29\(3\)\(a\)](#)
- Sch. 4 para. 10 text amended by [S.I. 2006/1721 reg. 20](#)
- Sch. 4 sidenote text amended by [S.I. 2007/2405 reg. 6\(2\)](#)
- Sch. 4A text amended by [S.I. 2010/1158 Sch. 2 para. 40\(9\)](#)
- Sch. 4C substituted by [S.I. 2006/1721 reg. 21](#)
- Sch. 4C para. 1 text amended by [2006 c. 40 Sch. 1 para. 1\(1\)](#)
- Sch. 4C para. 6 text amended by [S.I. 2007/1849 reg. 2](#)
- Sch. 4C para. 1 text amended by [S.I. 2010/1158 Sch. 2 para. 40\(11\)](#)



- Sch. 4C para. 6 text amended by S.I. 2010/1158 Sch. 2 para. 40(12)
- Sch. 4C Pt. 1 title text amended by S.I. 2010/1158 Sch. 2 para. 40(10)
- Sch. 6 para. 4 repealed by 2006 c. 46 Sch. 16
- Sch. 8 para. 3 omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 4(1) omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 5 omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 6(1) omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 7 omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 8 omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 44(3) omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 44(4)(c)(d) omitted by S.R. 2004/55 reg. 28(4)
- Sch. 8 para. 16(2) repealed by 2008 c. 4 (N.I.) Sch. 3
- Sch. 8 para. 21A(2) repealed by 2008 c. 4 (N.I.) Sch. 3
- Sch. 8 para. 2(1) repealed by S.I. 2006/312 (N.I.) Sch. 1 para. 32 Sch. 2
- Sch. 8 para. 30(2) repealed by S.I. 2006/312 (N.I.) Sch. 2
- Sch. 8 para. 9(2)(3) text amended by S.I. 2005/1117 (N.I.) Sch. 6
- Sch. 8 text amended by S.I. 2009/1941 Sch. 2

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act amendment to earlier affecting provision 2009 nawm 5 by S.I. 2010/1148 art. 5(2)
- Act applied (with modifications) by S.S.I. 2008/356 reg. 33(1)
- Act power to amend conferred by S.I. 2005/1117 (N.I.) art. 38(6)
- Act repealed by 2010 c. 15 Sch. 27 Pt. 1 (Sch. 27 Pt. 1 was substituted by SI 2010/2279, art. 13, Sch. 2)
- Act savings for effects of 2010 c. 15 Sch. 27 by S.I. 2010/2279 art. 16(5)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 5A inserted by S.I. 2006/312 (N.I.) art. 5
- Pt. 5A inserted by 2005 c. 13 s. 3
- Pt. 5B inserted by S.I. 2006/312 (N.I.) art. 16(1)
- Pt. 5B inserted by 2005 c. 13 s. 16(1)
- s. 3A 3B inserted by S.R. 2004/55 reg. 4(2)
- s. 3A 3B and heading(s) inserted by S.I. 2003/1673 reg. 4(2)
- s. 4C(2) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 5
- s. 4C(2) text amended by 2005 c. 13 Sch. 1 para. 5
- s. 4C(3)(b) text amended by S.I. 2007/1388 Sch. 1 para. 49(2)
- s. 4C(5)(ga) inserted by S.I. 2007/1388 Sch. 1 para. 49(3)
- s. 4G-4K and heading(s) inserted by S.I. 2003/2770 reg. 3
- s. 6A-6C inserted by S.R. 2004/55 reg. 6
- s. 6A-6C and heading(s) inserted by S.I. 2003/1673 reg. 6
- s. 7A 7B inserted by S.R. 2004/55 reg. 8
- s. 7A-7D inserted by S.I. 2003/1673 reg. 8
- s. 14A(5) text amended by S.I. 2010/1158 Sch. 2 para. 40(2)
- s. 14C(3) substituted by S.I. 2006/312 (N.I.) Sch. 1 para. 6
- s. 14C(3) substituted by 2005 c. 13 Sch. 1 para. 6
- s. 14C(3)(a) text amended by S.I. 2005/1117 (N.I.) art. 48(5)
- s. 15A-15C inserted by S.I. 2006/312 (N.I.) art. 3
- s. 15A-15C inserted by 2005 c. 13 s. 1
- s. 16A-16C inserted by S.R. 2004/55 reg. 15
- s. 16A-16C and heading(s) inserted by S.I. 2003/1673 reg. 15(1)
- s. 16A(2)(a) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 7(a)
- s. 16A(2)(a) text amended by 2005 c. 13 Sch. 1 para. 7(a)
- s. 16A(2)(b) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 7(b) Sch. 2
- s. 16A(2)(b) text amended by 2005 c. 13 Sch. 1 para. 7(b) Sch. 2

- s. 16B(1) substituted by S.I. 2006/312 (N.I.) art. 11(1)
- s. 16B(1) substituted by 2005 c. 13 s. 10(1)(2)
- s. 16B(2A)(2B) inserted by S.I. 2006/312 (N.I.) art. 11(2)
- s. 16B(2A)-(2B) inserted by 2005 c. 13 s. 10(1)(3)
- s. 16B(2C) inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 8(2)
- s. 16B(2C) inserted by 2005 c. 13 Sch. 1 para. 8(1)(2)
- s. 16B(3) text amended by S.I. 2006/312 (N.I.) art. 11(3)
- s. 16B(3) text amended by 2005 c. 13 s. 10(1)(4)
- s. 16B(3)(i) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 8(3) Sch. 2
- s. 16B(3)(i) text amended by 2005 c. 13 Sch. 1 para. 8(1)(3) Sch. 2
- s. 16B(5) added by 2006 c. 3 Sch. 3 para. 42
- s. 16C(4) added by 2006 c. 3 Sch. 3 para. 43
- s. 17A s. 8 renumbered as s. 17A by S.I. 2003/1673 reg. 9(1)
- s. 17A s. 8 renumbered as s. 17A and moved to precede s. 18 by S.R. 2004/55 reg. 9(1)
- s. 17A(1)(a) text amended by S.R. 2004/55 reg. 9(2)(a)
- s. 17A(1)(a) text amended by S.I. 2003/1673 reg. 9(2)(a)
- s. 17A(1)(b) text amended by S.R. 2004/55 reg. 9(2)(b)
- s. 17A(1)(b) text amended by S.I. 2003/1673 reg. 9(2)(b)
- s. 17A(1A)(1B) inserted by S.R. 2004/55 reg. 9(2)(c)
- s. 17A(1A)-(1C) inserted by S.I. 2003/1673 reg. 9(2)(c)
- s. 17A(1B) repealed by 2005 c. 13 Sch. 1 para. 9 Sch. 2
- s. 17A(3) substituted by S.R. 2004/55 reg. 9(2)(d)
- s. 17A(7) substituted by S.R. 2004/55 reg. 9(2)(e)
- s. 17B 17C inserted by S.R. 2004/55 reg. 16(1)
- s. 17B 17C inserted by S.I. 2003/1673 reg. 16(1)
- s. 17B repealed by 2006 c. 3 Sch. 3 para. 44 Sch. 4
- s. 17B heading text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 9(2)
- s. 17B heading text amended by 2005 c. 13 Sch. 1 para. 10(1)(2)
- s. 17B(1) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 9(2)
- s. 17B(1) text amended by 2005 c. 13 Sch. 1 para. 10(1)(2)
- s. 17B(3) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 9(2)
- s. 17B(3) text amended by 2005 c. 13 Sch. 1 para. 10(1)(2)
- s. 17B(4)(a) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 9(2)
- s. 17B(4)(a) text amended by 2005 c. 13 Sch. 1 para. 10(1)(2)
- s. 17B(4)(c) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 9(3)
- s. 17B(4)(c) text amended by 2005 c. 13 Sch. 1 para. 10(1)(3)
- s. 18A modified by S.R. 2004/374 reg. 9
- s. 18A modified by S.I. 2004/153 reg. 4-9
- s. 18A s. 16 renumbered as s. 18A by S.I. 2003/1673 reg. 14(2)
- s. 18A s. 16 renumbered as s. 18A and moved to follow s. 18 by S.R. 2004/55 reg. 14(2)
- s. 18A(1)(a) text amended by S.R. 2004/55 reg. 14(3)(a)
- s. 18A(1)(a) text amended by S.I. 2003/1673 reg. 14(3)(a)
- s. 18A(1)(c) text amended by S.R. 2004/55 reg. 14(3)(b)
- s. 18A(1)(c) text amended by S.I. 2003/1673 reg. 14(3)(b)
- s. 18B 18C inserted by S.R. 2004/55 reg. 17(2)
- s. 18B inserted by S.I. 2003/1673 reg. 17(2)
- s. 18C s. 10 renumbered as s. 18C by S.I. 2003/1673 reg. 11
- s. 18D inserted by S.R. 2004/55 reg. 18
- s. 18D inserted by S.I. 2003/1673 reg. 18
- s. 18D(2) text amended by S.I. 2006/312 (N.I.) Sch. 1 para. 10
- s. 18D(2) text amended by 2005 c. 13 Sch. 1 para. 11(a)
- s. 18D(2) text amended by 2005 c. 13 Sch. 1 para. 11(b)
- s. 18D(2) text amended by S.I. 2003/2770 reg. 4(2)
- s. 18E inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 11
- s. 18E inserted by 2005 c. 13 Sch. 1 para. 12
- s. 21A inserted by S.R. 2004/55 reg. 19(1)

- s. 21A inserted by [S.I. 2003/1673 reg. 19\(1\)](#)
- s. 21A(1) text amended by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 13\(2\)](#)
- s. 21A(1) text amended by [2005 c. 13 Sch. 1 para. 15\(2\)](#)
- s. 21A(4)(c) substituted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 13\(3\)](#)
- s. 21A(4)(c) substituted by [2005 c. 13 Sch. 1 para. 15\(3\)](#)
- s. 21B-21E inserted by [S.I. 2006/312 \(N.I.\) art. 4](#)
- s. 21B-21E inserted by [2005 c. 13 s. 2](#)
- s. 21C(2)(a) text amended by [S.I. 2007/1388 Sch. 1 para. 50\(a\)](#)
- s. 21C(2)(b) text amended by [S.I. 2007/1388 Sch. 1 para. 50\(b\)\(i\)](#)
- s. 21C(2)(b)(iii) text amended by [S.I. 2007/1388 Sch. 1 para. 50\(b\)\(ii\)](#)
- s. 21D(4)(b) excluded by [S.R. 2007/473 reg. 3](#)
- s. 21D(4)(b) excluded by [S.I. 2005/2901 reg. 3](#)
- s. 21F-21H inserted by [S.I. 2006/312 \(N.I.\) art. 13](#)
- s. 21F-21J inserted by [2005 c. 13 s. 12](#)
- s. 21G(3)(b) excluded by [S.I. 2005/3258 reg. 3](#)
- s. 21J inserted by [S.I. 2006/312 \(N.I.\) art. 13](#)
- s. 21ZA inserted by [S.I. 2006/312 \(N.I.\) art. 7](#)
- s. 21ZA inserted by [2005 c. 13 s. 5](#)
- s. 21ZA(1) excluded by [S.R. 2009/428 reg. 3\(1\)](#)
- s. 21ZA(1) excluded by [S.I. 2005/3190 reg. 3](#)
- s. 21ZA(2) excluded by [S.R. 2009/428 reg. 6](#)
- s. 21ZA(2) excluded by [S.I. 2005/3190 reg. 6](#)
- s. 21ZA(2)(b) excluded by [S.R. 2009/428 reg. 4\(1\)](#)
- s. 21ZA(2)(b) excluded by [S.R. 2009/428 reg. 5](#)
- s. 21ZA(2)(b) restricted by [S.I. 2005/3190 reg. 4](#)
- s. 21ZA(2)(b) restricted by [S.I. 2005/3190 reg. 5](#)
- s. 22A inserted by [2005 c. 13 Sch. 1 para. 17](#)
- s. 24A-24H inserted by [S.I. 2006/312 \(N.I.\) art. 14](#)
- s. 24A-24L inserted by [2005 c. 13 s. 13](#)
- s. 24B power to amend or repeal conferred by [S.I. 2006/312 \(N.I.\) art. 15\(1\)](#)
- s. 24H power to amend or repeal conferred by [S.I. 2006/312 \(N.I.\) art. 15\(1\)](#)
- s. 24J-24L inserted by [S.I. 2006/312 \(N.I.\) art. 14](#)
- s. 24K(2)(b) excluded by [S.R. 2007/474 reg. 2](#)
- s. 24M inserted by [S.I. 2006/312 \(N.I.\) Sch. 1 para. 17](#)
- s. 24M inserted by [2005 c. 13 Sch. 1 para. 20](#)
- s. 28IA inserted by [2009 nawm 5 s. 9\(2\)](#)
- s. 28IB amendment to earlier affecting provision 2009 nawm 5 s. 10 by [S.I. 2010/1148 art. 5\(3\)](#)
- s. 28IB inserted by [2009 nawm 5 s. 10](#)
- s. 28IC inserted by [2009 nawm 5 s. 11](#)
- s. 28ID inserted by [2009 nawm 5 s. 12](#)
- s. 28IE inserted by [2009 nawm 5 s. 13](#)
- s. 28JA inserted by [S.I. 2008/2833 Sch. 3 para. 118](#)
- s. 28SA inserted by [S.I. 2006/1721 reg. 7](#)
- s. 28UA inserted by [S.I. 2006/1721 reg. 12](#)
- s. 28UA heading inserted by [S.I. 2006/1721 reg. 11](#)
- s. 28UB inserted by [S.I. 2006/1721 reg. 13](#)
- s. 28UC inserted by [S.I. 2006/1721 reg. 14](#)
- s. 31AA(6)(a)(ii) substituted by [S.I. 2010/1158 Sch. 2 para. 40\(8\)](#)
- s. 31AF(2) text amended by [S.I. 2007/1388 Sch. 1 para. 56](#)
- s. 31ADA inserted by [S.I. 2007/2405 reg. 3](#)
- s. 31ADB inserted by [S.I. 2007/2405 reg. 5 8-12](#)
- s. 31ADB modified by [S.I. 2007/2405 reg. 13\(2\)](#)
- s. 36A inserted by [2008 c. 26 s. 56\(2\)](#)
- s. 36A modified by [S.I. 2009/2863 reg. 4 Table](#)
- s. 47A-47C inserted by [S.I. 2006/312 \(N.I.\) art. 9\(1\)](#)
- s. 47A-47C inserted by [2005 c. 13 s. 7\(1\)](#)
- s. 47D-47H inserted by [S.I. 2006/312 \(N.I.\) art. 10\(1\)](#)

- s. 47D-O47M inserted by 2005 c. 13 s. 8(1)
- s. 47J-47M inserted by S.I. 2006/312 (N.I.) art. 10(1)
- s. 49A-49D savings for effects of SI 2010/2279 art. 16 by S.I. 2010/2317 art. 10(8)(c)
- s. 49A(1)(a) text amended by S.I. 2010/2279 art. 16(2)
- s. 49A(2) text amended by S.I. 2010/2279 art. 16(3)
- s. 49A(3) inserted by S.I. 2010/2279 art. 16(4)
- s. 49B(1)(b)(ii) text amended by S.I. 2007/1388 Sch. 1 para. 57(a)
- s. 49B(1)(b)(iv)(v) inserted by S.I. 2007/1388 Sch. 1 para. 57(b)
- s. 49C(2) text amended by S.I. 2007/1388 Sch. 1 para. 58
- s. 49C(4) text amended by 2006 c. 3 s. 88
- s. 49D(5) text amended by 2006 c. 3 Sch. 3 para. 48
- s. 49D(6) text amended by S.I. 2007/1388 Sch. 1 para. 59(2)
- s. 49D(7) text amended by S.I. 2007/1388 Sch. 1 para. 59(3)
- s. 49D(10)(a)(aa) substituted for s. 49D(10)(a) by S.I. 2007/1388 Sch. 1 para. 59(4)
- s. 49E repealed by 2006 c. 3 Sch. 3 para. 49 Sch. 4
- s. 49F repealed by 2006 c. 3 Sch. 3 para. 49 Sch. 4
- s. 49H repealed by 2006 c. 3 Sch. 3 para. 50 Sch. 4
- s. 49I inserted by 2006 c. 3 s. 43(1)
- s. 49I repealed by 2006 c. 3 Sch. 3 para. 51 Sch. 4
- s. 59A inserted by 2006 c. 3 s. 89
- s. 64A 64B inserted by S.R. 2004/55 reg. 25
- s. 64A inserted by S.I. 2003/1673 reg. 25
- s. 64A(3)(4) text amended by S.I. 2006/312 (N.I.) art. 6
- s. 64A(3)-(5) text amended by 2005 c. 13 s. 4(1)(2)
- s. 64A(4) text amended by 2005 c. 13 s. 4(1)(3)
- s. 64A(6)(a) text amended by 2005 c. 15 Sch. 4 para. 66
- s. 64A(7) text amended by 2005 c. 15 Sch. 4 para. 65(2)(a) Sch. 17
- s. 64A(7) text amended by 2005 c. 15 Sch. 4 para. 65(2)(b) Sch. 17
- s. 64A(7) text amended by 2005 c. 15 Sch. 4 para. 65(2)(c) Sch. 17
- s. 64B(3)(4) text amended by S.I. 2006/312 (N.I.) art. 6
- s. 64B(6) substituted by 2005 c. 15 Sch. 4 para. 67(2)
- s. 67A 67B inserted by S.I. 2006/312 (N.I.) art. 8(4)
- s. 67A inserted by 2005 c. 13 s. 6(4)
- s. 67B inserted by 2005 c. 13 s. 6(5)
- Sch. 3A para. 2(3)(d) and word inserted by S.I. 2006/312 (N.I.) Sch. 1 para. 30(2)
- Sch. 3A inserted by S.R. 2004/55 Sch.
- Sch. 3A para. 2(3)(d) and word inserted by 2005 c. 13 Sch. 1 para. 39(2)
- Sch. 3A inserted by S.I. 2003/1673 Sch.
- Sch. 3A para. 11 12 substituted for Sch. 3A para. 11 by S.I. 2006/312 (N.I.) Sch. 1 para. 30(3)
- Sch. 3A para. 11 12 substituted for Sch. 3A para. 11 by 2005 c. 13 Sch. 1 para. 39(3)
- Sch. 3A para. 2(3)(b) text amended by S.I. 2006/312 (N.I.) Sch. 2
- Sch. 3A para. 2(3)(b) text amended by 2005 c. 13 Sch. 2
- Sch. 3A Pt. 1 para. 2(5)(a) words substituted by 2007 c. 29 Sch. 21 para. 118
- specified purposes Appointed Day(s) by S.R. 2006/16 art. 2 (Day appointed for purposes of s. 54A)
- specified purposes Appointed Day(s) by S.R. 2006/17 art. 2 (Day appointed for purposes of s. 54A)
- specified purposes Appointed Day(s) by S.R. 2011/167 art. 2 (Day appointed for purposes of s. 54A(6)(a))
- specified purposes Appointed Day(s) by S.I. 2006/1094 art. 2 (Day appointed for purposes of s. 53A(4))
- specified purposes Appointed Day(s) by S.I. 2006/219 art. 2 (Day appointed for purposes of s. 53A(1C))
- specified purposes Appointed Day(s) by S.I. 2007/1496 art. 2 (Day appointed for purposes of s. 53A)

**Commencement Orders yet to be applied to the Disability Discrimination Act 1995:**

**Commencement Orders bringing provisions within this Act into force:**

- S.I. 2003/215 art. 2 commences (1995 c. 50)
- S.I. 2005/1122 art. 2 commences (1995 c. 50)
- S.I. 2005/3340 art. 2 commences (1995 c. 50)
- S.I. 2006/1967 art. 2 commences (1995 c. 50)
- S.R. 2003/24 art. 2 commences (1995 c. 50)
- S.R. 2008/236 art. 2 commences (1995 c. 50)

**Commencement Orders bringing legislation that affects this Act into force:**

- S.I. 2003/1667 art. 2-6 commences (2002 c. 32)
- S.I. 2003/1718 art. 4-6 Sch. commences (2002 c. 32)
- S.I. 2003/2532 art. 2 Sch. commences (2001 c. 10)
- S.I. 2003/2961 art. 4-7 commences (2002 c. 32)
- S.I. 2003/3123 art. 2 commences (2002 c. 37)
- S.I. 2004/571 Sch. amendment to earlier commencing SI 2003/1667 Sch. para. 1
- S.I. 2004/1572 art. 2 3 commences (2003 c. 20)
- S.I. 2004/2781 art. 2-4 commences (2004 c. 8)
- S.I. 2005/394 art. 2 commences (2004 c. 31)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2005/1676 art. 2 commences (2005 c. 13)
- S.I. 2005/2034 art. 2-9 commences (2005 c. 18)
- S.I. 2005/2774 art. 2-4 commences (2005 c. 13)
- S.I. 2005/2910 art. 4 commences (2002 c. 32)
- S.I. 2005/3175 art. 2 3 commences (2004 c. 33)
- S.I. 2006/378 art. 2-7 Sch. commences (2005 c. 15)
- S.I. 2006/1082 art. 2-4 commences (2006 c. 3)
- S.I. 2006/1338 art. 3-5 Sch. 1 2 commences (2005 c. 18)
- S.I. 2006/3189 art. 2 commences (1999 c. 17)
- S.I. 2007/1555 art. 2 3 commences (2005 c. 13)
- S.I. 2007/1897 art. 2 commences (2005 c. 9)
- S.I. 2007/2603 art. 2 commences (2006 c. 3)
- S.I. 2007/3477 art. 2 commences (2002 c. 37)
- S.I. 2007/3495 art. 2-5 8 commences (2006 c. 46)
- S.I. 2008/1904 art. 2 commences (2004 c. 31)
- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812
- S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
- S.I. 2009/3250 art. 2 commences (2007 c. 29)
- S.I. 2010/303 art. 2-7 Sch. 1-6 commences (2009 c. 22)
- S.I. 2010/341 art. 2 commences (2005 c. 13)
- S.I. 2010/1151 art. 2-4 commences (2009 c. 22)
- S.I. 2010/2317 art. 2 3 commences (2010 c. 15)
- S.I. 2011/1066 art. 2 commences (2010 c. 15)
- S.S.I. 2002/118 art. 2 commences ()
- S.R. 2005/336 art. 2 Sch. commences (S.I. 2005/1117 (N.I.))
- S.R. 2005/337 art. 2 commences (S.I. 2005/1117 (N.I.))
- S.R. 2006/289 art. 2 commences (S.I. 2006/312 (N.I.))
- S.R. 2006/470 art. 2 commences (S.I. 2006/312 (N.I.))
- S.R. 2007/430 art. 2 commences (S.I. 2006/312 (N.I.))
- S.R. 2007/466 art. 2 commences (S.I. 2006/312 (N.I.))