
STATUTORY INSTRUMENTS

2006 No. 312

The Disability Discrimination (Northern Ireland) Order 2006

Public authorities

District councils

3. In the 1995 Act, after section 14D insert—

“Relationships between district councils and their members

Interpretation of sections 15B and 15C

15A.—(1) In sections 15B and 15C “council” means a district council.

(2) In relation to a member of a council, a reference in those sections to his carrying-out of official business is to his doing of anything—

- (a) as member of the council;
- (b) as member of any body to which he is appointed by, or is appointed following nomination by, the council or a group of bodies that includes the council; or
- (c) as member of any other body if it is a public body.

Councils and their members: discrimination and harassment

15B.—(1) It is unlawful for a council to discriminate against a disabled person who is a member of the council—

- (a) in the opportunities which it affords the disabled person to receive training, or any other facility, for his carrying-out of official business;
- (b) by refusing to afford, or deliberately not affording, the disabled person any such opportunities; or
- (c) by subjecting the disabled person to any other detriment in connection with his carrying-out of official business.

(2) It is unlawful for a council to subject a disabled person who is a member of the council to harassment in connection with his carrying-out of official business.

(3) A member of a council is not subjected to a detriment for the purposes of subsection (1)(c) by reason of—

- (a) his not being appointed or elected to an office of the council;
- (b) his not being appointed or elected to, or to an office of, a committee or sub-committee of the council; or
- (c) his not being appointed or nominated in exercise of any power of the council, or of a group of bodies that includes the council, to appoint, or nominate for appointment, to any body.

(4) Regulations may make provision as to the circumstances in which treatment is to be taken to be justified, or is to be taken not to be justified, for the purposes of section 3A(1) (b) as it has effect for the interpretation of “discriminate” in subsection (1).

(5) Regulations under subsection (4) may (in particular) provide for section 3A(3) to apply with prescribed modifications, or not to apply, for those purposes; but treatment of a disabled person cannot be justified under subsection (4) if it amounts to direct discrimination falling within section 3A(5).

(6) If, in a case falling within section 3A(1) as it has effect for the interpretation of “discriminate” in subsection (1), a council is under a duty imposed by section 15C in relation to a disabled person but fails to comply with that duty, its treatment of that person cannot be justified under subsection (4) unless it would have been justified even if it had complied with that duty.

Councils and their members: duty to make adjustments

15C.—(1) Subsection (2) applies where—

(a) a provision, criterion or practice applied by or on behalf of a council, or

(b) any physical feature of premises occupied by, or under the control of, a council, places a disabled person who is a member of the council at a substantial disadvantage, in comparison with members of the council who are not disabled persons, in connection with his carrying-out of official business.

(2) It is the duty of the council 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 provision, criterion or practice, or feature, having that effect.

(3) Subsection (2) does not impose any duty on a council in relation to a member of the council who is a disabled person if the council does not know, and could not reasonably be expected to know, that the member—

(a) has a disability; and

(b) is likely to be affected in the way mentioned in subsection (1).

(4) Regulations may make provision, for purposes of this section—

(a) as to circumstances in which a provision, criterion or practice, or physical feature, is to be taken to have the effect mentioned in subsection (1);

(b) as to circumstances in which a provision, criterion or practice, or physical feature, is to be taken not to have the effect mentioned in subsection (1);

(c) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a council to have to take steps of a prescribed description;

(d) as to steps which it is always, or as to steps which it is never, reasonable for a council to have to take;

(e) as to things which are, or as to things which are not, to be treated as physical features.”.