

*Status: Point in time view as at 04/12/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 2(2).

#### PAST DISABILITIES

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

##### Commencement Information

- II** 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>F1</sup>to 4][<sup>F2</sup>and 5A] to a disabled person are to be read as references to a person who has had a disability.

##### Extent Information

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

##### Textual Amendments

- F1** 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
- F2** Words in Sch. 2 para. 2 inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 37(2); S.I. 2005/2774, art. 3(j)

##### Commencement Information

- I2** 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 and III [<sup>F29</sup>and Part III of the 2005 Order] to a disabled person are to be read as references to a person who has had a disability.

##### Extent Information

- E3** This version of this provision extends to Northern Ireland only. A separate version has been created for England and Wales and Scotland only

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### Textual Amendments

- F29** Words in [Sch. 2 para. 2](#) inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), arts. 1, {48(9)}; S.R. 2005/336, [art. 2](#), [Sch.](#) (as amended (16.1.2007) by S.R. 2007/25, [art. 2](#)); S.R. 2005/337, [art. 2](#), [Sch.](#)

### Commencement Information

- I6** [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>F3</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.]

<sup>F4</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.

### Textual Amendments

- F4** [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](#)

2C In section 3A(5), after “not having that particular disability” insert “ and who has not had that particular disability ”.

[<sup>F5</sup>3 In sections 4A(1), 4B(4), 4E(1), [<sup>F6</sup>4H(1),] 6B(1), 7B(1), 7D(1), 14(1), 14B(1), 14D(1) [<sup>F7</sup>, 15C(1)] and 16A(4), section 21A(4)(a) (in the words to be read as section 19(1)(aa)) and section 21A(6)(a) (in the words to be substituted in section 21(1)), after “not disabled” (in each place it occurs) insert “ and who have not had a disability ”.]

### Extent Information

- E2** This version of this provision extends to England, Wales and Scotland; a separate version has been created for Northern Ireland.

### Textual Amendments

- F5** [Sch. 2 para. 3](#) substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), [regs. 1\(2\)\(3\), 29\(1\)\(b\)](#)
- F6** Words in [Sch. 2 para. 3](#) inserted (E.W.S.) (1.12.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Pensions) Regulations 2003 (S.I. 2003/2770), [regs. 1\(2\)\(3\), 4\(4\)\(a\)](#)
- F7** Words in [Sch. 2 para. 3](#) inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), [ss. 19\(1\), 20\(3\)-\(6\)](#), {[Sch. 1 para. 37\(4\)\(a\)](#)}; S.I. 2005/2774, [art. 4\(f\)](#)

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#### Commencement Information

- I3** 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)

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

#### Commencement Information

- I3** 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>F31</sup>3 In sections 4A(1), 4B(4), 4E(1), 4H(1), 6B(1), 7B(1), 14(1), 14B(1), 14D(1) and 16A(4), section 21A(4)(a) (in the words to be read as section 19(1)(aa)) and section 21A(6)(a) (in the words to be substituted in section 21(1)), after “not disabled” (in each place it occurs) insert “ and who have not had a disability ”.]

#### Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland.

#### Textual Amendments

- F31** Sch. 2 para. 3 substituted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 insofar as not yet in force) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), {reg. 28(1)(b)}

#### Commencement Information

- I3** 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>F8</sup>4 In sections 4A(3)(b), 4E(3)(b), [<sup>F9</sup>4H(3)(b),] 6B(3)(b), 7B(4)(b), 7D(3)(b), 14(3)(b), 14B(3)(b), 14D(3)(b) [<sup>F10</sup>, 15C(3)(a)] and 16A(6), for “has” (in each place it occurs) substitute “ has had ”.]

#### Textual Amendments

- F8** Sch. 2 para. 4 substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 29(1)(c)
- F9** Words in Sch. 2 para. 4 substituted (E.W.S.) (1.12.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Pensions) Regulations 2003 (S.I. 2003/2770), regs. 1(2)(3), 4(4)(b)

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**F10** Words in Sch. 2 para. 4 inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 37(5)(a); S.I. 2005/2774, art. 4(f)

#### Commencement Information

**I4** 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 ”.

#### Commencement Information

**I4** 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>F324</sup> In sections 4A(3)(b), 4E(3)(b), 4H(3)(b), 6B(3)(b), 7B(3)(b), 14(3)(b), 14B(3)(b), 14D(3)(b) and 16A(6), for “has” (in each place it occurs) substitute “ has had ”.]

#### Extent Information

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

#### Textual Amendments

**F32** Sch. 2 para. 4 substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), 28(1)(c)

#### Commencement Information

**I4** 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)

4ZA In section 24(3)(e)(i) and (f)(i), after “having” insert “ had ”

4ZB In sections 24D(2)(a) and 24J(3)(b), for “did not have” substitute “ had not had ”.

[<sup>F114A</sup> In section 28B(3)(a) and (4), after “disabled” insert “or that he had had a disability”.]

#### Textual Amendments

**F11** 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>F12</sup>4B In section 28C(1), in paragraphs (a) and (b), after “not disabled” insert “and who have not had a disability”.

#### Textual Amendments

**F12** 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>F13</sup><sup>F14</sup>4C In section 28S

- (a) in subsection (3)(a), after “disabled” insert “ or that he had had a disability ”,
- (b) in subsection (6)(a), after “who do not have” insert “ and have not had ”, and
- (c) in subsection (10), for “that particular disability” substitute “and who has not had that particular disability and]

#### Textual Amendments

**F13** Sch. 2 para. 4C substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721), regs. 1, 18(2)

**F14** 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>F15</sup>4D In [<sup>F16</sup>subsections (1), (1A), (1B) (1C) and (1D)] of section 28T, after “not disabled” insert “and who have not had a disability”.

#### Textual Amendments

**F15** 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

**F16** Words in Sch. 2 para. 4D substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721), regs. 1, 18(3)

<sup>F17</sup>4E In [<sup>F18</sup>subsection (1) of that section] as substituted by paragraphs 2 [<sup>F19</sup>9, 14 and 21] of Schedule 4C, after “not disabled” insert “and who have not had a disability”.

#### Textual Amendments

**F17** 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

**F18** Words in Sch. 2 para. 4E substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721), regs. 1, 18(4)(a)

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**F19** Words in Sch. 2 para. 4E substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721), regs. 1, **18(4)(b)**

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.”

#### Commencement Information

**I5** 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>F20F21</sup>6 References in Chapter I of Part III of the 2005 Order to a disabled pupil are to be read as references to a pupil who has had a disability.

#### Textual Amendments

**F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.

**F21** Sch. 2 para. 6 substituted without change of text (10.8.2006 for certain purposes and 1.9.2006 insofar as not yet in force) by virtue of S.R. 2006/332, regs. 1(2)(3), **14**

<sup>F22</sup>7 References in Chapter II of Part III of the 2005 Order to a disabled student are to be read as references to a student who has had a disability.

#### Textual Amendments

**F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.

**F22** Sch. 2 para. 7 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), **14**

<sup>F23</sup>8 In Article 15(3)(a) and (4) of the 2005 Order, after “disabled” insert “ or that he had had a disability ”.

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#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F23** Sch. 2 para. 8 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- <sup>F24</sup>9 In Article 16(1) of the 2005 Order, in sub-paragraphs (a) and (b), after “not disabled” insert “ and who have not had a disability ”.

#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F24** Sch. 2 para. 9 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- [<sup>F25</sup>10 (1) In Article 29 of the 2005 Order in paragraph (3)(a), after “disabled” insert “ or that he had had a disability ”;
- (2) in paragraph (6)(a) of that Article, after “who do not have” insert “ and have not had ”; and
- (3) in paragraph (10) of that Article, for “that particular disability” substitute “ and who has not had that particular disability and ”.]

#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F25** Sch. 2 para. 10 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- [<sup>F26</sup>11 In Articles 30(1)(c), (1A)(d), (1B)(c), (1C) and (1D) and 37(1)(d), 2(c) and (3) of the 2005 Order, after “not disabled” insert “ and who have not had a disability ”.]

#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F26** Sch. 2 para. 11 substituted (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

- <sup>F27</sup>12 In Article 35(8) of the 2005 Order after “not having that particular disability” insert “ and who has not had that particular disability ”.

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#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F27** Sch. 2 para. 12 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14

<sup>F28</sup>13 In Article 37(4)(b) of the 2005 Order for “has” substitute “ has had ”.]

#### Textual Amendments

- F20** Sch. 2 paras. 6-13 inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007 ) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), art. 1, {48(10)}; S.R. 2005/336, art. 2, Sch. (as amended 16.1.2007 by S.R. 2007/25, art. 2); S.R. 2005/337, art. 2, Sch.
- F28** Sch. 2 para. 13 substituted without change of text (10.8.2006 for certain purposes, otherwise 1.9.2006) by virtue of S.R. 2006/332, regs. 1(2)(3), 14



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