

**DISABILITY DISCRIMINATION  
(NORTHERN IRELAND) ORDER 2006**

**S.I. 2006 No. 312 (N.I. 1)**

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Article 4: Discrimination by Public Authorities*

19. *Article 4* extends the scope of the DDA to cover the functions of public authorities. This brings the DDA into line with Article 20A of the Race Relations (Northern Ireland) Order 1997 (“the Race Relations Order”) as amended by the Race Relations (Amendment) Regulations (Northern Ireland) 2003.
20. The Article will prohibit discrimination in the exercise of all public functions other than (in broad terms) those of legislation, prosecution, judicial acts and state security. The definition of discrimination mirrors, insofar as it is possible to do so, the definition of discrimination used for service providers in section 20 of the DDA. This new prohibition of discrimination therefore cover decisions by Ministers, district councils, the police and other governmental organisations. Discrimination can in certain circumstances be justified.
21. The Article imposes on public authorities a duty to make reasonable adjustments for disabled persons where such persons are – by reason of their disability – disadvantaged in some way by, or in relation to, the carrying-out of the function. The duty requires public authorities to anticipate the requirements of disabled persons and the adjustments that may need to be made for them.
22. The prohibition will not apply where a public authority is exercising a statutory power and has no discretion as to whether or how to exercise that power, or no discretion as to how to perform its duties.