
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 421

DISABLED PERSONS

The Disability Discrimination (Meaning of Disability) Regulations (Northern Ireland) 1996

Made - - - - 12th September 1996

Coming into operation 4th November 1996

In exercise of the powers conferred on the Department of Economic Development by paragraphs 1(2), 2(4), 3(2) and (3), 4(2)(a) and 5(a) of Schedule 1 to the Disability Discrimination Act 1995(1), the Department of Economic Development hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Disability Discrimination (Meaning of Disability) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Disability Discrimination Act 1995; and

“addiction” includes a dependency.

(2) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Additions

3.—(1) Subject to paragraph (2), addiction to alcohol, nicotine or any other substance is to be treated as not amounting to an impairment for the purposes of the Act.

(2) Paragraph (1) does not apply to an addiction which was originally the result of administration of medically prescribed drugs or other medical treatment.

(1) 1995 c. 50 as it applies in Northern Ireland by virtue of section 70(6) and Schedule 8 thereof
(2) 1954 c. 33 (N.I.)

Other conditions not to be treated as impairments

4.—(1) For the purposes of the Act the following conditions are to be treated as not amounting to impairments:—

- (a) a tendency to set fires;
- (b) a tendency to steal;
- (c) a tendency to physical or sexual abuse of other persons;
- (d) exhibitionism; and
- (e) voyeurism.

(2) Subject to paragraph (3) for the purposes of the Act the condition known as seasonal allergic rhinitis shall be treated as not amounting to an impairment.

(3) Paragraph (2) shall not prevent that condition from being taken into account for the purposes of the Act where it aggravates the effect of another condition.

Tattoos and piercings

5. For the purposes of paragraph 3 of Schedule 1 to the Act a severe disfigurement is not to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities if it consists of:

- (a) a tattoo (which has not been removed); or
- (b) a piercing of the body for decorative or other non-medical purposes, including any object attached through the piercing for such purposes.

Babies and Young Children

6. For the purposes of the Act where a child under six years of age has an impairment which does not have an effect falling within paragraph 4(1) of Schedule 1 to the Act that impairment is to be taken to have a substantial and long-term adverse effect on the ability of that child to carry out normal day-to-day activities where it would normally have a substantial and long-term adverse effect on the ability of a person aged 6 years or over to carry out normal day-to-day activities.

Sealed with the Official Seal of the Department of Economic Development on 12th September 1996.

L.S.

W. A. N. Arbuthnot
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Section 1 of the Disability Discrimination Act 1995 as it applies in Northern Ireland by virtue of Section 70(6) and Schedule 8 thereof, provides that, subject to Schedule 1, a person has a disability 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.

These Regulations (made under Schedule 1) have the effect of excluding from the scope of the definition:

- (a) addictions (other than those medically caused) (regulation 3);
- (b) certain personality disorders (regulation 4(1)); and
- (c) hayfever and similar conditions (regulations 4(2)).

Regulation 5 excludes tattoos and piercings. These might otherwise amount to severe disfigurements falling within paragraph 3 of Schedule 1.

The effect of regulation 6 is that a child under six is treated as if he were six or over for the purposes of determining the effect of his disability.