
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 473

The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations (Northern Ireland) 2007

PART II

JUSTIFICATION

Provision of services and guarantees: circumstances in which less favourable treatment is justified

7.—(1) Where, for a reason which relates to the disabled person's disability, a provider of services treats a disabled person less favourably than he treats or would treat others to whom that reason does not or would not apply, that treatment shall be taken to be justified for the purposes of section 20 of the 1995 Act in the circumstances specified in paragraph (2).

(2) The circumstances referred to in paragraph (1) are that—

- (a) the provider of services provides a guarantee (whether or not legally binding) that—
 - (i) the purchase price of services that he has provided will be refunded if the services are not of satisfactory quality, or
 - (ii) services in the form of goods that he has provided will be replaced or repaired if those goods are not of satisfactory quality; and
- (b) the provider of services refuses to provide a replacement, repair or refund under the guarantee because damage has occurred for a reason which relates to the disabled person's disability, and the damage is above the level at which the provider of services would normally provide a replacement, repair or refund under the guarantee; and
- (c) it is reasonable in all the circumstances for the provider of services to refuse to provide a replacement, repair or refund under the guarantee.

(3) In this regulation "guarantee" includes any document having the effect referred to in paragraph (2)(a) whether or not that document is described as a guarantee by the provider of services.