



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART I **U.K.**

#### DISABILITY

#### 1 Meaning of “disability” and “disabled person”. **U.K.**

- (1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act 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.
- (2) In this Act “disabled person” means a person who has a disability.

#### Modifications etc. (not altering text)

- C1** [S. 1](#) applied (N.I.) (6.4.2005) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, **2(3)**

#### Commencement Information

- II** [S. 1](#) wholly in force at 30.5.1996; [s. 1](#) not in force at Royal Assent see. [s. 70\(3\)](#); [s. 1](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), **art. 3(a)**; [s. 1](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), **art. 3(a)**

#### 2 Past disabilities. **E+W+S**

- (1) The provisions of this Part and Parts II [<sup>F1</sup>to 4] apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.
- (2) Those provisions are subject to the modifications made by Schedule 2.
- (3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.
- (4) In any proceedings under Part II [<sup>F2</sup>, 3 or 4] of this Act, the question whether a person had a disability at a particular time (“the relevant time”) shall be determined, for the

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purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

(5) The relevant time may be a time before the passing of this Act.

#### Extent Information

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

#### Textual Amendments

**F1** S. 2(1): words “to 4” substituted for words “and III” (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(2)(a) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**F2** S. 2(4): words “, 3 or 4” substituted for words “or Part III” (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(2)(b) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

#### Commencement Information

**I2** S. 2 wholly in force at 30.5.1996; s. 2 not in force at Royal Assent see. s. 70(3); s. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(b); s. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(b)

## 2 Past disabilities. **N.I.**

(1) The provisions of this Part and Parts II and III apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.

(2) Those provisions are subject to the modifications made by Schedule 2.

(3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.

(4) In any proceedings under Part II or Part III of this Act, the question whether a person had a disability at a particular time (“the relevant time”) shall be determined, for the purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

(5) The relevant time may be a time before the passing of this Act.

#### 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.

#### Commencement Information

**I4** S. 2 wholly in force at 30.5.1996; s. 2 not in force at Royal Assent see. s. 70(3); s. 2 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(b); s. 2 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(b)

## 3 Guidance. **U.K.**

(1) The Secretary of State may issue guidance about the matters to be taken into account in determining—

(a) whether an impairment has a substantial adverse effect on a person’s ability to carry out normal day-to-day activities; or

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- (b) whether such an impairment has a long-term effect.
- (2) The guidance may, among other things, give examples of—
- (a) effects which it would be reasonable, in relation to particular activities, to regard for purposes of this Act as substantial adverse effects;
  - (b) effects which it would not be reasonable, in relation to particular activities, to regard for such purposes as substantial adverse effects;
  - (c) substantial adverse effects which it would be reasonable to regard, for such purposes, as long-term;
  - (d) substantial adverse effects which it would not be reasonable to regard, for such purposes, as long-term.
- (3) [<sup>F3</sup>An adjudicating body] determining, for any purpose of this Act, whether an impairment has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities, shall take into account any guidance which appears to it to be relevant.
- [<sup>F4</sup>(3A) “Adjudicating body” means—
- (a) a court;
  - (b) a tribunal; and
  - (c) any other person who, or body which, may decide a claim under Part 4.]
- (4) In preparing a draft of any guidance, the Secretary of State shall consult such persons as he considers appropriate.
- (5) Where the Secretary of State proposes to issue any guidance, he shall publish a draft of it, consider any representations that are made to him about the draft and, if he thinks it appropriate, modify his proposals in the light of any of those representations.
- (6) If the Secretary of State decides to proceed with any proposed guidance, he shall lay a draft of it before each House of Parliament.
- (7) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed guidance.
- (8) If no such resolution is made within the 40-day period, the Secretary of State shall issue the guidance in the form of his draft.
- (9) The guidance shall come into force on such date as the Secretary of State may appoint by order.
- (10) Subsection (7) does not prevent a new draft of the proposed guidance from being laid before Parliament.
- (11) The Secretary of State may—
- (a) from time to time revise the whole or part of any guidance and re-issue it;
  - (b) by order revoke any guidance.
- (12) In this section—
- “40-day period”, in relation to the draft of any proposed guidance, means—
    - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
    - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

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no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days; and

“guidance” means guidance issued by the Secretary of State under this section and includes guidance which has been revised and re-issued.

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#### **Extent Information**

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

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#### **Textual Amendments**

- F3** S. 3(3): words substituted for words "A tribunal or court" (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(3) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1
- F4** S. 3(3A) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(4) (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

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#### **Commencement Information**

- I3** S. 3 wholly in force at 30.5.1996; s. 3 not in force at Royal Assent see. s. 70(3); s. 3 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(c); s. 3 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(c)

**Status:**

Point in time view as at 01/09/2002.

**Changes to legislation:**

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