



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

VALID FROM 03/07/2003

^{F1}Trade and professional bodies

Textual Amendments

- F1** Ss. 13-14D and cross-headings substituted for ss. 13-15 (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003](#) (S.I. 2003/1673), regs. 1(2)(3), **13**

14A Qualifications bodies: discrimination and harassment

- (1) It is unlawful for a qualifications body to discriminate against a disabled person—
- in the arrangements which it makes for the purpose of determining upon whom to confer a professional or trade qualification;
 - in the terms on which it is prepared to confer a professional or trade qualification on him;
 - by refusing or deliberately omitting to grant any application by him for such a qualification; or
 - by withdrawing such a qualification from him or varying the terms on which he holds it.
- (2) It is also unlawful for a qualifications body, in relation to a professional or trade qualification conferred by it, to subject to harassment a disabled person who holds or applies for such a qualification.

Status: Point in time view as at 06/06/1996. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Trade and professional bodies. (See end of Document for details)

(3) In determining for the purposes of subsection (1) whether the application by a qualifications body of a competence standard to a disabled person constitutes discrimination within the meaning of section 3A, the application of the standard is justified for the purposes of section 3A(1)(b) if, but only if, the qualifications body can show that—

- (a) the standard is, or would be, applied equally to persons who do not have his particular disability; and
- (b) its application is a proportionate means of achieving a legitimate aim.

(4) For the purposes of subsection (3)—

- (a) section 3A(2) (and (6)) does not apply; and
- (b) section 3A(4) has effect as if the reference to section 3A(3) were a reference to subsection (3) of this section.

(5) In this section and section 14B—

“qualifications body” means any authority or body which can confer a professional or trade qualification, but it does not include—

- (a) a responsible body (within the meaning of Chapter 1 or 2 of Part 4),
- (b) a local education authority in England or Wales, or
- (c) an education authority (within the meaning of section 135(1) of the Education (Scotland) Act 1980);

“confer” includes renew or extend;

“professional or trade qualification” means an authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or facilitates engagement in, a particular profession or trade;

“competence standard” means an academic, medical or other standard applied by or on behalf of a qualifications body for the purpose of determining whether or not a person has a particular level of competence or ability.

Extent Information

- E1** This section extends to England and Wales and Scotland only; a separate s. 14A exists for Northern Ireland only from 21.2.2004.

14B Qualifications bodies: duty to make adjustments

(1) Where—

- (a) a provision, criterion or practice, other than a competence standard, applied by or on behalf of a qualifications body; or
- (b) any physical feature of premises occupied by a qualifications body,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the qualifications body to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

(2) In this section “the disabled person concerned” means—

Status: Point in time view as at 06/06/1996. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: *There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Trade and professional bodies. (See end of Document for details)*

- (a) in the case of a provision, criterion or practice for determining on whom a professional or trade qualification is to be conferred, any disabled person who is, or has notified the qualifications body that he may be, an applicant for the conferment of that qualification;
 - (b) in any other case, a disabled person who—
 - (i) holds a professional or trade qualification conferred by the qualifications body, or
 - (ii) applies for a professional or trade qualification which it confers.
- (3) Nothing in this section imposes a duty on a qualifications body in relation to a disabled person if the body does not know, and could not reasonably be expected to know—
- (a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the conferment of a professional or trade qualification; or
 - (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).]

Extent Information

E2 This section extends to England and Wales and Scotland only; a separate s. 14B exists for Northern Ireland only from 21.2.2004.

Status:

Point in time view as at 06/06/1996. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995,
Cross Heading: Trade and professional bodies.