



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *Enforcement, etc.*

VALID FROM 02/12/1996

#### **25 Enforcement, remedies and procedure.**

- (1) A claim by any person that another person—
  - (a) has discriminated against him in a way which is unlawful under this Part; or
  - (b) is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way,may be made the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.
- (2) For the avoidance of doubt it is hereby declared that damages in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not they include compensation under any other head.
- (3) Proceedings in England and Wales shall be brought only in a county court.
- (4) Proceedings in Scotland shall be brought only in a sheriff court.
- (5) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.
- (6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

*Status: Point in time view as at 17/05/1996. 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: Enforcement, etc.. (See end of Document for details)*

#### Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

VALID FROM 02/12/1996

### 26 Validity and revision of certain agreements.

- (1) Any term in a contract for the provision of goods, facilities or services or in any other agreement is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Part,
  - (b) exclude or limit the operation of any provision of this Part, or
  - (c) prevent any person from making a claim under this Part.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement settling a claim to which section 25 applies.
- (3) On the application of any person interested in an agreement to which subsection (1) applies, a county court or a sheriff court may make such order as it thinks just for modifying the agreement to take account of the effect of subsection (1).
- (4) No such order shall be made unless all persons affected have been—
  - (a) given notice of the application; and
  - (b) afforded an opportunity to make representations to the court.
- (5) Subsection (4) applies subject to any rules of court providing for that notice to be dispensed with.
- (6) An order under subsection (3) may include provision as respects any period before the making of the order.

#### 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)

VALID FROM 09/05/2001

### 27 Alterations to premises occupied under leases.

- (1) This section applies where—
  - (a) a provider of services (“the occupier”) occupies premises under a lease;
  - (b) but for this section, he would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the occupier proposes to make in order to comply with a section 21 duty.

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- (2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
- (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
  - (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
  - (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
  - (d) for the lessor to be entitled to make his consent subject to reasonable conditions.
- (3) In this section—
- “lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and
- “sub-lease” and “sub-tenancy” have such meaning as may be prescribed.
- (4) If the terms and conditions of a lease—
- (a) impose conditions which are to apply if the occupier alters the premises, or
  - (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,
- the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.
- (5) Part II of Schedule 4 supplements the provisions of this section.

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

**C1** S. 27 modified (1.10.2004) by [S.I. 2001/3253, reg. 9](#)

**C2** S. 27 modified (N.I.) (1.10.2004) by [The Disability Discrimination \(Providers of Services\) \(Adjustment of Premises\) Regulations \(Northern Ireland\) 2003 \(S.R. 2003/109\), reg. 9](#)

**Commencement Information**

**II** S. 27 wholly in force at 1.10.2004; s. 27 not in force at Royal Assent see s. 70(3); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (E.W.S.) at 9.5.2001 by [S.I. 2001/2030, art. 2\(a\)\(b\)](#); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (N.I.) at 31.12.2001 by [S.R. 2001/439, art. 2\(1\)\(a\)\(b\)](#); s. 27(1)(2)(4) wholly in force and s. 27(5) in force to the extent that it is not already in force at 1.10.2004 by [S.I. 2001/2030, art. 3\(b\)](#) and [S.R. 2001/439, art. 2\(2\)\(b\)](#)

**28 Advice and assistance.**

- (1) The Secretary of State may make arrangements for the provision of advice and assistance to persons with a view to promoting the settlement of disputes arising under this Part otherwise than by recourse to the courts.
- (2) Any person appointed by the Secretary of State in connection with arrangements made under subsection (1) shall have such duties as the Secretary of State may direct.
- (3) The Secretary of State may pay to any person so appointed such allowances and compensation for loss of earnings as he considers appropriate.

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- (4) The Secretary of State may make such payments, by way of grants, in respect of expenditure incurred, or to be incurred, by any person exercising functions in accordance with arrangements made by the Secretary of State under this section as he considers appropriate.
- (5) The approval of the Treasury is required for any payment under subsection (3) or (4).

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**Extent Information**

- E3** 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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**Commencement Information**

- I2** [S. 28](#) wholly in force at 30.5.1996; [s. 28](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 28](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(e\)](#); [s. 28](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(e\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Enforcement, etc..