



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### **60 Appointment by Secretary of State of advisers.**

- (1) The Secretary of State may appoint such persons as he thinks fit to advise or assist him in connection with matters relating to the employment of disabled persons and persons who have had a disability.
- (2) Persons may be appointed by the Secretary of State to act generally or in relation to a particular area or locality.
- (3) The Secretary of State may pay to any person appointed under this section such allowances and compensation for loss of earnings as he considers appropriate.
- (4) The approval of the Treasury is required for any payment under this section.
- (5) In subsection (1) “employment” includes self-employment.
- (6) The Secretary of State may by order—
  - (a) provide for section 17 of, and Schedule 2 to, the <sup>M1</sup>Disabled Persons (Employment) Act 1944 (national advisory council and district advisory committees) to cease to have effect—
    - (i) so far as concerns the national advisory council; or
    - (ii) so far as concerns district advisory committees; or
  - (b) repeal that section and Schedule.
- (7) At any time before the coming into force of an order under paragraph (b) of subsection (6), section 17 of the Act of 1944 shall have effect as if in subsection (1), after “disabled persons” in each case there were inserted “, and persons who have had a disability,” and as if at the end of the section there were added—
  - “(3) For the purposes of this section—

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII. (See end of Document for details)*

- (a) a person is a disabled person if he is a disabled person for the purposes of the <sup>M2</sup>Disability Discrimination Act 1995; and
  - (b) “disability” has the same meaning as in that Act.”
- (8) At any time before the coming into force of an order under paragraph (a)(i) or (b) of subsection (6), section 16 of the <sup>M3</sup>Chronically Sick and Disabled Persons Act 1970 (which extends the functions of the national advisory council) shall have effect as if after “disabled persons” in each case there were inserted “, and persons who have had a disability, ” and as if at the end of the section there were added—

“(2) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”

#### **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)

#### **Marginal Citations**

**M1** 1944 c.10.

**M2** 1995 c. 50.

**M3** 1970 c. 44.

## **61 Amendment of Disabled Persons (Employment) Act 1944.**

- (1) Section 15 of the <sup>M4</sup>Disabled Persons (Employment) Act 1944 (which gives the Secretary of State power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).
- (2) In subsection (1)—
  - (a) for “persons registered as handicapped by disablement” substitute “ disabled persons ”;
  - (b) for “their disablement” substitute “ their disability ”; and
  - (c) for “are not subject to disablement” substitute “ do not have a disability ”.
- (3) In subsection (2), for the words from “any of one or more companies” to “so required and prohibited” substitute “ any company, association or body ”.
- (4) After subsection (2) insert—
 

“(2A) The only kind of company which the Minister himself may form in exercising his powers under this section is a company which is—

  - (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
  - (b) prohibited by its constitution from paying any dividend to its members.”
- (5) After subsection (5) insert—
 

“(5A) For the purposes of this section—

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- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
  - (b) “disability” has the same meaning as in that Act.”
- (6) The provisions of section 16 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—
- “and whose disability is due to that service.
- (2) For the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”
- (7) The following provisions of the Act of 1944 shall cease to have effect—
- (a) section 1 (definition of “disabled person”);
  - (b) sections 6 to 8 (the register of disabled persons);
  - (c) sections 9 to 11 (obligations on employers with substantial staffs to employ a quota of registered persons);
  - (d) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
  - (e) section 13 (interpretation of provisions repealed by this Act);
  - (f) section 14 (records to be kept by employers);
  - (g) section 19 (proceedings in relation to offences); and
  - (h) section 21 (application as respects place of employment, and nationality).
- (8) Any provision of subordinate legislation in which “disabled person” is defined by reference to the Act of 1944 shall be construed as if that expression had the same meaning as in this Act.
- (9) Subsection (8) does not prevent the further amendment of any such provision by subordinate legislation.

**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\(6\)](#)

**Commencement Information**

**I1** [S. 61](#) wholly in force at 2.12.1996; [s. 61](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 61](#) in force at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#) (with [art. 3](#))

**Marginal Citations**

**M4** [1944 c. 10](#).

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII. (See end of Document for details)*

#### Textual Amendments

- F1** S. 62 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46 Sch. 3 Pt. I (with s. 38) and (N.I.) (24.9.1996) by S.I. 1996/1921 (N.I. 18), art. 28, Sch. 3 (with Sch. 2)

### 63 Restriction of publicity: Employment Appeal Tribunal.

**F2** .....

#### Extent Information

- E3** In the application of this Act to Northern Ireland, this section is omitted; see s. 70(6), Sch. 8 para. 43

#### Textual Amendments

- F2** S. 63 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

### 64 Application to Crown etc.

[<sup>F3</sup>(A1) The following provisions bind the Crown—

- (a) sections 21B to 21E and Part 5A, and
- (b) the other provisions of this Act so far as applying for the purposes of provisions mentioned in paragraph (a);

and sections 57 and 58 shall apply for purposes of provisions mentioned in paragraph (a) as if service as a Crown servant were employment by the Crown.]

(1) This Act [<sup>F4</sup>, other than the provisions mentioned in paragraphs (a) and (b) of subsection (A1),] applies—

- (a) to an act done by or for purposes of a Minister of the Crown or government department, or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) [<sup>F5</sup> . . . Part II applies to service—

- (a) for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or
- (b) on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,

as it applies to employment by a private person.

[<sup>F6</sup>(2A) Subsections (1) and (2) have effect subject to section 64A and section 64B.]

[<sup>F7</sup>(2A) Subsections [<sup>F8</sup>(A1) to](2) have effect subject to section 64A.]

(3) The provisions of Parts II to IV of the 1947 Act apply to proceedings against the Crown under this Act as they apply to Crown proceedings in England and Wales <sup>F9</sup> . . . .

(4) The provisions of Part V of the 1947 Act apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which by virtue of that Part are treated as civil proceedings by or against the Crown; but the proviso to section 44

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of that Act (removal of proceedings from the sheriff court to the Court of Session) does not apply.

- (5) <sup>F10</sup> . . . . .
- (6) <sup>F10</sup> . . . . .
- (7) <sup>F11</sup> . . . Part II does not apply to service in any of the naval, military or air forces of the Crown.

(8) In this section—

“the 1947 Act” means the <sup>M5</sup>Crown Proceedings Act 1947;

<sup>F12</sup> . . . . .

“Crown proceedings” means proceedings which, by virtue of section 23 of the 1947 Act, are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown;

<sup>F13</sup> . . . . .

<sup>F13</sup> . . . . .

<sup>F13</sup> . . . . .

<sup>F14</sup> . . . . .

“service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the <sup>M6</sup>House of Commons Disqualification Act 1975;

“statutory body” means a body set up by or under an enactment;

“statutory office” means an office so set up; <sup>F15</sup> . . .

[<sup>F16</sup>“United Kingdom Atomic Energy Authority Constabulary” means the special constables appointed under section 3 of the <sup>M7</sup>Special Constables Act 1923 on the nomination of the United Kingdom Atomic Energy Authority.]

#### Extent Information

- E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Textual Amendments

- F3** S. 64(A1) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(2)**; S.I. 2005/2774, **arts. 3(j), 4(f)** and said subsection inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 24(2)**; S.R. 2007/466, **art. 2(2)(l)**
- F4** Words in s. 64(1) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(3)**; S.I. 2005/2774, **arts. 3(j), 4(f)** and same words inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 24(3)**; S.R. 2007/466, **art. 2(2)(l)**
- F5** Words in s. 64(2) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **24(a)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **24(a)**

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- F6** S. 64(2A) inserted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(b)**
- F7** S. 64(2A) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(b)**
- F8** In s. 64(2A) words substituted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(4)**; S.I. 2005/2774, arts. **3(j)**, **4(f)**
- F9** Words in s. 64(3) repealed (1.10.2005) by The Civil Procedure (Modification of Crown Proceedings Act 1947) Order 2005 (S.I. 2005/2712), art. 3, **Sch. 2** {para. 3}
- F10** S. 64(5)(6) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004 ) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(c)** and said subsections omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(c)**
- F11** Words in s. 64(7) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(d)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(d)**
- F12** S. 64(8): definition of "British Transport Police" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3)**, 24(e)  
S. 64(8): definition of "British Transport Police" ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**
- F13** S. 64(8): definitions of "fire brigade", "Ministry of Defence Police" and "prison officer" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said definitions omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**
- F14** S. 64(8): definition of "Royal Parks Constabulary" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3)**, 24(e)
- F15** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**
- F16** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**

#### Marginal Citations

- M5** 1947 c. 44.  
**M6** 1975 c. 24.  
**M7** 1923 c. 11.

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII. (See end of Document for details)*

## [<sup>F17</sup>64A Police **E+W+S**

- (1) For the purposes of Part 2, the holding of the office of constable shall be treated as employment—
  - (a) by the chief officer of police as respects any act done by him in relation to a constable or that office;
  - (b) by the police authority as respects any act done by them in relation to a constable or that office.
- (2) For the purposes of section 58—
  - (a) the holding of the office of constable shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
  - (a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under Part 2, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by a chief officer of police for the settlement of any claim made against him under Part 2 [<sup>F18</sup>or 3] if the settlement is approved by the police authority.
- (4) Any proceedings under Part 2 [<sup>F19</sup>or 3] which, by virtue of [<sup>F20</sup>this section], would lie against a chief officer of police shall be brought against—
  - (a) the chief officer of police for the time being, or
  - (b) in the case of a vacancy in that office, against the person for the time being performing the functions of that office;and references in subsection (3) to the chief officer of police shall be construed accordingly.
- (5) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
  - (a) any compensation, costs or expenses awarded in proceedings under Part 2 [<sup>F19</sup>or 3] of this Act against a person under the direction and control of the chief officer of police;
  - (b) any costs or expenses incurred and not recovered by such a person in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (6) Subsections (1) and (2) apply to a police cadet and appointment as a police cadet as they apply to a constable and the office of constable.
- (7) Subject to subsection (8), in this section—

“chief officer of police”—

  - (a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996 <sup>F21</sup>,

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- (b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 <sup>F22</sup> (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,
- (c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967 <sup>F23</sup>, means the chief constable of the relevant police force,
- (d) in relation to any other person or appointment means the officer or other person who has the direction and control of the body of constables or cadets in question;

“police authority”—

- (a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996,
- (b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997, means the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad,
- (c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967, has the meaning given in that Act,
- (d) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

“police cadet” means any person appointed to undergo training with a view to becoming a constable;

“police fund”—

- (a) in relation to a chief officer of police within paragraph (a) of the above definition of that term, has the same meaning as in the Police Act 1996,
- (b) in relation to a chief officer of police within paragraph (b) of that definition, means the service fund established under section 16 or (as the case may be) section 61 of the Police Act 1997, and
- (c) in any other case means money provided by the police authority;

“specified Act” means the Metropolitan Police Act 1829 <sup>F24</sup>, the City of London Police Act 1839 <sup>F25</sup> or the Police Act 1996.

- (8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority for that force.]

#### Textual Amendments

- F17** S. 64A inserted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **25**
- F18** Words in s. 64A(3)-(5) inserted (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 4(2), 20(3)-(6), S.I. 2005/2774, {art. 3(c)}
- F19** Words in s. 64A(3)-(5) inserted (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 4(2), 20(3)-(6), S.I. 2005/2774, {art. 3(c)}
- F20** Words in s. 64A(4) substituted (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 4(3), 20(3)-(6), S.I. 2005/2774, {art. 3(c)}



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**F21** 1996 c. 16.  
**F22** 1997 c. 50.  
**F23** 1967 c. 77.  
**F24** 1829 c. 44.  
**F25** 1839 c.xciv.

[<sup>F26</sup>**64A Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve** **N.I.**

- (1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment –
  - (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
  - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of section 58 –
  - (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000 <sup>F58</sup> –
  - (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under Part II, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by the Chief Constable for the settlement of any claim made against him under Part II if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay –
  - (a) any compensation, damages or costs awarded in proceedings under Part II against a police officer;
  - (b) any costs incurred and not recovered by a police officer in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in subsection (4).
- (6) This section –
  - (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 <sup>F59</sup> or section 23 of the Police Act 1997 <sup>F60</sup> as it applies in relation to a police officer;

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- (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998<sup>F61</sup> is under the direction and control of the Police Ombudsman for Northern Ireland as if –
- (i) in subsection (1) the reference to the Chief Constable included a reference to the Ombudsman;
  - (ii) in subsections (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.]

#### Textual Amendments

- F26** S. 64A, 64B inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), 25
- F58** 2000 c. 32
- F59** 1996 c. 16
- F60** 1997 c. 50
- F61** 1998 c. 32

#### [<sup>F26</sup>64B Other police bodies

- (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment –
  - (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
  - (b) by the police authority as respects any act done by it in relation to that office or the holder of it;
- (2) For the purposes of section 58 –
  - (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund –
  - (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under Part II, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by a chief officer of police for the settlement of any claim made against him under Part II if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund –
  - (a) any compensation, damages or costs awarded in proceedings under Part II against a person under the direction and control of the chief officer of police;
  - (b) any costs incurred and not recovered by such a person in such proceedings; and

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- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in subsection (4).
- (6) Subject to subsection (8), in this section –
- “chief officer of police” means –
    - (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
    - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
  - “police authority” means –
    - (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
    - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
  - “police fund” means –
    - (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
    - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in subsections (3) to (6) applies in relation to the police.
- (8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority for that force.]

#### Textual Amendments

- F26** S. 64A, 64B inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), 25

## 65 Application to Parliament.

- (1) This Act applies to an act done by or for purposes of the House of Lords or the House of Commons as it applies to an act done by a private person.
- (2) For the purposes of the application of Part II in relation to the House of Commons, the Corporate Officer of that House shall be treated as the employer of a person who is (or would be) a relevant member of the House of Commons staff for the purposes of [F27section 195 of the Employment Rights Act 1996].
- (3) Except as provided in subsection (4), for the purposes of the application of sections 19 to 21, the provider of services is—
- (a) as respects the House of Lords, the Corporate Officer of that House; and
  - (b) as respects the House of Commons, the Corporate Officer of that House.

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- (4) Where the service in question is access to and use of any place in the Palace of Westminster which members of the public are permitted to enter, the Corporate Officers of both Houses jointly are the provider of that service.
- (5) Nothing in any rule of law or the law or practice of Parliament prevents proceedings being instituted before an <sup>[F28]</sup>employment tribunal] under <sup>[F29]</sup>Part 2 or 3] or before any court under Part III.

#### Extent Information

**E5** In the application of this Act to Northern Ireland, this section is omitted: see s. 70(6), Sch. 8 para. 45

#### Textual Amendments

- F27** Words in s. 65(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 6** (with ss. 191-195, 202, Sch. 1 para. 69)
- F28** Words in s. 65(5) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F29** Words in s. 65(5) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 32**; S.I. 2005/2774, art. 3(j)

## 66 Government appointments outside Part II.

<sup>F30</sup> .....

#### Textual Amendments

- F30** S. 66 omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 26 and said section repealed (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1, 26

## 67 Regulations and orders. **E+W+S**

- (1) Any power under this Act <sup>[F31]</sup>of the Secretary of State, the Scottish Ministers or the National Assembly for Wales] to make regulations or orders shall be exercisable by statutory instrument.
- (2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.
- (3) Any such power includes power—
- to make such incidental, supplemental, consequential or transitional provision as appears to the <sup>[F31]</sup>person by whom the power is exercisable] to be expedient; and
  - to provide for a person to exercise a discretion in dealing with any matter.

<sup>[F32]</sup>(3A) Where regulations under section 21D(7)(b) provide for the omission of section 21D(5), the provision that may be made by the regulations in exercise of the power conferred by subsection (3)(a) includes provision amending section 21D for the purpose of omitting references to section 21D(5).

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(3B) The provision that may be made by regulations under section 21G(5)(b) in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing section 21G(4).

(3C) The provision that may be made by regulations under any of subsections (1) to (4) of section 49D in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing an enactment.]

[<sup>F33</sup>(4) Subsection (4A) applies to—

- (a) the first regulations to be made under section 21H(1);
- (b) the first regulations to be made under each of subsections (1), (2) and (4) of section 31AE;
- (c) regulations under section 31AE(1), (2) or (4) that amend this Act;
- (d) regulations under section 31AE(1) that make provision as to remedies;
- (e) regulations under section 47J(3);
- (f) regulations under section 49D(1) or (2) that, in exercise of the power under subsection (3)(a), amend or repeal an enactment contained in an Act or in an Act of the Scottish Parliament;
- (g) regulations under section 67A(3);
- (h) regulations under paragraph 6A(2) of Schedule 1.

(4A) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

(4B) Subsection (4C) applies to regulations under section 49D(3) or (4) that, in exercise of the power under subsection (3)(a), amend or repeal any enactment contained in an Act or in an Act of the Scottish Parliament.

(4C) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, the Scottish Parliament.

(4D) A statutory instrument—

- (a) that—
  - (i) contains regulations under section 49D(3) or (4), and
  - (ii) is not subject to the requirement in subsection (4C) that a draft of the instrument be laid before, and approved by, the Scottish Parliament,or
- (b) that contains regulations or an order made by the Scottish Ministers under section 33,

shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

(5) A statutory instrument—

- (a) that—
  - (i) contains regulations made by the Secretary of State under this Act, and
  - (ii) is not subject to the requirement in subsection (4A) that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament, or

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- (b) that contains an order made by the Secretary of State under this Act that is not an order under section 3(9), 47(1), 53A(6)(a) or 70(3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5A) A statutory instrument that contains an order under section 47(1), if made without a draft having been laid before, and approved by a resolution of, each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House, but the exercise of the discretion conferred by this subsection is subject to section 67A.]
- (6) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory instrument but such an order shall be as capable of being amended or revoked as an order which is made by statutory instrument.
- (7) Nothing in section 34(4), 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).

#### Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 46 and subsequent amendments

#### Textual Amendments

- F31** Words in s. 67 inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 33](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#)
- F32** S. 67(3A)-(3C) inserted (E.W.S.) (30.6.2005 for certain purposes and 5.12.2005 insofar as not yet in force) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 33\(4\)](#); S.I. 2005/1676, [art. 2\(2\)\(g\)](#); S.I. 2005/2774, [art. 3\(j\)](#)
- F33** S. 67(4)-(5A) substituted for (4)(5) (E.W.S.) (30.6.2005 for certain purposes and 5.12.2005 insofar as not yet in force) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 33\(5\)](#); S.I. 2005/1676, [art. 2\(2\)\(g\)](#); S.I. 2005/2774, [art. 3\(j\)](#)

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

- C1** S. 67(2)(3) applied (1.11.1996) by 1996 c. 56, [s. 583\(2\)\(5\)\(b\)](#) (with ss. 1(4), 561, 562, Sch. 39)

#### Commencement Information

- I2** S. 67 wholly in force at 30.5.1996; s. 67 not in force at Royal Assent see [s. 70\(3\)](#); s. 67 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, [art. 3\(i\)](#); s. 67 in force (N.I.) at 30.5.1996 by S.R. 1996/219, [art. 3\(h\)](#)

## 67 Regulations and orders. **N.I.**

- (1) Any power under this Act to make regulations or orders shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.
- (3) Any such power, includes power—

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- (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Northern Ireland department exercising the power to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (4) <sup>F62</sup> . . . . .
- (5) Any other order made under this Act, other than an order under section 3(9), [<sup>F63</sup>54A(6)(a)] or 70(3), and any regulations made under this Act shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.
- (6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to any instrument or document which by virtue of this Act is required to be laid before the Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.
- (7) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory rule.
- (8) Nothing in section 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).

**Extent Information**

**E8** This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 46 and subsequent amendments; a separate version has been created for England and Wales and Scotland only

**Textual Amendments**

**F62** S. 67(4) repealed (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, Sch. 2; S.R. 2000/140, art. 2, Sch. Appendix

**F63** Words in s. 67(5) substituted (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 15 (with art. 17); S.R. 2000/140, art.2, Sch.

**Commencement Information**

**I6** S. 67 wholly in force at 30.5.1996; s. 67 not in force at Royal Assent see s. 70(3); s. 67 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(i); s. 67 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(h)

**[<sup>F34</sup>67A Exercise of discretion under section 67(5A)**

- (1) Before the Secretary of State decides which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of any particular order under section 47(1), he must consult the Disabled Persons Transport Advisory Committee.
- (2) An order under section 47(1) may be made without a draft of the instrument that contains it having been laid before, and approved by a resolution of, each House of Parliament only if—
  - (a) regulations under subsection (3) are in force; and
  - (b) the making of the order without such laying and approval is in accordance with the regulations.

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- (3) Regulations may set out the basis on which the Secretary of State, when he comes to make an order under section 47(1), will decide which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of the order.
- (4) Before making regulations under subsection (3), the Secretary of State must consult—
- (a) the Disabled Persons Transport Advisory Committee; and
  - (b) such other persons as he considers appropriate.]

#### Textual Amendments

**F34** S. 67A inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {6(4)}, 20(3)-(6); [S.I. 2005/2774, art. 3\(d\)](#)

### [<sup>F35</sup>67B Annual report on rail vehicle exemption orders

- (1) The Secretary of State must after each 31st December prepare, in respect of the year that ended with that day, a report on—
- (a) the exercise in that year of the power to make orders under section 47(1); and
  - (b) the exercise in that year of the discretion under section 67(5A).
- (2) A report under subsection (1) must (in particular) contain—
- (a) details of each order made under section 47(1) in the year in respect of which the report is made; and
  - (b) details of consultation carried out under sections 47(3) and 67A(1) in connection with orders made in that year under section 47(1).
- (3) The Secretary of State must lay before each House of Parliament each report that he prepares under this section.]

#### Textual Amendments

**F35** S. 67B inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {6(5)}, 20(3)-(6); [S.I. 2005/2774, art. 3\(d\)](#)

## 68 Interpretation. **E+W+S**

- (1) In this Act—
- “accessibility certificate” means a certificate issued under section 41(1)(a);
- “act” includes a deliberate omission;
- “approval certificate” means a certificate issued under section 42(4);
- <sup>F36</sup> .....
- “conciliation officer” means a person designated under section 211 of the <sup>M8</sup>Trade Union and Labour Relations (Consolidation) Act 1992;
- “employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do any work, and related expressions are to be construed accordingly;
- [<sup>F37</sup>“employment at an establishment in Great Britain” is to be construed in accordance with subsections (2) to (4A)]



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[<sup>F38</sup>“employment services” has the meaning given in section 21A(1);  
“enactment” includes subordinate legislation and any Order in Council [<sup>F39</sup>,  
and <sup>F40</sup> . . . includes an enactment comprised in, or in an instrument made under,  
an Act of the Scottish Parliament];

[<sup>F41</sup>“Great Britain” includes such of the territorial waters of the United  
Kingdom as are adjacent to Great Britain]

[<sup>F42</sup>“group insurance arrangement” means an arrangement between an  
employer and another for the provision by the other of facilities by way of  
insurance to the employer’s employees or to any class of those employees;]

“licensing authority” [<sup>F43</sup>, except in section 37A,] means—

- (a) in relation to the area to which the <sup>M9</sup>Metropolitan Public Carriage Act  
1869 applies, the Secretary of State or the holder of any office for the  
time being designated by the Secretary of State; or
- (b) in relation to any other area in England and Wales, the authority  
responsible for licensing taxis in that area;

“mental impairment” does not have the same meaning as in the <sup>M10</sup>Mental  
Health Act 1983 <sup>F44</sup> . . . but the fact that an impairment would be a mental  
impairment for the purposes of [<sup>F45</sup>that Act] does not prevent it from being a  
mental impairment for the purposes of this Act;

[<sup>F46</sup>“Minister of the Crown” includes the Treasury and the Defence Council]

“occupational pension scheme” has the same meaning as in the <sup>M11</sup>Pension  
Schemes Act 1993;

“premises” includes land of any description;

“prescribed” means prescribed by regulations [<sup>F47</sup>, except in section 28D  
(where it has the meaning given by section 28D(17))];

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

“public service vehicle” and “regulated public service vehicle” have the  
meaning given in section 40;

“PSV accessibility regulations” means regulations made under  
section 40(1);

“rail vehicle” and “regulated rail vehicle” have the meaning given in  
section 46;

“rail vehicle accessibility regulations” means regulations made under  
section 46(1);

“regulations” means regulations made by the Secretary of State [<sup>F48</sup>, except  
in sections 2(3), 28D, 28L(6), 28Q(7), 33, 49D to 49F and 67 (provisions  
where the meaning of “regulations is apparent)];

<sup>F36</sup>  
.....

<sup>F36</sup>  
.....

“section 21 duty” means any duty imposed by or under section 21;

“subordinate legislation” has the same meaning as in section 21 of the  
<sup>M12</sup>Interpretation Act 1978;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under  
section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

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“vehicle examiner” means an examiner appointed under section 66A of the <sup>M13</sup>Road Traffic Act 1988.

[<sup>F49</sup>(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Great Britain if the employee—

- (a) does his work wholly or partly in Great Britain; or
- (b) does his work wholly outside Great Britain and subsection (2A) applies.

(2A) This subsection applies if—

- (a) the employer has a place of business at an establishment in Great Britain;
- (b) the work is for the purposes of the business carried on at the establishment; and
- (c) the employee is ordinarily resident in Great Britain—
  - (i) at the time when he applies for or is offered the employment, or
  - (ii) at any time during the course of the employment.

(2B) This subsection applies to a ship if—

- (a) it is registered at a port of registry in Great Britain; or
- (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.

(2C) This subsection applies to an aircraft or hovercraft if—

- (a) it is—
  - (i) registered in the United Kingdom, and
  - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain; or
- (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.

(2D) The following are not to be regarded as being employment at an establishment in Great Britain—

- (a) employment on board a ship to which subsection (2B) does not apply;
- (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.]

(4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in Great Britain.

[<sup>F50</sup>(4A) For the purposes of determining if employment concerned with the exploration of the sea bed or sub-soil or the exploitation of their natural resources is outside Great Britain, subsections (2)(a) and (b), (2A) and (2C) of this section each have effect as if “Great Britain” had the same meaning as that given to the last reference to Great Britain in section 10(1) of the Sex Discrimination Act 1975 <sup>F51</sup> by section 10(5) of that Act read with the Sex Discrimination and Equal Pay (Offshore Employment) Order 1987 <sup>F52</sup>.]

(5) <sup>F53</sup> .....

#### **Extent Information**

**E7** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII. (See end of Document for details)*

### Textual Amendments

- F36** S. 68(1): definition of "benefits", "section 6 duty" and "section 15 duty" omitted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(a)(i)**
- F37** S. 68(1): definition of "employment at an establishment in Great Britain" substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(a)(ii)**
- F38** S. 68(1): definition of "employment services" inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(2)**; S.I. 2005/2774, **art. 3(j)**
- F39** S. 68(1): Words in the definition of "enactment" inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)
- F40** S. 68(1): words in definition of "enactment" repealed (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(3)**, **Sch. 2**; S.I. 2005/2774, **art. 3(j)(k)(i)**
- F41** S. 68(1): definition of "Great Britain" inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(a)(iii)**
- F42** S. 68(1): definition of "group insurance arrangement" inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {11(3)}, 20(3)–(6); S.I. 2005/2774, **art. 3**
- F43** S. 68(1): Words in the definition of "licensing authority" inserted (31.12.2003 for E.W. for specified purposes and 31.3.2004 for E.W. for all other purposes) by [2002 c. 37](#), ss. 5, 6(2); S.I. 2003/3123, **art. 2**
- F44** S. 68(1): words in definition of "mental impairment" repealed (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(4)**, **Sch. 2**; S.I. 2005/2774, **art. 3(j)(k)(i)**
- F45** Words in definition of "mental impairment" substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(4)(b)**; S.I. 2005/2774, **art. 3(j)**
- F46** S. 68(1): definition of "Minister of the Crown" substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(a)(iv)**
- F47** S. 68(1): words in definition of "prescribed" inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(1)(5)**; S.I. 2005/1676, **art. 2(1)(c)**
- F48** S. 68(1): words in definition of "regulations" inserted (E.W.S.) (10.10.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), **Sch. 1 para. 34(6)**; S.I. 2005/2774, **art. 2(2)**
- F49** S. 68(2)–(2D) substituted (E.W.S.) for s. 68(2)(3) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(b)**
- F50** S. 68(4A) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(c)**
- F51** 1975 c. 65. Section 10(1) was amended by the [Equal Opportunities \(Employment Legislation\) \(Territorial Limits\) Regulations 1999](#), S.I. 1999/3163, **reg. 2(1)**, (2).
- F52** S.I. 1987/930.
- F53** S. 68(5) omitted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **27(d)**

### Commencement Information

- I3** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)–(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)–(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII. (See end of Document for details)*

### Marginal Citations

- M8** 1992 c. 52.
- M9** 1869 c. 115.
- M10** 1983 c. 20.
- M11** 1993 c. 48.
- M12** 1978 c. 30.
- M13** 1988 c. 52.

## 68 Interpretation. **N.I.**

[<sup>F64</sup>(1) In this Act—

“accessibility certificate” means a certificate issued under section 41(1)(a);

“act” includes a deliberate omission;

“the Agency” means the Labour Relations Agency;

“approval certificate” means a certificate issued under section 42(4);

“the Assembly” means the Northern Ireland Assembly;

<sup>F65</sup>

“the Department of Economic Development” means the Department of Economic Development in Northern Ireland;

“the Department of the Environment” means the Department of the Environment for Northern Ireland;

“the Department of Health and Social Services” means the Department of Health and Social Services for Northern Ireland;

“employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do work and related expressions are to be construed accordingly;

[<sup>F66</sup>“employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (4)]

“enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 [<sup>F67</sup>, and (except in section 56(5)) includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament];

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

[<sup>F68</sup>“Minister of the Crown” includes the Treasury and the Defence Council]

“Northern Ireland department” includes (except in sections 51 and 52) the head of a Northern Ireland department;

“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;

“premises”, includes land of any description;

“prescribed” means prescribed by regulations;

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

“public service vehicle” and “regulated public service vehicle” have the meaning given in section 40;

“PSV accessibility regulations” means regulations made under section 40(1);

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“rail vehicle” and “regulated rail vehicle” have the meaning given in section 46;

“rail vehicle accessibility regulations” means regulations made under section 46(1);

“regulations” means—

- (a) [<sup>F69</sup>in section 17A, regulations made by the Department for Employment and Learning;]
- (b) in Part V of this Act, regulations made by the Department of the Environment;
- (c) [<sup>F70</sup>in any other provision of this Act, regulations made by the Office of the First Minister and deputy First Minister:]

<sup>F65</sup> .....

<sup>F65</sup> .....

“section 21 duty” means any duty imposed by or under section 21;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

[<sup>F71</sup>“the 2005 Order” means the Special Educational Needs and Disability (Northern Ireland) Order 2005;]

“vehicle examiner” means an officer of the Department of the Environment authorised by that Department for the purposes of sections 41 and 42.]

[<sup>F72</sup>(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Northern Ireland if the employee –

- (a) does his work wholly or partly in Northern Ireland; or,
- (b) does his work wholly outside Northern Ireland and subsection (2A) applies.

(2A) This subsection applies if –

- (a) the employer has a place of business at an establishment in Northern Ireland;
- (b) the work is for the purposes of the business carried on at the establishment; and
- (c) the employee is ordinarily resident in Northern Ireland –
  - (i) at the time when he applies for or is offered the employment, or
  - (ii) at any time during the course of the employment.

(2B) This subsection applies to a ship if –

- (a) it is registered at a port of registry in Northern Ireland; or
- (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.

(2C) This subsection applies to an aircraft or hovercraft if –

- (a) it is –
  - (i) registered in the United Kingdom, and
  - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland; or
- (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.

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- (2D) The following are not to be regarded as being employment at an establishment in Northern Ireland –
- (a) employment on board a ship to which subsection (2B) does not apply;
  - (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.]
- (4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in <sup>F73</sup>Northern Ireland].
- (5) <sup>F74</sup> .....

### Extent Information

- E9** This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 47 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only

### Textual Amendments

- F64** S. 68(1) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F65** S. 68(1): definition of "benefits", "section 6 duty" and "section 15 duty" omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(i)**
- F66** S. 68(1): definition of "employment at an establishment in Northern Ireland" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(ii)**
- F67** S. 68(1): words in the definition of "enactment" inserted (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1), **Sch. Pt. I para. 18** (with saving in art. 3)
- F68** S. 68(1): definition of "Minister of the Crown" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iii)**
- F69** S. 68(1): para. (a) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iv)(aa)**
- F70** S. 68(1): para. (c) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iv)(bb)**
- F71** S. 68(1): definition of "the 2005 Order" inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, **48(11)**; S.R. 2005/336, **art. 2**, Sch. (as amended (16.1.2007) by S.R. 2007/25, **art. 2**); S.R. 2005/337, **art. 2**, Sch.
- F72** S. 68(2)-(2D) substituted for s. 68(2)(3) (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(b)**
- F73** Words in s. 68(2) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F74** S. 68(5) omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(c)**

### Commencement Information

- I7** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R.

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1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

## 69 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown under this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under or by virtue of any other enactment.

### Commencement Information

- I4** S. 69 wholly in force at 30.5.1996; s. 69 not in force at Royal Assent see. s. 70(3); s. 69 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(k)**; s. 69 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(j)**

## 70 Short title, commencement, extent etc.

- (1) This Act may be cited as the Disability Discrimination Act 1995.
- (2) This section (apart from subsections (4), (5) and (7)) comes into force on the passing of this Act.
- (3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint and different days may be appointed for different purposes.
- (4) Schedule 6 makes consequential amendments.
- (5) The repeals set out in Schedule 7 shall have effect.

[<sup>F54</sup>(5A) Sections 7A and 7B extend to England and Wales only.

(5B) Sections 7C and 7D extend to Scotland only.]

- (6) [<sup>F55</sup>Subject to subsections (5A) and (5B), this Act extends to England and Wales, Scotland and Northern Ireland;] but in their application to Northern Ireland the provisions of this Act mentioned in Schedule 8 shall have effect subject to the modifications set out in that Schedule.

[<sup>F56</sup>(7) In Part II of Schedule 1 to the <sup>M14</sup>House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the <sup>M15</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) in each case insert at the appropriate places—

[<sup>F57</sup>“The National Disability Council.”]

“The Northern Ireland Disability Council”]

- (8) Consultations which are required by any provision of this Act to be held by the Secretary of State may be held by him before the coming into force of that provision.

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### Subordinate Legislation Made

- P1** S. 70(3) power partly exercised: 1.1.1996 appointed day for specified provisions by S.I. 1995/3330, **art. 2**
- S. 70(3) power partly exercised: 2.1.1996 appointed day for specified provisions by S.R. 1996/1, **art. 2**
- S. 70(3) power partly exercised: 17.5.1996 appointed day for specified provisions by S.I. 1996/1336, **art. 3**
- S. 70(3) power partly exercised: 30.5.1996 appointed day for specified provisions by S.R. 1996/219, **art. 3**
- S. 70(3) power partly exercised: different days appointed for specified provisions by S.I. 1996/1474, **art. 2**
- S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1996/280, **art. 2**
- S. 70(3) power partly exercised: 2.12.1996 appointed day for specified provision by S.R. 1996/580, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 1999/1190, **arts. 2-5**
- S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1999/196, **arts. 2-4**
- S. 70(3) power partly exercised: 13.5.1998 appointed day for specified provisions by S.R. 1998/183, **art. 2**
- S. 70(3) power partly exercised: 30.8.2000 appointed for specified provisions by S.I. 2000/1969, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions and purposes by S.I. 2000/2989, **arts. 2, 3**
- S. 70(3) power partly exercised: different dates appointed for specified provisions and purposes by S.R. 2001/163, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 2001/2030, **arts. 2, 3**
- S. 70(3) power partly exercised: different dates appointed for specified purposes by S.R. 2001/439, **art. 2(1)**
- s. 70(3) power partly exercised: 21.1.2003 appointed day for specified provisions by S.R. 2003/24, **art. 2**
- s. 70(3) power partly exercised: 5.2.2003 appointed day for specified provision by S.I. 2003/215, **art. 2**
- s. 70(3) power partly exercised: 6.4.2005 appointed day for specified provision by S.I. 2005/1122, **art. 2**
- s. 70(3) power partly exercised: 3.6.2008 appointed day for specified provision by S.R. 2008/236, **art. 2**

### Textual Amendments

- F54** S. 70(5A)(5B) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **28(a)**
- F55** Words in s. 70(6) substituted (E.W.S.) for words "This Act extends to Northern Ireland," (3.7.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **28(b)**
- F56** S. 70(7) repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.** Appendix
- F57** Words in s. 70(7) repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2** Appendix

### Modifications etc. (not altering text)

- C2** S. 70(3) applied (1.11.1996) by 1996 c. 56, s. 583(2)(5)(b) (with ss. 1(4), 561, 562, Sch. 39)



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#### **Commencement Information**

- I5** S. 70 partly in force at Royal Assent see s. 70(2)(3); S. 70(7) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(i)**; s. 70(7) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(k)**; s. 70(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, **art. 2(3)**, **Sch. Pt. III**; s. 70(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, **art. 2(2)**, **Sch. Pt. II**; s. 70(5) in force (E.W.S.) for specified purposes at 2.12.1996 by S.I. 1996/1474, **art. 2(3)**, **Sch. Pt. III** (with s. 3); s. 70(5) in force for specified purposes (N.I.) at 2.12.1996 by S.R. 1996/280, **art. 2(2)**, **Sch. Pt. II** (with art. 3)

#### **Marginal Citations**

- M14** 1975 c. 24.  
**M15** 1975 c. 25.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII.