

Status: Point in time view as at 01/01/1996.

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

SCHEDULES

VALID FROM 17/05/1996

SCHEDULE 1

Section 1(1).

PROVISIONS SUPPLEMENTING SECTION 1

Extent Information

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

Modifications etc. (not altering text)

- C1** S. 1, Sch. 1 applied (N.I.) (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), {art. 2(3)}

VALID FROM 17/05/1996

SCHEDULE 2

Section 2(2).

PAST DISABILITIES

SCHEDULE 3

Sections 8(8) and 25(6).

ENFORCEMENT AND PROCEDURE

Extent Information

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

Status: Point in time view as at 01/01/1996.

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

PART I

EMPLOYMENT

Conciliation

- ^{F9}1 (1) Where a complaint is presented to an industrial tribunal under section 8 and a copy of it is sent to a conciliation officer, he shall—
- (a) if requested to do so by the complainant and respondent, or
 - (b) if he considers that he has a reasonable prospect of success,
- try to promote a settlement of the complaint without its being determined by an industrial tribunal.
- (2) Where a person is contemplating presenting such a complaint, a conciliation officer shall, if asked to do so by the potential complainant or potential respondent, try to promote a settlement.
- (3) The conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (4) Anything communicated to a conciliation officer in a case in which he is acting under this paragraph shall not be admissible in evidence in any proceedings before an industrial tribunal except with the consent of the person who communicated it.

Textual Amendments

F9 Sch. 3 para. 1 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

- 1 (1) Where a complaint is presented to an industrial tribunal under section 8 and a copy of it is sent to a conciliation officer, he shall—
- (a) if requested to do so by the complainant and respondent, or
 - (b) if he considers that he has a reasonable prospect of success,
- try to promote a settlement of the complaint without its being determined by an industrial tribunal.
- (2) Where a person is contemplating presenting such a complaint, a conciliation officer shall, if asked to do so by the potential complainant or potential respondent, try to promote a settlement.
- (3) The conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (4) Anything communicated to a conciliation officer in a case in which he is acting under this paragraph shall not be admissible in evidence in any proceedings before an industrial tribunal except with the consent of the person who communicated it.

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

VALID FROM 02/12/1996

Restriction on proceedings for breach of Part II

- 2
- (1) Except as provided by section 8, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part II.
 - (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

VALID FROM 02/12/1996

Period within which proceedings must be brought

- 3
- (1) An industrial tribunal shall not consider a complaint under section 8 unless it is presented before the end of the period of three months beginning when the act complained of was done.
 - (2) A tribunal may consider any such complaint which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
 - (3) For the purposes of sub-paragraph (1)—
 - (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
 - (4) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
 - (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

VALID FROM 02/12/1996

Evidence

- 4
- (1) In any proceedings under section 8, a certificate signed by or on behalf of a Minister of the Crown and certifying—

Status: Point in time view as at 01/01/1996.

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

- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
- (b) that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

VALID FROM 02/12/1996

PART II

DISCRIMINATION IN OTHER AREAS

Restriction on proceedings for breach of Part III

- 5 (1) Except as provided by section 25 no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part III.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Period within which proceedings must be brought

- 6 (1) A county court or a sheriff court shall not consider a claim under section 25 unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) Where, in relation to proceedings or prospective proceedings under section 25, a person appointed in connection with arrangements under section 28 is approached before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.
- (3) A court may consider any claim under section 25 which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) For the purposes of sub-paragraph (1)—
- where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - any act extending over a period shall be treated as done at the end of that period; and
 - a deliberate omission shall be treated as done when the person in question decided upon it.

Status: Point in time view as at 01/01/1996.

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

(5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—

- (a) when he does an act inconsistent with doing the omitted act; or
- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Extent Information

E3 In its application to Northern Ireland, this paragraph has effect subject to the modifications set out in Sch. 8: see s. 70(6)

VALID FROM 04/12/2006

f¹⁰ Staying or sisting proceedings on section 21B claim affecting criminal matters

Textual Amendments

F10 Sch. 3 paras. 6A, 6B and cross-headings inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 38(5); S.I. 2005/2774, art. 4

- 6A (1) Sub-paragraph (2) applies where a party to proceedings under section 25 which have arisen by virtue of section 21B(1) has applied for a stay or sist of those proceedings on the grounds of prejudice to—
- (a) particular criminal proceedings;
 - (b) a criminal investigation; or
 - (c) a decision to institute criminal proceedings.
- (2) The court shall grant the stay or sist unless it is satisfied that the continuance of the proceedings under section 25 would not result in the prejudice alleged.

VALID FROM 04/12/2006

Restriction of remedies for section 21B claim relating to criminal matters

- 6B (1) Sub-paragraph (2) applies to a remedy other than—
- (a) damages; or
 - (b) a declaration or, in Scotland, a declarator.
- (2) In proceedings under section 25, the remedy shall be obtainable in respect of a relevant discriminatory act only if the court is satisfied that—
- (a) no criminal investigation,
 - (b) no decision to institute criminal proceedings, and
 - (c) no criminal proceedings,
- would be prejudiced by the remedy.

Status: Point in time view as at 01/01/1996.

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

- (3) In sub-paragraph (2) “relevant discriminatory act” means an act—
- (a) which is done, or by virtue of section 57 or 58 is treated as done, by a person—
 - (i) in carrying out public investigator functions, or
 - (ii) in carrying out functions as a public prosecutor; and
 - (b) which is unlawful by virtue of section 21B(1).]

Compensation for injury to feelings

- 7 In any proceedings under section 25, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

Evidence

- 8 (1) In any proceedings under section 25, a certificate signed by or on behalf of a Minister of the Crown and certifying—
- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
 - (b) that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

VALID FROM 01/09/2002

[^{F11}PART 3

DISCRIMINATION IN SCHOOLS]

Textual Amendments

F11 Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), Sch. 3 para. 1 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

Restriction on proceedings for breach of Part 4, Chapter 1

- ^{F129} (1) Except as provided by sections 28I [^{F13}28IA,], 28K [^{F14}, 28L and 28N], no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 1 of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Status: Point in time view as at 01/01/1996.

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

[^{F15}(3) Sub-paragraph (1) does not prevent the bringing of proceedings in respect of an offence under section 28J(9).]

Textual Amendments

- F12** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**
- F13** Word in Sch. 3 para. 9(1) inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(a)}
- F14** Words in Sch. 3 para. 9(1) substituted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(7)**; S.I. 2005/1676, art. 2(1)(c)
- F15** Sch. 3 para. 9(3) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(8)**; S.I. 2005/1676, art. 2(1)(c)

Period within which proceedings must be brought

- ^{F16}10 (1) The ^{F17}. . . [^{F18}Welsh Tribunal] shall not consider a claim under section 28I [^{F19}or section 28IA] unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 28I [^{F20}or section 28IA], the dispute concerned is referred for conciliation in pursuance of arrangements under [^{F21}section 28ID of this Act or][^{F22}section 27 of the Equality Act 2006] before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by [^{F23}three months.].
- (3) The ^{F17}. . . [^{F18} Welsh Tribunal] may consider any claim under section 28I [^{F24}or section 28IA] which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) But sub-paragraph (3) does not permit the ^{F17}. . . [^{F18} Welsh Tribunal] to decide to consider a claim if a decision not to consider that claim has previously been taken under that sub-paragraph.
- (5) For the purposes of sub-paragraph (1)—
- if an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - any act extending over a period shall be treated as done at the end of that period; and
 - a deliberate omission shall be treated as done when the person in question decided upon it.
- (6) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- when he does an act inconsistent with doing the omitted act; or
 - if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Status: Point in time view as at 01/01/1996.

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

Textual Amendments

- F16** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F17** Words in **Sch. 3 para. 10(1)(3)(4)** omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order (S.I. 2008/2833), arts. 1(1), 6, {Sch. 3 para. 121}
- F18** Words in **Sch. 3 para. 10(1)(3)(4)** inserted (1.9.2003) by 2002 c. 32, s. 195, **Sch. 18 para. 12** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, **Sch. Pt. III**
- F19** Words in **Sch. 3 para. 10(1)** inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(b)}
- F20** Words in **Sch. 3 para. 10(2)** inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(c)}
- F21** Words in **Sch. 3 para. 10(2)** inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(c)}
- F22** Words in **Sch. 3 para. 10(2)** substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 56(2)(a)** (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)
- F23** Words in **Sch. 3 para. 10(2)** substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 56(2)(b)** (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)
- F24** Words in **Sch. 3 para. 10(3)** inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(d)}

Evidence

- ^{F25}11 (1) In any proceedings under section 28I, 28K [^{F26}, 28L or 28N], a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.
- [^{F27}(1A) In any proceedings under section 28N, a certificate signed by or on behalf of the Scottish Ministers and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a member of the Scottish Executive, and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.
- (1B) In any proceedings under section 28I, [^{F28}28IA,] 28K or 28L, a certificate signed by or on behalf of the [^{F29}Welsh Ministers] and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by the [^{F30}National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], and
 - (b) were in operation at a time or throughout a time so specified,
- shall be conclusive evidence of the matters certified.]
- (2) A document purporting to be such a certificate [^{F31}as is mentioned in subparagraph (1), (1A) or (1B)] shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Status: Point in time view as at 01/01/1996.

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

Textual Amendments

- F25** Sch. 3 Pt. 3 (paras. 9-11) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 19(2), **Sch. 3 para. 1** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**
- F26** Words in Sch. 3 para. 11(1) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(9)**; S.I. 2005/1676, **art. 2(1)(c)**
- F27** Sch. 3 para. 11(1A)(1B) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(10)**; S.I. 2005/1676, **art. 2(1)(c)**
- F28** Word in Sch. 3 para. 11(1B) inserted (W.) (prosp.) by Education (Wales) Measure (2009 nawm 5), ss. 23, 26, {Sch. para. 9(e)}
- F29** Words in Sch. 3 para. 11(1B) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 63(4)(a)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **s. 161(5)** of the Government of Wales Act 2006.
- F30** Words in Sch. 3 para. 11(1B)(a) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 63(4)(b)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **s. 161(5)** of the Government of Wales Act 2006.
- F31** Words in Sch. 3 para. 11(2) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 38(11)**; S.I. 2005/1676, **art. 2(1)(c)**

VALID FROM 01/09/2002

[^{F32}PART 4

DISCRIMINATION IN FURTHER AND HIGHER EDUCATION INSTITUTIONS]

Textual Amendments

- F32** Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), **Sch. 3 para. 2** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**

Restriction on proceedings for breach of Part 4, Chapter 2

- ^{F33}12 (1) Except as provided by section 28V, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 2 of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Textual Amendments

- F33** Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**

Status: Point in time view as at 01/01/1996.

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

Period within which proceedings must be brought

- ^{F34}13 (1) A county court or a sheriff court shall not consider a claim under section 28V unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 28V, the dispute concerned is referred for conciliation in pursuance of arrangements under section 31B before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.
- (3) A court may consider any claim under section 28V which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) For the purposes of sub-paragraph (1)—
- (a) if an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Textual Amendments

F34 Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

Compensation for injury to feelings

- ^{F35}14 In any proceedings under section 28V, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

Textual Amendments

F35 Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

Evidence

- ^{F36}15 (1) In any proceedings under section 28V, a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
 - (b) were in operation at a time or throughout a time so specified,

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

is conclusive evidence of the matters certified.

- (2) A document purporting to be such a certificate is to be—
- (a) received in evidence; and
 - (b) deemed to be such a certificate unless the contrary is proved.

Textual Amendments

F36 Sch. 3 Pt. 4 (paras. 12-15) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 30(2), (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

VALID FROM 01/09/2007

[^{F37}PART 5

DISCRIMINATION IN GENERAL QUALIFICATIONS BODIES

Textual Amendments

F37 Sch. 3 Pt. 5 (paras. 16-18 and cross-headings) inserted (E.W.S.) (1.9.2007) by The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (S.I. 2007/2405), regs. 1(2), 4(3) (with reg. 14)

Restriction on proceedings for breach of Part 4, Chapter 2A

- 16 (1) Except as provided by section 31ADA, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 2A of Part 4.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Period within which proceedings must be brought

- 17 (1) A county court or a sheriff court shall not consider a claim under section 31ADA unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) If, in relation to proceedings or prospective proceedings under section 31ADA, the dispute concerned is referred to conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of six months mentioned in sub-paragraph (1), the period of six months allowed by that sub-paragraph shall be extended by three months.
- (3) A court may consider any claim under section 31ADA which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

Status: Point in time view as at 01/01/1996.

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

- (4) For the purposes of sub-paragraph (1)—
- (a) if an unlawful act is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Evidence]

- 18 (1) In any proceedings under section 31ADA, a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a Minister of the Crown, and
 - (b) were in operation at a time or throughout a time so specified,
- is conclusive evidence of the matters certified.
- (2) In any proceedings under section 31ADA, a certificate signed by or on behalf of the Scottish Ministers and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by a member of the Scottish Executive, and
 - (b) were in operation at a time or throughout a time so specified,
- is conclusive evidence of the matters certified.
- (3) In any proceedings under section 31ADA, a certificate signed by or on behalf of the Welsh Ministers and certifying that any conditions or requirements specified in the certificate—
- (a) were imposed by them, and
 - (b) were in operation at a time or throughout a time so specified,
- is conclusive evidence of the matters certified.
- (4) A document purporting to be such a certificate as is mentioned in sub-paragraph (1), (2) or (3) is to be—
- (a) received in evidence; and
 - (b) deemed to be such a certificate unless the contrary is proved.

Status: Point in time view as at 01/01/1996.

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

VALID FROM 21/02/2004

[^{F38}SCHEDULE 3A

Section 17C

VALIDITY OF CONTRACTS, COLLECTIVE AGREEMENTS AND RULES OF UNDERTAKINGS

Textual Amendments

F38 Sch. 3A inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 insofar as not yet in force) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), reg. 16(2), {Sch.}

PART I

VALIDITY AND REVISION OF CONTRACTS

PART II

COLLECTIVE AGREEMENTS AND RULES OF UNDERTAKINGS]

PART III

INTERPRETATION

VALID FROM 03/07/2003

[^{F39}SCHEDULE 3A

Section 17C

VALIDITY OF CONTRACTS, COLLECTIVE AGREEMENTS AND RULES OF UNDERTAKINGS

Textual Amendments

F39 Sch. 3A 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), 16(2), Sch.

Status: Point in time view as at 01/01/1996.

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

PART 1

VALIDITY AND REVISION OF CONTRACTS

1

- (1) A term of a contract is void where—
- (a) the making of the contract is, by reason of the inclusion of the term, unlawful by virtue of this Part of this Act;
 - (b) it is included in furtherance of an act which is unlawful by virtue of this Part of this Act; or
 - (c) it provides for the doing of an act which is unlawful by virtue of this Part of this Act.
- (2) Sub-paragraph (1) does not apply to a term the inclusion of which constitutes, or is in furtherance of, or provides for, unlawful discrimination against, or harassment of, a party to the contract, but the term shall be unenforceable against that party.
- (3) A term in a contract which purports to exclude or limit any provision of this Part of this Act is unenforceable by any person in whose favour the term would operate apart from this paragraph.
- (4) Sub-paragraphs (1), (2) and (3) apply whether the contract was entered into before or after the date on which this Schedule comes into force; but in the case of a contract made before that date, those sub-paragraphs do not apply in relation to any period before that date.

2

- (1) Paragraph 1(3) does not apply—
- (a) to a contract settling a complaint to which section 17A(1) or 25(8) applies where the contract is made with the assistance of a conciliation officer (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 ^{F40}); or
 - (b) to a contract settling a complaint to which section 17A(1) or 25(8) applies if the conditions regulating compromise contracts under this Schedule are satisfied in relation to the contract.
- (2) The conditions regulating compromise contracts under this Schedule are that—
- (a) the contract must be in writing;
 - (b) the contract must relate to the particular complaint;
 - (c) the complainant must have received advice from a relevant independent adviser as to the terms and effect of the proposed contract and in particular its effect on his ability to pursue a complaint before an employment tribunal;
 - (d) there must be in force, when the adviser gives the advice, a contract of insurance, or an indemnity provided for members of a profession or professional body, covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice;
 - (e) the contract must identify the adviser; and

Status: Point in time view as at 01/01/1996.

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

- (f) the contract must state that the conditions regulating compromise contracts under this Schedule are satisfied.
- (3) A person is a relevant independent adviser for the purposes of sub-paragraph (2)(c)—
- (a) if he is a qualified lawyer;
 - (b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union; or
 - (c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre.
- (4) But a person is not a relevant independent adviser for the purposes of sub-paragraph (2)(c) in relation to the complainant—
- (a) if he is, is employed by or is acting in the matter for the other party or a person who is connected with the other party;
 - (b) in the case of a person within sub-paragraph (3)(b) or (c), if the trade union or advice centre is the other party or a person who is connected with the other party; or
 - (c) in the case of a person within sub-paragraph (3)(c), if the complainant makes a payment for the advice received from him.
- (5) In sub-paragraph (3)(a) “qualified lawyer” means—
- (a) as respects England and Wales, a barrister (whether in practice as such or employed to give legal advice), a solicitor who holds a practising certificate, or a person other than a barrister or solicitor who is an authorised advocate or authorised litigator (within the meaning of the Courts and Legal Services Act 1990 ^{F41}); and
 - (b) as respects Scotland, an advocate (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.
- (6) In sub-paragraph (3)(b) “independent trade union” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 ^{F42}.
- (7) For the purposes of sub-paragraph (4)(a) any two persons are to be treated as connected—
- (a) if one is a company of which the other (directly or indirectly) has control; or
 - (b) if both are companies of which a third person (directly or indirectly) has control.
- (8) An agreement under which the parties agree to submit a dispute to arbitration—
- (a) shall be regarded for the purposes of sub-paragraph (1)(a) and (b) as being a contract settling a complaint if—
 - (i) the dispute is covered by a scheme having effect by virtue of an order under section 212A of the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (ii) the agreement is to submit it to arbitration in accordance with the scheme; but
 - (b) shall be regarded as neither being nor including such a contract in any other case.

Status: Point in time view as at 01/01/1996.

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

Textual Amendments

- F40** 1992 c. 52.
- F41** 1990 c. 41.
- F42** 1992 c. 52.

3

- (1) On the application of a disabled person interested in a contract to which paragraph 1(1) or (2) applies, a county court or a sheriff court may make such order as it thinks fit for—
 - (a) removing or modifying any term rendered void by paragraph 1(1), or
 - (b) removing or modifying any term made unenforceable by paragraph 1(2);
 but such an order shall not be made unless all persons affected have been given notice in writing of the application (except where under rules of court notice may be dispensed with) and have been afforded an opportunity to make representations to the court.
- (2) An order under sub-paragraph (1) may include provision as respects any period before the making of the order (but after the coming into force of this Schedule).

PART 2

COLLECTIVE AGREEMENTS AND RULES OF UNDERTAKINGS]

4

- (1) This Part of this Schedule applies to—
 - (a) any term of a collective agreement, including an agreement which was not intended, or is presumed not to have been intended, to be a legally enforceable contract;
 - (b) any rule made by an employer for application to all or any of the persons who are employed by him or who apply to be, or are, considered by him for employment;
 - (c) any rule made by a trade organisation (within the meaning of section 13) or a qualifications body (within the meaning of section 14A) for application to—
 - (i) all or any of its members or prospective members; or
 - (ii) all or any of the persons on whom it has conferred authorisations or qualifications or who are seeking the authorisations or qualifications which it has power to confer.
- (2) Any term or rule to which this Part of this Schedule applies is void where—
 - (a) the making of the collective agreement is, by reason of the inclusion of the term, unlawful by virtue of this Part of this Act;
 - (b) the term or rule is included in furtherance of an act which is unlawful by virtue of this Part of this Act; or

Status: Point in time view as at 01/01/1996.

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

- (c) the term or rule provides for the doing of an act which is unlawful by virtue of this Part of this Act.
- (3) Sub-paragraph (2) applies whether the agreement was entered into, or the rule made, before or after the date on which this Schedule comes into force; but in the case of an agreement entered into, or a rule made, before the date on which this Schedule comes into force, that sub-paragraph does not apply in relation to any period before that date.
- 5 A disabled person to whom this paragraph applies may present a complaint to an employment tribunal that a term or rule is void by virtue of paragraph 4 if he has reason to believe—
- (a) that the term or rule may at some future time have effect in relation to him; and
 - (b) where he alleges that it is void by virtue of paragraph 4(2)(c), that—
 - (i) an act for the doing of which it provides, may at some such time be done in relation to him, and
 - (ii) the act would be unlawful by virtue of this Part of this Act if done in relation to him in present circumstances.
- 6 In the case of a complaint about—
- (a) a term of a collective agreement made by or on behalf of—
 - (i) an employer,
 - (ii) an organisation of employers of which an employer is a member, or
 - (iii) an association of such organisations of one of which an employer is a member, or
 - (b) a rule made by an employer within the meaning of paragraph 4(1)(b), paragraph 5 applies to any disabled person who is, or is genuinely and actively seeking to become, one of his employees.
- 7 In the case of a complaint about a rule made by an organisation or body to which paragraph 4(1)(c) applies, paragraph 5 applies to any disabled person—
- (a) who is, or is genuinely and actively seeking to become, a member of the organisation or body;
 - (b) on whom the organisation or body has conferred an authorisation or qualification; or
 - (c) who is genuinely and actively seeking an authorisation or qualification which the organisation or body has power to confer.
- 8
- (1) When an employment tribunal finds that a complaint presented to it under paragraph 5 is well-founded the tribunal shall make an order declaring that the term or rule is void.

Status: Point in time view as at 01/01/1996.

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

(2) An order under sub-paragraph (1) may include provision as respects any period before the making of the order (but after the coming into force of this Schedule).

9 The avoidance by virtue of paragraph 4(2) of any term or rule which provides for any person to be discriminated against shall be without prejudice to the following rights (except in so far as they enable any person to require another person to be treated less favourably than himself), namely—

- (a) such of the rights of the person to be discriminated against, and
- (b) such of the rights of any person who will be treated more favourably in direct or indirect consequence of the discrimination,

as are conferred by or in respect of a contract made or modified wholly or partly in pursuance of, or by reference to, that term or rule.

PART 3

INTERPRETATION

10 In this Schedule “collective agreement” means any agreement relating to one or more of the matters mentioned in section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 ^{F43} (meaning of trade dispute), being an agreement made by or on behalf of one or more employers or one or more organisations of employers or associations of such organisations with one or more organisations of workers or associations of such organisations.

Textual Amendments

F43 1992 c. 52.

11 Any reference in this Schedule to a contract or act which is unlawful by virtue of this Part of this Act shall be taken to include a reference to a contract or act which is unlawful by virtue of Part 3 of this Act to the extent that it relates to the provision of employment services.

VALID FROM 05/12/2005

[^{F44}12 Where a term to which section 26(1A)(c) applies is a term in an agreement which is not a contract, Part 1 of this Schedule shall have effect as if the agreement were a contract.]

Status: Point in time view as at 01/01/1996.

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

Textual Amendments

- F44** Sch. 3A paras. 11, 12 substituted (5.12.2005) for Sch. 3A para. 11 by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 39\(3\)](#); S.I. 2005/2774, [art. 3\(j\)](#)

VALID FROM 17/05/1996

SCHEDULE 4

Sections 16(5) and 27(5).

PREMISES OCCUPIED UNDER LEASES

Extent Information

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

VALID FROM 01/09/2002

[^{F53}SCHEDULE 4A

Section 28A]

RESPONSIBLE BODIES FOR SCHOOLS

Textual Amendments

- F53** Sch. 4A inserted (E.W.S.) (1.9.2002) by [2001 c. 10, s. 11\(2\)](#), [Sch. 2](#) (with [s. 43\(13\)](#)); S.I. 2002/2217, [art. 3](#), [Sch. 1 Pt. 1](#)

- 1 (1) The bodies responsible for schools in England and Wales are set out in the following table.
- (2) In that Table—
“the local education authority” has the meaning given by section 22(8) of the School Standards and Framework Act 1998; and
“proprietor” has the meaning given by section 579 of the Education Act 1996.

TABLE

Type of school

Responsible body

Status: Point in time view as at 01/01/1996.

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

| | | |
|----|---|---|
| 1. | Maintained school. | The local education authority or governing body, according to which has the function in question. |
| 2. | Pupil referral unit. | The local education authority. |
| 3. | Maintained nursery school. | The local education authority. |
| 4. | Independent school. | The proprietor. |
| 5. | Special school not maintained by a local education authority. | The proprietor. |

2 (1) The bodies responsible for schools in Scotland are set out in the following table.

(2) In that Table “board of management”, “education authority”, “managers” and “proprietor” each have the meaning given in section 135(1) of the Education (Scotland) Act 1980.

T A B L E

| Type of school | Responsible body |
|---|-----------------------------|
| 1. School managed by an education authority | The education authority. |
| 2. Independent school. | The proprietor. |
| 3. Self-governing school. | The board of management. |
| 4. School in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980. | The managers of the school. |

VALID FROM 01/09/2002

[^{F54}SCHEDULE 4B

Section 28R]

RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

Textual Amendments

F54 Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

^{F55}1 (1) The bodies responsible for educational institutions in England and Wales are set out in the following table.

Status: Point in time view as at 01/01/1996.

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

(2) In that Table “governing body” has the meaning given by section 90 of the Further and Higher Education Act 1992.

| Type of institution | Responsible body |
|--|--|
| 1. Institution within the further education sector. | The governing body. |
| 2. University. | The governing body. |
| 3. Institution, other than a university, within the higher education sector. | The governing body. |
| 4. Institution designated under section 28R(6)(c). | The body specified in the order as the responsible body. |

Textual Amendments

F55 Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

^{F562} (1) The bodies responsible for relevant institutions in Scotland are set out in the following table.

(2) In that Table—

“board of management” has the meaning given in section 36(1) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”);

“central institution”, “education authority” and “managers” have the meaning given in section 135(1) of the Education (Scotland) Act 1980; and

“governing body” has the meaning given in section 56(1) of the 1992 Act.

Table

| Type of institution | Responsible body |
|---|-----------------------------|
| 1. Designated institution within the meaning of Part 2 of the 1992 Act. | The governing body. |
| 2. University. | The governing body. |
| 3. College of further education with a board of management. | The board of management. |
| 4. Institution maintained by an education authority in the exercise of their further education functions. | The education authority. |
| 5. Central institution. | The governing body. |
| 6. School in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980. | The managers of the school. |

Status: Point in time view as at 01/01/1996.

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

| | |
|--|--|
| 7. Institution designated under section 28R(7)(e). | The body specified in the order as the responsible body. |
| <p>Textual Amendments</p> <p>F56 Sch. 4B inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 26(2), Sch. 4 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I</p> | |

VALID FROM 01/09/2002

[^{F57}F⁵⁸] SCHEDULE 4C

Section 28U.

MODIFICATIONS OF CHAPTER 2 OF PART 4

Textual Amendments

- F57** Sch. 4C inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 29, **Sch. 5** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**
- F58** Sch. 4C substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by *The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006* (S.I. 2006/1721), regs. 1(2)(3), **21**

VALID FROM 30/06/2006

[^{F77}] SCHEDULE 4C

Section 28U

MODIFICATIONS OF CHAPTER 2 OF PART 4

Textual Amendments

- F77** Sch. 4C substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by *The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006* (S.I. 2006/1721), regs. 1(2)(3), **21**

Status: Point in time view as at 01/01/1996.

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

PART 1

MODIFICATIONS FOR ENGLAND AND WALES – FURTHER EDUCATION, ETC PROVIDED BY LOCAL EDUCATION AUTHORITIES

1 The following is substituted for section 28R—

“28R 28R Higher and further education secured by local education authorities

- (1) Subsections (2) to (4) apply in relation to—
 - (a) any course of higher education secured by a local education authority under section 120 of the Education Reform Act 1988, and
 - (b) any course of further education secured by a local education authority.
- (2) It is unlawful for the local education authority to discriminate against a disabled person—
 - (a) in the arrangements they make for determining who should be enrolled on the course;
 - (b) in the terms on which they offer to enrol him on the course; or
 - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
- (3) It is unlawful for the local education authority to discriminate against a disabled person who has enrolled on the course in the services which they provide or offer to provide.
- (4) It is unlawful for the local education authority to subject to harassment a disabled person who—
 - (a) seeks enrolment on the course,
 - (b) is enrolled on the course, or
 - (c) is a user of any services provided by that authority in relation to the course .
- (5) “Services“, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
- (6) In relation to further education secured by a local education authority—
 - (a) “course” includes each of the component parts of a course of further education if, in relation to the course, there is no requirement imposed on persons registered for any component part of the course to register for any other component part of that course; and
 - (b) “enrolment”, in relation to such a course, includes registration for any one of those parts.
- (7) In this Chapter—

“responsible body” means a local education authority in relation to a course of further or higher education secured by them;

Status: Point in time view as at 01/01/1996.

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

“further education” in relation to a course secured by the local education authority, has the meaning given in section 2(3) of the Education Act 1996;

“higher education” has the meaning given in section 579(1) of the Education Act 1996; and

“local education authority” has the meaning given in section 12 of the Education Act 1996.”.

PART 1A

MODIFICATIONS FOR ENGLAND AND WALES – FURTHER EDUCATION PROVIDED BY SCHOOLS, ETC

6 The following is substituted for section 28R—

“28R 28R Further education provided by schools and recreational or training facilities provided by local education authorities

- (1) Subsections (2) and (3) apply in relation to any course of further education provided by the governing body of a maintained school under section 80 of the School Standards and Framework Act 1998.
- (2) It is unlawful for the governing body to discriminate against a disabled person—
 - (a) in the arrangements they make for determining who should be enrolled on the course;
 - (b) in the terms on which they offer to enrol him on the course; or
 - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
- (3) It is unlawful for the governing body to discriminate against a disabled person who has enrolled on the course in the services which they provide or offer to provide.
- (4) “Services“, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
- (5) It is unlawful for a local education authority to discriminate against a disabled person in the terms on which they provide or offer to provide recreational or training facilities.
- (6) In this Chapter—

“Responsible body” means—

 - (a) the governing body of a maintained school, in relation to a course of further education provided under section 80 of the School Standards and Framework Act 1998, and
 - (b) a local education authority in relation to recreational or training facilities;

“Further education”, in relation to a course provided under section 80 of the School Standards and Framework Act 1998,

Status: Point in time view as at 01/01/1996.

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

means education of a kind mentioned in subsection (1) of that section;

“Local education authority” has the meaning given in section 12 of the Education Act 1996;

“Governing Body” and “maintained school” have the same meaning as in Chapter 1;

“Recreational or training facilities” means any facilities secured by a local education authority under subsection (1), or provided by it under subsection (1A), of section 508 of the Education Act 1996 (recreation and social and physical training).”.

9 Subsections (1A) to (1D) of section 28T (responsible bodies' duties to make adjustments) are omitted and the following subsection is substituted for subsection (1) of that section—

“(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—

(a) in relation to its arrangements for enrolling persons on a course of further education provided by it, and

(b) in relation to services provided or offered by it,

disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”.

10 In subsections (2) and (4) of section 28T, for “any of subsections (1) to (1D)” there is substituted “subsection (1).

11 In section 28W(1)(a) for “by an educational institution” there is substituted “ by a responsible body wholly or partly for the purpose of its functions ”.

12 Sections 28SA, 28UA, 28UB, 28UC, 28V(1A) and 31A are omitted.

PART 2

MODIFICATIONS FOR SCOTLAND – FURTHER EDUCATION

13 The following is substituted for section 28R—

“28R Further education etc provided by education authorities in Scotland

(1) Subsections (2) and (3) apply to any course of further education secured by an education authority.

(2) It is unlawful for the education authority to discriminate against a disabled person—

Status: Point in time view as at 01/01/1996.

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

| | |
|----|---|
| | <ul style="list-style-type: none"> (a) in the arrangements they make for determining who should be enrolled on the course; (b) in the terms on which they offer to enrol him on the course; or (c) by refusing or deliberately omitting to accept an application for his enrolment on the course. <p>(3) It is unlawful for the education authority to discriminate against a disabled person who has enrolled on the course in the services which they provide or offer to provide.</p> <p>(4) It is unlawful for the education authority to subject to harassment a disabled person who—</p> <ul style="list-style-type: none"> (a) seeks enrolment on a course offered by that authority, (b) is enrolled on a course offered by that authority, or (c) is a user of services provided by that authority. <p>(5) “Services“, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.</p> <p>(6) In this Chapter —</p> <ul style="list-style-type: none"> “Responsible body” means an education authority; “Further education” has the meaning given in section 1(5) of the Education (Scotland) Act 1980; “Education authority” has the meaning given in section 135(1) of that Act.”. |
| 14 | <p>Subsections (1A) to (1D) of section 28T are omitted and the following subsection is substituted for subsection (1) of that section—</p> <p>“(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—</p> <ul style="list-style-type: none"> (a) in relation to its arrangements for enrolling persons on a course of further education provided by it, and (b) in relation to services provided or offered by it, <p>disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”.</p> |
| 15 | <p>In subsections (2) and (4) of section 28T, for “any of subsections (1) to (1D)” there is substituted “ subsection (1) ”.</p> |
| 16 | <p>In section 28W(1)(a) for “by an educational institution” there is substituted “ by a responsible body wholly or partly for the purpose of its functions ”.</p> |
| 17 | <p>Section 31A is omitted.</p> |

Status: Point in time view as at 01/01/1996.

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

PART 2A

MODIFICATIONS FOR SCOTLAND – RECREATIONAL OR TRAINING FACILITIES]

- 18 The following is substituted for section 28R—
- “28R Recreational or training facilities provided by education authorities**
- (1) It is unlawful for an education authority to discriminate against a disabled person in the terms on which they provide, or offer to provide, recreational or training facilities.
- (2) In this Chapter —
- “Responsible body” means an education authority;
- “Education authority” has the meaning given in section 135(1) of the Education (Scotland) Act 1980.”.
- 19 In section 28S (Meaning of “discrimination”), the following subsection is substituted for subsection (2)—
- “(2) For the purposes of section 28R, a responsible body also discriminates against a disabled person if—
- (a) it fails, to his detriment, to comply with section 28T; and
- (b) it cannot show that its failure to comply is justified.”.
- 20 In section 28S (Meaning of “discrimination”), the following subsections are substituted for subsections (5) to (11)—
- “(5) Subsections (6) to (9) apply in determining whether for the purposes of this section—
- (a) less favourable treatment of a person, or
- (b) failure to comply with section 28T,
- is justified.
- (6) Less favourable treatment of a person is justified if it is necessary in order to maintain—
- (a) academic standards; or
- (b) standards of any other prescribed kind.
- (7) Less favourable treatment is also justified if—
- (a) it is of a prescribed kind;
- (b) it occurs in prescribed circumstances; or
- (c) it is of a prescribed kind and occurs in prescribed circumstances.
- (8) Otherwise less favourable treatment, or a failure to comply with section 28T, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.

Status: Point in time view as at 01/01/1996.

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

| | |
|----|--|
| | (9) If, in a case falling within subsection (1)— |
| | (a) the responsible body is under a duty imposed by section 28T in relation to the disabled person, but |
| | (b) fails without justification to comply with that duty, |
| | its treatment of that person cannot be justified under subsection (8) unless that treatment would have been justified even if it had complied with that duty.”. |
| 21 | Subsections (1A) to (1D) of section 28T are omitted and the following subsection is substituted for subsection (1) of that section— |
| | “(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that, in relation to services provided or offered by it for any recreational or training facilities, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”. |
| 22 | In subsections (2) and (4) of section 28T, for “any of subsections (1) to (1D)” there is substituted “ subsection (1) ”. |
| 23 | In section 28W(1)(a) for “by an educational institution” there is substituted “ by a responsible body wholly or partly for the purpose of its functions ”. |
| 24 | Sections 28SA, 28UA, 28UB, 28UC, 28V(1A) and 31A are omitted. |

SCHEDULE 5

Section 50(8).

THE NATIONAL DISABILITY COUNCIL

Extent Information

E6 In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

Status

- 1 (1) The Council shall be a body corporate.
- (2) The Council is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown.

Status: Point in time view as at 01/01/1996.

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

Commencement Information

I17 Sch. 5 para. 1 wholly in force at 2.1.1996; Sch. 5 para. 1 not in force at Royal Assent see s. 70(3); Sch. 5 para. 1 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 1 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Procedure

- 2 The Council has power to regulate its own procedure (including power to determine its quorum).

Commencement Information

I18 Sch. 5 para. 2 wholly in force at 2.1.1996; Sch. 5 para. 2 not in force at Royal Assent see s. 70(3); Sch. 5 para. 2 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 2 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Membership

- 3
- (1) The Council shall consist of at least 10, but not more than 20, members.
 - (2) In this Schedule “member”, except in sub-paragraph (5)(b), means a member of the Council.
 - (3) Each member shall be appointed by the Secretary of State.
 - (4) The Secretary of State shall appoint one member to be chairman of the Council and another member to be its deputy chairman.
 - (5) The members shall be appointed from among persons who, in the opinion of the Secretary of State—
 - (a) have knowledge or experience of the needs of disabled persons or the needs of a particular group, or particular groups, of disabled persons;
 - (b) have knowledge or experience of the needs of persons who have had a disability or the needs of a particular group, or particular groups, of such persons; or
 - (c) are members of, or otherwise represent, professional bodies or bodies which represent industry or other business interests.
 - (6) Before appointing any member, the Secretary of State shall consult such persons as he considers appropriate.
 - (7) In exercising his powers of appointment, the Secretary of State shall try to secure that at all times at least half the membership of the Council consists of disabled persons, persons who have had a disability or the parents or guardians of disabled persons.

Status: Point in time view as at 01/01/1996.

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

Commencement Information

I19 Sch. 5 para. 3 wholly in force at 2.1.1996; Sch. 5 para. 3 not in force at Royal Assent see s. 70(3); Sch. 5 para. 3 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 3 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Term of office of members

- 4 (1) Each member shall be appointed for a term which does not exceed five years but shall otherwise hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be prevented from being appointed as a member merely because he has previously been a member.
- (3) Any member may at any time resign his office by written notice given to the Secretary of State.
- (4) Regulations may make provision for the Secretary of State to remove a member from his office in such circumstances as may be prescribed.

Commencement Information

I20 Sch. 5 para. 4 wholly in force at 2.1.1996; Sch. 5 para. 4 not in force at Royal Assent see s. 70(3); Sch. 5 para. 4 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 4 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Remuneration

- 5 (1) The Secretary of State may pay such remuneration or expenses to any member as he considers appropriate.
- (2) The approval of the Treasury is required for any payment made under this paragraph.

Commencement Information

I21 Sch. 5 para. 5 wholly in force at 2.1.1996; Sch. 5 para. 5 not in force at Royal Assent see s. 70(3); Sch. 5 para. 5 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 5 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Staff

- 6 The Secretary of State shall provide the Council with such staff as he considers appropriate.

Status: Point in time view as at 01/01/1996.

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

Commencement Information

I22 Sch. 5 para. 6 wholly in force at 2.1.1996; Sch. 5 para. 6 not in force at Royal Assent see s. 70(3); Sch. 5 para. 6 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 6 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Supplementary regulation-making power

- 7 The Secretary of State may by regulations make provision—
- (a) as to the provision of information to the Council by the Secretary of State;
 - (b) as to the commissioning by the Secretary of State of research to be undertaken on behalf of the Council;
 - (c) as to the circumstances in which and conditions subject to which the Council may appoint any person as an adviser;
 - (d) as to the payment by the Secretary of State, with the approval of the Treasury, of expenses incurred by the Council.

Commencement Information

I23 Sch. 5 para. 7 wholly in force at 2.1.1996; Sch. 5 para. 7 not in force at Royal Assent see s. 70(3); Sch. 5 para. 7 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 7 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Annual report

- 8 (1) As soon as is practicable after the end of each financial year, the Council shall report to the Secretary of State on its activities during the financial year to which the report relates.
- (2) The Secretary of State shall lay a copy of every annual report of the Council before each House of Parliament and shall arrange for such further publication of the report as he considers appropriate.

Commencement Information

I24 Sch. 5 para. 8 wholly in force at 2.1.1996; Sch. 5 para. 8 not in force at Royal Assent see s. 70(3); Sch. 5 para. 8 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 8 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Status: Point in time view as at 01/01/1996.

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

SCHEDULE 6

Section 70(4).

CONSEQUENTIAL AMENDMENTS

Extent Information

- E7** In its application to Northern Ireland, this Schedule has effect as substituted by Sch. 8 para. 53, and the Schedule is amended (N.I.) (24.9.1996) by [S.I. 1996/1919 \(N.I. 16\)](#), [art. 257](#), [Sch. 3](#) (with [Sch. 2](#))

VALID FROM 02/12/1996

Employment and Training Act 1973 (c. 50)

- 1 In section 12(1) of the Employment and Training Act 1973 (duty of Secretary of State to give preference to ex-service men and women in exercising certain powers in respect of disabled persons) —
- (a) for “persons registered as handicapped by disablement” substitute “disabled persons”; and
 - (b) for the words after “disabled person” substitute “has the same meaning as in the Disability Discrimination Act 1995.”

Extent Information

- E8** In its application to Northern Ireland, this Schedule has effect as substituted by Sch. 8 para. 53, and Sch. 6 para. 1 is repealed (N.I.) (24.9.1996) by [S.I. 1996/1919 \(N.I. 16\)](#), [art. 257](#), [Sch. 3](#) (with [Sch. 2](#))

Employment Protection (Consolidation) Act 1978 (c. 44)

- 2 In section 136(1) of the Employment Protection (Consolidation) Act 1978 (appeals to Employment Appeal Tribunal), at the end insert—
“(ff) the Disability Discrimination Act 1995.”
- 2 In section 136(1) of the Employment Protection (Consolidation) Act 1978 (appeals to Employment Appeal Tribunal), at the end insert—
“(ff) the Disability Discrimination Act 1995.”
- 3 In paragraph 20 of Schedule 13 to that Act (reinstatement or re-engagement of dismissed employees), in sub-paragraph (3)—
- (a) in the definition of “relevant complaint of dismissal”, omit “or” and at the end insert “ or a complaint under section 8 of the Disability Discrimination Act 1995 arising out of a dismissal ”;

Status: Point in time view as at 01/01/1996.

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

- (b) in the definition of “relevant conciliation powers”, omit “or” and at the end insert “ or paragraph 1 of Schedule 3 to the Disability Discrimination Act 1995 ”; and
- (c) in the definition of “relevant compromise contract” for “or section” substitute “ section ” and at the end insert “ or section 9(2) of the Disability Discrimination Act 1995 ”.

VALID FROM 02/12/1996

Companies Act 1985 (c. 6)

- 4 In paragraph 9 of Schedule 7 to the Companies Act 1985 (disclosure in directors’ report of company policy in relation to disabled persons), in the definition of “disabled person” in sub-paragraph (4)(b), for “Disabled Persons (Employment) Act 1944” substitute “ Disability Discrimination Act 1995 ”.

VALID FROM 02/12/1996

Local Government and Housing Act 1989 (c. 42)

- 5 In section 7 of the Local Government and Housing Act 1989 (all staff of a local authority etc. to be appointed on merit), in subsection (2)—
- (a) paragraph (a) shall be omitted;
 - (b) the word “and” at the end of paragraph (d) shall be omitted; and
 - (c) after paragraph (e) insert—

“; and

(f) sections 5 and 6 of the Disability Discrimination Act 1995 (meaning of discrimination and duty to make adjustments).”

VALID FROM 02/12/1996

Enterprise and New Towns (Scotland) Act 1990 (c. 35)

- 6 In section 16 of the Enterprise and New Towns (Scotland) Act 1990 (duty of certain Scottish bodies to give preference to ex-service men and women in exercising powers to select disabled persons for training), in subsection (2), for “said Act of 1944” substitute “ Disability Discrimination Act 1995 ”.

Status: Point in time view as at 01/01/1996.

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

VALID FROM 02/12/1996

SCHEDULE 7

Section 70(5).

REPEALS

Extent Information

E9 In its application to Northern Ireland, this Schedule has effect as substituted by Sch. 8 para. 53; see s. 70(6)

Commencement Information

I25 Sch. 7 not in force at Royal Assent see s. 70(3); Sch. 7 in force for specified purposes (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2 (3), Sch. Pt. III (with art. 3); Sch. 7 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)

SCHEDULE 8

Section 70(6).

MODIFICATIONS OF THIS ACT IN ITS APPLICATION TO NORTHERN IRELAND

Extent Information

E10 Sch. 8 extends to the United Kingdom but the operation of Sch. 8 is limited by application as mentioned in s. 70(6).

- 1 In its application to Northern Ireland this Act shall have effect subject to the following modifications.
- 2
 - (1) In section 3(1) for “Secretary of State” substitute “ Department ”.
 - (2) In section 3 for subsections (4) to (12) substitute—
 - “(4) In preparing a draft of any guidance, the Department shall consult such persons as it considers appropriate.
 - (5) Where the Department proposes to issue any guidance, the Department shall publish a draft of it, consider any representations that are made to the Department about the draft and, if the Department thinks it appropriate, modify its proposals in the light of any of those representations.
 - (6) If the Department decides to proceed with any proposed guidance, the Department shall lay a draft of it before the Assembly.

Status: Point in time view as at 01/01/1996.

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

- (7) If, within the statutory period, the Assembly resolves not to approve the draft, the Department shall take no further steps in relation to the proposed guidance.
- (8) If no such resolution is made within the statutory period, the Department shall issue the guidance in the form of its draft.
- (9) The guidance shall come into force on such date as the Department may by order appoint.
- (10) Subsection (7) does not prevent a new draft of the proposed guidance being laid before the Assembly.
- (11) The Department may—
 - (a) from time to time revise the whole or any part of any guidance and re-issue it ;
 - (b) by order revoke any guidance.
- (12) In this section—
 - “the Department” means the Department of Economic Development;
 - “guidance” means guidance issued by the Department under this section and includes guidance which has been revised and re-issued;
 - “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.”

- 3 In section 4(6) for “Great Britain” substitute “ Northern Ireland ”.
- 4 (1) In section 7(2) for “Secretary of State” substitute “ Department of Economic Development ”.
(2) In section 7(4) to (10) for “Secretary of State” wherever it occurs substitute “Department of Economic Development”, for “he” and “him” wherever they occur substitute “it” and for “his” wherever it occurs substitute “its”.
(3) In section 7(9) for “Parliament” substitute “the Assembly”.
- 5 (1) In section 8(3) omit “or (in Scotland) in reparation”.
(2) In section 8(7) for “paragraph 6A of Schedule 9 to the Employment Protection (Consolidation) Act 1978” substitute “ Article 61(3) of the Industrial Relations (Northern Ireland) Order 1976 ”.
- 6 (1) In section 9(2)(a) for “a conciliation officer” substitute “ the Agency ”.
(2) In section 9(4) in the definition of “qualified lawyer” for the words from “means” to the end substitute “ means a barrister (whether in practice as such or employed to give legal advice) or a solicitor of the Supreme Court who holds a practising certificate. ”.

Status: Point in time view as at 01/01/1996.

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

- 7 (1) In section 10(1)(b) omit “or recognised body”.
- (2) In section 10(2)(b) for “Secretary of State” substitute “ Department of Economic Development ”.
- (3) In section 10(3) in the definition of “charity” for “1993” substitute “ (Northern Ireland) 1964 ”, omit the definition of “recognised body” and in the definition of “supported employment” for “Act 1944” substitute “ Act (Northern Ireland) 1945 ”.
- (4) In section 10(4) for “England and Wales” where it twice occurs substitute “ Northern Ireland ”.
- (5) Omit section 10(5).
- 8 — In section 12(5) for “Great Britain” where it twice occurs substitute “ Northern Ireland ”.
- 9 (1) In section 19(3)(g) for “section 2 of the Employment and Training Act 1973” substitute “ sections 1 and 2 of the Employment and Training Act (Northern Ireland) 1950 ”.
- (2) In section 19(5) for paragraph (a) substitute—
- “(a) education which is funded, or secured, by a relevant body or provided at—
- (i) an establishment which is funded by such a body or by the Department of Education for Northern Ireland; or
- (ii) any other establishment which is a school within the meaning of the Education and Libraries (Northern Ireland) Order 1986;”.
- (3) For section 19(6) substitute—
- “(6) In subsection (5) “relevant body” means—
- (a) an education and library board;
- (b) a voluntary organisation; or
- (c) a body of a prescribed kind.”.
- 10 In section 20(7) for paragraphs (b) and (c) substitute “; or
- (b) functions conferred by or under Part VIII of the Mental Health (Northern Ireland) Order 1986 are exercisable in relation to a disabled person’s property or affairs.”.
- 11 In section 22(4) and (6) omit “or (in Scotland) the subject of”.
- 12 (1) In section 25(1) omit “or (in Scotland) in reparation”.
- (2) In section 25(3) for “England and Wales” substitute “ Northern Ireland ”.
- (3) Omit section 25(4).

Status: Point in time view as at 01/01/1996.

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

- (4) In section 25(5) omit the words from “or” to the end.
- 13 In section 26(3) omit “or a sheriff court”.
- 14 (1) In section 28 for “Secretary of State” wherever it occurs substitute “ Department of Health and Social Services ”.
- (2) In section 28(3) and (4) for “he” substitute “it”.
- (3) In section 28(5) for “Treasury” substitute “ Department of Finance and Personnel in Northern Ireland ”.
- 15 Omit sections 29, 30 and 31.
- 16 (1) In section 32(1) for “Secretary of State” substitute “ Department of the Environment ”.
- (2) In section 32(5) for the definition of “taxi” substitute—
- ““taxi” means a vehicle which—
- (a) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to stand or ply for hire; and
- (b) seats not more than 8 passengers in addition to the driver”.
- 17 In section 33, for “Secretary of State”, wherever it occurs, substitute “ Department of the Environment ”.
- 18 For section 34 substitute—
- “34 New licences conditional on compliance with accessibility taxi regulations**
- (1) The Department of the Environment shall not grant a public service vehicle licence under Article 61 of the Road Traffic (Northern Ireland) Order 1981 for a taxi unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.
- (2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.
- (3) The Department of the Environment may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order.”.
- 19 Omit section 35.

Status: Point in time view as at 01/01/1996.

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

- 20 In section 36(7) for “licensing authority” substitute “ Department of the Environment ”.
- 21 (1) In section 37(5) and (6) for “licensing authority” substitute “ Department of the Environment ”.
- (2) In section 37(9) for “Secretary of State” substitute “ Department of the Environment ”.

VALID FROM 31/12/2003

- [^{F78}21A(1) In section 37A(5) and (6) for “licensing authority” substitute “Department of the Environment”.
- (2) In section 37A(9) for the definitions of “driver”, “licensing authority”, “operator” and “private hire vehicle” substitute— “
- “driver” means a person who holds a taxi driver’s licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (NI 1));
- “operator” means a person who in the course of a business makes provision for the invitation or acceptance of bookings for a private hire vehicle;
- “private hire vehicle” means a vehicle which—
- (a) seats not more than 8 passengers in addition to the driver; and
- (b) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to carry passengers for hire (but not to stand or ply for hire). ”.]

Textual Amendments

F78 [Sch. 8 para. 21A](#) inserted (31.12.2003 for E.W. for certain purposes otherwise 31.3.2004 for E.W. and 1.1.2008 for N.I. for certain purposes, otherwise 1.6.2008 for N.I.) by [2002 c. 37, ss. 1\(2\), 6\(2\)](#); [S.I. 2003/3123, art. 2](#); [S.I. 2007/3477, art. 2](#)

- 22 (1) In section 38(1) for “a licensing authority” substitute “ the Department of the Environment ”.
- (2) In section 38(2) for “licensing authority concerned” substitute “ Department of the Environment ”.
- (3) In section 38(3) for the words from “the magistrates’ court” to the end substitute “ a court of summary jurisdiction acting for the petty sessions district in which the aggrieved person resides ”.
- 23 Omit section 39.

Status: Point in time view as at 01/01/1996.

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

- 24 (1) In section 40 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.
- (2) In section 40(5) for the definition of “public service vehicle” substitute—
- ““public service vehicle” means a vehicle which—
- (a) seats more than 8 passengers in addition to the driver; and
- (b) is a public service vehicle for the purposes of the Road Traffic (Northern Ireland) Order 1981;”.
- (3) In section 40(7) for the words from “the Disabled” to the end substitute “ such representative organisations as it thinks fit ”.
- 25 (1) In section 41(2) for “Secretary of State” substitute “ Department of the Environment ”.
- (2) In section 41 for subsections (3) and (4) substitute—
- “(3) Any person who uses a regulated public service vehicle in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.
- 26 (1) In section 42 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.
- (2) In section 42(1) for “he” substitute “ it ”.
- (3) In section 42(6) for “his” substitute “ its ”.
- 27 In section 43 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.
- 28 (1) In section 44 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.
- (2) In section 44(2) for “him” substitute “ it ”.
- (3) In section 44(6) for “he” substitute “ it ” and for “his” substitute “ its ”.
- 29 (1) In section 45 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.
- (2) In section 45(2) for “him” substitute “ it ” and at the end add “ of Northern Ireland ”.
- (3) In section 45(4) for “he” substitute “ it ”.
- 30 (1) In section 46 for “Secretary of State” wherever it occurs substitute “ Department of the Environment ”.

Status: Point in time view as at 01/01/1996.

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

- (2) In section 46(6) in the definition of “rail vehicle” for the words “on any railway, tramway or prescribed system” substitute “by rail”.
- (3) Omit section 46(7).
- (4) In section 46(11) for the words from “the Disabled” to the end substitute “such representative organisations as it thinks fit”.
- 31 (1) In section 47 for “Secretary of State” wherever it occurs substitute “Department of the Environment”.
- (2) In section 47(3) for the words “the Disabled Persons Transport Advisory Committee and such other persons as he” substitute “such persons as it” and for “he” substitute “it”.
- 32 Omit section 48(3).
- 33 (1) In the heading to Part VI of this Act and in section 50(1) for “National Disability Council” substitute “Northern Ireland Disability Council”.
- (2) In section 50(2) for “the Secretary of State” in the first place where it occurs substitute “a Northern Ireland department” and in the other place where it occurs substitute “that department”.
- (3) In section 50(3) for “Secretary of State” substitute “Department of Health and Social Services”.
- (4) In section 50(7) for “the Secretary of State” substitute “a Northern Ireland department” and after “Crown” insert “or a Northern Ireland department”.
- (5) In section 50(9)(a) for sub-paragraphs (i) to (iv) substitute—
- “(i) the Disabled Persons (Employment) Act (Northern Ireland) 1945;
 - (ii) the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;
 - (iii) the Employment and Training Act (Northern Ireland) 1950;
 - (iv) the Industrial Relations (Northern Ireland) Orders 1976;
- or”.
- (6) In section 50(10) for the words from “time when” to the end substitute “time when—
- (a) there are no committees in existence under section 17 of the Disabled Persons (Employment) Act (Northern Ireland) 1945; and
 - (b) there is no person appointed to act generally under section 60(1) of this Act.”.
- 34 (1) In section 51(1) for “the Secretary of State” substitute “any Northern Ireland department” and for “the Secretary of State’s” substitute “that department’s”.
- (2) In section 51(2) for “The Secretary of State” substitute “A Northern Ireland department”.

Status: Point in time view as at 01/01/1996.

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

- (3) In section 51(4) for “a county court or a sheriff court” substitute “ or a county court ”.
- (4) In section 51(6) for “the Secretary of State” substitute “ a Northern Ireland department ”.

35 For section 52 substitute—

“52 Further provisions about codes issued under section 51.

- (1) In this section—
 - “proposal” means a proposal made by the Council to a Northern Ireland department under section 51;
 - “responsible department”—
 - (a) in relation to a proposal, means the Northern Ireland department to which the proposal is made,
 - (b) in relation to a code, means the Northern Ireland department by which the code is issued; and
 - “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.
- (2) In preparing any proposal, the Council shall consult—
 - (a) such persons (if any) as the responsible department has specified in making its request to the Council; and
 - (b) such other persons (if any) as the Council considers appropriate.
- (3) Before making any proposal the Council shall publish a draft, consider any representations made to it about the draft and, if it thinks it appropriate, modify its proposal in the light of any of those representations.
- (4) Where the Council makes any proposal, the responsible department may—
 - (a) approve it;
 - (b) approve it subject to such modifications as that department thinks appropriate; or
 - (c) refuse to approve it.
- (5) Where the responsible department approves any proposal (with or without modifications) that department shall prepare a draft of the proposed code and lay it before the Assembly.
- (6) If, within the statutory period, the Assembly resolves not to approve the draft, the responsible department shall take no further steps in relation to the proposed code.
- (7) If no such resolution is made within the statutory period, the responsible department shall issue the code in the form of its draft.
- (8) The code shall come into force on such date as the responsible department may appoint by order.
- (9) Subsection (6) does not prevent a new draft of the proposed code from being laid before the Assembly.

Status: Point in time view as at 01/01/1996.

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

- (10) If the responsible department refuses to approve a proposal, that department shall give the Council a written statement of the department's reasons for not approving it.
- (11) The responsible department may by order revoke a code.”.
- 36 (1) In section 53 for “Secretary of State” wherever it occurs substitute “ Department of Economic Development ”.
- (2) In section 53(1) for “he” substitute “it”.
- (3) In section 53(5) for “a county court or a sheriff court” substitute “ or a county court ”.
- 37 For section 54 substitute—
- “54 Further provisions about codes issued under section 53.**
- (1) In preparing a draft of any code under section 53, the Department shall consult such organisations representing the interests of employers or of disabled persons in, or seeking, employment as the Department considers appropriate.
- (2) Where the Department proposes to issue a code, the Department shall publish a draft of the code, consider any representations that are made to the Department about the draft and, if the Department thinks it appropriate, modify its proposals in the light of any of those representations.
- (3) If the Department decides to proceed with the code, the Department shall lay a draft of it before the Assembly.
- (4) If, within the statutory period, the Assembly resolves not to approve the draft, the Department shall take no further steps in relation to the proposed code.
- (5) If no such resolution is made within the statutory period, the Department shall issue the code in the form of its draft.
- (6) The code shall come into force on such date as the Department may appoint by order.
- (7) Subsection (4) does not prevent a new draft of the proposed code from being laid before the Assembly.
- (8) The Department may by order revoke a code.
- (9) In this section—
- “the Department” means the Department of Economic Development; and
- “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.”.
- 38 In section 56(2) and (4) for “Secretary of State” substitute “ Department of Economic Development ”.

Status: Point in time view as at 01/01/1996.

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

- 39 In section 59(1) after “Crown” where it twice occurs insert “ or a Northern Ireland department ”.
- 40 (1) In section 60(1) to (3) for “Secretary of State” wherever it occurs substitute “ Department of Economic Development ” and for “he” and “him” wherever they occur substitute “ it ”.
- (2) In section 60(4) for “Treasury” substitute “ Department of Finance and Personnel in Northern Ireland ”.
- (3) For section 60(6) substitute—
- “(6) The Department of Economic Development may by order repeal section 17 of, and Schedule 2 to, the Disabled Persons (Employment) Act (Northern Ireland) 1945 (district advisory committees).”.
- (4) In section 60(7) omit “paragraph (b) of”, for “1944” substitute “ 1945 ”and omit “in each case”.
- (5) In section 60, omit subsection (8).
- 41 For section 61 substitute—

“61 Amendments of Disabled Persons (Employment) Act (Northern Ireland) 1945.

- (1) Section 15 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 (which gives the Department of Economic Development 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 Department itself may form in exercising its 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 of the Act of 1945 (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) or 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 1945 shall cease to have effect—
- (a) section 1 (definition of “disabled person”);
 - (b) sections 2 to 4 (training for disabled persons);
 - (c) sections 6 to 8 (the register of disabled persons);
 - (d) sections 9 to 11 (obligations on employers with substantial staffs to employ quota of registered persons);
 - (e) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
 - (f) section 13 (interpretation of provisions repealed by this Act);
 - (g) section 14 (records to be kept by employer);
 - (h) section 19 (proceedings in relation to offences);
 - (j) sections 21 and 22 (supplementary).
- (8) Any statutory provision in which “disabled person” is defined by reference to the Act of 1945 shall be construed as if that expression had the same meaning as in this Act.
- 42 (1) In section 62(2) for “Secretary of State” substitute “ Department of Economic Development ”.
- (2) In section 62(7) for “Great Britain” where it twice occurs substitute “ Northern Ireland ”.
- 43 Omit section 63.
- 44 (1) In section 64(3) for “England and Wales” substitute “ Northern Ireland ”.
- (2) Omit section 64(4).
- (3) In section 64(5)(a) omit the words from “, the British” to the end.
- (4) In section 64(8)—
- (a) omit the definitions of “British Transport Police”, “Royal Parks Constabulary” and “United Kingdom Atomic Energy Authority Constabulary”;
 - (b) in the definition of “the 1947 Act” at the end add “ as it applies both in relation to the Crown in right of Her Majesty’s Government in Northern

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Ireland and in relation to the Crown in right of Her Majesty's Government in the United Kingdom ”;

- (c) in the definition of “fire brigade” for the words from “means” to the end substitute “ has the same meaning as in the Fire Services (Northern Ireland) Order 1984 ”;
- (d) in the definition of “prison officer” for the words from “means” to the end substitute “ means any individual who holds any post, otherwise than as a medical officer, to which he has been appointed under section 2(2) of the Prison Act (Northern Ireland) 1953 or who is a prison custody officer within the meaning of Chapter III of Part VIII of the Criminal Justice and Public Order Act 1994 ”;
- (e) in the definition of “service for purposes of a Minister of the Crown or government department” at the end add “ or service as the head of a Northern Ireland department ”.

45 Omit section 65.

46 For section 67 substitute—

“67 Regulations and orders etc.

- (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—
 - (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) No order shall be made under section 50(3) unless a draft of the order has been laid before and approved by a resolution of the Assembly.
- (5) Any other order made under this Act, other than an order under section 3(9), 52(8), 54(6) 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.

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(8) Nothing in section 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).”

47 (1) For section 68(1) substitute—

“(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;

“benefits”, in Part II, has the meaning given in section 4(4);

“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;

“employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (5);

“enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954;

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

“Minister of the Crown” includes the Treasury;

“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);

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

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

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“regulations” means—

- (a) in Parts I and II of this Act, section 66, the definition of “employment” above and subsections (3) and (4) below, regulations made by the Department of Economic Development;
- (b) in Part V of this Act, regulations made by the Department of the Environment;
- (c) in any other provision of this Act, regulations made by the Department of Health and Social Services.

“section 6 duty” means any duty imposed by or under section 6;

“section 15 duty” means any duty imposed by or under section 15;

“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;

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

- (2) In section 68(2) to (4) for “Great Britain” wherever it occurs substitute “ Northern Ireland ”.
- 48
- (1) In section 70(3) for “Secretary of State” substitute “ Department of Health and Social Services ”.
 - (2) In section 70(8) for “the Secretary of State” substitute “ a Northern Ireland department ” and for “him” substitute “ it ”.
- 49
- (1) In Schedule 1 in paragraph 7(1) for “Act 1944” substitute “ Act (Northern Ireland) 1945 ”.
 - (2) In Schedule 1 in paragraph 7(7) for “1944” substitute “ 1945 ”.
- 50
- (1) In Schedule 3 in paragraph 1—
 - (a) for “a conciliation officer” wherever it occurs substitute “ the Agency ”;
 - (b) in sub-paragraphs (1) and (4) for “he” substitute “ it ”;
 - (c) in sub-paragraph (3) for “the conciliation officer” substitute “ the Agency ”.
 - (2) In Schedule 3 for paragraph 4(1) substitute—
 - “(1) In any proceedings under section 8—
 - (a) a certificate signed by or on behalf of a Minister of the Crown or a Northern Ireland department and certifying that any conditions or requirements specified in the certificate were imposed by that Minister or that department (as the case may be) and were in operation at a time or throughout a time so specified; or

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- (b) a certificate signed by or on behalf of the Secretary of State and certifying that an act specified in the certificate was done for the purpose of safeguarding national security,
shall be conclusive evidence of the matters certified.”.
- (3) In Schedule 3 in paragraph 6(1) omit “or a sheriff court”.
- (4) In Schedule 3 for paragraph 8(1) substitute—
- “(1) In any proceedings under section 25—
- (a) a certificate signed by or on behalf of a Minister of the Crown or a Northern Ireland department and certifying that any conditions or requirements specified in the certificate were imposed by that Minister or that department (as the case may be) and were in operation at a time or throughout a time so specified; or
- (b) a certificate signed by or on behalf of the Secretary of State and certifying that an act specified in the certificate was done for the purpose of safeguarding national security,
shall be conclusive evidence of the matters certified.”.
- 51 (1) In Schedule 4 in paragraphs 2(1) and (5) and 7(1) and (5) omit “or sisted”.
- (2) In Schedule 4 in paragraph 4 for “Secretary of State” substitute “ Department of Economic Development ”.
- (3) In Schedule 4 in paragraph 6(1) omit “or, in Scotland, to the sheriff”.
- (4) In Schedule 4 omit paragraph 6(2).
- (5) In Schedule 4 in paragraph 9 for “Secretary of State” substitute “ Department of Health and Social Services ”.
- 52 (1) In Schedule 5 in the heading for “National” substitute “ Northern Ireland ”.
- (2) In Schedule 5 for “Secretary of State” wherever it occurs substitute “ Department of Health and Social Services ”.
- (3) In Schedule 5 in paragraphs 3(6), 5(1), 6 and 8(2) for “he” substitute “it” and in paragraph 3(7) for “his” substitute “its”.
- (4) In Schedule 5 in paragraphs 5(2) and 7(d) for “Treasury” substitute “ Department of Finance and Personnel in Northern Ireland ”.
- (5) In Schedule 5 in paragraph 8(2) for “each House of Parliament” substitute “ the Assembly ”.
- 53 For Schedules 6 and 7 substitute—

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“SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

The Industrial Relations (Northern Ireland) Order 1976 (NI 16)

- 1 In Article 68(6) of the Industrial Relations (Northern Ireland) Order 1976 (reinstatement or re-engagement of dismissed employees)—
- (a) in the definition of “relevant complaint of dismissal”, omit “or” and at the end insert “ or a complaint under section 8 of the Disability Discrimination Act 1995 arising out of a dismissal ”;
 - (b) in the definition of “relevant conciliation powers”, omit “or” and at the end insert “ or paragraph 1 of Schedule 3 to the Disability Discrimination Act 1995 ”;
 - (c) in the definition of “relevant compromise contract” for “or Article” substitute “ Article ” and at the end insert “ or section 9(2) of the Disability Discrimination Act 1995 ”.

The Companies (Northern Ireland) Order 1986 (NI 6)

- 3 In paragraph 9 of Schedule 7 to the Companies (Northern Ireland) Order 1986 (disclosure in directors’ report of company policy in relation to disabled persons) in the definition of “disabled person” in sub-paragraph (4) (b) for “Disabled Persons (Employment) Act (Northern Ireland) 1945” substitute “ Disability Discrimination Act 1995 ”.

SCHEDULE 7

REPEALS

| Chapter | Short title | Extent of repeal |
|------------------|--|---|
| 1945 c. 6 (N.I.) | The Disabled Persons (Employment) Act (Northern Ireland) 1945. | Sections 1 to 4. Sections 6 to 14. In section 16 the words “vocational training and industrial rehabilitation courses and”, the words “courses and” and the words from “and in selecting” to “engagement”. Section 19. Section 21. Section 22. |

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|------------------|--|--|
| 1960 c. 4 (N.I.) | The Disabled Persons (Employment) Act (Northern Ireland) 1960. | The whole Act. |
| 1976 NI16 | The Industrial Relations (Northern Ireland) Order 1976. | In Article 68(6) the word “or” in the definitions of “relevant complaint of dismissal” and “relevant conciliation powers”. |

Status:

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Changes to legislation:

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