



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

Premises

24 Meaning of “discrimination” .

- [^{F1}(1) For the purposes of [^{F2}sections 22 and 22A], a person (“A”) discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
 - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this section, treatment is justified only if—
- (a) in A’s opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and
 - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (3) The conditions are that—
- (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
 - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
 - (c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;

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- (d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.
- [^{F3}(e) in a case to which subsection (3A) applies, the terms are less favourable in order to recover costs which—
- (i) as a result of the disabled person having a disability, are incurred in connection with the disposal of the premises, and
 - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24G(1);
- (f) in a case to which subsection (3B) applies, the disabled person is subjected to the detriment in order to recover costs which—
- (i) as a result of the disabled person having a disability, are incurred in connection with the management of the premises, and
 - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24A(1) or 24G(1).]

[^{F4}(3A) This subsection applies to a case if—

 - (a) the case falls within section 22(1)(a);
 - (b) the premises are to let;
 - (c) the person with power to dispose of the premises is a controller of them; and
 - (d) the proposed disposal of the premises would involve the disabled person becoming a person to whom they are let.

(3B) This subsection applies to a case if—

 - (a) the case falls within section 22(3)(c);
 - (b) the detriment is not eviction;
 - (c) the premises are let premises;
 - (d) the person managing the premises is a controller of them; and
 - (e) the disabled person is a person to whom the premises are let or, although not a person to whom they are let, is lawfully under the letting an occupier of them.

(3C) Section 24G(3) and (4) apply for the purposes of subsection (3A) as for those of section 24G; and section 24A(3) and (4) apply for the purposes of subsection (3B) as for those of section 24A.]

(4) Regulations may make provision, for purposes of this section, as to circumstances in which—

 - (a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);
 - (b) it is not reasonable for a person to hold that opinion.

[^{F5}(4A) Regulations may make provision for the condition specified in subsection (3)(b) not to apply in prescribed circumstances.]

(5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.]

Extent Information

E1 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 24. (See end of Document for details)

Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F2** S. 24(1): words "sections 22 and 22A" substituted (E.W.S.) for "section 22" (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(2\)](#); [S.I. 2005/2774](#), [art. 4\(f\)](#)
- F3** S. 24(3)(e)(f) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(3\)](#); [S.I. 2005/2774](#), [art. 4\(f\)](#) and same subsections inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(4\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(m\)](#)
- F4** S. 24(3A)-(3C) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(4\)](#); [S.I. 2005/2774](#), [art. 4\(f\)](#) and same subsections inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(3\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(m\)](#)
- F5** S. 24(4A) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(5\)](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), Sch. 1 para. 16(4); [S.R. 2006/289](#), art. 2(1)(b)

Modifications etc. (not altering text)

- C1** S. 24(3)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Premises\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/474\)](#), [reg. 2](#)

Commencement Information

- I1** S. 24 wholly in force at 2.12.1996; s. 24 not in force at Royal Assent see [s. 70\(3\)](#); [s. 24\(5\)](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 24\(5\)](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 24\(1\)-\(4\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 21\(1\)-\(4\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 24.