



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *Enforcement, etc.*

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

- [<sup>F1</sup>(1) A claim by any person that another person—
- (a) has discriminated against him in a way which is unlawful under this Part; or
  - (b) is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way,
- may be made the subject of civil proceedings in the same way as any other claim in tort <sup>F2</sup> . . . for breach of statutory duty.
- (2) For the avoidance of doubt it is hereby declared that damages in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not they include compensation under any other head.
- (3) Proceedings in [<sup>F3</sup> Northern Ireland] shall be brought only in a county court.
- (4) <sup>F4</sup> . . . . .
- (5) The remedies available in such proceedings are those which are available in the High Court <sup>F5</sup> . . . .
- (6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.
- [<sup>F6</sup>(6A) Subsection (1) does not apply in relation to a claim by a person that another person—
- (a) has discriminated against him in relation to the provision under a group insurance arrangement of facilities by way of insurance; or

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 25. (See end of Document for details)*

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- (b) is by virtue of section 57 or 58 to be treated as having discriminated against him in relation to the provision under such an arrangement of such facilities.]

[<sup>F7</sup>[<sup>F8</sup>(7) Subsection (1) does not apply in relation to a claim by a person that another person—

- (a) has discriminated against him in relation to the provision of employment services; or  
(b) is by virtue of section 57 or 58 to be treated as having discriminated against him in relation to the provision of employment services.

(8) A claim—

- (a) of the kind referred to in subsection (6A) or (7); or  
(b) by a person that another—  
(i) has subjected him to harassment in a way which is unlawful under section 21A(2), or  
(ii) is by virtue of section 57 or 58 to be treated as having subjected him to harassment in such a way,

may be presented as a complaint to an industrial tribunal.]

(9) Section 17A(1A) to (7) and paragraphs 3 and 4 of Schedule 3 apply in relation to a complaint under subsection (8) as if it were a complaint under section 17A(1) (and paragraphs 6 to 8 of Schedule 3 do not apply in relation to such a complaint).]]

#### 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. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 12. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### 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** Words in [s. 25\(1\)](#) omitted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 12(1) of this Act
- F3** Words in [s. 25\(3\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 12(2) of this Act
- F4** [S. 25\(4\)](#) omitted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 12(3) of this Act
- F5** Words in [s. 25\(5\)](#) omitted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 12(4) of this Act
- F6** [S. 25\(6A\)](#) inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [12\(2\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(f\)](#)
- F7** [S. 25\(7\)-\(9\)](#) inserted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) ([S.R. 2004/55](#)), {regs. 1, 19(3)}
- F8** [S. 25\(7\)\(8\)](#) substituted (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. 18](#); [S.R. 2007/466](#), [art. 2\(2\)\(l\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 25.