



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### [<sup>F1</sup>PART 5A

#### PUBLIC AUTHORITIES]

#### [<sup>F1</sup>49A General duty **E+W+S**

- (1) Every public authority shall in carrying out its functions have due regard to—
  - (a) the need to eliminate [<sup>F2</sup>unlawful discrimination and victimisation];
  - (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
  - (c) the need to promote equality of opportunity between disabled persons and other persons;
  - (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
  - (e) the need to promote positive attitudes towards disabled persons; and
  - (f) the need to encourage participation by disabled persons in public life.
- (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any [<sup>F3</sup> provision of the Equality Act 2010 (“the 2010 Act”), so far as relating to disability].]
- [<sup>F4</sup>(3) In this section—
  - (a) “discrimination” means disability discrimination within the meaning of sections 25(2)(a), (b) and (d) of the 2010 Act;
  - (b) “disability” and “disabled person” each have the same meaning as in section 6 of the 2010 Act; and
  - (c) “victimisation” means victimisation within the meaning of section 27 of that Act where the protected act in question relates to disability.]

*Status: Point in time view as at 01/01/2007. There are multiple versions of this provision on screen.*

*These apply to different geographical extents. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 49A. (See end of Document for details)*

### Textual Amendments

- F1** Pt. 5A (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); [S.I. 2005/1676](#), [art. 2\(2\)\(b\)](#); [S.I. 2005/2774](#), [arts. 3\(b\)](#), [4\(a\)](#)
- F2** Words in s. 49A(1)(a) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [arts. 1\(2\)](#), 16(2)
- F3** Words in s. 49A(2) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [arts. 1\(2\)](#), 16(3)
- F4** S. 49A(3) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [arts. 1\(2\)](#), 16(4)

### [<sup>F5</sup>49A General duty **N.I.**

- (1) Every public authority shall in carrying out its functions have due regard to—
  - (a) the need to promote positive attitudes towards disabled persons; and
  - (b) the need to encourage participation by disabled persons in public life.
- (2) Subsection (1) does not apply to—
  - (a) the functions of the Director of Public Prosecutions for Northern Ireland relating to the prosecution of offences; or
  - (b) any act of a description prescribed by regulations.
- (3) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other statutory provision (including any other provision of this Act).
- (4) The Commission shall—
  - (a) keep under review the effectiveness of the duty imposed by this section;
  - (b) offer advice to public authorities and others in connection with that duty.
- (5) Not later than 3 years after the appointed day, the Commission shall prepare and publish a report on the effectiveness of the duty imposed by this section.
- (6) In this section—
 

“the appointed day” means the day appointed under Article 1(2) of the Disability Discrimination (Northern Ireland) Order 2006 for the coming into operation of Article 5 of that Order;

“the Commission” means the Equality Commission for Northern Ireland;

“public authority” has the same meaning as in section 75 of the Northern Ireland Act 1998 (c. 47).]

### Textual Amendments

- F5** Pt. VA (ss. 49A, 49B) inserted (N.I.) (1.1.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 5; [S.R. 2006/470](#), [art. 2](#)

**Status:**

Point in time view as at 01/01/2007. There are multiple versions of this provision on screen. These apply to different geographical extents. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 49A.