

2003 No. 712

DISABLED PERSONS

The Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003

<i>Made</i> - - - -	<i>13th March 2003</i>
<i>Laid before Parliament</i>	<i>17th March 2003</i>
<i>Coming into force</i> - -	<i>14th April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 67(3) of, and paragraph 7(5) of Schedule 1 to, the Disability Discrimination Act 1995(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003 and shall come into force on 14th April 2003.

(2) These Regulations do not extend to Northern Ireland.

Interpretation

2. In these Regulations—

“certificate signed by a consultant ophthalmologist” means a certificate completed by a consultant ophthalmologist in accordance with the criteria laid down in the relevant guidance;

“consultant ophthalmologist” means a consultant or honorary consultant appointed in the medical specialty of ophthalmology, who is employed for the purposes of providing any service as part of the health service continued under section 1(1) of the National Health Service Act 1977(b), section 1(1) of the National Health Service (Scotland) Act 1978(c) or article 4(a) of the Health and Personal Social Services (Northern Ireland) Order 1972(d);

“local authority” means—

(a) in England and Wales, a council which is a local authority for the purposes of the Local Authority Social Services Act 1970(e), and

(a) 1995 c.50.

(b) 1977 c.49.

(c) 1978 c.29.

(d) S.I. 1972/1265 (N.I. 14).

(e) 1970 c.42. Section 1, which defines “local authority”, was substituted by the Local Government Act 1972 (c.70), section 195(1) and (3), and amended by the Local Government (Wales) Act 1994 (c.19), section 22(4) and Schedule 10, paragraph 7.

- (b) in Scotland, a council constituted under section 2 of the Local Government (Scotland) Act 1994(a);

“registered person” means a person who is certified as blind or partially sighted by a consultant ophthalmologist and in consequence is registered as blind or partially sighted—

- (a) in England and Wales, in a register maintained by or on behalf of a local authority under section 29(4)(g) of the National Assistance Act 1948(b) (welfare services), or
- (b) in Scotland, in a register maintained by or on behalf of a local authority; and

“relevant guidance” means—

- (a) in relation to a consultant ophthalmologist in England and Wales, Department of Health Circular LASSL(90)1 entitled “Certification of Blind and Partially Sighted People: Revised Form BD8 and Procedures”(c), and
- (b) in relation to a consultant ophthalmologist in Scotland, Social Work Services Group Circular SWSG8/86, NHS 1998 (PCS) entitled “Registration of Blind and Partially Sighted People”(d).

Persons deemed to have a disability

3. A person is deemed to have a disability, and hence to be a disabled person, for the purposes of the Disability Discrimination Act 1995 where—

- (a) he is certified as blind or partially sighted by a consultant ophthalmologist in accordance with the relevant guidance; or
- (b) he is a registered person.

Evidence

4.—(1) For the purposes of regulation 3, the following shall be conclusive evidence of the matters certified in relation to the person with respect to whom it was issued—

- (a) in the case of a person mentioned in paragraph (a) of that regulation, a certificate signed by a consultant ophthalmologist; and
- (b) in the case of a person mentioned in paragraph (b) of that regulation, a certificate issued by or on behalf of a local authority stating that he is a registered person.

(2) Unless the contrary is shown, any document purporting to be a certificate for the purposes of paragraph (1) shall be taken to have been validly issued.

Signed by authority of the Secretary of State for Work and Pensions.

13th March 2003

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) 1994 c.39. Section 2 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 232(1).

(b) 1948 c.29.

(c) A copy may be obtained by writing to: Department of Health, PO Box 77, London SE1 6XH.

(d) A copy may be obtained by writing to: Community Care Division 1, 2 East Rear, St Andrew’s House, Regent Road, Edinburgh DH1 3DG, or at the following website address: <http://www.scotland.gov.uk/library/swsg/index-f/c111.htm>.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for certain persons to be deemed to have a disability and hence to be disabled persons for the purposes of the Disability Discrimination Act 1995.

Under regulation 3, a person who is (i) certified as blind or partially sighted by a consultant ophthalmologist, or (ii) registered as blind or partially sighted in a register maintained by or on behalf of a local authority, is deemed to be a disabled person.

In England and Wales, certification must be by a consultant ophthalmologist in accordance with Department of Health Circular LASSL(90)1 entitled “Certification of Blind and Partially Sighted People: Revised Form BD8 and Procedures”. In Scotland, certification must be by a consultant ophthalmologist in accordance with Social Work Services Group Circular SWSG8/86 NHS 1998 (PCS) entitled “Registration of Blind and Partially Sighted People”.

Under regulation 4, conclusive evidence for the purposes of these Regulations may be provided in one of two ways: by a certificate signed by the certifying consultant ophthalmologist; or by a certificate issued by or on behalf of a local authority stating that the person is registered as blind or partially sighted with that authority. (In order to be registered with a local authority, a person must first be certified as blind or partially sighted by a consultant ophthalmologist.)

Any certificate produced for the purposes of regulation 4 is to be presumed to have been validly issued in the absence of evidence to the contrary.

These Regulations do not impose a charge on business.

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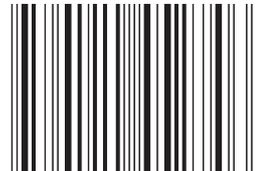
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