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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 280 (C. 13)**

**DISABLED PERSONS**

The Disability Discrimination Act 1995  
(Commencement No. 3 and Saving and Transitional  
Provisions) Order (Northern Ireland) 1996

Made - - - -

10th July 1996

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 67(3) and 70(3) of the Disability Discrimination Act 1995(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Disability Discrimination Act 1995 (Commencement No. 3 and Saving and Transitional Provisions) Order (Northern Ireland) 1996.

(2) In this Order references to sections and Schedules are references to sections of and Schedules to the Disability Discrimination Act 1995.

(3) The Interpretation Act (Northern Ireland) 1954(2) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

**Appointed days**

2.—(1) The day appointed for the coming into operation of the provisions specified in Part I of the Schedule to this Order is 11th July 1996.

(2) The day appointed for the coming into operation of the provisions specified in Part II of the Schedule to this Order, subject to the saving and transitional provisions set out in Article 3, is 2nd December 1996.

**Saving and transitional provisions**

3. Notwithstanding the repeal of sections 9 to 11, 12, 14 and 19 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(3) by the bringing into operation by this Order of section 61(4) and Schedule 7(5):

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(1) 1995 c. 50; Sections 67(3) and 70(3) are modified in their application to Northern Ireland by paragraphs 46 and 48(1) respectively of Schedule 8

(2) 1954 c. 33 (N.I.)

(3) 1945 c. 6 (N.I.)

- (a) sections 9, 12 and 19 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 shall continue to have effect so as to allow prosecutions to be brought until 3rd December 1997 against persons alleged to have contravened section 9(2), section 9(5) or section 12(2) of that Act prior to but excluding 2nd December 1996;
- (b) section 14 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 and regulation 9 of the Disabled Persons (General) Regulations (Northern Ireland) 1946(6) shall continue to have effect so as to allow prosecutions to be brought until 3rd December 1997 against persons alleged to have contravened section 9(2), section 9(5) or section 12(2) of that Act prior to but excluding 2nd December 1996 and, where it is alleged that contravention of section 14(6) or section 14(7) of that Act hinders such prosecution, so as to allow prosecutions to be brought against persons alleged to have contravened those subsections.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

10th July 1996.

*J. J. M. Harbison*  
Under Secretary

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(4) Section 61 is modified in its application to Northern Ireland by paragraph 41 of Schedule 8  
(5) Schedule 7 is modified in its application to Northern Ireland by paragraph 53 of Schedule 8  
(6) [S.R.&O. \(N.I.\) 1946 No. 31](#)

## SCHEDULE

Article 2

## Part I

## Provisions coming into Operation on 11th July 1996

Provision of the Disability Discrimination Act 1995	Subject matter
Section 5(6) and (7).	Meaning of “discrimination”.
Section 6(8), (9) and (10).	Duty of employer to make adjustments.
Section 8(6) and (7)(7).	Enforcement, remedies and procedure.
Section 12(3) and (6).	Discrimination against contract workers.
Section 14(6).	Meaning of “discrimination” in relation to trade organisations.
Section 16(5) to the extent not already in force.	Alterations to premises occupied under leases.
Section 17(3).	Occupational pension schemes.
Section 18(3) and (4).	Insurance services.
Section 19(5)(c).	Discrimination in relation to goods, facilities and services.
Section 20(6), (7)(8) and (8).	Meaning of “discrimination”.
Section 24(5).	Meaning of “discrimination”.
Section 53(9).	Codes of practice prepared by the Department of Economic Development.
Section 54(10).	Further provision about codes issued under section 53.
Section 56(11).	Help for persons suffering discrimination.
Schedule 4, Part I, paragraph 3.	Premises occupied under leases — occupation by employer or trade organisation.

## Part II

## Provisions coming into Operation on 2nd December 1996

Section 4(12).	Discrimination against applicants and employees.
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(7) Section 8(7) is modified in its application to Northern Ireland by paragraph 5(2) of Schedule 8

(8) Section 20(7) is modified in its application to Northern Ireland by paragraph 10 of Schedule 8

(9) Section 53 is modified in its application to Northern Ireland by paragraph 36 of Schedule 8

(10) Section 54 is modified in its application to Northern Ireland by paragraph 37 of Schedule 8

(11) Section 56 is modified in its application to Northern Ireland by paragraph 38 of Schedule 8

(12) Section 4 is modified in its application to Northern Ireland by paragraph 3 of Schedule 8

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 5(1) to (5).	Meaning of “discrimination”.
Section 6(1) to (7), (11) and (12).	Duty of employer to make adjustments.
Section 7( <b>13</b> ).	Exemption for small businesses.
Section 8(1) to (5)( <b>14</b> ) and (8).	Enforcement, remedies and procedures.
Section 9( <b>15</b> ).	Validity of certain agreements.
Section 10( <b>16</b> ).	Charities and support for particular groups of persons.
Section 11.	Advertisements suggesting that employers will discriminate against disabled persons.
Section 12(1), (2), (4) and (5)( <b>17</b> ).	Discrimination against contract workers.
Section 13.	Discrimination by trade organisations.
Section 14(1) and (3).	Meaning of “discrimination” in relation to trade organisations.
Section 16(1), (2) and (4).	Alterations to premises occupied under leases.
Section 17(1), (2) and (4).	Occupational pension schemes.
Section 18(1) and (2).	Insurance services.
Section 19(1)(a), (c) and (d), (2), (3), (4), (5)(a) and (b) and (6)( <b>18</b> ).	Discrimination in relation to goods, facilities and services.
Section 20(1), (3) and (4).	Meaning of “discrimination”.
Section 22( <b>19</b> ).	Discrimination in relation to premises.
Section 23.	Exemption for small dwellings.
Section 24(1) to (4).	Meaning of “discrimination”.
Section 25( <b>20</b> ).	Enforcement, remedies and procedure.
Section 26( <b>21</b> ).	Validity and revision of certain agreements.
Section 55.	Victimisation.
Section 57.	Aiding unlawful acts.
Section 58.	Liability of employers and principals.
Section 60( <b>22</b> ).	Appointment by Department of Economic Development of advisers.
Section 61( <b>23</b> ).	Amendment of Disabled Persons (Employment) Act (Northern Ireland) 1945.

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(13) Section 7 is modified in its application to Northern Ireland by paragraph 4 of Schedule 8

(14) Section 8(3) is modified in its application to Northern Ireland by paragraph 5 of Schedule 8

(15) Section 9 is modified in its application to Northern Ireland by paragraph 6 of Schedule 8

(16) Section 10 is modified in its application to Northern Ireland by paragraph 7 of Schedule 8

(17) Section 12(5) is modified in its application to Northern Ireland by paragraph 8 of Schedule 8

(18) Section 19 is modified in its application to Northern Ireland by paragraph 9 of Schedule 8

(19) Section 22 is modified in its application to Northern Ireland by paragraph 11 of Schedule 8

(20) Section 25 is modified in its application to Northern Ireland by paragraph 12 of Schedule 8

(21) Section 26 is modified in its application to Northern Ireland by paragraph 13 of Schedule 8

(22) Section 60 is modified in its application to Northern Ireland by paragraph 40 of Schedule 8

(23) Section 61 is modified in its application to Northern Ireland by paragraph 41 of Schedule 8

Section 64(24).	Application to Crown etc.
Section 66.	Government appointments outside Part II.
Section 68(2) to (5)(25).	Interpretation.
Section 70(4).	Short title, commencement, extent etc.
Schedule 1, paragraph 7(26).	Persons deemed to be disabled.
Schedule 3(27)	Enforcement and Procedure.
Schedule 4, Part I, paragraphs 1 and 2(28).	Premises occupied under leases.
Schedule 6(29).	Consequential Amendments.
Schedule 7(30) and section 70(5) in so far as is necessary to effect the repeal of sections 1, 6 to 14, 19 and 21 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 and the Disabled Persons (Employment) Act (Northern Ireland) 1960.	Repeals.

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order provides for the coming into operation on 11th July 1996 of provisions in the Disability Discrimination Act 1995 (“the Act”) authorising the making of Regulations.

(In its application to Northern Ireland the Act has effect subject to the modifications contained in Schedule 8 thereof.)

This Order also provides for the coming into operation on 11th July 1996 of sections 53 and 54, which relate to Codes of Practice issued by the Department of Economic Development, and of section 56 of the Act, which relates to help for persons suffering discrimination.

It further provides for the coming into operation on 2nd December 1996 of provisions of the Act relating to employment, including discrimination against applicants and employees; meaning of “discrimination” for this purpose; duty of employer to make adjustments; exemption for small businesses; enforcement, remedies and procedure; validity of certain agreements; charities and support for particular groups of persons; advertisements suggesting that employers will discriminate against disabled persons; discrimination against contract workers; discrimination by trade organisations; meaning of “discrimination” in relation to trade organisations; alterations to premises occupied under leases; occupational pension schemes; and insurance services.

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(24) Section 64 is modified in its application to Northern Ireland by paragraph 44 of Schedule 8

(25) Section 68 is modified in its application to Northern Ireland by paragraph 47 of Schedule 8

(26) Paragraph 7 of Schedule 1 is modified in its application to Northern Ireland by paragraph 49 of Schedule 8

(27) Schedule 3 is modified in its application to Northern Ireland by paragraph 50 of Schedule 8

(28) Schedule 4 is modified in its application to Northern Ireland by paragraph 51 of Schedule 8

(29) Schedule 6 is modified in its application to Northern Ireland by paragraph 53 of Schedule 8

(30) Schedule 7 is modified in its application to Northern Ireland by paragraph 53 of Schedule 8

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

It further provides for the coming into operation on 2nd December 1996 of provisions of the Act relating to goods, facilities and services, including discrimination in relation to goods, facilities and services; meaning of discrimination for this purpose; discrimination in relation to premises; exemption for small dwellings; meaning of “discrimination” for these purposes; enforcement, remedies and procedure; and validity and revision of certain agreements.

It further provides for the coming into operation on 2nd December 1996 of supplemental and miscellaneous provisions of the Act including victimisation; aiding unlawful acts; liability of employers and principals; appointment by Department of Economic Development of advisers; amendment of Disabled Persons (Employment) Act (Northern Ireland) 1945; application to Crown etc.; Government appointments outside Part II; interpretation; short title, commencement, extent etc.; consequential amendments and repeals.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

Provision	Date of Commencement	S.R. No.
Section 1	30th May 1996	1996 No. 219 (C. 9)
Section 2	30th May 1996	1996 No. 219 (C. 9)
Section 3	30th May 1996	1996 No. 219 (C. 9)
Section 16(3) in so far as it relates to the definition of “sub-lease” and “sub-tenancy”	30th May 1996	1996 No. 219 (C. 9)
Section 28	30th May 1996	1996 No. 219 (C. 9)
Section 50	2nd January 1996	1996 No. 1 (C. 1)
Section 51	2nd January 1996	1996 No. 1 (C. 1)
Section 52	2nd January 1996	1996 No. 1 (C. 1)
Section 59	30th May 1996	1996 No. 219 (C. 9)
Section 62(1), (2) and (7)	30th May 1996	1996 No. 219 (C. 9)
Section 67	30th May 1996	1996 No. 219 (C. 9)
Section 68(1)	30th May 1996	1996 No. 219 (C. 9)
Section 69	30th May 1996	1996 No. 219 (C. 9)
Section 70(7)	30th May 1996	1996 No. 219 (C. 9)
Schedule 1 (with the exception of paragraph 7)	30th May 1996	1996 No. 219 (C. 9)
Schedule 2	30th May 1996	1996 No. 219 (C. 9)
Schedule 4, paragraph 4 and section 16(5) in so far as it relates to it	30th May 1996	1996 No. 219 (C. 9)
Schedule 5	2nd January 1996	1996 No. 1 (C. 1)