



Disability Discrimination Act 1995

CHAPTER 50

DISABILITY DISCRIMINATION ACT 1995

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Status: Point in time view as at 16/07/2001.

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

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- 1 (1) “Mental impairment” includes an impairment resulting from or consisting...

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- 2 (1) The effect of an impairment is a long-term effect...

Severe disfigurement

- 3 (1) An impairment which consists of a severe disfigurement is...

Normal day-to-day activities

- 4 (1) An impairment is to be taken to affect the...

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Substantial adverse effects

- 5 Regulations may make provision for the purposes of this Act—...

Effect of medical treatment

- 6 (1) An impairment which would be likely to have a...

Persons deemed to be disabled

- 6A (1) Subject to sub-paragraph (2), a person who has cancer,...
7 (1) Sub-paragraph (2) applies to any person whose name is,...

Progressive conditions

- 8 (1) Where— (a) a person has a progressive condition (such...

Interpretation

- 9 In this Schedule, “HIV infection” means infection by a virus...

SCHEDULE 2 — Past Disabilities

- 1 The modifications referred to in section 2 are as follows....
2 References in Parts II and III to a disabled person...
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2B References in Chapter 2 of Part 4 to a disabled...
2C In section 3A(5), after “not having that particular disability” insert...
3 In section 6(1), after “not disabled” insert “ and who...
4 In section 6(6), for “has” substitute “ has had ”....
4ZA In section 24(3)(e)(i) and (f)(i), after “having” insert “ had...
4ZB In sections 24D(2)(a) and 24J(3)(b), for “did not have” substitute...
4A In section 28B(3)(a) and (4), after “disabled” insert “or that...
4B In section 28C(1), in paragraphs (a) and (b), after “not...
4C In section 28S(3)(a) and (4), after “disabled” insert “or that...
4D In subsection (1) of section 28T, after “not disabled” insert...
4E In that subsection as substituted by paragraphs 2 and 6...
5 For paragraph 2(1) to (3) of Schedule 1, substitute—
6 References in Chapter I of Part III of the 2005...
7 References in Chapter II of Part III of the 2005...
8 In Article 15(3)(a) and (4) of the 2005 Order, after...
9 In Article 16(1) of the 2005 Order, in sub-paragraphs (a)...
10 In Article 29(3)(a) and (4) of the 2005 Order, after...
11 In Articles 30(1)(a) and (b) and 37(1)(d), (2)(c) and (3)...
12 In Article 35(8) of the 2005 Order after “not having...
13 In Article 37(4)(b) of the 2005 Order for “has” substitute...

SCHEDULE 3 — Enforcement and Procedure

Part I — EMPLOYMENT

Conciliation

- 1

Restriction on proceedings for breach of Part II

- 2 (1) Except as provided by section 8, no civil or...

*Status: Point in time view as at 16/07/2001.**Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995. (See end of Document for details)**Period within which proceedings must be brought*

- 3 (1) An employment tribunal shall not consider a complaint under...

Evidence

- 4 (1) In any proceedings under section 8, a certificate signed...
Part II — DISCRIMINATION IN OTHER AREAS

Restriction on proceedings for breach of Part III

- 5 (1) Except as provided by section 25 no civil or...

Period within which proceedings must be brought

- 6 (1) A county court or a sheriff court shall not...

Staying or sisting proceedings on section 21B claim affecting criminal matters

- 6A (1) Sub-paragraph (2) applies where a party to proceedings under...

Restriction of remedies for section 21B claim relating to criminal matters

- 6B (1) Sub-paragraph (2) applies to a remedy other than—

Compensation for injury to feelings

- 7 In any proceedings under section 25, the amount of any...

Evidence

- 8 (1) In any proceedings under section 25, a certificate signed...
Part 3 — DISCRIMINATION IN SCHOOLS

Restriction on proceedings for breach of Part 4, Chapter 1

- 10 *Period within which proceedings must be brought*

- 11 *Evidence*

*Part 4 — DISCRIMINATION IN FURTHER AND HIGHER
EDUCATION INSTITUTIONS*

- 12 *Restriction on proceedings for breach of Part 4, Chapter 2*

- 13 *Period within which proceedings must be brought*

- 14 *Compensation for injury to feelings*

- 15 *Evidence*

*Part 5 — DISCRIMINATION IN GENERAL QUALIFICATIONS BODIES**Restriction on proceedings for breach of Part 4, Chapter 2A*

- 16 (1) Except as provided by section 31ADA, no civil or...

Period within which proceedings must be brought

- 17 (1) A county court or a sheriff court shall not...

Evidence

- 18 (1) In any proceedings under section 31ADA, a certificate signed...

**SCHEDULE 3A — VALIDITY OF CONTRACTS, COLLECTIVE AGREEMENTS
AND RULES OF UNDERTAKINGS**

Status: Point in time view as at 16/07/2001.

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

PART I — VALIDITY AND REVISION OF CONTRACTS
PART II — COLLECTIVE AGREEMENTS AND RULES OF UNDERTAKINGS
PART III — INTERPRETATION

SCHEDULE 3A — VALIDITY OF CONTRACTS, COLLECTIVE AGREEMENTS
AND RULES OF UNDERTAKINGS

Part 1 — VALIDITY AND REVISION OF CONTRACTS

- 1 (1) A term of a contract is void where—...
- 2 (1) Paragraph 1(3) does not apply—
- 3 (1) On the application of a disabled person interested...
- Part 2 — COLLECTIVE AGREEMENTS AND RULES OF
UNDERTAKINGS

- 4 (1) This Part of this Schedule applies to—
- 5 A disabled person to whom this paragraph applies may present...
- 6 In the case of a complaint about—
- 7 In the case of a complaint about a rule made...
- 8 (1) When an employment tribunal finds that a complaint...
- 9 The avoidance by virtue of paragraph 4(2) of any term...
- Part 3 — INTERPRETATION
- 10 In this Schedule “collective agreement” means any agreement relating
to...
- 11 Any reference in this Schedule to a contract or act...
- 12 Where a term to which section 26(1A)(c) applies is a...

SCHEDULE 4 — Premises Occupied Under Leases

Part I — OCCUPATION BY EMPLOYER OR TRADE ORGANISATION

Failure to obtain consent to alteration

- 1 If any question arises as to whether the occupier has...

Joining lessors in proceedings under section 8

- 2 (1) In any proceedings under section 8, in a case...

Regulations

- 3 Regulations may make provision as to circumstances in which—

Sub-leases etc.

- 4 The Secretary of State may by regulations make provision
supplementing,...

Part II — OCCUPATION BY PROVIDER OF SERVICES

Failure to obtain consent to alteration

- 5 If any question arises as to whether the occupier has...

Reference to court

- 6 (1) If the occupier has applied in writing to the...

Joining lessors in proceedings under section 25

- 7 (1) In any proceedings on a claim under section 25,...

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7A (1) In any proceedings on a complaint under section 25(8)...

Regulations

8 Regulations may make provision as to circumstances in which—

Sub-leases etc.

9 The Secretary of State may by regulations make provision supplementing,...

Part 3 — OCCUPATION BY EDUCATIONAL INSTITUTIONS

10 *Failure to obtain consent*11 *Reference to court*12 *Joining lessors in proceedings under section 28V*13 *Regulations*14 *Sub-leases etc.*

PART 4 — OCCUPATION BY GENERAL QUALIFICATIONS BODIES

Failure to obtain consent to alteration

15 If any question arises as to whether a general qualifications...

Reference to court

16 (1) If the general qualifications body has applied in writing...

Joining lessors in proceedings under section 31ADA

17 (1) In any proceedings on a claim under section 31ADA...

SCHEDULE 4A — RESPONSIBLE BODIES FOR SCHOOLS

1 (1) The bodies responsible for schools in England and Wales...

2 (1) The bodies responsible for schools in Scotland are set...

SCHEDULE 4B — RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

1 (1) The bodies responsible for educational institutions in England and...

2 (1) The bodies responsible for relevant institutions in Scotland are...

SCHEDULE 4C — MODIFICATIONS OF CHAPTER 2 OF PART 4

Part 1 — MODIFICATIONS FOR ENGLAND AND WALES

1 For section 28R, substitute— Further education etc. provided by local...

2 For subsection (1) of section 28T, substitute—

3 In section 28W(1)(a) for “by an educational institution” substitute “...

4 Omit section 31A.

Part 2 — MODIFICATIONS FOR SCOTLAND

5 For section 28R, substitute— Further education etc. provided by education...

6 For subsection (1) of section 28T, substitute— :

7 In section 28W(1)(a) for “by an educational institution” substitute “by...

8 Omit section 31A.

SCHEDULE 4C — MODIFICATIONS OF CHAPTER 2 OF PART 4

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Part 1 — MODIFICATIONS FOR ENGLAND AND WALES – FURTHER
EDUCATION, ETC PROVIDED BY LOCAL EDUCATION
AUTHORITIES

1 The following is substituted for section 28R— 28R Higher and...

Part 1A — MODIFICATIONS FOR ENGLAND AND WALES – FURTHER
EDUCATION PROVIDED BY SCHOOLS, ETC

6 The following is substituted for section 28R— 28R Further education...

9 Subsections (1A) to (1D) of section 28T (responsible bodies' duties...

10 In subsections (2) and (4) of section 28T, for “any...

11 In section 28W(1)(a) for “by an educational institution” there is...

12 Sections 28SA, 28UA, 28UB, 28UC, 28V(1A) and 31A are omitted....

Part 2 — MODIFICATIONS FOR SCOTLAND – FURTHER EDUCATION

13 The following is substituted for section 28R— Further education etc...

14 Subsections (1A) to (1D) of section 28T are omitted and...

15 In subsections (2) and (4) of section 28T, for “any...

16 In section 28W(1)(a) for “by an educational institution” there is...

17 Section 31A is omitted.

Part 2A — MODIFICATIONS FOR SCOTLAND – RECREATIONAL OR TRAINING
FACILITIES

18 The following is substituted for section 28R— Recreational or
training...

19 In section 28S (Meaning of “discrimination”), the following subsection
is...

20 In section 28S (Meaning of “discrimination”), the following subsections
are...

21 Subsections (1A) to (1D) of section 28T are omitted and...

22 In subsections (2) and (4) of section 28T, for “any...

23 In section 28W(1)(a) for “by an educational institution” there is...

24 Sections 28SA, 28UA, 28UB, 28UC, 28V(1A) and 31A are omitted....

SCHEDULE 5 — The National Disability Council

Status

1 (1) The Council shall be a body corporate.

Procedure

2 The Council has power to regulate its own procedure (including...

Membership

3 (1) The Council shall consist of at least 10, but...

Term of office of members

4 (1) Each member shall be appointed for a term which...

Remuneration

5 (1) The Secretary of State may pay such remuneration or...

Staff

6 The Secretary of State shall provide the Council with such...

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7 The Secretary of State may by regulations make provision—

Annual report

8 (1) As soon as is practicable after the end of...

SCHEDULE 6 — Consequential Amendments

Employment and Training Act 1973 (c. 50)

1 In section 12(1) of the Employment and Training Act 1973...

Employment Protection (Consolidation) Act 1978 (c. 44)

2 In section 136(1) of the Employment Protection (Consolidation) Act 1978...

3

Companies Act 1985 (c. 6)

4 In paragraph 9 of Schedule 7 to the Companies Act...

Local Government and Housing Act 1989 (c. 42)

5 In section 7 of the Local Government and Housing Act...

Enterprise and New Towns (Scotland) Act 1990 (c. 35)

6 In section 16 of the Enterprise and New Towns (Scotland)...

SCHEDULE 7 — Repeals

SCHEDULE 8 — Modifications of this Act in its application to Northern Ireland

1 In its application to Northern Ireland this Act shall have...

2 (1) In section 3(1) for “Secretary of State” substitute “...

3 In section 4(6) for “Great Britain” substitute “Northern Ireland...”

4 (1) In section 7(2) for “Secretary of State” substitute “...

5 (1) In section 8(3) omit “or (in Scotland) in reparation”....

6 (1) In section 9(2)(a) for “a conciliation officer” substitute “...

7 (1) In section 10(1)(b) omit “or recognised body”.

8 — In section 12(5) for “Great Britain” where it twice...

9 (1) In section 19(3)(g) for “section 2 of the Employment...

10 In section 20(7) for paragraphs (b) and (c) substitute “;...

11 In section 22(4) and (6) omit “or (in Scotland) the...”

12 (1) In section 25(1) omit “or (in Scotland) in reparation”....

13 In section 26(3) omit “or a sheriff court”.

14

15 Omit sections 29, 30 and 31.

16 (1) In section 32(1) for “Secretary of State” substitute “...

17 In section 33, for “Secretary of State”, wherever it occurs,...

18 For section 34 substitute— New licences conditional on compliance with...

19 Omit section 35.

20 In section 36(7) for “licensing authority” substitute “Department of...

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- 21 (1) In section 37(5) and (6) for “licensing authority” substitute...
- 21A (1) In section 37A(5) and (6) for “licensing authority” substitute...
- 22 (1) In section 38(1) for “a licensing authority” substitute “...
- 23 Omit section 39.
- 24 (1) In section 40 for “Secretary of State” wherever it...
- 25 (1) In section 41(2) for “Secretary of State” substitute “...
- 26 (1) In section 42 for “Secretary of State” wherever it...
- 27 In section 43 for “Secretary of State” wherever it occurs...
- 28 (1) In section 44 for “Secretary of State” wherever it...
- 29 (1) In section 45 for “Secretary of State” wherever it...
- 30 (1) In section 46 for “Secretary of State” wherever it...
- 31 (1) In section 47 for “Secretary of State” wherever it...
- 32 Omit section 48(3).
- 33
- 34 (1)
- 35 For section 52 substitute— Further provisions about codes issued under...
- 36 (1) In section 53 for “Secretary of State” wherever it...
- 37 For section 54 substitute— Further provisions about codes issued under...
- 38 In section 56(2) and (4) for “Secretary of State” substitute...
- 39 In section 59(1) after “Crown” where it twice occurs insert...
- 40 (1) In section 60(1) to (3) for “Secretary of State”...
- 41 For section 61 substitute— Amendments of Disabled Persons (Employment) Act...
- 42 (1) In section 62(2) for “Secretary of State” substitute “...
- 43 Omit section 63.
- 44 (1) In section 64(3) for “England and Wales” substitute “...
- 45 Omit section 65.
- 46 For section 67 substitute— Regulations and orders etc. (1) Any power under this Act to make regulations or...
- 47 (1) For section 68(1) substitute— (1) In this Act— “accessibility...
- 48 (1) In section 70(3) for “Secretary of State” substitute “...
- 49 (1) In Schedule 1 in paragraph 7(1) for “Act 1944”...
- 50 (1) In Schedule 3 in paragraph 1—
- 51 (1) In Schedule 4 in paragraphs 2(1) and (5) and...
- 52
- 53 For Schedules 6 and 7 substitute— SCHEDULE 6 Consequential Amendments...

Status:

Point in time view as at 16/07/2001.

Changes to legislation:

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