



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *Goods, facilities and services*

#### **19 Discrimination in relation to goods, facilities and services. E+W+S**

- (1) It is unlawful for a provider of services to discriminate against a disabled person—
  - (a) in refusing to provide, or deliberately not providing, to the disabled person any service which he provides, or is prepared to provide, to members of the public;
  - (b) in failing to comply with any duty imposed on him by section 21 in circumstances in which the effect of that failure is to make it impossible or unreasonably difficult for the disabled person to make use of any such service;
  - (c) in the standard of service which he provides to the disabled person or the manner in which he provides it to him; or
  - (d) in the terms on which he provides a service to the disabled person.
- (2) For the purposes of this section and sections 20 [F1 to 21ZA]—
  - (a) the provision of services includes the provision of any goods or facilities;
  - (b) a person is “a provider of services” if he is concerned with the provision, in the United Kingdom, of services to the public or to a section of the public; and
  - (c) it is irrelevant whether a service is provided on payment or without payment.
- (3) The following are examples of services to which this section and sections 20 and 21 apply—
  - (a) access to and use of any place which members of the public are permitted to enter;
  - (b) access to and use of means of communication;
  - (c) access to and use of information services;

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- (d) accommodation in a hotel, boarding house or other similar establishment;
  - (e) facilities by way of banking or insurance or for grants, loans, credit or finance;
  - (f) facilities for entertainment, recreation or refreshment;
  - (g) facilities provided by employment agencies or under section 2 of the <sup>M1</sup>Employment and Training Act 1973;
  - (h) the services of any profession or trade, or any local or other public authority.
- (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- [<sup>F2</sup>(5) Regulations may provide for subsection (1) and section 21(1), (2) and (4) not to apply, or to apply only to a prescribed extent, in relation to a service of a prescribed description.]
- [<sup>F3</sup>(5A) Nothing in this section or sections 20 to 21A applies to the provision of a service in relation to which discrimination is unlawful under Part 4.]
- (6) <sup>F4</sup> .....

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F1** Words in s. 19(2) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 13\(2\)](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#)
- F2** S. 19(5) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 13\(3\)](#); S.I. 2005/1676, [art. 2](#)
- F3** S. 19(5A) substituted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 13\(4\)](#); S.I. 2005/2774, [art. 4\(f\)](#)
- F4** S. 19(6) repealed (E.W.S.) (1.9.2002) by 2001 c. 10, s. 38(5)(b), 42(6), [Sch. 9](#) (with s. 43(13)); S.I. 2002/2217, [art. 3](#), [Sch. 1 Pt. 1](#)

#### Commencement Information

- I1** S. 19 wholly in force at 1.10.1999; s. 19 not in force at Royal Assent see s. 70(3); s. 19(5)(c) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, [art. 2\(1\)](#), [Sch. Pt. I](#); s. 19(5)(c) in force (N.I.) at 10.7.1996 by S.R. 1996/280, [art. 2\(1\)](#), [Sch. Pt. I s.19\(1\)\(a\)\(c\)\(d\)\(2\)\(3\)\(4\)\(5\)\(a\)\(b\)\(6\)](#) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, [art. 2\(3\)](#), [Sch. Pt. III](#); s. 19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6) in force (N.I.) at 2.12.1996 by S.R. 1996/280, [art. 2\(2\)](#), [Sch. Pt. II](#); s. 19(1)(b) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, [art. 5\(c\)](#); s. 19(1)(b) in force (N.I.) at 1.10.1999 by S.R. 1999/196, [art. 4\(c\)](#)

#### Marginal Citations

- M1** 1973 c. 50.

## 19 Discrimination in relation to goods, facilities and services. **N.I.**

- (1) It is unlawful for a provider of services to discriminate against a disabled person—
- (a) in refusing to provide, or deliberately not providing, to the disabled person any service which he provides, or is prepared to provide, to members of the public;

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- (b) in failing to comply with any duty imposed on him by section 21 in circumstances in which the effect of that failure is to make it impossible or unreasonably difficult for the disabled person to make use of any such service;
  - (c) in the standard of service which he provides to the disabled person or the manner in which he provides it to him; or
  - (d) in the terms on which he provides a service to the disabled person.
- (2) For the purposes of this section and sections 20 [F33 to 21ZA]—
- (a) the provision of services includes the provision of any goods or facilities;
  - (b) a person is “a provider of services” if he is concerned with the provision, in the United Kingdom, of services to the public or to a section of the public; and
  - (c) it is irrelevant whether a service is provided on payment or without payment.
- (3) The following are examples of services to which this section and sections 20 and 21 apply—
- (a) access to and use of any place which members of the public are permitted to enter;
  - (b) access to and use of means of communication;
  - (c) access to and use of information services;
  - (d) accommodation in a hotel, boarding house or other similar establishment;
  - (e) facilities by way of banking or insurance or for grants, loans, credit or finance;
  - (f) facilities for entertainment, recreation or refreshment;
  - (g) facilities provided by employment agencies or under [F34 sections 1 and 2 of the Employment and Training Act (Northern Ireland) 1950];
  - (h) the services of any profession or trade, or any local or other public authority.
- (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- [F35][F36] (5) Regulations may provide for subsection (1) and section 21(1), (2) and (4) not to apply, or to apply only to a prescribed extent, in relation to a service of a prescribed description.]
- (6) Nothing in this Part applies to the provision of a service in relation to which discrimination is made unlawful by Part III of the 2005 Order.]

#### Extent Information

- E8** This version of this provision extends to Northern Ireland only as it has effect by virtue of s. 70(6), Sch. 8 paras. 1, 9 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only

#### Textual Amendments

- F33** Words in s. 19(2) substituted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 12(2)**; S.R. 2006/289, **art. 2(1)(b)**
- F34** Words in s. 19(3)(g) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 9(1) of this Act
- F35** S. 19(5)(6) substituted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1(2)(d)(3)(b), {48(6)}; S.R. 2005/336, **art. 2**, Sch (as amended (16.1.2007) by S.R. 2007/25, **art. 2**); S.R. 2005/337, **art. 2**, Sch.
- F36** S. 19(5) substituted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 12(3)**; S.R. 2006/289, **art. 2(1)(b)**

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

### Commencement Information

**II** S. 19 wholly in force at 1.10.1999; s. 19 not in force at Royal Assent see s. 70(3); s. 19(5)(c) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 19(5)(c) in force (N.I.) at 10.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I s.19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6)** in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 19(1)(a)(c)(d)(2)(3)(4)(5)(a)(b)(6) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 19(1)(b) in force (E.W.S.) at 1.10.1999 by S.I. 1999/1190, **art. 5(c)**; s. 19(1)(b) in force (N.I.) at 1.10.1999 by S.R. 1999/196, **art. 4(c)**

## 20 Meaning of “discrimination”

- (1) For the purposes of section 19, a provider of services discriminates against a disabled person if—
  - (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
  - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of section 19, a provider of services also discriminates against a disabled person if—
  - (a) he fails to comply with a section 21 duty imposed on him in relation to the disabled person; and
  - (b) he cannot show that his failure to comply with that duty is justified.
- (3) For the purposes of this section, treatment is justified only if—
  - (a) in the opinion of the provider of services, one or more of the conditions mentioned in subsection (4) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (4) The conditions are that—
  - (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
  - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
  - (c) in a case falling within section 19(1)(a), the treatment is necessary because the provider of services would otherwise be unable to provide the service to members of the public;
  - (d) in a case falling within section 19(1)(c) or (d), the treatment is necessary in order for the provider of services to be able to provide the service to the disabled person or to other members of the public;
  - (e) in a case falling within section 19(1)(d), the difference in the terms on which the service is provided to the disabled person and those on which it is provided to other members of the public reflects the greater cost to the provider of services in providing the service to the disabled person.
- (5) Any increase in the cost of providing a service to a disabled person which results from compliance by a provider of services with a section 21 duty shall be disregarded for the purposes of subsection (4)(e).

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- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—
- (a) it is reasonable for a provider of services to hold the opinion mentioned in subsection (3)(a);
  - (b) it is not reasonable for a provider of services to hold that opinion.
- (7) Regulations may make provision for subsection (4)(b) not to apply in prescribed circumstances where—
- (a) a person is acting for a disabled person under a power of attorney;
  - (b) functions conferred by or under Part VII of the Mental Health Act 1983 are exercisable in relation to a disabled person's property or affairs; or
  - [<sup>F5</sup>(c) powers are exercisable in relation to a disabled person's property or affairs in consequence of the appointment, under the law of Scotland, of a guardian, tutor or judicial factor.]
- (8) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (4)) in which treatment is to be taken to be justified.
- (9) In subsections (3), (4) and (8) “treatment” includes failure to comply with a section 21 duty.

#### **Extent Information**

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### **Textual Amendments**

- F5** S. 20(7)(c) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 14](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#)

#### **Modifications etc. (not altering text)**

- C1** S. 20(4)(b) excluded (4.12.2006) by [The Disability Discrimination \(Service Providers and Public Authorities Carrying Out Functions\) Regulations 2005 \(S.I. 2005/2901\)](#), [reg. 3](#)

#### **Commencement Information**

- I2** S. 20 wholly in force at 1.10.1999; s. 20 not in force at Royal Assent see s. 70(3); s. 20(6)(7)(8) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 20(6)(7)(8) in force (N.I.) at 11.7.1996 by [S.R. 1996/280](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 20(1)(3)(4) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); s. 20(1)(3)(4) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#); s. 20(2)(5)(9) in force (E.W.S.) at 1.10.1999 by [S.I. 1999/1190](#), [art. 5\(d\)\(e\)\(f\)](#); s. 20(2)(5)(9) in force (N.I.) at 1.10.1999 by [S.R. 1999/196](#), [art. 4\(d\)-\(f\)](#)

## **21 Duty of providers of services to make adjustments.**

- (1) Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

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- (2) Where a physical feature (for example, one arising from the design or construction of a building or the approach or access to premises) makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to—
- (a) remove the feature;
  - (b) alter it so that it no longer has that effect;
  - (c) provide a reasonable means of avoiding the feature; or
  - (d) provide a reasonable alternative method of making the service in question available to disabled persons.
- (3) Regulations may prescribe—
- (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (2)(c) or (d) is reasonable; and
  - (b) categories of providers of services to whom subsection (2) does not apply.
- (4) Where an auxiliary aid or service (for example, the provision of information on audio tape or of a sign language interpreter) would—
- (a) enable disabled persons to make use of a service which a provider of services provides, or is prepared to provide, to members of the public, or
  - (b) facilitate the use by disabled persons of such a service,
- it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide that auxiliary aid or service.
- (5) Regulations may make provision, for the purposes of this section—
- (a) as to circumstances in which it is reasonable for a provider of services to have to take steps of a prescribed description;
  - (b) as to circumstances in which it is not reasonable for a provider of services to have to take steps of a prescribed description;
  - (c) as to what is to be included within the meaning of “practice, policy or procedure”;
  - (d) as to what is not to be included within the meaning of that expression;
  - (e) as to things which are to be treated as physical features;
  - (f) as to things which are not to be treated as such features;
  - (g) as to things which are to be treated as auxiliary aids or services;
  - (h) as to things which are not to be treated as auxiliary aids or services.
- (6) Nothing in this section requires a provider of services to take any steps which would fundamentally alter the nature of the service in question or the nature of his trade, profession or business.
- (7) Nothing in this section requires a provider of services to take any steps which would cause him to incur expenditure exceeding the prescribed maximum.
- (8) Regulations under subsection (7) may provide for the prescribed maximum to be calculated by reference to—
- (a) aggregate amounts of expenditure incurred in relation to different cases;
  - (b) prescribed periods;
  - (c) services of a prescribed description;
  - (d) premises of a prescribed description; or

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- (e) such other criteria as may be prescribed.
- (9) Regulations may provide, for the purposes of subsection (7), for expenditure incurred by one provider of services to be treated as incurred by another.
- (10) This section imposes duties only for the purpose of determining whether a provider of services has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

**Modifications etc. (not altering text)**

- C2** S. 21(2) applied (N.I.)(1.10.1999) by S.R. 1999/202, **art. 2**  
S. 21(2) applied (1.10.1999) by S.I. 1999/1191, **art. 3**
- C3** S. 21(2) modified (4.12.2006) by [The Disability Discrimination \(Transport Vehicles\) Regulations 2005](#) (S.I. 2005/3190), **reg. 8**
- C4** S. 21(4) applied (N.I.)(1.10.1999) by S.R. 1999/202, **art. 3**
- C5** S. 21(4) modified (4.12.2006) by [The Disability Discrimination \(Transport Vehicles\) Regulations 2005](#) (S.I. 2005/3190), **reg. 7**

**Commencement Information**

- I3** S. 21 not in force at Royal Assent see s. 70(3); s. 21(3)(5) in force at 26.4.1999 by S.I. 1999/1190, **art. 4** and S.R. 1999/196, **art. 3**; s. 21(1)(2)(d)(4)(6)(10) in force at 1.10.1999 by S.I. 1999/1190, **art. 5(g)** and S.R. 1999/196, **art. 4(g)**; s. 21(2) in force at 1.10.2004 to the extent that it is not already in force by S.I. 2001/2030, **art. 3(a)** and S.R. 2001/439, **art. 2(a)**

**[F6]21ZA Application of sections 19 to 21 to transport vehicles**

- (1) Section 19(1) (a), (c) and (d) do not apply in relation to a case where the service is a transport service and, as provider of that service, the provider of services discriminates against a disabled person—
  - (a) in not providing, or in providing, him with a vehicle; or
  - (b) in not providing, or in providing, him with services when he is travelling in a vehicle provided in the course of the transport service.
- (2) For the purposes of section 21(1), (2) and (4), it is never reasonable for a provider of services, as a provider of a transport service—
  - (a) to have to take steps which would involve the alteration or removal of a physical feature of a vehicle used in providing the service;
  - (b) to have to take steps which would—
    - (i) affect whether vehicles are provided in the course of the service or what vehicles are so provided, or
    - (ii) where a vehicle is provided in the course of the service, affect what happens in the vehicle while someone is travelling in it.
- (3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only to a prescribed extent, in relation to vehicles of a prescribed description.
- (4) In this section—
  - “transport service” means a service which (to any extent) involves transport of people by vehicle;
  - “vehicle” means a vehicle for transporting people by land, air or water, and includes (in particular)—

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- (a) a vehicle not having wheels, and
  - (b) a vehicle constructed or adapted to carry passengers on a system using a mode of guided transport;
- “guided transport” has the same meaning as in the Transport and Works Act 1992.]

#### Extent Information

- E3** This section extends to England, Wales and Scotland only; a separate s. 21ZA exists for Northern Ireland.

#### Textual Amendments

- F6** S. 21ZA inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 5, 20(3)-(6); S.I. 2005/1676, art. 2(1)(a)

#### Modifications etc. (not altering text)

- C6** S. 21ZA(1) excluded (4.12.2006) by [The Disability Discrimination \(Transport Vehicles\) Regulations 2005 \(S.I. 2005/3190\)](#), reg. 3
- C7** S. 21ZA(2) excluded (4.12.2006) by [The Disability Discrimination \(Transport Vehicles\) Regulations 2005 \(S.I. 2005/3190\)](#), reg. 6
- C8** S. 21ZA(2)(b) restricted (4.12.2006) by [The Disability Discrimination \(Transport Vehicles\) Regulations 2005 \(S.I. 2005/3190\)](#), regs. {4}, {5}

### [<sup>F7</sup>21A Employment services **E+W+S**

- (1) In [<sup>F8</sup>this Act], “employment services” means—
- (a) vocational guidance;
  - (b) vocational training; or
  - (c) services to assist a person to obtain or retain employment, or to establish himself as self-employed.
- (2) It is unlawful for a provider of employment services, in relation to such services, to subject to harassment a disabled person—
- (a) to whom he is providing such services, or
  - (b) who has requested him to provide such services;
- and section 3B (meaning of “harassment”) applies for the purposes of this subsection as it applies for the purposes of Part 2.
- (3) In their application to employment services, the preceding provisions of this Part have effect as follows.
- (4) Section 19 has effect as if—
- (a) after subsection (1)(a), there were inserted the following paragraph—
    - “(aa) in failing to comply with a duty imposed on him by subsection (1) of section 21 in circumstances in which the effect of that failure is to place the disabled person at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of the service;”;



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- (b) in subsection (1)(b), for “section 21” there were substituted “ subsection (2) or (4) of section 21 ”;
- [<sup>F9</sup>(c) in subsection (2), for “sections 20 to 21ZA” there is substituted “ sections 20 to 21A ”.]
- (5) Section 20 has effect as if—
- (a) after subsection (1), there were inserted the following subsection—
- “(1A) For the purposes of section 19, a provider of services also discriminates against a disabled person if he fails to comply with a duty imposed on him by subsection (1) of section 21 in relation to the disabled person.”;
- (b) in subsection (2)(a), for “a section 21 duty imposed” there were substituted “ a duty imposed by subsection (2) or (4) of section 21 ”;
- (c) after subsection (3), there were inserted the following subsection—
- “(3A) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within section 3A(5).”.
- (6) Section 21 has effect as if—
- (a) in subsection (1), for “makes it impossible or unreasonably difficult for disabled persons to make use of” there were substituted places disabled persons at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of;
- (b) after subsection (1), there were inserted the following subsection—
- “(1A) In subsection (1), “practice, policy or procedure” includes a provision or criterion.”.]

#### Textual Amendments

- F7** S. 21A inserted (E.W.S.) (3.7.2003 for specified purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), {19(1)} and same section inserted (N.I.) (21.2.2004 for specified purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **19(1)**: Note - the reference to "Part 2" in s. 21A(2) in the E.W.S. text of the provision appears as "Part II" in the N.I. text
- F8** Words in s. 21A(1) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 15(2)**; S.I. 2005/1676, **art. 2(1)(c)**
- F9** S. 21A(4)(c) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), **Sch. 1 para. 15(3)**; S.I. 2005/1676, **art. 2(1)(c)**

#### [<sup>F7</sup>21A Employment services **N.I.**

- (1) In [<sup>F37</sup>this Act] , “employment services” means—
- (a) vocational guidance;
- (b) vocational training; or
- (c) services to assist a person to obtain or retain employment, or to establish himself as self-employed.

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- (2) It is unlawful for a provider of employment services, in relation to such services, to subject to harassment a disabled person—
- (a) to whom he is providing such services, or
  - (b) who has requested him to provide such services;
- and section 3B (meaning of “harassment”) applies for the purposes of this subsection as it applies for the purposes of Part II.
- (3) In their application to employment services, the preceding provisions of this Part have effect as follows.
- (4) Section 19 has effect as if—
- (a) after subsection (1)(a), there were inserted the following paragraph—
 

“(aa) in failing to comply with a duty imposed on him by subsection (1) of section 21 in circumstances in which the effect of that failure is to place the disabled person at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of the service;”;
  - (b) in subsection (1)(b), for “section 21” there were substituted “ subsection (2) or (4) of section 21 ”;
  - <sup>F38</sup>(c) in subsection (2), for “sections 20 to 21ZA” there were substituted sections 20 to 21A.]
- (5) Section 20 has effect as if—
- (a) after subsection (1), there were inserted the following subsection—
 

“(1A) For the purposes of section 19, a provider of services also discriminates against a disabled person if he fails to comply with a duty imposed on him by subsection (1) of section 21 in relation to the disabled person.”;
  - (b) in subsection (2)(a), for “a section 21 duty imposed” there were substituted “ a duty imposed by subsection (2) or (4) of section 21 ”;
  - (c) after subsection (3), there were inserted the following subsection—
 

“(3A) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within section 3A(5).”.
- (6) Section 21 has effect as if—
- (a) in subsection (1), for “makes it impossible or unreasonably difficult for disabled persons to make use of” there were substituted places disabled persons at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of;
  - (b) after subsection (1), there were inserted the following subsection—
 

“(1A) In subsection (1), “practice, policy or procedure” includes a provision or criterion.”.]

#### Extent Information

- E9** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

*Status: Point in time view as at 04/12/2006.*

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

#### Textual Amendments

- F7** S. 21A inserted (E.W.S.) (3.7.2003 for specified purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), {19(1)} and same section inserted (N.I.) (21.2.2004 for specified purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **19(1)**; Note - the reference to "Part 2" in s. 21A(2) in the E.W.S. text of the provision appears as "Part II" in the N.I. text
- F37** Words in s. 21A(1) substituted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 13(2)**; S.R. 2006/289, **art. 2(1)(b)**
- F38** S. 21A(4)(c) substituted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 13(3)**; S.R. 2006/289, **art. 2(1)(b)**

*F10 [F11 Public authorities]*

#### Textual Amendments

- F10** Ss. 21B-21E and cross-heading inserted (N.I.) (3.7.2006 for ss. 21D and 21E for the purpose only of exercising any power to make regulations, orders or rules of court, and otherwise 31.12.2007 for all remaining purposes and for all inserted sections) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1(2), 4; S.R. 2006/289, **art. 2(2)(a)**; S.R. 2007/466, **art. 2(2)(b)**
- F11** Ss. 21B-21E and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21D and 21E for the purpose only of exercising any power to make regulations, orders or rules of court and otherwise 4.12.2006 for all remaining purposes and for all inserted sections) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {2}, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(a)**; S.I. 2005/2774, **art. 4(a)**

### [F11] 21B Discrimination by public authorities

- (1) It is unlawful for a public authority to discriminate against a disabled person in carrying out its functions.
- (2) In this section, and sections 21D and 21E, "public authority"—
  - (a) includes any person certain of whose functions are functions of a public nature; but
  - (b) does not include any person mentioned in subsection (3).
- (3) The persons are—
  - (a) either House of Parliament;
  - (b) a person exercising functions in connection with proceedings in Parliament;
  - (c) the Security Service;
  - (d) the Secret Intelligence Service;
  - (e) the Government Communications Headquarters; and
  - (f) a unit, or part of a unit, of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.
- (4) In relation to a particular act, a person is not a public authority by virtue only of subsection (2)(a) if the nature of the act is private.

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- (5) Regulations may provide for a person of a prescribed description to be treated as not being a public authority for purposes of this section and sections 21D and 21E.
- (6) In the case of an act which constitutes discrimination by virtue of section 55, subsection (1) of this section also applies to discrimination against a person who is not disabled.
- (7) Subsection (1)—
- (a) does not apply to anything which is unlawful under any provision of this Act other than subsection (1); and
  - (b) does not, subject to subsections (8) and (9), apply to anything which would be unlawful under any such provision but for the operation of any provision in or made under this Act.
- (8) Subsection (1) does apply in relation to a public authority's function of appointing a person to, and in relation to a public authority's functions with respect to a person as holder of, an office or post if—
- (a) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
  - (b) sections 4D and 4E would apply in relation to an appointment to the office or post if any of those conditions was satisfied.
- (9) Subsection (1) does apply in relation to a public authority's functions with respect to a person as candidate or prospective candidate for election to, and in relation to a public authority's functions with respect to a person as elected holder of, an office or post if—
- (a) the office or post is not membership of a House of Parliament, the Scottish Parliament, the National Assembly for Wales or an authority mentioned in section 15A(1);
  - (b) none of the conditions specified in section 4C(3) is satisfied in relation to the office or post; and
  - (c) sections 4D and 4E would apply in relation to an appointment to the office or post if—
    - (i) any of those conditions was satisfied, and
    - (ii) section 4F(1) (but not section 4C(5)) was omitted.
- (10) Subsections (8) and (9)—
- (a) shall not be taken to prejudice the generality of subsection (1); but
  - (b) are subject to section 21C(5).

## **21C Exceptions from section 21B(1)**

- (1) Section 21B(1) does not apply to—
- (a) a judicial act (whether done by a court, tribunal or other person); or
  - (b) an act done on the instructions, or on behalf, of a person acting in a judicial capacity.
- (2) Section 21B(1) does not apply to any act of, or relating to, making, confirming or approving—
- (a) an Act, an Act of the Scottish Parliament or an Order in Council; or
  - (b) an instrument made under an Act, or under an Act of the Scottish Parliament, by—

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- (i) a Minister of the Crown;
  - (ii) a member of the Scottish Executive; or
  - (iii) the National Assembly for Wales.
- (3) Section 21B(1) does not apply to any act of, or relating to, imposing conditions or requirements of a kind falling within section 59(1)(c).
- (4) Section 21B(1) does not apply to—
- (a) a decision not to institute criminal proceedings;
  - (b) where such a decision is made, an act done for the purpose of enabling the decision to be made;
  - (c) a decision not to continue criminal proceedings; or
  - (d) where such a decision is made—
    - (i) an act done for the purpose of enabling the decision to be made; or
    - (ii) an act done for the purpose of securing that the proceedings are not continued.
- (5) Section 21B(1) does not apply to an act of a prescribed description.]

#### [<sup>F11</sup>21D Meaning of “discrimination” in section 21B **E+W+S**

- (1) For the purposes of section 21B(1), a public authority discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  - (b) it cannot show that the treatment in question is justified under subsection (3), (5) or (7)(c).
- (2) For the purposes of section 21B(1), a public authority also discriminates against a disabled person if—
- (a) it fails to comply with a duty imposed on it by section 21E in circumstances in which the effect of that failure is to make it—
    - (i) impossible or unreasonably difficult for the disabled person to receive any benefit that is or may be conferred, or
    - (ii) unreasonably adverse for the disabled person to experience being subjected to any detriment to which a person is or may be subjected, by the carrying-out of a function by the authority; and
  - (b) it cannot show that its failure to comply with that duty is justified under subsection (3), (5) or (7)(c).
- (3) Treatment, or a failure to comply with a duty, is justified under this subsection if—
- (a) in the opinion of the public authority, one or more of the conditions specified in subsection (4) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for it to hold that opinion.
- (4) The conditions are—
- (a) that the treatment, or non-compliance with the duty, is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

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- (b) that the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment, or non-compliance with the duty, is reasonable in the particular case;
  - (c) that, in the case of treatment mentioned in subsection (1), treating the disabled person equally favourably would in the particular case involve substantial extra costs and, having regard to resources, the extra costs in that particular case would be too great;
  - (d) that the treatment, or non-compliance with the duty, is necessary for the protection of rights and freedoms of other persons.
- (5) Treatment, or a failure to comply with a duty, is justified under this subsection if the acts of the public authority which give rise to the treatment or failure are a proportionate means of achieving a legitimate aim.
- (6) Regulations may make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to hold the opinion mentioned in subsection (3)(a).
- (7) Regulations may—
- (a) amend or omit a condition specified in subsection (4) or make provision for it not to apply in prescribed circumstances;
  - (b) amend or omit subsection (5) or make provision for it not to apply in prescribed circumstances;
  - (c) make provision for purposes of this section (in addition to any provision for the time being made by subsections (3) to (5)) as to circumstances in which treatment, or a failure to comply with a duty, is to be taken to be justified.]

**Modifications etc. (not altering text)**

**C9** S. 21D(4)(b) excluded (4.12.2006) by The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations (S.I. 2005/2901), {regs. 1, 3}

[<sup>F10</sup>**21D Meaning of “discrimination” in section 21B** **N.I.**

- (1) For the purposes of section 21B(1), a public authority discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person's disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
  - (b) it cannot show that the treatment in question is justified under subsection (3), (5) or (7)(c).
- (2) For the purposes of section 21B(1), a public authority also discriminates against a disabled person if—
- (a) it fails to comply with a duty imposed on it by section 21E in circumstances in which the effect of that failure is to make it—
    - (i) impossible or unreasonably difficult for the disabled person to receive any benefit that is or may be conferred, or
    - (ii) unreasonably adverse for the disabled person to experience being subjected to any detriment to which a person is or may be subjected, by the carrying-out of a function by the authority; and

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- (b) it cannot show that its failure to comply with that duty is justified under subsection (3), (5) or (7)(c).
- (3) Treatment, or failure to comply with a duty, is justified under this subsection if —
  - (a) in the opinion of the public authority, one or more of the conditions specified in subsection (4) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for it to hold that opinion.
- (4) The conditions are—
  - (a) that the treatment, or non-compliance with the duty, is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
  - (b) that the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment, or non-compliance with the duty, is reasonable in the particular case;
  - (c) that, in the case of treatment mentioned in subsection (1), treating the disabled person equally favourably would in the particular case involve substantial extra costs and, having regard to resources, the extra costs in that particular case would be too great;
  - (d) that the treatment, or non-compliance with the duty, is necessary for the protection of the rights and freedoms of other persons.
- (5) Treatment, or a failure to comply with a duty, is justified under this subsection if the acts of the public authority which give rise to the treatment or failure are a proportionate means of achieving a legitimate aim.
- (6) Regulations may make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to hold the opinion mentioned in subsection (3)(a).
- (7) Regulations may—
  - (a) amend or omit a condition specified in subsection (4) or make provision for it not to apply in prescribed circumstances;
  - (b) amend or omit subsection (5) or make provision for it not to apply in prescribed circumstances;
  - (c) make provision for purposes of this section (in addition to any provision for the time being made by subsections (3) to (5)) as to circumstances in which treatment, or a failure to comply with a duty, is to be taken to be justified.]

#### **Extent Information**

**E10** This section extends to Northern Ireland only; a separate s. 21D for England, Wales and Scotland only repealed (1.10.2010).

#### **Modifications etc. (not altering text)**

**C15** S. 21D(4)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Service Providers and Public Authorities Carrying Out Functions\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/473\)](#), **reg. 3**

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

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## [<sup>F11</sup>21E Duties for purposes of section 21D(2) to make adjustments **E+W+S**

- (1) Subsection (2) applies where a public authority has a practice, policy or procedure which makes it—
  - (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
  - (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
 by the carrying-out of a function by the authority.
- (2) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to change that practice, policy or procedure so that it no longer has that effect.
- (3) Subsection (4) applies where a physical feature makes it—
  - (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
  - (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
 by the carrying-out of a function by a public authority.
- (4) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to—
  - (a) remove the feature;
  - (b) alter it so that it no longer has that effect;
  - (c) provide a reasonable means of avoiding the feature; or
  - (d) adopt a reasonable alternative method of carrying out the function.
- (5) Regulations may prescribe—
  - (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (4)(c) or (d) is reasonable;
  - (b) categories of public authorities to whom subsection (4) does not apply.
- (6) Subsection (7) applies where an auxiliary aid or service would—
  - (a) enable disabled persons to receive, or facilitate the receiving by disabled persons of, any benefit that is or may be conferred, or
  - (b) reduce the extent to which it is adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
 by the carrying-out of a function by a public authority.
- (7) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to provide that auxiliary aid or service.
- (8) Regulations may make provision, for purposes of this section—
  - (a) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to have to take steps of a prescribed description;
  - (b) as to steps which it is always, or as to steps which it is never, reasonable for a public authority to have to take;
  - (c) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;



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- (d) as to things which are, or as to things which are not, to be treated as physical features;
  - (e) as to things which are, or as to things which are not, to be treated as auxiliary aids or services.
- (9) Nothing in this section requires a public authority to take any steps which, apart from this section, it has no power to take.
- (10) This section imposes duties only for the purposes of determining whether a public authority has, for the purposes of section 21B(1), discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

**[<sup>F10</sup>21E Duty for purposes of section 21D(2) to make adjustments N.I.**

- (1) Subsection (2) applies where a public authority has a practice, policy or procedure which makes it—
- (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
  - (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
- by the carrying-out of a function by the authority.
- (2) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to change that practice, policy or procedure so that it no longer has that effect.
- (3) Subsection (4) applies where a physical feature makes it—
- (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
  - (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
- by the carrying-out of a function by a public authority.
- (4) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to—
- (a) remove the feature;
  - (b) alter it so that it no longer has that effect;
  - (c) provide a reasonable means of avoiding the feature; or
  - (d) adopt a reasonable alternative method of carrying out the function.
- (5) Regulations may prescribe—
- (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (4)(c) or (d) is reasonable;
  - (b) categories of public authorities to whom subsection (4) does not apply.
- (6) Subsection (7) applies where an auxiliary aid or service would—
- (a) enable disabled persons to receive, or facilitate the receiving by disabled persons of, any benefit that is or may be conferred, or
  - (b) reduce the extent to which it is adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected,
- by the carrying-out of a function by a public authority.

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- (7) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to provide that auxiliary aid or service.
- (8) Regulations may make provision, for purposes of this section—
- (a) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to have to take steps of a prescribed description;
  - (b) as to steps which it is always, or as to steps which it is never, reasonable for a public authority to have to take;
  - (c) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
  - (d) as to things which are, or as to things which are not, to be treated as physical features;
  - (e) as to things which are, or as to things which are not, to be treated as auxiliary aids or services.
- (9) Nothing in this section requires a public authority to take any steps which, apart from this section, it has no power to take.
- (10) This section imposes duties only for the purposes of determining whether a public authority has, for the purposes of section 21B(1), discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

#### Extent Information

**E11** This section extends to Northern Ireland only; a separate s. 21E for England, Wales and Scotland only repealed (1.10.2010).

*[<sup>F12</sup>Private clubs etc.*

#### Textual Amendments

**F12** **Ss. 21F-21J** and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21G, 21 H for certain purposes, 10.10.2005 for s. 21F for certain purposes and 5.12.2005 for all provisions insofar as not already in force) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 12, 20(3)-(6)**; [S.I. 2005/1676](#), **art. 2(2)(c)**; [S.I. 2005/2774](#), arts. {2(a)}, {3(g)} and the same sections and cross-heading inserted (N.I.) (3.7.2006 for ss. 21G and 21 H for certain purposes, 9.11.2007 for s. 21F for certain purposes and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **13**; [S.R. 2006/289](#), **art. 2(2)(b)**; [S.R. 2007/466](#), **art. 2(1)(2)(g)**

### 21F Discrimination by private clubs etc.

- (1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if—
- (a) it has twenty-five or more members;
  - (b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 19(2); and

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- (c) it is not an organisation to which section 13 applies.
- (2) It is unlawful for an association to which this section applies, in the case of a disabled person who is not a member of the association, to discriminate against him—
  - (a) in the terms on which it is prepared to admit him to membership; or
  - (b) by refusing or deliberately omitting to accept his application for membership.
- (3) It is unlawful for an association to which this section applies, in the case of a disabled person who is a member, or associate, of the association, to discriminate against him—
  - (a) in the way it affords him access to a benefit, facility or service;
  - (b) by refusing or deliberately omitting to afford him access to a benefit, facility or service;
  - (c) in the case of a member—
    - (i) by depriving him of membership, or
    - (ii) by varying the terms on which he is a member;
  - (d) in the case of an associate—
    - (i) by depriving him of his rights as an associate, or
    - (ii) by varying those rights; or
  - (e) in either case, by subjecting him to any other detriment.
- (4) It is unlawful for an association to which this section applies to discriminate against a disabled person—
  - (a) in the way it affords him access to a benefit, facility or service,
  - (b) by refusing or deliberately omitting to afford him access to a benefit, facility or service, or
  - (c) by subjecting him to any other detriment,in his capacity as a guest of the association.
- (5) It is unlawful for an association to which this section applies to discriminate against a disabled person—
  - (a) in the terms on which it is prepared to invite him, or permit a member or associate to invite him, to be a guest of the association;
  - (b) by refusing or deliberately omitting to invite him to be a guest of the association; or
  - (c) by not permitting a member or associate to invite him to be a guest of the association.
- (6) It is unlawful for an association to which this section applies to discriminate against a disabled person in failing in prescribed circumstances to comply with a duty imposed on it under section 21H.
- (7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

## **21G Meaning of “discrimination”**

- (1) For the purposes of section 21F, an association discriminates against a disabled person if—
  - (a) for a reason which relates to the disabled person’s disability, the association treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and

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- (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of subsection (1), treatment is justified only if—
- (a) in the opinion of the association, one or more of the conditions mentioned in subsection (3) are satisfied; and
- (b) it is reasonable, in all the circumstances, for it to hold that opinion.
- (3) The conditions are that—
- (a) the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
- (b) the disabled person is incapable of entering into an enforceable agreement, or giving an informed consent, and for that reason the treatment is reasonable in that case;
- (c) in a case falling within section 21F(2)(a), (3)(a), (c)(ii), (d)(ii) or (e), (4)(a) or (c) or (5)(a), the treatment is necessary in order for the association to be able to afford members, associates or guests of the association, or the disabled person, access to a benefit, facility or service;
- (d) in a case falling within section 21F(2)(b), (3)(b), (c)(i) or (d)(i), (4)(b) or (5)(b) or (c), the treatment is necessary because the association would otherwise be unable to afford members, associates or guests of the association access to a benefit, facility or service;
- (e) in a case falling within section 21F(2)(a), the difference between—
- (i) the terms on which membership is offered to the disabled person, and
- (ii) those on which it is offered to other persons,
- reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service;
- (f) in a case falling within section 21F(3)(a), (c)(ii) or (d)(ii) or (4)(a), the difference between—
- (i) the association's treatment of the disabled person, and
- (ii) its treatment of other members or (as the case may be) other associates or other guests of the association,
- reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service;
- (g) in a case falling within section 21F(5)(a), the difference between—
- (i) the terms on which the disabled person is invited, or permitted to be invited, to be a guest of the association, and
- (ii) those on which other persons are invited, or permitted to be invited, to be guests of the association,
- reflects the greater cost to the association of affording the disabled person access to a benefit, facility or service.
- (4) Any increase in the cost of affording a disabled person access to a benefit, facility or service which results from compliance with a duty under section 21H shall be disregarded for the purposes of subsection (3)(e), (f) and (g).
- (5) Regulations may—
- (a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for an association to hold the opinion mentioned in subsection (2)(a);

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- (b) amend or omit a condition specified in subsection (3) or make provision for it not to apply in prescribed circumstances;
  - (c) make provision as to circumstances (other than any for the time being mentioned in subsection (3)) in which treatment is to be taken to be justified for the purposes of subsection (1).
- (6) For the purposes of section 21F, an association also discriminates against a disabled person if—
- (a) it fails to comply with a duty under section 21H imposed on it in relation to the disabled person; and
  - (b) it cannot show that its failure to comply with that duty is justified.
- (7) Regulations may make provision as to circumstances in which failure to comply with a duty under section 21H is to be taken to be justified for the purposes of subsection (6).

**Modifications etc. (not altering text)**

**C10** S. 21G(3)(b) excluded (E.W.S) (5.12.2006) by The Disability Discrimination (Private Clubs etc.) Regulations (S.I. 2005/3258), {reg. 3}

**21H Duty to make adjustments**

- (1) Regulations may make provision imposing on an association to which section 21F applies—
- (a) a duty to take steps for a purpose relating to a policy, practice or procedure of the association, or a physical feature, which adversely affects disabled persons who—
    - (i) are, or might wish to become, members or associates of the association, or
    - (ii) are, or are likely to become, guests of the association;
  - (b) a duty to take steps for the purpose of making an auxiliary aid or service available to any such disabled persons.
- (2) Regulations under subsection (1) may (in particular)—
- (a) make provision as to the cases in which a duty is imposed;
  - (b) make provision as to the steps which a duty requires to be taken;
  - (c) make provision as to the purpose for which a duty requires steps to be taken.
- (3) Any duty imposed under this section is imposed only for the purpose of determining whether an association has, for the purposes of section 21F, discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

**21J “Member”, “associate” and “guest”**

- (1) For the purposes of sections 21F to 21H and this section—
- (a) a person is a member of an association to which section 21F applies if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of his membership of some other association), and references to membership of an association shall be construed accordingly;

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- (b) a person is an associate of an association to which section 21F applies if, not being a member of it, he has under its constitution some or all of the rights enjoyed by members (or would have apart from any provision in its constitution authorising the refusal of those rights in particular cases).
- (2) References in sections 21F to 21H to a guest of an association include a person who is a guest of the association by virtue of an invitation issued by a member or associate of the association and permitted by the association.
- (3) Regulations may make provision, for purposes of sections 21F to 21H, as to circumstances in which a person is to be treated as being, or as to circumstances in which a person is to be treated as not being, a guest of an association.]

### *Premises*

## **22 Discrimination in relation to premises.**

- (1) It is unlawful for a person with power to dispose of any premises to discriminate against a disabled person—
  - (a) in the terms on which he offers to dispose of those premises to the disabled person;
  - (b) by refusing to dispose of those premises to the disabled person; or
  - (c) in his treatment of the disabled person in relation to any list of persons in need of premises of that description.
- (2) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he—
  - (a) uses the services of an estate agent, or
  - (b) publishes an advertisement or causes an advertisement to be published.
- (3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises—
  - (a) in the way he permits the disabled person to make use of any benefits or facilities;
  - (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
  - (c) by evicting the disabled person, or subjecting him to any other detriment.
- [<sup>F13</sup>(3A) Regulations may make provision, for purposes of subsection (3)—
  - (a) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;
  - (b) as to who is to be treated as being, or as to who is to be treated as not being, a person occupying premises.]
- (4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in, or (in Scotland) the subject of, a tenancy to discriminate against a disabled person by withholding his licence or consent for the disposal of the premises to the disabled person.
- (5) Subsection (4) applies to tenancies created before as well as after the passing of this Act.
- (6) In this section—

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“advertisement” includes every form of advertisement or notice, whether to the public or not;

“dispose”, in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in, or (in Scotland) the subject of, a tenancy, includes—

- (a) assigning the tenancy, and
- (b) sub-letting or parting with possession of the premises or any part of the premises;

and “disposal” shall be construed accordingly;

“estate agent” means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and

“tenancy” means a tenancy created—

- (a) by a lease or sub-lease,
- (b) by an agreement for a lease or sub-lease,
- (c) by a tenancy agreement, or
- (d) in pursuance of any enactment.

(7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(8) This section applies only in relation to premises in the United Kingdom.

#### Extent Information

**E4** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8; see s. 70(6)

#### Textual Amendments

**F13** S. 22(3A) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 16](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 14](#); S.R. 2006/289, [art. 2\(1\)\(b\)](#)

## [<sup>F14</sup>22A Commonholds

- (1) It is unlawful for any person whose licence or consent is required for the disposal of an interest in a commonhold unit by the unit-holder to discriminate against a disabled person by withholding his licence or consent for the disposal of the interest in favour of, or to, the disabled person.
- (2) Where it is not possible for an interest in a commonhold unit to be disposed of by the unit-holder unless some other person is a party to the disposal of the interest, it is unlawful for that other person to discriminate against a disabled person by deliberately not being a party to the disposal of the interest in favour of, or to, the disabled person.
- (3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only, in cases of a prescribed description.
- (4) Regulations may make provision, for purposes of this section—

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- (a) as to what is, or as to what is not, to be included within the meaning of “dispose” (and “disposal”);
  - (b) as to what is, or as to what is not, to be included within the meaning of “interest in a commonhold unit”.
- (5) In this section “commonhold unit”, and “unit-holder” in relation to such a unit, have the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.
- (6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (7) This section applies only in relation to premises in England and Wales.]

#### Textual Amendments

**F14** S. 22A inserted (E.W.S. with application to E.W. only) (30.6.2005 for certain purposes, and 4.12.2006 insofar as not already in force) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 17](#); [S.I. 2005/1676](#), [art. 2\(2\)\(g\)](#); [S.I. 2005/2774](#), {art. 4(f)}

### 23 Exemption for small dwellings.

- (1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.
- (2) The conditions are that—
- (a) the relevant occupier resides, and intends to continue to reside, on the premises;
  - (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
  - (c) the shared accommodation is not storage accommodation or a means of access; and
  - (d) the premises are small premises.
- (3) For the purposes of this section, premises are “small premises” if they fall within subsection (4) or (5).
- (4) Premises fall within this subsection if—
- (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;
  - (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;
  - (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
  - (d) there are not normally more than two such other households.
- (5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.
- (6) For the purposes of this section “the relevant occupier” means—
- (a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;



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- [<sup>F15</sup>(aa) in a case falling within section 22(3), the person managing the premises, or a near relative of his;]
- (b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.
- (7) For the purposes of this section—
- “near relative” means a person’s spouse [<sup>F16</sup>or civil partner], partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or [<sup>F17</sup>by marriage or civil partnership]); and
- [<sup>F18</sup>“partner” means the other member of a couple consisting of—
- (a) a man and a woman who are not married to each other but are living together as husband and wife, or
- (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.]

#### Textual Amendments

- F15** S. 23(6)(aa) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 18](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 15](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F16** Words in s. 23(7) inserted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(2)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F17** Words in s. 23(7) substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F18** S. 23(7): definition of "partner" substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(3)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)

#### Modifications etc. (not altering text)

- C11** S. 23: power to amend or repeal conferred (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [15](#); [S.R. 2007/466](#), [art. 2\(2\)\(i\)](#)

## 24 Meaning of “discrimination” .

- (1) For the purposes of [<sup>F19</sup>sections 22 and 22A], a person (“A”) discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
- (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this section, treatment is justified only if—
- (a) in A’s opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and
- (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (3) The conditions are that—
- (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

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- (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
  - (c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;
  - (d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.
  - [<sup>F20</sup>(e) in a case to which subsection (3A) applies, the terms are less favourable in order to recover costs which—
    - (i) as a result of the disabled person having a disability, are incurred in connection with the disposal of the premises, and
    - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24G(1);
  - (f) in a case to which subsection (3B) applies, the disabled person is subjected to the detriment in order to recover costs which—
    - (i) as a result of the disabled person having a disability, are incurred in connection with the management of the premises, and
    - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24A(1) or 24G(1).]
- [<sup>F21</sup>(3A) This subsection applies to a case if—
- (a) the case falls within section 22(1)(a);
  - (b) the premises are to let;
  - (c) the person with power to dispose of the premises is a controller of them; and
  - (d) the proposed disposal of the premises would involve the disabled person becoming a person to whom they are let.
- (3B) This subsection applies to a case if—
- (a) the case falls within section 22(3)(c);
  - (b) the detriment is not eviction;
  - (c) the premises are let premises;
  - (d) the person managing the premises is a controller of them; and
  - (e) the disabled person is a person to whom the premises are let or, although not a person to whom they are let, is lawfully under the letting an occupier of them.
- (3C) Section 24G(3) and (4) apply for the purposes of subsection (3A) as for those of section 24G; and section 24A(3) and (4) apply for the purposes of subsection (3B) as for those of section 24A.]
- (4) Regulations may make provision, for purposes of this section, as to circumstances in which—
- (a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);
  - (b) it is not reasonable for a person to hold that opinion.
- [<sup>F22</sup>(4A) Regulations may make provision for the condition specified in subsection (3)(b) not to apply in prescribed circumstances.]

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- (5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.

#### Textual Amendments

- F19** S. 24(1): words "sections 22 and 22A" substituted (E.W.S.) for "section 22" (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(2\)](#); S.I. 2005/2774, [art. 4\(f\)](#)
- F20** S. 24(3)(e)(f) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(3\)](#); S.I. 2005/2774, [art. 4\(f\)](#) and same subsections inserted (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. 16\(4\)](#); S.R. 2007/466, [art. 2\(2\)\(m\)](#)
- F21** S. 24(3A)-(3C) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(4\)](#); S.I. 2005/2774, [art. 4\(f\)](#) and same subsections inserted (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. 16\(3\)](#); S.R. 2007/466, [art. 2\(2\)\(m\)](#)
- F22** S. 24(4A) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 19\(5\)](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(4\)](#); S.R. 2006/289, [art. 2\(1\)\(b\)](#)

#### Modifications etc. (not altering text)

- C12** S. 24(3)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Premises\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/474\)](#), [reg. 2](#)

#### Commencement Information

- I4** S. 24 wholly in force at 2.12.1996; s. 24 not in force at Royal Assent see s. 70(3); s. 24(5) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, [art. 2\(1\)](#), [Sch. Pt. I](#); s. 24(5) in force (N.I.) at 11.7.1996 by S.R. 1996/280, [art. 2\(1\)](#), [Sch. Pt. I](#); s. 24(1)-(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, [art. 2\(3\)](#), [Sch. Pt. III](#); s. 21(1)-(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, [art. 2\(2\)](#), [Sch. Pt. II](#)

#### [<sup>F23</sup>24A Let premises: discrimination in failing to comply with duty

- (1) It is unlawful for a controller of let premises to discriminate against a disabled person—
- who is a person to whom the premises are let; or
  - who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.
- (2) For the purposes of subsection (1), a controller of let premises discriminates against a disabled person if—
- he fails to comply with a duty under section 24C or 24D imposed on him by reference to the disabled person; and
  - he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24B to 24F, a person is a controller of let premises if he is—
- a person by whom the premises are let; or
  - a person who manages the premises.

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- (4) For the purposes of this section and sections 24B to 24F—
- (a) “let” includes sub-let; and
  - (b) premises shall be treated as let by a person to another where a person has granted another a contractual licence to occupy them.
- (5) This section applies only in relation to premises in the United Kingdom.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup> 24B Exceptions to section 24A(1)

- (1) Section 24A(1) does not apply if—
- (a) the premises are, or have at any time been, the only or principal home of an individual who is a person by whom they are let; and
  - (b) since entering into the letting—
    - (i) the individual has not, and
    - (ii) where he is not the sole person by whom the premises are let, no other person by whom they are let has,
 

used for the purpose of managing the premises the services of a person who, by profession or trade, manages let premises.
- (2) Section 24A(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24A(1) does not apply.
- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24A(1), a controller of the let premises, or a near relative of his; and “near relative” has here the same meaning as in section 23.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup> 24C Duty for purposes of section 24A(2) to provide auxiliary aid or service

- (1) Subsection (2) applies where—
- (a) a controller of let premises receives a request made by or on behalf of a person to whom the premises are let;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service; and
  - (c) either the first condition, or the second condition, is satisfied.

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- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide the auxiliary aid or service (but see section 24E(1)).
- (3) The first condition is that—
- (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to enjoy, or facilitate such a person's enjoyment of, the premises, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to enjoy the premises.
- (4) The second condition is that—
- (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to make use, or facilitate such a person's making use, of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24D Duty for purposes of section 24A(2) to change practices, terms etc

- (1) Subsection (3) applies where—
- (a) a controller of let premises has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person—
    - (i) to enjoy the premises, or
    - (ii) to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, or
  - (b) a term of the letting has that effect,
- and (in either case) the conditions specified in subsection (2) are satisfied.
- (2) Those conditions are—
- (a) that the practice, policy, procedure or term would not have that effect if the relevant disabled person concerned did not have a disability;

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- (b) that the controller receives a request made by or on behalf of a person to whom the premises are let; and
  - (c) that it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy, procedure or term so as to stop it having that effect.
- (3) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy, procedure or term so as to stop it having that effect (but see section 24E(1)).]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24E Sections 24C and 24D: supplementary and interpretation

- (1) For the purposes of sections 24C and 24D, it is never reasonable for a controller of let premises to have to take steps consisting of, or including, the removal or alteration of a physical feature.
- (2) Sections 24C and 24D impose duties only for the purpose of determining whether a person has, for the purposes of section 24A, discriminated against another; and accordingly a breach of any such duty is not actionable as such.
- (3) In sections 24C and 24D “relevant disabled person”, in relation to let premises, means a particular disabled person—
  - (a) who is a person to whom the premises are let; or
  - (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.
- (4) For the purposes of sections 24C and 24D, the terms of a letting of premises include the terms of any agreement which relates to the letting of the premises.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24F Let premises: victimisation of persons to whom premises are let

- (1) Where a duty under section 24C or 24D is imposed on a controller of let premises by reference to a person who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises, it is unlawful for a controller of the let premises to discriminate against a person to whom the premises are let.
- (2) For the purposes of subsection (1), a controller of the let premises discriminates against a person to whom the premises are let if—
  - (a) the controller treats that person (“T”) less favourably than he treats or would treat other persons whose circumstances are the same as T’s; and

*Status: Point in time view as at 04/12/2006.*

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

- (b) he does so because of costs incurred in connection with taking steps to avoid liability under section 24A(1) for failure to comply with the duty.
- (3) In comparing T's circumstances with those of any other person for the purposes of subsection (2)(a), the following (as well as the costs' having been incurred) shall be disregarded—
  - (a) the making of the request that gave rise to the imposition of the duty; and
  - (b) the disability of each person who—
    - (i) is a disabled person or a person who has had a disability, and
    - (ii) is a person to whom the premises are let or, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24G Premises that are to let: discrimination in failing to comply with duty

- (1) Where—
  - (a) a person has premises to let, and
  - (b) a disabled person is considering taking a letting of the premises,it is unlawful for a controller of the premises to discriminate against the disabled person.
- (2) For the purposes of subsection (1), a controller of premises that are to let discriminates against a disabled person if—
  - (a) he fails to comply with a duty under section 24J imposed on him by reference to the disabled person; and
  - (b) he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24H and 24J, a person is a controller of premises that are to let if he is—
  - (a) a person who has the premises to let; or
  - (b) a person who manages the premises.
- (4) For the purposes of this section and sections 24H and 24J—
  - (a) “let” includes sub-let;
  - (b) premises shall be treated as to let by a person to another where a person proposes to grant another a contractual licence to occupy them;and references to a person considering taking a letting of premises shall be construed accordingly.
- (5) This section applies only in relation to premises in the United Kingdom.]

*Status: Point in time view as at 04/12/2006.*

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

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24H Exceptions to section 24G(1)]

- (1) Section 24G(1) does not apply in relation to premises that are to let if the premises are, or have at any time been, the only or principal home of an individual who is a person who has them to let and—
  - (a) the individual does not use, and
  - (b) where he is not the sole person who has the premises to let, no other person who has the premises to let uses,
 

the services of an estate agent (within the meaning given by section 22(6)) for the purposes of letting the premises.
- (2) Section 24G(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24G(1) does not apply.
- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24G(1), a controller of the premises that are to let, or a near relative of his; and “near relative” has here the same meaning as in section 23.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24J Duties for purposes of section 24G(2)]

- (1) Subsection (2) applies where—
  - (a) a controller of premises that are to let receives a request made by or on behalf of a relevant disabled person;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service;
  - (c) the auxiliary aid or service—
    - (i) would enable the relevant disabled person to become, or facilitate his becoming, a person to whom the premises are let, but
    - (ii) would be of little or no practical use to him if he were not considering taking a letting of the premises; and
  - (d) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person to become a person to whom the premises are let.



*Status: Point in time view as at 04/12/2006.*

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

- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for the controller to have to take in order to provide the auxiliary aid or service (but see subsection (5)).
- (3) Subsection (4) applies where—
  - (a) a controller of premises that are to let has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person to become a person to whom the premises are let;
  - (b) the practice, policy or procedure would not have that effect if the relevant disabled person did not have a disability;
  - (c) the controller receives a request made by or on behalf of the relevant disabled person; and
  - (d) it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy or procedure so as to stop it having that effect.
- (4) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy or procedure so as to stop it having that effect (but see subsection (5)).
- (5) For the purposes of this section, it is never reasonable for a controller of premises that are to let to have to take steps consisting of, or including, the removal or alteration of a physical feature.
- (6) In this section “relevant disabled person”, in relation to premises that are to let, means a particular disabled person who is considering taking a letting of the premises.
- (7) This section imposes duties only for the purpose of determining whether a person has, for the purposes of section 24G, discriminated against another; and accordingly a breach of any such duty is not actionable as such.]

#### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

#### [<sup>F23</sup>24K Let premises and premises that are to let: justification **E+W+S**

- (1) For the purposes of sections 24A(2) and 24G(2), a person’s failure to comply with a duty is justified only if—
  - (a) in his opinion, a condition mentioned in subsection (2) is satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (2) The conditions are—
  - (a) that it is necessary to refrain from complying with the duty in order not to endanger the health or safety of any person (which may include that of the disabled person concerned);
  - (b) that the disabled person concerned is incapable of entering into an enforceable agreement, or of giving informed consent, and for that reason the failure is reasonable.

*Status: Point in time view as at 04/12/2006.*

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

(3) Regulations may—

- (a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to hold the opinion mentioned in subsection (1)(a);
- (b) amend or omit a condition specified in subsection (2) or make provision for it not to apply in prescribed circumstances;
- (c) make provision, for purposes of this section, as to circumstances (other than any for the time being mentioned in subsection (2)) in which a failure is to be taken to be justified.]

**Textual Amendments**

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

[<sup>F39</sup>**24K Let premises and premises to let: justification** **N.I.**

(1) For the purposes of sections 24A(2) and 24G(2), a person's failure to comply with a duty is justified only if—

- (a) in his opinion, a condition mentioned in subsection (2) is satisfied; and
- (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.

(2) The conditions are—

- (a) that it is necessary to refrain from complying with the duty in order not to endanger the health or safety of any person (which may include that of the disabled person concerned);
- (b) that the disabled person concerned is incapable of entering into an enforceable agreement, or of giving informed consent, and for that reason the failure is reasonable.

(3) Regulations may—

- (a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to hold the opinion mentioned in subsection (1)(a);
- (b) amend or omit a condition specified in subsection (2) or make provision for it not to apply in prescribed circumstances;
- (c) make provision, for purposes of this section, as to circumstances (other than any for the time being mentioned in subsection (2)) in which a failure is to be taken to be justified.]

**Extent Information**

**E12** This section extends to Northern Ireland only; a separate s. 24K for England, Wales and Scotland only repealed (1.10.2010).

**Textual Amendments**

**F39** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\)](#)

*Status: Point in time view as at 04/12/2006.*

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

Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 14; S.R. 2006/289, art. 2(2)(c); S.R. 2007/466, art. 2(2)(h)

**Modifications etc. (not altering text)**

**C16** S. 24K(2)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Premises\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/474\)](#), reg. 2

[<sup>F23</sup>24L **Sections 24 to 24K: power to make supplementary provision** **E+W+S**]

- (1) Regulations may make provision, for purposes of sections 24(3A) and (3B) and 24A to 24K—
- (a) as to circumstances in which premises are to be treated as let to a person;
  - (b) as to circumstances in which premises are to be treated as not let to a person;
  - (c) as to circumstances in which premises are to be treated as being, or as not being, to let;
  - (d) as to who is to be treated as being, or as to who is to be treated as not being, a person who, although not a person to whom let premises are let, is lawfully under the letting an occupier of the premises;
  - (e) as to who is to be treated as being, or as to who is to be treated as not being, a person by whom premises are let;
  - (f) as to who is to be treated as having, or as to who is to be treated as not having, premises to let;
  - (g) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;
  - (h) as to things which are, or as to things which are not, to be treated as auxiliary aids or services;
  - (i) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
  - (j) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to have to take steps of a prescribed description;
  - (k) as to steps which it is always, or as to steps which it is never, reasonable for a person to have to take;
  - (l) as to circumstances in which it is, or as to circumstances in which it is not, reasonable to regard a request as being of a particular kind;
  - (m) as to things which are, or as to things which are not, to be treated as physical features;
  - (n) as to things which are, or as to things which are not, to be treated as alterations of physical features.
- (2) Regulations under subsection (1)(a) may (in particular) provide for premises to be treated as let to a person where they are a commonhold unit of which he is a unit-holder; and “commonhold unit”, and “unit-holder” in relation to such a unit, have here the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.
- (3) The powers under subsections (1)(j) and (k) are subject to sections 24E(1) and 24J(5).]

*Status: Point in time view as at 04/12/2006.*

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

### Textual Amendments

**F23** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

### [<sup>F39</sup> 24L Sections 24 to 24K: power to make supplementary provision **N.I.**

- (1) Regulations may make provision, for purposes of sections 24(3A) and (3B) and 24A to 24K—
- (a) as to circumstances in which premises are to be treated as let to a person;
  - (b) as to circumstances in which premises are to be treated as not let to a person;
  - (c) as to circumstances in which premises are to be treated as being, or as not being, to let;
  - (d) as to who is to be treated as being, or as to who is to be treated as not being, a person who, although not a person to whom let premises are let, is lawfully under the letting an occupier of the premises;
  - (e) as to who is to be treated as being, or as to who is to be treated as not being, a person by whom premises are let;
  - (f) as to who is to be treated as having, or as to who is to be treated as not having, premises to let;
  - (g) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;
  - (h) as to things which are, or as to things which are not, to be treated as auxiliary aids or services;
  - (i) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
  - (j) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to have to take steps of a prescribed description;
  - (k) as to steps which it is always, or as to steps which it is never, reasonable for a person to have to take;
  - (l) as to circumstances in which it is, or as to circumstances in which it is not, reasonable to regard a request as being of a particular kind;
  - (m) as to things which are, or as to things which are not, to be treated as physical features;
  - (n) as to things which are, or as to things which are not, to be treated as alterations of physical features.
- (2) The powers under subsections (1)(j) and (k) are subject to sections 24E(1) and 24J(5).]

### Extent Information

**E13** This section extends to Northern Ireland only; a separate s. 24L for England, Wales and Scotland only repealed (1.10.2010).

### Textual Amendments

**F39** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\)](#)

*Status: Point in time view as at 04/12/2006.*

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

Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 14; S.R. 2006/289, art. 2(2)(c); S.R. 2007/466, art. 2(2)(h)

## [<sup>F24</sup>24M Premises provisions do not apply where other provisions operate

- (1) Sections 22 to 24L do not apply—
  - (a) in relation to the provision of premises by a provider of services where he provides the premises in providing services to members of the public;
  - (b) in relation to the provision, in the course of a Part 2 relationship, of premises by the regulated party to the other party;
  - (c) in relation to the provision of premises to a student or prospective student—
    - (i) by a responsible body within the meaning of Chapter 1 or 2 of Part 4, or
    - (ii) by an authority in discharging any functions mentioned in section 28F(1); or
  - (d) to anything which is unlawful under section 21F or which would be unlawful under that section but for the operation of any provision in or made under this Act.
- (2) Subsection (1)(a) has effect subject to any prescribed exceptions.
- (3) In subsection (1)(a) “provider of services”, and providing services, have the same meaning as in section 19.
- (4) For the purposes of subsection (1)(b)—
  - (a) “Part 2 relationship” means a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under sections 4 to 15C; and
  - (b) in relation to a Part 2 relationship, “regulated party” means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.
- (5) In subsection (1)(c) “student” includes pupil.]

### Textual Amendments

**F24** S. 24M inserted (E.W.S.) (4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 20; S.I. 2005/2774, art. 4(f)

*Enforcement, etc.*

## 25 Enforcement, remedies and procedure. **E+W+S**

- (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 or (in Scotland) in reparation for breach of statutory duty.

*Status: Point in time view as at 04/12/2006.*

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

- (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 England and Wales shall be brought only in a county court.
- (4) Proceedings in Scotland shall be brought only in a sheriff court.
- (5) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.
- (6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.
- [<sup>F25</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
  - (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>F26</sup>[<sup>F27</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 employment 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

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F25** S. 25(6A) inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 11(2)**, 20(3)-(6); S.I. 2005/2774, **art. 3(f)**
- F26** S. 25(7)-(9) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations (S.I. 2003/1673), {regs. 1, 19(2)}
- F27** S. 25(7)(8) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 19(1)**, 20(3)-(6), **Sch. 1 para. 21**; S.I. 2005/2774, **art. 3(j)**

*Status: Point in time view as at 04/12/2006.*

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

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

- (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>F40</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>F41</sup> Northern Ireland] shall be brought only in a county court
- (4) <sup>F42</sup> . . . . .
- (5) The remedies available in such proceedings are those which are available in the High Court <sup>F43</sup> . . . . .
- (6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.
- <sup>F44</sup>(7) Subsection (1) does not apply in relation to a claim by a person that another person –
  - (a) has discriminated against him or subjected him to harassment in relation to the provision of employment services 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 or subjected him to harassment in such a way.
- (8) A claim of the kind referred to in subsection (7) 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

**E14** This version of this provision extends to Northern Ireland only, as it has effect by virtue of s. 70(6), Sch. 8 para. 12 and any subsequent amendments; a separate version has been created for England and Wales and Scotland only.

### Textual Amendments

- F40** Words in s. 25(1) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(1) of this Act
- F41** Words in s. 25(3) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(2) of this Act
- F42** S. 25(4) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(3) of this Act
- F43** Words in s. 25(5) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(4) of this Act
- F44** 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)}

*Status: Point in time view as at 04/12/2006.*

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

## 26 Validity and revision of certain agreements.

- (1) Any term in a contract for the provision of goods, facilities or services or in any other agreement is void so far as it purports to—
- (a) require a person to do anything which would contravene any provision of, or made under, this Part,
  - (b) exclude or limit the operation of any provision of this Part, or
  - (c) prevent any person from making a claim under this Part.

[<sup>F28</sup>(1A) Subsection (1) does not apply to—

- (a) any term in a contract for the provision of employment services;
- (b) any term in a contract which is a group insurance arrangement; or
- (c) a term which—
  - (i) is in an agreement which is not a contract of either of those kinds, and
  - (ii) relates to the provision of employment services or the provision under a group insurance arrangement of facilities by way of insurance.]

- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement settling a claim to which section 25 applies.
- (3) On the application of any person interested in an agreement to which subsection (1) applies, a county court or a sheriff court may make such order as it thinks just for modifying the agreement to take account of the effect of subsection (1).
- (4) No such order shall be made unless all persons affected have been—
- (a) given notice of the application; and
  - (b) afforded an opportunity to make representations to the court.
- (5) Subsection (4) applies subject to any rules of court providing for that notice to be dispensed with.
- (6) An order under subsection (3) may include provision as respects any period before the making of the order.

### Extent Information

**E6** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

### Textual Amendments

**F28** S. 26(1A) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 22](#); S.I. 2005/2774, [art. 3\(j\)](#) and the same sub-provision 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. 19](#); S.R. 2007/466, [art. 2\(2\)\(I\)](#)

## 27 Alterations to premises occupied under leases.

- (1) This section applies where—
- (a) a provider of services [<sup>F29</sup>, a public authority (within the meaning given by section 21B) or an association to which section 21F applies] (“the occupier”) occupies premises under a lease;



*Status: Point in time view as at 04/12/2006.*

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

- (b) but for this section, [<sup>F30</sup>the occupier] would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the occupier proposes to make in order to comply with a section 21 duty [<sup>F31</sup>or a duty imposed under section 21E or 21H].
- (2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
- (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
  - (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
  - (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
  - (d) for the lessor to be entitled to make his consent subject to reasonable conditions.
- (3) In this section—
- “lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and
  - “sub-lease” and “sub-tenancy” have such meaning as may be prescribed.
- (4) If the terms and conditions of a lease—
- (a) impose conditions which are to apply if the occupier alters the premises, or
  - (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,
- the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.
- (5) Part II of Schedule 4 supplements the provisions of this section.

#### Textual Amendments

- F29** Words in s. 27(1)(a) inserted (E.W.S.) (30.6.2005 for certain purposes and 4.12.2006 insofar as not yet in force) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 23(a)**; S.I. 2005/1676, **art. 2(2)(g)**; S.I. 2005/2774, **art. 4(f)** and said words inserted (N.I.) (3.7.2006 for certain purposes and 31.12.2007 insofar as not yet in force) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 20(a)**; S.R. 2006/289, **art. 2(2)(f)**; S.R. 2007/466, **art. 2(2)(m)**
- F30** Words in s. 27(1)(b) substituted (E.W.S.) (30.6.2005 for certain purposes and 4.12.2006 insofar as not yet in force) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 23(b)**; S.I. 2005/1676, **art. 2(2)(g)**; S.I. 2005/2774, **art. 4(f)** and said words inserted (N.I.) (3.7.2006 for certain purposes and 31.12.2007 insofar as not yet in force) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 20(b)**; S.R. 2006/289, **art. 2(2)(f)**; S.R. 2007/466, **art. 2(2)(m)**
- F31** Words in s. 27(1)(c) inserted (E.W.S.) (30.6.2005 for certain purposes and 4.12.2006 insofar as not yet in force) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 23(c)**; S.I. 2005/1676, **art. 2(2)(g)**; S.I. 2005/2774, **art. 4(f)** and said words inserted (N.I.) (3.7.2006 for certain purposes and 31.12.2007 insofar as not yet in force) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 20(c)**; S.R. 2006/289, **art. 2(2)(f)**; S.R. 2007/466, **art. 2(2)(m)**

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#### Modifications etc. (not altering text)

- C13** S. 27 modified (1.10.2004) by S.I. 2001/3253, **reg. 9**
- C14** S. 27 modified (N.I.) (1.10.2004) by The Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003 (S.R. 2003/109), **reg. 9**

#### Commencement Information

- I5** S. 27 wholly in force at 1.10.2004; s. 27 not in force at Royal Assent see s. 70(3); s. 27(3) wholly in force and s. 27(5) in force for specified purposes (E.W.S.) at 9.5.2001 by S.I. 2001/2030, **art. 2(a)(b)**; s. 27(3) wholly in force and s. 27(5) in force for specified purposes (N.I.) at 31.12.2001 by S.R. 2001/439, **art. 2(1)(a)(b)**; s. 27(1)(2)(4) wholly in force and s. 27(5) in force to the extent that it is not already in force at 1.10.2004 by S.I. 2001/2030, **art. 3(b)** and S.R. 2001/439, **art. 2(2)(b)**

### [<sup>F32</sup>28 Conciliation of disputes. **E+W+S**

- (1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.
- (2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.
- (4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.
- (5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.
- (6) Subsection (4) does not apply to information which—
  - (a) is not identifiable with a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.
- (8) In this section “conciliation services” means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

#### Extent Information

- E7** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

*Status: Point in time view as at 04/12/2006.*

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

#### Textual Amendments

**F32** S. 28 substituted (E.W.S.) (25.4.2000) by 1999 c. 17, s. 10, (with s. 15); S.I. 2000/880, art. 2, Sch. 2

#### Commencement Information

**I6** s. 28 wholly in force at 30.5.1996; s. 28 not in force at Royal Assent see s. 70(3); s. 28 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(e); s. 28 in force (N.I.) at 30.5.1996 by S.I. 1996/219, art. 3(e)

### [<sup>F45</sup>28 Conciliation of disputes. **N.I.**

- (1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.
- (2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.
- (4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.
- (5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.
- (6) Subsection (4) does not apply to information which—
  - (a) is not identifiable with a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.
- (8) In this section—

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

“conciliation services” means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.]

#### Extent Information

**E15** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Textual Amendments

**F45** S. 28 substituted (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 12 (with art. 17); S.R. 2000/140, art. 2, Sch.

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#### **Commencement Information**

- I7** S. 28 wholly in force at 30.5.1996; s. 28 not in force at Royal Assent see s. 70(3); s. 28 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, [art. 3\(e\)](#); s. 28 in force (N.I.) at 30.5.1996 by S.I. 1996/219, [art. 3\(e\)](#)

**Status:**

Point in time view as at 04/12/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, PART III.