



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *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.
- (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>F1</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.]

*Status: Point in time view as at 01/10/2007.*

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

- [<sup>F2</sup>]<sup>F3</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**

**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** 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)**
- F2** 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)}
- F3** 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)**

**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>F9</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>F10</sup> Northern Ireland] shall be brought only in a county court
- (4)<sup>F11</sup> . . . . .
- (5) The remedies available in such proceedings are those which are available in the High Court<sup>F12</sup> . . . . .

*Status: Point in time view as at 01/10/2007.*

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

(6) Part II of Schedule 3 makes further provision about the enforcement of this Part and about procedure.

[<sup>F13</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**

**E4** 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**

**F9** Words in s. 25(1) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(1) of this Act

**F10** Words in s. 25(3) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(2) of this Act

**F11** S. 25(4) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(3) of this Act

**F12** Words in s. 25(5) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 12(4) of this Act

**F13** 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)}

## **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>F4</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.

*Status: Point in time view as at 01/10/2007.*

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

- (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

**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

**F4** 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>F5</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;
  - (b) but for this section, [<sup>F6</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>F7</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.

*Status: Point in time view as at 01/10/2007.*

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

- (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

- F5** 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)**
- F6** 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)**
- F7** 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)**

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

- C1** S. 27 modified (1.10.2004) by S.I. 2001/3253, **reg. 9**
- C2** 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

- I1** 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)**

## 28 Conciliation of disputes. **E+W+S**

**F8** .....

#### Extent Information

- E3** 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 01/10/2007.*

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

### Textual Amendments

- F8** S. 28 repealed (E.W.S.) (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 45, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

### [<sup>F14</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

- E5** 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

- F14** 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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*Status: Point in time view as at 01/10/2007.*

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

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#### **Commencement Information**

- I2** 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 01/10/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995,  
Cross Heading: Enforcement, etc..