



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### **60 Appointment by Secretary of State of advisers.**

- [<sup>F1</sup>(1) The Secretary of State may appoint such persons as he thinks fit to advise or assist him in connection with matters relating to the employment of disabled persons and persons who have had a disability.
- (2) Persons may be appointed by the Secretary of State to act generally or in relation to a particular area or locality.
- (3) The Secretary of State may pay to any person appointed under this section such allowances and compensation for loss of earnings as he considers appropriate.
- (4) The approval of the Treasury is required for any payment under this section.
- (5) In subsection (1) “employment” includes self-employment.
- (6) The Secretary of State may by order—
- (a) provide for section 17 of, and Schedule 2 to, the <sup>M1</sup>Disabled Persons (Employment) Act 1944 (national advisory council and district advisory committees) to cease to have effect—
    - (i) so far as concerns the national advisory council; or
    - (ii) so far as concerns district advisory committees; or
  - (b) repeal that section and Schedule.
- (7) At any time before the coming into force of an order under paragraph (b) of subsection (6), section 17 of the Act of 1944 shall have effect as if in subsection (1), after “disabled persons” in each case there were inserted “, and persons who have had a disability,” and as if at the end of the section there were added—
- “(3) For the purposes of this section—

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- (a) a person is a disabled person if he is a disabled person for the purposes of the <sup>M2</sup>Disability Discrimination Act 1995; and
  - (b) “disability” has the same meaning as in that Act.”
- (8) At any time before the coming into force of an order under paragraph (a)(i) or (b) of subsection (6), section 16 of the <sup>M3</sup>Chronically Sick and Disabled Persons Act 1970 (which extends the functions of the national advisory council) shall have effect as if after “disabled persons” in each case there were inserted “, and persons who have had a disability, ” and as if at the end of the section there were added—

“(2) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.”]

#### Extent Information

- E1** 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 para. 40; see [s. 70\(6\)](#)

#### Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with [arts. 4-25, Schs. 1-16](#)); [S.I. 2011/1066, art. 2\(h\)](#)

#### Marginal Citations

- M1** 1944 c.10.  
**M2** 1995 c. 50.  
**M3** 1970 c. 44.

## 61 Amendment of Disabled Persons (Employment) Act 1944.

[<sup>F2</sup>(1) Section 15 of the <sup>M4</sup>Disabled Persons (Employment) Act 1944 (which gives the Secretary of State power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

(2) In subsection (1)—

- (a) for “persons registered as handicapped by disablement” substitute “ disabled persons ”;
- (b) for “their disablement” substitute “ their disability ”; and
- (c) for “are not subject to disablement” substitute “ do not have a disability ”.

(3) In subsection (2), for the words from “any of one or more companies” to “so required and prohibited” substitute “ any company, association or body ”.

(4) After subsection (2) insert—

“(2A) The only kind of company which the Minister himself may form in exercising his powers under this section is a company which is—

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- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
  - (b) prohibited by its constitution from paying any dividend to its members.”
- (5) After subsection (5) insert—
- “(5A) For the purposes of this section—
- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
  - (b) “disability” has the same meaning as in that Act.”
- (6) The provisions of section 16 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—
- “and whose disability is due to that service.
- (2) For the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”
- (7) The following provisions of the Act of 1944 shall cease to have effect—
- (a) section 1 (definition of “disabled person”);
  - (b) sections 6 to 8 (the register of disabled persons);
  - (c) sections 9 to 11 (obligations on employers with substantial staffs to employ a quota of registered persons);
  - (d) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
  - (e) section 13 (interpretation of provisions repealed by this Act);
  - (f) section 14 (records to be kept by employers);
  - (g) section 19 (proceedings in relation to offences); and
  - (h) section 21 (application as respects place of employment, and nationality).
- (8) Any provision of subordinate legislation in which “disabled person” is defined by reference to the Act of 1944 shall be construed as if that expression had the same meaning as in this Act.
- (9) Subsection (8) does not prevent the further amendment of any such provision by subordinate legislation.]

#### **Extent Information**

- E2** 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 para. 41; see [s. 70\(6\)](#)

#### **Textual Amendments**

- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

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#### Commencement Information

- I1** S. 61 wholly in force at 2.12.1996; s. 61 not in force at Royal Assent see s. 70(3); s. 61 in force at 2.12.1996 by S.I. 1996/1474, art. 2(3), Sch. Pt. III (with art. 3)

#### Marginal Citations

- M4** 1944 c. 10.

### <sup>F3</sup> 62 .....

#### Textual Amendments

- F3** S. 62 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46 Sch. 3 Pt. I (with s. 38) and (N.I.) (24.9.1996) by S.I. 1996/1921 (N.I. 18), art. 28, Sch. 3 (with Sch. 2)

### 63 Restriction of publicity: Employment Appeal Tribunal.

<sup>F4</sup> .....

#### Extent Information

- E3** In the application of this Act to Northern Ireland, this section is omitted; see s. 70(6), Sch. 8 para. 43

#### Textual Amendments

- F4** S. 63 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

### 64 Application to Crown etc.

[<sup>F5</sup>[<sup>F6</sup>(A1) The following provisions bind the Crown—

- (a) sections 21B to 21E and Part 5A, and
- (b) the other provisions of this Act so far as applying for the purposes of provisions mentioned in paragraph (a);

and sections 57 and 58 shall apply for purposes of provisions mentioned in paragraph (a) as if service as a Crown servant were employment by the Crown.]

(1) This Act [<sup>F7</sup>, other than the provisions mentioned in paragraphs (a) and (b) of subsection (A1),] applies—

- (a) to an act done by or for purposes of a Minister of the Crown or government department, or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) <sup>F8</sup> . . . Part II applies to service—

- (a) for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or
- (b) on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,

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as it applies to employment by a private person.

[<sup>F9</sup>(2A) Subsections [<sup>F10</sup>(A1) to](2) have effect subject to section 64A and section 64B.]

[<sup>F11</sup>(2A) Subsections [<sup>F12</sup>(A1) to](2) have effect subject to section 64A.]

(3) The provisions of Parts II to IV of the 1947 Act apply to proceedings against the Crown under this Act as they apply to Crown proceedings in England and Wales <sup>F13</sup> . . . .

(4) The provisions of Part V of the 1947 Act apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which by virtue of that Part are treated as civil proceedings by or against the Crown; but the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) does not apply.

(5) <sup>F14</sup> . . . . .

(6) <sup>F14</sup> . . . . .

(7) <sup>F15</sup> . . . Part II does not apply to service in any of the naval, military or air forces of the Crown.

(8) In this section—

“the 1947 Act” means the <sup>M5</sup>Crown Proceedings Act 1947;

<sup>F16</sup> . . . . .

“Crown proceedings” means proceedings which, by virtue of section 23 of the 1947 Act, are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown;

<sup>F17</sup> . . . . .

<sup>F17</sup> . . . . .

<sup>F17</sup> . . . . .

<sup>F18</sup> . . . . .

“service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the <sup>M6</sup>House of Commons Disqualification Act 1975;

“statutory body” means a body set up by or under an enactment;

“statutory office” means an office so set up; <sup>F19</sup> . . .

<sup>F20</sup> . . . . . ]

#### 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 para. 44; see [s. 70\(6\)](#)

#### Textual Amendments

**F5** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

**F6** [S. 64\(A1\)](#) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 31\(2\)](#); [S.I. 2005/2774](#), [arts. 3\(j\)](#),

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- 4(f)** and said subsection 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. 24(2)**; S.R. 2007/466, **art. 2(2)(l)**
- F7** Words in s. 64(1) inserted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(3)**; S.I. 2005/2774, **arts. 3(j), 4(f)** and same words 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. 24(3)**; S.R. 2007/466, **art. 2(2)(l)**
- F8** Words in s. 64(2) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(a)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(a)**
- F9** S. 64(2A) inserted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(b)**
- F10** Words in s. 64(2A) (as inserted (N.I.)) 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. 24(4)**; S.R. 2007/466, **art. 2(2)(l)**
- F11** S. 64(2A) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(b)**
- F12** In s. 64(2A) words substituted (E.W.S.) (5.12.2005 for certain purposes and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 31(4)**; S.I. 2005/2774, **arts. 3(j), 4(f)**
- F13** Words in s. 64(3) repealed (1.10.2005) by The Civil Procedure (Modification of Crown Proceedings Act 1947) Order 2005 (S.I. 2005/2712), art. 3, **Sch. 2** {para. 3}
- F14** S. 64(5)(6) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(c)** and said subsections omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(c)**
- F15** Words in s. 64(7) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(d)** and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(d)**
- F16** S. 64(8): definition of "British Transport Police" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3), 24(e)**  
S. 64(8): definition of "British Transport Police" ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**
- F17** S. 64(8): definitions of "fire brigade", "Ministry of Defence Police" and "prison officer" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said definitions omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**
- F18** S. 64(8): definition of "Royal Parks Constabulary" omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), **regs. 1(2)(3), 24(e)**
- F19** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The

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Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**

**F20** S. 64(8): definition of "United Kingdom Atomic Energy Authority Constabulary" (and the preceding word "and") omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **24(e)** and said word "and" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **24(e)**

#### Marginal Citations

**M5** 1947 c. 44.

**M6** 1975 c. 24.

#### [<sup>F21</sup> **64A Police** **E+W+S**

<sup>F22</sup> .....

#### Extent Information

**E5** This section extended to England, Wales and Scotland only; a separate s. 64A exists for Northern Ireland only.

#### Textual Amendments

**F21** S. 64A inserted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **25**

**F22** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

#### [<sup>F23</sup> **64A Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve** **N.I.**

- (1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment –
  - (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
  - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of section 58 –
  - (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

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

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- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000 <sup>F64</sup> –
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under Part II [<sup>F65</sup>or III], and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by the Chief Constable for the settlement of any claim made against him under Part II [<sup>F65</sup>or III] if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay –
- (a) any compensation, damages or costs awarded in proceedings under Part II [<sup>F65</sup>or III] against a police officer;
  - (b) any costs incurred and not recovered by a police officer in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in subsection (4).
- (6) This section –
- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 <sup>F66</sup>or [<sup>F67</sup>section 23 or 24 of the Serious Organised Crime and Police Act 2005] as it applies in relation to a police officer;
  - (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 <sup>F68</sup> is under the direction and control of the Police Ombudsman for Northern Ireland as if –
    - (i) in subsection (1) the reference to the Chief Constable included a reference to the Ombudsman;
    - (ii) in subsections (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.]

#### Extent Information

**E13** This section extends to Northern Ireland only; a separate s. 64A for England, Wales and Scotland only repealed (1.10.2010).

#### Textual Amendments

**F23** S. 64A, 64B inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), 25

**F64** 2000 c. 32

**F65** Words in s. 64A(3)(4) inserted (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 6; S.R. 2007/466, art. 2(2)(c)

**F66** 1996 c. 16

**F67** Words in s. 64A(6)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178(8), [Sch. 4 para. 66](#); S.I. 2006/378, art. 4(1), Sch. para. 10 (subject to art. 4(2)-(7))



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**F68** 1998 c. 32

**[<sup>F23</sup>64B Other police bodies**

- (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment –
  - (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
  - (b) by the police authority as respects any act done by it in relation to that office or the holder of it;
- (2) For the purposes of section 58 –
  - (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund –
  - (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under Part II [<sup>F24</sup>or III], and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by a chief officer of police for the settlement of any claim made against him under Part II if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund –
  - (a) any compensation, damages or costs awarded in proceedings under Part II [<sup>F24</sup>or III] against a person under the direction and control of the chief officer of police;
  - (b) any costs incurred and not recovered by such a person in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in subsection (4).
- [<sup>F25</sup>(6) Subject to subsection (8), in this section in relation to any body of constables—
  - (a) “chief officer of police” means the person who has the direction and control of the body;
  - (b) “police authority” means the authority by which the members of the body are paid; and
  - (c) “police fund” means money provided by that authority.]
- (7) Nothing in subsections (3) to (6) applies in relation to the police.

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- (8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority for that force.]

#### Textual Amendments

- F23** S. 64A, 64B inserted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **25**
- F24** Words in s. 64B(3)(4) inserted (9.11.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **6**; S.R. 2007/466, **art. 2**
- F25** S. 64B(6) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178(8), **Sch. 4 para. 67**; S.I. 2006/378, **art. 4(1)** (subject to art. 4(2)-(7))

## 65 Application to Parliament.

F26 .....

#### Extent Information

- E6** In the application of this Act to Northern Ireland, this section is omitted: see s. 70(6), **Sch. 8 para. 45**

#### Textual Amendments

- F26** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), **Sch. 27 Pt. 1** (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, **Schs. 1-16**); S.I. 2011/1066, **art. 2(h)**

## 66 Government appointments outside Part II.

F27 .....

#### Textual Amendments

- F27** S. 66 omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **26** and said section repealed (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1, **26**

## 67 Regulations and orders.

- [<sup>F28</sup>(1) Any power under this Act to make regulations or orders shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (2) Any such power may be exercised to make different provision for different cases, including different provision for different areas or localities.

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

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- (3) Any such power, includes power—
- (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Northern Ireland department exercising the power to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.

[<sup>F29</sup>(3A) Where regulations under section 21D(7)(b) provide for the omission of section 21D(5), the provision that may be made by the regulations in exercise of the power conferred by subsection (3)(a) includes provision amending section 21D for the purpose of omitting references to section 21D(5).

(3B) The provision that may be made by regulations under section 21G(5)(b) in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing section 21G(4).]

[<sup>F30</sup>(4) Subsection (4A) applies to—

- (a) the first regulations to be made under section 21H(1);
- (b) regulations under section 47J(3);
- (c) regulations under section 67A(3);
- (d) regulations under paragraph 6A(2) of Schedule 1.

(4A) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(4B) An order under section 47(1), if made without a draft having been laid before and approved by a resolution of, the Assembly shall be subject to annulment in pursuance of a resolution of the Assembly; but the exercise of the discretion conferred by this subsection is subject to section 67A.]

(5) Any other order made under this Act, other than an order under section 3(9), [<sup>F31</sup>54A(6)(a)] or 70(3), and any regulations made under this Act shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

(6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to any instrument or document which by virtue of this Act is required to be laid before the Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.

(7) Subsection (1) does not require an order under section 43 which applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory rule.

(8) Nothing in section 40(6) or 46(5) affects the powers conferred by subsections (2) and (3).]

#### **Extent Information**

**E7** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 46. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

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

### Textual Amendments

- F28** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F29** [S. 67\(3A\)\(3B\)](#) inserted (N.I.) ((3.7.2006 for certain purposes and 31.12.2007 insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 25\(2\)](#); [S.R. 2006/289](#), [art. 2\(2\)\(f\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(m\)](#)
- F30** [S. 67\(4\)-\(4B\)](#) substituted (N.I.) for [s. 67\(4\)](#) (3.7.2006 for certain purposes and 31.12.2007 insofar as not already in force) by virtue of [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 25\(3\)](#); [S.R. 2006/289](#), [art. 2\(2\)\(f\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(m\)](#)
- F31** Words in [s. 67\(5\)](#) substituted (25.4.2000) by [S.I. 2000/1110 \(N.I. 2\)](#), [art. 15](#) (with [art. 17](#)); [S.R. 2000/140](#), [art. 2](#), [Sch.](#)

### Commencement Information

- I2** [S. 67](#) wholly in force at 30.5.1996; [s. 67](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 67](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(i\)](#); [s. 67](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(h\)](#)

## [<sup>F32</sup> **67A Exercise of discretion under section 67(5A)** **E+W+S**]

<sup>F33</sup> .....

### Extent Information

- E8** This section extended to England, Wales and Scotland only; a separate [s. 67A](#) exists for Northern Ireland only.

### Textual Amendments

- F32** [S. 67A](#) inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {6(4)}, 20(3)-(6); [S.I. 2005/2774](#), [art. 3\(d\)](#)
- F33** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

## [<sup>F69</sup> **67A Exercise of discretion under section 67(4B)** **N.I.**]

- (1) Before the Department for Regional Development decides which of the Assembly procedures available under section 67(4B) is to be adopted in connection with the making of any particular order under section 47(1), it must consult such persons as it thinks appropriate.
- (2) An order under section 47(1) may be made without a draft of the order having been laid before, and approved by a resolution of, the Assembly only if—
  - (a) regulations under subsection (3) are in force; and
  - (b) the making of the order without such laying and approval is in accordance with the regulations

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

- (3) Regulations may set out the basis on which the Department for Regional Development, when it comes to make an order under section 47(1), will decide which of the Assembly procedures available under section 67(4B) is to be adopted in connection with the making of the order.
- (4) Before making regulations under subsection (3), the Department for Regional Development must consult such persons as it considers appropriate.]

#### Extent Information

**E14** This section extends to Northern Ireland only; a separate s. 67A for England, Wales and Scotland only repealed (1.10.2010).

#### Textual Amendments

**F69** Ss. 67A, 67B inserted (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **8(4)**; S.R. 2013/216, art. 2(a)

### [<sup>F34</sup>**67B Annual report on rail vehicle exemption orders** **E+W+S**

<sup>F35</sup> .....

#### Extent Information

**E9** This section extended to England, Wales and Scotland only; a separate s. 67B exists for Northern Ireland only.

#### Textual Amendments

**F34** S. 67B inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {6(5)}, 20(3)-(6); S.I. 2005/2774, **art. 3(d)**

**F35** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

### [<sup>F69</sup>**67B Annual report on rail exemption orders** **N.I.**

- (1) The Department for Regional Development must after each 31st December prepare, in respect of the year that ended with that day, a report on—
  - (a) the exercise in that year of the power to make orders under section 47(1); and
  - (b) the exercise in that year of the discretion under section 67(4B).
- (2) A report under subsection (1) must (in particular) contain—
  - (a) details of each order made under section 47(1) in the year in respect of which the report is made; and
  - (b) details of consultation carried out under sections 47(3) and 67A(1) in connection with orders made in that year under section 47(1).
- (3) The Department for Regional Development must lay before the Assembly each report that it prepares under this section.]

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

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### Extent Information

**E15** This section extends to Northern Ireland only; a separate s. 67B for England, Wales and Scotland only repealed (1.10.2010).

### Textual Amendments

**F69** Ss. 67A, 67B inserted (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **8(4)**; S.R. 2013/216, art. 2(a)

## 68 Interpretation.

[<sup>F36</sup>[<sup>F37</sup>(1) In this Act—

“accessibility certificate” means a certificate issued under section 41(1)(a);

“act” includes a deliberate omission;

“the Agency” means the Labour Relations Agency;

“approval certificate” means a certificate issued under section 42(4);

“the Assembly” means the Northern Ireland Assembly;

<sup>F38</sup>

[<sup>F39</sup>“criminal investigation” has the meaning given in subsection (1A);]

[<sup>F40</sup>“criminal proceedings” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);]

“the Department of Economic Development” means the Department of Economic Development in Northern Ireland;

“the Department of the Environment” means the Department of the Environment for Northern Ireland;

“the Department of Health and Social Services” means the Department of Health and Social Services for Northern Ireland;

“employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do work and related expressions are to be construed accordingly;

[<sup>F41</sup>“employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (4)]

[<sup>F42</sup>“employment services” has the meaning given in section 21A(1);]

“enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 [<sup>F43</sup>, and (except in section 56(5)) includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament];

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

[<sup>F44</sup>“group insurance arrangement” means an arrangement between an employer and another for the provision by the other of facilities by way of insurance to the employer's employees or to any class of those employees;]

[<sup>F45</sup>“Minister of the Crown” includes the Treasury and the Defence Council]

“Northern Ireland department” includes (except in sections 51 and 52) the head of a Northern Ireland department;

“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;

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

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[<sup>F46</sup>“the Office” means the Office of the First Minister and deputy First Minister;]

“premises”, includes land of any description;

“prescribed” means prescribed by regulations;

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

[<sup>F47</sup>“public investigator functions” has the meaning given in subsection (1B);]

“public service vehicle” and “regulated public service vehicle” have the meaning given in section 40;

“PSV accessibility regulations” means regulations made under section 40(1);

“rail vehicle” and “regulated rail vehicle” have the meaning given in section 46;

“rail vehicle accessibility regulations” means regulations made under section 46(1);

“regulations” means—

(a) [<sup>F48</sup>in section 17A, regulations made by the Department for Employment and Learning;]

(b) in Part V of this Act, regulations made by the Department of the Environment;

(c) [<sup>F49</sup>in any other provision of this Act, regulations made by the Office of the First Minister and deputy First Minister:]

F38 .....

F38 .....

“section 21 duty” means any duty imposed by or under section 21;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

[<sup>F50</sup>“the 2005 Order” means the Special Educational Needs and Disability (Northern Ireland) Order 2005;]

“vehicle examiner” means an officer of the Department of the Environment authorised by that Department for the purposes of sections 41 and 42.]

[<sup>F51</sup>(1A) In this Act “criminal investigation” means—

(a) any investigation which a person in carrying out functions to which section 21B(1) applies has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with or prosecuted for an offence is guilty of it; or

(b) any investigation which is conducted by a person in carrying out functions to which section 21B(1) applies and which in the circumstances may lead to a decision by that person to institute criminal proceedings which the person has power to conduct.

(1B) In this Act “public investigator functions” means functions of conducting criminal investigations or charging offenders.

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

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- (1C) In subsections (1A) and (1B)—  
“offence” includes [<sup>F52</sup>any service offence within the meaning of the Armed Forces Act 2006], and  
“offender” is to be construed accordingly.]
- [<sup>F53</sup>(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Northern Ireland if the employee –
- (a) does his work wholly or partly in Northern Ireland; or,
  - (b) does his work wholly outside Northern Ireland and subsection (2A) applies.
- (2A) This subsection applies if –
- (a) the employer has a place of business at an establishment in Northern Ireland;
  - (b) the work is for the purposes of the business carried on at the establishment; and
  - (c) the employee is ordinarily resident in Northern Ireland –
    - (i) at the time when he applies for or is offered the employment, or
    - (ii) at any time during the course of the employment.
- (2B) This subsection applies to a ship if –
- (a) it is registered at a port of registry in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2C) This subsection applies to an aircraft or hovercraft if –
- (a) it is –
    - (i) registered in the United Kingdom, and
    - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2D) The following are not to be regarded as being employment at an establishment in Northern Ireland –
- (a) employment on board a ship to which subsection (2B) does not apply;
  - (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.]
- (4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in [<sup>F54</sup>Northern Ireland].
- (5) [<sup>F55</sup>.....]

#### **Extent Information**

**E10** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal and incorporates the N.I. modifications set out in Sch. 8 para. 47. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.



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

### Textual Amendments

- F36** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), **art. 16**); [S.I. 2010/2317](#), **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), **art. 2(h)**
- F37** S. 68(1) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F38** S. 68(1): definition of "benefits", "section 6 duty" and "section 15 duty" omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(i)**
- F39** S. 68(1): definition of "criminal investigation" inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 26(2)**; [S.R. 2007/430](#), **art. 2(b)**
- F40** S. 68(1): definition of "criminal proceedings" substituted (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 16 para. 134(a); [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), **art. 4**
- F41** S. 68(1): definition of "employment at an establishment in Northern Ireland" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(ii)**
- F42** S. 68(1): definition of "employment services" inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 26(2)**; [S.R. 2007/430](#), **art. 2(b)**
- F43** S. 68(1): words in the definition of "enactment" inserted (27.7.2000) by [S.I. 2000/2040](#), arts. 1(1), 2(1), **Sch. Pt. 1 para. 18** (with saving in art. 3)
- F44** S. 68(1): definition of "group insurance arrangement" inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **12(3)**; [S.R. 2007/466](#), **art. 2(2)(f)**
- F45** S. 68(1): definition of "Minister of the Crown" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iii)**
- F46** S. 68(1): definition of "the Office" inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 26(2)**; [S.R. 2007/430](#), **art. 2(b)**
- F47** S. 68(1): definition of "public investigator functions" inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 26(2)**; [S.R. 2007/430](#), **art. 2(b)**
- F48** S. 68(1): para. (a) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iv)(aa)**
- F49** S. 68(1): para. (c) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iv)(bb)**
- F50** S. 68(1): definition of "the 2005 Order" inserted (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, **48(11)**; [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.
- F51** S. 68(1A)-(1C) inserted (N.I.) (31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 26(3)**; [S.R. 2007/430](#), **art. 2(b)**
- F52** S. 68(1C): words in definition of "offence" substituted (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 16 para. 134(b); [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), **art. 4**

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

- F53** S. 68(2)-(2D) substituted for s. 68(2)(3) (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), [27\(b\)](#)
- F54** Words in s. 68(2) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F55** S. 68(5) omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), [27\(c\)](#)

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

- C1** S. 68(1) modified (24.4.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order \(S.I. 2009/1059\)](#), arts. 1, 205, {Sch. 1 para. 36(1)}
- C2** S. 68(1C) modified (24.4.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order \(S.I. 2009/1059\)](#), arts. 1, 205, {Sch. 1 para. 36(2)}

#### Commencement Information

- I3** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see [s. 70\(3\)](#); [s. 68\(1\)](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(j\)](#); [s. 68\(1\)](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(i\)](#); [s. 68\(2\)-\(5\)](#) in force (E.W.S.) at 2.12.1996 by [S.I. 1996/1474](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 68\(2\)-\(5\)](#) in force (N.I.) at 2.12.1996 by [S.R. 1996/280](#), [art. 2\(2\)](#), [Sch. Pt. II](#)

## 69 Financial provisions.

[<sup>F56</sup>There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown under this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under or by virtue of any other enactment.]

#### Extent Information

- E11** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only.

#### Textual Amendments

- F56** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

#### Commencement Information

- I4** S. 69 wholly in force at 30.5.1996; s. 69 not in force at Royal Assent see [s. 70\(3\)](#); [s. 69](#) in force (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), [art. 3\(k\)](#); [s. 69](#) in force (N.I.) at 30.5.1996 by [S.R. 1996/219](#), [art. 3\(j\)](#)

## 70 Short title, commencement, extent etc.

[<sup>F57</sup>(1) This Act may be cited as the Disability Discrimination Act 1995.

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

(2) This section (apart from subsections (4), (5) and (7)) comes into force on the passing of this Act.

[<sup>F58</sup>(2A) The following provisions of this Act—

- (a) section 36 so far as it applies to designated vehicles,
- (b) section 36A, and
- (c) section 38 (which has already been brought in force in England and Wales by an order under subsection (3)) so far as it extends to Scotland,

come into force 2 months after the passing of the Local Transport Act 2008.]

(3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint and different days may be appointed for different purposes.

(4) Schedule 6 makes consequential amendments.

(5) The repeals set out in Schedule 7 shall have effect.

[<sup>F59</sup>(5A) Sections 7A [<sup>F60</sup>7B and 49G] extend to England and Wales only.

(5B) Sections 7C and 7D extend to Scotland only.]

(6) [<sup>F61</sup>Subject to subsections (5A) and (5B), this Act extends to England and Wales, Scotland and Northern Ireland;] but in their application to Northern Ireland the provisions of this Act mentioned in Schedule 8 shall have effect subject to the modifications set out in that Schedule.

[<sup>F62</sup>(7) In Part II of Schedule 1 to the <sup>M7</sup>House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the <sup>M8</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) in each case insert at the appropriate places—

[<sup>F63</sup>“The National Disability Council.”]

“The Northern Ireland Disability Council”]

(8) Consultations which are required by any provision of this Act to be held by the Secretary of State may be held by him before the coming into force of that provision.]

#### Extent Information

**E12** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 48 see [s. 70\(6\)](#)

#### Subordinate Legislation Made

**P1** [S. 70\(3\)](#) power partly exercised: 1.1.1996 appointed day for specified provisions by [S.I. 1995/3330](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 2.1.1996 appointed day for specified provisions by [S.R. 1996/1](#), [art. 2](#)  
[S. 70\(3\)](#) power partly exercised: 17.5.1996 appointed day for specified provisions by [S.I. 1996/1336](#), [art. 3](#)  
[S. 70\(3\)](#) power partly exercised: 30.5.1996 appointed day for specified provisions by [S.R. 1996/219](#), [art. 3](#)  
[S. 70\(3\)](#) power partly exercised: different days appointed for specified provisions by [S.I. 1996/1474](#), [art. 2](#)

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- S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1996/280, **art. 2**
- S. 70(3) power partly exercised: 2.12.1996 appointed day for specified provision by S.R. 1996/580, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 1999/1190, **arts. 2-5**
- S. 70(3) power partly exercised: different days appointed for specified provisions by S.R. 1999/196, **arts. 2-4**
- S. 70(3) power partly exercised: 13.5.1998 appointed day for specified provisions by S.R. 1998/183, **art. 2**
- S. 70(3) power partly exercised: 30.8.2000 appointed for specified provisions by S.I. 2000/1969, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions and purposes by S.I. 2000/2989, **arts. 2, 3**
- S. 70(3) power partly exercised: different dates appointed for specified provisions and purposes by S.R. 2001/163, **art. 2**
- S. 70(3) power partly exercised: different dates appointed for specified provisions by S.I. 2001/2030, **arts. 2, 3**
- S. 70(3) power partly exercised: different dates appointed for specified purposes by S.R. 2001/439, **art. 2(1)**
- s. 70(3) power partly exercised: 21.1.2003 appointed day for specified provisions by S.R. 2003/24, **art. 2**
- s. 70(3) power partly exercised: 5.2.2003 appointed day for specified provision by S.I. 2003/215, **art. 2**
- s. 70(3) power partly exercised: 6.4.2005 appointed day for specified provision by S.I. 2005/1122, **art. 2**
- s. 70(3) power partly exercised: 3.6.2008 appointed day for specified provision by S.R. 2008/236, **art. 2**

### Textual Amendments

- F57** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by **Equality Act 2010 (c. 15)**, 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**
- F58** S. 70(2A) inserted (E.W.S.) (26.1.2009) by **Local Transport Act 2008 (c. 26)**, ss. {56(9)}, 134
- F59** S. 70(5A)(5B) inserted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by **The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673)**, regs. 1(2)(3), **28(a)**
- F60** Words in s. 70(5A) substituted (E.W.S.) (1.10.2007) by **Equality Act 2006 (c. 3)**, ss. 40, 93, **Sch. 3 para. 55** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F61** Words in s. 70(6) substituted (E.W.S.) for words "This Act extends to Northern Ireland," (3.7.2003 for certain purposes, otherwise 1.10.2004) by **The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673)**, regs. 1(2)(3), **28(b)**
- F62** S. 70(7) repealed (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch. Appendix**
- F63** Words in s. 70(7) repealed (E.W.S.) (25.4.2000) by 1999 c. 17, s. 14(2), **Sch. 5** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2 Appendix**

### Modifications etc. (not altering text)

- C3** S. 70(3) applied (1.11.1996) by 1996 c. 56, s. **583(2)(5)(b)** (with ss. 1(4), 561, 562, Sch. 39)

### Commencement Information

- I5** S. 70 partly in force at Royal Assent see s. 70(2)(3); S. 70(7) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(I)**; s. 70(7) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(k)**; s. 70(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 70(4) in force (N.I.) at 2.12.1996

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

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by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 70(5) in force (E.W.S.) for specified purposes at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III** (with s. 3); s. 70(5) in force for specified purposes (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II** (with art. 3)

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**Marginal Citations**

**M7** 1975 c. 24.

**M8** 1975 c. 25.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part VIII.