



Disability Discrimination Act 2005

2005 CHAPTER 13

Other matters

10 Discriminatory advertisements

(1) Section 16B of the 1995 Act (the employment field: discriminatory advertisements) shall have effect with the following amendments.

(2) For subsection (1) (advertisements published, or caused to be published, by person intending to make appointment or confer benefit) there is substituted—

“(1) It is unlawful for a person to publish or cause to be published an advertisement which—

- (a) invites applications for a relevant appointment or benefit; and
- (b) indicates, or might reasonably be understood to indicate, that an application will or may be determined to any extent by reference to—
 - (i) the applicant not having any disability, or any particular disability,
 - (ii) the applicant not having had any disability, or any particular disability, or
 - (iii) any reluctance of the person determining the application to comply with a duty to make reasonable adjustments or (in relation to employment services) with the duty imposed by section 21(1) as modified by section 21A(6).”

(3) After subsection (2) there is inserted—

“(2A) A person who publishes an advertisement of the kind described in subsection (1) shall not be subject to any liability under subsection (1) in respect of the publication of the advertisement if he proves—

- (a) that the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2), the publication would not be unlawful; and
- (b) that it was reasonable for him to rely on the statement.

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005, Section 10. (See end of Document for details)

- (2B) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (2A)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”
- (4) In subsection (3) (definition of “relevant appointment or benefit”), for ;subsection (1)” there is substituted “ ;this section ”.

Status:

Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 2005, Section 10.