



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VII

#### SUPPLEMENTAL

#### 53A Codes of practice.

<sup>F1</sup> .....

#### Textual Amendments

<sup>F1</sup> S. 53A repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, Sch. 3 para. 52, [Sch. 4](#) (with s. 92); [S.I. 2007/2603](#), [art. 2](#)

#### [<sup>F2</sup>54A Codes of practice.

[<sup>F3</sup>(1) The Commission may prepare and issue codes of practice giving practical guidance on how to avoid acts which are unlawful under Part II or III of this Act or Part III of the 2005 Order, or on any other matter relating to the operation of any provision of Part II or III of this Act or Part III of the 2005 Order, to—

- (a) employers;
- (b) service providers;
- [<sup>F4</sup>(ba) public authorities within the meaning given by section 21B;
- (bb) associations to which section 21F applies;]
- (c) bodies which are responsible bodies for the purposes of Chapter I or II of Part III of the 2005 Order; or
- (d) other persons to whom the provisions of Part II or III of this Act or Part III of the 2005 Order apply.

(1A) The Commission may also prepare and issue codes of practice giving practical guidance to any persons on any other matter with a view to—

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- (a) promoting the equalisation of opportunities for disabled persons and persons who have had a disability; or
  - (b) encouraging good practice in the way such persons are treated,
- in any field of activity regulated by any provision of Part II or III of this Act or Part III of the 2005 Order.
- (1B) Neither subsection (1) nor (1A) applies in relation to any duty imposed by or under Article 17 or 18 of the 2005 Order.]
- [ The Commission may prepare and issue codes of practice giving practical guidance<sup>F5</sup>(1C) to persons subject to duties under section 49A on how to perform those duties.]
- [ The Commission may prepare and issue codes of practice giving practical guidance<sup>F6</sup>(1D) to landlords and tenants as to—
- (a) circumstances in which a tenant requires the consent of his landlord for making a relevant improvement to a dwelling house;
  - (b) circumstances in which it is unreasonable to withhold such consent;
  - (c) the application of the improvement provisions in relation to relevant improvements to dwelling houses.
- (1E) In subsection (1D) the improvement provisions are—
- (a) Article 42(e) of the Rent (Northern Ireland) Order 1978 (NI 20);
  - (b) Article 34 of the Housing (Northern Ireland) Order 1983 (NI 15);
  - (c) Article 49C.]
- (2) The Commission shall, when requested to do so by the Office, prepare a code of practice dealing with the matters specified in the request.
- (3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).
- (4) The Commission may not issue a code of practice unless—
- (a) a draft of it has been submitted to and approved by the Office and laid by the Office before the Assembly; and
  - (b) the statutory period has elapsed without the Assembly resolving not to approve the draft.
- (5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.
- (6) A code of practice issued by the Commission—
- (a) shall come into effect on such day as the Office may by order appoint;
  - (b) may be revised in whole or part, and re-issued, by the Commission; and
  - (c) may be revoked by an order made by the Office at the request of the Commission.
- (7) Where the Commission proposes to revise a code of practice—
- (a) it shall comply with subsection (3) in relation to the revisions; and
  - (b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.
- (8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or

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tribunal to be relevant to any question arising in any proceedings under Part II [F7, III or VA], or any proceedings relating to a relevant improvement, [F8 or Part III of the 2005 Order] shall be taken into account in determining that question.

(9) In this section—

“code of practice” means a code of practice under this section;

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

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“the Office” means the Office of the First Minister and deputy First Minister; and

[F10“relevant improvement” means an improvement (within the meaning of section 49C(9)) to premises which, having regard to the disability which a disabled person who lawfully occupies or is intended lawfully the premises has, is likely to facilitate his enjoyment of the premises.]

“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.

[ Subject to subsection (12), in relation to a code of practice giving practical guidance F11(10) wholly or mainly as to—

(a) any matter relating to the operation of any provision of Chapter I or III of Part III of the 2005 Order; or

(b) any field of activity regulated by any such provision,

any reference in this section to the Office shall be read as a reference to the Department of Education.

(11) Subject to subsection (12), in relation to a code of practice giving practical guidance wholly or mainly as to—

(a) any matter relating to the operation of any provision of Chapter II of Part III of the 2005 Order; or

(b) any field of activity regulated by any such provision,

any reference in this section to the Office shall be read as a reference to the [F12Department for the Economy].

(12) Practical guidance which but for this subsection would fall to be contained in separate codes of practice by virtue of subsections (10) and (11) may be contained in a single code of practice; and in relation to any such code of practice any reference in this section to the Office shall be read as a reference to the Department of Education and the [F12Department for the Economy], acting jointly.]]

#### Subordinate Legislation Made

P1 S. 54A(6)(a): exercise of power - 30.1.2006 appointed by {S.R. 2006/16}, art. 2; {S.R. 2006/17}, art. 2

#### Textual Amendments

F2 S. 54A inserted at the beginning of Pt. VII (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), art. 11(1) (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, Sch.

F3 S. 54A(1)-(1B) substituted (6.4.2005) for s. 54A(1) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, 41(2) (with art. 47)

F4 S. 54A(1)(ba)(bb) inserted (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. 22(2); S.R. 2006/289, art. 2(1)(b)

F5 S. 54A(1C) inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), {Sch. 1 para. 22(3)}; S.R. 2006/289, art. 2(1)(b)

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- F6** S. 54A(1D)(1E) inserted (3.7.2006) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **16(2)**; S.R. 2006/289, **art. 2(1)(a)**
- F7** Words in s. 54A(8) substituted for "or Part III" (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. 22(4)**; S.R. 2007/466, **art. 2(2)(m)**
- F8** Words in s. 54A(8) inserted (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(3)** (with art. 47)
- F9** S. 54A(9): definition of "discrimination" 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), **20(b)**
- F10** S. 54A(9): definition of "relevant improvement" inserted (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. 22(5)**; S.R. 2006/289, **art. 2(1)(b)**
- F11** S. 54A(10)-(12) added (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(4)** (with art. 47)
- F12** Words in s. 54A(11)(12) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) (S.R. 2016/76), art. 1(2), Sch. 6 para. 46 (with art. 9)

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

- C1** S. 54A: power to extend conferred (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(2)** (with arts. 11(3), 17); S.R. 2000/140, art. 2, **Sch.**

**<sup>F13</sup>53 Codes of practice prepared by the Secretary of State.**

[<sup>F14</sup><sup>F13</sup>(1) . . . . .]

<sup>F13</sup>(2) . . . . .

<sup>F13</sup>(3) . . . . .

(4) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.

(5) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, [<sup>F15</sup>or a county court].

(6) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.

(7) In this section and section 54 “code” means a code issued by the [<sup>F16</sup>Department of Economic Development] under this section and includes a code which has been revised and re-issued.

<sup>F13</sup>(8) . . . . .

<sup>F13</sup>(9) . . . . .]

**Extent Information**

- E1** This section now extends to N.I. only. Prior to the repeal of this Act for E.W.S. by the Equality Act 2010, 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 2010 repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 36(1)(3).

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

It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### Textual Amendments

- F13** S. 53 repealed (N.I.) (25.4.2000 in relation to s. 53(1)-(3)(8)(9) and otherwise *prosp.*) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with art. 17); S.R. 2000/140, art. 2, **Sch.** Appendix
- F14** 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)**
- F15** Words in s. 53(5) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 36 of this Act
- F16** Words in s. 53(7) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 36(1) of this Act

#### Commencement Information

- I1** S. 53 wholly in force 11.7.1996; s. 53 not in force at Royal Assent see s. 70(3); s. 53 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

### [<sup>F17F18</sup>54 Further provision about codes issued under section 53.

- <sup>F17</sup>(1) . . . . .
- <sup>F17</sup>(2) . . . . .
- <sup>F17</sup>(3) . . . . .
- <sup>F17</sup>(4) . . . . .
- <sup>F17</sup>(5) . . . . .
- <sup>F17</sup>(6) . . . . .
- <sup>F17</sup>(7) . . . . .
- <sup>F17</sup>(8) . . . . .
- <sup>F17</sup>(9) . . . . . ]

#### Extent Information

- E2** In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 37 of this Act; see s. 70(6)

#### Textual Amendments

- F17** S. 54 repealed (E.W.S.) (25.4.2000 in relation to s. 54(1) to (7) and (9) otherwise 4.12.2006) by Disability Rights Commission Act 1999 (c. 17), ss. 14(2), 16(2), Sch. 5 (with ss. 9(2), 15); S.I. 2000/880, art. 2, {Sch. 2 Appendix}; S.I. 2006/3189, **art. 2**
- F18** S. 54 (as substituted by Sch. 8 para. 37 of this Act) repealed (N.I.) (25.4.2000 in relation to s. 54(1)-(7) and (9) (with the exception of the definition of the “Department”) and otherwise *prosp.*) by S.I. 2000/1110 (N.I. 2), arts. 1(2), 16, **Sch. 2** (with art. 17), S.R. 2000/140, art. 2, **Sch.** Appendix

#### Commencement Information

- I2** S. 54 wholly in force at 11.7.1996; s. 54 not in force at Royal Assent see s. 70(3); s. 54 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; s. 54 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

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## 55 Victimization.

[<sup>F19</sup>(1) or the purposes of Part II or Part III [<sup>F20</sup>(other than sections 24A to 24L)], a person (“A”) discriminates against another person (“B”) if—

- (a) he treats B less favourably than he treats or would treat other persons whose circumstances are the same as B’s; and
- (b) he does so for a reason mentioned in subsection (2).

(2) The reasons are that—

- (a) B has—
  - (i) brought proceedings against A or any other person under this Act [<sup>F21</sup>or Part III of the 2005 Order] ; or
  - (ii) given evidence or information in connection with such proceedings brought by any person; or
  - (iii) otherwise done anything under [<sup>F22</sup>, or by reference to,] this Act [<sup>F21</sup>or Part III of the 2005 Order] in relation to A or any other person; or
  - (iv) alleged that A or any other person has (whether or not the allegation so states) contravened this Act [<sup>F21</sup>or Part III of the 2005 Order] ; or
- (b) A believes or suspects that B has done or intends to do any of those things.

(3) Where B is a disabled person, or a person who has had a disability, the disability in question shall be disregarded in comparing his circumstances with those of any other person for the purposes of subsection (1)(a).

[<sup>F23</sup>(3A) For the purposes of Chapter I of Part III of the 2005 Order—

- (a) references in subsection (2) to B include references to—
  - (i) a person who is, for the purposes of that Chapter, B’s parent; and
  - (ii) a sibling of B; and
- (b) references in that subsection to this Act or Part III of the 2005 Order are, as respects a person mentioned in sub-paragraph (i) or (ii) of paragraph (a), to be read as references to that Chapter.]

(4) Subsection (1) does not apply to treatment of a person because of an allegation made by him if the allegation was false and not made in good faith.

[<sup>F24</sup>(5) In the case of an act which constitutes discrimination by virtue of this section, sections 4, 4B, 4D, 4G, 6A, 7A, 13, 14A, 14C [<sup>F25</sup>, 15B] and 16A also apply to discrimination against a person who is not disabled.

(6) <sup>F26</sup> .....]]

### Extent Information

**E3** 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 does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

### Textual Amendments

**F19** 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.](#)

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

- 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)**
- F20** Words in s. 55(1) 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. 23(2)**; S.R. 2007/466, **art. 2(I)**
- F21** Words in s. 55(2) 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(7)**; 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.
- F22** Words in s. 55(2)(a)(iii) 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. 23(3)**; S.R. 2007/466, **art. 2(I)**
- F23** S. 55(3A) 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(8)** (with art. 47); 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.
- F24** S. 55(5)(6) inserted (N.I.) (21.2.2004 for specified purposes, otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) (S.R. 2004/55), regs. 1(2)(3), {21}
- F25** Words in s. 55(5) 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. 23(4)**; S.R. 2007/466, **art. 2(I)**
- F26** S. 55(6) repealed (N.I.) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19, Sch. 1 para. 23(4), **Sch. 2**; S.R. 2007/466, **art. 2(2)(I)(n)**

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

- C2** S. 55 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**

**[<sup>F27</sup>56 Help for aggrieved persons in obtaining information etc.**

[<sup>F28</sup>(1) For the purposes of this section—

- (a) a person who considers that he may have been—
    - (i) discriminated against in contravention of Part II or III, or
    - (ii) subjected to harassment in contravention of Part II or section 21A(2),is referred to as “the person aggrieved”; and
  - (b) a person against whom the person aggrieved may decide to institute, or has instituted, proceedings in respect of such discrimination or harassment is referred to as “the respondent”.
- (2) With a view to helping the person aggrieved decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the Office shall by order prescribe—
- (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
  - (b) forms by which the respondent may if he so wishes reply to any questions.
- (3) Where the person aggrieved questions the respondent in accordance with forms prescribed by an order under subsection (2)—
- (a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II or III;
  - (b) if it appears to the court or tribunal in any such proceedings—

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- (i) that the respondent deliberately, and without reasonable excuse, omitted to reply within the period of eight weeks beginning with the day on which the question was served on him, or
- (ii) that the respondent's reply is evasive or equivocal,
- it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent committed an unlawful act.
- (4) The Office may by order—
- (a) prescribe the period within which questions must be duly served in order to be admissible under subsection (3)(a); and
  - (b) prescribe the manner in which a question, and any reply by the respondent, may be duly served.
- (5) County court rules may enable a court entertaining a claim under section 25 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.
- (6) In proceedings in respect of a section 21B claim, subsection (3)(b) does not apply in relation to a failure to reply, or a particular reply, if the following conditions are met—
- (a) that at the time of doing any relevant act, the respondent was carrying out public investigator functions or was a public prosecutor; and
  - (b) that the respondent reasonably believes that a reply or (as the case may be) a different reply would be likely to prejudice any criminal investigation, any decision to institute criminal proceedings or any criminal proceedings or would reveal the reasons behind a decision not to institute, or a decision not to continue, criminal proceedings.
- (7) The Office may by regulations provide for this section not to have effect, or to have effect with prescribed modifications, in relation to section 21B claims of a prescribed description.
- (8) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court or industrial tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (9) In this section “section 21B claim” means a claim under section 25 by virtue of section 21B.]]

#### Extent Information

- E4** 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 does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### Textual Amendments

- F27** S. 56 substituted (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, 17; [S.R. 2006/289](#), art. 2(2)(d); [S.R. 2007/466](#), art. 2(2)(k)
- 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.](#)



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

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

**I3** S. 56 wholly in force at 11.7.1996; s. 56 not in force at Royal assent see s. 70(3); s. 56 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I**

## 57 Aiding unlawful acts.

[<sup>F29</sup>(1) A person who knowingly aids another person to do an [<sup>F30</sup>unlawful act][<sup>F30</sup>act made unlawful by this Act] is to be treated for the purposes of this Act as himself doing the same kind of unlawful act.

(2) For the purposes of subsection (1), an employee or agent for whose act the employer or principal is liable under section 58 (or would be so liable but for section 58(5)) shall be taken to have aided the employer or principal to do the act.

(3) For the purposes of this section, a person does not knowingly aid another to do an unlawful act if—

- (a) he acts in reliance on a statement made to him by that other person that, because of any provision of this Act, the act would not be unlawful; and
- (b) it is reasonable for him to rely on the statement.

(4) A person who knowingly or recklessly makes such a statement which is false or misleading in a material respect is guilty of an offence.

(5) Any person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[<sup>F31</sup>(6) “Unlawful act” means an act made unlawful by any provision of this Act other than a provision contained in Chapter 1 of Part 4.]]

#### Extent Information

**E5** 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

**F29** 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)**

**F30** S. 57(1): words “unlawful act” substituted for words “act made unlawful by this Act” (E.W.S.) (1.9.2002) by **2001 c. 10, s. 38(9)** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**

**F31** S. 57(6) inserted (E.W.S.) (1.9.2002) by **2001 c. 10, s. 38(10)** (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. I**

## 58 Liability of employers and principals.

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

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- [<sup>F32</sup>(1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as also done by his employer, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority of that other person shall be treated for the purposes of this Act as also done by that other person.
- (3) Subsection (2) applies whether the authority was—
- (a) express or implied; or
  - (b) given before or after the act in question was done.
- (4) Subsections (1) and (2) do not apply in relation to an offence under section 57(4).
- (5) In proceedings under this Act against any person in respect of an act alleged to have been done by an employee of his, it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from—
- (a) doing that act; or
  - (b) doing, in the course of his employment, acts of that description.]

#### Extent Information

- E6** 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

- F32** 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\(h\)](#)

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

- C3** [S. 58](#) applied (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 4 para. 4\(3\)\(4\)](#); [S.I. 2013/1682](#), [art. 3\(k\)](#)

## 59 Statutory authority and national security etc.

- [<sup>F33</sup>(1) Nothing in this Act makes unlawful any act done—
- (a) in pursuance of any enactment; or
  - [<sup>F34</sup>(b) in pursuance of any instrument made under any enactment by—
    - (i) a Minister of the Crown,
    - (ii) a member of the Scottish Executive, <sup>F35</sup> . . .
    - (iii) the National Assembly for Wales [<sup>F36</sup>constituted by the Government of Wales Act 1998, or
    - (iv) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.]
- or
- (c) to comply with any condition or requirement—
    - (i) imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment,

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

- (ii) imposed by a member of the Scottish Executive (whether before or after the coming into force of this sub-paragraph) by virtue of any enactment,<sup>F37</sup> . . .
  - (iii) imposed by the National Assembly for Wales [<sup>F38</sup>constituted by the Government of Wales Act 1998](whether before or after the coming into force of this sub-paragraph) by virtue of any enactment<sup>F39</sup> or
  - (iv) imposed by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.]]
- (2) In subsection (1) “enactment” includes one passed or made after the date on which this Act is passed and “instrument” includes one made after that date.

[<sup>F40</sup>(2A) Nothing in –

- (a) Part II, or
- (b) Part III to the extent that it relates to the provision of employment services, makes unlawful any act done for the purpose of safeguarding national security if the doing of the act was justified by that purpose.]

[<sup>F41</sup>(2A) Nothing in—

- (a) Part 2 of this Act, or
- (b) Part 3 of this Act to the extent that it relates to the provision of employment services, makes unlawful any act done for the purpose of safeguarding national security if the doing of the act was justified by that purpose.]

- (3) Nothing in [<sup>F42</sup>any other provision of] this Act makes unlawful any act done for the purpose of safeguarding national security.]

#### Extent Information

- E7** 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

- 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\(h\)](#)
- F34** [S. 59\(1\)\(b\)\(c\)](#) substituted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 30](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#);
- F35** Word in [s. 59\(1\)\(b\)\(ii\)](#) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1, 3, [Sch. 1 para. 61\(2\)](#), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [s. 161\(5\)](#) of the [Government of Wales Act 2006](#).
- F36** [S. 59\(1\)\(b\)\(iv\)](#) and preceding words inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1, 3, [Sch. 1 para. 61\(3\)](#), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [s. 161\(5\)](#) of the [Government of Wales Act 2006](#).

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

- F37** Word in s. 59(1)(c)(ii) omitted by virtue of The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1, 3, **Sch. 1 para. 61(4)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(4) of the Government of Wales Act 2006.
- F38** Words in s. 59(1)(c)(iii) inserted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1, 3, **Sch. 1 para. 61(5)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(5) of the Government of Wales Act 2006.
- F39** S. 59(1)(c)(iv) and preceding word inserted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 61(6)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(5) of the Government of Wales Act 2006.
- F40** S. 59(2A) inserted (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(2)(3), **23(a)**
- F41** S. 59(2A) inserted (E.W.S.) (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), **23(a)**
- F42** Words in s. 59(3) 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), **23(b)** and said words 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), **23(b)**

#### Commencement Information

- I4** S. 59 wholly in force at 30.5.1996; s. 59 not in force at Royal Assent see s. 70(3); s. 59 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(f)**; s. 59 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(f)**

#### [<sup>F43</sup>59A National security

- [<sup>F44</sup>(1) Rules of court may make provision for enabling a county court or sheriff court in which a claim is brought in respect of alleged discrimination contrary to this Act (including anything treated by virtue of this Act as amounting to discrimination contrary to this Act), where the court considers it expedient in the interests of national security—
- (a) to exclude from all or part of the proceedings—
    - (i) the claimant;
    - (ii) the claimant's representatives;
    - (iii) any assessors;
  - (b) to permit a claimant or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or the part of the proceedings, from which he is excluded;
  - (c) to take steps to keep secret all or part of the reasons for the court's decision in the proceedings.
- (2) The Attorney General or, in Scotland, the Advocate General for Scotland, may appoint a person to represent the interests of a claimant in, or in any part of, proceedings from which the claimant or his representatives are excluded by virtue of subsection (1).

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- (3) A person may be appointed under subsection (2) only—
- (a) in relation to proceedings in England and Wales, if he has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)), or
  - (b) in relation to proceedings in Scotland, if he is—
    - (i) an advocate, or
    - (ii) qualified to practice as a solicitor in Scotland.
- (4) A person appointed under subsection (2) shall not be responsible to the person whose interests he is appointed to represent.]]

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**Extent Information**

- E8** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only.

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**Textual Amendments**

- F43** [S. 59A](#) inserted (18.4.2006) by [Equality Act 2006 \(c. 3\)](#), [ss. 89, 93](#), (with [s. 92](#)); [S.I. 2006/1082](#), [art. 2\(j\)](#)
- F44** 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\(h\)](#)

**Changes to legislation:**

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