

*Status: Point in time view as at 30/06/2005.*

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

## SCHEDULES

### SCHEDULE 1

#### PROVISIONS SUPPLEMENTING SECTION 1

##### **Extent Information**

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

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

- C1** S. 1, Sch. 1 applied (N.I.) (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order (S.I. 2005/1117 (N.I. 6)), {art. 2(3)}

#### *Persons deemed to be disabled*

- 6A (1) Subject to sub-paragraph (2), a person who has cancer, HIV infection or multiple sclerosis is to be deemed to have a disability, and hence to be a disabled person.
- (2) Regulations may provide for sub-paragraph (1) not to apply in the case of a person who has cancer if he has cancer of a prescribed description.
- (3) A description of cancer prescribed under sub-paragraph (2) may (in particular) be framed by reference to consequences for a person of his having it.
- 7 (1) Sub-paragraph (2) applies to any person whose name is, both on 12th January 1995 and on the date when this paragraph comes into force, in the register of disabled persons maintained under section 6 of the <sup>M</sup>Disabled Persons (Employment) Act 1944.
- (2) That person is to be deemed—
- (a) during the initial period, to have a disability, and hence to be a disabled person; and
- (b) afterwards, to have had a disability and hence to have been a disabled person during that period.
- (3) A certificate of registration shall be conclusive evidence, in relation to the person with respect to whom it was issued, of the matters certified.
- (4) Unless the contrary is shown, any document purporting to be a certificate of registration shall be taken to be such a certificate and to have been validly issued.
- (5) Regulations may provide for prescribed descriptions of person to be deemed to have disabilities, and hence to be disabled persons, for the purposes of this Act.

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[<sup>F1</sup>(5A) The generality of sub-paragraph (5) shall not be taken to be prejudiced by the other provisions of this Schedule.]

(6) Regulations may prescribe circumstances in which a person who has been deemed to be a disabled person by the provisions of sub-paragraph (1) or regulations made under sub-paragraph (5) is to be treated as no longer being deemed to be such a person.

(7) In this paragraph—

“certificate of registration” means a certificate issued under regulations made under section 6 of the Act of 1944; and

“initial period” means the period of three years beginning with the date on which this paragraph comes into force.

#### **Textual Amendments**

**F1** Sch. 1 para. 7(5A) inserted (E.W.S.) (30.6.2005 for certain purposes, otherwise 5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {18(4)}, 20(3)-(6); [S.I. 2005/1676, art. 2\(2\)\(f\)](#); [S.I. 2005/2774, art. 3\(i\)](#) and said Sch. 1 para. 7(5A) inserted (N.I.) (3.7.2006 for certain purposes and otherwise 31.10.2007) by [The Disability Discrimination \(Northern Ireland\) Order \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, {18(4)}; [S.R. 2006/289, art. 2\(2\)\(e\)](#); [S.R. 2007/430, art. 2\(a\)](#)

#### **Marginal Citations**

**M1** 1944 c. 10.

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