

SCHEDULES

SCHEDULE 1

Section 1(1).

PROVISIONS SUPPLEMENTING SECTION 1

Impairment

- 1 (1) “Mental impairment” includes an impairment resulting from or consisting of a mental illness only if the illness is a clinically well-recognised illness.
- (2) Regulations may make provision, for the purposes of this Act—
 - (a) for conditions of a prescribed description to be treated as amounting to impairments;
 - (b) for conditions of a prescribed description to be treated as not amounting to impairments.
- (3) Regulations made under sub-paragraph (2) may make provision as to the meaning of “condition” for the purposes of those regulations.

Long-term effects

- 2 (1) The effect of an impairment is a long-term effect if—
 - (a) it has lasted at least 12 months;
 - (b) the period for which it lasts is likely to be at least 12 months; or
 - (c) it is likely to last for the rest of the life of the person affected.
- (2) Where an impairment ceases to have a substantial adverse effect on a person’s ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect is likely to recur.
- (3) For the purposes of sub-paragraph (2), the likelihood of an effect recurring shall be disregarded in prescribed circumstances.
- (4) Regulations may prescribe circumstances in which, for the purposes of this Act—
 - (a) an effect which would not otherwise be a long-term effect is to be treated as such an effect; or
 - (b) an effect which would otherwise be a long-term effect is to be treated as not being such an effect.

Severe disfigurement

- 3 (1) An impairment which consists of a severe disfigurement is to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities.
- (2) Regulations may provide that in prescribed circumstances a severe disfigurement is not to be treated as having that effect.

Status: This is the original version (as it was originally enacted).

- (3) Regulations under sub-paragraph (2) may, in particular, make provision with respect to deliberately acquired disfigurements.

Normal day-to-day activities

- 4 (1) An impairment is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities only if it affects one of the following—
- (a) mobility;
 - (b) manual dexterity;
 - (c) physical co-ordination;
 - (d) continence;
 - (e) ability to lift, carry or otherwise move everyday objects;
 - (f) speech, hearing or eyesight;
 - (g) memory or ability to concentrate, learn or understand; or
 - (h) perception of the risk of physical danger.
- (2) Regulations may prescribe—
- (a) circumstances in which an impairment which does not have an effect falling within sub-paragraph (1) is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities;
 - (b) circumstances in which an impairment which has an effect falling within sub-paragraph (1) is to be taken not to affect the ability of the person concerned to carry out normal day-to-day activities.

Substantial adverse effects

- 5 Regulations may make provision for the purposes of this Act—
- (a) for an effect of a prescribed kind on the ability of a person to carry out normal day-to-day activities to be treated as a substantial adverse effect;
 - (b) for an effect of a prescribed kind on the ability of a person to carry out normal day-to-day activities to be treated as not being a substantial adverse effect.

Effect of medical treatment

- 6 (1) An impairment which would be likely to have a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities, but for the fact that measures are being taken to treat or correct it, is to be treated as having that effect.
- (2) In sub-paragraph (1) “measures” includes, in particular, medical treatment and the use of a prosthesis or other aid.
- (3) Sub-paragraph (1) does not apply—
- (a) in relation to the impairment of a person’s sight, to the extent that the impairment is, in his case, correctable by spectacles or contact lenses or in such other ways as may be prescribed; or
 - (b) in relation to such other impairments as may be prescribed, in such circumstances as may be prescribed.

Status: This is the original version (as it was originally enacted).

Persons deemed to be disabled

- 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 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.
- (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.

Progressive conditions

- 8 (1) Where—
- (a) a person has a progressive condition (such as cancer, multiple sclerosis or muscular dystrophy or infection by the human immunodeficiency virus),
 - (b) as a result of that condition, he has an impairment which has (or had) an effect on his ability to carry out normal day-to-day activities, but
 - (c) that effect is not (or was not) a substantial adverse effect,
- he shall be taken to have an impairment which has such a substantial adverse effect if the condition is likely to result in his having such an impairment.
- (2) Regulations may make provision, for the purposes of this paragraph—
- (a) for conditions of a prescribed description to be treated as being progressive;
 - (b) for conditions of a prescribed description to be treated as not being progressive.