

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 21E. (See end of Document for details)



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

^{F1} [^{F2}Public authorities]

[^{F2}21E Duties for purposes of section 21D(2) to make adjustments **E+W+S**

^{F3}]

Extent Information

E1 This section extended to England, Wales and Scotland only; a separate s. 21E exists for Northern Ireland only.

Textual Amendments

F2 Ss. 21B-21E and cross-heading inserted (E.W.S.) (30.6.2005 for ss. 21D and 21E for the purpose only of exercising any power to make regulations, orders or rules of court and otherwise 4.12.2006 for all remaining purposes and for all inserted sections) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {2}, 20(3)-(6); [S.I. 2005/1676](#), [art. 2\(2\)\(a\)](#); [S.I. 2005/2774](#), [art. 4\(a\)](#)

F3 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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\(h\)](#)

[^{F1}21E Duty for purposes of section 21D(2) to make adjustments **N.I.**

(1) Subsection (2) applies where a public authority has a practice, policy or procedure which makes it—

(a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or

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- (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected, by the carrying-out of a function by the authority.
- (2) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to change that practice, policy or procedure so that it no longer has that effect.
- (3) Subsection (4) applies where a physical feature makes it—
- (a) impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred, or
 - (b) unreasonably adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected, by the carrying-out of a function by a public authority.
- (4) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to—
- (a) remove the feature;
 - (b) alter it so that it no longer has that effect;
 - (c) provide a reasonable means of avoiding the feature; or
 - (d) adopt a reasonable alternative method of carrying out the function.
- (5) Regulations may prescribe—
- (a) matters which are to be taken into account in determining whether any provision of a kind mentioned in subsection (4)(c) or (d) is reasonable;
 - (b) categories of public authorities to whom subsection (4) does not apply.
- (6) Subsection (7) applies where an auxiliary aid or service would—
- (a) enable disabled persons to receive, or facilitate the receiving by disabled persons of, any benefit that is or may be conferred, or
 - (b) reduce the extent to which it is adverse for disabled persons to experience being subjected to any detriment to which a person is or may be subjected, by the carrying-out of a function by a public authority.
- (7) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to provide that auxiliary aid or service.
- (8) Regulations may make provision, for purposes of this section—
- (a) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a public authority to have to take steps of a prescribed description;
 - (b) as to steps which it is always, or as to steps which it is never, reasonable for a public authority to have to take;
 - (c) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
 - (d) as to things which are, or as to things which are not, to be treated as physical features;
 - (e) as to things which are, or as to things which are not, to be treated as auxiliary aids or services.

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- (9) Nothing in this section requires a public authority to take any steps which, apart from this section, it has no power to take.
- (10) This section imposes duties only for the purposes of determining whether a public authority has, for the purposes of section 21B(1), discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.]

Extent Information

E2 This section extends to Northern Ireland only; a separate s. 21E for England, Wales and Scotland only repealed (1.10.2010).

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