Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

Premises

24   Meaning of "discrimination"

(1) For the purposes of section 22, a person ("A") discriminates against a disabled person if—

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

(2) For the purposes of this section, treatment is justified only if—

(a) in A's opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and

(b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.

(3) The conditions are that—

(a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);

(b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;

(c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;

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(d)   in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.

(4) Regulations may make provision, for purposes of this section, as to circumstances in which—

   (a)   it is reasonable for a person to hold the opinion mentioned in subsection 2(a);

   (b)   it is not reasonable for a person to hold that opinion.

(5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.