



Disability Discrimination Act 1995

1995 CHAPTER 50

PART I

DISABILITY

3 Guidance.

[^{F1}[^{F2}(A1) The Office may issue guidance about matters to be taken into account in determining whether a person is a disabled person.]

- (1) [^{F3}Without prejudice to the generality of subsection (A1), the Office may, in particular,] issue guidance about the matters to be taken into account in determining—
 - (a) whether an impairment has a substantial adverse effect on a person's ability to carry out normal day-to-day activities; or
 - (b) whether such an impairment has a long-term effect.
- (2) [^{F4}Without prejudice to the generality of subsection (A1), guidance about the matters mentioned in subsection (1)] may, among other things, give examples of—
 - (a) effects which it would be reasonable, in relation to particular activities, to regard for purposes of this Act as substantial adverse effects;
 - (b) effects which it would not be reasonable, in relation to particular activities, to regard for such purposes as substantial adverse effects;
 - (c) substantial adverse effects which it would be reasonable to regard, for such purposes, as long-term;
 - (d) substantial adverse effects which it would not be reasonable to regard, for such purposes, as long-term.
- (3) A tribunal or court determining, for any purpose of this Act [^{F5}or Part III of the 2005 Order], whether [^{F6}a person is a disabled person], shall take into account any guidance which appears to it to be relevant.

[^{F7}(4) In preparing a draft of any guidance, the Department shall consult such persons as it considers appropriate.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 3. (See end of Document for details)

- (5) Where the Department proposes to issue any guidance, the Department shall publish a draft of it, consider any representations that are made to the Department about the draft and, if the Department thinks it appropriate, modify its proposals in the light of any of those representations.
- (6) If the Department decides to proceed with any proposed guidance, the Department shall lay a draft of it before the Assembly.
- (7) If, within the statutory period, the Assembly resolves not to approve the draft, the Department shall take no further steps in relation to the proposed guidance.
- (8) If no such resolution is made within the statutory period, the Department shall issue the guidance in the form of its draft.
- (9) The guidance shall come into force on such date as the Department may by order appoint.
- (10) Subsection (7) does not prevent a new draft of the proposed guidance being laid before the Assembly.
- (11) The Department may—
- (a) from time to time revise the whole or any part of any guidance and re-issue it ;
 - (b) by order revoke any guidance.
- (12) In this section—
- “the Department” means the Department of Economic Development;
- “guidance” means guidance issued by the Department under this section and includes guidance which has been revised and re-issued;
- “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.]]

Extent Information

- E1** 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 incorporates the N.I. modifications set out in Sch. 8. 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

- F1** 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\(h\)](#)
- F2** [S. 3\(A1\)](#) inserted (N.I.) (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. 3\(2\)](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F3** Words in [s. 3\(1\)](#) substituted (N.I.) (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. 3\(3\)](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F4** Words in [s. 3\(2\)](#) substituted (N.I.) (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. 3\(4\)](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F5** Words in [s. 3\(3\)](#) inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by [The Special Educational Needs and Disability \(Northern Ireland\) Order \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1(2)(d)

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 3. (See end of Document for details)

(3)(b), {48(4)}; 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.

F6 Words in s. 3(3) substituted (N.I.) (31.10.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 3(5)**; S.R. 2007/430, **art. 2(c)**

F7 S. 3(4)-(12) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 2(2) of this Act

Commencement Information

I1 S. 3 wholly in force at 30.5.1996; s. 3 not in force at Royal Assent see. s. 70(3); s. 3 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(c)**; s. 3 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(c)**

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