



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *Rail vehicles*

PROSPECTIVE

#### **[<sup>F1</sup>47J Penalties under sections 47D to 47H: amount, due date and recovery** **E+W+S**

- [<sup>F2</sup>(1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) The amount of a penalty—
- (a) must not exceed the maximum prescribed for the purposes of this subsection; and
  - (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.
- (3) For the purposes of subsection (2)(b), a person’s turnover shall be determined in accordance with regulations.
- (4) A penalty must be paid to the Secretary of State before the end of the prescribed period.
- (5) Any sum payable to the Secretary of State as a penalty may be recovered by the Secretary of State as a debt due to him.
- (6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
- (a) liability to the imposition of the penalty; or
  - (b) its amount.

*Status: There are multiple prospective 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 47J. (See end of Document for details)*

- (7) Any sum paid to the Secretary of State as a penalty shall be paid by him into the Consolidated Fund.
- (8) The Secretary of State shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.
- (9) The Secretary of State may from time to time revise the whole or any part of the code and issue the code as revised.
- (10) Before issuing the first or a revised version of the code, the Secretary of State shall lay a draft of that version before Parliament.
- (11) After laying the draft of a version of the code before Parliament, the Secretary of State may bring that version of the code into operation by order.
- (12) The Secretary of State shall have regard to the code (in addition to any other matters he thinks relevant)—
  - (a) when imposing a penalty; and
  - (b) when considering under section 47K(6) a notice of objection under section 47K(4).]]

#### Extent Information

- E1** This section extended to England, Wales and Scotland only; a separate s. 47J exists for Northern Ireland only.

#### Textual Amendments

- F1** [Ss. 47D-47M](#) inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F2** 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\(h\)](#)

### [<sup>F3</sup>47J Penalties under sections 47D to 47H: amount, due date and recovery **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) The amount of a penalty—
  - (a) must not exceed the maximum prescribed for the purposes of this subsection; and
  - (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.
- (3) For the purposes of subsection (2)(b), a person's turnover shall be determined in accordance with regulations.
- (4) A penalty must be paid to the Department for Regional Development before the end of the prescribed period.
- (5) Any sum payable to the Department for Regional Development as a penalty may be recovered by that Department as a debt due to it.

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*Status: There are multiple prospective 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 47J. (See end of Document for details)*

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- (6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
  - (a) liability to the imposition of the penalty; or
  - (b) its amount.
- (7) Any sum paid to the Department for Regional Development as a penalty shall be paid by it into the Consolidated Fund.
- (8) The Department for Regional Development shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.
- (9) The Department for Regional Development may from time to time revise the whole or any part of the code and issue the code as revised.
- (10) Before issuing the first or a revised version of the code, the Department for Regional Development shall lay a draft of that version before the Assembly.
- (11) After laying the draft of a version of the code before the Assembly, the Department for Regional Development may bring that version of the code into operation by order.
- (12) The Department for Regional Development shall have regard to the code (in addition to any other matters it thinks relevant)—
  - (a) when imposing a penalty; and
  - (b) when considering under section 47K(6) a notice of objection under section 47K(4).]

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#### Textual Amendments

- F3** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **10(1)**

**Status:**

There are multiple prospective 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 47J.