



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Rail vehicles

PROSPECTIVE

[^{F1}47K Penalties under sections 47D to 47H: procedure **E+W+S**

- [^{F2}(1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) If the Secretary of State decides that a person is liable to a penalty, the Secretary of State must notify the person of the decision.
- (3) A notification under subsection (2) must—
- state the Secretary of State’s reasons for deciding that the person is liable to the penalty;
 - state the amount of the penalty;
 - specify the date before which, and the manner in which, the penalty must be paid; and
 - include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
- he is not liable to the imposition of a penalty, or
 - the amount of the penalty is too high,
- the person may give a notice of objection to the Secretary of State.
- (5) A notice of objection must—

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 47K. (See end of Document for details)

- (a) be in writing;
 - (b) give the objector's reasons; and
 - (c) be given before the end of the prescribed period.
- (6) Where the Secretary of State receives a notice of objection to a penalty in accordance with this section, he shall consider it and—
- (a) cancel the penalty;
 - (b) reduce the penalty; or
 - (c) determine to do neither of those things.
- (7) Where the Secretary of State considers under subsection (6) a notice of objection under subsection (4), he shall—
- (a) inform the objector of his decision before the end of the prescribed period or such longer period as he may agree with the objector; and
 - (b) if he reduces the penalty, notify the objector of the reduced amount.]]

Extent Information

- E1** This section extended to England, Wales and Scotland only; a separate s. 47K 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- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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\(h\)](#)

[^{F3}47K Penalties under sections 47D to 47H: procedure **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) If the Department for Regional Development decides that a person is liable to a penalty, that Department must notify the person of the decision.
- (3) A notification under subsection (2) must—
- (a) state that Department's reasons for deciding that the person is liable to the penalty;
 - (b) state the amount of the penalty;
 - (c) specify the date before which, and the manner in which, the penalty must be paid; and
 - (d) include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
- (a) he is not liable to the imposition of a penalty, or
 - (b) the amount of the penalty is too high,

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the person may give a notice of objection to the Department for Regional Development.

- (5) A notice of objection must—
- (a) be in writing;
 - (b) give the objector's reasons; and
 - (c) be given before the end of the prescribed period.
- (6) Where the Department for Regional Development receives a notice of objection to a penalty in accordance with this section, that Department shall consider it and—
- (a) cancel the penalty;
 - (b) reduce the penalty; or
 - (c) determine to do neither of those things.
- (7) Where the Department for Regional Development considers under subsection (6) a notice of objection under subsection (4), it shall—
- (a) inform the objector of its decision before the end of the prescribed period or such longer period as it may agree with the objector; and
 - (b) if it reduces the penalty, notify the objector of the reduced amount.]

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)**

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Changes to legislation:

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