



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### **61 Amendment of Disabled Persons (Employment) Act 1944.**

[<sup>F1</sup>(1) Section 15 of the <sup>M1</sup>Disabled Persons (Employment) Act 1944 (which gives the Secretary of State power to make arrangements for the provision of supported employment) is amended as set out in subsections (2) to (5).

(2) In subsection (1)—

- (a) for “persons registered as handicapped by disablement” substitute “ disabled persons ”;
- (b) for “their disablement” substitute “ their disability ”; and
- (c) for “are not subject to disablement” substitute “ do not have a disability ”.

(3) In subsection (2), for the words from “any of one or more companies” to “so required and prohibited” substitute “ any company, association or body ”.

(4) After subsection (2) insert—

“(2A) The only kind of company which the Minister himself may form in exercising his powers under this section is a company which is—

- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
- (b) prohibited by its constitution from paying any dividend to its members.”

(5) After subsection (5) insert—

“(5A) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 61. (See end of Document for details)*

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- (b) “disability” has the same meaning as in that Act.”
- (6) The provisions of section 16 (preference to be given under section 15 of that Act to ex-service men and women) shall become subsection (1) of that section and at the end insert—
- “and whose disability is due to that service.
- (2) For the purposes of subsection (1) of this section, a disabled person’s disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.”
- (7) The following provisions of the Act of 1944 shall cease to have effect—
- (a) section 1 (definition of “disabled person”);
  - (b) sections 6 to 8 (the register of disabled persons);
  - (c) sections 9 to 11 (obligations on employers with substantial staffs to employ a quota of registered persons);
  - (d) section 12 (the designated employment scheme for persons registered as handicapped by disablement);
  - (e) section 13 (interpretation of provisions repealed by this Act);
  - (f) section 14 (records to be kept by employers);
  - (g) section 19 (proceedings in relation to offences); and
  - (h) section 21 (application as respects place of employment, and nationality).
- (8) Any provision of subordinate legislation in which “disabled person” is defined by reference to the Act of 1944 shall be construed as if that expression had the same meaning as in this Act.
- (9) Subsection (8) does not prevent the further amendment of any such provision by subordinate legislation.]

#### Extent Information

- E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 41; see [s. 70\(6\)](#)

#### 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\(h\)](#)

#### Commencement Information

- I1** [S. 61](#) wholly in force at 2.12.1996; [s. 61](#) not in force at Royal Assent see [s. 70\(3\)](#); [s. 61](#) in force at 2.12.1996 by [S.I. 1996/1474, art. 2\(3\), Sch. Pt. III](#) (with [art. 3](#))

#### Marginal Citations

- M1** 1944 c. 10.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 61.