



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VIII

#### MISCELLANEOUS

#### 68 Interpretation.

[<sup>F1</sup>[<sup>F2</sup>(1) In this Act—

“accessibility certificate” means a certificate issued under section 41(1)(a);

“act” includes a deliberate omission;

“the Agency” means the Labour Relations Agency;

“approval certificate” means a certificate issued under section 42(4);

“the Assembly” means the Northern Ireland Assembly;

<sup>F3</sup>

[<sup>F4</sup>“criminal investigation” has the meaning given in subsection (1A);]

[<sup>F5</sup>“criminal proceedings” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);]

“the Department of Economic Development” means the Department of Economic Development in Northern Ireland;

“the Department of the Environment” means the Department of the Environment for Northern Ireland;

“the Department of Health and Social Services” means the Department of Health and Social Services for Northern Ireland;

“employment” means, subject to any prescribed provision, employment under a contract of service or of apprenticeship or a contract personally to do work and related expressions are to be construed accordingly;

[<sup>F6</sup>“employment at an establishment in Northern Ireland” is to be construed in accordance with subsections (2) to (4)]

[<sup>F7</sup>“employment services” has the meaning given in section 21A(1);]

“enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 [<sup>F8</sup>, and (except

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in section 56(5)) includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament];

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

[<sup>F9</sup>“group insurance arrangement” means an arrangement between an employer and another for the provision by the other of facilities by way of insurance to the employer's employees or to any class of those employees;]

[<sup>F10</sup>“Minister of the Crown” includes the Treasury and the Defence Council]

“Northern Ireland department” includes (except in sections 51 and 52) the head of a Northern Ireland department;

“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993;

[<sup>F11</sup>“the Office” means the Office of the First Minister and deputy First Minister;]

“premises”, includes land of any description;

“prescribed” means prescribed by regulations;

“profession” includes any vocation or occupation;

“provider of services” has the meaning given in section 19(2)(b);

[<sup>F12</sup>“public investigator functions” has the meaning given in subsection (1B);]

“public service vehicle” and “regulated public service vehicle” have the meaning given in section 40;

“PSV accessibility regulations” means regulations made under section 40(1);

“rail vehicle” and “regulated rail vehicle” have the meaning given in section 46;

“rail vehicle accessibility regulations” means regulations made under section 46(1);

“regulations” means—

(a) [<sup>F13</sup>in section 17A, regulations made by the Department for Employment and Learning;]

(b) in Part V of this Act, regulations made by the Department of the Environment;

(c) [<sup>F14</sup>in any other provision of this Act, regulations made by the Office of the First Minister and deputy First Minister:]

<sup>F3</sup> .....

<sup>F3</sup> .....

“section 21 duty” means any duty imposed by or under section 21;

“taxi” and “regulated taxi” have the meaning given in section 32;

“taxi accessibility regulations” means regulations made under section 32(1);

“trade” includes any business;

“trade organisation” has the meaning given in section 13;

[<sup>F15</sup>“the 2005 Order” means the Special Educational Needs and Disability (Northern Ireland) Order 2005;]

“vehicle examiner” means an officer of the Department of the Environment authorised by that Department for the purposes of sections 41 and 42.]

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- [<sup>F16</sup>(1A) In this Act “criminal investigation” means—
- (a) any investigation which a person in carrying out functions to which section 21B(1) applies has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with or prosecuted for an offence is guilty of it; or
  - (b) any investigation which is conducted by a person in carrying out functions to which section 21B(1) applies and which in the circumstances may lead to a decision by that person to institute criminal proceedings which the person has power to conduct.
- (1B) In this Act “public investigator functions” means functions of conducting criminal investigations or charging offenders.
- (1C) In subsections (1A) and (1B)—
- “offence” includes [<sup>F17</sup>any service offence within the meaning of the Armed Forces Act 2006], and
  - “offender” is to be construed accordingly.]
- [<sup>F18</sup>(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Northern Ireland if the employee –
- (a) does his work wholly or partly in Northern Ireland; or,
  - (b) does his work wholly outside Northern Ireland and subsection (2A) applies.
- (2A) This subsection applies if –
- (a) the employer has a place of business at an establishment in Northern Ireland;
  - (b) the work is for the purposes of the business carried on at the establishment; and
  - (c) the employee is ordinarily resident in Northern Ireland –
    - (i) at the time when he applies for or is offered the employment, or
    - (ii) at any time during the course of the employment.
- (2B) This subsection applies to a ship if –
- (a) it is registered at a port of registry in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2C) This subsection applies to an aircraft or hovercraft if –
- (a) it is –
    - (i) registered in the United Kingdom, and
    - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2D) The following are not to be regarded as being employment at an establishment in Northern Ireland –
- (a) employment on board a ship to which subsection (2B) does not apply;
  - (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.]
- (4) Employment of a prescribed kind, or in prescribed circumstances, is to be regarded as not being employment at an establishment in [<sup>F19</sup>Northern Ireland].

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(5) <sup>F20</sup> ..... ]

### 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 and incorporates the N.I. modifications set out in Sch. 8 para. 47. 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. 68(1) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F3** S. 68(1): definition of "benefits", "section 6 duty" and "section 15 duty" omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [27\(a\)\(i\)](#)
- F4** S. 68(1): definition of "criminal investigation" inserted (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. 26\(2\)](#); [S.R. 2007/430](#), [art. 2\(b\)](#)
- F5** S. 68(1): definition of "criminal proceedings" substituted (28.3.2009 for certain puposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378, 383](#), [Sch. 16 para. 134\(a\)](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- F6** S. 68(1): definition of "employment at an establishment in Northern Ireland" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [27\(a\)\(ii\)](#)
- F7** S. 68(1): definition of "employment services" inserted (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. 26\(2\)](#); [S.R. 2007/430](#), [art. 2\(b\)](#)
- F8** S. 68(1): words in the definition of "enactment" inserted (27.7.2000) by [S.I. 2000/2040](#), [arts. 1\(1\), 2\(1\)](#), [Sch. Pt. 1 para. 18](#) (with saving in [art. 3](#))
- F9** S. 68(1): definition of "group insurance arrangement" inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), [arts. 1, 12\(3\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(f\)](#)
- F10** S. 68(1): definition of "Minister of the Crown" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [27\(a\)\(iii\)](#)
- F11** S. 68(1): definition of "the Office" inserted (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. 26\(2\)](#); [S.R. 2007/430](#), [art. 2\(b\)](#)
- F12** S. 68(1): definition of "public investigator functions" inserted (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. 26\(2\)](#); [S.R. 2007/430](#), [art. 2\(b\)](#)
- F13** S. 68(1): para. (a) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [27\(a\)\(iv\)\(aa\)](#)

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- F14** S. 68(1): para. (c) in definition of "regulations" substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(a)(iv)(bb)**
- F15** S. 68(1): definition of "the 2005 Order" inserted (N.I.) (1.9.2005 for certain purposes, otherwise 16.1.2007) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, **48(11)**; 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.
- F16** S. 68(1A)-(1C) inserted (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. 26(3)**; S.R. 2007/430, **art. 2(b)**
- F17** S. 68(1C): words in definition of "offence" substituted (28.3.2009 for certain puposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 16 para. 134(b); S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F18** S. 68(2)-(2D) substituted for s. 68(2)(3) (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(b)**
- F19** Words in s. 68(2) substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 47(1) of this Act.
- F20** S. 68(5) omitted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **27(c)**

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#### **Modifications etc. (not altering text)**

- C1** S. 68(1) modified (24.4.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order \(S.I. 2009/1059\)](#), arts. 1, 205, {Sch. 1 para. 36(1)}
- C2** S. 68(1C) modified (24.4.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order \(S.I. 2009/1059\)](#), arts. 1, 205, {Sch. 1 para. 36(2)}

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#### **Commencement Information**

- I1** S. 68 wholly in force at 2.12.1996; s. 68 not in force at Royal Assent see s. 70(3); s. 68(1) in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(j)**; s. 68(1) in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(i)**; s. 68(2)-(5) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 68(2)-(5) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

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