



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

#### EMPLOYMENT

##### *Enforcement etc.*

#### **9 Validity of certain agreements**

- (1) Any term in a contract of employment or other agreement is void so far as it purports to—
  - (a) require a person to do anything which would contravene any provision of, or made under, this Part;
  - (b) exclude or limit the operation of any provision of this Part; or
  - (c) prevent any person from presenting a complaint to an industrial tribunal under this Part.
- (2) Paragraphs (b) and (c) of subsection (1) do not apply to an agreement not to institute proceedings under section 8(1), or to an agreement not to continue such proceedings, if—
  - (a) a conciliation officer has acted under paragraph 1 of Schedule 3 in relation to the matter; or
  - (b) the conditions set out in subsection (3) are satisfied.
- (3) The conditions are that—
  - (a) the complainant must have received independent legal advice from a qualified lawyer as to the terms and effect of the proposed agreement (and in particular its effect on his ability to pursue his complaint before an industrial tribunal);
  - (b) when the adviser gave the advice there must have been in force a policy of insurance covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice; and
  - (c) the agreement must be in writing, relate to the particular complaint, identify the adviser and state that the conditions are satisfied.

(4) In this section—

“independent”, in relation to legal advice to the complainant, means that it is given by a lawyer who is not acting for the other party or for a person who is connected with that other party; and

“qualified lawyer” means—

- (a) as respects proceedings in England and Wales, a barrister (whether in practice as such or employed to give legal advice) or a solicitor of the Supreme Court who holds a practising certificate; and
- (b) as respects proceedings in Scotland, an advocate (whether in practice as such or employed to give legal advice) or a solicitor who holds a practising certificate.

(5) For the purposes of subsection (4), any two persons are to be treated as connected if—

- (a) one is a company of which the other (directly or indirectly) has control, or
- (b) both are companies of which a third person (directly or indirectly) has control.