

*Status: Point in time view as at 18/01/2011.*

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## SCHEDULES

### SCHEDULE 8

#### WORK: REASONABLE ADJUSTMENTS

#### PART 2

#### INTERESTED DISABLED PERSON

##### *Preliminary*

- 4 An interested disabled person is a disabled person who, in relation to a relevant matter, is of a description specified in the second column of the applicable table in this Part of this Schedule.

##### *Employers (see section 39)*

- 5 (1) This paragraph applies where A is an employer.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer employment.	A person who is, or has notified A that the person may be, an applicant for the employment.
Employment by A.	An applicant for employment by A. An employee of A's.

- (2) Where A is the employer of a disabled contract worker (B), A must comply with the first, second and third requirements on each occasion when B is supplied to a principal to do contract work.
- (3) In relation to the first requirement (as it applies for the purposes of sub-paragraph (2))—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of all or most of the principals to whom B is or might be supplied,
  - (b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in paragraph (a), and
  - (c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the provision, criterion or practice were applied by or on behalf of A.
- (4) In relation to the second requirement (as it applies for the purposes of sub-paragraph (2))—

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- (a) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by each of the principals referred to in subparagraph (3)(a),
  - (b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of those principals, and
  - (c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the premises were occupied by A.
- (5) In relation to the third requirement (as it applies for the purposes of subparagraph (2))—
- (a) the reference in section 20(5) to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in subparagraph (3)(a), and
  - (b) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if A were the person to whom B was supplied.

*Principals in contract work (see section 41)*

- 6 (1) This paragraph applies where A is a principal.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Contract work that A may make available.	A person who is, or has notified A that the person may be, an applicant to do the work.
Contract work that A makes available.	A person who is supplied to do the work.

- (2) A is not required to do anything that a disabled person's employer is required to do by virtue of paragraph 5.

*Partnerships (see section 44)*

- 7 (1) This paragraph applies where A is a firm or a proposed firm.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer a position as a partner.	A person who is, or has notified A that the person may be, a candidate for the position.
A position as a partner.	A candidate for the position. The partner who holds the position.

- (2) Where a firm or proposed firm (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—
- (a) the cost of taking the step is to be treated as an expense of A;
  - (b) the extent to which B should (if B is or becomes a partner) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

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*LLPs (see section 45)*

- 8 (1) This paragraph applies where A is an LLP or a proposed LLP.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer a position as a member.	A person who is, or has notified A that the person may be, a candidate for the position.
A position as a member.	A candidate for the position. The member who holds the position.

- (2) Where an LLP or proposed LLP (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—
- (a) the cost of taking the step is to be treated as an expense of A;
  - (b) the extent to which B should (if B is or becomes a member) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

*Barristers and their clerks (see section 47)*

- 9 This paragraph applies where A is a barrister or barrister's clerk.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer a pupillage or tenancy.	A person who is, or has notified A that the person may be, an applicant for the pupillage or tenancy.
A pupillage or tenancy.	An applicant for the pupillage or tenancy. The pupil or tenant.

*Advocates and their clerks (see section 48)*

- 10 This paragraph applies where A is an advocate or advocate's clerk.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding who to offer to take as a devil or to whom to offer membership of a stable.	A person who applies, or has notified A that the person may apply, to be taken as a devil or to become a member of the stable.
The relationship with a devil or membership of a stable.	An applicant to be taken as a devil or to become a member of the stable. The devil or member.

*Persons making appointments to offices etc. (see sections 49 to 51)*

- 11 This paragraph applies where A is a person who has the power to make an appointment to a personal or public office.

<i>Relevant matter</i>	<i>Description of disabled person</i>
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	Deciding to whom to offer the appointment.	A person who is, or has notified A that the person may be, seeking the appointment. A person who is being considered for the appointment.
	Appointment to the office.	A person who is seeking, or being considered for, appointment to the office.
12	This paragraph applies where A is a relevant person in relation to a personal or public office.	
	<b><i>Relevant matter</i></b>	<b><i>Description of disabled person</i></b>
	Appointment to the office.	A person appointed to the office.
13	This paragraph applies where A is a person who has the power to make a recommendation for, or give approval to, an appointment to a public office.	
	<b><i>Relevant matter</i></b>	<b><i>Description of disabled person</i></b>
	Deciding who to recommend or approve for appointment to the office.	A person who is, or has notified A that the person may be, seeking recommendation or approval for appointment to the office. A person who is being considered for recommendation or approval for appointment to the office.
	An appointment to the office.	A person who is seeking, or being considered for, appointment to the office in question.
14	In relation to the second requirement in a case within paragraph 11, 12 or 13, the reference in paragraph 2(2)(b) to premises occupied by A is to be read as a reference to premises— (a) under the control of A, and (b) at or from which the functions of the office concerned are performed.	
	<i>Qualifications bodies (see section 53)</i>	
15	(1) This paragraph applies where A is a qualifications body.	
	<b><i>Relevant matter</i></b>	<b><i>Description of disabled person</i></b>
	Deciding upon whom to confer a relevant qualification.	A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification.
	Conferment by the body of a relevant qualification.	An applicant for the conferment of the qualification. A person who holds the qualification.
	(2) A provision, criterion or practice does not include the application of a competence standard.	

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*Employment service-providers (see section 55)*

- 16 This paragraph applies where—
- (a) A is an employment service-provider, and
  - (b) the employment service which A provides is vocational training within the meaning given by section 56(6)(b).

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer to provide the service.	A person who is, or has notified A that the person may be, an applicant for the provision of the service.
Provision by A of the service.	A person who applies to A for the provision of the service. A person to whom A provides the service.

*Trade organisations (see section 57)*

- 17 This paragraph applies where A is a trade organisation.

<i>Relevant matter</i>	<i>Description of disabled person</i>
Deciding to whom to offer membership of the organisation.	A person who is, or has notified A that the person may be, an applicant for membership.
Membership of the organisation.	An applicant for membership. A member.

*Local authorities (see section 58)*

- 18 (1) This paragraph applies where A is a local authority.

<i>Relevant matter</i>	<i>Description of disabled person</i>
A member's carrying-out of official business.	The member.

- (2) Regulations may, for the purposes of a case within this paragraph, make provision—
- (a) as to circumstances in which a provision, criterion or practice is, or is not, to be taken to put a disabled person at the disadvantage referred to in the first requirement;
  - (b) as to circumstances in which a physical feature is, or is not, to be taken to put a disabled person at the disadvantage referred to in the second requirement;
  - (c) as to circumstances in which it is, or in which it is not, reasonable for a local authority to be required to take steps of a prescribed description;
  - (d) as to steps which it is always, or which it is never, reasonable for a local authority to take.

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*Occupational pensions (see section 61)*

- 19 This paragraph applies where A is, in relation to an occupational pension scheme, a responsible person within the meaning of section 61.

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<i>Relevant matter</i>	<i>Description of disabled person</i>
Carrying out A's functions in relation to the scheme.	A person who is or may be a member of the scheme.

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