

Disability Law Service

Offering free, confidential legal advice and
representation for disabled people

**Disabled Consumers and the
DDA 1995 as amended (the Act)**

Frequently Asked Questions

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Who is a disabled person under the Act?

A disabled person is someone who has been diagnosed as having (or having had) a condition which greatly affects (or has affected) their day to day activities. Receipt of a disability benefit is **not** conclusive evidence of the severity of the effect.

However, people who are diagnosed with cancer, HIV or Multiple Sclerosis do not have to show that their condition has this effect. For them, a diagnosis is sufficient. Similarly, someone who is certified blind / partially sighted or has a facial disfigurement.

What conditions are excluded by the Act?

- Addiction to alcohol / nicotine / non-prescription drugs;
- Hayfever;
- Tendency to set fires / steal / commit physical or sexual abuse of others;
- Exhibitionism;
- Voyeurism; **and**
- Tattoos and body piercing.

What does Discrimination by a Service Provider mean?

- Unjustified treatment of a service user which is less favourable and is for a reason related to the user's impairment.
- Unjustified failure to make a reasonable adjustment to enable access to the service / facility by a disabled user.

What justifications can there be for discrimination against a disabled user?

- Impracticability of the adjustment;
- Financial and other costs;
- Extent of the disruption to the service and its access to other users;
- The nature of the service being provided; **or**
- Health or Safety of all users, including the disabled user.

Who is not a service provider under the Act

- a) Judges acting in their judicial capacity;
- b) Providers of services outside the UK;
- c) Providers of transport by air/sea (*NB: Disabled passengers at European airports and airlines are protected by EU regulations, not the DDA*);
- d) Small clubs (less than 25 members); **and**
- e) Small landlords (landlords who live on the premises and have less than 2 tenants)

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this work to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education / informative purposes and is not a substitute for professional advice. Any organisations, telephone numbers and links to external web-sites have been carefully selected but are provided without any endorsement of the content of those sites.

For further advice on these matters please contact:

The Disability Law Service

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Community
Legal Service



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