

**DISABLED PERSONS ACT**

**Principal Act**

<b>Act. No. 1992-16</b>	<i>Commencement</i>	24.12.1992
	<i>Assent</i>	24.12.1992

Amending enactments	Relevant current provisions	Commencement date
None		



**ARRANGEMENT OF SECTIONS.**

Section

1. Title.
2. Interpretation.
3. Employment.
4. Access to and facilities at premises open to the public.
5. Vehicles used by disabled persons.
6. Special provisions.



AN ACT TO MAKE PROVISION FOR THE NEEDS OF THE DISABLED AND CHRONICALLY SICK IN THE AREAS OF EMPLOYMENT, ACCESS TO PUBLIC BUILDINGS, ROAD TRAFFIC ETC.

## **Title.**

1. This Act may be cited as the Disabled Persons Act, 1992.

## **Interpretation.**

2. Where it appears necessary or expedient to do so for the proper operation of any provision of this Act, the Government may, by regulations, make provision as to the interpretation for the purposes of this provision, of any of the following expressions appearing therein, that is to say, “disabled”, “disability”, “chronically sick” and “chronic illness”.

## **Employment.**

3.(1) It shall be the duty of a person who has a substantial number of employees to give employment to persons handicapped by disablement to the extent that is prescribed by regulations made under this section.

(2) The Government may, by regulation, provide—

- (a) the employers, by reference to the number of employees, the nature of the undertaking and the type of employment available therein, to whom this section applies;
- (b) the number of disabled persons to be employed by such employers;
- (c) the method of registering disabled persons seeking employment;
- (d) the facilities to be provided by employers for disabled employees;
- (e) exceptions to and exclusions from such regulations;
- (f) offences and penalties in connection with matters provided for in such regulations;
- (g) generally for carrying into effect the purposes of this section.

(3) Facilities may be provided for enabling persons registered by virtue of a provision of subsection (2) who, by reason of the nature or severity of their disablement, are unlikely either at any time or until after the lapse of a prolonged period, to be able otherwise to obtain employment or to undertake work on their own account (whether because employment or such work would not be available to them or because they would be unlikely to be able to compete therein on terms comparable as respects earnings and security with those enjoyed by persons engaged therein who are not subject to disablement) to obtain employment or to undertake such work under special conditions and for the training of such persons for the employment or work in question.

(4) The nature of the facilities to be provided under subsection (3), shall be such as the Government may determine, and the Government may make arrangements for the provision thereof by one or more companies which may be formed for that purpose, being a company required by its constitution to apply its profits, if any, or other income to promoting its objects, and prohibited thereby from paying any dividend to its members or by any association or body being an association or body so required and prohibited which appears to the Government to be able and willing to provide the requisite facilities in an efficient and proper manner.

(5) The Government may, by regulation, make provision in respect of travelling, training and payment of expenses by such company, association or body as referred to in subsection (4), and such regulations may provide for the application of other Acts to the operation and output of such company, association or body and to its liability to taxation, duties and charges which otherwise would affect the operation or output of a company, association or body of that kind.

(6) In exercise of its powers under this section, the Government may seek the advice of such bodies, representative of the interests of disabled persons, as it shall determine.

(7) The provisions of this section shall apply to persons resident in Gibraltar.

**Access to and facilities at premises open to the public.**

4.(1) Any person undertaking the provision of any building or premises to which the public are to be admitted whether on payment or otherwise, shall, in the means of access both to and within the building or premises and in the parking facilities and sanitary conveniences to be available, if any, make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of the members of the public visiting the building or premises, who are disabled.

(2) Where any provision required by subsection (1), is made at a building or premises—

- (a) a notice or sign indicating that provision is made for the disabled, shall be displayed outside the building or premises or so as to be visible from outside the building or premises; and
- (b) notices or signs shall be displayed in the building or on the premises indicating the places where such provision is made and appropriate routes for persons who are disabled to get to those places.

(3) Where parking facilities for persons who are disabled are provided under subsection (1), notices or signs shall be displayed indicating an appropriate route for such persons to get from the place where the parking facilities are provided, to the building or premises in connection with which they are provided.

### **Vehicles used by disabled persons.**

5. (1) The Government may, by regulation, make provision in respect of motor vehicles driven by or used for the carriage of disabled persons.

(2) Regulations made under this section, shall provide for –

- (a) defining the vehicles to which they apply;
- (b) enabling such vehicles to be identified;
- (c) the application to such vehicles of duties, taxes and charges payable in respect of vehicles generally and conditions to be satisfied if exemption from such liability to payment is made;
- (d) offences and penalties in connection with any matters falling within the regulations.

(3) The Government may make provision by way of regulations made under the relevant Part or Parts of the Traffic Act<sup>1</sup> for the application of that Act to vehicles driven by or used for the carriage of disabled persons.

### **Special provisions.**

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<sup>1</sup> 1957-04

6. Where in the opinion of the Government it is necessary, in order properly to protect the position of disabled persons in Gibraltar, that special provision be made for such persons, the Government may, by regulation, make such special provision as it determines appropriate and for this purpose, and subject to Part III of the Interpretation and General Clauses Act<sup>2</sup>, such regulations may vary the application of any Act to or in respect of disabled persons.

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<sup>2</sup> **1962-08**