

BELIZE:

DISABILITIES BILL, 2024
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SCHEDULE

BELIZE:

BILL

for

AN ACT to promote, protect and ensure the full and equal enjoyment of privileges, interests, rights, benefits, and treatment by persons with disabilities on an equal basis with persons without disabilities; to establish the National Commission for Persons with Disabilities; to establish the Disabilities and Equal Opportunities Rights Tribunal; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2024)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

Short title.

DISABILITIES ACT, 2024.

PART 1

Preliminary

2. In this Act—

Interpretation.

“Commission” means the National Commission for Persons with Disabilities established under section 3;

“communication” includes any spoken language, signed language and any other form of non-spoken language, display of text, Braille, tactile communication, large print, signal, accessible multimedia, written, audio, plain language, human-reader, and augmentative and alternative modes,

means, and formats of communication, including accessible information and communication technology;

“Deputy Registrar General” means the Deputy Registrar General for Persons with Disabilities;

“discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with persons without disabilities, of the quality of life and well-being in the political, economic, social, cultural, civil, religious, educational, or any other field, and encompasses all forms of discrimination including the denial of reasonable arrangements;

“fiscal incentive” includes tax deductions for medical expenses, therapy, technical aids, and home adaptations required by persons with disabilities, tax exemptions for the importation of devices used by persons with disabilities, reduction on the property taxes for properties owned by persons with disabilities, and reduction on trade licence fee for businesses that employ persons with disabilities;

“habilitation” means a process aimed at enabling persons who are born with disabilities to attain and maintain their full physical, mental, social, and vocational ability and full inclusion and participation in all aspects of life;

“Minister” means the Minister responsible for persons with disabilities;

“person with a disability” includes any person who has a long term physical, mental, intellectual, or sensory impairment that makes it more difficult for that person to do certain activities and participate fully and effectively in society on an equal basis with any other person without a disability;

“private sector” means any person or body, whether corporate or unincorporate, other than the Government, a Government agency, body, or organisation, and excludes any reference to a non-governmental organisation;

“Register” means the Register of Persons with Disabilities kept and maintained under section 21;

“Registrar General” means the Registrar General for Persons with Disabilities;

“reasonable accommodation” means any necessary and appropriate modification or adjustment which does not impose a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise of the quality of life and well-being on an equal basis with persons without disabilities;

“rehabilitation” means the process aimed at enabling a person with a disability to attain and maintain the full physical, mental, social, and vocational ability, and full inclusion and participation, of that person in all aspects of life;

“Secretariat” means the National Commission for Persons with Disabilities Secretariat established under section 12;

“Tribunal” means the Disabilities and Equal Opportunities Rights Tribunal established under section 35;

“universal access” means a teaching approach that accommodates the needs and abilities of all learners and eliminates unnecessary hurdles;

“universal design” means the design of any product, environment, programme, and service which is capable of being used by all people, to the greatest extent possible, without the need for adaptation or specialised design, and includes any assistive device for particular groups of persons with disabilities where needed.

PART II

National Commission for Persons with Disabilities

3. A body to be known as the National Commission for Persons with Disabilities shall be and is hereby established for the purpose of this Act.

Establishment of
the National
Commission for
Persons with
Disabilities.

4.-(1) The Commission shall be comprised of the following members, who shall be appointed by the Minister by instrument in writing—

- (a) the Chief Executive Officer of the Ministry responsible for human development, or a duly appointed representative;
- (b) the Chief Executive Officer of the Ministry responsible for economic development, or a duly appointed representative;
- (c) the Chief Executive Officer of the Ministry responsible for education, or a duly appointed representative;
- (d) the Chief Executive Officer of the Ministry responsible for health, or a duly appointed representative;
- (e) the Chief Executive Officer of the Ministry responsible for labour, or a duly appointed representative;

- (f) a representative from the Belize Chamber of Commerce and Industry;
- (g) a representative from the Social Security Board;
- (h) a representative from the National Trade Union Congress of Belize;
- (i) three representatives from any civil society organisation that provides services for persons with disabilities; and
- (j) the Registrar General or Executive Director of the National Commission for Persons with Disabilities.

(2) The Registrar General or Executive Director of the National Commission for Persons with Disabilities shall be an *ex officio* member.

(3) The Chief Executive Officer of the Ministry responsible for human development shall be the Chairperson of the Commission.

Publication of names of members of the Commission.

5. The names of all members of the Commission as first constituted and every change in the membership of the Commission shall be published by Notice in the *Gazette* and in at least one newspaper of general circulation in Belize.

Tenure of office of members of Commission.

6. A member of the Commission shall, unless the office of that member becomes vacant earlier, hold office for a term not exceeding two years.

Eligibility for reappointment.

7. Every member of the Commission shall be eligible for reappointment to the Commission for a term not exceeding two consecutive terms unless the office of that member becomes vacant earlier.

Revocation of appointment.

8. The Minister shall revoke the appointment of any member of the Commission if—

- (a) on recommendation by the Commission, the conduct of the member, whether in connection with the duties as a member or otherwise, has been such as to bring the Commission into disrepute;
- (b) the member has been convicted of any—
 - (i) offence involving fraud, dishonesty or moral turpitude;
 - (ii) offence under any law relating to corruption;
 - (iii) other offence punishable with imprisonment; or

- (c) the member is otherwise incapable of discharging the duties.

9.—(1) The office of a member of the Commission shall be vacated upon the—

Vacation of office.

- (a) absence of the member from three consecutive meetings of the Commission without justifiable reason;
- (b) resignation of the member;
- (c) revocation of the appointment of the member; or
- (d) death of the member.

(2) Any member of the Commission shall resign by giving one month's notice in writing to the Chairperson of the Commission.

10.—(1) The Commission shall meet at least four times every year at such time and place as may be determined by the Chairperson from time to time.

Meetings of Commission.

(2) The quorum of any meeting of the Commission shall be six members.

(3) The Chairperson shall preside over all meetings of the Commission.

(4) At its first meeting, the Commission shall elect from among its members a Deputy Chairperson.

(5) If for any reason the Chairperson is unable to preside over any meeting of the Commission, the Deputy Chairperson shall preside over the meeting.

(6) A decision of the Commission shall be by majority of the members present and voting at the meeting.

(7) In the case of equality of votes, the Chairperson of the meeting at which the vote is taken shall have a second or casting vote.

(8) The Commission may invite any person to attend any meeting of the Commission for the purpose of advising it on any matter under discussion.

(9) Any person invited to attend a meeting of the Commission under sub-section (8) shall not be entitled to vote at the meeting.

(10) The Commission may pay an allowance, as it determines, to any person invited to attend a meeting of the Commission under sub-section (8).

Functions of the Commission.

11.–(1) The functions of the Commission shall be to–

- (a) oversee the implementation of any national policy and national plan of action in respect to persons with disabilities;
- (b) make recommendations to the Government on all matters in respect to persons with disabilities, including, but not limited to, the support, care, protection, habilitation, rehabilitation, development, and well-being of persons with disabilities;
- (c) coordinate and monitor the implementation of any national policy and national plan of action in respect to persons with disabilities with any relevant ministry, government agency, body, or organisation, and the private sector;
- (d) monitor the compliance of Belize with the United Nations Convention on the Rights of Persons with Disabilities, the Sustainable Development Goals, and any other international obligations in respect to persons with disabilities;
- (e) monitor and evaluate the impact of any policy, national plan of action program, and activity designed to achieve full and effective participation of persons with disabilities and, in doing so, may enter into such arrangement with any relevant ministry, government agency, body, or organisation, and the private sector;
- (f) recommend to the Government changes to the existing law or propose new laws to secure the protection, inclusion, non-discrimination, empowerment, and full and effective participation of persons with disabilities in society, and to facilitate accessibility for persons with disabilities in any other matter it deems necessary;
- (g) support the development of any program or strategy aimed at educating society and raising awareness, throughout the society, of persons with disabilities, including their capabilities and contributions, to promote positive perception and greater social awareness;
- (h) support the development of any measure aimed at the recognition of the skills, merits, and abilities of persons

with disabilities and their contributions to the workplace and the labour market;

- (i) foster, at all levels of the education system, an attitude of respect for the rights of persons with disabilities;
- (j) advise the Government on issues of disabilities, including, but not limited to, developments at the international level;
- (k) collect and record data and promote research in respect to persons with disabilities;
- (l) promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services;
- (m) promote any employment opportunity and career advancement for persons with disabilities in the labour market;
- (n) assist persons with disabilities in finding or obtaining employment on an equal basis with persons without disabilities;
- (o) produce and publicise an annual report on the activities of the Commission and the status of persons with disabilities in Belize;
- (p) assist any aggrieved person in the resolution of matters;
- (q) maintain a register for persons with disabilities; and
- (r) do all things that are necessary, incidental, or conducive to the attainment of its functions under this Act.

(2) For the purposes of making any recommendation under subsection (1)(f), the Commission shall consult with—

- (a) any relevant ministry, government agency, body, or organisation;
- (b) the Belize Chamber of Commerce and Industry;
- (c) the Belize Tourism Industry Association;

(d) any other business support organisation as it thinks necessary; and

(e) any non-governmental organisation as it thinks necessary.

(3) In formulating its recommendation or proposal under sub-section (1)(f), the Commission shall consider any policy, information, and recommendation received during the consultation pursuant to sub-section (2) that appears to it to be relevant.

National
Commission for
Persons with
Disabilities
Secretariat.

12.—(1) A Secretariat to be called the National Persons with Disabilities Secretariat shall be and is hereby established for the purposes of this Act.

(2) The Secretariat shall perform the administrative and management functions of the Commission.

(3) The Secretariat shall provide any information and support to enable the Commission to execute its functions in accordance with any approved policy of the Ministry with responsibility for Human Development.

(4) The Commission shall make such arrangements in relation to the provision and remuneration of employees of the Commission as may, from time to time, be necessary.

Responsibilities
of the
Government.

13. The responsibilities and obligations of the Government under this Act shall be in furtherance of its policy relating to persons with disabilities and shall be discharged—

(a) by taking into consideration the available financial and human resources and any other relevant factor; and

(b) in compliance with any other laws as may be relevant.

PART III

Appointment of Registrar General, etc., and Registration of Persons with Disabilities

14.—(1) The Minister shall appoint on the recommendation of the Commission—

Appointment and
duties of
Registrar
General and
Registrar.

(a) a Registrar General;

(b) a Deputy Registrar General;

(c) a Registrar; and

(d) such number of Assistant Registrars for any district or area as necessary.

(2) The appointment of the Registrar General, Deputy Registrar General, Registrar, and any Assistant Registrar shall be published by Notice in the *Gazette*.

(3) The Registrar General shall be under the general direction and supervision of the Commission.

(4) The Registrar General shall have all the powers and exercise the functions conferred upon the Registrar General by this Act, and shall exercise general control and supervision over all matters in respect to the registration of persons with disabilities under this Act.

(5) The Deputy Registrar General, Registrar, and Assistant Registrars shall be under the general direction and supervision of the Registrar General.

(6) Subject to the direction and supervision of the Registrar General, the Deputy Registrar General and the Registrar shall assist the Registrar General in the performance of the duties of the Registrar General.

(7) Notwithstanding sub-section (6), the Deputy Registrar shall, in the absence of the Registrar General or inability of the Registrar General to act from any cause whatever, have all the powers and may perform all the functions of the Registrar, except where otherwise prescribed.

(8) Subject to the direction and supervision of the Registrar, an Assistant Registrar shall assist the Registrar in exercising the powers and performing the functions of the Registrar in the district or area to which the Assistant Registrar is appointed.

15.—(1) The Registrar shall maintain a Register of Persons with Disabilities containing any information as may be prescribed by regulations.

Register of persons with disabilities.

(2) The Registrar shall update, or cause to be updated, the Register in the manner as may be prescribed by regulations.

16.—(1) A person may apply to the Commission to be registered as a person with a disability.

Application for registration.

(2) An application for registration as a person with a disability shall be in the manner and form as may be prescribed by regulations, and shall be submitted to the Registrar.

Power of Registrar to call for additional documents or information.

17.—(1) The Registrar may request any additional document or information to be supplied by the applicant within the period specified by the Registrar.

(2) Where an applicant fails to supply any additional document or information requested by the Registrar within the specified period or such other period as may be extended by the Registrar, the application shall be considered to have been withdrawn without prejudice.

(3) Where an application is considered to have been withdrawn under sub-section (2), the applicant may submit a new application to the Registrar.

Registration and refusal to register.

18. After the review of an application and any additional document or information supplied pursuant to section 17(1), if any, the Registrar shall—

- (a) if satisfied that the person who is the subject of the application is a person with a disability, register that person as a person with a disability; or
- (b) if not satisfied that the person who is the subject of the application is not a person with a disability, refuse to register a person as a person with a disability.

Appeal to the Commission.

19.—(1) A person aggrieved by the decision of the Registrar under section 18(b) may appeal, in writing, to the Commission.

(2) An appeal shall be in the manner and form as may be prescribed by regulations.

PART IV

Protection from Discrimination, Exploitation, Abuse, and Violence

Protection from discrimination.

20.—(1) A person with a disability shall not be subject to any form of discrimination on the basis of disability.

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(2) A person with a disability shall be entitled to equal protection of the fundamental rights and freedoms under the Belize Constitution.

Protection from exploitation, violence, and abuse.

21.—(1) In this section—

“financial abuse” means a pattern of behaviour of any kind, the purpose of which is to exercise coercive control over, or exploit, or limit the access of, a person with a disability to financial resources so as to ensure financial dependence;

“emotional or psychological abuse” means a pattern of behaviour of any kind, the purpose of which is to undermine the emotional and mental well-being of a person with a disability, including—

- (a) persistent intimidation by the use of abusive or threatening language;
- (b) persistent following of the person with a disability from place to place;
- (c) depriving the person with a disability of the use of the property of that person;
- (d) interfering with or damaging the property of the person with a disability;
- (e) the watching or besetting of the place where the person with a disability resides, works, carries on business, attends for education, or happens to be;
- (f) making persistent or unwelcome telephone calls to the person with a disability person;
- (g) the wilful or reckless neglect of the person with a disability;
- (h) the forced confinement of the person with a disability;
- (i) verbal or non-verbal threats of physical violence; and
- (j) inducing, coercing or forcing the person with a disability, without the consent of that person, to take a drug that alters the will of that person, or that reduces the capacity of that person, to resist;

“physical abuse” means any act of assault to a person with a disability; and

“sexual abuse” means any sexual conduct that violates the sexual integrity of a person with a disability.

- (2) A person with a disability shall not be subject to any form of—
 - (a) exploitation;
 - (b) violence;
 - (c) abandonment or neglect;

- (d) abuse including—
 - (i) emotional or psychological abuse;
 - (ii) physical abuse;
 - (iii) sexual abuse; and
 - (iv) financial abuse; or
- (e) unlawful imprisonment or isolation.

(3) A person with a disability who is the victim of any form of exploitation, violence, neglect, abuse, or unlawful imprisonment shall have the right to—

- (a) lifelong protective services;
- (b) have the exploitation, violence, neglect, abuse, or unlawful imprisonment investigated by the appropriate authority and, where necessary, prosecuted; and
- (c) have access to and be provided with legal aid services.

PART V

Protection of Persons with Severe Disabilities

22.—(1) For the purposes of this section, “a person with severe disabilities” means any person who is suffering from one or more disabilities and is dependent on other persons for basic daily living activities.

(2) The Government shall provide the necessary lifelong protection and social support system, including, but not limited to, ensuring that the welfare of any person with severe disabilities remains unaffected after the death of the parents or caregivers of that person, to enable that person to live a better quality of life.

(3) Any non-governmental organisation intending to provide institutional care for persons with severe disabilities or the caregivers of persons with severe disabilities may apply to the Commission for a recommendation to receive a fiscal incentive for providing such care in the form and manner as may be prescribed.

(4) If the Commission is satisfied that the application of any non-governmental organisation or caregiver under sub-section (2) ought to be

considered, the Commission may forward a recommendation, as it deems appropriate, to the Minister responsible for finance.

PART VI

Access to Education and Training

23. In this Part—

“auxiliary aids and services” include—

- (a) qualified interpreters or other effective methods of making aurally delivered materials available to a person with a hearing impairment, qualified readers, taped texts, or other effective methods of making visually delivered materials available to a person with a visual impairment; and
- (b) modification of equipment, devices, or technologies.

Interpretation in Part VI.

24.—(1) A person with a disability shall have the right to an appropriate education without discrimination on the basis disability.

Right to education and training for a person with a disability.

(2) A person with a disability who is suffering from a condition that impairs the intellectual ability of that person shall have the right to an education by the facilitation of special arrangements, by the Ministry responsible for education, to aid that person.

(3) An educational or training institution shall not discriminate on the basis of disability against a person who wishes to attend that educational or training institution.

(4) An educational or training institution shall—

- (a) provide reasonable and universal access to the institution for every person with a disability;
- (b) ensure that a person with a disability is not placed at a disadvantage in relation to the student services provided; and
- (c) facilitate a person with a disability to access the facilities of the institution in the least restrictive environment.

25.—(1) An institution that conducts any examination, whether for licensing or certification purposes, shall ensure that examination is conducted in a manner and at a place with facilities that are accessible to a

Accessibility of examinations to a person with a disability.

person with a disability.

(2) An institution shall employ various forms of reasonable accommodation and universal design to assist a person with a disability to sit an examination, including but not limited to—

- (a) allowing the person with a disability extra time to complete an examination that contains a substantial written component;
- (b) identifying any script with a coloured sticker to ensure that any dyslexic person or any person with other learning difficulties is not penalised for spelling and syntax errors;
- (c) assigning a reader to the person with a disability;
- (d) assigning a scribe to the person with a disability;
- (e) preparing examination papers in alternative communication formats;
- (f) using a recorder to produce spoken responses by the person with a disability which can later be transcribed into text by a typist for marking;
- (g) placing the person with a disability in a room with fewer persons;
- (h) assigning a sign language interpreter to the person with a disability; or
- (i) approving a request from the person with a disability to sit an examination at home in the presence of a member of staff who will verify that the examination was conducted under conditions that are as close as possible to the conditions at the examination centre.

Ministry to make necessary adjustments for a person with a disability.

26. The Ministry responsible for education shall, as far as possible, assist with the education of a person with a disability and assist a person with a condition that impairs the intellectual ability of that person by facilitating arrangements, including but are not limited to—

- (a) recruiting additional teachers;
- (b) training teachers in the field of special education;
- (c) permitting a system of differentiated instruction, including different languages;

- (d) providing schools with various auxiliary aids and services to assist in the instruction and assessment of a person with a disability.

PART VII

Employment

27.—(1) An employer shall not discriminate on the basis of disability against a person with a disability who is qualified for—

Employers not to discriminate against a person with a disability.

- (a) recruitment;
- (b) promotion;
- (c) equal opportunities and equal remuneration for work of equal value;
- (d) continuance of employment.

(2) An employer shall, where reasonably possible, prevent a person with a disability from being at a disadvantage while at the workplace by making reasonable adjustments, including but not limited to—

- (a) making physical changes to the workplace, such as installing ramps where necessary;
- (b) permitting the person with a disability to work from a different location, such as at home or on the ground floor;
- (c) providing the person with a disability with special equipment to execute daily duties.

(3) No employer shall cause a person with a disability to carry out forced or compulsory labour.

28.—(1) Where there will be no disproportionate or undue burden to an employer, the employer may take any of the following actions in respect to a person with a disability who is no longer capable of performing the duties stipulated by the contract of employment—

Redeployment of a person with a disability.

- (a) redeploy the person with a disability to a position or an existing vacancy that—
 - (i) is commensurate with the current skills and abilities of that person; and

- (ii) does not result in a loss in remuneration and benefits to that person;
 - (b) create a new position in which the person with a disability can function effectively without suffering a significant change in employment status and remuneration; or
 - (c) adjust the working hours of the person with a disability.
- (2) In redeploying a person with a disability under sub-section (1), an employer shall consider the—
- (a) training, qualifications, and previous performance of that person;
 - (b) the type of position previously held by that person; and
 - (c) the possible drop in income which that person may suffer.
- (3) Where a person with a disability is redeployed under sub-section (1), that person shall, where possible, be redeployed to a post closest to the graded post previously held by that person.

Employer to receive incentives.

29.—(1) An employer who employs a person with a disability may, in the form and manner as may be prescribed, apply to the Commission for a fiscal incentive for providing such employment to that person.

(2) The Commission may, if satisfied with the application of the employer under sub-section (1), recommend to the Ministry responsible for finance that a fiscal incentive be granted to the employer in such form and manner as may be prescribed.

PART VIII

Health Care

30.—(1) A person with a disability shall have the right to a basic standard of health care that is equal to the standard available to a person without a disability.

(2) Every institution that offers health care to the public shall provide a person with a disability with health care service that is specific to the special needs of that person, including, but not limited to, any service that is designed to minimize and prevent any further disability.

(3) In cases of severe disability and where necessary, mobile healthcare services shall be available to persons with disabilities.

Right of a person with a disability to equal standard of health care.

31.—(1) A healthcare provider shall report to the police any case of suspected abuse or neglect of a person with a disability.

Duty of healthcare providers.

(2) A healthcare provider who fails or refuses to report any suspected cases of abuse or neglect commits an offence.

32.—(1) A person responsible for the care of a person with a disability shall ensure that the person with a disability receives adequate food, clothing, medical attention, and any other necessity.

Duty of caregivers.

(2) A person responsible for the care of a person with a disability shall not assault, ill-treat, neglect, or otherwise harm that person.

(3) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars and a term of imprisonment not less than three months but not exceeding two years.

33.—(1) No person with a disability shall be prohibited from obtaining health and life insurance on the basis of disability.

Right of a person with a disability to obtain insurance.

(2) No insurance provider shall offer any insurance service to a person with a disability at a cost that is significantly higher than the cost offered for the same coverage to a person without a disability unless any increase in cost is reasonable based on the cost of providing such insurance or the cost of reinsurance.

(3) Any insurance provider who contravenes this section commits an offence.

PART 1X

Accessibility

34.—(1) Subject to sub-section (3), a person with a disability shall have the right to reasonable access to any indoor or outdoor place where any public service or public transportation service is offered.

Access to public buildings, public transport, and premises.

(2) All existing public premises shall be altered to facilitate accessibility by a person with a disability within twelve months from the commencement of this Act.

(3) Where there will be no undue burden to the owner of existing an existing commercial premises, that owner may alter the existing commercial premises to facilitate accessibility by any person with a disability.

(4) An owner or occupier of any commercial premises constructed after the 31st day of December 2024 shall provide reasonable access to persons with a disability.

(5) A person with a disability shall have the right to use any public transportation and shall not be denied the right to use the public transportation on the basis of disability.

(6) A person with a disability shall not be charged a higher sum for using any form of public transportation.

(7) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

PART X

Disabilities And Equal Opportunities Rights Tribunal

Establishment of
the Tribunal.

35.—(1) A body to be known as the Disabilities and Equal Opportunities Rights Tribunal shall be and is hereby established for the purposes of this Act.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution, members, procedures, and meetings of the Tribunal.

(3) The Tribunal shall sit in such numbers of divisions as may, from time to time, be necessary.

(4) A division of the Tribunal shall, where the Tribunal proposes to deal with a complaint referred to under section 36, consist of—

(a) one member of the Tribunal appointed by the Minister, who shall be the Chairperson or the Deputy Chairperson; and

Schedule.

(b) two members of the Tribunal selected in the manner specified in the Schedule.

(5) Where three of the members of the Tribunal constitute a division of the Tribunal and the Chairperson is one of them, the Chairperson shall preside over that division, and where the Chairperson is not one of them, the Deputy Chairperson shall preside over that division.

(6) Where three members of the Tribunal constitute a division of the Tribunal and any one of them dies, or is incapacitated, or ceases to be a member of the Tribunal for any other reason, after the division commences

the hearing of a complaint but before it has made its award, another person shall be selected in accordance with the provisions in the Schedule.

Schedule.

(7) Where another person is selected to be a member of the Tribunal under sub-section (6), the proceedings shall continue as if it had not been interrupted by reason of the vacancy under sub-section (6), unless any party to the complaint requests, in writing, that the proceedings be commenced de novo.

(7) The validity of the proceedings of a division of the Tribunal shall not be affected by reason that such proceedings are not commenced de novo after the filling of the vacancy under sub-section (6).

PART XI

Complaints to the Commission

36.—(1) A person with a disability who, by reason of any occurrence specified in sub-section (2), is aggrieved, or the caregiver of that person, either of whom is referred to in this section as an aggrieved person, may, within six months from the date of such occurrence, make a complaint in writing to the Commission.

Complaints to
Commission.

(2) Any aggrieved person or group of persons may make a complaint for the reason that there has been—

- (a) an act of discrimination carried out against a person with a disability;
- (b) failure by the respondent in the complaint to comply with the stipulations under the Act;
- (c) failure or refusal of a person offering any benefit or membership under the Act to ensure that any specified term or condition of such benefit or membership are in accordance with section 44(2); or
- (d) any other contravention of any provision of this Act.

(3) In deciding whether to accept a complaint under sub-section (1), the Commission shall have regard to the following factors—

- (a) whether the complaint is, in the opinion of the Commission, frivolous, vexatious, misconceived, or lacking in substance;

- (b) the complaint does not relate to discrimination on the basis of disability;
- (c) the complainant has commenced proceedings in another commission, court, or tribunal in relation to the same events, and that other commission, court or tribunal may order remedies similar to those available under this Act;
- (d) a person other than the complainant has commenced proceedings in another commission, court or tribunal in relation to the same subject matter of the complaint, and the Commission is satisfied that the subject matter may be adequately dealt with by that other commission, court or tribunal;
- (e) in the opinion of the Commission, there is a more appropriate remedy that is reasonably available; and
- (f) the subject matter of the complaint has already been adequately dealt with by the Tribunal or another commission, court, or tribunal.

(4) Notwithstanding the provisions of sub-section (1), the Commission may accept a matter that is filed after the expiration of six months if the Commission is satisfied that the matter warrants consideration by the Tribunal.

(5) The Commission shall consider complaints submitted for consideration in the order in which the complaints were filed and shall issue a notice, in writing, to the parties giving details of the time and place of the hearing.

(6) Notwithstanding sub-section (5), the Commission may, if it considers it expedient to do so, consider a complaint in priority to any other complaint filed before it.

Assistance in relation to complaints.

37.—(1) The Commission may provide assistance to an aggrieved person to make a complaint under section 36, where the Commission is of the view that there is a breach of this Act against the aggrieved person.

(2) The assistance under sub-section (1) does not include assistance with legal representation.

Formal investigations.

38.—(1) The Commission—

- (a) may conduct a formal investigation for any purpose in respect to the performance of its functions under this Act; or

(b) shall conduct a formal investigation if directed to do so by the Tribunal or the Minister.

(2) Subject to sub-section (3), the Tribunal may, at any time, suspend or terminate, as the case may be, the conduct of a formal investigation.

(3) A formal investigation that is conducted pursuant to a direction under sub-section (1)(b) shall only be suspended or terminated with the approval of the Minister.

39.—(1) Notwithstanding that any party fails to appear before the Tribunal, the Commission may hear a complaint of an aggrieved person referred to it for settlement if satisfied that due notice of the hearing was served on every other party to the complaint.

Dispute
resolution
procedures.

(2) The Commission shall in respect to a complaint made under section 36—

(a) refer the complaint to the Tribunal for determination; or

(b) with the consent of the parties to the complaint, refer to the complaint for alternative dispute resolution.

(3) After considering a complaint made under section 36, the Tribunal may make such order as it thinks fit and, without prejudice to the generality of the foregoing, take one or more of the following steps as it considers just and equitable—

(a) make a declaration as to the rights of the complainant and the respondent in respect to the matters to which the complaint relates; or

(b) make an order—

(i) that the respondent pays compensation to the complainant in such amount and manner as the Tribunal may direct; or

(ii) notwithstanding that a party to the proceedings fails to appear before the Tribunal on the hearing of the complaint, order that the respondent takes such action as appears to the Tribunal to be reasonable and proportionate in all the circumstances of the case within a specified period to obviate or reduce the adverse effect on the complainant of any matter to which the complaint relates.

(4) The Tribunal may, at any time, after a complaint is referred to it, encourage the parties to settle the matter by negotiation or conciliation, and if they so agree, refer the matter to the Commission for such alternative method of dispute resolution.

Decision of Tribunal.

40.—(1) The decision of the Tribunal shall be a majority decision.

(2) The decision of the Tribunal shall be binding on the parties to the proceedings and may be enforced in the High Court.

Interim orders.

41. Where a complaint is referred to the Tribunal by the Commission for determination under section 36, the Tribunal may, at any time after such reference, order that the action in relation to the complaint cease, or be reversed, or not be carried out from such time, as the Tribunal may specify.

Alternative dispute resolution.

42.—(1) The Commission shall ensure that appropriate arrangements are made for alternative dispute resolution when required and include appropriate safeguards to prevent the disclosure of information obtained by alternative dispute resolution providers in respect to providing services in pursuance of the arrangements.

(2) A member of the Tribunal shall not provide alternative dispute resolution services in relation to any complaint.

(3) Sub-section (1) shall not apply to information which is—

(a) disclosed with the consent of the parties to a complaint;

(b) not identifiable with a particular complaint or a particular person; or

(c) reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.

(4) Information communicated to an individual or body while providing alternative dispute resolution services in pursuance of any arrangements under this section shall not be admissible as evidence in any hearings of the Tribunal, except with the consent of the person who communicated it.

Assistance in relation to court proceedings.

43.—(1) This section applies to court proceedings brought by a person with a disability in relation to a decision made by the Tribunal.

(2) Where a person with a disability applies to the Commission for assistance in relation to any proceedings to which this section applies, the Commission may, where possible, grant the application for assistance on any of the following grounds—

- (a) it is unreasonable to expect the applicant to deal with the case unaided; or
 - (b) there is some other special consideration that makes it appropriate for the Commission to provide assistance.
- (3) Where the Commission grants the application, it may–
- (a) arrange for the provision of legal advice services;
 - (b) arrange for legal or other representation, which may include any assistance usually given by an attorney-at-law; or
 - (c) seek to procure the settlement of any complaint;
- 44.**–(1) This section applies where–
- (a) the Commission provides legal assistance under section 43 in relation to any proceedings; and
 - (b) costs are awarded to the Commission or any person with a disability in respect of whom the proceedings have been brought.
- (2) A sum equal to any expenses incurred by the Commission in providing assistance shall be a charge, for the benefit of the Commission, on the costs awarded, and if the cost awarded is less than expenses incurred by the complainant and the Commission, the award shall be apportioned as between the complainant and the Commission on a *pari passu* basis.
- (3) Notwithstanding sub-section (1), this section shall not apply where the costs concerned are payable by virtue of an agreement arrived at to avoid or bring an end to the proceedings.

Commission to provide assistance.

PART XII

Miscellaneous

45. The principles set out in the United Nations Convention on Rights of Persons with Disabilities shall be the guiding principles in the making of any decision affecting persons with disabilities.

Guiding principles.

46. A member of the Commission, the Tribunal, the Registrar, or any person acting under the authority of any of them shall not communicate any information to any other person in respect to all matters that come to the

Confidentiality.

knowledge of that person in the course of performing duties, employment, inquiry or investigation under this Act except—

- (a) as required for the administration of this Act; or
- (b) with the consent of the person to whom the information relates.

Protection against the suit and legal proceedings.

47. No action, suit, prosecution, or other proceedings shall lie or be brought, instituted, or maintained in any court against—

- (a) the Government;
- (b) the Minister;
- (c) the Commission;
- (d) the Tribunal;
- (e) the Registrar;
- (f) any member of the Commission; or
- (g) any other person lawfully acting on behalf of any person or body under paragraphs (a) to (f),

in respect of any act, neglect, or default, or omission by person or body in such capacity in good faith.

Things done in anticipation of the enactment of this Act.

48.—(1) Subject to sub-section (2), all acts and things done on behalf of the Government or the Commission and any expenditure incurred in respect to doing those acts or things, in preparation for, or in anticipation of, the enactment of this Act shall be deemed to have been authorised under this Act.

(2) The acts and things done under sub-section (1) shall be consistent with the general intent and purposes of this Act.

(3) All rights and obligations acquired or incurred as a result of the doing of those acts or things under sub-section (1), including any expenditure incurred in respect to doing those acts or things, shall on the commencement of this Act be deemed to be the rights and obligations of the Government or the Commission.

Prevention of anomalies.

49.—(1) The Minister may, by Order, make any modification in the provisions of this Act as may appear to the Minister to be necessary or expedient for the purpose of removing any difficulty occasioned by the

commencement of this Act only in respect to the performance of the functions and the exercise of the powers by the Commission.

(2) The Minister shall refrain from exercising the powers conferred by this section after the expiration of two years from the date of commencement of this Act.

(3) In this section, “modifications” means any amendment or addition to, or deletion or substitution of, any provision of this Act in respect to the performance of the functions and the exercise of the powers by the Commission.

50. A person who commits of an offence under this Act where no express penalty is stipulated shall be liable on summary conviction to a fine of five thousand dollars or a term of imprisonment of two years.

General penalty.

51.—(1) The Minister may make Regulations—

Regulations.

- (a) regulating the meetings of the Commission;
- (b) prescribing the procedure in respect to the registration of persons with disabilities;
- (c) prescribing any document that shall accompany an application for registration;
- (d) prescribing the eligibility for registration as a person with a disability;
- (e) prescribing the conditions for the removal of a person from the register;
- (f) respecting the maintenance of the register including, but not limited to, prescribing the—
 - (i) information that shall be contained in the register;
 - (ii) persons who may update the register;
 - (iii) procedure for updating the register; and
 - (iv) frequency at which the register shall be updated;
- (g) prescribing the procedure and timeframe for an appeal to the Commission;

- (h) regulating the management of any institution established for persons with disabilities and persons with severe disabilities;
- (i) prescribing the manner and form for an application for an incentive;
- (j) prescribing the forms under this Act; and
- (k) prescribing all matters and things required or authorised by this Act to be prescribed or provided, for the carrying out of, or the giving full effect to, the provisions of this Act and its due administration.

(2) In making regulations, the Minister shall have regard to the recommendations of the Commission.

Savings and transition.

52.—(1) Any person who before the commencement of this Act is registered as a person with a disability with the Ministry responsible for human development shall, on the commencement of this Act, be deemed to be a person with a disability registered under this Act.

(2) Any person with a disability to whom an identification card has been issued by the Ministry responsible for human development before the commencement of this Act shall be issued a “National Disability ID” under this Act.

(3) All registers relating to the registration of persons with disabilities kept and maintained by the Ministry responsible for human development and the Social Security Board before the commencement of this Act shall, on the commencement of this Act, be deemed to be registers kept and maintained under this Act and shall be deemed to form part of the Register of Persons with Disabilities.

Commencement.

53.—(1) This Act shall come into force on a date appointed by the Minister by Order published in the *Gazette*.

(2) An Order under sub-section (1) may appoint different dates for the commencement of different provisions of this Act.

SCHEDULE

[section 35 (2), (4)(b), and (5)]

Constitution, Members, Procedures and Meetings of the Tribunal

1.-(1) The Tribunal shall consist of—

Constitution of
the Tribunal.

- (a) a Chairperson; and
- (b) a Deputy Chairperson,

who shall be appointed by the Minister after consultation with the Commission, and each of whom shall be an attorney-at-law with at least seven years of experience; and

- (c) not less than two other members appointed by the Minister—
 - (i) with at least one such member being a person, from a panel supplied by the Commission, that represents the civil society and have sufficient knowledge of disability issues; and
 - (ii) with at least one such member being a person with knowledge or experience in any one or more of the following fields—
 - (aa) health;
 - (bb) education;
 - (cc) economics, finance, or accounting;
 - (dd) human resource management; or
 - (ee) quantity surveying, or building or construction.

(2) Where it appears to the Minister that the Tribunal requires assistance due to a temporary increase in workload, the Minister may appoint, such additional Deputy Chairman and members for such period, as the Minister thinks necessary, for the purpose of dealing with the temporary increase in the work of the Tribunal.

(3) The members of the Tribunal appointed under sub-paragraph (2) shall be appointed by the Minister by an instrument in writing.

(4) Subject to the provisions of this Schedule, the members of the Tribunal referred to in sub-paragraph (1)(a) and (b) shall hold office for such period as the Minister may determine, not exceeding five years, and such members shall be eligible for reappointment.

(5) Subject to the provisions of this Act, the Tribunal may regulate its own procedure and proceedings as it thinks fit.

The Tribunal may regulate its procedure and proceedings.

Resignation of members.

2. If the Chairperson of the Tribunal is absent or unable to act, the Minister shall appoint a member of the Tribunal to exercise appointment.

3.—(1) Any member of the Tribunal, other than the Chairperson may, at any time, resign from office by instrument in writing addressed to the Minister and transmitted through the Chairperson.

(2) From the date of the receipt by the Minister of the instrument under sub-paragraph (1), such member shall cease to be a member of the Tribunal.

(3) The Chairperson may, at any time, resign from office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

Conflict of interest.

4.—(1) Where a member of the Tribunal has any actual or reasonably perceived interest in any complaint, that member shall disclose the nature of such interest at the first practicable opportunity and shall not deal with the complaint.

(2) If the member of the Tribunal has dealt with the complaint before such interest has been identified or disclosed, the proceedings relating to such complaint before that division of the Tribunal shall be null and void.

(3) Where a situation arises under sub-paragraph (2), the proceedings shall be commenced de novo by a division of the Tribunal consisting of the three other members not having any actual or reasonably perceived interest in the complaint.

Revocation of appointments.

5.—(1) Subject to sub-paragraph (2), the Minister may, at any time, revoke the appointment of any member of the Tribunal.

(2) The Minister may revoke the appointment of a member of a Tribunal where the member—

(a) has failed to competently discharge the functions of the member;

- (b) has committed an act of misconduct involving dishonesty or moral turpitude;
- (c) is unable to act due to physical or mental disability;
- (d) has a conflict of interest in any matter before the Tribunal;
or
- (e) is absent without due approval for three consecutive meetings of the Tribunal.

6. If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member in the manner in which, and from the category of persons from which, the previous member was appointed, and the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Filling of vacancies.

7. The names of all members of the Tribunal as first constituted and every change in the membership of the Tribunal, including the appointment of special members, shall be published by Notice in the *Gazette*.

Publication of appointments.

8.—(1) There shall be paid to the members of the Tribunal such remuneration, whether by honorarium, salary, or fees, and such allowances as the Minister may determine.

Remuneration and protection of members of the Tribunal.

(2) No action, suit, or other proceedings shall be brought or instituted personally against any member of the Tribunal in respect of any act done in good faith in the course of the operations of the Tribunal.