

BELIZE DISABILITIES BILL

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AN ACT to promote, protect and ensure the full and equal enjoyment by persons with disabilities, of privileges, interests, benefits, and treatment, on an equal basis with others and to establish the Commission for Persons with Disabilities and to provide for matters connected therewith or incidental thereto.

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:

(Gazetted,2023)

PART 1

Preliminary

1. Short title and commencement

- (1) This Act may be cited as the (Belize Disability Act, 2023.)
- (2) This Act comes into operation on a date to be appointed by the Minister by notification in the Gazette, and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“communication” includes but is not limited to languages, display of text, Braille, tactile communication, large print, signal, accessible multimedia as well as written, audio, plain-language, human-reader, and augmentative and alternative modes, means, and formats of communication, including accessible information and communication technology;

“Department” means the Department for the Development of Persons with Disabilities, responsible for the registration, protection, rehabilitation, development, and well-being of persons with disabilities;

“habilitation” refers to 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;

“prescribed” means prescribed by regulations made under this Act;

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

“Minister” means the Minister charged with the responsibility for social welfare;

“person with a disability” includes a person who has a physical, mental, intellectual, or sensory impairment that has a long-term adverse effect on the ability of that person to participate fully and effectively in society on an equal basis with other persons but does not include a person who—

- (a) has a tendency to set fires;
- (b) has a tendency to steal;

- (c) has a tendency to physically or sexually abuse others;
- (d) has a tendency to practice exhibitionism;
- (e) engages in voyeurism;
- (f) has an addiction to, or a dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed); or
- (g) suffers from seasonal conditions such as allergic rhinitis, commonly referred to as hay fever, except where such a condition aggravates the effect of another condition.

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

“Registrar General” and “Deputy Registrar General” means the Registrar General for Persons with Disabilities and the Deputy Registrar General for Persons with Disabilities, respectively; “Reasonable accommodation” means necessary and appropriate modifications and adjustments not imposing 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” refers to a process aimed at enabling persons with disabilities to attain and maintain their full physical, mental, social, and vocational ability and full inclusion and participation in all aspects of life;

“Universal access” means a teaching approach that works to accommodate the needs and abilities of all learners and eliminates unnecessary hurdles;

“universal design” means the design of products, environments, programmes, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design and shall include assistive devices for particular groups of persons with disabilities where this is needed;

“private sector” refers to any person or body, whether corporate or unincorporated other than the Government or State Government agencies, bodies, or organizations of the Government, but excludes any reference to non-governmental organizations.

“Tribunal” means the Disabilities and Equal Opportunities Tribunal established under section 31

PART II
National Commission for Persons with Disabilities

3. Establishment of the National Commission for Persons with Disabilities

- (1) A body to be known as the National Commission for Persons with Disabilities (“Commission”) shall be established for the purpose of this Act.
- (2) The Commission shall consist of the following members appointed by the Minister:
 - (a) the Chief Executive Officer of the Ministry responsible for Human Development or his or her designate, who shall be the Chairman;
 - (b) the Attorney General of Belize, or his or her representative, who shall serve as the Deputy Chairman;
 - (c) the Chief Executive Officer of the Ministry responsible for Economic Development or his or her appointed representative;
 - (d) the Chief Executive Officer of the Ministry responsible for Transport or his or her appointed representative;
 - (e) the Chief Executive Officer of the Ministry of Education or his or her representative;
 - (f) the Chief Executive Officer of the Ministry of Health, or his or her representative; A representative from the Belize Chamber of Commerce and Industry;
 - (g) A representative from the Belize Tourism Industry Association;
 - (h) A representative from the National Trade Union Congress of Belize; and,
 - (i) A representative from a civil society organization that provides services for persons with disabilities;
 - (j) The Registrar General/Executive Director of the National Commission for Persons with Disabilities (*ex officio*)
- (3) Members of the Commission under this paragraph shall be appointed by the Minister by an instrument in writing.
- (4) A member of the Commission appointed under paragraph (2) unless he or she sooner resigns or vacates his or her office or his or her appointment is sooner revoked, shall hold office for a term not exceeding two years and is eligible for reappointment for a term not exceeding two consecutive terms.

- (5) The names of all members of the Commission as first constituted and every change in the membership thereof shall be published in the Gazette, and in at least one newspaper of general circulation in Belize.

4. Revocation of appointment

- (1) The Minister shall revoke the appointment of a member of the Commission appointed under paragraph 3(2)
- (a) if on recommendation by the Commission his conduct, whether in connection with his duties as a member of the Commission or otherwise, has been such as to bring disrepute on the Commission;
 - (b) if there has been proved against him or her, or he or she has been convicted on, a charge in respect of—
 - (i) an offense involving fraud, dishonesty or moral turpitude;
 - (ii) an offense under a law relating to corruption; or
 - (iii) any other offense punishable with imprisonment;
 - (c) if he or she is otherwise incapable of discharging his or her duties.

5. Cessation of membership

- (1) A member of the Commission appointed under paragraph 3(2)(j) shall cease to be a member—
- (a) if he is absent from three consecutive meetings of the Commission without reasonable justifiable reason;
 - (b) if his or her appointment is revoked;
 - (c) if he or she dies; or
 - (d) if he or she resigns his or her office by giving one month's notice in writing to the chair of the Commission.

6. Meetings of Commission

- (1) The Commission shall meet at least three times a year to perform its functions at such time and place as the Chairman may determine.
- (2) Six members shall form the quorum of a meeting of the Commission. The Chairman shall preside over all its meetings.
- (3) If the Chairman is unable to preside over any meeting of the Commission, the Deputy Chairman shall preside over the meeting.

- (4) The Commission may invite any person to attend any meeting of the Commission for the purpose of advising it on any matter under discussion, but that person shall not be entitled to vote at the meeting.
- (5) At any meeting of the Commission, the Chairman shall have a casting vote and shall, in the event of an equality of votes, have a casting vote.
- (6) Any person invited under subsection (5) may be paid such allowance as the Commission may determine.
- (7) Subject to the provisions of this Act, the Commission may make regulations for regulating its meetings and proceedings.

7. Functions of the Commission

- (1) The functions of the Commission shall be as follows:
 - (a) to oversee the implementation of the national policy and national plan of action relating to persons with disabilities; to make recommendations to the Government on all aspects of persons with disabilities, including matters relating to the support, care, protection, rehabilitation, development, and wellbeing of persons with disabilities;
 - (b) to coordinate and monitor the implementation of the national policy and national plan of action relating to persons with disabilities with relevant ministries, government agencies, bodies or organizations, and the private sector;
 - (c) to monitor Belize's compliance with the United Nations Convention on the Rights of Persons with Disabilities and the Sustainable Development Goals, and other international obligations relating to persons with disabilities;
 - (d) to monitor and evaluate the impact of policies, National Plan of Action programs, and activities designed to achieve full and effective participation of persons with disabilities and, in doing so, may enter into such arrangements with relevant ministries, government agencies, bodies, or organizations, and the private sector as it deems necessary;
 - (e) to recommend to the Government changes to the existing law as well as to propose new laws in order to secure protection, inclusion, non-discrimination, and empowerment in the society of persons with disabilities;
 - (f) to support the development of programs and strategies aimed at educating society and raising awareness throughout society, including at the family level, regarding persons with disabilities, including their capabilities and contributions to promote positive perception and greater social awareness.;
 - (g) to adopt effective and appropriate measures to promote recognition of the skills,

merits, and abilities of persons with disabilities and their contributions to the workplace and the labor market;

(h) to foster, at all levels of the education system, an attitude of respect for the rights of persons with disabilities;

(i) to advise the Government on the issues of disabilities, including developments at the international level;

(j) to collect and record data and promote research relating to persons with disabilities;

(k) to promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services;

(l) to promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding or obtaining employment on an equal basis with persons without disabilities; and to produce and publicize an annual report on the activities of the Commission and the status of persons with disabilities in Belize.

(m) to perform any other functions as directed by the Minister for properly implementing this Act.

(n) to assist aggrieved persons in the resolution of matters.

(o) to maintain a register for persons with Disabilities.

8. National Commission for Persons with Disabilities Secretariat

(1) Establish a Secretariat, to be called the National Persons with Disabilities Secretariat, which shall perform the administrative and management functions of the Commission.

(2) The Secretariat shall provide such information and support to enable the National Persons with Disabilities Secretariat to execute its functions in accordance with approved policies of the Ministry with responsibility for Human Development.

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

9. Commission to recommend changes to the law

(1) In performing its functions under this Act, it shall be the responsibility of the Commission to recommend to the Government changes required to be made to any law or to propose the provision of new laws to secure full and effective participation in society of persons with disabilities, including to facilitate accessibility or any other matter as it deems necessary or expedient.

- (2) For the purposes of making any recommendation under subsection (1), the Commission shall consult —
- (a) the relevant ministries, government agencies, bodies, or organizations;
 - (b) the Belize Chamber of Commerce and Industry (BCCI), Belize Tourism Industry Association, and any other business support organization deemed necessary; and
 - (c) any non-governmental organization as it deems necessary.
- (3) In formulating its recommendation or proposal under subsection (1), the Commission shall have regard to such policies, information, and other considerations received during the consultation pursuant to subsection (2) that appear to it to be relevant.

10. Responsibility of the Government

- (1) The responsibility and obligation to be discharged by the Government under this Act shall be in furtherance of its policy relating to persons with disabilities and shall be so discharged—
- (a) by taking into consideration the available financial and human resources and such other factors as may be relevant; and
 - (b) in compliance with the provisions of other written laws as may be relevant.

Part III

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

11. Appointment and duties of Registrar General and Registrar

- (1) The Minister shall, for the purposes of this Act, appoint on the recommendation of the Commission—
- (a) a Registrar General and Deputy Registrar General;
 - (b) such number of Assistant Registrars for any district or area as the Minister may determine.
- (2) The Registrar General shall be under the general direction and supervision of the Commission, and the Registrar General shall exercise general control and supervision over all matters relating to the registration of persons with disabilities under this Act.
- (3) The Deputy Registrar General, Registrar, and Assistant Registrars shall be under the general direction and supervision of the Registrar General.

(4) The Registrar General shall have the powers and exercise the functions conferred on him by this Act, and in his or her absence, such powers and functions may be had or exercised by the Deputy Registrar General.

(5) Subject to the Registrar General's direction, control, and supervision, the Deputy Registrar General or Registrar may exercise all the powers and functions conferred on the Registrar General by or under this Act.

(6) Subject to the Registrar's direction, control, and supervision, an Assistant Registrar shall assist the Registrar in exercising his or her powers and performing his or her functions in the area to which he or she is appointed.

(7) Appointment of the Registrar General, Deputy Registrar General, Registrar, and Assistant Registrar under this section shall be published in the Gazette.

12. Register of Persons with Disabilities

(1) Every Registrar shall maintain the Register of Persons with Disabilities.

(2) The Minister may make regulations for the keeping and maintenance of the Register of Persons with Disabilities, and such regulations may include provisions to authorize the Registrar or Assistant Registrar to update the Register by making changes to the particulars of the persons with disabilities or to delete the names of persons with disabilities who have died or ceased to be persons with disabilities.

13. Application for registration

(1) Application for registration as persons with disabilities shall be made to the Commission.

(2) The Minister may make regulations for registering persons with disabilities and for all matters incidental thereto.

(3) Without prejudice to the generality of subsection (2), the regulations may—

(a) prescribe the procedure to be followed in making an application for registration;

(b) prescribe who may be registered as persons with disabilities and who ceases to be registered as persons with disabilities;

14. Power of Registrar to call for additional documents or information

(1) The Registrar may, in relation to any application made under Section 13, call for such additional documents or information to be supplied by the applicant within the period specified by the Registrar.

(2) Where a person making an application fails to supply the additional document or information

called for within the specified period or such other period as may be extended by the Registrar, the application is deemed to have been withdrawn without prejudice; however, a fresh application may be submitted.

15. Registration and refusal to register

- (1) After considering an application under section 13 and any additional document or information supplied pursuant to section 14, if any, the Registrar shall—
 - (a) register a person to be a person with a disability if he is satisfied that the person who is the subject of the application is a person with a disability; or
 - (b) refuse to register a person as a person with a disability if he is satisfied that the person is not a person with a disability.
- (2) A person aggrieved by the decision of the Registrar under paragraph (b.) may appeal to the Commission, and the decision of the Commission shall be final.

PART IV

Protection from Discrimination, Exploitation, Abuse, and Violence

16. Protection from discrimination

- (1) a person with a disability shall not be subject to any form of discrimination based on a disability.
- (2) A person with a disability is entitled to equal protection and benefit of the rights and freedoms under the Constitution of Belize.

17. Protection from exploitation, violence, and abuse

- (1) In this section—

“economic abuse” includes—

- (a) the deprivation or threatened deprivation of any or all economic or financial resources to which the person with a disability is entitled under the law or requires out of necessity, including household necessities and mortgage bond repayments of the shared household; or
- (b) the disposal or threatened disposal of household effects or other property in which the person with a disability has an interest;

“emotional, verbal, and psychological abuse” means degrading or humiliating conduct by a person to a person with a disability and includes—

- (a) repeated insults, ridicule, or name-calling;

(b) repeated threats to cause emotional pain.

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

“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 and neglect; and
- (d) abuse including—
 - (i) economic abuse;
 - (ii) emotional, verbal, and psychological abuse;
 - (iii) physical abuse;
 - (iv) sexual abuse
 - (v) unlawful imprisonment and isolation.

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

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

PART V

Protection of Persons with Severe Disabilities

18. Lifelong protection and social support system

- (1) For the purposes of this section, “persons with severe disabilities” means a person suffering from one or more disabilities who is dependent on others for basic daily living activities.
- (2) The Government shall provide the necessary lifelong protection and social support system, including ensuring that the welfare of persons with severe disabilities remains unaffected after their parents’ or caregivers’ death to enable the persons with severe disabilities to lead a better quality of life.
- (3) Any non-governmental organization intending to provide or provide institutional care for persons with severe disabilities or the caregivers for persons with severe disabilities may apply for an incentive for providing such care to the Commission in such form and manner as prescribed.

- (4) The Commission may, if it is satisfied that the application of the non-governmental organization or caregivers referred to in subsection (2) should be considered, grant such incentive as it deems appropriate with the approval of the Minister responsible for finance.

19. Meaning of persons with severe disabilities

- (1) For the purposes of this section, “persons with severe disabilities” means a person suffering from one or more disabilities who is dependent on others for basic daily living activities.
- (2) The Government shall provide the necessary lifelong protection and social support system, including ensuring that the welfare of persons with severe disabilities remains unaffected after their parents’ or caregivers’ death to enable the persons with severe disabilities to lead a better quality of life.
- (3) Any non-governmental organization intending to provide or provide institutional care for persons with severe disabilities or the caregivers for persons with severe disabilities may make an application for an incentive for providing such care to the Commission in such form and manner as may be prescribed.
- (4) The Commission may if it is satisfied that the application of the non-governmental
- (5) organization or caregivers referred to in subsection (2) should be considered, grant such incentive as it deems appropriate with the approval of the Minister responsible for finance.

PART VI

Access to Education and Training

20. Interpretation

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.

“Minister” means the Minister with responsibility for education.

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

- (1) A person with a disability shall have the right to an appropriate education without discrimination and on the basis of equal opportunity.
- (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 of 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, in relation to that institution—
 - (a) provide universal, reasonable 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 institution's facilities in the least restrictive environment.

22. Accessibility of examinations to a person with a disability

- (1) An institution that conducts examinations, whether for licensing or certification purposes, shall ensure that examinations are conducted in a manner and in a place with facilities that are accessible to a 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 examinations, 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 scripts with a coloured sticker to ensure that a dyslexic person or a person with other learning difficulties is not penalized for spelling and syntax errors;
 - (c) assigning a reader to the person with a disability; assigning a scribe to the person with a disability;
 - (d) preparing examination papers in alternative communication formats;
 - (e) 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;
 - (f) placing the person with a disability in a room with fewer persons;

- (g) assigning a sign language interpreter to a person with a disability;
- (h) 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 center.

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

- (1) The Ministry responsible for Education shall, as far as possible, assist 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 that include, 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

24. Employers not to discriminate against a person with a disability.

- (2) An employer shall not discriminate against a person with a disability who is qualified in any of the following areas—
 - (a) recruitment;
 - (b) promotion;
 - (c) equal opportunities and equal remuneration for work of equal value;
 - (d) continuance of employment; and
- (3) Union Rights: An employer shall, where reasonably possible, prevent the person with a disability from being at a disadvantage while on the job site by making reasonable adjustments, including but not limited to—
 - (a) making physical changes to the job site such as installing ramps where necessary;
 - (b) permitting a person with a disability to work from a different location such as at home or on a ground floor;
 - (c) providing the person with a disability with special equipment to execute daily duties.

- (4) An employer shall not cause a person with a disability to carry out forced or compulsory labor.

25. Redeployment of a person with a disability

- (1) An employer may take any of the following actions in relation to a person with a disability who is no longer capable of performing the duties stipulated by the contract of employment, provided that there will not be a disproportionate or undue burden to the employer—
- (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 the person with a disability; and
 - (ii) does not result in a loss in remuneration and benefits to the person with a disability;
 - (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;
 - (c) adjusting the working hours of the person with a disability.
- (2) In redeploying a person with a disability, the following factors shall be considered—
- (a) the training, qualifications, and previous performance of the person with a disability;
 - (b) the type of position previously held by the person with a disability; and
 - (c) the possible drop in income, which the person with a disability may suffer.
- (3) A person with a disability shall, where possible, be redeployed to a post closest to the graded post previously held by that person.

26. Employer to receive incentives.

- (1) An Employer employing a person with a disability may apply for an incentive for providing such employment to the Commission in such form and manner as prescribed.
- (2) The Commission may, if satisfied with the application of the employer referred to in subsection (1), recommend to the Ministry of Finance that an incentive be granted to the employer in such form and manner as may be prescribed.

PART VIII

Healthcare

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

- (1) A person with a disability shall obtain a standard of health care equal to the standard available to a person who does not have a disability.
- (2) Every institution which offers health care to the public shall provide a person with a disability with health care service which is specific to the special needs of that person, including services that are designed to minimize and prevent any further disability.
- (3) In cases of severe disability and where necessary, mobile healthcare services should be available to persons with disabilities.

28. Right of a person with a disability to obtain insurance

- (1) A person with a disability shall not be prohibited from obtaining health and life insurance based on disability.
- (2) An insurance provider shall not offer insurance services to a person with a disability at a cost that is significantly higher than the cost offered for the same coverage to a person who does not have a disability unless any increase in cost is reasonable, based on the cost of providing such insurance or the cost of reinsurance.

29. Duty of healthcare providers

- (1) Healthcare providers shall report to the police cases of suspected abuse or neglect of a person with a disability.
- (2) A healthcare provider who fails or refuses to report suspected cases of abuse and neglect commits an offense.

30. Duty of caregivers

- (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 other necessities. A person responsible for the care of a person with a disability shall not assault, ill-treat, neglect, or otherwise harm that person.
- (2) A person who contravenes this section commits an offense and is liable on summary conviction to a fine of \$5,000.00 and imprisonment for two years.

PART 1X
Accessibility

31. Access to public buildings, public transport, and premises

- (1) Subject to subsection (3), a person with a disability shall have the right to reasonable access to all indoor and outdoor places where public and public transport services are offered.
- (2) Existing public premises shall be altered within twelve (12) months of this Act coming into effect to facilitate accessibility by a person with a disability.
- (3) The owner of existing commercial premises may alter the existing premises if doing so will not constitute an undue burden on the owner to facilitate accessibility by a person with a disability.
- (4) The 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 public transport; therefore, shall not be denied the opportunity to use public transport based on a disability.
- (6) A person with a disability shall not be charged a higher sum for using any form of transportation.
- (7) A person who contravenes this section commits an offense and is liable on summary conviction to a fine not exceeding \$5,000.00.

PART X
Disabilities And Equal Opportunities Rights Tribunal

32. Establishment of the Tribunal

- (1) There is established a body to be called the Disabilities and Equal Opportunities Rights Tribunal (“the Tribunal”).
- (2) The provisions of the First Schedule shall have effect as to the constitution, members, committees, procedures, and meetings of the Tribunal and otherwise in relation thereto.
- (3) The Tribunal shall sit in such numbers of divisions as may from time to time be necessary.
 - (a) A division of the Tribunal shall, where the Tribunal proposes, to deal with a complaint referred to under section 32, consist of –one member of the Tribunal, who shall either be the Chairman or the Deputy Chairman appointed by the Minister; and
 - (b) two of the members of the Tribunal selected in the manner specified in

the First Schedule.

- (4) Where three of the members are selected under subsection (4) to constitute a division of the Tribunal and the Chairman is one of those members, he shall preside over that division, and where the Chairman is not one of those members, the Deputy Chairman shall preside.
- (5) Where three members of the Tribunal constitute a division thereof and any one of those members dies or is incapacitated or ceases to be a member thereof for any other reason after the division begins to deal with the complaint in relation to which it was constituted, but before it has made its award, another person shall be selected in accordance with the First Schedule, and thereafter the proceedings shall continue as if they had not been interrupted by reason of such death, incapacity or cessation unless any party to the complaint requests in writing that the proceedings begin de novo.
- (6) The validity of the proceedings of a division of the Tribunal shall not be affected by reason that such proceedings are not begun de novo after the filling of such vacancy.

PART XI

Complaints to Commission

33. Complaints to Commission

- (1) A person with a disability who, by reason of any occurrence specified in subsection (2), is aggrieved, or the caregiver of that person (either of whom is referred to in this section as an "aggrieved person") may, by six months from the date of such occurrence, make a complaint in writing to the Commission, and the Commission shall act in accordance with the provisions of the section.
- (2) In deciding whether to accept a complaint, the Commission shall have regard to the following factors.
 - (a) whether the complaint is, in the opinion of the Commission, trivial, vexatious, misconceived, or lacking in substance; or
 - (b) the complaint does not relate to discrimination against a person with a disability;
 - (c) the complainant has commenced proceedings in another commission, or a court or tribunal in relation to the same events, and that other commission or 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 or 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 or court

or tribunal; in the opinion of the Commission, there is a more appropriate remedy that is reasonably available;

- (e) the subject matter of the complaint has already been adequately dealt with by the Tribunal or another commission or court or tribunal.
- (3) Notwithstanding the provisions of subsection (1), the Commission may accept a matter that is filed after the expiration of 6 months if the Tribunal is satisfied that the matter warrants consideration by the Tribunal.
- (4) An 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 terms and conditions of such benefit or membership are in accordance with section 41(2); or
 - (d) any other contravention of any provision of this Act.
- (5) The Commission shall consider complaints submitted for consideration in the order in which the complaints were filed and shall issue a notice to the parties giving details of the time and place of the hearing.
- (6) Notwithstanding subsection (3), the Commission may, if it considers it expedient so to do, consider a complaint in priority to other complaints filed before it.

34. Assistance in Relation to Complaints

- (1) The Commission may provide assistance to an aggrieved person to make a complaint under section 31, where the Commission is of the view that there is a breach of this Act against the aggrieved person.
- (2) Assistance under this section does not include assistance with legal representation.

35. Formal Investigations

- (1) The Commission-
 - (a) may conduct a formal investigation for any purpose connected with the performance of its functions under this Act; or
 - (b) shall conduct a formal investigation if directed to do so by the Tribunal or Minister.

- (2) Subject to subsection (3), the Tribunal may at any time terminate or suspend, as the case may require, the conduct of a formal investigation.
- (3) A formal investigation that is conducted pursuant to a direction under subsection (1)(b) may only be terminated or suspended with the approval of the Minister.

36. Dispute Resolution Procedures

- (1) The Tribunal 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, notwithstanding that any such party fails to appear before the Tribunal.
- (2) The Tribunal shall, with respect to a complaint made under section 33-
 - (a) refer the complaint to the Tribunal for determination; or
 - (b) with the consent of the parties named in the complaint, refer to the complaint for alternative dispute resolution.
- (3) After considering a complaint made under section 31, the Tribunal may make such order as it thinks fit and without prejudice to the generality of the foregoing, may take one or more of the following steps as it considers just and equitable; namely, it may
 - (a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the complaint relates
 - (b) make an order-
 - (i) to the effect that the respondent pay compensation in such amount and in such manner as the Tribunal may direct to the complainant; or
 - (ii) notwithstanding that a party to the proceedings fails to appear before the Tribunal on the hearing of the complaint;
 - (c) order that the respondent takes within a specified period, such action as appears to the Tribunal to be reasonable and proportionate in all the circumstances of the case, for the purpose of obviating or reducing 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, encourage the parties to settle the matter by negotiation or conciliation, and if they so agree, refer the matter back to the Commission for such alternative method of dispute resolution.

37. Decision of Tribunal

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

38. Interim Orders

- (1) Where a complaint is referred to the Tribunal by the Commission for determination under section 33, 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.

39. Alternative Dispute Resolutions

- (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 connection with providing services in pursuance of the arrangements.
- (2) An employee of the Tribunal shall not provide alternative dispute resolution services in relation to complaints.
- (3) Subsection (1) shall not apply to information which is
 - (a) disclosed with the consent of the parties to a dispute;
 - (b) not identifiable with a particular dispute 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 is not admissible in evidence in any hearings of the Tribunal except with the consent of the person who so communicated it.

40. Assistance in relation to Court proceedings

- (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 the individual concerned applies to the Commission for assistance in relation to any proceedings to which this section applies, the Commission may grant the application on any of the following grounds-
 - (a) that it is unreasonable to expect the applicant to deal with the case unaided;
 - (b) that 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;
 - (b) arrange for legal or other representation (which may include any assistance usually given by an attorney-at-law);
 - (c) seek to procure the settlement of any dispute;

41. Commission to provide Assistance

- (1) This section applies where
 - (a) the Commission provides legal assistance under section 37 in relation to any proceedings; and
 - (b) costs are awarded to the Commission or any individual 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 in relation thereto.
- (3) Notwithstanding subsection (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.

PART XII *General*

42. Protection against the suit and legal proceedings

- (1) 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) any member of the Commission or any member of a committee; OR any other person lawfully acting on behalf of the Commission,

In respect of any act, neglect, or default done or committed by him in good faith or any omission omitted by him or it in good faith in such capacity.

43. Power to make regulations

- (1) The Minister may make regulations as appear to him to be necessary and expedient to carry out the provisions of this Act.
- (2) In making regulations, the Minister shall regard the Commission's recommendations.
- (3) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for all or any of the following purposes:
 - (a) to regulate the management of institutions established for persons with disabilities;
 - (b) to regulate the management of institutions established for persons with severe disabilities;
 - (c) to process and regulate the registration of persons with disabilities and such matter relating or incidental thereto;
 - (d) to prescribe any other matter required or permitted to be prescribed under this Act; and
 - (e) to provide for any other matter which the Minister deems expedient or necessary for the purposes of this Act.

44. Things done in anticipation of the enactment of this Act

- (1) All acts and things done on behalf of the Government or the Commission in preparation for or in anticipation of the enactment of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided that the acts and things done are consistent with the general intent and purposes of this Act, and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall on the coming into operation of this Act be deemed to be the rights and obligations of the Government or the Commission.

45. Savings and transitional

- (1) Any person who immediately before the coming into operation of this Act is registered as a person with a disability with the Department of Social Welfare shall, on the coming into operation of this Act, be deemed to be a person with a disability registered under this Act. Any person with a disability to whom an identification card has been issued by the Department of Social Welfare immediately before the coming into operation of this Act shall be issued a "National Disability ID" under this Act.

- (2) All registers relating to the registration of persons with disabilities kept and maintained by the Ministry of Human Development and the Social Security immediately before the coming into operation of this Act shall, on the coming into operation 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.

46. Prevention of anomalies

- (1) The Minister may, by order, make such modifications in the provisions of this Act as may appear to him to be necessary or expedient for the purpose of removing any difficulty occasioned by the coming into operation of this Act only as regards 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 coming into operation of this Act.
- (3) In this section, “modifications” means amendments, additions, deletions, and substitutions of any provision of this Act.

47. Penalty for an offence with no express penalty

- (1) A person guilty of an offence under this Act where no express penalty is stipulated is liable on summary conviction to a fine of \$5,000.00 or imprisonment for two years.

48. Confidentiality

- (1) 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 with respect to all matters that come to the 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.

49. Exemption from Liability

- (1) Nothing done by any member of the Commission, the Tribunal, the Registrar or any person acting under the authority of any of them shall subject that person, in a personal capacity, to any action, liability, claim, or demand where such thing was done bona fide for the purpose of giving effect to this Act.

50. Regulations

- (1) The Minister may make regulations as he or she deems fit to ...

PART XIII
First Schedule

51. Constitution of the Tribunal

(1) The Tribunal shall consist of-

(a) a chairman and a deputy chairman, appointed by the Minister after consultation with the Commission, each of whom shall be an attorney-at-law with at least seven years of experience as such; and

(b) not less than two other members appointed by the Minister-

(i) from a panel supplied to him by organizations that appear to the Minister to represent the disabled community and which members appear to the Minister to have sufficient knowledge of disability issues; and

(ii) at least one such member being a person with knowledge or experience in any one or more of the following fields-

- a. quantity surveying;
- b. building or construction;
- c. economics;
- d. finance;
- e. accounting;
- f. human resource management.

(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 chairmen and members for such period, as he or she thinks necessary for the purpose of dealing with the temporary increase in the work of the Tribunal, which shall be appointed in the manner provided under sub-paragraph (1).

(3) Members of the Tribunal appointed under this paragraph 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) 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.

52. The Tribunal may regulate its procedure and proceedings.

- (1) If the chairman of the Tribunal is absent or unable to act, the Minister shall appoint a member of the Tribunal to exercise appointment.

53. Resignation

- (1) Any member of the Tribunal, other than the chairman may, at any time, resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Tribunal.
- (2) The chairman may, at any time, resign his or her 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.

54. Member shall recuse himself.

- (1) A member shall recuse himself from a proceeding where he or she becomes aware of a conflicting interest by his or her participation in the proceeding.

55. Revocation of appointments

- (1) Subject to sub-paragraph
- (2) At any time, the Minister may revoke the appointment of any member of the Tribunal.
- (3) The Minister may revoke the appointment of a member of a Tribunal where the member-
 - (a) has failed to discharge his or her functions competently;
 - (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.

56. Filling of vacancies

- (1) 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.

57. Gazetting of appointments

- (1) The names of all members of the Tribunal as first constituted and every change in the membership thereof, including the appointment of special members, shall be published in the Gazette.

58. Remuneration and protection of members of the Tribunal

- (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.
- (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 bona fide in the course of the operations of the Tribunal.