

COMMENTS ON THE PERSONS WITH DISABILITY BILL, 2022

1. General comments

- (a) Kindly be informed that this Office has provided for the governance of the Commission in consonance with recently passed legislation. Kindly indicate whether is satisfactory.

- (b) **Social protection and adequate standard of living for persons with disability**

Kindly provide clarity on subclause (4) of your instructions on the above headnote, in particular the reference to “disability allowance”.

- (c) **Procurement of goods and services**

Kindly clarify your instructions under the above headnote, in particular your reference to “disability standards”.

- (d) **Non-differential living conditions for persons with disability at the district level.**

Kindly note that subclause (4) of your instructions on the above headnote has been provided for under clause 31 of the Bill.

Also, kindly note that subclause (9) of your instructions on the above headnote require clarity. Kindly clarify the intention of these provisions.

Please clarify the action or omission which constitutes an offence under subclause (10) of your instructions.

- (e) **Promotion of inclusive education and non-discrimination in educational services**

Kindly indicate the subject of the mandate under subclause (5) of your instructions on the above headnote.

- (f) **Non-discrimination in the provision of transport services**

Kindly indicate which action or omission constitutes an offence under subclause (6) of your instructions under the above headnote.

(g) **Parking place for persons with disability**

Kindly clarify the facility referred to under subclause (3) of your instructions under the above headnote.

Kindly indicate the subject of the mandate under subclause (4) of your instructions under this headnote.

(h) **Right to physical and mental integrity**

Kindly be informed that your instructions on the above headnote require clarity. Kindly clarify the intention of this provision.

(i) **Right to human dignity**

Kindly be informed that your instructions on the above headnote require clarity. Kindly clarify the intention of this provision.

(j) **Protection and safety of persons with disability in situations of risk and humanitarian emergency**

Kindly note that subclause (5) of your instructions on the above head note requires clarity. Kindly clarify the intention of the provision.

(k) **Civil and political rights for persons with disability**

Kindly note that by virtue of section 17 of the Political Parties Act, 2000 (Act 574), the executive officers of a political party are to be elected by the members of the party. Your instructions under subclause (2) of the above headnote are therefore inconsistent with Act 574.

Also, please provide clarity on subclauses (3), (4) and (5) of your instructions on the above headnote, in particular the feasibility of mandating the election of a person with disability to Parliament, a district assembly or other lower local government unit.

Please note that members of Parliament are elected by universal adult suffrage whilst district assembly members are either elected by universal adult suffrage or appointed by the President.

(l) **Rights of Persons with Disability**

Kindly be informed that the rights of persons with disability provided for in the Bill apply to all persons with disability. It is therefore not necessary to repeat the rights for subsets of persons with disability such as women with disability, youth with disability or elderly persons with disability. Your instructions that repeat the rights of persons with disability have therefore not been captured in the Bill.

2. **Clause 2 – Objects of the Commission**

Kindly provide the objects of the Commission. Please be informed your instructions with regards to this clause has been captured under the functions of the Commission because they are functions.

3. **Clause 4 – Independence of the Commission**

Kindly provide the justification for the proposed independence of the Commission in view of the fact that the Commission is subject to directions on matters of policy from the Minister.

4. **Clause 5 – Governing body of the Commission**

Kindly provide the membership of the governing body of the Commission

5. **Clause 8 – Duties and liabilities of members of the Board**

Kindly provide the penalty for subclause 3.

6. **Clause 7 – Meetings of the Board**

Kindly provide the quorum for a meeting of the Board.

7. **Clause 18 – Funds of the Commission**

Kindly be informed that provision has been made for internally generated funds in this clause. This rendition covers fees and charges which accrue to the Commission in the performance of functions.

8. **Clause 26 – Sources of moneys for the Fund**

Kindly consult with the Ministry responsible for Finance on the sources of moneys for the Disability Fund.

9. **Clause 27 – Management of the Fund**

Kindly indicate the person responsible for managing the Disability Fund.

10. **Clause 28 – Disbursement of the Fund**

Kindly provide instructions on the purposes for which the moneys of the Fund are to be disbursed.

11. **Clause 29- Right to life**

Kindly confirm whether there are any grounds, including medical grounds, that may warrant the termination of the life of an unborn baby with disability on the grounds of the disability of the unborn baby.

12. **Clause 31 – Social protection and adequate standard of living**

Kindly confirm whether a person with disability is entitled to retire on the disability allowance referred to in subclause (5) in addition to a pension entitlement in accordance with the National Pensions Act, 2008 (Act 766).

13. **Clause 34 – Prohibition of torture, inhuman or degrading treatment and punishment**

Kindly note that your instruction prohibiting the torture, inhuman or degrading treatment or punishment of a psychiatric patient has been omitted because it has been provided for in subsection (3) of section 57 of the Mental Health Act, 2012, (Act 846).

14. **Clause 35 – Protection from abuse, exploitation and unlawful violence**

Kindly provide a definition for “law enforcement authority” as referred to in subclause (2).

15. **Clause 42 – Legal capacity**

Kindly provide for a definition for “support services” under subclause (5).

16. **Clause 57 – Promotion of inclusive education**

Kindly indicate whether the obligation under subclause (3) is to be performed by a district assembly or an educational institution.

17. Penalties for contravention of clauses 30, 32, 34, 35, 36, 38, 39, 53, 54, 57, 58, 65, 66, 69 and 84

Kindly provide minimum and maximum fines and terms of imprisonment for offences referred to under the above-mentioned provisions. Attached is the Penalty Table to serve as a guide.

18. Clause 70 – Medical treatment

This Office has observed that paragraphs (b) and (c) are inconsistent with each other as paragraph (b) provides for free medical care for persons with disability whilst paragraph (c) provides for affordable medical care for persons with disability. Kindly clarify your instructions under this provision.

19. Clause 81 – Categorisation of disability

Kindly clarify the provisions under this clause to enable this Office improve on the clause.

20. Clause 86 – Regulations

Kindly provide instructions on any other matters which are to be provided for under Regulations made under the Act.

21. Clause 87 – Interpretation

Kindly note that the definition for assistive device has been revised to achieve clarity. Please indicate whether the definition is satisfactory.

Kindly provide a definition for each of the following:

- (a) augmentative and alternative communication;
- (b) Ghana Accessibility Standard on the Built Environment;
- (c) law enforcement authority;
- (d) Sustainable Development Goals;
- (e) a special school;
- (f) a respite day care centre;

- (g) a respite boarding centre;
- (h) a special boarding school; and
- (i) a full-time care home.

18th July, 2022

PERSONS WITH DISABILITY BILL, 2022

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SCHEDULE *Categories of Disability*

PERSONS WITH DISABILITY BILL, 2022

A
BILL
ENTITLED

PERSONS WITH DISABILITY ACT, 2022

AN ACT to establish the National Commission on Disability Inclusion, to provide for the protection of the rights of persons with disability and for related matters.

PASSED by Parliament and assented to by the President:

PART ONE - NATIONAL COMMISSION ON DISABILITY INCLUSION

National Commission on Disability Inclusion

Establishment of the National Commission on Disability Inclusion

1. (1) There is established by this Act, the National Commission on Disability Inclusion, as a body corporate.

(2) The Commission may, for the performance of the functions of the Commission, acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Commission under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Commission.

Objects of the Commission

2. The objects of the Commission are to

Functions of the Commission

3. To achieve the objects under section 2, the Commission shall

- (a) collaborate with the relevant authority to provide equal opportunities for persons with disability with respect to education, employment,

health, sports, recreation, cultural activities and social services;

- (b) collaborate with the Ghana Statistical Service to facilitate the collection of accurate figures of persons with disability for the purpose of planning and budgeting;
- (c) advise the Minister on issues in respect of disability and submit proposals for appropriate legislation on disability;
- (d) develop policies to facilitate the participation of persons with disability in the mainstream of the national development process;
- (e) conduct inquiries into matters relating to the welfare of persons with disability and determine the appropriate measures to be taken;
- (f) conduct audits to assess the accessibility of public places to persons with disability;
- (g) pursue the ratification or accession and implementation of treaties relating to persons with disability in conjunction with the appropriate Ministry;
- (h) facilitate the provision of assistive devices, appliances and other equipment to persons with disability;
- (i) facilitate access to scholarships and other assistive programmes for students with disability;
- (j) promote the inclusion and mainstreaming of disability in national development at the national and district levels;
- (k) establish and maintain a register of persons with disability;
- (l) promote public awareness and undertake public education on the rights of persons with disability;
- (m) monitor and evaluate the implementation of disability policies and programmes;
- (n) undertake and publish research on matters relating to persons with

disability;

- (o) foster collaboration among local and international organisations that provide assistance to persons with disability;
- (p) mobilise resources for the attainment of the objects of the Commission; and
- (q) perform any other function that is ancillary to the objects of the Commission.

Independence of the Commission

4. Except as otherwise provided in the Constitution or by any other enactment, the Commission is not subject to the direction or control of a person or an authority in the performance of the functions of the Commission.

Governance of the Commission

Governing body of the Commission

5. (1) The governing body of the Commission is a Board consisting of

(2) The President shall, in accordance with article 70 of the Constitution, appoint the members of the Board.

(3) The Board shall ensure the proper and effective performance of the functions of the Commission.

Tenure of office of members of the Board

6. (1) A member of the Board shall hold office for a term of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Commissioner.

(3) A member of the Board may, at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may, by letter addressed to a member, revoke the appointment of the member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability of the member to act would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4), (5) or subsection (2) of section 9,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall, appoint another person to fill the vacancy.

(8) A person appointed as a member of the Board by virtue of subsection (7) shall hold office for the unexpired term.

Meetings of the Board

7. (1) The Board shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the time and place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Registrar, elected by the members present from among the number shall preside.

(4) The quorum at a meeting of the Board is members.

(5) A matter before the Board shall be decided by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members of the Board or by a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for meetings of the Board.

Duties and liabilities of a member of the Board

8. (1) A member of the Board has the same fiduciary relationship with the Commission and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty to

- (a) act honestly and in the best interest of the Commission in the performance of the functions of that member;
- (b) exercise a degree of care and diligence in the performance of the functions of that member;
- (c) avoid making use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Commission without authorisation.

(3) A member of the Board who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to

(4) Where a court determines that the Commission has suffered loss or damage as a consequence of the act or omission of a member, the court may, in addition to imposing a fine, order the person convicted to pay appropriate compensation to the Commission.

Disclosure of interest

9. (1) A member of the Board who has an interest in a matter for consideration

- (a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter, and
- (b) is disqualified from being present at or participating in the deliberations of the Board in respect of the matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

- (a) fails to disclose that interest; or
- (b) is present at or participates in the deliberations of the Board in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against a member, the Board shall recover any benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

10. (1) The Board may establish committees consisting of members of the Board or non-members of the Board or both, to perform a function of the Board.

(2) A committee of the Board may be chaired by a member of the Board except where the committee comprises entirely of non-members.

(4) Section 9 applies to members of a committee of the Board.

Allowances

11. Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Policy directives

12. The Minister may give directives to the Board on matters of policy and the Board shall comply.

Administrative Provisions

Regional and district offices of the Commission

13. (1) The Commission may establish, in each regional capital and in the districts determined by the Board, regional and district offices.

(2) A regional or district office shall be provided with the public officers, who the Board may, in consultation with the Public Services Commission, determine.

(3) A regional or district office of the Commission shall perform the functions determined by the Board.

(4) The Commission shall prepare and adopt an operational manual to guide the implementation of the functions of the Commission in a regional or district office.

Appointment of a Commissioner

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Commissioner for the Commission.

(2) A person appointed under subsection (1) shall be a person of

(a) not less than twelve years' standing as a lawyer; and

(b) high moral character and proven integrity.

(3) The Commissioner shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Commissioner

15. (1) The Commissioner

(a) is responsible for the day-to-day administration of the affairs of the Commission;

(b) is answerable to the Board in the performance of functions; and

(c) shall perform any other function determined by the Board.

(2) The Commissioner may, in writing, delegate a function to an officer of the Commission but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Appointment of other staff

16. (1) The President shall in accordance with article 195 of the Constitution appoint other staff of the Commission that are necessary for the efficient and effective performance of the functions of the Commission.

(2) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to the Commission.

(3) The Commission may engage the services of consultants and advisors on the recommendation of the Board.

Register

17. (1) The Commission shall establish, keep and maintain a register.

(2) The register shall contain the names and addresses of

- (a) persons with disability; and
- (b) an institution that provides rehabilitation and other support services for persons with disability.

Financial Provisions

Funds of the Commission

18. The funds of the Commission include

- (a) moneys approved by Parliament;
- (b) internally generated funds;
- (c) donations, gifts and grants; and
- (d) any other moneys approved by the Minister responsible for Finance.

Bank account of the Commission

19. Moneys for the Commission shall be paid into a bank account of the Commission opened for that purpose with the approval of the Controller and Accountant-General.

Expenses of the Commission

20. The administrative and other expenses of the Commission shall be paid out of the funds of the Commission.

Internal Audit Unit

21. (1) The Commission shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Commission.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658) at intervals of three months

(a) prepare and submit to the Commission, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

(b) make recommendations in each report, with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Commission.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 853) submit a copy of each report prepared under this section to the Commissioner and the chairperson of the Board.

Accounts and audit

22. (1) The Board shall keep books, records and returns of account and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit not later than two months after the end of the financial year in accordance with the Public Financial Management Act, 2016 (Act 921).

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts of the Authority and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Commission is the same as the financial year of Government.

Annual report and other reports

23. (1) The Board shall, within thirty days after the receipt of the audit report, submit to the Minister an annual report covering the activities and operations of the Commission for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report from the Board, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other report which the Minister may require in writing.

Disability Fund

Establishment of Disability Fund

24. There is established by this Act, the Disability Fund.

Object of the Fund

25. The object of the Fund is to provide financial support for persons with disability.

Sources of money for the Fund

26. The sources of money for the Disability Fund are

- (a) moneys approved by Parliament;
- (b) two per cent of the revenue retained by the Ghana Revenue Authority from the mining industry and the oil and gas industry;
- (c) donations, gifts and grants; and

- (d) income from investments.

Management of the Fund

27. (1) The is responsible for the management of the Fund.
- (2) Sections 22 and 23 on accounts and audit, and annual report and other reports apply to the Fund.
- (3) The Board may invest the moneys of the Fund in a manner the Board considers appropriate.
- (4) The Board shall include a report of any investments made and the income derived from the investment in the annual report of the Commission.

Disbursement of the Fund

28. To achieve the object of the Fund, moneys from the Fund shall be applied to
- (a)
- (b)

PART TWO – THE RIGHTS OF PERSONS WITH DISABILITY

Rights of Persons with Disability

Right to life

29. (1) A person shall not deprive a person with disability of the right to life on the grounds of the disability of the person with disability.
- (2) A person shall not terminate the life of an unborn baby with disability on the grounds of the disability of the unborn baby.
- (3) The Commission shall
- (a) take effective and appropriate measures to ensure the enjoyment of the right to life by a person with disability on an equal basis with any other person; and
- (b) ensure that the death of a person with disability is documented and investigated.

(4) A person shall not deprive a new born baby with disability of adequate feeding.

(5) Where breastfeeding a new born baby with disability is not practicable, the Ministry responsible for Health shall provide adequate nutrition as recommended by a medical officer for the baby.

Right to family life and social activities

30. (1) A person shall not deprive a person with disability of the right to

- (a) live with the family of the person with disability; or
- (b) participate in social, political, economic, creative or recreational activities.

(2) A person shall not carry out a customary norm or practice which is inconsistent with subsection (1).

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less thanand not more than twelve thousand units and to a term of imprisonment of not less than..... and not more than five years or to both.

Social protection and adequate standard of living

31. (1) A person with disability has a right to an adequate standard of living including

- (a) food;
- (b) housing;
- (c) clothing; and
- (d) a continuous improvement of living conditions.

(2) The Social Welfare Department shall establish a Disability Unit in each district.

(3) A Disability Unit referred to in subsection (2) shall

- (a) assess the level of disability of a child with disability based on the recommendation of a team of professionals appointed by the Commission;
- (b) register a child with disability within two weeks after the assessment under paragraph (a);
- (c) organise a family and home assessment for a child with disability; and
- (d) make recommendations in the best interest of the child.

(4) A person with disability is entitled to social protection benefits in line with the needs of the person with disability.

(5) Without limiting subsection (4), a person with disability who works in the formal sector is entitled to retire on a disability allowance.

Differential living conditions

32. (1) Except as otherwise required by the condition or the need for improvement of the condition of a person with disability, a person shall not subject a person with disability to differential living conditions in respect of residence.

(2) A person with disability is entitled to

- (a) an independent existence;
- (b) support services; and
- (c) access to a range of in-home services, including personal assistance

in order to facilitate inclusion and equal treatment in the community.

(3) The Commission shall develop a system of support services for the purpose of improving the well-being of persons with disability.

(4) Each district assembly shall, in the

- (a) formulation of policies, programmes, development projects; and
- (b) planning and preparation of a budget

for a district, have regard to the needs of persons with disability.

(5) A person with disability is entitled to a service provided by a district assembly.

(6) A person who contravenes commits an offence and is liable on summary conviction to a fine of not less than and not more than two thousand penalty units or to a term of imprisonment of not less than and not more than two years or to both.

(7) Subsection (6) is without prejudice to any other action that may be instituted by a person with disability for the enforcement of a right under this section.

Right to equality and non-discrimination

33. (1) A person with disability is entitled to recognition before the law on an equal basis with others in the social, cultural, economic and political aspects of life.

(2) The State shall take effective and appropriate measures to guarantee protection against discrimination for

- (a) a person with disability;
- (b) a caregiver or support person for a person with disability; and
- (c) a parent of a person with disability.

within the family and the community.

(3) A person with disability is entitled to equal enjoyment of goods, services and reasonable accommodation in order to achieve de facto equality.

(4) A person with disability is entitled to special measures that are intended to

- (a) accelerate or achieve the equal treatment of the person with disability; or
- (b) eliminate discrimination against a person with disability.

Prohibition of torture, inhuman or degrading treatment and punishment

34. (1) A person shall not subject a person with disability to torture or other cruel, inhuman or degrading treatment or punishment.

(2) A person shall not subject

(a) a person with psychosocial disability, or

(b) a child with learning disability or developmental disability

to torture, or other cruel, inhuman or other degrading treatment or punishment.

(3) A person shall not, without the free and informed consent of a person with disability, subject the person with disability to

(a) medical or scientific research; or

(b) sterilisation.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than and not more than eight thousand penalty units or to a term of imprisonment of not less than and not more than five years or to both.

Protection from abuse, exploitation and unlawful violence

35. (1) A person shall not subject a person with disability to any form of abuse, exploitation or unlawful violence.

(2) A person who has reason to suspect that a person with disability is being subjected to any form of abuse, neglect, exploitation or unlawful violence may inform a law enforcement authority.

(3) For purposes of this section, "violence" includes gender-based violence, domestic violence, physical violence, mental violence and emotional violence.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary to a fine of not less than and not more than one thousand penalty units or to a term of imprisonment of not less than ... and not more than six months or to both.

Right to medical care

36. (1) A person shall not deprive a person with disability of access to medical care on the grounds of the disability of the person with disability.

(2) A person with disability is entitled to

- (a) appropriate medical care and treatment in line with the condition of the person with disability;
- (b) medical assessment reports for purposes of registration, employment or compensation; and
- (c) obtain medical care and treatment with respect and dignity.

(3) A public health institution shall

- (a) employ staff for the purposes of facilitating communication between persons with disability and medical personnel;
- (b) provide the highest standard of medical care and treatment for persons with disability;
- (c) ensure that the institution is accessible to persons with disability; and
- (d) provide health facilities and equipment that can be modified for the use of persons with disability.

(4) A person with disability is entitled to priority attendance by medical personnel.

(5) A person shall not perform a medical procedure on a person with disability without the consent of the person with disability.

(6) A person with disability is entitled to the enjoyment of sexual and reproductive health rights.

(7) A person with a psychosocial disability is entitled to medical care and treatment that takes into account

- (a) the consent of the person with disability; and
- (b) access to psychotropic medicine without harmful side effects.

(8) The Commission shall assist a person with psychosocial disability to prepare advanced directives which shall be observed where the person with disability is unable to make decisions with respect to medical care or treatment.

(9) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine of not less than and not more than three thousand penalty units or to a term of imprisonment of not less than and not more than one year or to both.

Access to justice

37. (1) A person shall not deprive a person with disability of access to justice.

(2) Where a person with disability is a party in judicial proceedings, the adjudicating body shall

- (a) take into account the condition of the person with disability; and
- (b) provide facilities that enable the person with disability to participate effectively in the proceedings.

(3) A person with disability is entitled to legal aid services on an equal basis with others.

Access to public places or premises

38. (1) The owner or occupier of premises to which the public has access shall ensure that the place is accessible to persons with disability.

(2) Without limiting subsection (1), an owner or occupier of a premises to which the public has access shall

- (a) provide accessible facilities including ramps, rails, elevators, wheelchair-accessible doorways, flashlights and braille to facilitate access to the premises for persons with disability;
- (b) ensure that the premises complies with the Ghana Accessibility Standard on the Built Environment.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than and not more than five thousand penalty units or to a term of imprisonment of not less than and not more than one year or to both.

(4) The Court may make an order directing a person convicted under subsection (3) to provide access to the premises to persons with disability.

(5) Where a person fails to comply with this section, the Commission may apply to a court for an order to suspend the licence of that person.

Access to public services

39. (1) A person who provides a service to the public shall put in place necessary facilities that make the service accessible to a person with disability.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than ... and not more than five thousand penalty units or to a term of imprisonment of not less than and not more than one year or to both.

Right to privacy

40. (1) A person with disability has a right to privacy.

(2) A person shall not subject a person with disability to unlawful interference with the privacy of the home, property, correspondence or communication of the person with disability.

Protection and safety during emergency or humanitarian crisis

41. (1) A person with disability is entitled to prioritised, suitable and specialised protection and safety in the event of an emergency or a humanitarian crisis.

(2) Each institution, whether public or private shall

- (a) establish and maintain an inventory of persons with disability within the institution; and
- (b) submit the inventory to the Commission, the National Disaster Management Organisation or any other agency responsible for disaster management.

(3) A person who is providing aid or assistance during an emergency or a humanitarian crisis shall ensure prioritised safety and protection for a person with disability in accordance with the obligations of Ghana under the United Nations Convention on the Rights of Persons with Disability and the Sustainable Development Goals.

(4) An owner or occupier of premises shall provide suitable safety measures to ensure accessibility to a person with disability in the event of an emergency or a humanitarian crisis.

(5) For purposes of this section, an emergency or humanitarian crisis includes the occurrence of armed conflict, tribal clashes, floods, epidemics, earthquakes, terrorist attacks and collapsed buildings.

Legal capacity

42. (1) A person shall not deprive a person with disability of legal capacity on the grounds of the disability of the person with disability.

(2) A person with disability has the right to

- (a) own and dispose of property;
- (b) control the financial affairs of the person with disability; and
- (c) enter into a contract or any other related transaction.

(3) A person with disability is entitled to support services to enable the person with disability exercise legal capacity.

(4) A person who provides support services to a person with disability shall take into account the will and preference of the person with disability.

(5) The Commission shall undertake regular review of a person who provides support services that enables a person with disability to exercise legal capacity.

(6) A person with disability may provide advanced directives that are to be implemented where the person with disability is unable to exercise legal capacity.

(7) This section shall be read together with any other enactment on the exercise of legal capacity and where there is a conflict, the provisions of this section shall prevail.

(8) For purposes of this section,

(a) "legal capacity" means the ability to hold a right or duty and to exercise a right or duty; and

(b) "support service" includes a form of assistance provided by a person or a support animal, a sign language interpreter, a guide or any other service specifically provided to enable a person with disability participate effectively in an activity.

Right to documents of registration

43. A person shall not deprive a person with disability of access to

(a) a birth certificate;

(b) a national identification card;

(c) a passport; or

(d) any other document of registration or identity.

Civil and political rights

44. (1) A person with disability has a right to participate in political and public life, including the right to vote and be voted for with respect to a public or political office.

(2) The Electoral Commission shall provide appropriate measures to enable a person with disability exercise the right to vote or be voted for in an election.

(3) Without limiting subsection (2), the Electoral Commission shall ensure

(a) the provision of facilities and materials which are accessible and easy to use by persons with disability;

(b) the protection of the right of persons with disability to vote in secret without intimidation; and

(c) that a person with disability is able to vote with the assistance of a

person that the person with disability may determine.

Participation in public activity

45. A person who organises a

- (a) national;
- (b) regional
- (c) district; or
- (d) communal

activity that is open to the public shall provide facilities and programmes to enable a person with disability participate effectively.

Arrest and detention

46. (1) A law enforcement authority shall, upon the arrest and detention of a person with disability, provide appropriate measures to make the place of detention accessible to a person with disability.

(2) A law enforcement authority shall ensure that a person with disability who is arrested, restricted or detained is informed, in a manner that the person with disability understands, of

- (a) the reason for the arrest, restriction or detention; and
- (b) the right to a lawyer.

(3) Where a law enforcement authority effects an arrest or detention of a person with disability in contravention of subsections (1) and (2), the arrest and detention shall be unlawful.

(4) The Commission shall

- (a) collaborate with the relevant agency to include disability related modules in the curricula for the training of law enforcement personnel;
- (b) develop a standard training manual on the treatment of persons with disabilities by law enforcement authorities; and

- (c) award certificates to a law enforcement officer upon completion of the training under paragraph (b).

Access to information, communication and technology services

47. (1) A person with disability has the right to access information, communication technology services.

(2) The Ministers responsible for

(a) Information; and

(b) Communications and Digitalisation

shall put in place measures to ensure access to information by persons with disability.

(3) A person who provides an information communication technology service to the public shall put in place appropriate measures to ensure that the service is accessible to a person with disability.

(4) A person who provides information to the public through a medium including television, radio or a social media platform shall ensure that the information is accessible to persons with disability.

(5) Without limiting subsection (4), a person who provides information to the public shall provide the information through accessible formats including

- (a) braille;
- (b) Ghanaian sign language;
- (c) augmentative and alternative communication;
- (d) live transcribe technology; and
- (e) tactile signage.

(6) Where a person fails to comply with this section, the Commission shall apply to a court for an order to suspend the licence of that person.

Access to recreational event, sporting event, festival or cultural activity

48. (1) A person who organises
- (a) a recreational event;
 - (b) a sporting event;
 - (c) a festival;
 - (d) a cultural activity; or
 - (e) any other activity

that is open to the public shall ensure that the activity or event is accessible to persons with disability.

- (2) The Ministry, each district assembly and the Ministries responsible for
- (a) Sports;
 - (b) Tourism, Culture and Arts

shall ensure the provision of adequate facilities at sports and cultural events organised by the State to enable a person with disability participate effectively.

- (3) The Ministry responsible for Sports shall establish a disability desk to coordinate the inclusion of persons with disability into sports programmes.

Employment of Persons with Disability

Employment of persons with disability

49. (1) A person shall not deprive a person with disability of
- (a) the right to work; or
 - (b) equal pay for equal work.
- (2) The Ministry responsible for Employment and Labour Relations shall
- (a) in collaboration with the Commission

- (i) provide strategies to secure jobs for persons with disability; and
 - (ii) ensure that persons with disability constitute a key target group for recruitment by public and private employment agencies; and
- (b) adopt equitable policies to promote the realisation of the right of persons with disability to work.

(3) A person who employs a person with disability is entitled to an annual tax rebate of the taxable income in respect of each person with disability employed.

(4) The Government shall grant special incentives to persons with disability engaged in business and business organisations that employ persons with disability.

(5) A person who employs a person with disability shall provide appropriate support with respect to access to

(a) the place of employment; and

(b) information, communication and technology services

to enable a person with disability work effectively

Exemption from tax

50. (1) A person with disability is exempt from

(a) income tax; and

(b) property tax.

(2) Despite paragraph (a) of subsection (1), an employer shall not reduce the remuneration of a person with disability on the grounds of the tax-exempt status of the person with disability.

(3) A person with disability who is engaged in a business is entitled to

(a) a tax holiday for a period of ten years; and

(b) an annual tax rebate of five per cent of the taxable income of the business upon the expiry of the tax holiday.

Provision of tools

51. A person who employs a person with disability shall provide

(a) the relevant working tools, and

(b) appropriate facilities,

required by the person with disability for the efficient and effective performance of the functions required by the employment.

Posting or transfer of person with disability

52. An employer shall not post or transfer a person with disability to a section or place of the establishment which is not suited for the person with disability.

Rehabilitation of worker who suffers disability at workplace

53. (1) The employment of a person who suffers disability as a result of employment shall not cease if the residual capacity for work is such that the person can be found employment in the same job or a corresponding job in the same undertaking.

(2) Where a person in employment suffers disability as a result of employment, the employer shall counsel, re-train and re-deploy the person to another section more suited to the person with disability.

(3) Subsection (2) is without prejudice to any other relief which the employee is entitled to under the Workmen's Compensation Act, 1987 (P.N.D.C.L. 187).

(4) A person who fails to reinstate a person who suffers disability as a result of employment commits an offence and is liable on summary conviction to a fine of not less than ... and not more than eight thousand penalty units or to a term of imprisonment of not less than and not more than three years or to both.

Training for unemployed persons with disability

54. (1) The Commission shall keep a register of persons with disability who are unemployed.

(2) Where the name of a person with disability remains on a job search list for more than two years, the Ministry shall

- (a) provide appropriate training for the person with disability;
- (b) provide the person with disability with the necessary working tools and materials; and
- (c) assist the person with disability to access loan capital to start a business.

(3) A person

- (a) with disability who sells the tools or materials received under subsection (2), or
- (b) who buys the tools or materials given to a person with disability under subsection (2),

commits an offence and is liable on summary conviction to a fine of not less than and not more than three thousand penalty units or to a term of imprisonment of not less than and not more than one year or both.

(4) Where the person with disability has multiple disabilities and is not in a position to work, the Commission shall enroll the person with multiple disabilities on a social benefit scheme.

Rehabilitation centres

55. (1) The Ministry shall establish rehabilitation centres for persons with disability in each region and each district.

(2) A rehabilitation centre referred to under subsection (1) shall

- (a) be designed for all categories of disability set out in the Schedule; and
- (b) offer guidance, counselling, peer support and appropriate training for persons with disability to enable the person with disability to enter into the mainstream of social life.

(3) The Ministry shall provide a rehabilitation centre with the qualified staff and facilities that are necessary for the performance of functions.

(4) For purposes of subsection (1), "qualified staff" includes staff who have knowledge in disability studies and disability law.

(5) The Ministry shall provide training in disability studies and disability law to the existing staff of a rehabilitation centre.

Community-based rehabilitation

56. For purposes of fostering integration, the Commission shall adopt strategies to ensure that a person with disability is rehabilitated within the community of that person.

Education of Persons with Disability

Promotion of inclusive education

57. (1) An educational institution shall not discriminate against a person with disability on the grounds of the disability of the person with disability.

(2) An educational institution that enrolls a person with disability shall provide inclusive learning programmes and facilities to enable a person with disability participate effectively.

(3) The shall develop an individualised education plan for a child with disability until the person attains the age of twenty-one.

(4) A District Assembly shall provide daily transportation to the educational institution of a person with disability until the person attains the age of twenty-one.

(5) Each district shall, within five years after the coming into force of this Act, provide appropriate education facilities for children of all categories of disability.

(6) Without limiting subsection (5), appropriate educational facilities shall include

- (a) a special school;
- (b) a respite day care centre;
- (c) a respite boarding centre;

(d) a special boarding school; and

(e) a full-time care home.

(7) A person who willfully prevents a child with disability from attaining education commits an offence and is liable on summary conviction to a fine of not less than and not more than five thousand penalty units or to a term of imprisonment of not less than ... and not more than two years or to both.

Education of child with disability

58. (1) A parent, guardian or custodian of a child with disability shall enroll the child in a school.

(2) A parent, guardian or custodian who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than and not more than ten penalty units or to a term of imprisonment of not less than and not more than fourteen days.

Facilities and equipment in educational institutions

59. (1) The Ministry responsible for Education shall adopt and implement an education programme that is inclusive of pupils or students with disability.

(2) The Ministry shall, in collaboration with the Ministry responsible for Education, ensure that an educational institution takes into account the needs of pupils or students with disability with respect to

(a) entry requirements for pupils or students;

(b) setting of pass marks;

(c) content of curriculum;

(d) conduct of examination;

(e) use of school facilities;

(f) class schedules; and

(g) physical education requirements.

(3) The Minister responsible for Education shall

(a) provide

- (i) individualised support measures;
- (ii) assistive devices;
- (iii) adoptive technology; and
- (iv) any other supportive service

to pupils or students with disability;

- (b) commit a percentage of the budget of the Ministry to the education of persons with disability;
- (c) develop an adaptable examination and assessment framework for pupils or students with disability; and
- (d) award pupils or students with disability of all categories with certificates after completion of the relevant education level.

Free education and special schools

60. The Government shall

- (a) provide free education for a person with disability; and
- (b) establish special schools for persons with disability who by reason of their disability cannot be enrolled in formal schools.

Appropriate training for basic school graduates

61. Where a person with disability has completed basic education but is unable to pursue further formal education, the Ministry shall provide the person with appropriate training.

Library facilities

62. A public library shall, as far as practicable, be fitted with facilities that will enable a person with disability to use the library.

Transportation

Integration of needs of persons with disability

63. (1) The Ministry responsible for Transport and where appropriate, the Ministry responsible for Local Government shall ensure that the needs of persons with disability are taken into account in the design, construction and operation of the transportation network.

(2) The Commission shall facilitate the ratification of treaties and conventions that promote access to transportation and ease of movement for persons with disability.

(3) An owner or a person in charge of commercial means of transport shall not

- (a) willfully deny access to a person with disability; or
- (b) require a person with disability who uses an assistive device to pay an extra charge for the carriage of the assistive device.

Protection of road users with disability

64. The Minister responsible for Transport shall

- (a) equip pedestrian crossings with traffic control signals that are accessible to persons with disability;
- (b) ensure that pedestrian walkways, flyovers and overhead bridges are accessible to persons with disability; and
- (c) sensitise road users and the general public on the need to accommodate persons with disability.

Importation of universally designed vehicles

65. (1) A person with disability may import a vehicle adapted or modified for use by persons with disability for personal use.

(2) A vehicle imported under subsection (1) shall, upon the recommendations of the Minister and with the approval of the Minister responsible for Finance be exempt from the payment of import duty and any other tax relating to the importation.

(3) A person shall not re-export a vehicle imported under subsection (1).

(4) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than and not more than five thousand penalty units or to a term of imprisonment of not less than and not more than three years or to both.

Parking places for persons with disability

66. (1) A District Assembly or an operator of a parking lot shall demarcate a special parking place reserved for the exclusive use of persons with disability.

(2) An operator of a parking place who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than and not more than twelve months or to both.

(3) A person without disability who parks in a place demarcated for the use of persons with disability commits an offence and is liable on summary conviction to a fine of not less than and not more than one thousand penalty units or to a term of imprisonment of not less than and not more than six months or to both.

Driving licence for persons with disability

67. (1) A person with disability may own a driving licence upon passing a driving test and satisfying conditions prescribed by the Driver and Vehicle Licensing Authority.

(2) The Driver and Vehicle Licensing Authority shall collaborate with the Commission to determine a suitable driving test for a person with disability.

(3) The Driver and Vehicle Licensing Authority shall conduct the driving test in a manner that is accessible to persons with disability.

Facilities at port terminals

68. (1) The Civil Aviation Authority and any other authority responsible for the management of a port shall provide facilities that will aid the movement of a person with disability at the port.

(2) An airline operating from an airport in the country shall, before a flight, set up a special desk to check-in persons with disability.

Reservation of seats on commercial vehicle

69. (1) A person responsible for the booking of passengers on a commercial vehicle shall reserve at least four seats for persons with disability.

(2) Where the commercial vehicle is full and the seats reserved under subsection (1) remain unoccupied, the driver or the person responsible for putting passengers on the bus may fill the reserved seats with other passengers.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than and not more than five hundred penalty units or to a term of imprisonment of not less than and not more than three months or to both.

Healthcare and Other Facilities

Medical treatment

70. The Ministry of Health shall, in formulating health policies,

- (a) consult with the Commission on
 - (i) the prevention of and early detection of disability; and
 - (ii) rehabilitation of persons with disability; and
- (b) provide for free medical care and free rehabilitative service for persons with disability;
- (c) provide affordable medical care to persons with disability; and
- (d) ensure that persons with disability receive prompt medical care.

Screening of children

71. The Ministry of Health shall, in collaboration with the Ministries responsible for Education and Social Welfare, provide for the screening of children in order to detect, prevent and manage disability.

Assessment and resource centres

72. The Ministry shall, in collaboration with District Assemblies and the Ministry of Health, establish and operate health assessment and resource centres in each district to provide early diagnostic medical attention to mothers and infants in order to determine the existence or onset of disability.

Training of professionals in disability and disability related subjects

73. (1) The Ministry of Health shall collaborate with the relevant authority to incorporate the study of disability and disability related subjects into the curricula of training institutions for health professionals in order to develop appropriate human resources to provide general and specialised rehabilitation services.

(2) The Commission shall collaborate with the relevant authority to incorporate the study of disability into the curricula of relevant educational institutions and training institutions.

Enforcement of Rights

Adjustment order

74. (1) Where, in the opinion of the Commission,

- (a) an owner or occupier of a place to which the public has access fails to provide access to a person with disability, or
- (b) a provider of a service to which the public has access fails to put in place appropriate measures to make the service accessible to a person with disability,

the Commission may apply to the Court for an adjustment order to compel the owner,

occupier or service provider to provide access to a person with disability.

(2) The application to the Court under subsection (1) shall set out

- (a) a description of the public place, where applicable;
- (b) a description of the service, where applicable;
- (c) the grounds for the order of the court;
- (d) the specific action the Commission requires the owner, occupier or service provider to take; and
- (e) the period within which the action under paragraph (d) is to be taken.

(3) The Court may make an order directing a respondent to an application under subsection (2) to take the necessary action to provide accessibility to a person with disability.

Special measures

75. (1) A person with disability is entitled to special measures to accelerate equal participation in social, cultural, economic, civic, political or any other activity.

(2) An institution shall take measures to ensure the continued improvement of the economic and social conditions of persons with disability.

Disability mainstreaming and inclusion

76. (1) A Ministry, a Department or an Agency shall

- (a) establish a Disability Mainstreaming Unit; and
- (b) allocate a portion of the budget of the Ministry, Department or Agency towards disability inclusion.

(2) A Disability Mainstreaming Unit referred to under subsection (1) shall

- (a) initiate and accelerate the mainstreaming of disability issues into policies, programmes and plans of the Ministry, Department or Agency;

- (b) carry out inspections to ensure implementation of paragraph (a); and
- (c) liaise with the Commission on matters relating to persons with disability.

(3) A Ministry, a Department or an Agency shall appoint a person who has the relevant knowledge and qualification in disability matters to head the Disability Mainstreaming Unit.

(4) The head of a Disability Mainstreaming Unit shall submit quarterly reports to the Commission outlining the compliance of the Ministry, Department or Agency with this section.

Affirmative action

77. A Ministry, a Department or an Agency shall adopt policies and practices that provide equal opportunity with respect to employment into the Ministry, Department or Agency for persons with disability.

Creation of awareness

78. (1) The Ministry shall adopt measures to

- (a) raise awareness throughout the country with regards to matters concerning persons with disability;
- (b) foster respect for the rights and dignity of persons with disability;
- (c) combat stereotypes, prejudices and harmful practices relating to persons with disability; and
- (d) promote awareness of the capabilities and contributions of persons with disability.

(2) For purposes of subsection (1), the Ministry shall

- (a) initiate and maintain effective public awareness campaigns designed to nurture reception of the rights of persons with disability;

- (b) promote positive perception and greater social awareness towards persons with disability;
- (c) promote the recognition of the merit, skills and contributions of persons with disability; and
- (d) foster at all levels of the educational system, an attitude of respect for the rights of persons with disability.

(3) Each media house shall, each month, commit hours of free airtime to promote programmes that are geared towards raising awareness for persons with disability.

(4) The Ministry shall, in collaboration with the Commission, provide training programmes on raising awareness with respect to persons with disability and the rights of persons with disability.

Complaint procedure

79. (1) A complaint in respect of the contravention of a provision under this Act may be submitted to the Commission by

- (a) a person with disability;
- (b) a caregiver of a person with disability; or
- (c) any other person.

(2) Where the Commission receives a complaint, the Commission shall

- (a) take an appropriate action as provided under the Act; or
- (b) advice the complainant accordingly.

Protection against civil or criminal liability

80. An action, whether criminal, civil or administrative, shall not lie against an employee of the Commission for any thing done in the execution of the functions or duties of the employee.

Categorisation of disability

81. (1) The categorisation of disabilities as set out in the Schedule shall determine whether

- (a) the disability
 - (i) is physical, mental, intellectual or sensory; or
 - (ii) is long term or short term; or
- (b) a person with disability is limited by an existing barrier that hinders the full and effective participation of the person with disability on an equal basis with any other person.

(2) The decision to remove an existing barrier that hinders the full participation of a person with disability shall be based on the category of disability of the person with disability.

Determination of person with disability

82. Where a question arises as to whether or not a person has a disability, the Commission shall appoint a team of professionals to determine whether the person has a disability.

PART THREE – MISCELLANEOUS PROVISIONS

Incentive for manufacturers of technical aids and appliances

83. (1) A person who

- (a) manufactures in the country; or
- (b) imports into the country

technical aids or appliances for the use of persons with disability shall be given tax exemption that the Minister in consultation with the Minister for Finance may determine.

(2) The Commission shall, each year, prepare and submit a list of technical aids and appliances to the Minister responsible for Finance for tax exemption.

(3) The Commission shall publish annually, a list of local manufacturers of technical aids or appliances for the use of persons with disability.

Derogatory portrayal of persons with disability

84. (1) A person shall not

(a) call a person with disability derogatory names or use derogatory language against a person with disability; or

(b) publish through any medium, a publication that portray persons with disability in a demeaning manner.

(2) A person who publishes an item that contravenes subsection (1) shall publish a rejoinder to correct the misrepresentation or derogatory portrayal of persons with disability.

(3) For the purposes of this section, "derogatory language" means language that shows criticism or disrespect towards persons with disability by reason of the disability.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than and not more than one thousand penalty units or to a term of imprisonment of not less than and not more than six months or to both

Common seal

85. (1) The Commission shall have a common seal to be kept by a person determined by the Commission.

(2) The common seal shall not be affixed to a legal document except

(a) with the prior authorisation of the Commission in writing; and

(b) in the presence of two members of the Board who shall sign the document independently of any other person who may have signed the document as witness.

Regulations

86. The Minister may, on the advice of the Board, by legislative instrument, make Regulations to provide

- (a) for the minimum standard of facilities to be provided and maintained by a public institution or a service provider to make the institution accessible by or the service accessible to persons with disability; and
- (b) generally for the effective implementation of this Act.

Interpretation

87. In this Act, unless the context otherwise requires,

“assistive device” includes a device or tool that enhances the physical, visual or hearing functionality of a person with disability;

“Board” means the governing body of the Commission established under section 5;

“Commission” means the National Commission on Disability Inclusion established under section 1;

“Commissioner” means the Commissioner appointed under section 14;

“Fund” means the Disability Fund established under section 24;

“Minister” means the Minister responsible for Gender, Children and Social Protection;

“Ministry” means the Ministry of Gender, Children and Social Protection;

“person with disability” means an individual with a physical, mental or sensory impairment which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual; and

“special measure” includes a legislative, executive, administrative or other regulatory policy or programme designed to ensure the equal enjoyment of rights by persons with disability.

Repeal and savings

88. (1) The Persons with Disability Act, 2006 (Act 715) is repealed.

(2) Despite the repeal of Act 715, the Regulations, notices, orders, directions, appointments, guidelines or any other act lawfully made or done under the repealed

enactment and in force immediately before the coming into force of this Act shall continue in force as if made or done under this Act until reviewed, cancelled, withdrawn or terminated.

(3) This Act shall not affect Act 715 in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

Transitional provisions

89. (1) The assets, rights and liabilities of the Council established under Act 715 immediately before the coming into force of this Act are transferred to the Commission established under this Act.

(2) A contract subsisting between the Council established under Act 715 and another person and in effect before the coming into force of this Act shall subsist between the Commission established under this Act and that other person.

(3) A person in the employment of the Council established under Act 715 immediately before the coming into force of this Act is deemed to have been employed by the Commission established under this Act on the terms and conditions attached to the post held by that person before the coming into force of this Act.

(4) Moneys held by or on behalf of the Council established under Act 715 are transferred to the Commission established under this Act.

SCHEDULE

(sections 54 and 80)

Categories of Disability

A person with disability may have any one of the following disabilities:

1. Physical Disability

A person with physical disability includes a person

- (a) without a limb;
- (b) has difficulty using a limb;
- (c) who uses a wheel chair or other physical assistive device;
- (d) who has a spinal cord injury; or
- (e) who requires high support.

2. Visual Disability

A person with a visual disability includes a person who

- (a) is blind;
- (b) has low vision;
- (c) has partial sight;
- (d) is long sighted;
- (e) is short sighted;
- (f) has difficulty identifying objects; or
- (g) requires the use of lenses.

3. Hearing Disability

A person who has a hearing disability includes a person who

- (a) has loss of hearing
- (b) requires the use of hearing aids;
- (c) who communicates through sign language; or
- (d) is non-verbal.

4. Psychosocial disability

A person with psychosocial disability includes a person who

- (a) has schizophrenia;
- (b) experiences hallucinations;
- (c) suffers from depression;

- (d) has dyslexia;
- (e) has an attention deficit disorder; or
- (f) requires psychotropic medicine.

5. Developmental disability

A person with developmental disability includes a person who has been diagnosed with

- (a) autism;
- (b) down syndrome;
- (c) cerebral palsy;
- (d) a learning disability; or
- (e) a communication disability.

6. Albinism

A person with albinism includes a person who has a low amount of melanin in their skin.

7. Dwarfism

8. Auto immune condition

9. Leprosy

10. Sickle cell disease.

The categories of disability listed in this Schedule are not exhaustive and may be revised by the Minister to reflect the evolution of the concept of disability.