

8. It is denied that no infra red system was installed and/or that such system was not working as alleged at paragraphs 5 and 6 of the Particulars of Claim or at all.

9. The system is regularly checked by the house technicians. Although the Defendant does not keep records of checks, the system is monitored every time the public address system is used. The system was checked on the 20<sup>th</sup> November 2006 and was again found to be functioning normally and without fault. There have been no complaints from anyone other than the Claimant about the system since it was installed and/or since the 20<sup>th</sup> November 2006, despite the fact it has been used constantly since its installation. It is averred that the system was working properly on the 20<sup>th</sup> November 2006.

10. By reason of the matters aforesaid it is denied that the Defendant has committed an unlawful act of discrimination against the Claimant pursuant to sections 19, 20 and 21 of the Disability Discrimination Act 1995 as alleged or at all. For the avoidance of doubt it is averred that the Defendant took all reasonable steps in the circumstances to provide an auxiliary aid, namely a functioning infra red system to enable the Claimant to make use of the service provided by the Defendant.

11. In the circumstances, any distress and/or injury to feelings that the Claimant has suffered was caused by his difficulty in using the infra red system and not by any act or omission of the Defendant, its servants or agents.

12. Further or alternatively, if which is denied, the Defendant is found to have discriminated against the Claimant, it is denied that this caused distress or injury to feelings as alleged or at all. As a result of and to alleviate his difficulties in using the infra red system the Claimant was introduced to Jeremy Bowen before the talk and was seated closer to

