

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 19(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 **E+W+S**

AMENDMENTS OF THE 1995 ACT

F1₁

Textual Amendments

- F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F1₂

Textual Amendments

- F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

Commencement Information

- I1 Sch. 1 para. 2 wholly in force at 4.12.2006; Sch. 1 para. 2 not in force at Royal Assent see s. 20(3); Sch. 1 para. 2(1)(3) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 2(2) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 2 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

F1₃

Textual Amendments

- F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

Commencement Information

- I2 Sch. 1 para. 3 wholly in force at 5.12.2005; Sch. 1 para. 3 not in force at Royal Assent see s. 20(3); Sch. 1 para. 3(1)-(4) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 3 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#)

F1₄

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F15}

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F16}

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F17}

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I3 Sch. 1 para. 7 wholly in force at 4.12.2006; Sch. 1 para. 7 not in force at Royal Assent see s. 20(3); Sch. 1 para. 7(a) in force for certain purposes at 5.12.2005 by **S.I. 2005/2774, art. 3(j)**; Sch. 1 para. 7 fully in force at 4.12.2006 by **S.I. 2005/2774, art. 4(f)**

^{F18}

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I4 Sch. 1 para. 8 wholly in force at 4.12.2006; Sch. 1 para. 8 not in force at Royal Assent see s. 20(3); Sch. 1 para. 8(1)(2) in force for certain purposes at 5.12.2005 by **S.I. 2005/2774, art. 3(j)**; Sch. 1 para. 8 fully in force at 4.12.2006 by **S.I. 2005/2774, art. 4(f)**

^{F19}

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

10 F2

Textual Amendments

F2 Sch. 1 para. 10 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (with art. 3)

F11

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2)

F12

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2)

F13

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2)

Commencement Information

I5 Sch. 1 para. 13 wholly in force at 4.12.2006; Sch. 1 para. 13 not in force at Royal Assent see s. 20(3); Sch. 1 para. 13(1)-(3) in force at 30.6.2005 by S.I. 2005/1676, art. 2(1)(c); Sch. 1 para. 13 fully in force at 4.12.2006 by S.I. 2005/2774, art. 4(f)

F14

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2)

F15

Textual Amendments

F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2)

F16

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F1}17

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I6 Sch. 1 para. 17 wholly in force at 4.12.2006; Sch. 1 para. 17 not in force at Royal Assent see s. 20(3); Sch. 1 para. 17 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(2)(g)**; Sch. 1 para. 17 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

^{F1}18

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F1}19

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I7 Sch. 1 para. 19 wholly in force at 4.12.2006; Sch. 1 para. 19 not in force at Royal Assent see s. 20(3); Sch. 1 para. 19(1)(5) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 19 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

^{F1}20

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F1}21

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

F122

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F123

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I8 Sch. 1 para. 23 wholly in force at 4.12.2006; Sch. 1 para. 23 not in force at Royal Assent see s. 20(3); Sch. 1 para. 23 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(2)(g)**; Sch. 1 para. 23 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

F124

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

25 F3

Textual Amendments

F3 Sch. 1 para. 25 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 91, 93, **Sch. 4** (with s. 92); [S.I. 2007/2603](#), **art. 2(c)(d)** (with art. 3)

F126

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F127

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Commencement Information

I9 Sch. 1 para. 27 in force at 22.2.2010 for specified purposes by [S.I. 2010/341](#), **art. 2(1)(b)**

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

I10 Sch. 1 para. 27 in force at 6.4.2010 in so far as not already in force by [S.I. 2010/341](#), **art. 2(2)(b)**

F4

Textual Amendments

F4 Sch. 1 para. 28 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 91, 93, **Sch. 4** (with s. 92); [S.I. 2007/2603](#), **art. 2(c)(d)** (with art. 3)

Commencement Information

I11 Sch. 1 para. 28 wholly in force at 4.12.2006; Sch. 1 para. 28 not in force at Royal Assent see s. 20(3); Sch. 1 para. 28(1)-(5)(7) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 28 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

F129

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2)

Commencement Information

I12 Sch. 1 para. 29 wholly in force at 4.12.2006; Sch. 1 para. 29 not in force at Royal Assent see s. 20(3); Sch. 1 para. 29(1)(3)-(5) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 29 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

F130

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2)

31 (1) Section 64 (application to Crown etc) is amended as follows.

(2) Before subsection (1) there is inserted—

“(A1) The following provisions bind the Crown—

(a) sections 21B to 21E and Part 5A, and

(b) the other provisions of this Act so far as applying for the purposes of provisions mentioned in paragraph (a);

and sections 57 and 58 shall apply for purposes of provisions mentioned in paragraph (a) as if service as a Crown servant were employment by the Crown.”

(3) In subsection (1) (Act applies to certain acts done on behalf of the Crown as to acts done by private persons), after “This Act” there is inserted “; other than the provisions mentioned in paragraphs (a) and (b) of subsection (A1), ”.

(4) In subsection (2A) (subsections (1) and (2) have effect subject to section 64A), for “(1) and” there is substituted “;(A1) to”.

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Commencement Information

- I13** Sch. 1 para. 31 wholly in force at 4.12.2006; Sch. 1 para. 31 not in force at Royal Assent see s. 20(3); Sch. 1 para. 31 in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 31 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

F132

Textual Amendments

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

- 33 (1) Section 67 (regulations and orders) is amended as follows.
- (2) In subsection (1) (powers to be exercised by statutory instrument), after “Any power under this Act” there is inserted “;of the Secretary of State, the Scottish Ministers or the National Assembly for Wales”.
- (3) In subsection (3)(a) (power to make such incidental etc. provision as appears to the Secretary of State to be expedient), for “Secretary of State” there is substituted “;person by whom the power is exercisable”.
- (4) After subsection (3) there is inserted—
- “(3A) Where regulations under section 21D(7)(b) provide for the omission of section 21D(5), the provision that may be made by the regulations in exercise of the power conferred by subsection (3)(a) includes provision amending section 21D for the purpose of omitting references to section 21D(5).
- (3B) The provision that may be made by regulations under section 21G(5)(b) in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing section 21G(4).
- (3C) The provision that may be made by regulations under any of subsections (1) to (4) of section 49D in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing an enactment.”
- (5) For subsections (4) and (5) (instruments containing orders under section 50(3), which has been repealed, to be subject to affirmative procedure and, with certain exceptions, other instruments to be subject to annulment) there is substituted—
- “(4) Subsection (4A) applies to—
- (a) the first regulations to be made under section 21H(1);
- (b) the first regulations to be made under each of subsections (1), (2) and (4) of section 31AE;
- (c) regulations under section 31AE(1), (2) or (4) that amend this Act;
- (d) regulations under section 31AE(1) that make provision as to remedies;
- (e) regulations under section 47J(3);
- (f) regulations under section 49D(1) or (2) that, in exercise of the power under subsection (3)(a), amend or repeal an enactment contained in an Act or in an Act of the Scottish Parliament;

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- (g) regulations under section 67A(3);
 - (h) regulations under paragraph 6A(2) of Schedule 1.
- (4A) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (4B) Subsection (4C) applies to regulations under section 49D(3) or (4) that, in exercise of the power under subsection (3)(a), amend or repeal any enactment contained in an Act or in an Act of the Scottish Parliament.
- (4C) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, the Scottish Parliament.
- (4D) A statutory instrument—
- (a) that—
 - (i) contains regulations under section 49D(3) or (4), and
 - (ii) is not subject to the requirement in subsection (4C) that a draft of the instrument be laid before, and approved by, the Scottish Parliament, or
 - (b) that contains regulations or an order made by the Scottish Ministers under section 33,
- shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) A statutory instrument—
- (a) that—
 - (i) contains regulations made by the Secretary of State under this Act, and
 - (ii) is not subject to the requirement in subsection (4A) that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament, or
 - (b) that contains an order made by the Secretary of State under this Act that is not an order under section 3(9), 47(1), 53A(6)(a) or 70(3),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5A) A statutory instrument that contains an order under section 47(1), if made without a draft having been laid before, and approved by a resolution of, each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House, but the exercise of the discretion conferred by this subsection is subject to section 67A.”

Commencement Information

I14 Sch. 1 para. 33 wholly in force at 5.12.2005; Sch. 1 para. 33 not in force at Royal Assent see s. 20(3); Sch. 1 para. 33(1)-(3) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 33(4)(5) in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(g\)](#); Sch. 1 para. 33 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#)

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34 (1) Section 68 (interpretation) is amended as follows.

^{F1}(2)

^{F1}(3)

(4) ^{F5}

^{F1}(5)

(6) In subsection (1), in the definition of “regulations”, after “Secretary of State” there is inserted “; except in sections 2(3), 28D, 28L(6), 28Q(7), 33, 49D to 49F and 67 (provisions where the meaning of “regulations is apparent)” .

^{F1}(7)

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F5 Sch. 1 para. 34(4) repealed (3.11.2008) by [The Mental Health Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/2828\)](#), arts. 1(2), 2(3), **6**

Commencement Information

I15 Sch. 1 para. 34 wholly in force at 4.12.2006; Sch. 1 para. 34 not in force at Royal Assent see s. 20(3); Sch. 1 para. 34(1)(5) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; s. 12 in force for certain purposes at 10.10.2005 by [S.I. 2005/2774](#), **art. 2(b)**; Sch. 1 para. 34(2) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 34(3)(4) in force at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 34 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

^{F135}

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F136}

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

^{F137}

Textual Amendments

F1 Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Status: Point in time view as at 01/10/2010.

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Commencement Information

- I16** Sch. 1 para. 37 wholly in force at 1.9.2007; Sch. 1 para. 37 not in force at Royal Assent see s. 20(3); Sch. 1 para. 37(1)(2) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 37(4)(a)(5)(a)(6) in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#); Sch. 1 para. 37(3)(4)(b)(5)(b) in force at 1.9.2007 by [S.I. 2007/1555](#), [art. 3\(b\)](#)

^{F1}38

Textual Amendments

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

Commencement Information

- I17** Sch. 1 para. 38 wholly in force at 4.12.2006; Sch. 1 para. 38 not in force at Royal Assent see s. 20(3); Sch. 1 para. 38(1)(3)(4)(6)-(13) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 38(2) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 38 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

^{F1}39

Textual Amendments

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

Commencement Information

- I18** Sch. 1 para. 39 wholly in force at 5.12.2005; Sch. 1 para. 39 not in force at Royal Assent see s. 20(3); Sch. 1 para. 39(1)(2) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 39 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#)

^{F1}40

Textual Amendments

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

Commencement Information

- I19** Sch. 1 para. 40 wholly in force at 4.12.2006; Sch. 1 para. 40 not in force at Royal Assent see s. 20(3); Sch. 1 para. 40(1)(2)(5)(6) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 40 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

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PART 2 **E+W**

AMENDMENTS RELATED TO DISABLED PERSONS' BADGES

Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 41 In section 21(4) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by institutions concerned with the care of disabled people), for “institution” there is substituted “;organisation ” in both places where it occurs.

Commencement Information

- I20** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Road Traffic Regulation Act 1984 (c. 27)

- 42 The Road Traffic Regulation Act 1984 shall have effect with the following amendments.

Commencement Information

- I21** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

- 43 (1) Section 105 (exemptions from section 104) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—
- “(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle; or”.
- (3) After subsection (6) there is inserted—
- “(6A) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(aa) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6B) below are met.
- (6B) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970 (display of non-GB badges); and
- (b) he was not using the vehicle in circumstances falling within section 117(1A)(b) of this Act.”

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

Commencement Information

I22 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

- 44 (1) Section 117 (wrongful use of disabled person’s badge) is amended as follows.
- (2) In subsection (1), for “this section” there is substituted “ this subsection ” in both places where it occurs.
- (3) After subsection (1) there is inserted—
- “(1A) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—
- (a) there was displayed on the motor vehicle in question a badge purporting to be a recognised badge, and
- (b) he was using the vehicle in circumstances where a concession would, by virtue of section 21B of the Chronically Sick and Disabled Persons Act 1970, be available to a vehicle lawfully displaying a recognised badge,
- but he shall not be guilty of an offence under this subsection if the badge was a recognised badge and displayed in accordance with regulations made under section 21A of that Act.”
- (4) In subsection (3), at the end there is inserted—
- ““recognised badge” has the meaning given in section 21A of the Chronically Sick and Disabled Persons Act 1970.”

Commencement Information

I23 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Road Traffic Offenders Act 1988 (c. 53)

- 45 (1) Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) shall have effect with the following amendments.
- (2) After the entry for section 105(5) of the Road Traffic Regulation Act 1984, there is inserted—
- | | | |
|-----------------|--|------------------------|
| RTRA | Misuse of | Summarily. Level 3 |
| section 105(6A) | (a) recognised badge (immobilisation devices). | on the standard scale. |
- (3) In the entry for section 117 of that Act, for “117” there is substituted “ ;117(1) ”.

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

(4) After that entry there is inserted—

RTRA section 117(1A)	Wrongful (use) of recognised badge.	Summarily. Level 3 on the standard scale.
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Commencement Information

I24 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Road Traffic Act 1991 (c. 40)

46 (1) Section 70 of the Road Traffic Act 1991 (exemptions from section 69 of that Act) shall have effect with the following amendments.

(2) In subsection (1), after paragraph (a) there is inserted—

“(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle;”.

(3) After subsection (2) there is inserted—

“(2A) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(aa) above and the vehicle was not, at the time at which it was parked, being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
- (b) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Commencement Information

I25 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Courts Act 2003 (c. 39)

47 (1) Paragraph 46 of Schedule 5 to the Courts Act 2003 (provision to give effect to clamping orders) shall have effect with the following amendments.

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

(2) In sub-paragraph (2)(a), after “badge” there is inserted “; or a current recognised badge”.

(3) In sub-paragraph (3), at the end there is inserted—

““recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).”

Commencement Information

I26 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Traffic Management Act 2004 (c. 18)

48 (1) Section 79 of the Traffic Management Act 2004 (immobilisation of vehicle where penalty charge payable) shall have effect with the following amendments.

(2) After subsection (5) there is inserted—

“(5A) The regulations shall provide—

(a) that an immobilisation device must not be fixed to a vehicle if a current recognised badge is displayed on the vehicle; and

(b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—

(i) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and

(ii) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(3) In subsection (7), after the definition of “parking place” there is inserted—

““; recognised badge ” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970.”

Commencement Information

I27 Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

PART 3 **E+W+S**

OTHER AMENDMENTS

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

49 In section 18 of the Disabled Persons (Services, Consultation and Representation) Act 1986, after subsection (3) (regulations and orders to be made by statutory instrument and, with the exception of commencement orders, to be subject to annulment) there is inserted—

“(3A) As regards any regulations or order made under this Act by the National Assembly for Wales, subsection (3) shall have effect without the words after “statutory instrument”.”

Disability Rights Commission Act 1999 (c. 17)

50 ^{F6}

Textual Amendments

F6 Sch. 1 para. 50 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (with art. 3)

Commencement Information

I28 Sch. 1 para. 50 wholly in force at 1.9.2007; Sch. 1 para. 50 not in force at Royal Assent see s. 20(3); Sch. 1 para. 50(1)(6) in force at 5.12.2005 by S.I. 2005/2774, art. 3(j); Sch. 1 para. 50(2)(3)(4)(b)(7) in force at 4.12.2006 by S.I. 2005/2774, art. 4(f); Sch. 1 para. 50(4)(a)(5) in force at 1.9.2007 by S.I. 2007/1555, art. 3(b)

SCHEDULE 2 **E+W+S**

Section 19(2)

REPEALS AND REVOCATION

Commencement Information

I29 Sch. 2 partly in force; Sch. 2 not in force at Royal Assent see s. 20(3); Sch. 2 in force for certain purposes at 30.6.2005 by S.I. 2005/1676, art. 2(1)(d); Sch. 2 in force for E. for certain purposes at 30.6.2005 by S.I. 2005/1676, art. 3(c); Sch. 2 in force for certain purposes at 5.12.2005 by S.I. 2005/2774, art. 3(k); Sch. 2 in force for certain purposes at 4.12. 2006 by S.I. 2005/2774, {art. 4 (g)}; Sch. 2 in force for W. for certain purposes at 30.3.2008 by S.I. 2007/3285, art. 2(c)

I30 Sch. 2 in force at 22.2.2010 for specified purposes by S.I. 2010/341, art. 2(1)(c)

I31 Sch. 2 in force at 6.4.2010 for specified purposes by S.I. 2010/341, art. 2(2)(c)

Short title and Chapter or Number

Extent of repeal or revocation

Road Traffic Regulation Act 1984 (c. 27)

In section 105(1), the word “either”.

Disability Discrimination Act 1995 (c. 50)

In sections 16A(2)(b) and 16B(3)(i), the words “(within the meaning of Part 3)”.

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

	Section 17A(1B).
	Section 18.
	In section 46—
	(a) subsections (3) and (4),
	(b) in subsection (6), the definition of “operator”, and
	(c) subsections (8) to (10).
	In section 48(1) and (3), the words “or 46”.
	In section 49(1)(c), the word “or” at the end.
	Section 55(6).
	In section 68(1)—
	(a) in the definition of “enactment”, the words “(except in section 56(5))”, and
	(b) in the definition of “mental impairment”, the words “or the Mental Health (Scotland) Act 1984”.
	In Schedule 1, paragraph 1(1).
	In Schedule 3A, in paragraph 2(3)(b), the word “or” at the end.
Disability Rights Commission Act 1999 (c. 17)	Section 11.
	In Schedule 4, paragraph 3(2).
Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)	In Schedule 1, the entry in respect of section 33 of the Disability Discrimination Act 1995.
Special Educational Needs and Disability Act 2001 (c. 10)	Section 38(7).
	In Schedule 7, paragraphs 2, 3, 4, 6 and 9.
Traffic Management Act 2004 (c. 18)	In section 79(7), in the definition of “parking device”, the word “and” at the end.

Status:

Point in time view as at 01/10/2010.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 2005.