
STATUTORY INSTRUMENTS

1997 No. 536

DISABLED PERSONS

The Disability Discrimination (Abolition of District Advisory Committees) Order 1997

Made - - - - 27th February 1997
Laid before Parliament 6th March 1997
Coming into force - - 31st March 1997

The Secretary of State, in exercise of the powers conferred on her by sections 60(6) and 67(3) of the Disability Discrimination Act 1995⁽¹⁾, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Disability Discrimination (Abolition of District Advisory Committees) Order 1997 and shall come into force on 31st March 1997.

Interpretation

2. In this Order—

“the 1944 Act” means the Disabled Persons (Employment) Act 1944⁽²⁾;

“the No. 3 Order” means the Disability Discrimination Act 1995 (Commencement No. 3 and Savings and Transitional Provisions) Order 1996⁽³⁾;

“district” means such district as the Secretary of State may determine in accordance with section 17(1)(b) of the 1944 Act;

“district advisory committee” means a committee established by the Secretary of State pursuant to section 17(1)(b) of the 1944 Act.

Cessation of effect of section 17 of, and Schedule 2 to, the 1944 Act so far as concerns district advisory committees

3. Subject to Article 4 below, section 17 of, and Schedule 2 to, the 1944 Act cease to have effect so far as concerns district advisory committees.

(1) 1995 c. 50.

(2) 1944 c. 10 (7 & 8 Geo. 6).

(3) S.I. 1996/1474 (C.27).

Transitional provision

4.—(1) This Article shall apply if, at any time before 4 December 1997, the Secretary of State, having regard to sections 9 and 19 of the 1944 Act, as those provisions have been continued in effect pursuant to Article 3(a) of the No. 3 Order, considers it appropriate to refer a matter to a district advisory committee pursuant to section 9(7) of that Act.

- (2) In the circumstances provided for in paragraph (1) above,
- (a) the duty of the Secretary of State under section 17(1) of the 1944 Act to establish a district advisory committee, and
 - (b) section 17(2) of that Act and so much of Schedule 2 to that Act as is necessary for the purposes of establishing a district advisory committee and of enabling it to carry out its functions under section 9 of that Act,

shall revive in respect of the district in which the matter has arisen.

(3) Where and to the extent provided, in respect of any district, paragraph (2) above has had effect to revive section 17 of, and Schedule 2 to, the 1944 Act, those provisions shall once more cease to have effect in that respect and to that extent either

- (a) upon a decision of the Secretary of State not to institute a prosecution in respect of the matter referred to the committee; or
- (b) in the event that a prosecution in respect of that matter is instituted, upon a decision of the Secretary of State not to proceed with the prosecution or otherwise upon the conclusion of proceedings in relation to the offence;

but without prejudice to the application of this Article in relation to another matter.

Signed by order of the Secretary of State.

27th February 1997

Henley
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under sections 60(6) and 67(3) of the Disability Discrimination Act 1995, provides for the cessation of effect of section 17 of, and Schedule 2 to, the Disabled Persons (Employment) Act 1944 (th 1944 Act) so far as concerns district advisory committees.

These committees have lately been known as Committees for the Employment of People with Disabilities (CEPDs).

Under the terms of the Order the duty of the Secretary of State to establish district advisory committees will cease on 31 March 1997. Article 4 of the Order makes provisions, however, for the duty to revive in respect of a district of Great Britain, as determined by the Secretary of State, at any time before 4 December 1997, in the event that the Secretary of State considers it appropriate to refer a matter to such a committee under section 9 of the 1944 Act, as that section is preserved in effect by Article 3 of the Disability Discrimination Act 1995 (Commencement No. 3 and Savings and Transitional Provisions) Order 1996 (S.I.1996/1474, C.27).

The duty of the Secretary of State so revived will lapse again either upon the Secretary of State's deciding not to institute a prosecution under section 9 in respect of the matter referred to the committee or, if a prosecution is so instituted, in the event of its being not proceeded with thereafter or otherwise upon the conclusion of the proceedings.