
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 21st April 2008 as the day for the coming into operation of the Guidance entitled “Guidance on matters to be taken into account in determining questions relating to the definition of disability” issued by the Office of the First Minister and deputy First Minister on 21st March 2008 under section 3(8) of the Disability Discrimination Act 1995 (“the 1995 Act”).

The Guidance provides practical guidance on matters to be taken into account when considering whether a person is a disabled person for the purposes of the 1995 Act and replaces an earlier version which was issued by the Department of Economic Development and came into operation on 2nd December 1996 (ISBN No. 0-337-09436-5). The Guidance reflects changes made by the Disability Discrimination (Northern Ireland) Order 2006 (“the 2006 Order”) to the provisions of the 1995 Act governing who is a disabled person for the purposes of the 1995 Act or of Part III of the Special Educational Needs and Disability (Northern Ireland) Order 2005 (“the 2005 Order”).

Article 3 of this Order makes transitional provision in relation to proceedings under the 1995 Act arising from a complaint presented to a tribunal or court concerning an alleged act of discrimination contrary to the 1995 Act or contrary to Part III of the 2005 Order committed before 21st April 2008 which has not been determined by that date. The Guidance is not to have effect for the purposes of section 3(3) of the 1995 Act in relation to such proceedings. The Guidance issued by the Department of Economic Development in 1996 under section 3 of the 1995 Act (ISBN No. 0-337-09436-5) is to continue to have effect in relation to such proceedings. Section 3(3) of the 1995 Act requires a tribunal or court to take into account any guidance which appears to it to be relevant.

A regulatory impact assessment has not been prepared for this Order as it has no direct impact on the costs of business.

However, a regulatory impact assessment of the changes made to the definition of a disabled person discussed in the Guidance and the effect these changes would have on the costs of business was prepared as part of the regulatory impact assessment in relation to the 2006 Order. A copy may be obtained from: Equality, Rights and Social Need Division, Office of the First Minister and deputy First Minister, Room E3.19, Castle Buildings, Stormont, Belfast, BT4 3SR. A copy of the assessment for the 2006 Order has been placed in the library of the Northern Ireland Assembly.

A copy of the Guidance may be obtained from The Stationery Office Limited (mail, telephone, fax and e-mail orders only) PO Box 29, Norwich NR3 1GN (telephone orders 0870 600 5522, fax orders 0870 600 5533, e-mail book.orders@tso.co.uk, textphone 0870 240 3701, online www.tso.co.uk/bookshop) and from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD (Telephone 028 9023 8451; Fax 028 9023 5401).