

EXECUTIVE NOTE

THE DISABILITY DISCRIMINATION (PUBLIC AUTHORITIES) (STATUTORY DUTIES) (SCOTLAND) AMENDMENT ORDER 2007 S.S.I. 2007/195

1. The above instrument is made in exercise of the powers conferred by section 49(D) (3) and (4) of the Disability Discrimination Act 1995. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the Regulations is to make amendment to the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 (2005 No. 565): <http://www.opsi.gov.uk/legislation/scotland/ssi2005/20050565.htm>

3. The Regulations add the following bodies to Schedule 1 of the original 2005 Regulations and gives them to 3 December 2007 to comply:

- The British Waterways Board, in respect of its Scottish functions
- A chief officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005
- The Commissioner for Children and Young People in Scotland
- The Construction Industry Training Board, in respect of its Scottish functions
- Learning and Teaching Scotland
- The Mental Welfare Commission for Scotland
- A Transport Partnership created by an order under section 1(1) of the Transport (Scotland) Act 2005

Consultation

4. The bodies concerned were consulted on the proposals.

5. In addition, further consultation on the Regulations was undertaken with the Disability Rights Commission in accordance with the requirement at section 49D(5) of the Disability Discrimination Act 1995. Scottish Ministers also consulted with the relevant Secretary of State in relation to cross border authorities as required by section 49D(9) of the Disability Discrimination Act 1995.

Financial Effects

6. There may be some limited financial implications for public bodies as a result of the Regulations. However, in implementing the duties, bodies are urged to work within existing mechanisms where possible, to avoid any unnecessary burdens and duplication. The promotion of disability equality should be an integral part of the way in which public bodies perform their functions, not a resource intensive “add on”. The new duties are about putting in place minimum standards. Many of the bodies will already be taking action that meets or goes beyond the duty. In addition, avoiding unlawful discrimination before it occurs should actually avoid the cost of discrimination claims.

7. No Regulatory Impact Assessment has been prepared; the legislation will not affect the private sector (other than where they are discharging public functions). A full Regulatory Impact Assessment was prepared for the 2005 Regulations.

**Scottish Executive
Development Department
March 2007**