



Disability Discrimination Act 1995

1995 CHAPTER 50

PART VII

SUPPLEMENTAL

[^{F1}54A Codes of practice.

[^{F2}(1) The Commission may prepare and issue codes of practice giving practical guidance on how to avoid acts which are unlawful under Part II or III of this Act or Part III of the 2005 Order, or on any other matter relating to the operation of any provision of Part II or III of this Act or Part III of the 2005 Order, to—

- (a) employers;
- (b) service providers;
- (c) bodies which are responsible bodies for the purposes of Chapter I or II of Part III of the 2005 Order; or
- (d) other persons to whom the provisions of Part II or III of this Act or Part III of the 2005 Order apply.

(1A) The Commission may also prepare and issue codes of practice giving practical guidance to any persons on any other matter with a view to—

- (a) promoting the equalisation of opportunities for disabled persons and persons who have had a disability; or

(b) encouraging good practice in the way such persons are treated,

in any field of activity regulated by any provision of Part II or III of this Act or Part III of the 2005 Order.

(1B) Neither subsection (1) nor (1A) applies in relation to any duty imposed by or under Article 17 or 18 of the 2005 Order.]

(2) The Commission shall, when requested to do so by the Office, prepare a code of practice dealing with the matters specified in the request.

Status: Point in time view as at 06/04/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 54A. (See end of Document for details)

- (3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate (which shall include the publication for public consultation of proposals relating to the code).
- (4) The Commission may not issue a code of practice unless—
- (a) a draft of it has been submitted to and approved by the Office and laid by the Office before the Assembly; and
 - (b) the statutory period has elapsed without the Assembly resolving not to approve the draft.
- (5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.
- (6) A code of practice issued by the Commission—
- (a) shall come into effect on such day as the Office may by order appoint;
 - (b) may be revised in whole or part, and re-issued, by the Commission; and
 - (c) may be revoked by an order made by the Office at the request of the Commission.
- (7) Where the Commission proposes to revise a code of practice—
- (a) it shall comply with subsection (3) in relation to the revisions; and
 - (b) the other provisions of this section apply to the revised code of practice as they apply to a new code of practice.
- (8) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court or tribunal to be relevant to any question arising in any proceedings under Part II or Part III [^{F3}or Part III of the 2005 Order] shall be taken into account in determining that question.
- (9) In this section—
- “code of practice” means a code of practice under this section;
- “the Commission” means the Equality Commission for Northern Ireland;
- ^{F4}
- “the Office” means the Office of the First Minister and deputy First Minister; and
- “statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.
- [Subject to subsection (12), in relation to a code of practice giving practical guidance
- ^{F5}(10) wholly or mainly as to—
- (a) any matter relating to the operation of any provision of Chapter I or III of Part III of the 2005 Order; or
 - (b) any field of activity regulated by any such provision,
- any reference in this section to the Office shall be read as a reference to the Department of Education.
- (11) Subject to subsection (12), in relation to a code of practice giving practical guidance wholly or mainly as to—
- (a) any matter relating to the operation of any provision of Chapter II of Part III of the 2005 Order; or
 - (b) any field of activity regulated by any such provision,

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any reference in this section to the Office shall be read as a reference to the Department for Employment and Learning.

- (12) Practical guidance which but for this subsection would fall to be contained in separate codes of practice by virtue of subsections (10) and (11) may be contained in a single code of practice; and in relation to any such code of practice any reference in this section to the Office shall be read as a reference to the Department of Education and the Department for Employment and Learning, acting jointly.]]

Subordinate Legislation Made

- P1** S. 54A(6)(a): exercise of power - 30.1.2006 appointed by {S.R. 2006/16}, art. 2; {S.R. 2006/17}, art. 2

Textual Amendments

- F1** S. 54A inserted at the beginning of Pt. VII (N.I.) (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(1)** (with arts. 11(2)(3), 17); S.R. 2000/140, art. 2, **Sch.**
- F2** S. 54A(1)-(1B) substituted (6.4.2005) for s. 54A(1) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(2)** (with art. 47)
- F3** Words in s. 54A(8) inserted (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(3)** (with art. 47)
- F4** S. 54A(9): definition of "discrimination" omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **20(b)**
- F5** S. 54A(10)-(12) added (6.4.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, **41(4)** (with art. 47)

Modifications etc. (not altering text)

- C1** S. 54A: power to extend conferred (25.4.2000) by S.I. 2000/1110 (N.I. 2), **art. 11(2)** (with arts. 11(3), 17); S.R. 2000/140, art. 2, **Sch.**

Status:

Point in time view as at 06/04/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 54A.