



# Disability Rights Commission Act 1999

## 1999 CHAPTER 17

**E+W+S**

An Act to establish a Disability Rights Commission and make provision as to its functions; and for connected purposes. [27th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 The Disability Rights Commission. E+W+S**

- (1) There shall be a body known as the Disability Rights Commission (referred to in this Act as “the Commission”).
- (2) The Secretary of State shall pay to the Commission such sums as he thinks fit to enable it to meet its expenses.
- (3) Schedule 1 (the Commission's constitution and related matters) has effect.
- (4) The National Disability Council (which is superseded by the Commission) is abolished.

#### **Commencement Information**

- II** S. 1 wholly in force at 25.4.2000; s. 1 not in force at Royal Assent see s. 16(2); s. 1(1)-(3) in force at 6.8.1999 by S.I. 1999/2210, art. 2(1); s. 1(4) in force at 25.4.2000 by S.I. 2000/880, art. 2, Sch. 2

*Status: Point in time view as at 06/08/1999. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed). (See end of Document for details)*

VALID FROM 25/04/2000

## 2 General functions. **E+W+S**

- (1) The Commission shall have the following duties—
- (a) to work towards the elimination of discrimination against disabled persons;
  - (b) to promote the equalisation of opportunities for disabled persons;
  - (c) to take such steps as it considers appropriate with a view to encouraging good practice in the treatment of disabled persons; and
  - (d) to keep under review the working of the <sup>M1</sup>Disability Discrimination Act 1995 (referred to in this Act as “the 1995 Act”) and this Act.
- (2) The Commission may, for any purpose connected with the performance of its functions—
- (a) make proposals or give other advice to any Minister of the Crown as to any aspect of the law or a proposed change to the law;
  - (b) make proposals or give other advice to any Government agency or other public authority as to the practical application of any law;
  - (c) undertake, or arrange for or support (whether financially or otherwise), the carrying out of research or the provision of advice or information.

Nothing in this subsection is to be regarded as limiting the Commission’s powers.

- (3) The Commission shall make proposals or give other advice under subsection (2)(a) on any matter specified in a request from a Minister of the Crown.
- (4) The Commission may make charges for facilities or services made available by it for any purpose.
- (5) In this section—
- “disabled persons” includes persons who have had a disability;
  - “discrimination” means anything which is discrimination for the purposes of any provision of Part II or Part III of the 1995 Act; and
  - “the law” includes Community law and the international obligations of the United Kingdom.

### Marginal Citations

**M1** 1995 c. 50.

VALID FROM 23/03/2000

## 3 Formal investigations. **E+W+S**

- (1) The Commission may decide to conduct a formal investigation for any purpose connected with the performance of its duties under section 2(1).
- (2) The Commission shall conduct a formal investigation if directed to do so by the Secretary of State for any such purpose.

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- (3) The Commission may at any time decide to stop or to suspend the conduct of a formal investigation; but any such decision requires the approval of the Secretary of State if the investigation is being conducted in pursuance of a direction under subsection (2).
- (4) The Commission may, as respects any formal investigation which it has decided or been directed to conduct—
  - (a) nominate one or more commissioners, with or without one or more additional commissioners appointed for the purposes of the investigation, to conduct the investigation on its behalf; and
  - (b) authorise those persons to exercise such of its functions in relation to the investigation (which may include drawing up or revising terms of reference) as it may determine.
- (5) Schedule 2 (appointment and tenure of office of additional commissioners) and Schedule 3 (so far as relating to the conduct of formal investigations) have effect.

#### Commencement Information

- I2** S. 3 wholly in force at 25.4.2000; s. 3 not in force at Royal Assent see s. 16(2); s. 3(5) in force at 23.3.2000 by S.I. 2000/880, art. 2, Sch. 1 ; s. 3 in force at 25.4.2000 in so far as not already in force by S.I. 2000/880, art. 2, Sch. 2

VALID FROM 23/03/2000

#### 4 Non-discrimination notices. **E+W+S**

- (1) If in the course of a formal investigation the Commission is satisfied that a person has committed or is committing an unlawful act, it may serve on him a notice (referred to in this Act as a non-discrimination notice) which—
  - (a) gives details of the unlawful act which the Commission has found that he has committed or is committing; and
  - (b) requires him not to commit any further unlawful acts of the same kind (and, if the finding is that he is committing an unlawful act, to cease doing so).
- (2) The notice may include recommendations to the person concerned as to action which the Commission considers he could reasonably be expected to take with a view to complying with the requirement mentioned in subsection (1)(b).
- (3) The notice may require the person concerned—
  - (a) to propose an adequate action plan (subject to and in accordance with Part III of Schedule 3) with a view to securing compliance with the requirement mentioned in subsection (1)(b); and
  - (b) once an action plan proposed by him has become final, to take any action which—
    - (i) is specified in the plan; and
    - (ii) he has not already taken,at the time or times specified in the plan.
- (4) For the purposes of subsection (3)—

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- (a) an action plan is a document drawn up by the person concerned specifying action (including action he has already taken) intended to change anything in his practices, policies, procedures or other arrangements which—
- (i) caused or contributed to the commission of the unlawful act concerned; or
  - (ii) is liable to cause or contribute to a failure to comply with the requirement mentioned in subsection (1)(b); and
- (b) an action plan is adequate if the action specified in it would be sufficient to ensure, within a reasonable time, that he is not prevented from complying with that requirement by anything in his practices, policies, procedures or other arrangements;

and the action specified in an action plan may include ceasing an activity or taking continuing action over a period.

- (5) In this section “unlawful act” means an act which is unlawful discrimination for the purposes of any provision of Part II or Part III of the 1995 Act or any other unlawful act of a description prescribed for the purposes of this section.
- (6) Schedule 3 (so far as relating to non-discrimination notices and action plans) has effect.

#### Commencement Information

- I3** S. 4 wholly in force at 25.4.2000; s. 4 not in force at Royal Assent; s. 4(6) in force at 23.3.2000 by S.I. 2000/880, art. 2, Sch. 1; s. 4 in force at 25.4.2000 in so far as not already in force by S.I. 2000/880, art. 2, Sch. 2

VALID FROM 25/04/2000

#### 5 Agreements in lieu of enforcement action. **E+W+S**

- (1) If the Commission has reason to believe that a person has committed or is committing an unlawful act, it may (subject to section 3(3)) enter into an agreement in writing under this section with that person on the assumption that that belief is well founded (whether or not that person admits that he committed or is committing the act in question).
- (2) An agreement under this section is one by which—
- (a) the Commission undertakes not to take any relevant enforcement action in relation to the unlawful act in question; and
  - (b) the person concerned undertakes—
    - (i) not to commit any further unlawful acts of the same kind (and, where appropriate, to cease committing the unlawful act in question); and
    - (ii) to take such action (which may include ceasing an activity or taking continuing action over any period) as may be specified in the agreement.
- (3) Those undertakings are binding on the parties to the agreement; but undertakings under subsection (2)(b) are enforceable by the Commission only as provided by subsection (8).

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- (4) For the purposes of subsection (2)(a), “relevant enforcement action” means—
  - (a) beginning a formal investigation into the commission by the person concerned of the unlawful act in question;
  - (b) if such an investigation has begun (whether or not the investigation is confined to that matter), taking any further steps in the investigation of that matter; and
  - (c) taking any steps, or further steps, with a view to the issue of a non-discrimination notice based on the commission of the unlawful act in question.
- (5) The action specified in an undertaking under subsection (2)(b)(ii) must be action intended to change anything in the practices, policies, procedures or other arrangements of the person concerned which—
  - (a) caused or contributed to the commission of the unlawful act in question; or
  - (b) is liable to cause or contribute to a failure to comply with his undertaking under subsection (2)(b)(i).
- (6) An agreement under this section—
  - (a) may include terms providing for incidental or supplementary matters (including the termination of the agreement, or the right of either party to terminate it, in certain circumstances); and
  - (b) may be varied or revoked by agreement of the parties.
- (7) An agreement under this section may not include any provisions other than terms mentioned in subsections (2) and (6)(a) unless their inclusion is authorised by regulations made by the Secretary of State for the purposes of this section; but any provisions so authorised are not enforceable by the Commission under subsection (8).
- (8) The Commission may apply to a county court or by summary application to the sheriff for an order under this subsection if—
  - (a) the other party to an agreement under this section has failed to comply with any undertaking under subsection (2)(b); or
  - (b) the Commission has reasonable cause to believe that he intends not to comply with any such undertaking.
- (9) An order under subsection (8) is an order requiring the other party to comply with the undertaking or with such directions for the same purpose as are contained in the order.
- (10) Nothing in this section affects the Commission’s powers to settle or compromise legal proceedings of any description.
- (11) In this section “unlawful act” means an act which is unlawful discrimination for the purposes of any provision of Part II or Part III of the 1995 Act or any other unlawful act of a description prescribed for the purposes of this section.
- (12) Schedule 3 (so far as relating to agreements under this section) has effect.

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VALID FROM 25/04/2000

## 6 Persistent discrimination. **E+W+S**

- (1) This section applies during the period of five years beginning on the date on which—
  - (a) a non-discrimination notice served on a person,
  - (b) a finding by a court or tribunal in proceedings under section 8 or 25 of the 1995 Act that a person has committed an act which is unlawful discrimination for the purposes of any provision of Part II or Part III of that Act, or
  - (c) a finding by a court or tribunal in any other proceedings that a person has committed an act of a description prescribed under subsection (4)(b),
 has become final.
- (2) If during that period it appears to the Commission that unless restrained the person concerned is likely to do one or more unlawful acts, the Commission may apply to a county court for an injunction, or to the sheriff for interdict, restraining him from doing so.
- (3) The court, if satisfied that the application is well-founded, may grant the injunction or interdict in the terms applied for or in more limited terms.
- (4) In this section “unlawful act” means an act which is unlawful discrimination for the purposes of any provision of Part II or Part III of the 1995 Act or any other unlawful act of a description prescribed for the purposes of this section.
- (5) A finding of a court or tribunal becomes final for the purposes of this section when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.

VALID FROM 25/04/2000

## 7 Assistance in relation to proceedings. **E+W+S**

- (1) This section applies to—
  - (a) proceedings which an individual has brought or proposes to bring under section 8 or 25 of the 1995 Act (complaints and claims about unlawful discrimination under Parts II and III); and
  - (b) proceedings of a description prescribed for the purposes of this subsection, being proceedings in which an individual who has or has had a disability relies or proposes to rely on a matter relating to that disability.
- (2) Where the individual concerned applies to the Commission for assistance in relation to any proceedings to which this section applies, the Commission may grant the application on any of the following grounds—
  - (a) that the case raises a question of principle;
  - (b) that it is unreasonable to expect the applicant to deal with the case unaided (because of its complexity, because of the applicant’s position in relation to another party or for some other reason);

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- (c) that there is some other special consideration which makes it appropriate for the Commission to provide assistance.
- (3) If the Commission grants an application, it may—
  - (a) provide or arrange for the provision of legal advice;
  - (b) arrange for legal or other representation (which may include any assistance usually given by a solicitor or counsel);
  - (c) seek to procure the settlement of any dispute;
  - (d) provide or arrange for the provision of any other assistance which it thinks appropriate.
- (4) Subsection (3)(b) does not affect the law and practice as to who may represent a person in relation to any proceedings.
- (5) The Commission may authorise any employee of the Commission to exercise such of its functions under this section as it may determine.

## 8 Recovery of expenses of providing assistance. **E+W+S**

- (1) This section applies where—
  - (a) the Commission has given an individual assistance under section 7 in relation to any proceedings; and
  - (b) any costs or expenses (however described) have become payable to him by another person in respect of the matter in connection with which the assistance is given.
- (2) A sum equal to any expenses incurred by the Commission in providing the assistance shall be a first charge for the benefit of the Commission on the costs or expenses concerned.
- (3) It is immaterial for the purposes of this section whether the costs or expenses concerned are payable by virtue of a decision of a court or tribunal, an agreement arrived at to avoid proceedings or to bring them to an end, or otherwise.
- (4) The charge created by this section is subject to—
  - (a) any charge under the <sup>M2</sup>Legal Aid Act 1988 and any provision in that Act for payment of any sum to the Legal Aid Board; and
  - (b) any charge or obligation for payment in priority to other debts under the <sup>M3</sup>Legal Aid (Scotland) Act 1986 and any provision in that Act for payment of any sum into the Scottish Legal Aid Fund.
- (5) Provision may be made by regulations made by the Secretary of State for the determination of the expenses of the Commission in cases where this section applies.

### Marginal Citations

**M2** 1988 c. 34.

**M3** 1986 c. 47.

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**Changes to legislation:** There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed). (See end of Document for details)

VALID FROM 25/04/2000

**9 Codes of practice. E+W+S**

- (1) The following section shall be inserted at the beginning of Part VII of the 1995 Act (supplemental)—

**“53A Codes of practice.**

- (1) The Disability Rights Commission may prepare and issue codes of practice giving practical guidance—
- (a) to employers, service providers or other persons to whom provisions of Part II or Part III apply on how to avoid discrimination or on any other matter relating to the operation of those provisions in relation to them; or
  - (b) to any persons on any other matter, with a view to—
    - (i) promoting the equalisation of opportunities for disabled persons and persons who have had a disability, or
    - (ii) encouraging good practice regarding the treatment of such persons,
 in any field of activity regulated by any provision of Part II or Part III.
- (2) The Commission shall, when requested to do so by the Secretary of State, prepare a code of practice dealing with the matters specified in the request.
- (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 Secretary of State and laid by him before both Houses of Parliament; and
  - (b) the 40 day period has elapsed without either House resolving not to approve the draft.
- (5) If the Secretary of State does not approve a draft code of practice submitted to him he shall give the Commission a written statement of his reasons.
- (6) A code of practice issued by the Commission—
- (a) shall come into effect on such day as the Secretary of State 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 Secretary of State 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.



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- (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 shall be taken into account in determining that question.
- (9) In this section—
- “code of practice” means a code of practice under this section;
- “discrimination” means anything which is unlawful discrimination for the purposes of any provision of Part II or Part III; and
- “40 day period” has the same meaning in relation to a draft code of practice as it has in section 3 in relation to draft guidance.”
- (2) The Commission may treat any consultation undertaken by the National Disability Council under section 52(2) of the 1995 Act as being as effective for the purposes of section 53A(3) of that Act as if it had been undertaken by the Commission.
- (3) Nothing in this section affects the Commission’s powers apart from this section to give practical guidance on matters connected with its functions.

VALID FROM 25/04/2000

## 10 Conciliation of disputes under Part III of the 1995 Act. **E+W+S**

For section 28 of the 1995 Act (arrangements by the Secretary of State with a view to the settlement of disputes under Part III) there shall be substituted the following section—

### “28 Conciliation of disputes.

- (1) The Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to disputes arising under this Part.
- (2) In deciding what arrangements (if any) to make, the Commission shall have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes arising under this Part which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in relation to disputes arising under this Part.
- (4) The Commission shall ensure that any arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by a person in connection with the provision of conciliation services in pursuance of the arrangements.
- (5) Subsection (4) does not apply to information relating to a dispute which is disclosed with the consent of the parties to that dispute.

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- (6) Subsection (4) does not apply to information which—
- (a) is not identifiable with a particular dispute or a particular person; and
  - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person while providing conciliation services in pursuance of any arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it to that person.
- (8) In this section “conciliation services” means advice and assistance provided by a conciliator to the parties to a dispute with a view to promoting its settlement otherwise than through the courts.”

VALID FROM 25/04/2000

**11 Procedure for amending s.7(1) of the 1995 Act. E+W+S**

For subsections (3) to (10) of section 7 of the 1995 Act (exemption for small businesses) there shall be substituted the following subsections—

- “(3) Before making an order under subsection (2) the Secretary of State shall consult—
- (a) the Disability Rights Commission;
  - (b) such organisations representing the interests of employers as he considers appropriate; and
  - (c) such organisations representing the interests of disabled persons in employment or seeking employment as he considers appropriate.
- (4) The Secretary of State shall, before laying an order under this section before Parliament, publish a summary of the views expressed to him in his consultations.”

**12 Regulations. E+W+S**

- (1) Any power under this Act to make regulations is exercisable by statutory instrument.
- (2) Any such regulations may make—
  - (a) different provision for different cases or areas;
  - (b) provision enabling a person to exercise a discretion in dealing with any matter; and
  - (c) incidental, supplemental, consequential or transitional provision.
- (3) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**13 Interpretation. E+W+S**

- (1) In this Act—

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“Commission” means the Disability Rights Commission;  
“final”, in relation to a non-discrimination notice, has the meaning given by paragraph 11 of Schedule 3;  
“formal investigation” means an investigation under section 3;  
“non-discrimination notice” means a notice under section 4;  
“notice” means notice in writing;  
“prescribed” means prescribed in regulations made by the Secretary of State; and  
“the 1995 Act” means the <sup>M4</sup>Disability Discrimination Act 1995.

(2) Expressions used in this Act which are defined for the purposes of the 1995 Act have the same meaning in this Act as in that Act.

#### Marginal Citations

M4 1995 c. 50.

#### 14 Consequential amendments and repeals. **U.K.**

- (1) Schedule 4 (minor and consequential amendments) has effect.
- (2) The enactments mentioned in Schedule 5 are repealed to the extent specified.

#### Commencement Information

**14** S. 14 fully in force at 4.12.2006: s. 14 not in force at Royal Assent see s.16(2); s. 14(1) in force for certain purposes at (6.8.1999) by S.I.1999/2210, art. 2(4); s. 14(1) in force in so far as not already in force (25.4.2000) by S.I. 2000/880, art. 2, Sch. 2; s. 14(2) in force for certain purposes (25.4.2000) by S.I. 2000/880, art. 2, Sch. 2; s. 14 in force in so far as not already in force at 4.12.2006 by S.I. 2006/3189, art. 2

#### 15 Crown application. **E+W+S**

This Act binds the Crown (but does not affect Her Majesty in her private capacity or in right of Her Duchy of Lancaster or the Duke of Cornwall).

#### 16 Short title, commencement and extent. **E+W+S**

- (1) This Act may be cited as the Disability Rights Commission Act 1999.
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) An order under subsection (2) may contain transitional provisions and savings relating to the provisions brought into force by the order.
- (4) The following provisions extend to Northern Ireland—
  - (a) section 14(1), in relation to paragraphs 1, 2 and 4 of Schedule 4; and

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- (b) section 14(2), in relation to the repeal of words in the <sup>M5</sup>House of Commons Disqualification Act 1975, the <sup>M6</sup>Northern Ireland Assembly Disqualification Act 1975 and section 70(7) of the 1995 Act.

(5) Except as mentioned in subsection (4), this Act does not extend to Northern Ireland.

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**Subordinate Legislation Made**

**P1** S. 16(2) power wholly exercised: 6.8.1999 appointed for specified provisions by [S.I. 1999/2210](#), **art. 2**; different dates appointed for specified provisions by [S.I. 2000/880](#), **art. 2** (with **art. 3**); 4.12.2006 appointed in so far as not already in force by [{S.I. 2006/3189}](#), **art. 2**

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**Marginal Citations**

**M5** 1975 c. 24.

**M6** 1975 c. 25.

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## SCHEDULES

### SCHEDULE 1 **E+W+S**

Section 1(3).

#### CONSTITUTION ETC

##### *Status*

- 1 (1) The Commission is a body corporate.
- (2) The Commission is not the servant or agent of the Crown, it does not enjoy any status, immunity or privilege of the Crown and its property is not to be regarded as property of or as held on behalf of the Crown.

##### *Membership*

- 2 (1) The Commission shall consist of not less than 10 and not more than 15 commissioners appointed by the Secretary of State.
- (2) The Secretary of State may appoint as a commissioner a person who is not disabled and has not had a disability only if satisfied that after the appointment more than half of the commissioners will be disabled persons or persons who have had a disability.
- (3) Sub-paragraph (2) shall not apply in respect of the first three appointments under this paragraph.

##### *Tenure of office of commissioners*

- 3 (1) A commissioner shall hold and vacate office in accordance with the terms of his appointment.
  - (2) A person shall not be appointed a commissioner for less than two or more than five years; but a person who has served as a commissioner may be reappointed.
- 4 A commissioner may resign by notice in writing to the Secretary of State.
  - 5 The Secretary of State may terminate the appointment of a commissioner if satisfied that—
    - (a) without the consent of the chairman he has failed to attend meetings of the Commission during a continuous period of six months beginning not earlier than nine months before the termination;

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- (b) he has become bankrupt, has had his estate sequestrated or has made a composition or arrangement with, or granted a trust deed for, his creditors; or
- (c) he is otherwise unable or unfit to carry out his functions as a commissioner.

*Tenure of office of chairman and deputy chairmen*

- 6 (1) The Secretary of State shall appoint one commissioner as chairman of the Commission and either one or two other commissioners as deputy chairmen.
- (2) The Secretary of State shall exercise his powers of appointment under this paragraph with a view to securing that at least one of the persons holding office as chairman or deputy chairman is a disabled person or a person who has had a disability.

- 7 A person appointed as chairman or deputy chairman—
- (a) shall hold and vacate that office in accordance with the terms of his appointment,
  - (b) may resign that office by notice in writing to the Secretary of State, and
  - (c) shall cease to hold that office if he ceases to be a commissioner.

*Remuneration, pensions etc. of commissioners*

- 8 The Commission may—
- (a) pay to any commissioner such remuneration or expenses; and
  - (b) pay, or make provision for the payment of, such sums by way of pensions, allowances or gratuities to or in respect of any commissioner,
- as the Secretary of State may determine.
- 9 If the Secretary of State determines that there are special circumstances which make it right that a person who has ceased to be a commissioner should receive compensation, the Secretary of State may direct the Commission to pay that person such sum by way of compensation as the Secretary of State may determine.

*Staff*

- 10 (1) The Commission shall have—
- (a) a chief executive appointed by the Commission, subject to the approval of the Secretary of State; and
  - (b) such other employees as the Commission may appoint, subject to the approval of the Secretary of State as to numbers and terms and conditions of service.
- (2) The first appointment of a chief executive shall be made by the Secretary of State.

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- 11 (1) Employment with the Commission shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M7</sup>Superannuation Act 1972 may apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Royal Commissions and other Commissions there shall be inserted—

“Disability Rights Commission.”

- (2) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

#### Marginal Citations

M7 1972 c. 11.

#### *Proceedings etc.*

- 12 (1) The Commission may regulate its own procedure (including quorum).
- (2) The quorum for meetings of the Commission shall in the first instance be determined by a meeting of the Commission attended by at least five commissioners.
- 13 The validity of any proceedings of the Commission is not affected by a vacancy among the commissioners or by a defect in the appointment of a commissioner.

#### *Delegation*

- 14 (1) The Commission may authorise any committee of the Commission or any commissioner to exercise such of its functions (other than functions relating to the conduct of a formal investigation) as it may determine.
- (2) This paragraph does not affect any power of the Commission to authorise its employees to do anything on its behalf.

#### *Accounts*

- 15 (1) The Commission shall—
- keep proper accounts and proper records in relation to the accounts,
  - prepare a statement of accounts in respect of each accounting year, and
  - send copies of the statement to the Secretary of State and the Comptroller and Auditor General not later than the 31st August following the end of the accounting year to which it relates.

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*Status:* Point in time view as at 06/08/1999. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed). (See end of Document for details)

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- (2) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts and shall lay copies of the statement and of his report before each House of Parliament.
- (3) The Commission's accounting year is the twelve months ending with 31st March.
- (4) The Commission's first accounting year shall be the period of not more than 12 months beginning with the Commission's establishment and ending with 31st March.

#### *Annual reports*

- 16 (1) As soon as practicable after the end of each accounting year the Commission shall submit to the Secretary of State a report on its activities during that year.
- (2) The report shall include (among other things)—
  - (a) a report on anything done by the Commission, in the performance of its functions under section 2(1)(a) to (c), jointly or otherwise in co-operation with any other organisation;
  - (b) a general survey of developments in matters within the scope of the Commission's functions; and
  - (c) proposals for the Commission's activities in the current year.
- (3) The Secretary of State shall lay a copy of the report before Parliament and arrange for such further publication of it as he considers appropriate.

#### *List of consultees*

- 17 (1) The Commission shall maintain a list of the organisations it has consulted generally for the purposes of any of its functions.
- (2) An organisation may be removed from the list if it has not been consulted generally in the 12 months preceding its removal.
- (3) For the purposes of sub-paragraphs (1) and (2), consultation is general unless it relates only—
  - (a) to an investigation to which paragraph 3 of Schedule 3 applies,
  - (b) to assistance under section 7, or
  - (c) otherwise to a particular individual or individuals.
- (4) The Commission shall make the list available to the public in whatever way it considers appropriate (subject to any charge it may impose).



**Status:** Point in time view as at 06/08/1999. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed). (See end of Document for details)

VALID FROM 23/03/2000

SCHEDULE 2 **E+W+S**

Section 3(5).

ADDITIONAL COMMISSIONERS

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VALID FROM 23/03/2000

SCHEDULE 3 **E+W+S**

Sections 3(5), 4(6) and 5(12).

FORMAL INVESTIGATIONS AND NON-DISCRIMINATION NOTICES

.....

SCHEDULE 4 **U.K.**

Section 14(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

**Commencement Information**

**110** [Sch. 4](#) wholly in force at 25.4.2000; [Sch. 4](#) not in force at Royal Assent see [s. 16\(2\)](#); [Sch. 4](#) in force (for specified provisions) at 6.8.1999 by [S.I. 1999/2210](#), [art. 2\(7\)](#)(subject to saving in [art. 3](#)); [Sch. 4](#) in force in so far as it is not already in force at 25.4.2000 by [S.I. 2000/880](#), [art. 2](#), [Sch. 2](#)

*House of Commons Disqualification Act 1975 (c. 24)*

- 1 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted at the appropriate place the words “ The Disability Rights Commission. ”

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 2 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted at the appropriate place the words “ The Disability Rights Commission. ”

**Status:** Point in time view as at 06/08/1999. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed). (See end of Document for details)

VALID FROM 25/04/2000

*Disability Discrimination Act 1995 (c. 50)*

- 3
- (1) The Disability Discrimination Act 1995 shall be amended as follows.
  - (2) In section 67(5) (orders not subject to annulment) for “52(8), 54(6)” substitute “53A(6)(a) ”.
  - (3) In Schedule 3 (enforcement and procedure under Parts II and III), in paragraph 6(2), for the words from “a person” to “approached” there shall be substituted “ the dispute concerned is referred for conciliation in pursuance of arrangements under section 28 ”.

**Modifications etc. (not altering text)**

**C2** Sch. 4 para. 3(3) excluded (*temp.*) (18.3.2000) by S.I. 2000/880, art. 3

*Scotland Act 1998 (c. 46)*

- 4
- In Part III of Schedule 5 to the Scotland Act 1998 (reserved bodies), in paragraph 3(2)(c), for the words “the National Disability Council” there shall be substituted “ the Disability Rights Commission ”.

VALID FROM 25/04/2000

SCHEDULE 5 **E+W+S**

Section 14(2).

REPEALS

**Commencement Information**

**III** Sch. 5 fully in force at 4.12.2006; Sch. 5 not in force at Royal Assent see s. 16(2); Sch. 5 in force at 25.4.2000 for certain purposes by S.I. 2000/880, art. 2, Sch. 2 and 4.12.2006 for further purposes by S.I. 2006/3189, art. 2

**Status:**

Point in time view as at 06/08/1999. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Rights Commission Act 1999(repealed).