

DISABILITY RIGHTS COMMISSION ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: The Disability Rights Commission

This section establishes the DRC and abolishes the NDC.

Subsection (2) provides for the DRC to be funded by the Secretary of State (out of money provided by Parliament), though some of its expenses can be recovered out of charges under section 2(4) and by recovery of costs under section 8.

Subsection (3) introduces *Schedule 1* which sets out provisions relating to the constitution of the DRC; its members (the commissioners) and their tenure of office; the tenure of office of the chairman and the deputy chairman; remuneration, pensions etc of commissioners; appointment of staff; regulation of proceedings; powers of delegation; finance; and preparation of annual reports. In particular:

- paragraphs 2(2) and (3) require that a majority of the commissioners appointed to the DRC are disabled or persons who have had a disability, but provide flexibility with regard to the order of the first three appointments;
- paragraph 6(2) provides for either the chairman or a deputy chairman of the DRC to be a disabled person or a person who has had a disability;
- paragraphs 15 and 16 require the DRC to prepare annual accounts and reports and to submit them to the Secretary of State. The DRC is required to include within its annual report an account of work done with other organisations; and
- paragraph 17 requires the DRC to maintain a list of the organisations it has consulted in connection with its functions and to make the list publicly available.

The Act leaves the DRC free to set up offices wherever it thinks best to enable it to fulfil its functions, but administrative arrangements will be made to ensure that it operates at least one office in each of England, Scotland and Wales.