



Disability Rights Commission Act 1999

1999 CHAPTER 17

9 Codes of practice

- (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.

Status: This is the original version (as it was originally enacted).

- (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.
- (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.