
EXPLANATORY NOTE

(This note is not part of the Order)

Following the substitution of section 56 of the Disability Discrimination Act 1995 (“the Act”) by section 17 of the Disability Discrimination Act 2005, this Order prescribes forms for questions and replies for cases falling within Part 3 of the Act (discrimination in areas other than employment and education), other than those falling within section 21A (employment services) and sections 19 to 21 in so far as sections 19 to 21 relate to group insurance arrangements. The section 21A and sections 19 to 21 cases come under the jurisdiction of employment tribunals by virtue of section 25(6A), (7) and (8) of the Act, whereas the other Part 3 cases (the cases to which this Order applies) come within the jurisdiction of a county court or, in Scotland, the sheriff court.

Article 2 of the Order prescribes forms which may be used for the purposes mentioned in the new section 56 of the Act. The form set out in Schedule 1 is for use where the person aggrieved considers that he may have been discriminated against in contravention of Part 3 of the Act, other than section 21A or sections 19 to 21 of the Act in so far as sections 19 to 21 relate to a group insurance arrangement. The form set out in Schedule 2 is for use by the respondent when replying.

Article 3 provides for periods within which a question must be served on the respondent if, for the purposes of section 56(3) of the Act, it is to be admissible as evidence in proceedings before a court.

Article 4 provides for the manner of service of questions and replies.

Article 5 amends the Disability Discrimination (Questions and Replies) Order 2004 (“the 2004 Order”) to provide explicitly for that Order to apply only for cases falling within Part 2 of the Act and, in relation to Part 3 of the Act, to cases falling within section 21A which relates to employment services and sections 19 to 21 in so far as sections 19 to 21 relate to group insurance arrangements. Article 5 also makes minor drafting changes to the 2004 Order and its Schedules to take account of the changes in terminology introduced by the new section 56 of the Act.

An assessment of the impact of this Order on business, charities and the voluntary sector has been made. Copies of this Regulatory Impact Assessment have been placed in the libraries of both Houses of Parliament. Copies may be obtained from the Better Regulation Unit of the Department for Work and Pensions, level 4, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.