
STATUTORY INSTRUMENTS

2006 No. 1967

DISABLED PERSONS

**The Disability Discrimination Code of Practice
(Services, Public Functions, Private Clubs
and Premises) (Appointed Day) Order 2006**

Made - - - - *20th July 2006*

This Order is made in exercise of the powers conferred by sections 53A(6)(a) and 67(3)(a) of the Disability Discrimination Act 1995(1) (“the Act”).

In accordance with section 53A(4) of the Act—

- (a) a draft code of practice prepared by the Disability Rights Commission entitled “Rights of Access: services to the public, public authority functions, private clubs and premises” has been submitted to and approved by the Secretary of State for Work and Pensions;
- (b) the draft code of practice was laid by the Secretary of State before both Houses of Parliament on 8th June 2006;
- (c) a period of forty days has elapsed without either House resolving not to approve the draft; and
- (d) the code of practice was issued by the Disability Rights Commission on 18th July 2006 under section 53A(1), (1D) and (1F)(2) of the Act.

In accordance with section 53A(4B) and (6B) of the Act(3), the Secretary of State has consulted the Scottish Ministers before deciding whether to approve the draft code of practice, and as to the date to be appointed by this Order.

Accordingly, the Secretary of State for Work and Pensions makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Disability Discrimination Code of Practice (Services, Public Functions, Private Clubs and Premises) (Appointed Day) Order 2006.

(2) In this Order, “the Act” means the Disability Discrimination Act 1995.

(1) 1995 c. 50. Section 53A was inserted by the Disability Rights Commission Act 1999 (c. 17), section 9(1). Section 67(3) was amended by the Disability Discrimination Act 2005 (c. 13) (“the 2005 Act”), Schedule 1, paragraphs 1 and 33(1) and (3).

(2) Section 53A(1) was substituted by the Special Educational Needs and Disability Act 2001 (c. 10), section 36(1) and (2), and amended by S.I. 2003/1673, and the 2005 Act, Schedule 1, paragraphs 1 and 28(1) and (2). Section 53A(1D) was inserted by the 2005 Act, section 16(2). Section 53A(1F) was inserted by the Equality Act 2006 (c. 3), section 43(2)(a).

(3) Section 53A(4B) and (6B) were inserted by the Equality Act 2006, section 43(2)(b) and (c).

Appointed Day

2.—(1) The day appointed for the coming into effect of the Disability Discrimination Act 1995 Code of Practice on Rights of Access: services to the public, public authority functions, private clubs and premises(4) is 4th December 2006.

(2) Paragraph (1) has effect subject to the provisions of article 3.

Transitional provisions

3.—(1) The Code of Practice referred to in article 2 shall not have effect for the purposes of section 53A(8A) of the Act(5) in relation to—

- (a) any proceedings (whenever commenced) which arise from a complaint alleging that a person has, before 4th December 2006, committed an act which is unlawful discrimination for the purposes of any provision of Part 3 of the Act; or
- (b) any proceedings (whenever commenced) relating to a relevant improvement(6), which arise from an act or omission which took place before 4th December 2006.

(2) The Code of Practice referred to in article 2 shall not have effect for the purposes of paragraph 8(e) of Schedule 5 to the Housing (Scotland) Act 2001(7) in relation to any proceedings (whenever commenced) under Part 1 of that Schedule, which arise from an act or omission which took place before 4th December 2006.

Signed by authority of the Secretary of State for Work and Pensions.

20th July 2006

Anne C McGuire
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(4) Published by The Stationery Office (TSO), ISBN 0117036951.

(5) Section 53A(8A) was inserted by the Special Educational Needs and Disability Act 2001 (c. 10), section 36(1) and (8), and amended by the 2005 Act, Schedule 1, paragraphs 1 and 28(1) and (6).

(6) The definition of a relevant improvement was inserted into section 53A(9) by the 2005 Act, Schedule 1, paragraphs 1 and 28(1) and (7).

(7) 2001 asp10. Paragraph 8(e) of Schedule 5 was inserted by the Housing (Scotland) Act 2006 (asp1), section 54.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 4th December 2006 for the coming into effect of the Disability Discrimination Act 1995 Code of Practice on Rights of Access: services to the public, public authority functions, private clubs and premises (ISBN 0117036951) (“the new Code”) which was issued by the Disability Rights Commission (“DRC”) on 18th July 2006 under section 53A(1), (1D) and (1F) of the Disability Discrimination Act 1995 (“the Act”).

The new Code has been prepared by the DRC in readiness for the coming into force on 4th December 2006 of extensive new duties under the Act, as amended by the Disability Discrimination Act 2005, affecting public authorities carrying out their functions, private clubs, and landlords and managers of let premises. It provides practical guidance to providers of goods, facilities and services, public authorities, private clubs and providers of premises, in relation to their duties under Part 3 of the Act. In addition, the new Code gives practical guidance to landlords and tenants in England and Wales on the making of disability-related improvements to let residential premises, and to landlords and tenants of houses in Scotland on similar matters.

Article 3 makes transitional provision about acts taking place before 4th December 2006. Where it is alleged that a person has, before 4th December 2006, committed an act which is unlawful discrimination for the purposes of Part 3 of the Act, the new Code is not to have effect for the purposes of section 53A(8A) of the Act. The new Code is also not to have effect for the purposes of section 53A(8A) of the Act in relation to proceedings relating to a disability-related improvement to let residential premises which arise from an act or omission which took place before 4th December 2006. Section 53A(8A) requires a court or tribunal hearing any proceedings to take into account any provision of a code of practice which appears to it to be relevant. Equivalent provision is made in respect of proceedings relating to alterations to houses in Scotland which arise from an act or omission which took place before 4th December 2006.

The new Code will replace the Disability Discrimination Act 1995 Code of Practice on Rights of Access Goods, Facilities, Services and Premises (ISBN 0117028606), which was brought into force in May 2002, and is to be revoked on 4th December 2006 (S.I.2006/1966).

A copy of the new Code of Practice may be purchased from The Stationery Office (TSO Orders, PO Box 29, Norwich NR3 1GN, telephone 0870 600 5522, fax 0870 600 5533, e-mail customer.services@tso.co.uk, textphone 0870 240 3701, internet <http://www.tsoshop.co.uk>), or from The Stationery Office Bookshops, or downloaded free of charge from the DRC website: www.drc-gb.org.

A regulatory impact assessment has not been prepared for this Order as it has no impact on the costs of business, charities or the voluntary sector.