

2008 No. 641

DISABLED PERSONS

The Disability Discrimination (Public Authorities) (Statutory Duties) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>5th March 2008</i>
<i>Laid before Parliament</i>		<i>13th March 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 49D(1) and (2) and 67(2) and (3) of the Disability Discrimination Act 1995(a), makes the following Regulations.

He has consulted with the Commission for Equality and Human Rights, the Welsh Ministers and the Scottish Ministers in accordance with sections 49D(5), (6) and (8) of that Act.

The Welsh Ministers have given their consent in accordance with section 49D(7) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disability Discrimination (Public Authorities) (Statutory Duties) (Amendment) Regulations 2008 and shall come into force on 6th April 2008.

(2) In these Regulations, “the 2005 Regulations” means the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(b).

Disability Equality Schemes

2. Regulation 2 of the 2005 Regulations (preparation and publication of a Disability Equality Scheme) is amended as follows—

- (a) in paragraph (3)(d)(iii), for “Part I or V of Schedule 1” substitute “Part I, V or VI of Schedule 1”;
- (b) in paragraph (6), at the beginning insert “Subject to paragraphs (7) to (9),”;
- (c) after paragraph (6)(d) add—

(a) 1995 c.50. Section 49D was inserted by section 3 of the Disability Discrimination Act 2005 (c.13) and was amended by paragraphs 41 and 48 of Schedule 3 to the Equality Act 2006 (c.3), and S.I.2007/1388. Section 67(3) was amended by paragraphs 1 and 33(1) and (3) of Schedule 1 to the Disability Discrimination Act 2005.

(b) S.I.2005/2966 amended by S.I. 2006/594, S.I.2006/1926, S.I. 2007/618, S.I. 2007/2128, S.I.2007/2602, and S.I. 2007/3224. S.I. 2007/2602 inserts the Commission for Equality and Human Rights into Part 1 of Schedule 1 replacing entries for its predecessor bodies the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission, and S.I. 2007/3555 modifies regulation 2(6) of the 2005 Regulations to provide for a relevant publication date for a Scheme to be published by the Commission for Equality and Human Rights of 1st April 2008.

“(e) in the case of a public authority listed in Part VI of Schedule 1, 1st December 2008.”;

(d) after paragraph (6) add the following—

“(7) In the case of a public authority listed in Parts I or II of Schedule 1 which was established on or after 4th December 2006 and before 3rd December 2007, the relevant publication date is 1st December 2008.

(8) In the case of a public authority listed in Parts I or II of Schedule 1 which is established on or after 3rd December 2007, the relevant publication date is the date falling twelve months after its establishment.

(9) In the case of a public authority listed in Parts III to V of Schedule 1 which is established on or after the relevant publication date which would have applied to it had the public authority been established before that date, the relevant publication date is the date falling twelve months after the establishment of the public authority.”

Amendments to the list of public authorities in the 2005 Regulations

3.—(1) In Part 1 of Schedule 1 to the 2005 Regulations—

- (a) omit “The British Tourist Authority”, and at the appropriate place insert, “Visit Britain”;
- (b) omit “The Central Police Training and Development Authority (CENTREX)”, and at the appropriate place insert, “The National Policing Improvement Agency”;
- (c) omit “The Particle Physics and Astronomy Research Council” and “The Council for the Central Laboratory of the Research Councils”, and at the appropriate place insert, “The Science and Technology Facilities Council”;
- (d) omit the entry for the Adult Learning Inspectorate.

(2) In Part V of Schedule 1 to the 2005 Regulations, in the entry in respect of the Children’s Commissioner for England, after “England” insert “and 11 MILLION”.

Addition of further public authorities to the 2005 Regulations

4. After Part V of Schedule 1 to the 2005 Regulations insert the following new Part—

“PART VI

(authorities added on 6th April 2008)

Amgueddfa Genedlaethol Cymru (The National Museum of Wales)
The Appointments Commission
The Bank of England
The Civil Aviation Authority
The Commission for Architecture and the Built Environment (CABE)
The Community Development Foundation
The Competition Commission
The Consumer Council for Water
The Council for Licensed Conveyancers
The Criminal Cases Review Commission
Cyngor Gofal Cymru (The Care Council for Wales)
The Design Council
The Engineering Construction Industry Training Board (ECITB)
The General Osteopathic Council
The Independent Living Funds
The Institute of Legal Executives

Investors in People UK
The National Army Museum
The National Endowment for Science, Technology and the Arts (NESTA)
The Nuclear Decommissioning Authority
The Office of the Immigration Services Commissioner
The Parole Board
Partnerships for Schools
The Personal Accounts Delivery Authority
The Royal Air Force Museum
Royal Botanic Gardens, Kew
The United Kingdom Atomic Energy Authority
The Valuation Tribunal Service.”

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

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

5th March 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Disability Discrimination (Public Authorities)(Statutory Duties) Regulations 2005 (S.I.2005/2966). Those Regulations impose duties on public authorities listed in Schedule 1 to prepare and publish a Disability Equality Scheme, to revise it at intervals, to implement certain components of the Scheme, and publish an annual report of progress.

The main purpose of the present Regulations is to extend the list of public authorities to which the duties imposed by the 2005 Regulations apply. The additional public authorities named in new Part VI of Schedule 1 to the 2005 Regulations are required to publish a Disability Equality Scheme on or before 1st December 2008.

These Regulations also impose a duty on any public authority listed in Parts I to V of Schedule 1 but which is created on or after the applicable relevant publication date for that Part (or in the case of those authorities listed in Parts I and II, after 3rd December 2007), to publish a Disability Equality Scheme within a year of the date of its creation. A relevant publication date of 1st December 2008 is specified where a public authority listed in Parts I and II of Schedule 1 was created between 4th December 2006 and 3rd December 2007.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

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