
EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences section 31(9) and Schedule 2 to the Equality Act 2010 (“the Act”), and also section 98 and Schedule 13 to the Act, in so far as they are not already in force, on 1st September 2012. The effect of this Order is to bring into force provisions regarding the third requirement which were not brought into force by the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (S.I. 2010/2317 (C. 112)) (as amended by the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (Amendment) Order 2010 (S.I. 2010/2337 (C. 113))).

The third requirement, as defined in section 20(5) of the Act, is a requirement imposed on a person (referred to as A) to take reasonable steps to provide an auxiliary aid, where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with non-disabled people. The Order commences provisions regarding the third requirement so far as they relate to (a) a local authority in England or Wales exercising functions under the Education Acts (as defined in section 212 of the Act); (b) an education authority exercising functions under an enactment specified in paragraph 10(2) of Schedule 3 to the Act; (c) the responsible body of a school to which section 85 of the Act applies; and (d) the governing body of a maintained school (within the meaning of section 92 of the Act).