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STATUTORY INSTRUMENTS

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**2000 No. 1110**

**The Equality (Disability, etc.) (Northern Ireland) Order 2000**

**PART II**

**DISABILITY DISCRIMINATION**

**Codes of practice**

**11.**—(1) The following section shall be inserted at the beginning of Part VII of the 1995 Act (supplemental)—

**“Codes of practice.**

**54A.**—(1) The 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 Office, 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 Office and laid by the Office before the Assembly; and
- (b) the statutory period has elapsed without the Assembly resolving not to approve the draft.

(5) If the Office does not approve a draft code of practice submitted to it the Office shall give the Commission a written statement of its reasons.

(6) A code of practice issued by the Commission—

- (a) shall come into effect on such day as the Office 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 Office 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;

“the Commission” means the Equality Commission for Northern Ireland;

“discrimination” means anything which is unlawful discrimination for the purposes of any provision of Part II or Part III;

“the Office” means the Office of the First Minister and deputy First Minister; and

“statutory period” has the meaning assigned to it by section 41(2) of the Interpretation Act (Northern Ireland) 1954.”

(2) The Commission may treat any consultation undertaken under section 52(2) of the 1995 Act before the coming into operation of this Article as being effective for the purposes of section 54A(3) of that Act.

(3) Nothing in this Article affects the Commission’s powers apart from this Article to give practical guidance on matters connected with its functions under this Part.