

2008 No. 140

DISABLED PERSONS

The Disability Discrimination (Guidance on the Definition of Disability) (Revocation) Order (Northern Ireland) 2008

Made - - - - *21st March 2008*

Coming into operation - *21st April 2008*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred by sections 3(11)(b) and 67(2) and (3)(a) of the Disability Discrimination Act 1995(a) and now vested in it(b) makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Disability Discrimination (Guidance on the Definition of Disability) (Revocation) Order (Northern Ireland) 2008 and shall come into operation on 21st April 2008.

(2) In this Order—

“the 1995 Act” means the Disability Discrimination Act 1995.

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to this Order as it applies to an Act of the Assembly.

Revocation of Guidance

2. Subject to article 3, the Guidance on matters to be taken into account in determining questions relating to the definition of disability (ISBN No. 0-337-09436-5) referred to in article 2 of the Disability Discrimination (Guidance and Code of Practice) (Appointed Day) Order (Northern Ireland) 1996(d) is revoked.

Transitional provision

3. The Guidance referred to in article 2 is to continue to have effect after 20th April 2008 for the purposes of section 3(3) of the 1995 Act(e) in relation to any proceedings arising from a complaint (whenever presented) alleging that a person has, before 21st April 2008, committed an act which is unlawful discrimination for the purposes of the 1995 Act or of Part III of the Special Educational Needs and Disability (Northern Ireland) Order 2005(f).

(a) 1995 c.50 as amended by S.I. 2006/312 (N.I.1). Sections 3(11)(b), and 67(2) and (3)(a) of the Disability Discrimination Act 1995 are modified in their application to Northern Ireland by paragraphs 2(2) and 46 of Schedule 8

(b) See S.R. 1999 No.481; Article 4(a) and Schedule 2; Part I for transfer of functions from the Department of Economic Development

(c) 1954 c. 33 (N.I.)

(d) S.R. 1996 No. 549

(e) Section 3(3) was amended by Article 48(4) of S.I. 2005/1117 (N.I.6) and paragraphs 1 and 3(5) of Schedule 1 to the Disability Discrimination (Northern Ireland) Order 2006

(f) S.I. 2005/1117 (N.I.6)

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 21st March 2008.



Gerard Mulligan
A senior officer of the
Office of the First Minister and deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes, with effect from 21st April 2008 and subject to the transitional provision in article 3, the Guidance on matters to be taken into account in determining questions relating to the definition of disability issued by the Department of Economic Development on 2nd December 1996 under section 3 of the Disability Discrimination Act 1995 (“the 1995 Act”).

Article 3 of this Order provides for that Guidance to continue to have effect after 20th April 2008 in relation to proceedings arising from a complaint presented to a tribunal or court concerning an alleged act of discrimination Act committed before 21st April 2008. This is for the purposes of section 3(3) of the 1995 Act, which requires a tribunal or court determining for any purpose of the 1995 Act or of Part III of the Special Educational Needs and Disability (Northern Ireland) Order 2005 whether a person is a disabled person to take into account any guidance which appears to it to be relevant.

A regulatory impact assessment has not been prepared for this Order as it has no direct impact on the costs of business.