



# Disability Discrimination Act 2005

## 2005 CHAPTER 13

An Act to amend the Disability Discrimination Act 1995; and for connected purposes. [7th April 2005]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Public authorities*

#### <sup>F1</sup> **Councillors and members of the Greater London Authority**

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##### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

##### **Commencement Information**

- II** S. 1 wholly in force at 4.12.2006; s. 1 not in force at Royal Assent see s. 20(3); s. 1 in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(a\)](#); s. 1 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(a\)](#)

#### <sup>F2</sup> **Discrimination by public authorities**

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*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

### Textual Amendments

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

### Commencement Information

- I2** S. 2 wholly in force at 4.12.2006; s. 2 not in force at Royal Assent see s. 20(3); s. 2 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(a\)](#); s. 2 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(a\)](#)

## 3 Duties of public authorities

In the 1995 Act, after section 49 there is inserted—

### “PART 5A

#### PUBLIC AUTHORITIES

#### 49A General duty

- (1) Every public authority shall in carrying out its functions have due regard to—
- (a) the need to eliminate discrimination that is unlawful under this Act;
  - (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
  - (c) the need to promote equality of opportunity between disabled persons and other persons;
  - (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
  - (e) the need to promote positive attitudes towards disabled persons; and
  - (f) the need to encourage participation by disabled persons in public life.
- (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.

#### 49B Meaning of “public authority” in Part 5A

- (1) In this Part “public authority”—
- (a) includes any person certain of whose functions are functions of a public nature; but
  - (b) does not include—
    - (i) any person mentioned in section 21B(3);
    - (ii) the Scottish Parliament; or
    - (iii) a person, other than the Scottish Parliamentary Corporate Body, exercising functions in connection with proceedings in the Scottish Parliament.
- (2) In relation to a particular act, a person is not a public authority by virtue only of subsection (1)(a) if the nature of the act is private.

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- (3) Regulations may provide for a person of a prescribed description to be treated as not being a public authority for the purposes of this Part.

#### **49C Exceptions from section 49A(1)**

- (1) Section 49A(1) does not apply to—
  - (a) a judicial act (whether done by a court, tribunal or other person); or
  - (b) an act done on the instructions, or on behalf, of a person acting in a judicial capacity.
- (2) Section 49A(1) does not apply to any act of, or relating to, making or approving an Act of Parliament, an Act of the Scottish Parliament or an Order in Council.
- (3) Section 49A(1)(c) and (d) do not apply to—
  - (a) an act done in connection with recruitment to any of the naval, military or air forces of the Crown; or
  - (b) an act done in relation to a person in connection with service by him as a member of any of those forces.
- (4) Regulations may provide for section 49A(1)(a), (b), (c) or (d) not to apply to an act of a prescribed description.

#### **49D Power to impose specific duties**

- (1) The Secretary of State may by regulations impose on a public authority, other than a relevant Scottish authority or a cross-border authority, such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (2) The Secretary of State may by regulations impose on a cross-border authority such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to such of its functions as are not Scottish functions.
- (3) The Scottish Ministers may by regulations impose on a relevant Scottish authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (4) The Scottish Ministers may by regulations impose on a cross-border authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to its Scottish functions.
- (5) Before making regulations under any of subsections (1) to (4), the person making the regulations shall consult the Disability Rights Commission.
- (6) Before making regulations under subsection (1) or (2) in relation to functions exercisable in relation to Wales by a public authority that is not a relevant Welsh authority, the Secretary of State shall consult the National Assembly for Wales.

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- (7) The Secretary of State shall not make regulations under subsection (1) or (2) in relation to a relevant Welsh authority except with the consent of the National Assembly for Wales.
- (8) Before making regulations under subsection (2), the Secretary of State shall consult the Scottish Ministers.
- (9) Before making regulations under subsection (4), the Scottish Ministers shall consult the Secretary of State.
- (10) In this section—

“relevant Scottish authority” means—

- (a) a member of the Scottish executive or a junior Scottish Minister;
- (b) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland or the Keeper of the Records of Scotland;
- (c) any office of a description specified in an Order in Council under section 126(8)(b) of the Scotland Act 1998 (other non-ministerial office in the Scottish Administration); or
- (d) a public body, public office or holder of a public office—
  - (i) which (or who) is not a cross-border authority or the Scottish Parliamentary Corporate Body;
  - (ii) whose functions are exercisable only in or as regards Scotland; and
  - (iii) some at least of whose functions do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

“cross-border authority” means a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998;

“Scottish functions” means functions which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

“relevant Welsh authority” means—

- (a) the National Assembly for Wales; or
- (b) a public authority whose functions are exercisable only in relation to Wales.

#### **49E Duties under section 49D: compliance notices**

- (1) Where the Disability Rights Commission is satisfied that a public authority has failed to comply with, or is failing to comply with, a duty imposed on it by regulations under section 49D, the Commission may serve a notice on it.
- (2) The following provisions of this section apply to a notice served on an authority under subsection (1).
- (3) The notice shall require the authority—
- (a) to comply with the duty concerned; and

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- (b) to furnish the Commission, by the end of the period of 28 days beginning with the day on which the notice is served, with details of the steps that it has taken, or is taking, to comply with the duty.
- (4) The notice may also require the authority to furnish the Commission with other information specified in the notice if the Commission reasonably requires the information in order to verify that the duty has been complied with.
- (5) The notice shall specify the time by which the authority is to furnish information which it is required to furnish under subsection (4).
- (6) A time specified under subsection (5) shall not be later than the end of the three months beginning with the day on which the notice is served.
- (7) The notice may specify the manner and form in which the authority is to furnish information which the notice requires it to furnish to the Commission.
- (8) The notice shall not require the authority—
  - (a) to furnish information which it could not be compelled to furnish in evidence in civil proceedings before the High Court; or
  - (b) to furnish information which it could not be compelled to furnish in evidence in civil proceedings before the Court of Session.

#### **49F Enforcement of compliance notices**

- (1) If—
  - (a) a public authority on which a notice has been served under section 49E fails to furnish the Disability Rights Commission, in accordance with the notice, with any information required by the notice, or
  - (b) the Commission has reasonable cause to believe that a public authority on which a notice has been served under section 49E does not intend to furnish the information required by the notice,the Commission may apply to a county court or, in Scotland, the sheriff for an order requiring the authority to furnish any information required by the notice.
- (2) If on an application under subsection (1) the court is satisfied that either of the conditions specified in paragraphs (a) and (b) of that subsection is met, the court may grant the order in the terms applied for or in more limited terms.
- (3) If—
  - (a) the period of three months beginning with the day on which a notice is served on a public authority under section 49E has ended,
  - (b) the notice required the authority to comply with a duty imposed on it by regulations under section 49D, and
  - (c) the Commission considers that the authority has not complied with the duty,the Commission may apply to a county court or, in Scotland, the sheriff for an order requiring the authority to comply with the duty.
- (4) If on an application under subsection (3) the court is satisfied—
  - (a) that the conditions specified in paragraphs (a) and (b) of that subsection are met, and
  - (b) that the authority has not complied with the duty,

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the court may grant the order in the terms applied for or in more limited terms.

(5) The sanctions in section 49E and this section shall be the only sanctions for breach of any duty imposed by regulations under section 49D, but without prejudice to the enforcement of any other provision of this Act (where the breach is also a contravention of that provision).”

**Commencement Information**

**I3** S. 3 wholly in force at 4.12.2006; s. 3 not in force at Royal Assent see s. 20(3); s. 3 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676, art. 2\(2\)\(b\)](#); s. 3 in force for certain purposes at 5.12.2005 by [S.I. 2005/2774, art. 3\(b\)](#); s. 3 fully in force at 4.12.2006 by [S.I. 2005/2774, art. 4\(a\)](#)

**F14 Police**

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**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

*Transport*

**F15 Application of sections 19 to 21 of the 1995 Act to transport vehicles**

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**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

**F16 Rail vehicles: application of accessibility regulations**

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**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

**Commencement Information**

**I4** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 20(3); s. 6(3)-(5) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774, art. 3\(d\)](#)

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PROSPECTIVE

**7 Rail vehicles: accessibility compliance certificates**

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PROSPECTIVE

**8 Rail vehicles: enforcement and penalties**

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**9 Recognition of disabled persons' badges issued outside Great Britain**

In the Chronically Sick and Disabled Persons Act 1970 (c. 44), after section 21 there is inserted—

**“21A Recognition of badges issued outside Great Britain**

- (1) For the purposes of this section and section 21B, a “recognised badge” means—
  - (a) a badge issued under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, or any provision replacing that section, as from time to time amended, or
  - (b) a badge issued under provisions of the law of any jurisdiction outside the United Kingdom that are specified in regulations made by the appropriate national authority.
- (2) In exercising the power under subsection (1)(b), the appropriate national authority may specify a provision only if it appears to the authority that badges issued under the provision are issued by reference to persons who are, or include, disabled persons.
- (3) A recognised badge may be displayed on a motor vehicle only in such circumstances and in such manner as may be prescribed by regulations made by the appropriate national authority.
- (4) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge purporting to be a recognised badge is displayed on the vehicle is guilty of an offence unless the badge is a recognised badge and is displayed in accordance with regulations made under subsection (3).
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Where it appears to a constable or enforcement officer that there is displayed on any motor vehicle a badge purporting to be a recognised badge, he may require any person who—
  - (a) is in the vehicle, or
  - (b) appears to have been in, or to be about to get into, the vehicle,

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to produce the badge for inspection.

- (7) The power conferred on an enforcement officer by subsection (6) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.
- (8) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (6) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) In this section “enforcement officer” has the meaning given by section 21(4BB).

### **21B Recognised badges treated as badges under section 21 for certain purposes**

- (1) The concessions mentioned in subsection (2) shall apply in respect of vehicles lawfully displaying a recognised badge as they apply in respect of vehicles lawfully displaying a badge issued under section 21.
- (2) The concessions are—
  - (a) any exemption from an order under the Road Traffic Regulation Act 1984 given by reference to vehicles lawfully displaying a badge issued under section 21;
  - (b) any provision made in an order under that Act for the use of a parking place by such vehicles.
- (3) The appropriate national authority may by regulations provide that recognised badges are to be treated, for purposes specified in the regulations, as if they were badges issued under section 21.

### **21C Sections 21A and 21B: regulations and interpretation**

- (1) Any power to make regulations under section 21A or 21B—
  - (a) is exercisable by statutory instrument, and
  - (b) includes power—
    - (i) to make different provision for different cases, and
    - (ii) to make incidental, supplementary, transitional or consequential provision.
- (2) A statutory instrument containing regulations made under section 21A or 21B by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In sections 21A and 21B, “appropriate national authority” means—
  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the National Assembly for Wales.”

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#### **Commencement Information**

**I5** S. 9 wholly in force at 30.3.2008; s. 9 not in force at Royal Assent see s. 20(3); s. 9 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(a\)](#); s. 9 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(a\)](#)



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### Other matters

#### **F1 10 Discriminatory advertisements**

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##### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

#### **F1 11 Group insurance**

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##### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

#### **F1 12 Private clubs etc.**

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##### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

##### **Commencement Information**

- I6** S. 12 wholly in force at 5.12.2005; s. 12 not in force at Royal Assent see s. 20(3); s. 12 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(c\)](#); s. 12 in force for certain purposes at 10.10.2005 by [S.I. 2005/2774](#), [art. 2\(a\)](#); s. 12 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(g\)](#)

#### **F1 13 Discrimination in relation to letting of premises**

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##### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

##### **Commencement Information**

- I7** S. 13 wholly in force at 4.12.2006; s. 13 not in force at Royal Assent see s. 20(3); s. 13 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(d\)](#); s. 13 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(b\)](#)

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## **F1 14 Power to modify or end small dwellings exemptions**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

## **F1 15 General qualifications bodies**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

### **Commencement Information**

- I8** S. 15 wholly in force at 1.9.2007; s. 15 not in force at Royal Assent see s. 20(3); s. 15 in force for certain purposes at 11.6.2007 by [S.I. 2007/1555](#), [art. 2](#); s. 15 fully in force at 1.9.2007 by [S.I. 2007/1555](#), [art. 3\(a\)](#)

## **F1 16 Improvements to let dwelling houses**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

### **Commencement Information**

- I9** S. 16 wholly in force at 4.12.2006; s. 16 not in force at Royal Assent see s. 20(3); s. 16(2) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(b\)](#); s. 16 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(d\)](#)

## **F1 17 Generalisation of section 56 of the 1995 Act in relation to Part 3 claims**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

### **Commencement Information**

- I10** S. 17 wholly in force at 4.12.2006; s. 17 not in force at Royal Assent see s. 20(3); s. 17 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(e\)](#); s. 17 in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(h\)](#); s. 17 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(e\)](#)

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## **F1 18 Meaning of “disability”**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

### **Commencement Information**

- I11** S. 18 wholly in force at 5.12.2005; s. 18 not in force at Royal Assent see s. 20(3); s. 18 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676, art. 2\(2\)\(f\)](#); s. 18 fully in force at 5.12.2005 by [S.I. 2005/2774, art. 3\(i\)](#)

## *Supplementary*

## **F1 19 Minor and consequential amendments and repeals and revocation**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

### **Commencement Information**

- I12** S. 19 partly in force; s. 19 not in force at Royal Assent see s. 20(3); s. 19(1)(2) in force for certain purposes at 30.6.2005 by [S.I. 2005/1676, art. 2\(1\)\(c\)\(d\)\(2\)\(g\)](#); s. 19(1)(2) in force for E. for certain purposes at 30.6.2005 by [S.I. 2005/1676, art. 3\(b\)\(c\)](#); s. 19(1) in force for certain purposes at 10.10.2005 by [S.I. 2005/2774, art. 2\(b\)](#); s. 19(1)(2) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774, art. 3\(j\)\(k\)](#); s. 19(1)(2) in force for certain purposes at 4.12.2006 by [S.I. 2005/2774, art. 4\(f\)\(g\)](#); s. 19(1) in force for certain purposes at 1.9.2007 by [S.I. 2007/1555, art. 3\(b\)](#); s. 19(1)(2) in force for W. for certain purposes at 30.3.2008 by [S.I. 2007/3285, art. 2\(b\)\(c\)](#)

## **F1 20 Short title, interpretation, commencement and extent**

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### **Textual Amendments**

- F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

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# SCHEDULES

## SCHEDULE 1

Section 19(1)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### AMENDMENTS OF THE 1995 ACT

F1<sub>1</sub> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1<sub>2</sub> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

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**Commencement Information**

**I13** Sch. 1 para. 2 wholly in force at 4.12.2006; Sch. 1 para. 2 not in force at Royal Assent see s. 20(3); Sch. 1 para. 2(1)(3) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 2(2) in force at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 2 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

F1<sub>3</sub> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

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**Commencement Information**

**I14** Sch. 1 para. 3 wholly in force at 5.12.2005; Sch. 1 para. 3 not in force at Royal Assent see s. 20(3); Sch. 1 para. 3(1)-(4) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 3 fully in force at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**

F1<sub>4</sub> .....

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**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**F15** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**F16** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**F17** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**

**I15** Sch. 1 para. 7 wholly in force at 4.12.2006; Sch. 1 para. 7 not in force at Royal Assent see s. 20(3); Sch. 1 para. 7(a) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 7 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

**F18** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**

**I16** Sch. 1 para. 8 wholly in force at 4.12.2006; Sch. 1 para. 8 not in force at Royal Assent see s. 20(3); Sch. 1 para. 8(1)(2) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 8 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

**F19** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

10 F2 .....

**Textual Amendments**  
F2 Sch. 1 para. 10 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2(c)(d)** (with art. 3)

F111 .....

**Textual Amendments**  
F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F112 .....

**Textual Amendments**  
F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F113 .....

**Textual Amendments**  
F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**  
I17 Sch. 1 para. 13 wholly in force at 4.12.2006; Sch. 1 para. 13 not in force at Royal Assent see s. 20(3); Sch. 1 para. 13(1)-(3) in force at 30.6.2005 by S.I. 2005/1676, **art. 2(1)(c)**; Sch. 1 para. 13 fully in force at 4.12.2006 by S.I. 2005/2774, **art. 4(f)**

F114 .....

**Textual Amendments**  
F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F115 .....

**Textual Amendments**  
F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F116 .....

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

<sup>F1</sup>17 .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**

**I18** Sch. 1 para. 17 wholly in force at 4.12.2006; Sch. 1 para. 17 not in force at Royal Assent see s. 20(3); Sch. 1 para. 17 in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(2)(g)**; Sch. 1 para. 17 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

<sup>F1</sup>18 .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

<sup>F1</sup>19 .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**

**I19** Sch. 1 para. 19 wholly in force at 4.12.2006; Sch. 1 para. 19 not in force at Royal Assent see s. 20(3); Sch. 1 para. 19(1)(5) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 19 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

<sup>F1</sup>20 .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

<sup>F1</sup>21 .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

F122 .....

**Textual Amendments**  
 F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F123 .....

**Textual Amendments**  
 F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**  
 I20 Sch. 1 para. 23 wholly in force at 4.12.2006; Sch. 1 para. 23 not in force at Royal Assent see s. 20(3); Sch. 1 para. 23 in force for certain purposes at 30.6.2005 by S.I. 2005/1676, **art. 2(2)(g)**; Sch. 1 para. 23 fully in force at 4.12.2006 by S.I. 2005/2774, **art. 4(f)**

F124 .....

**Textual Amendments**  
 F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

25 F3 .....

**Textual Amendments**  
 F3 Sch. 1 para. 25 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2(c)(d)** (with art. 3)

F126 .....

**Textual Amendments**  
 F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F127 .....

**Textual Amendments**  
 F1 Act repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**Commencement Information**  
 I21 Sch. 1 para. 27 in force at 22.2.2010 for specified purposes by S.I. 2010/341, **art. 2(1)(b)**



*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

**I22** Sch. 1 para. 27 in force at 6.4.2010 in so far as not already in force by [S.I. 2010/341](#), **art. 2(2)(b)**

**F4** .....

**Textual Amendments**

**F4** Sch. 1 para. 28 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 91, 93, **Sch. 4** (with s. 92); [S.I. 2007/2603](#), **art. 2(c)(d)** (with art. 3)

**Commencement Information**

**I23** Sch. 1 para. 28 wholly in force at 4.12.2006; Sch. 1 para. 28 not in force at Royal Assent see s. 20(3); Sch. 1 para. 28(1)-(5)(7) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; Sch. 1 para. 28 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

**F129** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2)

**Commencement Information**

**I24** Sch. 1 para. 29 wholly in force at 4.12.2006; Sch. 1 para. 29 not in force at Royal Assent see s. 20(3); Sch. 1 para. 29(1)(3)-(5) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 29 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

**F130** .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2)

31 (1) Section 64 (application to Crown etc) is amended as follows.

(2) Before subsection (1) there is inserted—

“(A1) The following provisions bind the Crown—

- (a) sections 21B to 21E and Part 5A, and
- (b) the other provisions of this Act so far as applying for the purposes of provisions mentioned in paragraph (a);

and sections 57 and 58 shall apply for purposes of provisions mentioned in paragraph (a) as if service as a Crown servant were employment by the Crown.”

(3) In subsection (1) (Act applies to certain acts done on behalf of the Crown as to acts done by private persons), after “This Act” there is inserted “; other than the provisions mentioned in paragraphs (a) and (b) of subsection (A1), ”.

(4) In subsection (2A) (subsections (1) and (2) have effect subject to section 64A), for “(1) and” there is substituted “;(A1) to”.

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

### Commencement Information

**I25** Sch. 1 para. 31 wholly in force at 4.12.2006; Sch. 1 para. 31 not in force at Royal Assent see s. 20(3); Sch. 1 para. 31 in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 31 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

<sup>F1</sup>32 .....

### Textual Amendments

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

- 33 (1) Section 67 (regulations and orders) is amended as follows.
- (2) In subsection (1) (powers to be exercised by statutory instrument), after “Any power under this Act” there is inserted “;of the Secretary of State, the Scottish Ministers or the National Assembly for Wales”.
- (3) In subsection (3)(a) (power to make such incidental etc. provision as appears to the Secretary of State to be expedient), for “Secretary of State” there is substituted “;person by whom the power is exercisable”.
- (4) After subsection (3) there is inserted—
- “(3A) Where regulations under section 21D(7)(b) provide for the omission of section 21D(5), the provision that may be made by the regulations in exercise of the power conferred by subsection (3)(a) includes provision amending section 21D for the purpose of omitting references to section 21D(5).
- (3B) The provision that may be made by regulations under section 21G(5)(b) in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing section 21G(4).
- (3C) The provision that may be made by regulations under any of subsections (1) to (4) of section 49D in exercise of the power conferred by subsection (3)(a) includes provision amending or repealing an enactment.”
- (5) For subsections (4) and (5) (instruments containing orders under section 50(3), which has been repealed, to be subject to affirmative procedure and, with certain exceptions, other instruments to be subject to annulment) there is substituted—
- “(4) Subsection (4A) applies to—
- (a) the first regulations to be made under section 21H(1);
  - (b) the first regulations to be made under each of subsections (1), (2) and (4) of section 31AE;
  - (c) regulations under section 31AE(1), (2) or (4) that amend this Act;
  - (d) regulations under section 31AE(1) that make provision as to remedies;
  - (e) regulations under section 47J(3);
  - (f) regulations under section 49D(1) or (2) that, in exercise of the power under subsection (3)(a), amend or repeal an enactment contained in an Act or in an Act of the Scottish Parliament;

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

- (g) regulations under section 67A(3);
  - (h) regulations under paragraph 6A(2) of Schedule 1.
- (4A) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (4B) Subsection (4C) applies to regulations under section 49D(3) or (4) that, in exercise of the power under subsection (3)(a), amend or repeal any enactment contained in an Act or in an Act of the Scottish Parliament.
- (4C) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations (whether containing the regulations alone or with other provisions) has been laid before, and approved by a resolution of, the Scottish Parliament.
- (4D) A statutory instrument—
- (a) that—
    - (i) contains regulations under section 49D(3) or (4), and
    - (ii) is not subject to the requirement in subsection (4C) that a draft of the instrument be laid before, and approved by, the Scottish Parliament, or
  - (b) that contains regulations or an order made by the Scottish Ministers under section 33,
- shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) A statutory instrument—
- (a) that—
    - (i) contains regulations made by the Secretary of State under this Act, and
    - (ii) is not subject to the requirement in subsection (4A) that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament, or
  - (b) that contains an order made by the Secretary of State under this Act that is not an order under section 3(9), 47(1), 53A(6)(a) or 70(3),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5A) A statutory instrument that contains an order under section 47(1), if made without a draft having been laid before, and approved by a resolution of, each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House, but the exercise of the discretion conferred by this subsection is subject to section 67A.”

#### Commencement Information

**I26** Sch. 1 para. 33 wholly in force at 5.12.2005; Sch. 1 para. 33 not in force at Royal Assent see s. 20(3); Sch. 1 para. 33(1)-(3) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 33(4)(5) in force for certain purposes at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(2\)\(g\)](#); Sch. 1 para. 33 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#)

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

34 (1) Section 68 (interpretation) is amended as follows.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

(4) <sup>F5</sup> .....

<sup>F1</sup>(5) .....

(6) In subsection (1), in the definition of “regulations”, after “Secretary of State” there is inserted “; except in sections 2(3), 28D, 28L(6), 28Q(7), 33, 49D to 49F and 67 (provisions where the meaning of “regulations is apparent)” .

<sup>F1</sup>(7) .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**F5** Sch. 1 para. 34(4) repealed (3.11.2008) by [The Mental Health Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/2828\)](#), arts. 1(2), 2(3), **6**

**Commencement Information**

**I27** Sch. 1 para. 34 wholly in force at 4.12.2006; Sch. 1 para. 34 not in force at Royal Assent see s. 20(3); Sch. 1 para. 34(1)(5) in force at 30.6.2005 by [S.I. 2005/1676](#), **art. 2(1)(c)**; s. 12 in force for certain purposes at 10.10.2005 by [S.I. 2005/2774](#), **art. 2(b)**; Sch. 1 para. 34(2) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 34(3)(4) in force at 5.12.2005 by [S.I. 2005/2774](#), **art. 3(j)**; Sch. 1 para. 34 fully in force at 4.12.2006 by [S.I. 2005/2774](#), **art. 4(f)**

<sup>F135</sup> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

<sup>F136</sup> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

<sup>F137</sup> .....

**Textual Amendments**

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

### Commencement Information

**I28** Sch. 1 para. 37 wholly in force at 1.9.2007; Sch. 1 para. 37 not in force at Royal Assent see s. 20(3); Sch. 1 para. 37(1)(2) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 37(4)(a)(5)(a)(6) in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#); Sch. 1 para. 37(3)(4)(b)(5)(b) in force at 1.9.2007 by [S.I. 2007/1555](#), [art. 3\(b\)](#)

<sup>F138</sup> .....

### Textual Amendments

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

### Commencement Information

**I29** Sch. 1 para. 38 wholly in force at 4.12.2006; Sch. 1 para. 38 not in force at Royal Assent see s. 20(3); Sch. 1 para. 38(1)(3)(4)(6)-(13) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 38(2) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 38 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

<sup>F139</sup> .....

### Textual Amendments

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

### Commencement Information

**I30** Sch. 1 para. 39 wholly in force at 5.12.2005; Sch. 1 para. 39 not in force at Royal Assent see s. 20(3); Sch. 1 para. 39(1)(2) in force at 30.6.2005 by [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#); Sch. 1 para. 39 fully in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#)

<sup>F140</sup> .....

### Textual Amendments

**F1** Act repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

### Commencement Information

**I31** Sch. 1 para. 40 wholly in force at 4.12.2006; Sch. 1 para. 40 not in force at Royal Assent see s. 20(3); Sch. 1 para. 40(1)(2)(5)(6) in force at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(j\)](#); Sch. 1 para. 40 fully in force at 4.12.2006 by [S.I. 2005/2774](#), [art. 4\(f\)](#)

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

## PART 2

### AMENDMENTS RELATED TO DISABLED PERSONS' BADGES

#### *Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 41 In section 21(4) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by institutions concerned with the care of disabled people), for “institution” there is substituted “;organisation ” in both places where it occurs.

#### **Commencement Information**

- I32** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

#### *Road Traffic Regulation Act 1984 (c. 27)*

- 42 The Road Traffic Regulation Act 1984 shall have effect with the following amendments.

#### **Commencement Information**

- I33** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

- 43 (1) Section 105 (exemptions from section 104) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—
- “(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle; or”.
- (3) After subsection (6) there is inserted—
- “(6A) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(aa) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6B) below are met.
- (6B) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970 (display of non-GB badges); and
- (b) he was not using the vehicle in circumstances falling within section 117(1A)(b) of this Act.”

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

#### Commencement Information

**I34** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

- 44 (1) Section 117 (wrongful use of disabled person’s badge) is amended as follows.
- (2) In subsection (1), for “this section” there is substituted “ this subsection ” in both places where it occurs.
- (3) After subsection (1) there is inserted—
- “(1A) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—
- (a) there was displayed on the motor vehicle in question a badge purporting to be a recognised badge, and
- (b) he was using the vehicle in circumstances where a concession would, by virtue of section 21B of the Chronically Sick and Disabled Persons Act 1970, be available to a vehicle lawfully displaying a recognised badge,
- but he shall not be guilty of an offence under this subsection if the badge was a recognised badge and displayed in accordance with regulations made under section 21A of that Act.”
- (4) In subsection (3), at the end there is inserted—
- ““recognised badge” has the meaning given in section 21A of the Chronically Sick and Disabled Persons Act 1970.”

#### Commencement Information

**I35** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

#### Road Traffic Offenders Act 1988 (c. 53)

- 45 (1) Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) shall have effect with the following amendments.
- (2) After the entry for section 105(5) of the Road Traffic Regulation Act 1984, there is inserted—
- |                 |  |                        |
|-----------------|--|------------------------|
| RTRA            | Misuse of                                  | Summarily. Level 3     |
| section 105(6A) | recognised badge (immobilisation devices). | on the standard scale. |
- (3) In the entry for section 117 of that Act, for “117” there is substituted “ ;117(1) ”.

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

(4) After that entry there is inserted—

RTRA section 117(1A) of recognised badge.	Wrongful Summarily. Level 3 on the standard scale.
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**Commencement Information**

**I36** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

*Road Traffic Act 1991 (c. 40)*

46 (1) Section 70 of the Road Traffic Act 1991 (exemptions from section 69 of that Act) shall have effect with the following amendments.

(2) In subsection (1), after paragraph (a) there is inserted—

“(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle;”.

(3) After subsection (2) there is inserted—

“(2A) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(aa) above and the vehicle was not, at the time at which it was parked, being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
- (b) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

**Commencement Information**

**I37** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by [S.I. 2005/1676](#), [art. 3\(b\)](#); Sch. 1 Pt. 2 in force for W. at 30.3.2008 by [S.I. 2007/3285](#), [art. 2\(b\)](#)

*Courts Act 2003 (c. 39)*

47 (1) Paragraph 46 of Schedule 5 to the Courts Act 2003 (provision to give effect to clamping orders) shall have effect with the following amendments.



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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)*

(2) In sub-paragraph (2)(a), after “badge” there is inserted “; or a current recognised badge”.

(3) In sub-paragraph (3), at the end there is inserted—

““recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).”

#### Commencement Information

**I38** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by S.I. 2005/1676, **art. 3(b)**; Sch. 1 Pt. 2 in force for W. at 30.3.2008 by S.I. 2007/3285, **art. 2(b)**

#### *Traffic Management Act 2004 (c. 18)*

48 (1) Section 79 of the Traffic Management Act 2004 (immobilisation of vehicle where penalty charge payable) shall have effect with the following amendments.

(2) After subsection (5) there is inserted—

“(5A) The regulations shall provide—

- (a) that an immobilisation device must not be fixed to a vehicle if a current recognised badge is displayed on the vehicle; and
- (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—

(i) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and

(ii) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(3) In subsection (7), after the definition of “parking place” there is inserted—

““; recognised badge ” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970.”

#### Commencement Information

**I39** Sch. 1 Pt. 2 wholly in force at 30.3.2008; Sch. 1 Pt. 2 not in force at Royal Assent see s. 20(3); Sch. 1 Pt. 2 in force for E. at 30.6.2005 by S.I. 2005/1676, **art. 3(b)**; Sch. 1 Pt. 2 in force for W. at 30.3.2008 by S.I. 2007/3285, **art. 2(b)**

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

### PART 3

#### OTHER AMENDMENTS

##### *Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

49 In section 18 of the Disabled Persons (Services, Consultation and Representation) Act 1986, after subsection (3) (regulations and orders to be made by statutory instrument and, with the exception of commencement orders, to be subject to annulment) there is inserted—

“(3A) As regards any regulations or order made under this Act by the National Assembly for Wales, subsection (3) shall have effect without the words after “statutory instrument”.”

##### *Disability Rights Commission Act 1999 (c. 17)*

50 F6 .....

#### Textual Amendments

F6 Sch. 1 para. 50 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (with art. 3)

#### Commencement Information

I40 Sch. 1 para. 50 wholly in force at 1.9.2007; Sch. 1 para. 50 not in force at Royal Assent see s. 20(3); Sch. 1 para. 50(1)(6) in force at 5.12.2005 by S.I. 2005/2774, art. 3(j); Sch. 1 para. 50(2)(3)(4)(b)(7) in force at 4.12.2006 by S.I. 2005/2774, art. 4(f); Sch. 1 para. 50(4)(a)(5) in force at 1.9.2007 by S.I. 2007/1555, art. 3(b)

## SCHEDULE 2

Section 19(2)

### REPEALS AND REVOCATION

#### Commencement Information

I41 Sch. 2 partly in force; Sch. 2 not in force at Royal Assent see s. 20(3); Sch. 2 in force for certain purposes at 30.6.2005 by S.I. 2005/1676, art. 2(1)(d); Sch. 2 in force for E. for certain purposes at 30.6.2005 by S.I. 2005/1676, art. 3(c); Sch. 2 in force for certain purposes at 5.12.2005 by S.I. 2005/2774, art. 3(k); Sch. 2 in force for certain purposes at 4.12. 2006 by S.I. 2005/2774, {art. 4 (g)}; Sch. 2 in force for W. for certain purposes at 30.3.2008 by S.I. 2007/3285, art. 2(c)

I42 Sch. 2 in force at 22.2.2010 for specified purposes by S.I. 2010/341, art. 2(1)(c)

I43 Sch. 2 in force at 6.4.2010 for specified purposes by S.I. 2010/341, art. 2(2)(c)

<i>Short title and Chapter or Number</i>	<i>Extent of repeal or revocation</i>
Road Traffic Regulation Act 1984 (c. 27)	In section 105(1), the word “either”.
Disability Discrimination Act 1995 (c. 50)	In sections 16A(2)(b) and 16B(3)(i), the words “(within the meaning of Part 3)”.

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**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 2005. (See end of Document for details)

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	Section 17A(1B).
	Section 18.
	In section 46—
	(a) subsections (3) and (4),
	(b) in subsection (6), the definition of “operator”, and
	(c) subsections (8) to (10).
	In section 48(1) and (3), the words “or 46”.
	In section 49(1)(c), the word “or” at the end.
	Section 55(6).
	In section 68(1)—
	(a) in the definition of “enactment”, the words “(except in section 56(5))”, and
	(b) in the definition of “mental impairment”, the words “or the Mental Health (Scotland) Act 1984”.
	In Schedule 1, paragraph 1(1).
	In Schedule 3A, in paragraph 2(3)(b), the word “or” at the end.
Disability Rights Commission Act 1999 (c. 17)	Section 11.
	In Schedule 4, paragraph 3(2).
Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)	In Schedule 1, the entry in respect of section 33 of the Disability Discrimination Act 1995.
Special Educational Needs and Disability Act 2001 (c. 10)	Section 38(7).
	In Schedule 7, paragraphs 2, 3, 4, 6 and 9.
Traffic Management Act 2004 (c. 18)	In section 79(7), in the definition of “parking device”, the word “and” at the end.

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**Status:**

Point in time view as at 01/10/2010. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 2005.