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STATUTORY INSTRUMENTS

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**2000 No. 879**

**DISABLED PERSONS**

**Disability Rights Commission (Time Limits) Regulations 2000**

*Made* - - - - - *27th March 2000*  
*Laid before Parliament* *29th March 2000*  
*Coming into force* - - - *25th April 2000*

The Secretary of State, in exercise of the powers conferred on him by sections 12(2) and 13(1)(1) of, and paragraphs 15(3), 16(3), 16(4), 17(4), 18(2), 18(3)(a) and (b) and 26(a) of Schedule 3 to, the Disability Rights Commission Act 1999(2), hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Disability Rights Commission (Time Limits) Regulations 2000 and shall come into force on 25th April 2000.

(2) In these Regulations—

the “Act” means the Disability Rights Commission Act 1999;

the “annual report” means the report submitted by the Commission to the Secretary of State in accordance with paragraph 16 of Schedule 1 to the Act;

an “information notice” means a notice served by the Commission under paragraph 4(1) of Schedule 3 (power to obtain information for the purposes of a formal investigation);

the “investigation report” means the report which the Commission is required to prepare of its findings in a formal investigation under paragraph 7 of Schedule 3;

the “reporting period” means eighteen months beginning with the day on which notice of the holding of the investigation and the terms of reference is first served or published in accordance with sub-paragraphs (3) or (4) of paragraph 2 of Schedule 3, as the case may be;

“Schedule 3” means Schedule 3 to the Act; and

the “terms of reference” means the terms of reference for a formal investigation which are required to be drawn up under paragraph 2 of Schedule 3.

**Time limit for completion of formal investigation by Commission**

2.—(1) Subject to paragraph (5), paragraph (3) shall apply where the Commission fails—

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(1) See the definition of “prescribed”.

(2) 1999 c. 17.

- (a) where it has decided to conduct a formal investigation, to publish the investigation report; or
  - (b) where the Secretary of State has directed it to conduct a formal investigation, to serve the investigation report on the Secretary of State,
- before the expiration of the period specified in paragraph (2).
- (2) The period referred to in paragraph (1) is—
    - (a) the reporting period; or
    - (b) where one or more extended periods are allowed under paragraph (4), that extended period or the last of those extended periods, as the case may be.
  - (3) Where this paragraph applies—
    - (a) any requirement contained in a non-discrimination notice served by the Commission in relation to the formal investigation shall cease to have effect;
    - (b) any requirement contained in an information notice served in relation to the formal investigation which has not yet been complied with shall cease to have effect; and
    - (c) no steps or further steps may be taken by the Commission in the conduct of the formal investigation.
  - (4) The Secretary of State may allow to the Commission—
    - (a) such extended period for the purpose of taking steps or further steps in the conduct of a formal investigation as the Secretary of State may specify; or
    - (b) where an extended period has already been allowed once or more than once under this paragraph, such further extended period for that purpose as the Secretary of State may specify.
  - (5) Where the reporting period or any extended period allowed under paragraph (4) has started to run, it ceases to run during any period beginning with the day specified in an information notice for compliance with the notice and ending with the day on which the notice is fully complied with.
  - (6) The Commission shall include in its annual report—
    - (a) a statement of any extended period which was allowed under paragraph (4) during the accounting year to which the annual report relates;
    - (b) a statement of any suspension of a period by virtue of paragraph (5) which has occurred during that accounting year; and
    - (c) where paragraph (3) has applied in relation to any formal investigation during that accounting year—
      - (i) a statement of that fact; and
      - (ii) a statement of the reasons for the failure to publish or serve the investigation report as specified in paragraph (1).
  - (7) For the purposes of paragraphs (3)(c) and (4), and without prejudice to the generality thereof, “steps” include—
    - (a) the service of a non-discrimination notice; and
    - (b) the preparation, publication or service of an investigation report.

**Time at which action plan becomes final**

3.—(1) Subject to paragraph (9) below, the period prescribed for the purposes of paragraph 15(3) of Schedule 3 (time at which proposed action plan becomes final) is twelve weeks beginning with the day on which the proposed action plan is served on the Commission.

(2) Subject to paragraph (9) below, the period prescribed for the purposes of paragraph 16(3) of Schedule 3 (time at which revised action plan becomes final) is eight weeks beginning with the day on which the revised action plan is served on the Commission.

(3) Subject to paragraph (9) below, the period prescribed for the purposes of paragraph 16(4) of Schedule 3 (time at which proposed action plan becomes final where no revised action plan served) is four weeks beginning with the expiration of the period specified in paragraph (4) below.

(4) The period referred to in paragraph (3) is—

- (a) the original period specified in the notice served under paragraph 16(1) of Schedule 3 for service of the revised action plan; or
- (b) where the Commission has extended the period for such service beyond that originally specified in the notice, that extended period.

(5) The period prescribed for the purposes of paragraph 17(4) of Schedule 3 (time at which action plan becomes final where court does not make order requiring service of adequate action plan) is—

- (a) where the court does not make an order because it has decided not to do so, 7 days beginning with the day on which the decision has become final; and
- (b) where the court does not make an order because the Commission withdraws its application for an order, 7 days beginning with the day on which the withdrawal is notified to the person who served the action plan on the Commission.

(6) Subject to paragraph (9) below, the period prescribed for the purposes of paragraph 18(2) of Schedule 3 (time at which action plan becomes final where served in response to court order) is eight weeks beginning with the day on which the action plan is served on the Commission.

(7) The period prescribed for the purposes of paragraph 18(3)(a) of Schedule 3 (time at which action plan becomes final where Commission's application to enforce court order requiring service of adequate action plan is withdrawn) is 7 days beginning with the day on which the withdrawal of the application of the Commission is notified to the person who served the action plan on the Commission.

(8) The period prescribed for the purposes of paragraph 18(3)(b) of Schedule 3 (time at which action plan becomes final where court considers an action plan served in response to a court order is adequate) is 7 days beginning with the day on which the decision of the court on the application made as mentioned in paragraph 18(2) of Schedule 3 has become final.

(9) Any period prescribed for the purposes of paragraph 15(3), 16(3), 16(4) or 18(2) of Schedule 3 which has started to run ceases to run during any period beginning with the day on which a notice is served by the Commission under paragraph 21(1)(a) of Schedule 3 (power to obtain information for the purposes of determining whether a proposed action plan is adequate) and ending with the day on which the notice is fully complied with.

(10) A decision of a court becomes final for the purposes of paragraphs (5) and (8) when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.

27th March 2000

*Margaret Hodge*  
Parliamentary Under Secretary of State for  
Employment and Equal Opportunities

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations supplement Part I of Schedule 3 to the Disability Rights Commission Act 1999 by making provision for time limits in relation to the conduct of formal investigations by the Disability Rights Commission (regulation 2), and prescribe the periods at the end of which action plans become final under Part III of Schedule 3 to the Act (regulation 3).