

2004 No. 1429

DISABLED PERSONS

**The Disability Discrimination (Providers of Services)
(Adjustment of Premises) (Amendment) Regulations 2004**

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| <i>Made</i> - - - - | <i>25th May 2004</i> |
| <i>Laid before Parliament</i> | <i>28th May 2004</i> |
| <i>Coming into force</i> - - | <i>1st October 2004</i> |

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 21(5)(b) and 67(3) of the Disability Discrimination Act 1995(a), and all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, and interpretation

1.—(1) These Regulations may be cited as the Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2004 and shall come into force on 1st October 2004.

(2) In these Regulations, “the 2001 Regulations” means the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001(b).

Amendments to the 2001 Regulations

2.—(1) The 2001 Regulations are amended as follows.

(2) In the heading to regulation 1, for “Citation and commencement” substitute “Citation, commencement and extent”.

(3) The existing provisions of regulation 1 shall become paragraph (1) of that regulation.

(4) After that paragraph insert—

“(2) These Regulations do not extend to Northern Ireland.”

(5) In paragraph 2(1)(a)(ii) of the Schedule, at the end insert—

“or

(iii) the 2004 edition of the document of that title approved by the Secretary of State as practical guidance on meeting the requirements of Part M of Schedule 1 to the Building Regulations 2000(c), first published for Office of the Deputy Prime Minister by The Stationery Office under licence from the Controller of Her Majesty’s Stationery Office in 2003 (ISBN 011 753901 5);”

(a) 1995 c. 50.

(b) S.I. 2001/3253.

(c) S.I. 2000/2531 as amended by S.I. 2001/3335, S.I. 2002/440, S.I. 2002/2871, S.I. 2003/2692 and S.I. 2003/3133.

Signed by authority of the Secretary of State for Work and Pensions.

25th May 2004

Jane Kennedy
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend paragraph 2 of the Schedule to the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001 (S.I. 2001/3253) in consequence of the publication of a new version of Approved Document M (2004 edition) which comes into force on 1st May 2004.

Under regulation 3(3) of S.I. 2001/3253 it is not reasonable for a provider of services to have to remove or alter a physical feature, for the purposes of sections 21(2)(a) or (b) of the Disability Discrimination Act 1995, if that feature: (i) was provided in or in connection with a building for the purpose of assisting people to have access to the building, or to use facilities provided in the building; and (ii) satisfies the “relevant design standard”. Paragraph 1(1) of the Schedule to that S.I. provides that, in relation to a building in England or Wales, a feature satisfies that standard if it accords with the relevant objectives, design considerations and provisions of Approved Document M. Paragraph 2(1) currently defines “Approved Document M” by reference to the 1992 or 1999 editions of that document. These Regulations extend that definition so as to include the 2004 edition. (Note that the exemption provided for in regulation 3(3) of S.I. 2001/3253 will not apply where more than 10 years have elapsed since the feature was constructed or installed: see paragraph 1(3) of the Schedule to that S.I.)

These Regulations also amend regulation 1 of S.I. 2001/3253 to make it clear that that S.I. does not extend to Northern Ireland.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Copies of Approved Document M (ISBN 011 753901 5) are available from The Stationery Office Limited (Mail, telephone, fax and e-mail orders only) PO Box 29, Norwich NR3 1GN (telephone orders 0870 600 5522, fax orders 0870 600 5533, E-mail book.orders@tso.co.uk, Textphone 0870 240 3701, Internet <http://www.tso.co.uk/bookshop>) and from The Stationery Office Bookshops.

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