

2005 No. 3340

DISABLED PERSONS

The Disability Discrimination Code of Practice (Public Authorities) (Duty to Promote Equality) (Appointed Day) Order 2005

Made - - - -

4th December 2005

The Secretary of State for Work and Pensions, in exercise of the power conferred upon him by section 53A(6)(a) of the Disability Discrimination Act 1995(a), after consultation with the National Assembly for Wales and the Scottish Ministers, makes the following Order:

Citation

1. This Order may be cited as the Disability Discrimination Code of Practice (Public Authorities) (Duty to Promote Equality) (Appointed Day) Order 2005.

Appointed Day

2. 5th December 2005 is the day appointed for the coming into effect of the Code of Practice laid before Parliament in draft on 25th October 2005 and issued by the Disability Rights Commission under section 53A(1C) of the Disability Discrimination Act 1995(b), entitled “The Duty to Promote Disability Equality: Statutory Code of Practice (England and Wales)”(c).

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

4th December 2005

Anne C McGuire
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) 1995 c.50. Section 53A was inserted by the Disability Rights Commission Act 1999 (c.17), section 9(1), and is amended by the Special Educational Needs and Disability Act 2001 (c.10), section 36, S.I. 2003/1673, and the Disability Discrimination Act 2005 (c.13) (“the 2005 Act”), section 16(2) and paragraph 28 of Schedule 1. The requirement to consult the National Assembly for Wales and the Scottish Ministers before appointing a day is imposed by subsection (6A), inserted by paragraph 28(5) of Schedule 1 to the 2005 Act.

(b) Subsection (1C) was inserted by paragraph 28(3) of Schedule 1 to the 2005 Act.

(c) Issued by the Disability Rights Commission and published by TSO (The Stationery Office), ISBN 0 11 703605 6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 5th December 2005 for the coming into effect of the Code of Practice on the duty to promote disability equality entitled “The Duty to Promote Disability Equality: Statutory Code of Practice (England and Wales)”.

The Code has been prepared and issued by the Disability Rights Commission under section 53A(1C) of the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005. It provides practical guidance to public authorities subject to the duties imposed by sections 49A and 49D of the Disability Discrimination Act 1995, as amended. Section 49A imposes a general duty on public authorities to have due regard to certain matters including the need to eliminate disability discrimination and the need to promote equality of opportunity. Section 49D provides power to impose specific duties, which has been exercised in the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (S.I. 2005/2966) which impose specific duties on listed public authorities in respect of their functions in England and Wales and their functions concerning reserved matters in Scotland. The Regulations also impose duties on listed cross-border authorities (within the meaning of section 88(5) of the Scotland Act 1998) in respect of their functions in Scotland which relate to reserved matters.

A further Code of Practice, giving practical guidance to Scottish public authorities and to cross-border authorities as regards their functions in Scotland concerning non-reserved matters, is to be issued by the Disability Rights Commission in due course.

A copy of the regulatory impact assessment in respect of the duties dealt with in this Code of Practice may be obtained free of charge from Disability Rights Division, Department for Work and Pensions, Level 6, The Adelphi, 1-11 John Adam Street, London WC2N 6NT, and has been placed in the library of each House of Parliament.

A copy of the Code of Practice (ISBN 0 11 703605 6) may be obtained from The Stationery Office Limited, 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, or can be downloaded free of charge from the DRC website: www.drc-gb.org.

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