

2006 No. 1007

DISABLED PERSONS

The Disability Discrimination (Guidance on the Definition of Disability) Revocation Order 2006

<i>Made</i>	- - - -	<i>30th March 2006</i>
<i>Laid before Parliament</i>		<i>6th April 2006</i>
<i>Coming into force</i>	- -	<i>1st May 2006</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 3(11)(b) and 67(2) and (3)(a) of the Disability Discrimination Act 1995(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Disability Discrimination (Guidance on the Definition of Disability) Revocation Order 2006 and shall come into force on 1st May 2006.

(2) In this Order—

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

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. 0-11-270955-9) referred to in article 2 of the Disability Discrimination (Guidance and Code of Practice) (Appointed Day) Order 1996(b) is revoked.

Transitional provision

3. The Guidance referred to in article 2 of this Order is to continue to have effect after 30th April 2006 for the purposes of section 3(3) of the 1995 Act(c) in relation to any proceedings arising from a complaint (whenever presented) alleging that a person has, before 1st May 2006, committed an act which is unlawful discrimination for the purposes of the 1995 Act.

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

30th March 2006

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

(a) 1995 c.50. Section 67(3) was amended by paragraphs 1 and 33(3) of the Disability Discrimination Act 2005 (c.13).

(b) S.I. 1996/1996.

(c) Section 3(3) was amended by paragraphs 1 and 3(5) of Schedule 1 to the Disability Discrimination Act 2005.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes, with effect from 1st May 2006 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 Secretary of State for Education and Employment on 25th July 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 30th April 2006 in relation to proceedings arising from a complaint presented to an adjudicating body concerning an alleged act of discrimination contrary to the 1995 Act committed before 1st May 2006. This is for the purposes of section 3(3) of the 1995 Act, which requires an adjudicating body determining for any purpose of the 1995 Act 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, charities and the voluntary sector.

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