
STATUTORY INSTRUMENTS

2006 No. 312

The Disability Discrimination (Northern Ireland) Order 2006

Public authorities

Duty of public authorities

5. In the 1995 Act, after section 49 insert—

**“PART VA
PUBLIC AUTHORITIES**

General duty

- 49A.**—(1) Every public authority shall in carrying out its functions have due regard to—
- (a) the need to promote positive attitudes towards disabled persons; and
 - (b) the need to encourage participation by disabled persons in public life.
- (2) Subsection (1) does not apply to—
- (a) the functions of the Director of Public Prosecutions for Northern Ireland relating to the prosecution of offences; or
 - (b) any act of a description prescribed by regulations.
- (3) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other statutory provision (including any other provision of this Act).
- (4) The Commission shall—
- (a) keep under review the effectiveness of the duty imposed by this section;
 - (b) offer advice to public authorities and others in connection with that duty.
- (5) Not later than 3 years after the appointed day, the Commission shall prepare and publish a report on the effectiveness of the duty imposed by this section.
- (6) In this section—
- “the appointed day” means the day appointed under Article 1(2) of the Disability Discrimination (Northern Ireland) Order 2006 for the coming into operation of Article 5 of that Order;
 - “the Commission” means the Equality Commission for Northern Ireland;
 - “public authority” has the same meaning as in section 75 of the Northern Ireland Act 1998 (c. 47).

Plan as to duty under section 49A

49B.—(1) A public authority to which this subsection applies shall prepare and submit to the Commission a plan showing how the public authority proposes to fulfil the duty imposed by section 49A in relation to the relevant functions.

(2) Any other public authority shall prepare and submit to the Commission such a plan if requested to do so by the Commission.

(3) A public authority—

- (a) may at any time revise its plan and submit the revised plan to the Commission;
- (b) shall, if requested to do so by the Commission, revise its plan and submit the revised plan to the Commission.

(4) A plan (or revised plan) shall—

- (a) conform to any guidelines as to form or content which are issued by the Commission with the approval of the Office;
- (b) specify a timetable for measures proposed in the plan;
- (c) include details of how it will be published.

(5) Subsection (1) applies to any public authority except one which is notified in writing by the Commission that that subsection does not apply to it.

(6) If a public authority—

- (a) fails to submit a plan under subsection (1) before the end of the period of 6 months beginning with the appointed day or, if later, the establishment of the authority,
- (b) fails to submit a plan under subsection (2) before the end of the period of 6 months beginning with the date of the request under that subsection,
- (c) fails to submit a revised plan under subsection (3)(b) before the end of the period of 3 months beginning with the date of the request under that paragraph, or
- (d) submits to the Commission under paragraph (3)(a) or (b) a revised plan which in the opinion of the Commission fails to comply with subsection (4),

the Commission shall lay before the Assembly a report of that failure containing such comments and other material as appear to the Commission to be appropriate to bring to the attention of the Assembly.

(7) A public authority—

- (a) shall review its current plan under this section—
 - (i) in the case of an authority in relation to which there is a scheme under Schedule 9 to the Northern Ireland Act 1998, at the same time as the authority reviews its current scheme under paragraph 8(3) of that Schedule;
 - (ii) in the case of any other authority, at such times as the Commission may request; and
- (b) inform the Commission of the outcome of the review.

(8) In this section—

“the appointed day”, “the Commission” and “public authority” have the same meanings as in section 49A;

“the relevant functions” means the functions of the public authority or, in the case of a plan submitted in response to a request which specifies particular functions of the public authority, those functions.”.