



Disability Discrimination Act 1995

1995 CHAPTER 50

[^{F1}PART 5A

PUBLIC AUTHORITIES

[^{F1}49D Power to impose specific duties

- (1) The Secretary of State may by regulations impose on a public authority, other than a relevant Scottish authority or a cross-border authority, such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (2) The Secretary of State may by regulations impose on a cross-border authority such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to such of its functions as are not Scottish functions.
- (3) The Scottish Ministers may by regulations impose on a relevant Scottish authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (4) The Scottish Ministers may by regulations impose on a cross-border authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to its Scottish functions.
- (5) Before making regulations under any of subsections (1) to (4), the person making the regulations shall consult the Disability Rights Commission.
- (6) Before making regulations under subsection (1) or (2) in relation to functions exercisable in relation to Wales by a public authority that is not a relevant Welsh authority, the Secretary of State shall consult the [^{F2}Welsh Ministers].
- (7) The Secretary of State shall not make regulations under subsection (1) or (2) in relation to a relevant Welsh authority except with the consent of the [^{F3}Welsh Ministers].

Status: Point in time view as at 25/05/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 49D. (See end of Document for details)

- (8) Before making regulations under subsection (2), the Secretary of State shall consult the Scottish Ministers.
- (9) Before making regulations under subsection (4), the Scottish Ministers shall consult the Secretary of State.
- (10) In this section—
- “relevant Scottish authority” means—
- (a) a member of the Scottish executive or a junior Scottish Minister;
 - (b) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland or the Keeper of the Records of Scotland;
 - (c) any office of a description specified in an Order in Council under section 126(8)(b) of the Scotland Act 1998 (other non-ministerial office in the Scottish Administration); or
 - (d) a public body, public office or holder of a public office—
 - (i) which (or who) is not a cross-border authority or the Scottish Parliamentary Corporate Body;
 - (ii) whose functions are exercisable only in or as regards Scotland; and
 - (iii) some at least of whose functions do not (within the meaning of the Scotland Act 1998) relate to reserved matters;
- “cross-border authority” means a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998;
- “Scottish functions” means functions which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters;
- “relevant Welsh authority” means—
- (a) ^{F4}the National Assembly for Wales Commission;
 - (aa) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government; or
 - (b) a public authority whose functions are exercisable only in relation to Wales.

Textual Amendments

- F1** Pt. 5A (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); [S.I. 2005/1676](#), [art. 2\(2\)\(b\)](#); [S.I. 2005/2774](#), [arts. 3\(b\)](#), [4\(a\)](#)
- F2** Words in [s. 49D\(6\)](#) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, {Sch. 1 para. 59(2)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(5\)](#) of the [Government of Wales Act 2006 \(c. 32\)](#)
- F3** Words in [s. 49D\(7\)](#) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, {Sch. 1 para. 59(3)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(5\)](#) of the [Government of Wales Act 2006 \(c. 32\)](#)

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- F4** S. 49D(10): words in the definition of "relevant Welsh authority" substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, Sch. 1 para. {59(4)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **ss. 46, 161(5)** of the [Government of Wales Act 2006 \(c. 32\)](#)

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