

# **DISABILITY DISCRIMINATION ACT 2005**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT**

10. The 2005 Act extends to Great Britain, save for section 9 and the related disabled persons' "blue badge" parking provisions and section 16 (improvements to let dwelling houses), both of which extend only to England and Wales. Provision corresponding to the "blue badge" provisions already applies in Scotland, and the Scottish Executive is considering what steps to take in relation to disability-related adaptations to people's homes.
11. Equal opportunities are in principle reserved to the Westminster Parliament, but the imposition of duties on office-holders in the Scottish administration, on any Scottish public authority with mixed functions or no reserved functions, or on cross-border public authorities in respect of their Scottish functions is an exception to this rule and falls within the devolved competence of the Scottish Parliament<sup>1</sup>. Section 3 of the 2005 Act imposes duties on public authorities with the aim of promoting equality of opportunity for disabled people. This therefore falls partly within the competence of the Scottish Parliament. The Scottish Parliament has confirmed (on 24 February 2005) that it is content for Parliament to legislate for Scotland in this devolved area.
12. The 2005 Act does not extend to Northern Ireland since disability discrimination and transport are "transferred matters" under the Northern Ireland Act 1998. As regards Wales, the 2005 Act confers no new powers on the National Assembly to make orders or regulations, save in relation to section 9 (the "blue badge" parking provisions).

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<sup>1</sup> See section L2 of Part 2 of Schedule 5 to the Scotland Act 1998.