

*Status: Point in time view as at 01/10/2010.*

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## SCHEDULES

### SCHEDULE 1

#### DISABILITY: SUPPLEMENTARY PROVISION

#### PART 2

#### GUIDANCE

##### *Preliminary*

- 10 This Part of this Schedule applies in relation to guidance referred to in section 6(5).

##### **Commencement Information**

- II** Sch. 1 para. 10 wholly in force at 1.10.2010; para. 10 not in force at Royal Assent see s. 216; para. 10 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(2)(g) (with art. 15)

##### *Examples*

- 11 The guidance may give examples of—
- (a) effects which it would, or would not, be reasonable, in relation to particular activities, to regard as substantial adverse effects;
  - (b) substantial adverse effects which it would, or would not, be reasonable to regard as long-term.

##### **Commencement Information**

- II** Sch. 1 para. 11 wholly in force at 1.10.2010; para. 11 not in force at Royal Assent see s. 216; para. 11 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(2)(g) (with art. 15)

##### *Adjudicating bodies*

- 12 (1) In determining whether a person is a disabled person, an adjudicating body must take account of such guidance as it thinks is relevant.
- (2) An adjudicating body is—
- (a) a court;
  - (b) a tribunal;
  - (c) a person (other than a court or tribunal) who may decide a claim relating to a contravention of Part 6 (education).

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### *Representations*

- 13 Before issuing the guidance, the Minister must—
- (a) publish a draft of it;
  - (b) consider any representations made to the Minister about the draft;
  - (c) make such modifications as the Minister thinks appropriate in the light of the representations.

#### **Commencement Information**

- I3** [Sch. 1 para. 13](#) wholly in force at 1.10.2010; [para. 13](#) not in force at Royal Assent see [s. 216](#); [para. 13](#) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); [Sch. 1](#) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(2\)\(g\)](#) (with [art. 15](#))

### *Parliamentary procedure*

- 14 (1) If the Minister decides to proceed with proposed guidance, a draft of it must be laid before Parliament.
- (2) If, before the end of the 40-day period, either House resolves not to approve the draft, the Minister must take no further steps in relation to the proposed guidance.
- (3) If no such resolution is made before the end of that period, the Minister must issue the guidance in the form of the draft.
- (4) Sub-paragraph (2) does not prevent a new draft of proposed guidance being laid before Parliament.
- (5) The 40-day period—
- (a) begins on the date on which the draft is laid before both Houses (or, if laid before each House on a different date, on the later date);
  - (b) does not include a period during which Parliament is prorogued or dissolved;
  - (c) does not include a period during which both Houses are adjourned for more than 4 days.

#### **Commencement Information**

- I4** [Sch. 1 para. 14](#) wholly in force at 1.10.2010; [para. 14](#) not in force at Royal Assent see [s. 216](#); [para. 14](#) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); [Sch. 1](#) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(2\)\(g\)](#) (with [art. 15](#))

### *Commencement*

- 15 The guidance comes into force on the day appointed by order by the Minister.

#### **Commencement Information**

- I5** [Sch. 1 para. 15](#) wholly in force at 1.10.2010; [para. 15](#) not in force at Royal Assent see [s. 216](#); [para. 15](#) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); [Sch. 1](#) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(2\)\(g\)](#) (with [art. 15](#))

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### *Revision and revocation*

- 16 (1) The Minister may—
- (a) revise the whole or part of guidance and re-issue it;
  - (b) by order revoke guidance.
- (2) A reference to guidance includes a reference to guidance which has been revised and re-issued.

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#### **Commencement Information**

- 16** Sch. 1 para. 16 wholly in force at 1.10.2010; para. 16 not in force at Royal Assent see s. 216; para. 16 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(2)(g) (with art. 15)

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