

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).

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.

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).

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.

Parliamentary procedure

- 14 (1) If the Minister decides to proceed with proposed guidance, a draft of it must be laid before Parliament.

Status: This is the original version (as it was originally enacted).

- (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

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

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.