

The Disability Discrimination Act 1995 (Commencement No.3) and Saving and Transitional Provisions) Order 1996 / [Department of Social Security].

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1996 No. 1474 (C. 27)

DISABLED PERSONS

**The Disability Discrimination Act 1995
(Commencement No. 3 and Saving and
Transitional Provisions) Order 1996**

Made

5th June 1996

The Secretary of State for Social Security, in exercise of the power conferred upon him by sections 67(3) and 70(3) of the Disability Discrimination Act 1995(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Disability Discrimination Act 1995 (Commencement No. 3 and Saving and Transitional Provisions) Order 1996.

(2) In this Order, unless the context otherwise requires, references to sections and Schedules are references to sections of and Schedules to the Disability Discrimination Act 1995.

Appointed days

2.—(1) The day appointed for the coming into force of the provisions specified in Part I of the Schedule to this Order is 6th June 1996.

(2) The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 31st July 1996.

(3) The day appointed for the coming into force of the provisions specified in Part III of the Schedule to this Order, subject to the saving and transitional provisions set out in article 3 below, is 2nd December 1996.

Saving and transitional provisions

3. Notwithstanding the repeal of sections 9 to 11, 12, 14 and 19 of the Disabled Persons Employment Act 1944(b) by the bringing into force by this Order of section 61 and Schedule 7:

- (a) sections 9, 12 and 19 of the Disabled Persons (Employment) Act 1944 shall continue to have effect so as to allow prosecutions to be brought until 3rd December 1997 against persons alleged to have contravened section 9(2), section 9(5) or section 12(2) of that Act prior to 2nd December 1996;
- (b) section 14 of the Disabled Persons (Employment) Act 1944 and regulation 9 of The Disabled Persons (General) Regulations 1945(c) shall continue to have effect so as to allow prosecutions to be brought until 3rd December 1997 against persons alleged to have contravened section 9(2), section 9(5) or section 12(2) of that Act prior to 2nd December 1996 and, where it is alleged that contravention of section 14(6) or section

(a) 1995 c. 50.

(b) 1944 c. 10.

(c) SR & O 1945/1558.

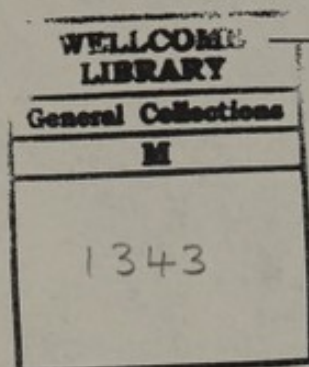


14(7) of that Act hinders such prosecution, so as to allow prosecutions to be brought against persons alleged to have contravened those subsections.

Signed by authority of the Secretary of State for Social Security.

5th June 1996

Alistair Burt
Minister of State,
Department of Social Security



SCHEDULE

Article 2

PART I

PROVISIONS COMING INTO FORCE ON 6TH JUNE 1996

Provision of the Disability Discrimination Act 1995	Subject matter
Section 5(6) and (7).	Meaning of "discrimination".
Section 6(8), (9) and (10).	Duty of employer to make adjustments
Section 8(6) and (7).	Enforcement, remedies and procedure.
Section 12(3) and (6).	Discrimination against contract workers.
Section 14(6).	Meaning of "discrimination" in relation to trade organisations.
Section 16(5) to the extent not already in force.	Alterations to premises occupied under leases.
Section 17(3).	Occupational pension schemes.
Section 18(3) and (4).	Insurance services.
Section 19(5)(c).	Discrimination in relation to goods, facilities and services.
Section 20(6), (7) and (8).	Meaning of "discrimination".
Section 24(5).	Meaning of "discrimination".
Section 53.	Codes of practice prepared by the Secretary of State.
Section 54.	Further provision about codes issued under section 53.
Section 56.	Help for persons suffering discrimination.
Schedule 4, Part I, paragraph 3.	Premises occupied under leases - occupation by employer or trade organisation.

PART II

PROVISIONS COMING INTO FORCE ON 31ST JULY 1996

Section 29(3).	Education of disabled persons.
Section 30(1) to (6).	Further and higher education of disabled persons.
Section 31.	Further and higher education of disabled persons: Scotland.

PART III

PROVISIONS COMING INTO FORCE ON 2ND DECEMBER 1996

Section 4.	Discrimination against applicants and employees.
Section 5(1) to (5).	Meaning of "discrimination".
Section 6(1) to (7), (11) and (12).	Duty of employer to make adjustments.
Section 7.	Exemption for small businesses.
Section 8(1) to (5) and (8).	Enforcement, remedies and procedures.
Section 9.	Validity of certain agreements.
Section 10.	Charities and support for particular groups of persons.
Section 11.	Advertisements suggesting that employers will discriminate against disabled persons.
Section 12(1), (2), (4) and (5).	Discrimination against contract workers.
Section 13.	Discrimination by trade organisations.
Section 14(1) and (3).	Meaning of "discrimination" in relation to trade organisations.
Section 16(1), (2) and (4).	Alterations to premises occupied under leases.
Section 17(1), (2) and (4).	Occupational pension schemes.
Section 18(1) and (2).	Insurance services.
Section 19(1)(a), (c) and (d), (2), (3), (4), (5)(a) and (b) and (6).	Discrimination in relation to goods, facilities and services.
Section 20(1), (3) and (4).	Meaning of "discrimination".
Section 22.	Discrimination in relation to premises.
Section 23.	Exemption for small dwellings.
Section 24(1) to (4).	Meaning of "discrimination".
Section 25.	Enforcement, remedies and procedure.
Section 26.	Validity and revision of certain agreements.
Section 55.	Victimisation.
Section 57.	Aiding unlawful acts.
Section 58.	Liability of employers and principals.

Section 60.	Appointment by Secretary of State of advisers.
Section 61.	Amendment of Disabled Persons (Employment) Act 1944.
Section 64.	Application to Crown etc.
Section 65.	Application to Parliament.
Section 66.	Government appointments outside Part II.
Section 68(2) to (5).	Interpretation.
Section 70(4).	Short title, commencement, extent etc.
Schedule 1, paragraph 7.	Persons deemed to be disabled.
Schedule 3.	Enforcement and Procedure.
Schedule 4, Part 1, paragraphs 1 and 2.	Premises occupied under leases.
Schedule 6.	Consequential Amendments.
Schedule 7 and section 70(5) insofar as is necessary to effect the repeal of sections 1, 6 to 14, 19 and 21 of The Disabled Persons (Employment) Act 1944 and section 2 of the The Disabled Persons (Employment) Act 1958.	Repeals.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force on 6th June 1996 of provisions in the Disability Discrimination Act 1995 authorising the making of Regulations.

It also provides for the coming into force on 6th June 1996 of sections 53 and 54, which relate to Codes of Practice issued by the Secretary of State, and of section 56, which relates to help for persons suffering discrimination.

It further provides for the coming into force on 31st July 1996 of sections 29(3), 30(1) to (6) and 31, which relate to the education and further education of disabled persons.

It further provides for the coming into force on 2nd December 1996 of provisions relating to employment, including discrimination against applicants and employees; meaning of "discrimination" for this purpose; duty of employer to make adjustments; exemption for small businesses; enforcement, remedies and procedure; validity of certain agreements; charities and support for particular groups of persons; advertisements suggesting that employers will discriminate against disabled persons; discrimination against contract workers; discrimination by trade organisations; meaning of "discrimination" in relation to trade organisations; alterations to premises occupied under leases; occupational pension schemes; and insurance services.

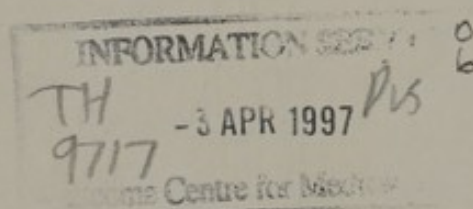
It further provides for the coming into force on 2nd December 1996 of provisions relating to goods, facilities and services, including discrimination in relation to goods, facilities and services; meaning of discrimination for this purpose; discrimination in relation to premises; exemption for small dwellings; meaning of "discrimination" for these purposes; enforcement, remedies and procedure; and validity and revision of certain agreements.

It further provides for the coming into force on 2nd December 1996 of supplemental and miscellaneous provisions including victimisation; aiding unlawful acts; liability of employers and principals; appointment by Secretary of State of advisers; amendment of Disabled Persons (Employment) Act 1944; application to Crown etc.; application to Parliament; Government appointments outside Part II; interpretation; short title, commencement, extent etc.; consequential amendments and repeals.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	Date of Commencement	S. I. No.
Section 1	17 May 1996	1996/1336
Section 2	17 May 1996	1996/1336
Section 3	17 May 1996	1996/1336
Section 16(3)	17 May 1996	1996/1336
Section 28	17 May 1996	1996/1336
Section 50	1 January 1996	1995/3330
Section 51	1 January 1996	1995/3330
Section 52	1 January 1996	1995/3330
Section 59	17 May 1996	1996/1336
Section 62(1), (2) and (7)	17 May 1996	1996/1336
Section 63(1), (2), (4), (5) and (6)	17 May 1996	1996/1336
Section 67	17 May 1996	1996/1336
Section 68(1)	17 May 1996	1996/1336
Section 69	17 May 1996	1996/1336
Section 70(7)	17 May 1996	1996/1336
Schedule 1 (with the exception of paragraph 7)	17 May 1996	1996/1336
Schedule 2	17 May 1996	1996/1336
Schedule 4, paragraph 4 and section 16(5) insofar as it relates to it	17 May 1996	1996/1336
Schedule 5	1 January 1996	1995/3330



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