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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 24 (C. 1)**

**DISABLED PERSONS**

The Disability Discrimination Act 1995  
(Commencement No. 9) Order (Northern Ireland) 2003

Made - - - - 20th January 2003

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred on it by section 70(3) of the Disability Discrimination Act 1995(1) and of all other powers enabling it 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. 9) Order (Northern Ireland) 2003.

(2) The Interpretation Act (Northern Ireland) 1954(2) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

**Appointed day**

2. The day appointed for the coming into operation of sections 40, 41, 42, 43, 44 and 45 and, to the extent not previously in operation, 48 of the Disability Discrimination Act 1995(3) is 21st January 2003.

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(1) 1995 c. 50; section 70(3) of the Disability Discrimination Act 1995 is modified in its application to Northern Ireland by paragraph 48(1) of Schedule 8 of that Act; *see also* S.R. 1999 No. 481, Article 8(a) and Schedule 6, Part I for transfer of functions

(2) 1954 c. 33 (N.I.)

(3) Sections 40, 41, 42, 43, 44, 45 and 48 of the Disability Discrimination Act 1995 are modified in their application to Northern Ireland by paragraphs 24, 25, 26, 27, 28, 29 and 32 respectively of Schedule 8 of that Act

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Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 20th January 2003.

L.S.

*P. McAuley*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order provides for the coming into operation of sections 40, 41, 42, 43, 44, 45 and, to the extent not previously in operation, 48 of the Disability Discrimination Act 1995 (“the Act”) on 21st January 2003.

Section 40 of the Act empowers the Department of the Environment (“the Department”) to make public service vehicles accessibility regulations to ensure that disabled persons may get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs) and to be carried in such vehicles in safety and reasonable comfort.

Section 41 of the Act provides that a regulated public service vehicle shall not be used on a road unless a vehicle examiner has issued an accessibility certificate that such provisions of any regulations as are made are satisfied in respect of the vehicle. It also empowers the Department to make regulations with respect to applications for, and the issue of, such certificates and provides that if a regulated public service vehicle is used in contravention of the section, the operator of the vehicle is guilty of an offence.

Section 42 of the Act empowers the Department, if satisfied that the accessibility regulations prescribed for the purposes of section 41 of the Act are satisfied in respect of a particular vehicle, to approve the vehicle as a “type vehicle”. The section also provides, in a case where a declaration has been made (in the prescribed form) that a particular vehicle conforms in design, construction and equipment with a type vehicle, for the issue by a vehicle examiner of a certificate that that vehicle conforms to the type vehicle, and empowers the Department to make regulations with respect to applications for, and grants of, such approval and certification.

Section 43 of the Act empowers the Department, subject to such restrictions and conditions as may be provided, to authorise the use on the road of a regulated public service vehicle of a specified class or description, or as it may specify, and nothing in sections 40, 41 or 42 of the Act shall prevent the use of any such vehicle in accordance with that authorisation.

Section 44 of the Act contains provisions relating to the review by the Department of its decision to refuse the approval of a vehicle under section 42 of the Act and for appeals from the refusal of a vehicle examiner to issue an accessibility certificate under section 41 or a certificate under section 42.

Section 45 of the Act empowers the Department to prescribe fees in respect of applications for, or grants of, approvals and certificates, for copies of such certificates and for reviews and appeals.

Section 48 of the Act provides that where an offence under section 40 or 46 of the Act is committed by a body corporate, with the consent or connivance of certain persons, those persons shall also be guilty of the offence.

A Regulatory Impact Assessment of the costs and benefits of the coming into operation of sections 40 to 45 of the Act, and of regulations made thereunder, has been prepared and copies can be obtained from the Department of the Environment, Road Safety and Vehicle Standards Division, Clarence Court, 10–18 Adelaide Street, Belfast BT2 8GB (telephone 028 9054 0074). A copy has been placed in the library of the Northern Ireland Assembly.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

Prior Commencement Orders have appointed days for the coming into operation of the following provisions of the Disability Discrimination Act 1995 as modified in its application to Northern Ireland by Schedule 8 thereof:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No</i>
Sections 1, 2 and 3	30th May 1996	1996 No. 219 (C. 9)
Sections 4 and 5(1) to (5)	2nd December 1996	1996 No. 280 (C. 13)
Section 5(6) and (7)	11th July 1996	1996 No. 280 (C. 13)
Section 6(1) to (7), (11) and (12)	2nd December 1996	1996 No. 280 (C. 13)
Section 6(8), (9) and (10)	11th July 1996	1996 No. 280 (C. 13)
Sections 7, 8(1) to (5) and (8)	2nd December 1996	1996 No. 280 (C. 13)
Section 8(6) and (7)	11th July 1996	1996 No. 280 (C. 13)
Sections 9, 10, 11, 12(1), (2), (4) and (5)	2nd December 1996	1996 No. 280 (C. 13)
Section 12(3) and (6)	11th July 1996	1996 No. 280 (C. 13)
Sections 13, 14(1) and (3)	2nd December 1996	1996 No. 280 (C. 13)
Section 14(2), (4) and (5)	1st October 1999	1999 No. 196 (C. 18)
Section 14(6)	11th July 1996	1996 No. 280 (C. 13)
Section 15(1)(a) and (2) to (10)	1st October 1999	1999 No. 196 (C. 18)
Section 16(1), (2) and (4)	2nd December 1996	1996 No. 280 (C. 13)
Section 16(3) and (5) partially	30th May 1996	1996 No. 219 (C. 9)
Section 16(3) to the extent not previously in operation	2nd December 1996	1996 No. 560 (C. 27)
Section 16(5) to the extent not previously in operation	11th July 1996	1996 No. 280 (C.13)
Section 17(1), (2) and (4)	2nd December 1996	1996 No. 280 (C. 13)
Section 17(3)	11th July 1996	1996 No. 280 (C. 13)
Section 18(1) and (2)	2nd December 1996	1996 No. 280 (C. 13)
Section 18(3) and (4)	11th July 1996	1996 No. 280 (C. 13)
Section 19(1)(a), (c) and (d), (2), (3), (4), (5)(a) and (b) and (6)	2nd December 1996	1996 No. 280 (C. 13)
Section 19(1)(b)	1st October 1999	1999 No. 196 (C. 18)
Section 19(5)(c)	11th July 1996	1996 No. 280 (C. 13)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No</i>
Sections 20(1), (3) and (4), 22, 23 and 24(1) to (4)	2nd December 1996	1996 No. 280 (C. 13)
Section 20(2), (5) and (9)	1st October 1999	1999 No. 196 (C. 18)
Section 20(6), (7) and (8)	11th July 1996	1996 No. 280 (C. 13)
Section 21(1), (2)(d), (4), (6) and (10)	1st October 1999	1999 No. 196 (C. 18)
Section 21(2) to the extent not already in operation	1st October 2004	2001 No. 439 (C. 22)
Section 21(3) and (5)	26th April 1999	1999 No. 196 (C. 18)
Section 24(5)	11th July 1996	1996 No. 280 (C. 13)
Sections 25 and 26	2nd December 1996	1996 No. 280 (C. 13)
Section 27(1), (2), (4) and, to the extent not already in operation, (5)	1st October 2004	2001 No. 439 (C. 22)
Section 27(3)	31st December 2001	2001 No. 439 (C. 22)
Section 28	30th May 1996	1996 No. 219 (C. 9)
Section 37 (for certain purposes)	1st June 2001	2001 No. 163 (C. 10)
(for all other purposes)	1st August 2001	2001 No. 163 (C. 10)
Section 38	1st June 2001	2001 No. 163 (C. 10)
Sections 46 and 47, and section 48 in so far as it relates to section 46	13th May 1998	1998 No. 183 (C. 6)
Sections 50, 51 and 52	2nd January 1996	1996 No. 1 (C. 1)
Sections 53, 54 and 56	11th July 1996	1996 No. 280 (C. 13)
Sections 55, 57 and 58	2nd December 1996	1996 No. 280 (C. 13)
Section 59	30th May 1996	1996 No. 219 (C. 9)
Sections 60 and 61	2nd December 1996	1996 No. 280 (C. 13)
Section 62(1), (2) and (7)	30th May 1996	1996 No. 219 (C. 9)
Sections 64 and 66	2nd December 1996	1996 No. 280 (C. 13)
Sections 67, 68(1) and 69	30th May 1996	1996 No. 219 (C. 9)
Sections 68(2) to (5) and 70(4)	2nd December 1996	1996 No. 280 (C. 13)
Section 70(7) and Schedule 1 (with the exception of paragraph 7)	30th May 1996	1996 No. 219 (C. 9)
Schedule 1, paragraph 7	2nd December 1996	1996 No. 280 (C. 13)
Schedule 2	30th May 1996	1996 No. 219 (C. 9)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No</i>
Schedule 3 and Schedule 4, Part I, paragraphs 1 and 2	2nd December 1996	1996 No. 280 (C. 13)
Schedule 4, Part I, paragraph 3 Schedule 4, paragraph 4 and section 16(5) in so far as it relates to it	11th July 1996 30th May 1996	1996 No. 280 (C. 13) 1996 No. 219 (C. 9)
Schedule 4, paragraphs 8 and 9 and section 27(5) in so far as it relates to them	31st December 2001	2001 No. 439 (C. 22)
Schedule 4, paragraphs 5, 6 and 7	1st October 2004	2001 No. 439 (C. 22)
Schedule 5	2nd January 1996	1996 No. 1 (C. 1)
Schedule 6, Schedule 7 and section 70(5) in so far as is necessary to effect the repeal of sections 1, 6 to 14, 19 and 21 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 and the Disabled Persons (Employment) Act (Northern Ireland) 1960	2nd December 1996	1996 No. 280 (C. 13)