

1999 No. 1191

DISABLED PERSONS

**The Disability Discrimination (Services and Premises)
Regulations 1999**

<i>Made - - - -</i>	<i>27th April 1999</i>
<i>Laid before Parliament</i>	<i>27th April 1999</i>
<i>Coming into force</i>	<i>1st October 1999</i>

The Secretary of State, in exercise of the powers conferred by sections 21(5)(e), 21(5)(h), 67(1) and 67(3) of the Disability Discrimination Act 1995(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Disability Discrimination (Services and Premises) Regulations 1999 and shall come into force on 1st October 1999.

Interpretation

2. In these Regulations—

“the Act” means the Disability Discrimination Act 1995;

“building” means an erection or structure of any kind.

Physical features

3. For the purposes of section 21(2) of the Act the following are to be treated as physical features (whether permanent or temporary)—

- (a) any feature arising from the design or construction of a building on the premises occupied by the provider of services;
- (b) any feature on the premises occupied by the provider of services or any approach to exit from or access to such a building;
- (c) any fixtures, fittings, furnishings, furniture, equipment or materials in or on the premises occupied by the provider of services;
- (d) any fixtures, fittings, furnishings, furniture, equipment or materials:
 - (i) brought on to premises other than those occupied by the provider of services by or on behalf of the provider of services,
 - (ii) in the course of providing services to the public or to a section of the public,
 - (iii) for the purpose of providing such services;
- (e) any other physical element or quality of any land comprised in the premises occupied by the provider of services.

(a) 1995 c.50.

Auxiliary Aids and Services

4.—(1) For the purposes of section 21(4) of the Act the following are not to be treated as auxiliary aids or services—

devices, structures or equipment the installation, operation or maintenance of which would necessitate making a permanent alteration to or which would have a permanent effect on the physical fabric of premises, fixtures, fittings, furnishings, furniture, equipment or materials.

(2) This Regulation will cease to have effect on the coming into force of sections 21(2)(a), (b) and (c) of the Act.

27th April 1999

Margaret Hodge
Parliamentary Under Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Disability Discrimination Act 1995 (“the Act”). S21(2) of the Act concerns the duty of service providers, when a physical feature makes it impossible or unreasonably difficult for disabled persons to access its service, to remove the feature, alter it so it no longer has that effect, provide a reasonable means of avoiding it or provide a reasonable alternative method of making it available to disabled persons. These Regulations make provision for various things to be treated as physical features.

S.21(4) of the Act concerns the duty of a service provider in certain circumstances to provide an auxiliary aid or service to disabled persons. These Regulations make provision for various things not to be treated as auxiliary aids or services until the coming into force of sections 21(2)(a), (b) and (c) of the Act.

A Regulatory Impact Assessment of the costs and benefits that these Regulations will have is available from Charles Fuller, Department for Education and Employment, Level 4, Caxton House, 6–12 Tothill Street, London SW1H 9NA. E-mail address: charles.fuller@dfee.gov.uk.

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