

2005 No. 2774 (C113)

DISABLED PERSONS

**The Disability Discrimination Act 2005 (Commencement No. 2)
Order 2005**

Made - - - -

7th October 2005

The Secretary of State for Work and Pensions, in exercise of the power conferred upon him by section 20(3) of the Disability Discrimination Act 2005(a) makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Disability Discrimination Act 2005 (Commencement No.2) Order 2005.

(2) In this Order—

“the Act” means the Disability Discrimination Act 2005;

“the 1995 Act” means the Disability Discrimination Act 1995(b).

Provisions coming into force on 10th October 2005

2. 10th October 2005 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 12 (private clubs etc.) so far as it inserts section 21F into the 1995 Act for the purpose only of exercising any power to make regulations; and
- (b) paragraph 34(6) of Schedule 1 (minor and consequential amendments), and section 19(1) so far as it relates to that paragraph.

Provisions coming into force on 5th December 2005

3. 5th December 2005 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 1 (councillors and members of the Greater London Authority), so far as it inserts sections 15A to the extent that it relates to section 15B, and 15B into the 1995 Act;
- (b) section 3 (duties of public authorities), so far as it inserts the following into the 1995 Act—
 - (i) section 49A(1) for the purpose only of regulations under section 49D;
 - (ii) sections 49B to 49F so far as not already in force;
- (c) section 4 (police);

(a) 2005 c.13.
(b) 1995 c.50.

- (d) section 6 (3) to (5) (rail vehicle exemption orders);
- (e) section 10 (discriminatory advertisements);
- (f) section 11 (group insurance);
- (g) section 12 (private clubs), so far as it is not already in force;
- (h) section 17 (generalisation of section 56 of the 1995 Act), so far as it is not already in force, except for subsections (6), (7) so far as not already in force, and (9) of section 56, as substituted by this section;
- (i) section 18 (meaning of “disability”), so far as it is not already in force;
- (j) so far as they are not already in force, paragraphs 2(2), 3 to 6, 7(a) to the extent that it relates to section 15B, and (b), 8(1), (2) to the extent that it relates to section 15B, and (3), 10, 21, 22, 26, 29(1) and (3) to (5), 31 to the extent that it relates to Part 5A, 32, 33, 34(2) so far as it inserts the definition of “employment services”, (3) and (4), 36, 37(1) and (2), 38(2), 39, 40 (1), (2), (5) and (6), 49 and 50(1) and (6) of Schedule 1, and section 19(1) so far as relating to those paragraphs; and
- (k) the entries in Schedule 2 (repeals and revocation) in respect of—
 - (i) sections 16A(2)(b), 16B(3)(i), 18, 55(6), and 68(1) of, and paragraph 1(1) of Schedule 1 to, the 1995 Act;
 - (ii) the Disability Rights Commission Act 1999(a); and
 - (iii) the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999(b), and
 section 19(2) so far as relating to those entries.

Provisions coming into force on 4th December 2006

4. 4th December 2006 is the day appointed for the coming into force of the following provisions of the Act, so far as they are not already in force—

- (a) sections 1 to 3 (councillors and public authorities);
- (b) section 13 (discrimination in relation to letting of premises);
- (c) section 14 (power to modify or end small dwellings exemptions);
- (d) section 16 (improvements to let dwelling houses);
- (e) section 17;
- (f) paragraphs 2, 7, 8, 11 to 13, 17, 19, 20, 23, 28, 29, 31, 34, 35, 37 (4)(a), (5)(a) and (6), 38, 40 and 50(2), (3), (4)(b) and (7) of Schedule 1, and section 19(1) so far as relating to those paragraphs; and
- (g) the entries in Schedule 2 in respect of the Special Educational Needs and Disability Act 2001(c), and section 19(2) so far as relating to those entries.

Signed by authority of the Secretary of State for Work and Pensions

Anne C McGuire
Parliamentary Under-Secretary of State,
Department for Work and Pensions

7th October 2005

(a) 1999 c.17.
(b) S.I. 1999/1750.
(c) 2001 c.10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second Commencement Order to be made under the Disability Discrimination Act 2005 (“the Act”). The Act extensively amends the Disability Discrimination Act 1995 (“the 1995 Act”).

Article 2 commences section 21F of the 1995 Act, which is inserted by section 12 of the Act, for the purpose only of exercising any power to make regulations, and paragraph 34(6) of Schedule 1 (definition of regulations), on 10th October 2005.

Articles 3 and 4 bring the majority of the Act’s provisions into force on two dates.

Article 3 brings the following provisions of the Act into force on 5th December 2005:

Section 1 (councillors and members of the Greater London Authority), partially, so far as it inserts sections 15A and 15B into the 1995 Act, section 3 (duties of public authorities), partially, for specific purposes, section 4 (police), section 6 (rail vehicles: application of accessibility regulations), partially to the extent that it refers to rail vehicle exemption orders, sections 10 to 12 (discriminatory advertisements, group insurance and private clubs), section 17 (generalisation of section 56 of the 1995 Act), save for provisions which refer to section 21B claims, section 18 (meaning of disability), specified paragraphs of Schedule 1 (minor and consequential amendments), and specified entries in Schedule 2 (repeals and revocations).

Article 4 brings the following provisions of the Act into force on 4th December 2006 so far as they are not already in force:

Sections 1 to 3 (councillors and public authorities), section 13 (discrimination in relation to premises), section 14 (small dwellings exemptions), section 16 (improvements to let dwellings), section 17, specified paragraphs of Schedule 1, and specified entries in Schedule 2.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The provisions of the Disability Discrimination Act 2005 listed in the table below have been brought into force by Commencement Order made before the date of this Order. The following provisions are commenced in relation to England only: section 9, Part 2 of Schedule 1, the entries in Schedule 2 relating to the Road Traffic Regulation Act 1984, and the Traffic Management Act 2004, and section 19 so far as relating to those provisions and entries.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 (partially)	30th June 2005	2005/1676
Section 3 (partially)	30th June 2005	2005/1676
Section 5	30th June 2005	2005/1676
Section 9	30th June 2005	2005/1676
Section 12 (partially)	30th June 2005	2005/1676
Section 13 (partially)	30th June 2005	2005/1676
Section 16(2)	30th June 2005	2005/1676
Section 17 (partially)	30th June 2005	2005/1676
Section 18 (partially)	30th June 2005	2005/1676
Section 19 (partially)	30th June 2005	2005/1676
Schedule 1, Part 1, paragraphs 1, 2(1) and (3), 3(1) to (4), 9, 13(1) to (3), 14 to 16, 17 (partially), 18, 19(1) and (5), 23 (partially), 24,	30th June 2005	2005/1676

28(1) to (5) and (7), 30, 33(1) to (3), (4) and (5) (partially), 34(1) and (5), 38(1), (3), (4) and (6) to (13), and 39(1) and (2), and Part 2.

Schedule 2, the entries in respect of section 17A(1B) of, and Schedule 3A to, the Disability Discrimination Act 1995, the Road Traffic Regulation Act 1984, and the Traffic Management Act 2004.

30th June 2005

2005/1676

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