
STATUTORY INSTRUMENTS

2005 No. 2966

The Disability Discrimination (Public Authorities)(Statutory Duties) Regulations 2005

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 and shall come into force on 5th December 2005.

(2) In these Regulations—

“section 49A(1) duty”, in relation to a public authority, means its duty under section 49A(1) of the Disability Discrimination Act 1995; and

“school” means a school maintained by a local education authority.

Preparation and publication of a Disability Equality Scheme

2.—(1) A public authority listed in Schedule 1 shall, on or before the relevant publication date, publish a Disability Equality Scheme (“Scheme”), that is, a scheme showing how it intends to fulfil its section 49A(1) duty and its duties under these Regulations.

(2) Such an authority shall involve in the development of the Scheme disabled people who appear to that authority to have an interest in the way it carries out its functions.

(3) A Scheme shall include a statement of—

- (a) the ways in which such disabled people have been involved in its development;
- (b) that authority’s methods for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons;
- (c) the steps which that authority proposes to take towards the fulfilment of its section 49A(1) duty;
- (d) that authority’s arrangements for gathering information on the effect of its policies and practices on disabled persons and in particular its arrangements for gathering information on—
 - (i) their effect on the recruitment, development and retention of its disabled employees,
 - (ii) their effect, in the case of an authority specified in Part II, III or IV of Schedule 1, on the educational opportunities available to, and on the achievements of, disabled pupils and students, and
 - (iii) the extent to which, in the case of an authority specified in Part I of Schedule 1, the services it provides and those other functions it performs take account of the needs of disabled persons; and
- (e) that authority’s arrangements for making use of such information to assist it in the performance of its section 49A(1) duty and, in particular, its arrangements for—
 - (i) reviewing on a regular basis the effectiveness of the steps referred to in subparagraph (c), and
 - (ii) preparing subsequent Schemes.

- (4) Such an authority shall review its Scheme and publish a revised Scheme—
- (a) not later than the end of the period of three years beginning with the date of publication of its first Scheme; and
 - (b) subsequently at intervals of not more than three years beginning with the date of publication of the last revision of the Scheme.
- (5) Such an authority may comply with the duty to publish under paragraph (1) or (4) by setting out its Scheme as part of another published document or within a number of other published documents.
- (6) In this regulation, “the relevant publication date” means—
- (a) in the case of a public authority listed in Part I or II of Schedule 1, 4th December 2006;
 - (b) in the case of a public authority listed in Part III of Schedule 1, 3rd December 2007;
 - (c) in the case of a public authority listed in Part IV of Schedule 1, 1st April 2007.

Implementation of the Disability Equality Scheme

- 3.—(1) A public authority listed in Schedule 1 shall within the period of three years beginning with the date when a Scheme prepared for the purposes of regulation 2 is published—
- (a) take the steps which it has been required to set out in the Scheme by virtue of regulation 2(3)(c); and
 - (b) put into effect its arrangements, which it has been required to set out in the Scheme by virtue of regulations 2(3)(d) and (e), for—
 - (i) gathering information, and
 - (ii) making use of such information.
- (2) Nothing in this regulation imposes any duty on an authority where, in all the circumstances, it would be unreasonable or impracticable for it to perform the duty.

Annual reporting

- 4.—(1) A public authority listed in Schedule 1 shall publish a report—
- (a) not later than the end of the period of one year beginning with the date of publication of its first Scheme; and
 - (b) subsequently at intervals of not more than one year beginning with the date of publication of the last report.
- (2) The report shall contain a summary of—
- (a) the steps the authority has taken for the purposes of regulation 3(1)(a);
 - (b) the results of the information-gathering it has carried out for the purposes of regulation 3(1)(b)(i); and
 - (c) the use it has made of such information it has gathered for the purposes of regulation 3(1)(b)(ii).
- (3) Such an authority may comply with the duty to publish under paragraph (1) by setting out its report within another published document.

Duty on public authorities listed in Schedule 2

- 5.—(1) A reporting authority shall, in respect of its policy sector, publish a report—
- (a) not later than 1st December 2008; and

- (b) subsequently not later than the end of each successive period of three years beginning with 1st December 2008.
- (2) The report shall—
 - (a) give an overview of progress towards equality of opportunity between disabled persons and other persons made by public authorities operating in the policy sector; and
 - (b) set out the reporting authority’s proposals for the coordination of action by public authorities operating in that sector so as to bring about further progress towards equality of opportunity between disabled persons and other persons.
- (3) In paragraph (1)—
 - “reporting authority” means a person specified in Schedule 2;
 - “policy sector” means the sector of public activity in which the reporting authority carries out public functions.

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

21st October 2005

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