

2007 No. 1496

DISABLED PERSONS

**The Disability Discrimination Code of Practice (Providers of
Post 16 Education) (Appointed Day) Order 2007**

Made - - - -

22nd May 2007

This Order is made in exercise of the powers conferred by sections 53A(6)(a) and 67(3)(a) of the Disability Discrimination Act 1995(a) (“the Act”).

In accordance with section 53A(4) of the Act—

- (a) a draft code of practice prepared by the Disability Rights Commission entitled “Code of Practice for providers of post 16 education and related services” has been submitted to and approved by the Secretary of State for Education and Skills;
- (b) the draft code of practice was laid by the Secretary of State before both Houses of Parliament on 15th January 2007;
- (c) a period of forty days has elapsed without either House resolving not to approve the draft; and
- (d) the Code of Practice was issued by the Disability Rights Commission on 13th April 2007 under section 53A(1)(b) of the Act.

Accordingly, the Secretary of State for Education and Skills makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Disability Discrimination Code of Practice (Providers of Post 16 Education) (Appointed Day) Order 2007.

(2) In this Order, “the Act” means the Disability Discrimination Act 1995.

Appointed day

2.—(1) The day appointed for the coming into effect of the Disability Discrimination Act 1995 Code of Practice for providers of post 16 education and related services(c) is 1st July 2007.

(2) Paragraph (1) has effect subject to the provisions of article 3.

(a) 1995 c.50. Section 53A was inserted by the Disability Rights Commission Act 1999 (c.17), section 9(1). Section 67(3) was amended by the Disability Discrimination Act 2005 (c.13) (“the 2005 Act”), Schedule 1, paragraphs 1 and 33(1) and (3).
(b) Section 53A(1) was substituted by the Special Educational Needs and Disability Act 2001 (c.10) (“the 2001 Act”), section 36(1) and (2), and amended by S.I. 2003/1673, and the 2005 Act, Schedule 1, paragraphs 1 and 28(1) and (2).
(c) Published by the Stationery Office (TSO), ISBN 978 011 703730 4.

Transitional provisions

3. The Code of Practice referred to in article 2 shall not have effect for the purposes of section 53A(8A) (a) of the Act in relation to any proceedings (whenever commenced) which arise from a complaint alleging that a person has, before 1st July 2007, committed an act which is unlawful discrimination for the purposes of any provision of Chapter 2 of Part 4 of the Act.

22nd May 2007

Andrew Adonis
Parliamentary Under Secretary of State
Department for Education and Skills

(a) Section 53A(8A) was inserted by the 2001 Act, section 36(1) and (4), and amended by the 2005 Act, Schedule 1, paragraphs 1 and 28(1) and (6).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st July 2007 for the coming into effect of the Disability Discrimination Act 1995 Code of Practice for providers of post 16 education and related services (ISBN 978 011 703730 4) (“the new Code”) which was issued by the Disability Rights Commission (“DRC”) on 13th April 2007 under section 53A(1) of the Disability Discrimination Act 1995 (“the Act”).

The new Code has been prepared by the DRC to provide practical guidance to providers of post 16 education in relation to their duties under Chapter 2 of Part 4 of the Act, as amended by the Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006.

Article 3 makes transitional provision about acts taking place before 1st July 2007. Where it is alleged that a person has, before 1st July 2007 committed an act which is unlawful discrimination for the purposes of Chapter 2 of Part 4 of the Act, the new Code is not to have effect for the purposes of section 53A(8A) of the Act. Section 53A(8A) of the Act requires a court of tribunal hearing any proceedings to take into account any provision of a code of practice which appears to it to be relevant.

The new Code will replace the Disability Discrimination Act 1995 Code of Practice for providers of post 16 Education and related services (DRC reference COPP16July2002) which was brought into force on 1st September 2002 (S.I. 2002/2216) and is to be revoked on 1st July 2007 (S.I. 2007/1495).

A copy of the new Code may be purchased from The Stationery Office (PO Box 29, Duke Street, Norwich, NR3 1GN; Tel No 0870 600 5522; Website: www.tso.co.uk) or from the Stationery Office Bookshops, or downloaded free of charge from the DRC website: www.drc-gb.org.

A regulatory impact assessment has not been prepared for this Order as the Code of Practice has no additional impact on the costs of business, charities or the voluntary sector over and above that of the legislation which is already in force.

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