STATUTORY RULES OF NORTHERN IRELAND

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.

(**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

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

P. McAuley
Assistant Secretary

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.