EXPLANATORY MEMORANDUM TO

THE DISABILITY DISCRIMINATION CODE OF PRACTICE (TRADE ORGANISATIONS AND QUALIFICATIONS BODIES) (REVOCATION) ORDER 2008

2008 No. 1336

1. This explanatory memorandum has been prepared by the Government Equalities Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This order revokes the Disability Discrimination Act 1995 Code of Practice for Trade Organisations and Qualifications Bodies (ISBN 0-11-703418-5). That code of practice has been superseded by a revised code which has been laid in draft before Parliament and which comes into force on 23 June 2008. The revision of the code follows the extension of the Disability Discrimination Act 1995 (the 1995 Act) to cover general qualifications bodies by section 15 of the Disability Discrimination Act 2005, which inserted chapter 2A into Part 4 of the 1995 act and came into force on 1 September 2007.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Section 42(3)(b) of the Equality Act 2006 provides for the Commission for Equality and Human Rights (CEHR) to revise codes of practice issued by a commission dissolved by virtue of section 36 of that act, i.e., one of the three legacy commissions the role of which CEHR has assumed. Section 42(3)(a) of the Equality Act 2006 provides for the Lord Privy Seal to revoke codes of practice issued by one of the legacy commissions at the request of the CEHR.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 One of the CEHR's roles is to prepare and issue codes of practice which offer practical advice and guidance on matters of discrimination legislation, such as how the 1995 Act applies to trade organisations and qualifications bodies, among others. Following the extension of the 1995 Act to cover general qualifications bodies, the code

of practice that covered trade organisations and qualifications bodies was revised by the Disability Rights Commission (DRC) to address general qualifications bodies as well. A draft version of the revised code, entitled the Disability Discrimination Act 1995 Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies (ISBN 978-1-84206-049-0), was placed on the DRC's website for guidance. Although the code was revised by the DRC, the CEHR has adopted and issued it.

7.2 The revised code of practice was laid in draft before Parliament on 3 March 2008. No resolution having been passed by either House, it was issued by the CEHR on 16 May 2008 and an order made under section 14(8) of the Equality Act 2006 to bring the code into force on 23 June 2008 (S.I. 2008/1335).

7.3 The Disability Discrimination Act 1995 Code of Practice for Trade Organisations and Qualifications Bodies is being revoked as it has been superseded by the revised code. It will continue to apply in proceedings under Part 2 of the 1995 Act for purposes of section 15(4)(b) of the Equality Act 2006 (which requires a court or tribunal to take into account any provision of a code of practice which appears to it to be relevant) to the extent they relate to events taking place before 23 June 2008 and have not been determined by that date.

8. Impact

8.1 An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

9. Contact

Chris Bull at the Government Equalities Office, Tel: 020 7944 0612 or e-mail: Chris.Bull@geo.gsi.gov.uk can answer any queries regarding the instrument.