STATUTORY INSTRUMENTS

2004 No. 2300

DISABLED PERSONS

The Disability Discrimination Codes of Practice (Employment and Trade Organisations) Revocation Order 2004

Made - - - -	*2nd September 2004*
Laid before Parliament	*10th September 2004*
Coming into force - -	*1st October 2004*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 54(8) and 67(2) and (3)(a) of the Disability Discrimination Act 1995(**a**), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Disability Discrimination Codes of Practice (Employment and Trade Organisations) Revocation Order 2004, and shall come into force on 1st October 2004.

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

Revocation of Codes of Practice

2. Subject to article 3, the following Codes of Practice are revoked—

(a) the Code of Practice (for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability) (ISBN No. 0-11-270954-0) referred to in article 3 of the Disability Discrimination (Guidance and Code of Practice) (Appointed Day) Order 1996(**b**); and

(b) the Disability Discrimination Act 1995 Code of Practice on the Duties of Trade Organisations to their Disabled Members and Applicants (ISBN No. 0-11-271071-9) referred to in the Disability Discrimination Code of Practice (Trade Organisations) Order 1999(**c**).

(**a**) 1995 c. 50. Section 54 is repealed by the Disability Rights Commission Act 1999 (c. 17), section 14(2) and Schedule 5. The repeal of section 54(1) to (7) and (9) came into force on 25 April 2000 (see S.I. 2000/880). No day has yet been appointed for the coming into force of the repeal of subsection (8).

(**b**) S.I. 1996/1996 (C. 52).

(**c**) S.I. 1999/2638.

Transitional provision

3.The Codes specified in article 2 are to continue to have effect after 30th September 2004 for the purposes of sections 53(5) and (6)(**a**) of the 1995 Act in relation to any proceedings arising from a complaint (whenever presented) alleging that a person has, before 1st October 2004, committed an act which is unlawful discrimination for the purposes of any provision of Part 2 of the Act.

Andrew Smith
Secretary of State,
Department for Work and Pensions

2nd September 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes, with effect from 1st October 2004, subject to the transitional provision in article 3—

(a) the Code of Practice (for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability) issued by the Secretary of State for Education and Employment under section 53 of the 1995 Act on 25th July 1996; and

(b) the Disability Discrimination Act 1995 Code of Practice on the Duties of Trade Organisations to their Disabled Members and Applicants issued under that section by the Secretary of State for Education and Employment on 16th July 1999.

Article 3 of the Order provides for those Codes of Practice to continue to have effect after 30th September 2004 in relation to proceedings arising from a complaint presented to an employment tribunal concerning an alleged act of discrimination contrary to Part 2 of the 1995 Act committed before 1st October 2004. This is for the purposes of section 53(5) of the 1995 Act which provides for a code of practice to be admissible in proceedings before a court or an employment tribunal, and of section 53(6) which requires a court or tribunal to take into account a provision of a code which appears to the court or tribunal to be relevant to any question arising in those proceedings.

(**a**)Section 53 is repealed by the Disability Rights Commission Act 1999, section 14(2) and Schedule 5. The repeal of section 53(1) to (3) and (8) and (9) came into force on 25 April 2000 (see S.I. 2000/880). No day has yet been appointed for the coming into force of the repeal of subsections (5) to (7).

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