STATUTORY INSTRUMENTS

2005 No. 1121

DISABLED PERSONS

The Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2005

Made - - - -	*6th April 2005*
Laid before Parliament	*7th April 2005*
Coming into force - -	*1st May 2005*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 21(5)(b) and 67(3) of the Disability Discrimination Act 1995(**a**), and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disability Discrimination (Providers of Services) (Adjustment of Premises) (Amendment) Regulations 2005 and shall come into force on 1st May 2005.

(2) In these Regulations, "the 2001 Regulations" means the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001(**b**).

Amendments to the Schedule to the 2001 Regulations

2.—(1) Schedule 1 to the 2001 Regulations is amended as follows.

(2) For paragraph 1(2) substitute—

"(2) Subject to sub-paragraph (3), a physical feature, in relation to a building situated in Scotland, satisfies the relevant design standard for the purposes of regulation 3(3) where—

(a) it was provided in or in connection with the building on or after 30th June 1994 and before 1st May 2005 in accordance with the Technical Standards relevant in relation to that feature; or

(b) it was provided in or in connection with the building on or after 1st May 2005 in accordance with the relevant functional standards and guidance in the Technical Handbook.".

(3) For paragraph 3(1) substitute—

(**a**) 1995 c. 50.
(**b**) S.I. 2001/3253 (as amended by S.I. 2004/1429).

"(1) For the purposes of paragraph 1(2)—

(a) "Technical Standards" means the Technical Standards as defined by regulation 2(1) of the Building Standards (Scotland) Regulations 1990(**a**) in effect at the time when the physical feature was provided in or in connection with the building;

(b) "Technical Handbook" means the Scottish Building Standards Agency Technical Handbook for non-domestic buildings approved by the Scottish Ministers as guidance meeting the requirements of the Building (Scotland) Regulations 2004(**b**), published by Astron for the Scottish Building Standards Agency on 1st November 2004 (ISBN 0 9546292 3 X).".

(4) In paragraph 3(2), for "sub-paragraph (1)" substitute "paragraphs 1(2) and 3(1)(a)".

(5) In paragraph 3(4), after "Technical Standards" insert "or Technical Handbook".

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

Maria Eagle
Parliamentary Under Secretary of State,
Department for Work and Pensions

6 April 2005

(**a**) S.I. 1990/2179 (S.187) as amended by S.I. 1993/1457 (S. 191), S.I. 1994/1266 (S. 65), S.I. 1996/2251 (S. 183), S.I. 1997/2157 (S. 150), S.I. 1999/173 and S.S.I 2001/320.
(**b**) S.S.I. 2004/406.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend paragraphs 1 and 3 of the Schedule to the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001 (S.I. 2001/3253) ("the 2001 Regulations") in consequence of the coming into force of the Building (Scotland) Regulations 2004 (S.S.I. 2004/406) ("the 2004 Regulations") and the publication of the Scottish Building Standards Agency Technical Handbook for non-domestic buildings.

Under regulation 3(3) of the 2001 Regulations it is not reasonable for a provider of services to have to remove or alter a physical feature of a building, for the purposes of sections 21(2)(a) or (b) of the Disability Discrimination Act 1995, if that feature: (i) was provided in connection with a building for the purpose of assisting people to have access to that building, or to use facilities provided in the building; and (ii) satisfies the "relevant design standard".

In relation to a building situated in Scotland, these Regulations amend the definition of "relevant design standard" so that a physical feature will satisfy that standard if it was provided in or in connection with a building (i) on or after 30th June 1994 and before 1st May 2005, in accordance with the Technical Standards; or (ii) on or after 1st May 2005, in accordance with the Technical Handbook. Regulation 3(1) of the 2001 Regulations, as substituted by regulation 2(3) of these Regulations, defines "Technical Standards" and "Technical Handbook".

(Note that the exemption provided for in regulation 3(3) of the 2001 Regulations will not apply where more than 10 years have elapsed since the feature was constructed or installed, or where the feature was provided as part of a larger building project, the date when the works in relation to the project were completed: see paragraph 1(3) of the Schedule to those Regulations.)

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Copies of the non-domestic Technical Handbook (ISBN 0 9546292 3 X) published by Astron for the Scottish Building Standards Agency ("SBSA") on 1st November 2004 can be found on the SBSA's website at: http://www.sbsa.gov.uk/new/tbooks.htm. Alternatively, the Handbook is available in loose-leaf format from The Stationery Office Limited (mail, telephone, fax and e-mail orders only) PO Box 29, Norwich NR3 1GN (telephone orders 0870 600 5522, fax orders 0870 600 5533, E-mail: book.orders@tso.co.uk, Textphone 0870 240 3701, Internet: http://www.tso.co.uk/bookshop) and from The Stationery Office Bookshops.

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