EXPLANATORY MEMORANDUM TO

THE DISABILITY DISCRIMINATION ACT 1995 (AMENDMENT) (FURTHER EDUCATION) REGULATIONS 2007

2007 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. These regulations rectify a technical error in paragraph 1 of Schedule 1 to the Education and Inspections Act 2006 ("the 2006 Act"): this provides for a new definition of 'recreational or training facilities' to be substituted into the Disability Discrimination Act 1995 ("the 1995 Act"). However, paragraph 1 refers to the wrong subsection in the 1995 Act. These regulations correct this error, by inserting the definition into the correct section of the 1995 Act.

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

3.1. None

4. Legislative Background

4.1. These regulations amend the 1995 Act in order to give effect to the intention of paragraph 1 of Schedule 1 to the 2006 Act, which makes amendments consequential on section 6 of the 2006 Act. (Section 6 covers provisions for local education authority functions in relation to youth work, recreation etc.)

4.2. The intention of paragraph 1 of Schedule 1 to the 2006 Act was to make an amendment to the 1995 Act but unfortunately, it refers to a subsection which no longer has effect. This is because other regulations - the Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721) - which came into force on 1st September 2006, had moved the definition of "recreational or training facilities" to a different section of the 1995 Act.

5. Territorial Extent and Application

5.1. This instrument extends to England and Wales.

6. European Convention on Human Rights

6.1. Beverley Hughes, the Minister for Children, Young People and Families has made the following statement regarding Human Rights:

6.2. In my view the provisions of the Disability Discrimination Act 1995 (Amendment) (Further Education) Regulations 2007 are compatible with the Convention rights.

7. Policy background

7.1. The policy intention of this instrument is to ensure that the definition of "recreational or training facilities" set out in paragraph 1 of Schedule 1 to the 2006 Act is operative and that there is no ambiguity in relation to local authorities' duties relating to the provision of "recreational or training facilities".

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. There is no impact on the public sector.

9. Contact

9.1. **Felicity Winter** at the Department for Education and Skills: Tel: 0114 259 5055 or e-mail: felicity.winter@dfes.gsi.gov.uk can answer any queries regarding the instrument.