



Disability Discrimination Act 1995

1995 CHAPTER 50

PART VI

THE NATIONAL DISABILITY COUNCIL

50 The National Disability Council

- (1) There shall be a body to be known as the National Disability Council (but in this Act referred to as “the Council”).
- (2) It shall be the duty of the Council to advise the Secretary of State, either on its own initiative or when asked to do so by the Secretary of State—
 - (a) on matters relevant to the elimination of discrimination against disabled persons and persons who have had a disability;
 - (b) on measures which are likely to reduce or eliminate such discrimination; and
 - (c) on matters related to the operation of this Act or of provisions made under this Act.
- (3) The Secretary of State may by order confer additional functions on the Council.
- (4) The power conferred by subsection (3) does not include power to confer on the Council any functions with respect to the investigation of any complaint which may be the subject of proceedings under this Act.
- (5) In discharging its duties under this section, the Council shall in particular have regard to—
 - (a) the extent and nature of the benefits which would be likely to result from the implementation of any recommendation which it makes; and
 - (b) the likely cost of implementing any such recommendation.
- (6) Where the Council makes any recommendation in the discharge of any of its functions under this section it shall, if it is reasonably practicable to do so, make an assessment of—
 - (a) the likely cost of implementing the recommendation; and
 - (b) the likely financial benefits which would result from implementing it.

Status: This is the original version (as it was originally enacted).

- (7) Where the Council proposes to give the Secretary of State advice on a matter, it shall before doing so—
- (a) consult any body—
 - (i) established by any enactment or by a Minister of the Crown for the purpose of giving advice in relation to disability, or any aspect of disability; and
 - (ii) having functions in relation to the matter to which the advice relates;
 - (b) consult such other persons as it considers appropriate; and
 - (c) have regard to any representations made to it as a result of any such consultations.
- (8) Schedule 5 makes further provision with respect to the Council, including provision about its membership.
- (9) The power conferred on the Council by subsection (2) to give advice on its own initiative does not include power to give advice—
- (a) by virtue of paragraph (a) or (b), in respect of any matter which relates to the operation of any provision of or arrangements made under—
 - (i) the Disabled Persons (Employment) Acts 1944 and 1958;
 - (ii) the Employment and Training Act 1973;
 - (iii) the Employment Protection (Consolidation) Act 1978; or
 - (iv) section 2(3) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (b) by virtue of paragraph (c), in respect of any matter arising under Part II or section 53, 54, 56 or 61.
- (10) Subsection (9) shall not have effect at any time when there is neither a national advisory council established under section 17(1)(a) of the Disabled Persons (Employment) Act 1944 nor any person appointed to act generally under section 60(1) of this Act.

51 Codes of practice prepared by the Council

- (1) It shall be the duty of the Council, when asked to do so by the Secretary of State—
- (a) to prepare proposals for a code of practice dealing with the matters to which the Secretary of State’s request relates; or
 - (b) to review a code and, if it considers it appropriate, propose alterations.
- (2) The Secretary of State may, in accordance with the procedural provisions of section 52, issue codes of practice in response to proposals made by the Council under this section.
- (3) A failure on the part of any person to observe any provision of a code does not of itself make that person liable to any proceedings.
- (4) A code is admissible in evidence in any proceedings under this Act before an industrial tribunal, a county court or a sheriff court.
- (5) If any provision of a code appears to a tribunal or court to be relevant to any question arising in any proceedings under this Act, it shall be taken into account in determining that question.
- (6) In this section and section 52 “code” means a code issued by the Secretary of State under this section and includes a code which has been altered and re-issued.

52 Further provision about codes issued under section 51

- (1) In this section “proposal” means a proposal made by the Council to the Secretary of State under section 51.
- (2) In preparing any proposal, the Council shall consult—
 - (a) such persons (if any) as the Secretary of State has specified in making his request to the Council; and
 - (b) such other persons (if any) as the Council considers appropriate.
- (3) Before making any proposal, the Council shall publish a draft, consider any representations made to it about the draft and, if it thinks it appropriate, modify its proposal in the light of any of those representations.
- (4) Where the Council makes any proposal, the Secretary of State may—
 - (a) approve it;
 - (b) approve it subject to such modifications as he considers appropriate; or
 - (c) refuse to approve it.
- (5) Where the Secretary of State approves any proposal (with or without modifications), he shall prepare a draft of the proposed code and lay it before each House of Parliament.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed code.
- (7) If no such resolution is made within the 40-day period, the Secretary of State shall issue the code in the form of his draft.
- (8) The code shall come into force on such date as the Secretary of State may appoint by order.
- (9) Subsection (6) does not prevent a new draft of the proposed code from being laid before Parliament.
- (10) If the Secretary of State refuses to approve a proposal, he shall give the Council a written statement of his reasons for not approving it.
- (11) The Secretary of State may by order revoke a code.
- (12) In this section “40-day period”, in relation to the draft of a proposed code, means—
 - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.