

Status: Point in time view as at 01/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 50(8).

THE NATIONAL DISABILITY COUNCIL

Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Status

- 1 (1) The Council shall be a body corporate.
(2) The Council is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown.

Commencement Information

- II** Sch. 5 para. 1 wholly in force at 2.1.1996; Sch. 5 para. 1 not in force at Royal Assent see s. 70(3); Sch. 5 para. 1 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 1 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Procedure

- 2 The Council has power to regulate its own procedure (including power to determine its quorum).

Commencement Information

- I2** Sch. 5 para. 2 wholly in force at 2.1.1996; Sch. 5 para. 2 not in force at Royal Assent see s. 70(3); Sch. 5 para. 2 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 2 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Membership

- 3 (1) The Council shall consist of at least 10, but not more than 20, members.
(2) In this Schedule “member”, except in sub-paragraph (5)(b), means a member of the Council.

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- (3) Each member shall be appointed by the Secretary of State.
- [^{F1}(3A) One of the members shall be a person who appears to the Secretary of State to have special knowledge of Scotland.]
- (4) The Secretary of State shall appoint one member to be chairman of the Council and another member to be its deputy chairman.
- (5) The members shall be appointed from among persons who, in the opinion of the Secretary of State—
- (a) have knowledge or experience of the needs of disabled persons or the needs of a particular group, or particular groups, of disabled persons;
 - (b) have knowledge or experience of the needs of persons who have had a disability or the needs of a particular group, or particular groups, of such persons; or
 - (c) are members of, or otherwise represent, professional bodies or bodies which represent industry or other business interests.
- (6) Before appointing any member, the Secretary of State shall consult such persons as he considers appropriate.
- (7) In exercising his powers of appointment, the Secretary of State shall try to secure that at all times at least half the membership of the Council consists of disabled persons, persons who have had a disability or the parents or guardians of disabled persons.

Textual Amendments

F1 Sch. 5 para. 3(3A) inserted (1.7.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 18** (with art. 8(2)(d)); S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

C1 Sch. 5 para. 3(3) amended (S.)(1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

C2 Sch. 5 para. 3(3A) restricted (*temp.*) by S.I. 1999/1756, **art. 8(2)(d)**

Commencement Information

I3 Sch. 5 para. 3 wholly in force at 2.1.1996; Sch. 5 para. not in force at Royal Assent see s. 70(3); Sch. 5 para. 3 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, **art. 2**; Sch. 5 para. 3 in force (N.I.) at 2.1.1996 by S.R. 1996/1, **art. 2**

Term of office of members

- 4 (1) Each member shall be appointed for a term which does not exceed five years but shall otherwise hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be prevented from being appointed as a member merely because he has previously been a member.
- (3) Any member may at any time resign his office by written notice given to the Secretary of State.

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- (4) Regulations may make provision for the Secretary of State to remove a member from his office in such circumstances as may be prescribed.

Commencement Information

- I4** Sch. 5 para. 4 wholly in force at 2.1.1996; Sch. 5 para. 4 not in force at Royal Assent see s. 70(3); Sch. 5 para. 4 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 4 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Remuneration

- 5 (1) The Secretary of State may pay such remuneration or expenses to any member as he considers appropriate.
- (2) The approval of the Treasury is required for any payment made under this paragraph.

Commencement Information

- I5** Sch. 5 para. 5 wholly in force at 2.1.1996; Sch. 5 para. 5 not in force at Royal Assent see s. 70(3); Sch. 5 para. 5 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 5 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Staff

- 6 The Secretary of State shall provide the Council with such staff as he considers appropriate.

Commencement Information

- I6** Sch. 5 para. 6 wholly in force at 2.1.1996; Sch. 5 para. 6 not in force at Royal Assent see s. 70(3); Sch. 5 para. 6 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 6 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Supplementary regulation-making power

- 7 The Secretary of State may by regulations make provision—
- (a) as to the provision of information to the Council by the Secretary of State;
 - (b) as to the commissioning by the Secretary of State of research to be undertaken on behalf of the Council;
 - (c) as to the circumstances in which and conditions subject to which the Council may appoint any person as an adviser;
 - (d) as to the payment by the Secretary of State, with the approval of the Treasury, of expenses incurred by the Council.

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Commencement Information

- 17** Sch. 5 para. 7 wholly in force at 2.1.1996; Sch. 5 para. 7 not in force at Royal Assent see s. 70(3); Sch. 5 para. 7 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 7 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

Annual report

- 8 (1) As soon as is practicable after the end of each financial year, the Council shall report to the Secretary of State on its activities during the financial year to which the report relates.
- (2) The Secretary of State shall lay a copy of every annual report of the Council before each House of Parliament and shall arrange for such further publication of the report as he considers appropriate.

Commencement Information

- 18** Sch. 5 para. 8 wholly in force at 2.1.1996; Sch. 5 para. 8 not in force at Royal Assent see s. 70(3); Sch. 5 para. 8 in force (E.W.S.) at 1.1.1996 by S.I. 1995/3330, art. 2; Sch. 5 para. 8 in force (N.I.) at 2.1.1996 by S.R. 1996/1, art. 2

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