

DISABILITY DISCRIMINATION ACT 2005

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. The Disability Discrimination Act 2005 (“the 2005 Act”) makes substantial amendments to the Disability Discrimination Act 1995 (“the DDA”) building on amendments already made to that Act by other legislation since 1999.
4. The DDA, as originally enacted, contained provisions making it unlawful to discriminate against a disabled person in relation to employment, the provision of goods, facilities and services, and the disposal and management of premises. It also contained some provisions relating to education; and enabled the Secretary of State for Transport to make regulations with a view to facilitating the accessibility of taxis, public service vehicles and rail vehicles for disabled people.
5. In December 1997, the Government established the Disability Rights Task Force, an independent body comprising members from disability organisations, the private and public sectors and trade unions, to advise it on how best to meet its 1997 manifesto commitment to look at securing comprehensive and enforceable civil rights for disabled people. As a result of the Task Force’s first recommendations, the Government established, in April 2000, the Disability Rights Commission. (The constitution and functions of the Commission are set out in the Disability Rights Commission Act 1999.)
6. In December 1999, the Task Force published its final report to Government: “From Exclusion to Inclusion”. This recommended a number of major extensions to the DDA’s coverage and refinements to its detail.
7. The Government published an interim response to the Task Force’s recommendations in 2000 and, in March 2001, published its final response “Towards Inclusion – Civil Rights for Disabled People”. That response, which was also a consultation document, set out the Government’s proposals for taking forward those of the Task Force’s recommendations with which it agreed. One immediate response was to introduce the Special Educational Needs and Disability Act 2001 which extended the DDA so as to make it unlawful to discriminate against disabled pupils and students seeking access to education in schools and colleges.
8. The Government has already taken forward the main employment proposals set out in “Towards Inclusion” in the Disability Discrimination Act 1995 (Amendment) Regulations 2003¹ (“the Amendment Regulations”), made under section 2(2) of the European Communities Act 1972 in order to implement the disability aspects of the EC Employment Directive (2000/78/EC). These Regulations, which came into force on 1 October 2004, make significant changes to the DDA which were also proposed by the Task Force including: ending the exemption of small employers from the scope of the DDA; and bringing within its ambit a number of excluded occupations, such as the police, fire-fighters, prison officers and partners in business partnerships. The Regulations also make other changes not proposed by the Task Force. (See also the

¹ S.I. 2003/1673.

*These notes refer to the Disability Discrimination Act
2005 (c.13) which received Royal Assent on 7 April 2005*

Disability Discrimination (Pensions) Regulations 2003², which amend Part 2 DDA to bring its provisions into line with Directive [2000/78/EC](#) in relation to discrimination concerning occupational pension schemes.)

9. The 2005 Act takes forward the Government's remaining proposals. A draft Bill was published in December 2003 for pre-legislative scrutiny. It was considered by a Joint Committee of both Houses, who reported their findings on 27 May 2004. The Government published its response to the Joint Committee's report on 15 July 2004. Further details can be viewed on the Department for Work and Pensions' disability website (www.disability.gov.uk). The 2005 Act contains provisions giving effect to many of the Committee's recommendations, as well as new provisions which did not appear in the draft Bill: see in particular sections 6 to 8 (rail vehicles), section 9 (disabled persons' parking badges), section 15 (general qualifications bodies) and section 16 (improvements to let dwelling houses).