

## SCHEDULES

### SCHEDULE 1

#### THE COMMISSION: CONSTITUTION, &C.

#### PART 5

#### DISABILITY COMMITTEE

##### *Establishment*

- 49 (1) The Commission shall establish a decision-making committee to be known as the Disability Committee.
- (2) The Commission shall ensure that the Disability Committee is established before either section 8 or section 10, in so far as they relate to disability, comes into force (to any extent).

##### *Membership*

- 50 (1) The Commission shall ensure that—
- (a) there are not less than 7 or more than 9 members of the Disability Committee,
  - (b) at least one half of the members are (or have been) disabled persons, and
  - (c) the Chairman is (or has been) a disabled person.
- (2) The Transition Commissioner nominated by the chairman of the Disability Rights Commission may not be a member of the Disability Committee.
- 51 The appointment of each member of the Disability Committee shall be for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment,
  - (b) dismissal in accordance with the terms of appointment, and
  - (c) the lapsing of the appointment upon the dissolution of the Committee.

##### *Functions*

- 52 (1) The Commission shall by virtue of this paragraph be treated as having delegated to the Disability Committee—
- (a) the Commission's duty under section 8 in so far as it relates to disability matters and may be fulfilled by the exercise of the powers conferred by or referred to in—
    - (i) section 11,
    - (ii) section 13(1)(a), (c) or (d) (or paragraph (e) or (f) in so far as it relates to paragraph (a), (c) or (d)),
    - (iii) section 14,

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*Status: This is the original version (as it was originally enacted).*

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- (iv) section 15,
  - (v) section 19, in so far as it relates to disability,
  - (vi) section 27,
  - (vii) section 28, or
  - (viii) section 30,
  - (b) the Commission’s duty under section 10 in so far as it relates to disability and may be fulfilled by the exercise of those powers, and
  - (c) those powers in so far as they are or may be exercised for the purpose of disability matters.
- (2) Delegation under this paragraph shall not prevent the exercise by the Commission of a power, or the fulfilment by the Commission of a duty, by action which relates partly to disability matters and partly to other matters.
- (3) In this paragraph “disability matters” means—
- (a) matters provided for in Parts 1, 3, 4, 5 and 5B of the Disability Discrimination Act 1995 (c. 50),
  - (b) sections 8 and 10 above, in so far as they relate to disability, and
  - (c) matters addressed in sections 14(3) and (4), 27(2) and (3) and 28(2) and (3).
- (4) Before exercising a power to which paragraph 21(2) or 22(3) applies the Disability Committee shall consult the Scotland Committee.
- (5) Before exercising a power to which paragraph 29(2) or 30(3) applies the Disability Committee shall consult the Wales Committee.
- 53 Before exercising a power or fulfilling a duty wholly or partly in relation to a matter affecting disabled persons (including, in particular, any matter provided for in Part 2 of the Disability Discrimination Act 1995 (c. 50)) the Commission shall consult the Disability Committee.
- 54 The Disability Committee shall advise the Commission about the exercise of the Commission’s functions in so far as they affect disabled persons (including, in particular, in so far as they relate to any matter provided for in Part 2 of the Disability Discrimination Act 1995).

#### *Resources*

- 55 In allocating its resources the Commission shall ensure that the Disability Committee receives a share sufficient to enable it to exercise its functions.

#### *Report*

- 56 (1) The Disability Committee shall for each financial year of the Commission submit to the Commission a report on the Committee’s activities in that year.
- (2) The Commission shall incorporate each report of the Disability Committee under sub-paragraph (1) into the relevant annual report of the Commission.

#### *5-year review*

- 57 The Commission shall arrange for a review of the activities of the Disability Committee to be conducted as soon as is reasonably practicable after the end of the

period of five years beginning with the date of the commencement for all purposes of sections 8 and 10 in so far as they relate to disability.

- 58 The following may not participate in the review (although those conducting the review may seek views from any of the following)—
- (a) a Commissioner or former Commissioner,
  - (b) staff or former staff of the Commission,
  - (c) a person who is or has been an Investigating Commissioner, and
  - (d) a person who is or has been a member of a committee established by the Commission.
- 59 The Commission shall ensure—
- (a) that those conducting the review consult disabled persons and other persons whom they think likely to have an interest,
  - (b) that those conducting the review submit a report to the Commission which, in particular, recommends for how long the Disability Committee should continue in existence, and
  - (c) that the report is published.
- 60 As soon as is reasonably practicable after receiving a report under paragraph 59 the Commission shall recommend to the Secretary of State for how long the Disability Committee should continue in existence.
- 61 As soon as is reasonably practicable after receiving a recommendation under paragraph 60 the Secretary of State shall by order—
- (a) dissolve the Disability Committee with effect from such time as shall be specified in the order, and
  - (b) repeal this Part of this Schedule with effect from that time.
- 62 An order under paragraph 61 may include provision about—
- (a) the conduct of the business of the Disability Committee before its dissolution;
  - (b) the conduct of the Commission after the dissolution of the Disability Committee in relation to functions formerly delegated to that committee.
- 63 The dissolution of the Disability Committee is without prejudice to any power of the Commission under this Schedule—
- (a) to establish a committee, or
  - (b) to delegate to a committee.
- 64 The Disability Committee may not be dissolved under paragraph 14(c).