



Notification Number: 2000/396/UK

The Disability Discrimination (Goods, Services, Facilities and Premises) Regulations 2000

Date received : 19/07/2000

End of Standstill : 06/11/2000

Message

Bundesministerium für Wirtschaft Referat VD2
Frau Christina Jäckel

Bundesministerium für wirtschaftliche Angelegenheiten - Abt. II/1
Frau M. Haslinger-Fenzl

Department of Trade and Industry - Standards and Technical Regulations - Dir 2
Mrs Brenda O'Grady

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Ms Solveig Georgsdottir

ELOT
Mr E. Melagrakis

Erhvervsfremme Styrelsen
Hr. Keld Dybkjaer

European Free Trade Association
Ms Anne-Lise Bakke-D'Aloya

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra. Candida Pires

Kauppa-ja teollisuusministeriö
Mr Petri Kuurma

Kommerskollegium
Fru Kerstin Carlsson

Min. of Industry, Energy & Technology



Mr K. Polychronidis

Min. para Relaciones con la Comunida
Maria Angeles Martinez Alvarez

Ministerie van Financiën - Belastingdienst - Douane / CDIU
De Heer IJ.G. van der Heiden

Ministero dell'Industria, del commercio e dell'artigianato
Signor P. Cavanna

Ministère des Affaires Economiques
Mme Descamps

NSAI
Mr Owen Byrne

Représentation Permanente du Luxembourg
.

Message 001

Communication from the Commission - SG(2000) D/51581
Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notificación - Notification - Notifica - Kennisgeving -
Notificação - Ilmoitus - Anmälan : 2000/396/UK.

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el
plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei
ala tästä - Inleder ingen frist.

(MSG: 200001581.EN)

1. Structured Information Line

MSG 001 IND 2000 0396 UK EN 19-07-2000 UK NOTIF

2. Member State

United Kingdom

3. Department Responsible

Department of Trade and Industry
Standards and Technical Regulations Directorate

3. Originating Department

Department for Education and Employment

4. Notification Number

2000/396/UK



5. Title

The Disability Discrimination (Goods, Services, Facilities and Premises) Regulations 2000

6. Products Concerned

Building products, in particular, paving slabs, steps, handrails, doorways, lifts, stairs and ramps

7. Notification Under Another Act

-

8. Main Content

The Regulation (Regulation 10(1)(a), 10(2) to (4)) provides that physical features of premises which were included within building works for the purpose of meeting an objective in Approved Document M of the Building Regulations will not have to be altered or removed for the purpose of complying with the reasonable adjustments duty in Part III of the Disability Discrimination Act 1995 provided that the physical feature met, at the time it was included in the building works, and continues to meet the design considerations and provisions in the Approved Document. The Approved Document refers to technical standards and specifications. The draft Regulation provides that where it does so the standards and specifications referred to in the Approved Document shall be construed as referring to an equivalent standard or specification recognised for use in another member State of the EEC or any other State within the European Economic Area.

Regulation 10(1)(b) and 10(5) provide that physical features of premises which met the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 applicable at the time of construction will not have to be altered or removed for the purpose of complying with the reasonable adjustments duty in Part III of the Disability Discrimination Act 1995, provided that the physical features continue to meet the provisions of the Technical Standards. The Technical Standards provide equal status to equivalent standards and specifications of any other State in the European Economic Area.

The UK will fulfil its obligation under Article 12 of Directive 98/34/EC (as amended) when these Regulations are officially published.

9. Brief Statement of Grounds

The reason for the Regulation arises from Section 21(2) of the Disability Discrimination Act 1995. By reason of that section a person who provides services to the public may be required to take reasonable steps to remove or alter a physical feature of his premises if that feature makes it impossible or unreasonably difficult for a disabled person to use his service. If he fails to take such steps a successful claim may be brought against him by a disabled person who is unable or finds it difficult to use the service.

In England and Wales Schedule 1 and Regulation 7 of the Building Regulations 1991 (as amended) requires new buildings to make reasonable provisions for – disabled people to gain access to and use of the building, sanitary conveniences for disabled people, accommodating disabled people if the building contains audience or spectator seating with (broadly speaking) adequate and proper materials and in a workmanlike manner.

Approved Document M is a document which has been approved by the Secretary of State and has been notified to the Commission under this Directive. The purpose of the document is to give practical guidance on meeting the requirements of Schedule 1 and Regulation 7.



The purpose of this Regulation is to make clear that a feature which conforms to the requirements of Approved Document M in relation to that feature does not have to be altered or removed.

In Scotland of the Technical Standards now require new buildings, conversions and altered or extended parts of buildings to make reasonable provisions specifically for disabled people in relation to: means of escape from fire, sanitary facilities, aids to communication, access to and within dwellings, access to and movements within other buildings, including suitable audience or spectator seating.

The Technical Standards for compliance with the Building Standards (Scotland) Regulations are issued under cover of a Statutory Instrument (now a Scottish Statutory Instrument) and have been notified to the Commission under the Directive.).

As for England and Wales, physical features meeting the Regulations current the time of construction are regarded as satisfactory and no further steps to remove or alter them are intended to be required.

10. Reference Documents - Basic Texts

The draft Building Standards (Scotland) Regulations 1990 and associated Technical Standards were submitted with Notification No. 90/0040/UK and draft amendment Regulations and Technical Standards were submitted with Notification Nos. 92/0021/UK, 93/0251/UK, 96/0446/UK and 1999/401/UK.

The Building Regulations 1991 draft amendments to Approved Document M (Access and facilities for disabled people) were submitted with notification No 98/0260/UK.

Part III of the Disability Discrimination Act 1995

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

David O'Sullivan
General Secretary
European Commission