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STATUTORY INSTRUMENTS

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**2005 No. 1117**

**The Special Educational Needs and  
Disability (Northern Ireland) Order 2005**

**PART III**

**DISABILITY DISCRIMINATION IN EDUCATION**

**CHAPTER IV**

**MISCELLANEOUS**

**Relationship of this Part with the 1995 Act**

**48.**—(1) The 1995 Act is amended as follows.

(2) In section 1 (meaning of “disability”) after “this Act” (twice) insert “ and Part III of the 2005 Order ”.

(3) In section 2 (past disabilities)—

- (a) in subsection (1), after “and III” insert “ and Part III of the 2005 Order ”;
- (b) in subsection (3) after “this Act” insert “ or Part III of the 2005 Order ”; and
- (c) in subsection (4) after “this Act” (twice) insert “ or Part III of the 2005 Order ”;
- (d) in subsection (5) at the end add “ or (as the case may be) the making of the 2005 Order ”.

(4) In subsection (3) of section 3 (courts, etc. to have regard to guidance), after “this Act” insert “ or Part III of the 2005 Order ”.

(5) In section 14C (practical work experience) in subsection (3)(a) after “Part III” insert “ or of Part III of the 2005 Order ”.

(6) In section 19 (discrimination in relation to goods, facilities and services) for subsections (5) and (6) substitute—

“(5) Except in such circumstances as may be prescribed, this section and sections 20 and 21 do not apply to—

- (a) any service so far as it consists of the use of any means of transport; or
- (b) such other services as may be prescribed.

(6) Nothing in this Part applies to the provision of a service in relation to which discrimination is made unlawful by Part III of the 2005 Order.”.

(7) In section 55 (victimisation), in subsection (2) after “this Act” (in each place) insert “ or Part III of the 2005 Order ”.

(8) After subsection (3) of that section insert—

“(3A) For the purposes of Chapter I of Part III of the 2005 Order—

- (a) references in subsection (2) to B include references to—
  - (i) a person who is, for the purposes of that Chapter, B's parent; and

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 48 is up to date with all changes known to be in force on or before 03 September 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(ii) a sibling of B; and

(b) references in that subsection to this Act or Part III of the 2005 Order are, as respects a person mentioned in sub-paragraph (i) or (ii) of paragraph (a), to be read as references to that Chapter.”.

(9) In paragraph 2 of Schedule 2 (past disabilities) after “and III” insert “ and Part III of the 2005 Order ”.

[<sup>F1</sup>(10) After paragraph 5 insert—

“6. References in Chapter I of Part III of the 2005 Order to a disabled pupil are to be read as references to a pupil who has had a disability.

7. References in Chapter II of Part III of the 2005 Order to a disabled student are to be read as references to a student who has had a disability.

8. In Article 15(3)(a) and (4) of the 2005 Order, after “disabled” insert “ or that he had had a disability ”.

9. In Article 16(1) of the 2005 Order, in sub-paragraphs (a) and (b), after “not disabled” insert “ and who have not had a disability ”.

10.—(1) In Article 29 of the 2005 Order in paragraph (3)(a), after “disabled” insert “ or that he had had a disability ”;

(2) in paragraph (6)(a) of that Article, after “who do not have” insert “ and have not had ”; and

(3) in paragraph (10) of that Article, for “that particular disability” substitute “ and who has not had that particular disability and ”.

11. In Articles 30(1)(c), (1A)(d), (1B)(c), (1C) and (1D) and 37(1)(d), 2(c) and (3) of the 2005 Order, after “not disabled” insert “ and who have not had a disability ”.

12. In Article 35(8) of the 2005 Order after “not having that particular disability” insert “ and who has not had that particular disability ”.

13. In Article 37(4)(b) of the 2005 Order for “has” substitute “ has had ”.]

(11) In section 68(1) at the appropriate place in alphabetical order insert—

““the 2005 Order”” . means the Special Educational Needs and Disability (Northern Ireland) Order 2005;

<b>F1</b>	Art. 48(10) substituted (10.8.2006) by <a href="#">Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332)</a> , regs. 1, <b>14</b>
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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)