
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 177

**The Special Educational Needs and Disability (2005 Order)
(Amendment) (General Qualifications Bodies) (Alteration of
Premises and Enforcement) Regulations (Northern Ireland) 2008**

PART 2

**Amendments to the Special Educational Needs
and Disability (Northern Ireland) Order 2005**

Enforcement, remedies and procedures

3. After Article 37 of the 2005 Order (general qualifications bodies: duty to make adjustments) insert—

“Enforcement, remedies and procedures

37A.—(1) A claim by a person—

- (a) that a general qualifications body has discriminated against him, or subjected him to harassment, in a way which is unlawful under this Chapter,
- (b) that a general qualifications body is by virtue of Article 44 or 45 to be treated as having done so, or
- (c) that a person is by virtue of Article 44 to be treated as having done so,

may be made the subject of civil proceedings in the same way as any other claim in tort for breach of statutory duty.

(2) Damages in respect of discrimination in a way which is unlawful under this Chapter may include compensation for injury to feelings whether or not they include compensation under any other head.

(3) Proceedings may be brought only in a county court.

(4) The remedies available in such proceedings are those which are available in the High Court.

(5) The fact that a person who brings proceedings under this Chapter against a general qualifications body may also be entitled to bring proceedings against that body under Part II of the 1995 Act is not to affect proceedings under this Chapter.

(6) Part III of Schedule 2 makes further provision about the enforcement of this Part and about procedure and evidence.”