

## SCHEDULES

### SCHEDULE 5

Section 29.

#### MODIFICATIONS OF CHAPTER 2 OF PART 4 OF THE 1995 ACT

The following is the Schedule inserted in the 1995 Act.

### “SCHEDULE 4C

Section 28U.

#### MODIFICATIONS OF CHAPTER 2 OF PART 4

### PART 1

#### MODIFICATIONS FOR ENGLAND AND WALES

1 For section 28R, substitute—

**“28R Further education etc. provided by local education authorities and schools**

- (1) Subsections (2) and (3) apply in relation to—
  - (a) any course of higher education secured by a local education authority under section 120 of the Education Reform Act 1988;
  - (b) any course of further education—
    - (i) secured by a local education authority; or
    - (ii) provided by the governing body of a maintained school under section 80 of the School Standards and Framework Act 1998.
- (2) It is unlawful for the local education authority or the governing body to discriminate against a disabled person—
  - (a) in the arrangements they make for determining who should be enrolled on the course;
  - (b) in the terms on which they offer to enrol him on the course; or
  - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
- (3) It is unlawful for the local education authority or the governing body to discriminate against a disabled person who has enrolled on the course in the services which they provide, or offer to provide.
- (4) “Services”, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
- (5) It is unlawful for a local education authority to discriminate against a disabled person in the terms on which they provide, or offer to provide, recreational or training facilities.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In this Chapter “responsible body” means—
- (a) a local education authority, in relation to—
    - (i) a course of further or higher education secured by them;
    - (ii) recreational or training facilities; and
  - (b) the governing body of a maintained school, in relation to a course of further education provided under section 80 of the School Standards and Framework Act 1998.
- (7) “Further education”—
- (a) in relation to a course secured by a local education authority, has the meaning given in section 2(3) of the Education Act 1996; and
  - (b) in relation to a course provided under section 80 of the School Standards and Framework Act 1998 means education of a kind mentioned in subsection (1) of that section.
- (8) In relation to further education secured by a local education authority—
- “course” includes each of the component parts of a course of further education if, in relation to the course, there is no requirement imposed on persons registered for any component part of the course to register for any other component part of that course; and
- “enrolment”, in relation to such a course, includes registration for any one of those parts.
- (9) “Higher education” has the meaning given in section 579(1) of the Education Act 1996.
- (10) “Local education authority” has the meaning given in section 12 of the Education Act 1996.
- (11) “Governing body” and “maintained school” have the same meaning as in Chapter 1.
- (12) “Recreational or training facilities” means any facilities secured by a local education authority under subsection (1), or provided by it under subsection (1A), of section 508 of the Education Act 1996 (recreation and social and physical training).”
- 2 For subsection (1) of section 28T, substitute—
- “(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—
- (a) in relation to its arrangements for enrolling persons on a course of further or higher education provided by it, and
  - (b) in relation to services provided, or offered by it,
- disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”
- 3 In section 28W(1)(a) for “by an educational institution” substitute “by a responsible body wholly or partly for the purpose of its functions”.
- 4 Omit section 31A.

## PART 2

### MODIFICATIONS FOR SCOTLAND

5 For section 28R, substitute—

**“28R Further education etc. provided by education authorities in Scotland**

- (1) Subsections (2) and (3) apply to any course of further education secured by an education authority.
- (2) It is unlawful for the education authority to discriminate against a disabled person—
  - (a) in the arrangements they make for determining who should be enrolled on the course;
  - (b) in the terms on which they offer to enrol him on the course; or
  - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
- (3) It is unlawful for the education authority to discriminate against a disabled person who has enrolled on the course in the services which they provide, or offer to provide.
- (4) “Services”, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
- (5) It is unlawful for an education authority to discriminate against a disabled person in the terms on which they provide, or offer to provide, recreational or training facilities.
- (6) In this Chapter “responsible body” means an education authority.
- (7) “Further education” has the meaning given in section 1(5) of the Education (Scotland) Act 1980.
- (8) “Education authority” has the meaning given in section 135(1) of that Act.”

6 For subsection (1) of section 28T, substitute—

- “(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—
- (a) in relation to its arrangements for enrolling persons on a course of further education provided by it, and
  - (b) in relation to services provided or offered by it,
- disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”

7 In section 28W(1)(a) for “by an educational institution” substitute “by a responsible body wholly or partly for the purpose of its functions”.

8 Omit section 31A.”