



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 2

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 1

SCHOOLS

Duties of responsible bodies

11 Discrimination against disabled pupils and prospective pupils

- (1) In Part 4 of the Disability Discrimination Act 1995 (“the 1995 Act”), before section 29, insert the following section—

“CHAPTER 1

SCHOOLS

Duties of responsible bodies

28A Discrimination against disabled pupils and prospective pupils

- (1) It is unlawful for the body responsible for a school to discriminate against a disabled person—
- (a) in the arrangements it makes for determining admission to the school as a pupil;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Special Educational Needs and Disability Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in the terms on which it offers to admit him to the school as a pupil; or
 - (c) by refusing or deliberately omitting to accept an application for his admission to the school as a pupil.
 - (2) It is unlawful for the body responsible for a school to discriminate against a disabled pupil in the education or associated services provided for, or offered to, pupils at the school by that body.
 - (3) The Secretary of State may by regulations prescribe services which are, or services which are not, to be regarded for the purposes of subsection (2) as being—
 - (a) education; or
 - (b) an associated service.
 - (4) It is unlawful for the body responsible for a school to discriminate against a disabled pupil by excluding him from the school, whether permanently or temporarily.
 - (5) The body responsible for a school is to be determined in accordance with Schedule 4A, and in the remaining provisions of this Chapter is referred to as the “responsible body”.
 - (6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.”
- (2) In the 1995 Act, insert the Schedule set out in Schedule 2.

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Changes and effects yet to be applied to :

- s. 11-33 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)

Commencement Orders yet to be applied to the Special Educational Needs and Disability Act 2001:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/2532 art. 2 Sch.](#) commences (2001 c. 10)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/2034 art. 2-9](#) commences (2005 c. 18)
- [S.I. 2005/2774 art. 2-4](#) commences (2005 c. 13)
- [S.I. 2007/935 art. 2-7](#) commences (2006 c. 40)
- [S.I. 2007/2603 art. 2](#) commences (2006 c. 3)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)