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STATUTORY INSTRUMENTS

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**2007 No. 1764**

**DISABLED PERSONS**

**The Disability Discrimination (General Qualifications Bodies)(Relevant Qualifications, Reasonable Steps and Physical Features) Regulations 2007**

*Made* - - - - *23rd June 2007*  
*Laid before Parliament* *5th July 2007*  
*Coming into force* - - *1st September 2007*

The Secretary of State for Education and Skills makes the following regulations, in exercise of the powers conferred by sections 31AA(4), 31AD(6) and 31AE(7) of the Disability Discrimination Act 1995(1).

In accordance with section 31AF of that Act he has consulted with the Welsh Ministers, the Scottish Ministers and such other persons as it appeared to him to be appropriate:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Disability Discrimination (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) Regulations 2007.

(2) These Regulations shall come into force on 1st September 2007.

(3) These Regulations shall not extend to Northern Ireland.

(4) In these Regulations—

“the Act” means the Disability Discrimination Act 1995; and

“component” means a discrete, assessable element of a qualification that is not separately certificated.

**Relevant qualifications**

2. Relevant qualifications are those qualifications which are specified in the Schedule.

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(1) 1995 c.50. See section 68 for the definitions of “prescribed” and “regulations”. Sections 31AA, 31AD, 31AE and 31AF were inserted by the Disability Discrimination Act 2005 (c.31), section 15. Section 31AF was amended by paragraph 56 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

### **Reasonable steps**

3.—(1) Where it is the duty of a general qualifications body to take steps in accordance with section 31AD of the Act in order to prevent a provision, criterion or practice placing a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the granting of an exemption from one or more of the components of any examination or assessment, in the circumstances specified in paragraph (2), shall be a step which it is always reasonable for a general qualifications body to have to take.

(2) The circumstances referred to in paragraph (1) are that—

- (a) the provision, criterion or practice is the requirement for candidates to undertake one or more components of an examination or assessment for the purposes of determining on whom a relevant qualification is to be conferred, and
- (b) the granting of an exemption from the component is the only reasonable step that could be taken to prevent the disabled person from being placed at a substantial disadvantage.

### **Physical features**

4. Physical feature, in relation to any premises, includes any of the following (whether permanent or temporary)—

- (a) any feature arising from the design or construction of a building on the premises;
- (b) any feature on the premises of any approach to, exit from or access to such a building;
- (c) any fixtures, fittings, furnishings, furniture, equipment or material in or on the premises;
- (d) any other physical element or quality of any land comprised in the premises.

### **Meaning of “lease”**

5. For the purposes of section 31AE of the Act—

“lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy;

“sub-lease” means any sub-term created out of, or deriving from, a leasehold interest; and

“sub-tenancy” means any tenancy created out of, or deriving from, a superior tenancy.

23rd June 2007

*Jim Knight*  
Minister of State  
Department for Education and Skills

## SCHEDULE

Regulation 2

### Relevant Qualifications

Advanced Extension Awards  
Entry level qualifications  
Free Standing Maths Qualifications  
General Certificate of Education Advanced level (A and AS levels)  
General Certificate of Secondary Education  
General National Vocational Qualifications  
the International Baccalaureate  
Key Skills  
Certificate in Adult Literacy - Entry levels 1, 2 and 3  
Certificate in Adult Numeracy - Entry levels 1, 2 and 3  
The National Qualifications framework in Scotland  
Vocational Certificate of Education  
The Welsh Baccalaureate Qualification.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations specify the qualifications in respect of which it is unlawful for a general qualifications body to discriminate against a disabled person. (Regulation 2 and the Schedule).

The Regulations state that the granting of an exemption from one or more component of an assessment or examination leading to the award of a relevant qualification in the circumstances specified is a reasonable step to take. (Regulation 3).

The Regulations also describe what is to be treated as a physical feature for the purposes of the duties imposed on general qualifications bodies by the Disability Discrimination Act 1995 (“the 1995 Act”). (Regulation 4).

These Regulations also define the meaning of “lease” in section 31AE of the 1995 Act (Regulation 5).

A full regulatory impact assessment has not been produced for this instrument as no impact on general qualifications bodies is foreseen.