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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 II**

**FURTHER AND HIGHER EDUCATION**

*Duties of responsible bodies*

**Discrimination against disabled students and prospective students**

**28.**—(1) It is unlawful for the body responsible for an educational institution to discriminate against a disabled person—

- (a) in the arrangements it makes for determining admissions to the institution;
- (b) in the terms on which it offers to admit him to the institution; or
- (c) by refusing or deliberately omitting to accept an application for his admission to the institution.

(2) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student in the student services it provides, or offers to provide.

(3) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student by suspending or expelling him from the institution.

[<sup>F1</sup>(3A) It is unlawful for the body responsible for an educational institution to discriminate against a disabled person—

- (a) in the arrangements which it makes for the purpose of determining upon whom to confer a qualification;
- (b) in the terms on which it is prepared to confer a qualification on him;
- (c) by refusing or deliberately omitting to grant any application by him for a qualification; or
- (d) by withdrawing a qualification from him or varying the terms on which he holds it.

(3B) It is unlawful for the body responsible for an educational institution to subject to harassment a disabled person who—

- (a) holds or applies for a qualification conferred by the institution;
- (b) is a student at the institution; or
- (c) seeks admission as a student to the institution.]

(4) In the case of an act which constitutes discrimination by virtue of Article 43, this Article also applies to discrimination against a person who is not disabled.

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 28 is up to date with all changes known to be in force on or before 06 October 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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**F1** [Art. 28\(3A\)\(3B\) inserted \(10.8.2006 for certain purposes and 1.9.2006 otherwise\) by Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(Amendment\) \(Further and Higher Education\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/332\), regs. 1, 5](#)

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[View outstanding changes](#)

**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\(1\)](#)