



Disability Discrimination Act 1995

1995 CHAPTER 50

PART IV

EDUCATION

[^{F1}CHAPTER 2

FURTHER AND HIGHER EDUCATION]

[^{F1}Other unlawful acts]

Textual Amendments

- F1** Cross-heading inserted after s. 28U (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), regs. 1, **11**

[^{F2}28UA Relationships which have come to an end

- (1) This section applies where—
 - (a) there has been a relevant relationship between a disabled person and a responsible body, and
 - (b) that relationship has come to an end.
- (2) In this section a “relevant relationship” is a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under any preceding provision of this Chapter.
- (3) It is unlawful for the responsible body—
 - (a) to discriminate against the disabled person by subjecting him to a detriment, or

Status: Point in time view as at 30/06/2006.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Other unlawful acts. (See end of Document for details)

- (b) to subject the disabled person to harassment, where the discrimination or harassment arises out of and is closely connected to the relevant relationship.
- (4) This subsection applies where—
- (a) a provision, criterion or practice applied by the responsible body to the disabled person in relation to any matter arising out of the relevant relationship, or
 - (b) a physical feature of premises which are occupied by the responsible body, places the disabled person at a substantial disadvantage in comparison with persons who are not disabled but are in the same position as the disabled person in relation to the responsible body.
- (5) Where subsection (4) applies, it is the duty of the responsible body to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.
- (6) Subsection (5) imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.
- (7) Nothing in subsection (5) imposes any duty on the responsible body if it does not know and could not reasonably be expected to know, that the person has a disability and is likely to be affected in the way mentioned in that subsection.
- (8) In subsection (2), reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before the commencement of this section, reference to such an act which would, after the commencement of this section, be unlawful.]

Textual Amendments

- F2** [S. 28UA](#) inserted (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), regs. 1, **12**

[^{F3}28UB Instructions and pressure to discriminate

- (1) It is unlawful for a responsible body to instruct another person to do any act which is unlawful under this Chapter or to procure or attempt to procure the doing of any such unlawful act by that other person.
- (2) It is also unlawful for a responsible body to induce, or attempt to induce, another person to do any act which is unlawful under this Chapter by —
 - (a) providing or offering to provide that person with any benefit, or
 - (b) subjecting or threatening to subject that person to any detriment.
- (3) An attempted inducement is not prevented from falling within subsection (2) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.

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- (4) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission for Equality and Human Rights, and
 - (b) in accordance with section 25 of the Equality Act 2006.]

Textual Amendments

- F3** S. 28UB inserted (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), [regs. 1, 13](#)

[^{F4}28UC Discriminatory advertisements

- (1) It is unlawful for a responsible body to publish or cause to be published an advertisement which—
- (a) invites applications in relation to any course or student service provided or offered by it, or any qualification conferred by it, and
 - (b) indicates, or might reasonably be understood to indicate, that such an application will or may be determined to any extent by reference to—
 - (i) the applicant not having any disability, or any particular disability, or
 - (ii) any reluctance on the part of the person determining the application to comply with a duty imposed on it by section 28T.
- (2) Subsection (1) does not apply where it would not in fact be unlawful under this Chapter for an application to be determined in the manner indicated (or understood to be indicated) in the advertisement.
- (3) In this section, “advertisement” includes every form of advertisement or notice, whether to the public or not.
- (4) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission for Equality and Human Rights, and
 - (b) in accordance with section 25 of the Equality Act 2006.]

Textual Amendments

- F4** S. 28UC inserted (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), [regs. 1, 14](#)

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Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995,
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