



Disability Discrimination Act 1995

1995 CHAPTER 50

PART IV

EDUCATION

[^{F1}CHAPTER 2

FURTHER AND HIGHER EDUCATION]

[^{F1}Duties of responsible bodies]

[^{F1}28R Discrimination against disabled students and prospective students

- (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 excluding him from the institution, whether permanently or temporarily.
- [It is unlawful for the body responsible for an educational institution to discriminate ^{F2}(3A) 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;

Status: Point in time view as at 30/06/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28R. (See end of Document for details)

- (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 section 55, this section also applies to discrimination against a person who is not disabled.
- (5) The body responsible for an educational institution is to be determined in accordance with Schedule 4B, and in the remaining provisions of this Chapter is referred to as the “responsible body”.
- (6) “Educational institution”, in relation to England and Wales, means an institution—
- (a) within the higher education sector;
 - (b) within the further education sector; or
 - (c) designated in an order made by the Secretary of State.
- (7) “Educational institution”, in relation to Scotland, means—
- (a) an institution within the higher education sector (within the meaning of section 56(2) of the Further and Higher Education (Scotland) Act 1992);
 - (b) a college of further education with a board of management within the meaning of section 36 of that Act;
 - (c) a central institution within the meaning of section 135 of the Education (Scotland) Act 1980;
 - (d) a college of further education maintained by an education authority in the exercise of their further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of that Act;
 - (e) an institution designated in an order made by the Secretary of State.
- (8) Subsection (6) is to be read with section 91 of the Further and Higher Education Act 1992.
- (9) The Secretary of State may not make an order under subsection (6)(c) or (7)(e) unless he is satisfied that the institution concerned is wholly or partly funded from public funds.
- (10) Before making an order under subsection (7)(e), the Secretary of State must consult the Scottish Ministers.
- (11) “Student services” means services of any description which are provided wholly or mainly for students.
- (12) Regulations may make provision as to services which are, or are not, to be regarded for the purposes of subsection (2) as student services.]

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Textual Amendments

- F1** S. 28R inserted (30.5.2002 for certain purposes and otherwise 1.9.2002) by 2001 c. 10, s. 26 (with s. 43(13)); S.I. 2002/1647, art. 3; S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F2** S. 28R(3A)(3B) 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, 5

Status:

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Changes to legislation:

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