



Disability Discrimination Act 1995

1995 CHAPTER 50

PART IV

EDUCATION

CHAPTER 2A

GENERAL QUALIFICATIONS BODIES

31AD General qualifications bodies: duty to make adjustments

(1) Where—

- (a) a provision, criterion or practice, other than a competence standard, is applied by or on behalf of a general qualifications body,
- (b) it is a provision, criterion or practice for determining on whom a relevant qualification is to be conferred,
- (c) a disabled person is, or has notified the body that he may be, an applicant for the conferment of that qualification, and
- (d) the provision, criterion or practice places the disabled person at a substantial disadvantage in comparison with persons who are not disabled,

it is the duty of the body to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the provision, criterion or practice having that effect.

(2) Where—

- (a) a provision, criterion or practice, other than a competence standard, is applied by or on behalf of a general qualifications body,
- (b) it is a provision, criterion or practice other than one for determining on whom a relevant qualification is to be conferred, and
- (c) it places a disabled person who—
 - (i) holds a relevant qualification conferred by the body, or
 - (ii) applies for a relevant qualification which the body confers,

Status: Point in time view as at 11/06/2007. This version of this provision has been superseded.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 31AD. (See end of Document for details)

at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the body to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the provision, criterion or practice having that effect.

(3) Where any physical feature of premises occupied by a general qualifications body places a disabled person who—

- (a) holds a relevant qualification conferred by the body, or
- (b) applies for a relevant qualification which the body confers,

at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the body to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the feature having that effect.

(4) Nothing in subsection (1), (2) or (3) imposes a duty on a general qualifications body in relation to a disabled person if the body does not know, and could not reasonably be expected to know—

- (a) in the case of an applicant or potential applicant for the conferment of a relevant qualification, that the disabled person concerned is, or may be, such an applicant; or
- (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in that subsection.

(5) In this section—

- (a) “provision, criterion or practice” includes (subject to any provision under subsection (6)(e)) any arrangements;
- (b) “competence standard” has the meaning given by section 31AB(9).

(6) Regulations may make provision, for purposes of this section—

- (a) as to circumstances in which a provision, criterion or practice is to be taken to have, or as to circumstances in which a provision, criterion or practice is to be taken not to have, the effect mentioned in subsection (1)(d) or (2)(c);
- (b) as to circumstances in which a physical feature is to be taken to have, or as to circumstances in which a physical feature is to be taken not to have, the effect mentioned in subsection (3);
- (c) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a body to have to take steps of a prescribed description;
- (d) as to steps which it is always, or as to steps which it is never, reasonable for a body to have to take;
- (e) as to what is, or as to what is not, to be included within the meaning of “provision, criterion or practice”;
- (f) as to things which are, or as to things which are not, to be treated as physical features.

(7) This section imposes duties only for the purpose of determining whether a body has, for the purposes of section 31AA, discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

Status:

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Changes to legislation:

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