



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 2

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 1

SCHOOLS

Enforcement

23 Enforcement procedure: Scotland

In the 1995 Act, insert the following section—

“Enforcement: Scotland

28N Civil proceedings

- (1) A claim that a responsible body in Scotland—
 - (a) has discriminated against a person in a way which is unlawful under this Chapter, or
 - (b) is by virtue of section 58 to be treated as having discriminated against a person in such a way,may be made the subject of civil proceedings in the same way as any other claim for the enforcement of a statutory duty.
- (2) Proceedings in Scotland may be brought only in a sheriff court.

Status: This is the original version (as it was originally enacted).

- (3) The remedies available in such proceedings are those which are available in the Court of Session other than an award of damages.
- (4) Part 3 of Schedule 3 makes further provision about the enforcement of this Chapter and about procedure.
- (5) In relation to civil proceedings in Scotland, in that Part of that Schedule—
 - (a) references to sections 28I, 28K and 28L, or any of them, are to be construed as a reference to this section;
 - (b) references to the Tribunal are to be construed as references to the sheriff court.”