

*Status: Point in time view as at 03/12/2021.*

*Changes to legislation: Equality Act 2010, Cross Heading: Education Act 1996 is up to date with all changes known to be in force on or before 19 June 2024. 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)*

## SCHEDULES

### SCHEDULE 26

#### AMENDMENTS

#### [<sup>F1</sup>PART 1

#### ACTS OF PARLIAMENT]

##### Textual Amendments

- F1** Sch. 26: Pt. 1 heading and paras. 1-8 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 2](#)

#### [<sup>F1</sup>Education Act 1996

##### Textual Amendments

- F1** Sch. 26 paras. 16-60 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 5](#)

- 35 The Education Act 1996 is amended as follows.
- 36 (1) Section 317 of the Education Act 1996 (duties of governing bodies etc in relation to pupils with special educational needs) is amended as follows.
- (2) In subsection (6)(b)(iv) for “section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”)” substitute “ paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”)”.
- (3) For subsection (6A) substitute—
- “(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.”.
- 37 In section 336(4A) (tribunal procedure) for “claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995” substitute “ claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability. ”.
- 38 In section 509AC(5)(interpretation etc), in the definition of “disabled person”, for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.

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- 39 Omit section 583(5) (commencement etc: transitory provision relating to the Disability Discrimination Act 1995).
- 40 In Schedule 35B (meaning of eligible child etc), paragraph 15(4), for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.
- 41 In Schedule 35C (school travel schemes), paragraph 14, in the definition of “disabled child”, for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.
- 42 (1) In Schedule 36A (education functions of local authorities) the table is amended as follows.
- (2) Omit the entries relating to the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.
- (3) Insert at the end—

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“Equality Act 2010 (c. 15)

Section 29(7) in its application to a local authority's functions under the Education Acts Duty to make reasonable adjustments for disabled persons.

Section 85(6) Duty (as responsible body) to make reasonable adjustments for disabled pupils.

Section 92(6) Duty (as responsible body) to make reasonable adjustments for disabled persons in further and higher education.

Section 93(6) Duty (as responsible body) to make reasonable adjustments for disabled persons in the provision of recreational or training facilities.

paragraph 1 of Schedule 10 Duty to prepare and implement accessibility strategy.

paragraph 3 of Schedule 10 Duty (as responsible body) to prepare and implement an accessibility plan.”]

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