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STATUTORY INSTRUMENTS

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**2005 No. 1117**

The Special Educational Needs and  
Disability (Northern Ireland) Order 2005

PART III

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER III

GENERAL QUALIFICATIONS BODIES

**General qualifications bodies: discrimination and harassment**

**34.—**(1) It is unlawful for a general qualifications body to discriminate against a disabled person—

- (a) in the arrangements which it makes for the purpose of determining upon whom to confer a relevant qualification;
- (b) in the terms on which it is prepared to confer a relevant qualification on him;
- (c) by refusing or deliberately omitting to grant any application by him for such a qualification; or
- (d) by withdrawing such a qualification from him or varying the terms on which he holds it.

(2) It is also unlawful for a general qualifications body, in relation to a relevant qualification conferred by it, to subject to harassment a disabled person who holds or applies for such a qualification.

(3) In the case of an act which constitutes discrimination by virtue of Article 43, this Article also applies to discrimination against a person who is not disabled.

(4) In this Article and Article 37, “relevant qualification” means an authorisation, qualification, approval or certification of a prescribed description.

(5) But an authorisation, qualification, approval or certification may not be prescribed under paragraph (4) if it is a professional or trade qualification (within the meaning given by section 14A(5) of the 1995 Act).

(6) In this Chapter—

- (a) “general qualifications body” means any authority or body which can confer a relevant qualification, but it does not include—
  - (i) a responsible body (within the meaning of Chapter I or II),
  - (ii) an education and library board, or
  - (iii) an authority or body of a prescribed description or in prescribed circumstances;
- (b) references (however expressed) to the conferment of a qualification on a person include—
  - (i) the renewal or extension of a qualification, and

(ii) the authentication of a qualification awarded to him by another person.