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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 IV**

**MISCELLANEOUS**

**Victimisation**

**43.**—(1) For the purposes of this Part, a person (“A”) discriminates against another person (“B”) if—

- (a) he treats B less favourably than he treats or would treat other persons whose circumstances are the same as B's; and
- (b) he does so for a reason mentioned in paragraph (2).

(2) The reasons are that—

- (a) B has—
  - (i) brought proceedings against A or any other person under this Part or the 1995 Act; or
  - (ii) given evidence or information in connection with such proceedings brought by any person; or
  - (iii) otherwise done anything under or by reference to this Part or the 1995 Act in relation to A or any other person; or
  - (iv) alleged that A or any other person has (whether or not the allegation so states) contravened this Part or the 1995 Act; or
- (b) A believes or suspects that B has done or intends to do any of those things.

(3) For the purposes of Chapter I—

- (a) references in paragraph (2) to B include references to—
  - (i) a person who is, for the purposes of that Chapter, B's parent; and
  - (ii) a sibling of B; and
- (b) references in that paragraph to this Part or the 1995 Act are, as respects a person mentioned in head (i) or (ii) of sub-paragraph (a), to be read as references to that Chapter.

(4) Where B is a disabled person, or a person who has had a disability, the disability in question shall be disregarded in comparing his circumstances with those of any other person for the purposes of paragraph (1)(a).

(5) Paragraph (1) does not apply to treatment of a person because an allegation made by him if the allegation was false and not made in good faith.