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STATUTORY INSTRUMENTS

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**2005 No. 1117 (N.I. 6)**

**NORTHERN IRELAND**

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

*Made - - - - 6th April 2005  
Coming into operation in accordance with Article  
1(2) and (3)*

**THE SPECIAL EDUCATIONAL NEEDS AND  
DISABILITY (NORTHERN IRELAND) ORDER 2005**

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

SPECIAL EDUCATIONAL NEEDS

*Education in ordinary schools*

3. Education in ordinary schools of children with special educational needs

*General duties of boards*

4. Advice and information for parents
5. Resolution of disputes
6. Compliance with orders of Tribunal

*Appeals*

7. Appeal against content of statement
8. Unopposed appeals

*Identification and assessment of educational needs*

9. Duty to inform parent where special educational provision made
10. Review or assessment of educational needs at request of responsible body

*Status: This is the original version (as it was originally made).*

11. Duty to specify named school in statement

*Statements of special educational needs*

12. Statements of special educational needs

PART III

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER I

SCHOOLS

*Interpretation of this Chapter*

13. Interpretation of this Chapter

*Duties of responsible bodies*

14. Discrimination against disabled pupils and prospective pupils
15. Meaning of “discrimination”
16. Disabled pupils not to be substantially disadvantaged

*Accessibility strategies and plans*

17. Accessibility strategies of board
18. Accessibility plans for schools

*Residual duty of boards*

19. Duty of boards not to discriminate
20. Residual duty: supplementary provisions

*Enforcement*

21. Special Education Needs and Disability Tribunal for Northern Ireland
22. Jurisdiction and powers of the Tribunal
23. Procedure of the Tribunal
24. Expulsions
25. Role of the Department of Education

*Agreements relating to enforcement*

26. Validity and revision of agreements

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FURTHER AND HIGHER EDUCATION

*Interpretation of this Chapter*

27. Interpretation of this Chapter

*Duties of responsible bodies*

28. Discrimination against disabled students and prospective students
29. Meaning of “discrimination”

30. Disabled students not to be substantially disadvantaged

*Enforcement, etc.*

31. Enforcement, remedies and procedures
32. Occupation of premises by educational institution
33. Validity and revision of agreements of responsible bodies

CHAPTER III

GENERAL QUALIFICATIONS BODIES

34. General qualifications bodies: discrimination and harassment
35. Meaning of “discrimination”
36. Meaning of “harassment”
37. General qualifications bodies: duty to make adjustments
38. Chapter III: claims, leased premises and certain agreements
39. Chapter III: regulations

CHAPTER IV

MISCELLANEOUS

40. Extension of role of Equality Commission
41. Codes of practice
42. Conciliation for disputes under this Part
43. Victimisation
44. Aiding unlawful acts
45. Liability of employers and principals
46. Statutory authority and national security
47. Application to Crown, etc.
48. Relationship of this Part with the 1995 Act

PART IV

SUPPLEMENTARY

49. Regulations and orders
50. Amendments and repeals  
Signature

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SCHEDULES

SCHEDULE 1 — SCHEDULE SUBSTITUTED FOR SCHEDULE 2 TO THE 1996  
ORDER

SCHEDULE 2 — ENFORCEMENT AND PROCEDURE  
PART I — DISCRIMINATION IN SCHOOLS

*Restriction on proceedings for breach of Chapter I of Part III*

1. (1) Except as provided by Articles 22 and 24, no...

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

*Period within which proceedings must be brought*

2. (1) The Tribunal shall not consider a claim under Article...

*Evidence*

3. (1) In any proceedings under Article 22 or 24, a...  
PART II — DISCRIMINATION IN FURTHER AND HIGHER EDUCATION  
INSTITUTIONS

*Restriction on proceedings for breach of Chapter II of Part III*

4. (1) Except as provided by Article 31, no civil or...

*Period within which proceedings must be brought*

5. (1) A county court shall not consider a claim under...

*Compensation for injury to feelings*

6. In any proceedings under Article 31, the amount of any...

*Evidence*

7. (1) In any proceedings under Article 31, a certificate signed...

SCHEDULE 3 — PREMISES OCCUPIED BY EDUCATIONAL INSTITUTIONS  
UNDER LEASES

*Failure to obtain consent*

1. If any question arises as to whether a responsible body...

*Reference to court*

2. (1) If the responsible body has applied in writing to...

*Joining lessors in proceedings under Article 31*

3. (1) In proceedings on a claim under Article 31, in...

*Regulations*

4. Regulations may make provision as to circumstances in which—

*Sub-leases etc.*

5. Regulations may make provision supplementing, or modifying, Article 32  
or...

SCHEDULE 4 — AMENDMENTS TO THE EQUALITY (DISABILITY, ETC.)  
(NORTHERN IRELAND) ORDER 2000

1. The Equality (Disability, etc.) (Northern Ireland) Order 2000 (NI 2)...
2. In Article 3(1) (interpretation) at the end add— “the 2005...
3. In Article 4 (general functions of Equality Commission), in paragraph (5)  
—...
4. In Article 6 (non-discrimination notices), in paragraph (5), after “1995...
5. In Article 7 (agreements in lieu of enforcement action), in...

6. In paragraph (1) of Article 8 (persistent discrimination), for sub-paragraph...
7. In paragraph (4) of that Article, after “1995 Act” substitute...
8. In Article 9(1) (proceedings in relation to which assistance may...
9. In paragraph 3(10) of Schedule 1 (formal investigations and non-discrimination...

#### SCHEDULE 5 — MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Education and Libraries (Northern Ireland) Order 1986 (NI 3)*

1. (1) Paragraph 1B of Schedule 13 (amendment of statement on...

##### *The Education (Northern Ireland) Order 1996 (NI 1)*

2. In Article 12 (provision for children with special educational needs...
3. In Article 15(1)(a) (assessment of special educational needs), for “proposes”...
4. (1) In Article 17 (appeal against decision not to make...
5. (1) In Article 20 (reviews of educational needs), in paragraph...
6. In Article 22 (the Special Educational Needs Tribunal for Northern...
7. (1) Article 23 (Tribunal procedure) is amended as follows.
8. (1) Paragraph 3 of Schedule 1 (manner and timing of...
9. In paragraph 4(1) of Schedule 1 (making of assessments under...

##### *The Justice (Northern Ireland) Act 2002 (c. 26)*

10. In Schedule 1 (listed judicial offices) and Schedule 6 (office...

#### SCHEDULE 6 — REPEALS

Explanatory Note