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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 II

FURTHER AND HIGHER EDUCATION

*Interpretation of this Chapter*

**Interpretation of this Chapter**

27.—(1) In this Chapter—

“college of education” has the meaning given in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3);

“the Department” means the Department for Employment and Learning;

“disabled student” means a student who is a disabled person;

[<sup>F1</sup>“Discrimination” and other related expressions are to be construed in accordance with Article 29;]

[<sup>F2</sup>“Harassment” is to be construed in accordance with Article 29A;]

“institution of further education” has the meaning given in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (NI 15);

[<sup>F3</sup>“Physical feature”, in relation to any premises, includes any of the following (whether permanent or temporary)—

- (a) any feature arising from the design or construction of a building on the premises,
- (b) any feature on the premises of any approach to, exit from or access to such a building,
- (c) any fixtures, fittings, furnishings, furniture, equipment or material in or on the premises,  
and
- (d) any other physical element or quality of any land comprised in the premises.]

“prescribed” means prescribed by regulations;

[<sup>F4</sup>“Provision, criterion or practice” includes any arrangements;]

[<sup>F5</sup>“Qualification” means any authorisation, qualification, approval or certification conferred by a responsible body;]

“regulations” means regulations made by the Department;

“responsible body” has the meaning given in paragraph (4);

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Cross Heading: Interpretation of this Chapter is up to date with all changes known to be in force on or before 15 May 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) View outstanding changes*

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“student” means a person who is attending, or undertaking a course of study at, an educational institution;

“student services” means (subject to paragraph (2)) services of any description which are provided wholly or mainly for students;

“university” has the meaning given in Article 30(3) of the Education (Northern Ireland) Order 1993 (NI 12).

[<sup>F6</sup>(1A) References (however expressed) to the conferment of a qualification on a person by a responsible body include—

- (a) the renewal or extension of a qualification, and
- (b) the authentication of a qualification awarded to him by another person.]

(2) Regulations may make provision as to services which are, or are not, to be regarded for the purposes of this Chapter as student services.

(3) In this Chapter “educational institution” means—

- (a) a university;
- (b) an institution of further education;
- (c) a college of education;
- (d) the College of Agriculture, Food and Rural Enterprise; or
- (e) an institution designated in an order made by the Department for Employment and Learning.

(4) For the purposes of this Chapter the body responsible for an educational institution is—

- (a) in the case of a university, the governing body;
- (b) in the case of an institution of further education, the governing body;

[<sup>F7</sup>(c) in the case of a college of education, the managers;]

- (e) in the case of the College of Agriculture, Food and Rural Enterprise, the Department of Agriculture and Rural Development;
- (f) in the case of an institution designated by an order under paragraph (3)(e), the body specified as such in the order;

and in this Chapter that body is referred to as the “responsible body”.

(5) The Department for Employment and Learning may not make an order under paragraph (3) (e) unless it is satisfied that the institution concerned is wholly or partly funded from public funds.

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| <b>F1</b> | <a href="#">Art. 27(1): definition of "Discrimination" inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by <a href="#">Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, 17(1)</a></a>                   |
| <b>F2</b> | <a href="#">Art. 27(1): definition of "Harassment" inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by <a href="#">Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, 17(1)</a></a>                       |
| <b>F3</b> | <a href="#">Art. 27(1): definition of "Physical feature" inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by <a href="#">Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, 17(1)</a></a>                 |
| <b>F4</b> | <a href="#">Art. 27(1): definition of "Provision, criterion or practice" inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by <a href="#">Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, 17(1)</a></a> |

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- F5** Art. 27(1): definition of "Qualification" inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, **17(1)**
- F6** Art. 27(1A) inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, **17(2)**
- F7** 2005 NI 13

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)