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DRAFT STATUTORY INSTRUMENTS

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

**NORTHERN IRELAND**

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

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

ARRANGEMENT OF ORDER

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
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

CHAPTER II

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
- Schedule 3 — Premises occupied by educational institutions under leases
- Schedule 4 — Amendments to the Equality (Disability, etc.) (Northern Ireland) Order 2000
- Schedule 5 — Minor and consequential amendments
- Schedule 6 — Repeals

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

## Explanatory Note