



Disability Discrimination Act 1995

1995 CHAPTER 50

PART IV

EDUCATION

[^{F1}CHAPTER 1

SCHOOLS]

[^{F1}Enforcement: Scotland]

Textual Amendments

F1 Pt. IV Ch. 1: Cross-heading and s. 28N inserted (1.9.2002) by 2001 c. 10, s. 23 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

[^{F2}28N Civil proceedings

- (1) A claim that a responsible body in Scotland—
 - (a) has discriminated against a person in a way which is unlawful under this Chapter, or
 - (b) is by virtue of section 58 to be treated as having discriminated against a person in such a way,may be made the subject of civil proceedings in the same way as any other claim for the enforcement of a statutory duty.
- (2) Proceedings in Scotland may be brought only in a sheriff court.
- (3) The remedies available in such proceedings are those which are available in the Court of Session other than an award of damages.

Status: Point in time view as at 03/11/2008.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Enforcement: Scotland. (See end of Document for details)

- (4) Part 3 of Schedule 3 makes further provision about the enforcement of this Chapter and about procedure.
- (5) In relation to civil proceedings in Scotland, in [F³paragraph 10] of that Schedule—
- (a) references to [F⁴section 28I] are to be construed as a reference to this section;
 - (b) references to [F⁵First-tier Tribunal][F⁶or Welsh Tribunal] are to be construed as references to the sheriff court.]

Textual Amendments

- F2** S. 28N inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 23 (with s. 43(13)); S.I. 2002/2217, art. 3, **Sch. 1 Pt. 1**
- F3** Words in s. 28N(5) substituted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 24(3)(a)**; S.I. 2005/1676, **art. 2(1)(c)**
- F4** Words in s. 28N(5)(a) substituted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 24(3)(b)**; S.I. 2005/1676, **art. 2(1)(c)**
- F5** Words in s. 28N(5)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order (S.I. 2008/2833), art. 9(1), {Sch. 3 para. 120}
- F6** Words in s. 28N(5)(b) inserted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 24(3)(c)**; S.I. 2005/1676, **art. 2(1)(c)**

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