



# Special Educational Needs and Disability Act 2001

## 2001 CHAPTER 10

### PART 2

#### DISABILITY DISCRIMINATION IN EDUCATION

#### CHAPTER 2

##### FURTHER AND HIGHER EDUCATION

##### *Duties of responsible bodies*

#### **26 Discrimination against disabled students and prospective students**

(1) In the 1995 Act, insert the following section—

#### **“CHAPTER 2**

##### FURTHER AND HIGHER EDUCATION

##### *Duties of responsible bodies*

#### **28R Discrimination against disabled students and prospective students**

- (1) It is unlawful for the body responsible for an educational institution to discriminate against a disabled person—
- (a) in the arrangements it makes for determining admissions to the institution;
  - (b) in the terms on which it offers to admit him to the institution; or

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) by refusing or deliberately omitting to accept an application for his admission to the institution.
  - (2) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student in the student services it provides, or offers to provide.
  - (3) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student by excluding him from the institution, whether permanently or temporarily.
  - (4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
  - (5) The body responsible for an educational institution is to be determined in accordance with Schedule 4B, and in the remaining provisions of this Chapter is referred to as the “responsible body”.
  - (6) “Educational institution”, in relation to England and Wales, means an institution—
    - (a) within the higher education sector;
    - (b) within the further education sector; or
    - (c) designated in an order made by the Secretary of State.
  - (7) “Educational institution”, in relation to Scotland, means—
    - (a) an institution within the higher education sector (within the meaning of section 56(2) of the Further and Higher Education (Scotland) Act 1992);
    - (b) a college of further education with a board of management within the meaning of section 36 of that Act;
    - (c) a central institution within the meaning of section 135 of the Education (Scotland) Act 1980;
    - (d) a college of further education maintained by an education authority in the exercise of their further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of that Act;
    - (e) an institution designated in an order made by the Secretary of State.
  - (8) Subsection (6) is to be read with section 91 of the Further and Higher Education Act 1992.
  - (9) The Secretary of State may not make an order under subsection (6)(c) or (7)(e) unless he is satisfied that the institution concerned is wholly or partly funded from public funds.
  - (10) Before making an order under subsection (7)(e), the Secretary of State must consult the Scottish Ministers.
  - (11) “Student services” means services of any description which are provided wholly or mainly for students.
  - (12) Regulations may make provision as to services which are, or are not, to be regarded for the purposes of subsection (2) as student services.”
- (2) In the 1995 Act, insert the Schedule set out in Schedule 4.