
STATUTORY INSTRUMENTS

2005 No. 1117

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

PART III

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER III

GENERAL QUALIFICATIONS BODIES

General qualifications bodies: discrimination and harassment

34.—(1) It is unlawful for a general qualifications body to discriminate against a disabled person—

- (a) in the arrangements which it makes for the purpose of determining upon whom to confer a relevant qualification;
- (b) in the terms on which it is prepared to confer a relevant qualification on him;
- (c) by refusing or deliberately omitting to grant any application by him for such a qualification; or
- (d) by withdrawing such a qualification from him or varying the terms on which he holds it.

(2) It is also unlawful for a general qualifications body, in relation to a relevant qualification conferred by it, to subject to harassment a disabled person who holds or applies for such a qualification.

(3) In the case of an act which constitutes discrimination by virtue of Article 43, this Article also applies to discrimination against a person who is not disabled.

(4) In this Article and Article 37, “relevant qualification” means an authorisation, qualification, approval or certification of a prescribed description.

(5) But an authorisation, qualification, approval or certification may not be prescribed under paragraph (4) if it is a professional or trade qualification (within the meaning given by section 14A(5) of the 1995 Act).

(6) In this Chapter—

- (a) “general qualifications body” means any authority or body which can confer a relevant qualification, but it does not include—
 - (i) a responsible body (within the meaning of Chapter I or II),
 - (ii) an education and library board, or
 - (iii) an authority or body of a prescribed description or in prescribed circumstances;
- (b) references (however expressed) to the conferment of a qualification on a person include—
 - (i) the renewal or extension of a qualification, and

Changes to legislation: *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 34 is up to date with all changes known to be in force on or before 30 August 2022. 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](#)*

(ii) the authentication of a qualification awarded to him by another person.

Changes to legislation:

The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 34 is up to date with all changes known to be in force on or before 30 August 2022. 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.

[View outstanding changes](#)

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\(1\)](#)