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## STATUTORY INSTRUMENTS

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# 2005 No. 1117

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

### PART I INTRODUCTORY

#### **Title and commencement**

1.—(1) This Order may be cited as the Special Educational Needs and Disability (Northern Ireland) Order 2005.

(2) The following provisions of this Order come into operation on such day or days as the Department of Education may appoint <sup>F1</sup>by order—

- (a) Part II, together with Schedule 1;
- (b) Chapter I of Part III, together with Part I of Schedule 2;
- (c) Chapter III of Part III;
- (d) Articles 43 to 48, so far as relating to Chapters I and III of Part III;
- (e) Article 50(1), together with Schedule 5;
- (f) Article 50(2), together with Schedule 6, except so far as relating to the Disability Discrimination Act 1995 (c.50).

(3) The following provisions of this Order come into operation on such day or days as the Department for Employment and Learning may appoint by order—

- (a) Chapter II of Part III, together with Part II of Schedule 2 and Schedule 3;
- (b) Articles 43 to 48, so far as relating to Chapter II of Part III; and
- (c) Article 50(2), together with Schedule 6, so far as relating to the Disability Discrimination Act 1995 (c.50).

(4) An order bringing into operation any provision of Article 30 may, in particular, include provision for the duty imposed by Article 30(1) to have effect with such modifications as may be specified in the order for a period which ends—

- (a) on a date so specified; or
- (b) on the making by the Department for Employment and Learning of an order bringing the period to an end.

**F1** Partly exercised by [S.R. 2005/336](#), [S.R. 2005/337](#), {[S.R. 2007/25](#)}

#### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, PART I is up to date with all changes known to be in force on or before 02 September 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*

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(2) In this Order—

“act” includes deliberate omission;

“employment” has the same meaning as in the 1995 Act, and related expressions shall be construed accordingly;

“Minister of the Crown” includes the Treasury;

“premises” includes land of any kind;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c.33);

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986 (NI 3);

“the 1995 Act” means the Disability Discrimination Act 1995 (c. 50);

“the 1996 Order” means the Education (Northern Ireland) Order 1996 (NI 1).

(3) Section 1 of, and Schedule 1 to, the 1995 Act and any regulations thereunder (meaning of “disability” and “disabled person”) apply for the purposes of this Order as they apply for the purposes of that Act.

**Changes to legislation:**

The Special Educational Needs and Disability (Northern Ireland) Order 2005, PART I is up to date with all changes known to be in force on or before 02 September 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.

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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\(1\)](#)