

Status: Point in time view as at 30/06/2006.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4C

MODIFICATIONS OF CHAPTER 2 OF PART 4]

Textual Amendments

- F1** Sch. 4C substituted (30.6.2006 for certain purposes and otherwise 1.9.2006) by [The Disability Discrimination Act 1995 \(Amendment\) \(Further and Higher Education\) Regulations 2006 \(S.I. 2006/1721\)](#), regs. 1(2)(3), **21**

PART 1

MODIFICATIONS FOR ENGLAND AND WALES – FURTHER EDUCATION, ETC PROVIDED BY LOCAL EDUCATION AUTHORITIES

1 The following is substituted for section 28R—

“28R 28R Higher and further education secured by local education authorities

- (1) Subsections (2) to (4) apply in relation to—
 - (a) any course of higher education secured by a local education authority under section 120 of the Education Reform Act 1988, and
 - (b) any course of further education secured by a local education authority.
- (2) It is unlawful for the local education authority to discriminate against a disabled person—
 - (a) in the arrangements they make for determining who should be enrolled on the course;
 - (b) in the terms on which they offer to enrol him on the course; or
 - (c) by refusing or deliberately omitting to accept an application for his enrolment on the course.
- (3) It is unlawful for the local education authority to discriminate against a disabled person who has enrolled on the course in the services which they provide or offer to provide.
- (4) It is unlawful for the local education authority to subject to harassment a disabled person who—
 - (a) seeks enrolment on the course,
 - (b) is enrolled on the course, or

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- (c) is a user of any services provided by that authority in relation to the course .
- (5) “Services“, in relation to a course, means services of any description which are provided wholly or mainly for persons enrolled on the course.
- (6) In relation to further education secured by a local education authority—
- (a) “course” includes each of the component parts of a course of further education if, in relation to the course, there is no requirement imposed on persons registered for any component part of the course to register for any other component part of that course; and
- (b) “enrolment”, in relation to such a course, includes registration for any one of those parts.
- (7) In this Chapter—
- “responsible body” means a local education authority in relation to a course of further or higher education secured by them;
- “further education” in relation to a course secured by the local education authority, has the meaning given in section 2(3) of the Education Act 1996;
- “higher education” has the meaning given in section 579(1) of the Education Act 1996; and
- “local education authority” has the meaning given in section 12 of the Education Act 1996.”.
- 2 Subsections (1A) to (1D) of section 28T (responsible bodies' duties to make adjustments) are omitted and the following subsection is substituted for subsection (1) of that section —
- “(1) Each responsible body must take such steps as it is reasonable for it to have to take to ensure that—
- (a) in relation to its arrangements for enrolling persons on a course of further and higher education provided by it, and
- (b) in relation to services provided or offered by it,
- disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled.”.
- 3 In subsections (2) and (4) of section 28T, for “any of subsections (1) to (1D)” there is substituted “ subsection (1) ”.
- 4 In section 28W(1)(a) for “by an educational institution” there is substituted “ by a responsible body wholly or partly for the purpose of its functions ”.
- 5 Section 31A is omitted.

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