



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART IV

#### EDUCATION

#### [<sup>F1</sup>CHAPTER 1

#### SCHOOLS]

#### *[<sup>F1</sup>Residual duty of education authorities]*

#### [<sup>F1</sup>28F Duty of education authorities not to discriminate

- (1) This section applies to—
  - (a) the functions of a local education authority under the Education Acts; and
  - (b) the functions of an education authority under—
    - (i) the Education (Scotland) Act 1980;
    - (ii) the Education (Scotland) Act 1996; and
    - (iii) the Standards in Scotland's Schools etc. Act 2000.
- (2) But it does not apply to any prescribed function.
- (3) In discharging a function to which this section applies, it is unlawful for the authority to discriminate against—
  - (a) a disabled pupil; or
  - (b) a disabled person who may be admitted to a school as a pupil.
- (4) But an act done in the discharge of a function to which this section applies is unlawful as a result of subsection (3) only if no other provision of this Chapter makes that act unlawful.
- (5) 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.

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*Status: Point in time view as at 01/09/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28F. (See end of Document for details)*

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- (6) In this section and section 28G, “local education authority” has the meaning given in section 12 of the Education Act 1996.
- (7) “The Education Acts” has the meaning given in section 578 of the Education Act 1996.
- (8) In this section and section 28G, “education authority” has the meaning given in section 135(1) of the Education (Scotland) Act 1980.]

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**Textual Amendments**

**F1** S. 28F inserted (E.W.S) (1.9.2002) by 2001 c. 10, s. 16 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28F.