



Disability Discrimination Act 1995

1995 CHAPTER 50

PART IV

EDUCATION

[^{F1}CHAPTER 1

SCHOOLS]

[^{F1}Residual duty of education authorities]

[^{F1}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; ^{F2} . . .
 - (iii) the Standards in Scotland's Schools etc. Act 2000.^[F3]; and
 - (iv) the Education (Additional Support for Learning) (Scotland) Act 2004^{F4}.
- (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.

Status: Point in time view as at 30/06/2005. This version of this provision has been superseded.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)

- (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.
- (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.]

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
- F2** Word preceding s. 28F(1)(b)(iii) omitted (30.6.2005) by virtue of The Education (Additional Support for Learning) (Scotland) Act 2004 (Consequential Modifications) Order (S.I. 2005/1791), {art. 2(a)}
- F3** S. 28F(1)(b)(iv) and preceding word inserted (30.6.2005) by The Education (Additional Support for Learning) (Scotland) Act 2004 (Consequential Modifications) Order (S.I. 2005/1791), {art. 2(b)}
- F4** 2004 asp 4.

Status:

Point in time view as at 30/06/2005. 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.