



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 2

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 1

SCHOOLS

Enforcement

25 Interpretation

In the 1995 Act, insert the following section—

“Interpretation of Chapter 1

28Q Interpretation

- (1) This section applies for the purpose of interpreting this Chapter.
- (2) “Disabled pupil” means a pupil who is a disabled person.
- (3) “Pupil”—
 - (a) in relation to England and Wales, has the meaning given in section 3(1) of the Education Act 1996; and
 - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

Status: This is the original version (as it was originally enacted).

- (4) Except in relation to Scotland (when it has the meaning given in section 135(1) of the Education (Scotland) Act 1980) “school” means—
- (a) a maintained school;
 - (b) a maintained nursery school;
 - (c) an independent school;
 - (d) a special school which is not a maintained special school but which is approved by the Secretary of State, or by the National Assembly, under section 342 of the Education Act 1996;
 - (e) a pupil referral unit.
- (5) In subsection (4)—
- “maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;
- “maintained nursery school” has the meaning given in section 22(9) of the School Standards and Framework Act 1998;
- “independent school” has the meaning given in section 463 of the Education Act 1996; and
- “pupil referral unit” has the meaning given in section 19(2) of the Education Act 1996.
- (6) “Responsible body” has the meaning given in section 28A(5).
- (7) “Governing body”, in relation to a maintained school, means the body corporate (constituted in accordance with Schedule 9 to the School Standards and Framework Act 1998) which the school has as a result of section 36 of that Act.
- (8) “Parent”—
- (a) in relation to England and Wales, has the meaning given in section 576 of the Education Act 1996; and
 - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (9) In relation to England and Wales “permitted form of selection” means—
- (a) if the school is a maintained school which is not designated as a grammar school under section 104 of the School Standards and Framework Act 1998, any form of selection mentioned in section 99(2) or (4) of that Act;
 - (b) if the school is a maintained school which is so designated, any of its selective admission arrangements;
 - (c) if the school is an independent school, any arrangements which make provision for any or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.
- (10) In relation to Scotland, “permitted form of selection” means—
- (a) if the school is managed by an education authority, such arrangements as have been approved by the Scottish Ministers for the selection of pupils for admission;
 - (b) if the school is an independent school or a self-governing school, any arrangements which make provision for any or all of its pupils to be

selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.

- (11) In subsection (10), “education authority”, “independent school” and “self-governing school” have the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (12) “City academy” means a school which is known as a city academy as a result of subsection (3) or (3A) of section 482 of the Education Act 1996.
- (13) “Accessibility strategy” and “accessibility plan” have the meaning given in section 28D.
- (14) “The National Assembly” means the National Assembly for Wales.”