



Higher Education Act 2004

2004 CHAPTER 8

PART 2

REVIEW OF STUDENT COMPLAINTS

19 Extension of time for bringing discrimination proceedings

- (1) In section 76 of the Sex Discrimination Act 1975 (c. 65) (period within which proceedings to be brought) after subsection (2) insert—

“(2A) Where in England and Wales—

- (a) proceedings or prospective proceedings under section 66 relate to the act or omission of a qualifying institution, and
- (b) the dispute concerned is referred as a complaint under the student complaints scheme before the end of the period of six months mentioned in subsection (2)(a),

the period allowed by subsection (2)(a) shall be extended by two months.

(2B) In subsection (2A)—

“qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;

“the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.”

- (2) In section 68 of the Race Relations Act 1976 (c. 74) (period within which proceedings to be brought) after subsection (3) insert—

“(3A) Where in England and Wales—

- (a) proceedings or prospective proceedings by way of a claim under section 57 relate to the act or omission of a qualifying institution,

Status: This is the original version (as it was originally enacted).

(b) the dispute concerned is referred as a complaint under the student complaints scheme before the end of the period of six months mentioned in subsection (2), and

(c) subsection (3) does not apply,

the period allowed by subsection (2) for instituting proceedings in respect of the claim shall be extended by two months.

(3B) In subsection (3A)—

“qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;

“the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.”

(3) In Schedule 3 to the Disability Discrimination Act 1995 (c. 50) (enforcement and procedure), in paragraph 13 (period within which proceedings must be brought) for sub-paragraph (2) substitute—

“(2) If, in relation to proceedings or prospective proceedings under section 28V—

(a) the dispute concerned is referred for conciliation in pursuance of arrangements under section 31B before the end of the period of six months mentioned in sub-paragraph (1), or

(b) in England and Wales, in a case not falling within paragraph (a), the dispute concerned relates to the act or omission of a qualifying institution and is referred as a complaint under the student complaints scheme before the end of that period,

the period of six months allowed by sub-paragraph (1) shall be extended by two months.

(2A) In sub-paragraph (2)(b)—

“qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;

“the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.”