STATUTORY RULES OF NORTHERN IRELAND

2008 No. 79

EDUCATION

The Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) Regulations (Northern Ireland) 2008

Made - - - -	*3rd March 2008*
Coming into operation -	*1st April 2008*

The Department of Education, in exercise of the powers conferred by Articles 34(4), 37(6)(c), (d) and (f), 38(7) and 49(4) of the Special Educational Needs and Disability (Northern Ireland) Order 2005(**a**), after consultation with such persons as appear to the Department to be appropriate in accordance with Article 39(2) of that Order, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) Regulations (Northern Ireland) 2008 and shall come into operation on 1st April 2008.

(2) In these Regulations—

"the 2005 Order" means the Special Educational Needs and Disability (Northern Ireland) Order 2005; and

"component" means a discrete, assessable element of a qualification that is not separately certificated.

Relevant qualifications

2. Relevant qualifications are those qualifications which are prescribed in the Schedule.

Reasonable Steps

3.—(1) Where it is the duty of a general qualifications body to take steps in accordance with Article 37 of the 2005 Order in order to prevent a provision, criterion or practice placing a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the granting of an exemption from one or more of the components of any examination or assessment, in the circumstances specified in paragraph (2), shall be a step which it is always reasonable for a general qualifications body to have to take.

(2) The circumstances referred to in paragraph (1) are that—

(**a**) S.I. 2005/1117 (N.I. 6). See Article 39(1) for definitions of "prescribed" and "regulations".

(a) the provision, criterion or practice is the requirement for candidates to undertake one or more components of an examination or assessment for the purposes of determining on whom a relevant qualification is to be conferred, and

(b) the granting of an exemption from the component is the only reasonable step that could be taken to prevent the disabled person from being placed at a substantial disadvantage.

Physical features

4. In relation to any premises, any of the following things (whether permanent or temporary) are to be treated as a physical feature—

(a) any feature arising from the design or construction of a building on the premises;

(b) any feature on the premises of any approach to, exit from or access to such a building;

(c) any fixtures, fittings, furnishings, furniture, equipment or material in or on the premises;

(d) any other physical element or quality of any land comprised in the premises.

Meaning of "Lease"

5. For the purposes of Article 38 of the 2005 Order—

"lease" includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy;

"sub-lease" means any sub-term created out of, or deriving from, a leasehold interest; and

"sub-tenancy" means any tenancy created out of, or deriving from, a superior tenancy.

Sealed with the Official Seal of the Department of Education on 3rd March 2008.

L.S.

Robson Davison
A senior officer of the Department of Education

SCHEDULE

Regulation 2

Relevant Qualifications

Advanced Extension Awards

Entry Level Qualifications

Free Standing Maths Qualifications

General Certificate of Education Advanced level (A and AS levels)

General Certificate of Secondary Education

the International Baccalaureate

Key Skills

Essential Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the relevant qualifications in respect of which it is unlawful for a general qualifications body to discriminate against a disabled person, (Regulation 2 and the Schedule).

Regulation 3 states that the granting of an exemption from one or more components of an assessment or examination leading to the award of a relevant qualification, in the circumstances specified, is always a reasonable step for a general qualifications body to take.

Regulation 4 describes what is to be treated as a physical feature for the purposes of the duties imposed on general qualifications bodies by the Special Educational Needs and Disability (Northern Ireland) Order 2005.

Regulation 5 defines the meaning of "lease".

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