
STATUTORY INSTRUMENTS

2006 No. 1721

**The Disability Discrimination Act 1995 (Amendment)
(Further and Higher Education) Regulations 2006**

PART 2

AMENDMENTS TO CHAPTER 2 OF PART 4 OF THE 1995 ACT

Enforcement, remedies and procedure

15.—(1) Section 28V (enforcement, remedies and procedure) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after “him” there is inserted “, or subjected him to harassment,”, and
- (b) in paragraphs (b) and (c), for “discriminated against him in such a way” there is substituted “done so”.

(3) After subsection (1) there is inserted—

“(1A) Where—

- (a) a claim is brought under subsection (1), and
- (b) the claimant (or pursuer, in Scotland) proves facts from which the court could, apart from this subsection, conclude in the absence of an adequate explanation that the defendant (or defender, in Scotland) has acted in a way which is unlawful under this Chapter,

the court shall uphold the claim unless the defendant (or defender, in Scotland) proves that he did not so act.”.