

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 4 **U.K.**

PREMISES OCCUPIED UNDER LEASES

Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

PART I **U.K.**

OCCUPATION BY [^{F1}EMPLOYER ETC]

Textual Amendments

- F1** Sch. 4 Pt. 1: words in heading substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **29(3)(b)** and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **28(3)(b)**

Modifications etc. (not altering text)

- C1** Pt. 1 modified (E.W.S.) (1.10.2004) by [The Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations 2004 \(S.I. 2004/153\)](#), **regs. 4-9** and said Part 1 modified (N.I.) (1.10.2004) by the [Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/374\)](#), **regs. 4-9**

Failure to obtain consent to alteration

- ¹ If any question arises as to whether the occupier has failed to comply with [^{F2}any duty to make reasonable adjustments], by failing to make a particular alteration to the premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.

Textual Amendments

- F2** Words in [Sch. 4 para.1](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **29(3)(c)** and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the

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Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **28(3)(c)**

Modifications etc. (not altering text)

C2 Sch. 4 para. 1 modified (7.6.1996) by S.I. 1996/1333, **art. 4(a)**

Joining lessors in proceedings under ^{F3}section 17A ^{F4}. . .]

Textual Amendments

F3 Sch. 4: words in cross-heading preceding para. 2 substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by *The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673)*, regs. 1(2)(3), **29(3)(d)** and same words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the *Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55)*, regs. 1(2)(3), **28(3)(d)**

F4 Sch. 4 para. 2: words in heading omitted (E.W.S.) (5.12.2005) by virtue of *Disability Discrimination Act 2005 (c. 13)*, ss. 19(1), 20(3)-(6), **Sch. 1 para. 40(2)(a)**; S.I. 2005/2774, **art. 3(j)** and same words omitted (N.I.) (31.12.2007) by virtue of *The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1))*, arts. 1, 19, **Sch. 1 para. 31(2)(a)**; S.R. 2007/466, **art. 2(2)(l)**

- 2 (1) In any proceedings [^{F5}on a complaint under section 17A], in a case to which [^{F6}section 18A] applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the complaint begins.
- (3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.
- (4) The request may not be granted if it is made after the tribunal has determined the complaint.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the tribunal may determine—
- (a) whether the lessor has—
 - (i) refused consent to the alteration, or
 - (ii) consented subject to one or more conditions, and
 - (b) if so, whether the refusal or any of the conditions was unreasonable,
- (6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;
 - (b) make an order authorising the occupier to make the alteration specified in the order;
 - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.

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- (8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under [F7section 17A(2)].
- (9) If the tribunal orders the lessor to pay compensation it may not make an order under [F7section 17A(2)] ordering the occupier to do so.

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

- F5** Words in Sch. 4 para. 2(1) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 40(2)(b); S.I. 2005/2774, art. 3(j) and said words substituted (N.I.) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19, Sch. 1 para. 31(2)(b); S.R. 2007/466, art. 2(2)(l)
- F6** Words in Sch. 4 para. 2(1) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 29(3)(e)(ii) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), 28(3)(e)(ii)
- F7** Words in Sch. 4 paras. 2(8)(9) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 29(3)(f) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), 28(3)(f)

Modifications etc. (not altering text)

- C3** Sch. 4 para. 2 modified (7.6.1996) by S.I. 1996/1333, art. 4(c)

Regulations

- 3 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of [F8section 18A] and this Part of this Schedule to have—
- (i) withheld his consent;
- (ii) withheld his consent unreasonably;
- (iii) acted reasonably in withholding his consent;
- (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
- (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

Textual Amendments

- F8** Words in Sch. 4 para. 3 substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), 29(3)(g) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the

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Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **28(3)(g)**

Modifications etc. (not altering text)

C4 Sch. 4 para. 3 modified (7.6.1996) by S.I. 1996/1333, **art. 4(c)**

Commencement Information

I1 Sch. 4 para. 3 wholly in force at 11.7.1996; Sch. 4 para. 3 not in force at Royal Assent see s. 70(3); Sch. 4 Pt. I para. 3 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), **Sch. Pt. I**; Sch. 4 Pt. I para. 3 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), **Sch. Pt. I para. 3**

Sub-leases etc.

- 4 The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by [^{F9}section 18A] or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.

Textual Amendments

F9 Words in Sch. 4 para. 4 substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **29(3)(g)** and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **28(3)(g)**

Commencement Information

I2 Sch. 4 para. 4 wholly in force at 30.5.1996; Sch. 4 para. 4 not in force at Royal Assent see s. 70(3); Sch. 4 para. 4 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(o)**; Sch. 4 para. 4 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(n)**

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