

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 49C. (See end of Document for details)



Disability Discrimination Act 1995

1995 CHAPTER 50

^{F1}[^{F2}PART 5B

IMPROVEMENTS TO DWELLING HOUSES]

^{F3}49C Exceptions from section 49A(1) **E+W+S**

^{F4}

Extent Information

E1 This section extended to England, Wales and Scotland only; a separate s. 49C exists for Northern Ireland only.

Textual Amendments

- F3** Pt. 5A (ss. 49A-49F) inserted (E.W.S.) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); [S.I. 2005/1676, art. 2\(2\)\(b\)](#); [S.I. 2005/2774, arts. 3\(b\), 4\(a\)](#) [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]
- F4** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

^{F1}49C Improvements to let dwelling houses **N.I.**

- (1) This section applies in relation to a lease of a dwelling house if—
- the tenancy is not a secure tenancy or a regulated tenancy;
 - the tenant or any other person who lawfully occupies or is intended lawfully to occupy the premises is a disabled person;

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- (c) the person mentioned in paragraph (b) occupies or is intended to occupy the premises as his only or principal home;
 - (d) the tenant is entitled under the lease to make improvements to the premises with the consent of the landlord; and
 - (e) the tenant applies to the landlord for his consent to make a relevant improvement.
- (2) If the consent of the landlord is unreasonably withheld it must be taken to have been given.
- (3) Where the tenant applies in writing for the consent—
- (a) if the landlord refuses to give consent, he must give the tenant a written statement of the reason why the consent was withheld;
 - (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been withheld.
- (4) If the landlord gives consent to the making of an improvement subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.
- (5) In any question as to whether—
- (a) the consent of the landlord was unreasonably withheld, or
 - (b) a condition imposed by the landlord is unreasonable,
- it is for the landlord to show that it was not.
- (6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of his tenancy.
- (7) An improvement to premises is a relevant improvement if, having regard to the disability which the disabled person mentioned in subsection (1)(b) has, it is likely to facilitate his enjoyment of the premises.
- (8) Subsections (2) to (6) apply to a lease only to the extent that provision of a like nature is not made by the lease.
- (9) In this section—
- “improvement” means any alteration in or addition to premises and includes—
 - (a) any addition to or alteration in landlord's fittings and fixtures,
 - (b) any addition or alteration connected with the provision of services to the premises,
 - (c) the erection of a wireless or television aerial, and
 - (d) the carrying out of external decoration;
 - “lease” includes a sub-lease or other tenancy, and “landlord” and “tenant” must be construed accordingly;
 - “regulated tenancy” has the same meaning as in the Rent (Northern Ireland) Order 1978 (NI 20);
 - “secure tenancy” has the meaning given by Article 25 of the Housing (Northern Ireland) Order 1983 (NI 15).]

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