



Disability Discrimination Act 1995

1995 CHAPTER 50

VALID FROM 04/12/2006

[^{F1}PART 5B

IMPROVEMENTS TO DWELLING HOUSES

Textual Amendments

F1 Pt. 5B (ss. 49G, 49H) inserted (E.W.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 16(1), 20(3)-(6), S.I. 2005/2774, {art. 4(d)}

49G Improvements to let dwelling houses

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

Status: Point in time view as at 01/01/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B. (See end of Document for details)

- (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;
 - “protected tenancy” has the same meaning as in section 1 of the Rent Act 1977;
 - “statutory tenancy” must be construed in accordance with section 2 of that Act;
 - “secure tenancy” has the same meaning as in section 79 of the Housing Act 1985.

49H Conciliation of disputes

- (1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house.
- (2) Subsections (2) to (8) of section 28 apply for the purposes of this section as they apply for the purposes of that section and for that purpose a reference in that section to—
 - (a) a dispute arising under Part 3 must be construed as a reference to a dispute mentioned in subsection (1) above;
 - (b) arrangements under that section must be construed as a reference to arrangements under this section.
- (3) “Relevant improvement” has the same meaning as in section 49G.

Status: Point in time view as at 01/01/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B. (See end of Document for details)

[^{F2}491 Conciliation of disputes: rented housing in Scotland]

- (1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether—
 - (a) it is unreasonable for a landlord to withhold consent to the carrying out of any relevant work in relation to a house (within the meaning of the Housing (Scotland) Act 2006 (asp 01)) in Scotland, or
 - (b) any condition imposed by a landlord on consenting to the carrying out of any such work is unreasonable.
- (2) Subsections (2) to (8) of section 28 apply for the purpose of this section as they apply for the purpose of that section and for that purpose a reference in that section to—
 - (a) a dispute arising under Part 3 is to be construed as a reference to a dispute mentioned in subsection (1), and
 - (b) arrangements under that section is to be construed as a reference to arrangements under subsection (1).
- (3) In subsection (1), “relevant work”, in relation to a house, means work for the purpose of making the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house as a sole or main residence.]

Textual Amendments

- F2** S. 491 inserted (E.W.S.) (4.12.2006) by Equality Act 2006 (c. 3), ss. 43(1), 93 (with s. 92); S.I. 2006/1082, art. 3

Status:

Point in time view as at 01/01/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B.