



Disability Discrimination Act 1995

1995 CHAPTER 50

^{F1}^{F2}PART 5B

IMPROVEMENTS TO DWELLING HOUSES

Textual Amendments

- F1** Pt. VB (ss. 49C, 49D) inserted (N.I.) (31.12.2007) by *The Disability Discrimination (Northern Ireland) Order 2006* (S.I. 2006/312 (N.I. 1)), arts. 1, **16(1)**; S.R. 2006/466, art. **2(2)(j)**
- F2** 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)}

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

- (1) Section 49A(1) does not apply to—
 - (a) a judicial act (whether done by a court, tribunal or other person); or
 - (b) an act done on the instructions, or on behalf, of a person acting in a judicial capacity.
- (2) Section 49A(1) does not apply to any act of, or relating to, making or approving an Act of Parliament, an Act of the Scottish Parliament [^{F4}, a Measure or Act of the National Assembly for Wales] or an Order in Council.
- (3) Section 49A(1)(c) and (d) do not apply to—
 - (a) an act done in connection with recruitment to any of the naval, military or air forces of the Crown; or
 - (b) an act done in relation to a person in connection with service by him as a member of any of those forces.
- (4) Regulations may provide for [^{F5}one or more specified paragraphs of section 49A(1)] not to apply to an act of a prescribed description.]

Status: Point in time view as at 01/10/2010.

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

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** Words in [s. 49C\(2\)](#) inserted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, {Sch. 1 para. 58}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [s. 161\(5\)](#) of the Government of Wales Act 2006.
- F5** Words in [s. 49C\(4\)](#) substituted (18.4.2006) by [Equality Act 2006 \(c. 3\)](#), [ss. 88](#), [93](#) (with [s. 92](#)); [S.I. 2006/1082](#), [art. 2\(j\)](#)

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

- (1) This section applies in relation to a lease of a dwelling house if—
 - (a) the tenancy is not a secure tenancy or a regulated 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;
 - (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.

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- (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).]

[^{F3}49D Power to impose specific duties E+W+S

- (1) The Secretary of State may by regulations impose on a public authority, other than a relevant Scottish authority or a cross-border authority, such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (2) The Secretary of State may by regulations impose on a cross-border authority such duties as the Secretary of State considers appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to such of its functions as are not Scottish functions.
- (3) The Scottish Ministers may by regulations impose on a relevant Scottish authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1).
- (4) The Scottish Ministers may by regulations impose on a cross-border authority such duties as the Scottish Ministers consider appropriate for the purpose of ensuring the better performance by that authority of its duty under section 49A(1) so far as relating to its Scottish functions.
- (5) Before making regulations under any of subsections (1) to (4), the person making the regulations shall consult the [^{F6}Commission for Equality and Human Rights].
- (6) Before making regulations under subsection (1) or (2) in relation to functions exercisable in relation to Wales by a public authority that is not a relevant Welsh authority, the Secretary of State shall consult the [^{F7}Welsh Ministers].
- (7) The Secretary of State shall not make regulations under subsection (1) or (2) in relation to a relevant Welsh authority except with the consent of the [^{F8}Welsh Ministers].
- (8) Before making regulations under subsection (2), the Secretary of State shall consult the Scottish Ministers.
- (9) Before making regulations under subsection (4), the Scottish Ministers shall consult the Secretary of State.

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(10) In this section—

“relevant Scottish authority” means—

- (a) a member of the Scottish executive or a junior Scottish Minister;
- (b) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland or the Keeper of the Records of Scotland;
- (c) any office of a description specified in an Order in Council under section 126(8)(b) of the Scotland Act 1998 (other non-ministerial office in the Scottish Administration); or
- (d) a public body, public office or holder of a public office—
 - (i) which (or who) is not a cross-border authority or the Scottish Parliamentary Corporate Body;
 - (ii) whose functions are exercisable only in or as regards Scotland; and
 - (iii) some at least of whose functions do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

“cross-border authority” means a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998;

“Scottish functions” means functions which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters;

“relevant Welsh authority” means—

- (a) [F⁹the National Assembly for Wales Commission;
- (aa) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government; or]
- (b) a public authority whose functions are exercisable only in relation to Wales.

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]
- F6** Words in s. 49D(5) substituted (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 93, [Sch. 3 para. 48](#) (with s. 92); [S.I. 2007/2603](#), [art. 2\(d\)](#) (subject to [art. 3](#))
- F7** Words in s. 49D(6) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, {Sch. 1 para. 59(2)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(5\)](#) of the [Government of Wales Act 2006 \(c. 32\)](#)
- F8** Words in s. 49D(7) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, {Sch. 1 para. 59(3)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(5\)](#) of the [Government of Wales Act 2006 \(c. 32\)](#)
- F9** S. 49D(10): words in the definition of "relevant Welsh authority" substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order ([S.I. 2007/1388](#)), arts. 1, 3, Sch. 1 para. {59(4)}, the amending provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)
- see [ss. 46, 161\(5\)](#) of the [Government of Wales Act 2006 \(c. 32\)](#)

[^{F1}49D **Conciliation of disputes** **N.I.**

- (1) The Equality Commission for Northern Ireland 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 III must be construed as a reference to a dispute mentioned in subsection (1);
 - (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 49C.]

[^{F3}49E **Duties under section 49D: compliance notices**

^{F10}

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]
- F10** [S. 49E](#) repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, [Sch. 3 para. 49](#), [Sch. 4](#) (with s. 92); [S.I. 2007/2603](#), [art. 2\(d\)](#) (subject to [art. 3](#))

49F **Enforcement of compliance notices**

^{F11}

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]
- F11** [S. 49F](#) repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, [Sch. 3 para. 49](#), [Sch. 4](#) (with s. 92); [S.I. 2007/2603](#), [art. 2\(d\)](#) (subject to [art. 3](#))

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49G Improvements to let dwelling houses

F12

Textual Amendments

- F12** 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\(h\)](#)

49H Conciliation of disputes

F13

Textual Amendments

- F13** [S. 49H](#) repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, [Sch. 3 para. 50](#), [Sch. 4](#) (with s. 92); [S.I. 2007/2603, art. 2](#) (subject to art. 3)

[^{F14}49I Conciliation of disputes: rented housing in Scotland

F15

Textual Amendments

- F14** [S. 49I](#) 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](#)
- F15** [S. 49I](#) repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, [Sch. 3 para. 51](#), [Sch. 4](#) (with s. 92); [S.I. 2007/2603, art. 2](#) (subject to art. 3)

Status:

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Changes to legislation:

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