



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD]

[^{F1}Premises occupied under leases]

Textual Amendments

- F1** Cross-heading preceding s. 16 omitted (E.W.S.) (3.7.2003 for certain purposes) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2) (3), **14(1)** and said cross-heading repealed (N.I.) (21.2.2004 for certain purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2) (3). {14(1)}

^{F2}16 Alterations to premises occupied under leases.

- (1) This section applies where—
- an employer or trade organisation (“the occupier”) occupies premises under a lease;
 - but for this section, the occupier would not be entitled to make a particular alteration to the premises; and
 - the alteration is one which the occupier proposes to make in order to comply with a section 6 duty or section 15 duty.
- (2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this subsection as if it provided—
- for the occupier to be entitled to make the alteration with the written consent of the lessor;
 - for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;

Status: Point in time view as at 03/07/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Premises occupied under leases. (See end of Document for details)

- (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
 - (d) for the lessor to be entitled to make his consent subject to reasonable conditions.
- [^{F3}(2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—
- (i) for the lessee to have to make a written application to the lessor for consent to the alteration;
 - (ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and
 - (iii) for the lessor to be entitled to make his consent subject to reasonable conditions.]
- (3) In this section—
- “lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and
 - “sub-lease” and “sub-tenancy” have such meaning as may be prescribed.
- (4) If the terms and conditions of a lease—
- (a) impose conditions which are to apply if the occupier alters the premises, or
 - (b) entitle the lessor to impose conditions when consenting to the occupier’s altering the premises,
- the occupier is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.
- (5) Part I of Schedule 4 supplements the provisions of this section.

Textual Amendments

- F2** S. 16 moved and renumbered (as s. 18A) (3.7.2003 for E.W.S. for certain purposes and 21.2.2004 for N.I. for certain purposes, and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), arts. 1(2)(3), **14(2)**; S.R. 2004/55, regs. 1(2)(3), **14(2)**
- F3** S. 16(2A) added (7.6.1996) by [S.I. 1996/1333](#), **reg. 4(2)**

Modifications etc. (not altering text)

- C1** S. 16 modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), arts. 1(2), 3(1), **Sch.** (with art. 3(2)(b))
S. 16 modified (7.6.1996) by [S.I. 1996/1333](#), **reg. 4(a)**
S. 16 modified (1.9.1999) by [S.I. 1999/2256](#), art. 3, **Sch.**
- C2** S. 16 modified (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order \(S.I. 2003/1964\)](#), art. 3, {Sch.}
- C3** S. 16 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), art. 3, **Sch.**

Commencement Information

- I1** S. 16 wholly in force at 2.12.1996; s. 16 not in force at Royal Assent see s. 70(3); s. 16(3)(5) in force for certain purposes (E.W.S.) at 17.5.1996 by [S.I. 1996/1336](#), **art. 3(d)**; s. 16(3)(5) in force for certain purposes (N.I.) at 30.5.1996 by [S.R. 1996/219](#), **art. 3(d)**; s. 16(5) in force insofar as not already in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474](#), art. 2(1), **Sch. Pt. I**; s. 16(5) in force (N.I.) insofar as not already in force at 1.7.1996 by [S.R. 1996/280](#), art. 2(1), **Sch. Pt. I**; s. 16(3) in force (E.W.S.) insofar

Status: Point in time view as at 03/07/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Premises occupied under leases. (See end of Document for details)

as not already in force at 2.12.1996 by S.I. 1996/3003, **art. 3**; s. 16(3) in force insofar as not already in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**; s. 16(1)(2)(4) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; s. 16(1)(2)(4) in force (N.I.) at 2.12.1996 by S.R. 1996/280, art. 2(2), **Sch. Pt. II**

Status:

Point in time view as at 03/07/2003.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995,
Cross Heading: Premises occupied under leases.