

Status: Point in time view as at 01/10/2004.

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

SCHEDULES

SCHEDULE 4

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 II

OCCUPATION BY PROVIDER OF SERVICES

Modifications etc. (not altering text)

- C1** Sch. 4 Pt. II modified (1.10.2004) by S.I. 2001/3253, reg. 9
- C1** Sch. 4 Pt. II modified (N.I.) (1.10.2004) by The Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003 (S.R. 2003/109), reg. 9

Reference to court

- 6 (1) If the occupier has applied in writing to the lessor for consent to the alteration and—
- (a) that consent has been refused, or
 - (b) the lessor has made his consent subject to one or more conditions,
- the occupier or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court or, in Scotland, to the sheriff.
- (2) In the following provisions of this Schedule “court” includes “sheriff”.
- (3) On such a reference the court shall determine whether the lessor’s refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (4) If the court determines—
- (a) that the lessor’s refusal was unreasonable, or
 - (b) that the condition is, or any of the conditions are, unreasonable,
- it may make such declaration as it considers appropriate or an order authorising the occupier to make the alteration specified in the order.
- (5) An order under sub-paragraph (4) may require the occupier to comply with conditions specified in the order.

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