



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD][^{F1} AND DISTRICT COUNCILS][^{F1} AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

[^{F1}Supplementary and general]

[^{F1}18A Alterations to premises occupied under leases.

- (1) This section applies where—
 - (a) [^{F2}a person to whom a duty to make reasonable adjustments applies](“the occupier”) occupies premises under a lease;
 - (b) but for this section, the occupier would not be entitled to make a particular alteration to the premises; and
 - (c) the alteration is one which the occupier proposes to make in order to comply with [^{F3}that 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—
 - (a) for the occupier to be entitled to make the alteration with the written consent of the lessor;
 - (b) for the occupier to have to make a written application to the lessor for consent if he wishes to make the alteration;
 - (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.

[Except to the extent to which it expressly so provides, any superior lease under which ^{F4}(2A) the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—

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- (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

- F1** 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)**
- F2** Words in s. 18A(1)(a) substituted (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(3)(a)**; [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) \(S.R. 2004/55\)](#), regs. 1(2)(3), {14(3)(a)}
- F3** Words in s. 18A(1)(c) substituted (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(3)(b)**; [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) \(S.R. 2004/55\)](#), regs. 1(2)(3), {14(3)(b)}
- F4** 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** Ss. 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. 18A modified (N.I.) (1.10.2004) by [The Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations \(Northern Ireland\) \(S.R. 2004/374\)](#), **regs. 4-9**
- C4** S. 18A modified (E.W.S.) (1.10.2004) by [The Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations \(S.I. 2004/153\)](#), {regs. 4-9}
- C5** S. 16 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order \(S.I. 2006/1073\)](#), art. 3, {Sch.}

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Commencement Information

- II** 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 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:

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Changes to legislation:

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