
STATUTORY INSTRUMENTS

2005 No. 1070

**The Disability Discrimination (Educational Institutions)
(Alteration of Leasehold Premises) Regulations 2005**

Modification of section 28W and paragraphs 10 to 12 of Schedule 4

7.—(1) In relation to any case where the occupier occupies premises under a sub-lease or sub-tenancy, the provisions of section 28W of, and Part 3 of Schedule 4 to, the Act shall have effect as if they contained the following modifications.

(2) After section 28W(2), insert the following subsection—

“(2A) Except to the extent to which it expressly so provides, any superior lease in respect of the premises shall have effect in relation to the lessor and lessee who are parties to that superior lease as if it provided—

- (a) for the lessee to be entitled to give his consent to the alteration with the written consent of the lessor;
- (b) for the lessee to have to make a written application to the lessor for consent if he wishes to give his consent to 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.”.

(3) In section 28W(2), for “the lessor” substitute “his immediate landlord” where it occurs in sub-paragraphs (a) and (b) and “immediate landlord” where it occurs in sub-paragraphs (c) and (d).

(4) In paragraphs 10 and 11 of Schedule 4 for “the lessor” in each place where it occurs substitute “his immediate landlord”.

(5) After paragraph 11(1) of Schedule 4, insert the following paragraph—

“(1A) Where the lessee of any superior lease in relation to the premises has applied in writing to his 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, lessee 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.”.

(6) In paragraph 12 of Schedule 4—

(a) in sub-paragraph (1), for “the lessor”, substitute “any lessor (including any superior landlord)”;

(b) for sub-paragraph (2), substitute—

“(2A) Unless it appears to the court that another lessor should be joined or sisted as a party to the proceedings, the request shall be granted if it is made before the hearing of the claim begins.”.