

*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part I. (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 I

#### OCCUPATION BY [F1EMPLOYER ETC]

##### Textual Amendments

- F1** Sch. 4 Pt. 1: words in heading substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **29(3)(b)** and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **28(3)(b)**

##### Modifications etc. (not altering text)

- C1** Pt. 1 modified (E.W.S.) (1.10.2004) by [The Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations 2004 \(S.I. 2004/153\)](#), **regs. 4-9** and said Part 1 modified (N.I.) (1.10.2004) by the [Disability Discrimination \(Employment Field\) \(Leasehold Premises\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/374\)](#), **regs. 4-9**

#### *Failure to obtain consent to alteration*

1

[F2If any question arises as to whether the occupier has failed to comply with [F3any duty to make reasonable adjustments], by failing to make a particular alteration to the premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.]

##### Extent Information

- E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only.

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

### Textual Amendments

- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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\(h\)](#)
- F3** Words in [Sch. 4 para.1](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), [29\(3\)\(c\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), [28\(3\)\(c\)](#)

### Modifications etc. (not altering text)

- C2** [Sch. 4 para. 1](#) modified (7.6.1996) by [S.I. 1996/1333](#), [art. 4\(a\)](#)

### *Joining lessors in proceedings under <sup>F4</sup>section 17A <sup>F5</sup>. . . ]*

### Textual Amendments

- F4** [Sch. 4](#): words in cross-heading preceding para. 2 substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), [29\(3\)\(d\)](#) and same words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), [28\(3\)\(d\)](#)
- F5** [Sch. 4 para. 2](#): words in heading omitted (E.W.S.) (5.12.2005) by virtue of [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 40\(2\)\(a\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#) and same words omitted (N.I.) (31.12.2007) by virtue of [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, [Sch. 1 para. 31\(2\)\(a\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(l\)](#)

2

- <sup>F6</sup>(1) In any proceedings [<sup>F7</sup>on a complaint under section 17A], in a case to which [<sup>F8</sup>section 18A] applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the complaint begins.
- (3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.
- (4) The request may not be granted if it is made after the tribunal has determined the complaint.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the tribunal may determine—
- (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable,
- (6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;

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- (b) make an order authorising the occupier to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under <sup>F9</sup>section 17A(2)].
- (9) If the tribunal orders the lessor to pay compensation it may not make an order under <sup>F9</sup>section 17A(2)] ordering the occupier to do so.]

#### Extent Information

- E2** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 51(1); see s. 70(6)

#### Textual Amendments

- F6** 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\(h\)](#)
- F7** Words in [Sch. 4 para. 2\(1\)](#) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 40\(2\)\(b\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#) and said words substituted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, [Sch. 1 para. 31\(2\)\(b\)](#); [S.R. 2007/466](#), [art. 2\(2\)\(l\)](#)
- F8** Words in [Sch. 4 para. 2\(1\)](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), [regs. 1\(2\)\(3\)](#), [29\(3\)\(e\)\(ii\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [28\(3\)\(e\)\(ii\)](#)
- F9** Words in [Sch. 4 paras. 2\(8\)\(9\)](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), [regs. 1\(2\)\(3\)](#), [29\(3\)\(f\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [28\(3\)\(f\)](#)

#### Modifications etc. (not altering text)

- C3** [Sch. 4 para. 2](#) modified (7.6.1996) by [S.I. 1996/1333](#), [art. 4\(c\)](#)

### Regulations

3

<sup>F10</sup>Regulations may make provision as to circumstances in which—

- (a) a lessor is to be taken, for the purposes of <sup>F11</sup>section 18A] and this Part of this Schedule to have—
  - (i) withheld his consent;
  - (ii) withheld his consent unreasonably;
  - (iii) acted reasonably in withholding his consent;

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- (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
- (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.]

#### **Extent Information**

- E3** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only.

#### **Textual Amendments**

- F10** 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\(h\)](#)
- F11** Words in [Sch. 4 para. 3](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), [29\(3\)\(g\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), [28\(3\)\(g\)](#)

#### **Modifications etc. (not altering text)**

- C4** [Sch. 4 para. 3](#) modified (7.6.1996) by [S.I. 1996/1333, art. 4\(c\)](#)

#### **Commencement Information**

- I1** [Sch. 4 para. 3](#) wholly in force at 11.7.1996; [Sch. 4 para. 3](#) not in force at Royal Assent see [s. 70\(3\)](#); [Sch. 4 Pt. I para. 3](#) in force (E.W.S.) at 6.6.1996 by [S.I. 1996/1474, art. 2\(1\), Sch. Pt. I](#); [Sch. 4 Pt. I para. 3](#) in force (N.I.) at 11.7.1996 by [S.R. 1996/280, art. 2\(1\), Sch. Pt. I para. 3](#)

*Sub-leases etc.*

4

[<sup>F12</sup>The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by [<sup>F13</sup>section 18A] or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.]

#### **Extent Information**

- E4** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only and also has effect subject to the modifications for Northern Ireland set out in [Sch. 8 para. 51\(2\)](#); see [s. 70\(6\)](#).

#### **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\(h\)](#)
- F13** Words in [Sch. 4 para. 4](#) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), [29\(3\)\(g\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the

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Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **28(3)(g)**

**Commencement Information**

- 12** Sch. 4 para. 4 wholly in force at 30.5.1996; Sch. 4 para. 4 not in force at Royal Assent see. s. 70(3); Sch. 4 para. 4 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, **art. 3(o)**; Sch. 4 para. 4 in force (N.I.) at 30.5.1996 by S.R. 1996/219, **art. 3(n)**

**Changes to legislation:**

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