



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

Premises

23 Exemption for small dwellings.

[^{F1}(1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.

(2) The conditions are that—

- (a) the relevant occupier resides, and intends to continue to reside, on the premises;
- (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
- (c) the shared accommodation is not storage accommodation or a means of access; and
- (d) the premises are small premises.

(3) For the purposes of this section, premises are “small premises” if they fall within subsection (4) or (5).

(4) Premises fall within this subsection if—

- (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;
- (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;
- (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
- (d) there are not normally more than two such other households.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 23. (See end of Document for details)

- (5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.
- (6) For the purposes of this section “the relevant occupier” means—
- (a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;
 - [^{F2}(aa) in a case falling within section 22(3), the person managing the premises, or a near relative of his;]
 - (b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.
- (7) For the purposes of this section—
- “near relative” means a person’s spouse [^{F3}or civil partner], partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or [^{F4}by marriage or civil partnership]); and
- [^{F5}“partner” means the other member of a couple consisting of—
- (a) a man and a woman who are not married to each other but are living together as husband and wife, or
 - (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.]]

Textual Amendments

- F1** 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\(h\)](#)
- F2** [S. 23\(6\)\(aa\)](#) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 18](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 15](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F3** Words in [s. 23\(7\)](#) inserted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(2)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F4** Words in [s. 23\(7\)](#) substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F5** [S. 23\(7\)](#): definition of “partner” substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(3)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)

Modifications etc. (not altering text)

- C1** [S. 23](#): power to amend or repeal conferred (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [15](#); [S.R. 2007/466](#), [art. 2\(2\)\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 23.