



# Equality Act 2010

## 2010 CHAPTER 15

### PART 13

#### DISABILITY: MISCELLANEOUS

#### 189 Reasonable adjustments

Schedule 21 (reasonable adjustments: supplementary) has effect.

#### Commencement Information

- II** S. 189 wholly in force at 1.10.2010; s. 189 not in force at Royal Assent see s. 216; s. 189 in force for certain purposes at 4.8.2010 by S.I. 2010/1966, art. 2; s. 189 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(13)(a) (with art. 15)

#### 190 Improvements to let dwelling houses

- (1) This section applies in relation to a lease of a dwelling house if each of the following applies—
- (a) the tenancy is not a protected tenancy, a statutory tenancy or a secure tenancy;
  - [<sup>F1</sup>(aa) the tenancy is not a secure contract in relation to which the landlord is a local authority;]
  - (b) the tenant or another person occupying or intending to occupy the premises is a disabled person;
  - (c) the disabled person occupies or intends to occupy the premises as that person's only or main home;
  - (d) the tenant is entitled, with the consent of the landlord, to make improvements to the premises;
  - (e) the tenant applies to the landlord for consent to make a relevant improvement.
- (2) Where the tenant applies in writing for the consent—

*Status: Point in time view as at 01/12/2022.*

*Changes to legislation: Equality Act 2010, Part 13 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) if the landlord refuses to give consent, the landlord must give the tenant a written statement of the reason why the consent was withheld;
  - (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been unreasonably withheld.
- (3) If the landlord gives consent subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.
- (4) If the landlord's consent is unreasonably withheld, it must be taken to have been given.
- (5) On any question as to whether—
- (a) consent was unreasonably withheld, or
  - (b) a condition imposed was unreasonable,
- it is for the landlord to show that it was not.
- (6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of the tenancy.
- (7) An improvement to premises is a relevant improvement if, having regard to the disabled person's disability, it is likely to facilitate that person's enjoyment of the premises.
- (8) Subsections (2) to (7) apply only in so far as provision of a like nature is not made by the lease.
- (9) In this section—
- “improvement” means an alteration in or addition to the premises and includes—
    - (a) an addition to or alteration in the landlord's fittings and fixtures;
    - (b) an addition or alteration connected with the provision of services to the premises;
    - (c) the erection of a wireless or television aerial;
    - (d) carrying out external decoration;
  - “lease” includes a sub-lease or other tenancy, and “landlord” and “tenant” are to be construed accordingly;
  - “protected tenancy” has the same meaning as in section 1 of the Rent Act 1977;
  - “statutory tenancy” is to be construed in accordance with section 2 of that Act;
  - [<sup>F2</sup>“secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);]
  - “secure tenancy” has the same meaning as in section 79 of the Housing Act 1985.

#### Textual Amendments

- F1** S. 190(1)(aa) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **30(2)**
- F2** Words in s. 190(9) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **30(3)**

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