



# Equality Act 2010

## 2010 CHAPTER 15

### PART 4

#### PREMISES

##### *Reasonable adjustments*

### **36 Leasehold and commonhold premises and common parts**

- (1) A duty to make reasonable adjustments applies to—
  - (a) a controller of let premises;
  - (b) a controller of premises to let;
  - (c) a commonhold association;
  - (d) a responsible person in relation to common parts.
- (2) A controller of let premises is—
  - (a) a person by whom premises are let, or
  - (b) a person who manages them.
- (3) A controller of premises to let is—
  - (a) a person who has premises to let, or
  - (b) a person who manages them.
- (4) The reference in subsection (1)(c) to a commonhold association is a reference to the association in its capacity as the person who manages a commonhold unit.
- (5) A responsible person in relation to common parts is—
  - (a) where the premises to which the common parts relate are let (and are not part of commonhold land or in Scotland), a person by whom the premises are let;
  - (b) where the premises to which the common parts relate are part of commonhold land, the commonhold association.
- (6) Common parts are—

*Status: Point in time view as at 11/07/2011.*

*Changes to legislation: Equality Act 2010, Cross Heading: Reasonable adjustments is up to date with all changes known to be in force on or before 25 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) in relation to let premises (which are not part of commonhold land or in Scotland), the structure and exterior of, and any common facilities within or used in connection with, the building or part of a building which includes the premises;
  - (b) in relation to commonhold land, every part of the commonhold which is not for the time being a commonhold unit in accordance with the commonhold community statement.
- (7) A reference to letting includes a reference to sub-letting; and for the purposes of subsection (1)(a) and (b), a reference to let premises includes premises subject to a right to occupy.
- (8) This section does not apply to premises of such description as may be prescribed.

#### Commencement Information

- II** S. 36 partly in force; s. 36 not in force at Royal Assent see s. 216; s. 36(1)(a)-(c)(2)-(4)(7)(8) in force at 1.10.2010 by S.I. 2010/2317, art. 2(4)(b)

### 37 Adjustments to common parts in Scotland

- (1) The Scottish Ministers may by regulations provide that a disabled person is entitled to make relevant adjustments to common parts in relation to premises in Scotland.
- (2) The reference in subsection (1) to a disabled person is a reference to a disabled person who—
- (a) is a tenant of the premises,
  - (b) is an owner of the premises, or
  - (c) is otherwise entitled to occupy the premises,
- and uses or intends to use the premises as the person's only or main home.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult a Minister of the Crown.
- (4) Regulations under subsection (1) may, in particular—
- (a) prescribe things which are, or which are not, to be treated as relevant adjustments;
  - (b) prescribe circumstances in which the consent of an owner of the common parts is required before a disabled person may make an adjustment;
  - (c) provide that the consent to adjustments is not to be withheld unreasonably;
  - (d) prescribe matters to be taken into account, or to be disregarded, in deciding whether it is reasonable to consent to adjustments;
  - (e) prescribe circumstances in which consent to adjustments is to be taken to be withheld;
  - (f) make provision about the imposition of conditions on consent to adjustments;
  - (g) make provision as to circumstances in which the sheriff may make an order authorising a disabled person to carry out adjustments;
  - (h) make provision about the responsibility for costs arising (directly or indirectly) from an adjustment;
  - (i) make provision about the reinstatement of the common parts to the condition they were in before an adjustment was made;

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- (j) make provision about the giving of notice to the owners of the common parts and other persons;
- (k) make provision about agreements between a disabled person and an owner of the common parts;
- (l) make provision about the registration of information in the Land Register of Scotland or the recording of documents in the Register of Sasines relating to an entitlement of a disabled person or an obligation on an owner of the common parts;
- (m) make provision about the effect of such registration or recording;
- (n) make provision about who is to be treated as being, or as not being, a person entitled to occupy premises otherwise than as tenant or owner.

(5) In this section—

“common parts” means, in relation to premises, the structure and exterior of, and any common facilities within or used in connection with, the building or part of a building which includes the premises but only in so far as the structure, exterior and common facilities are not solely owned by the owner of the premises;

“relevant adjustments” means, in relation to a disabled person, alterations or additions which are likely to avoid a substantial disadvantage to which the disabled person is put in using the common parts in comparison with persons who are not disabled.

**Status:**

Point in time view as at 11/07/2011.

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