



Disability Discrimination Act 1995

1995 CHAPTER 50

^{F1}[^{F2}PART 5B

IMPROVEMENTS TO DWELLING HOUSES

Textual Amendments

- F1** Pt. VB (ss. 49C, 49D) inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **16(1)**; S.R. 2006/466, **art. 2(2)(j)**
- F2** Pt. 5B (ss. 49G, 49H) inserted (E.W.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. **16(1)**, 20(3)-(6), S.I. 2005/2774, {art. 4(d)}

^{F3}49C Exceptions from section 49A(1) **E+W+S**

^{F4}

Extent Information

- E1** This section extended to England, Wales and Scotland only; a separate s. 49C exists for Northern Ireland only.

Textual Amendments

- F3** Pt. 5A (ss. 49A-49F) inserted (E.W.S.) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(b)**; S.I. 2005/2774, **arts. 3(b)**, **4(a)** [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]
- F4** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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)**

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B. (See end of Document for details)

[^{F1}49C Improvements to let dwelling houses **N.I.**

- (1) This section applies in relation to a lease of a dwelling house if—
 - (a) the tenancy is not a secure tenancy or a regulated tenancy;
 - (b) the tenant or any other person who lawfully occupies or is intended lawfully to occupy the premises is a disabled person;
 - (c) the person mentioned in paragraph (b) occupies or is intended to occupy the premises as his only or principal home;
 - (d) the tenant is entitled under the lease to make improvements to the premises with the consent of the landlord; and
 - (e) the tenant applies to the landlord for his consent to make a relevant improvement.
- (2) If the consent of the landlord is unreasonably withheld it must be taken to have been given.
- (3) Where the tenant applies in writing for the consent—
 - (a) if the landlord refuses to give consent, he 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 withheld.
- (4) If the landlord gives consent to the making of an improvement subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.
- (5) In any question as to whether—
 - (a) the consent of the landlord was unreasonably withheld, or
 - (b) a condition imposed by the landlord is 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 his tenancy.
- (7) An improvement to premises is a relevant improvement if, having regard to the disability which the disabled person mentioned in subsection (1)(b) has, it is likely to facilitate his enjoyment of the premises.
- (8) Subsections (2) to (6) apply to a lease only to the extent that provision of a like nature is not made by the lease.
- (9) In this section—

“improvement” means any alteration in or addition to premises and includes—

 - (a) any addition to or alteration in landlord's fittings and fixtures,
 - (b) any addition or alteration connected with the provision of services to the premises,
 - (c) the erection of a wireless or television aerial, and
 - (d) the carrying out of external decoration;

“lease” includes a sub-lease or other tenancy, and “landlord” and “tenant” must be construed accordingly;

“regulated tenancy” has the same meaning as in the Rent (Northern Ireland) Order 1978 (NI 20);

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B. (See end of Document for details)

“secure tenancy” has the meaning given by Article 25 of the Housing (Northern Ireland) Order 1983 (NI 15).]

[^{F3}49D **Power to impose specific duties** **E+W+S**

^{F5}

Extent Information

E2 This section extended to England, Wales and Scotland only; a separate s. 49D exists for Northern Ireland only.

Textual Amendments

- F3** [Pt. 5A](#) (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); [S.I. 2005/1676, art. 2\(2\)\(b\)](#); [S.I. 2005/2774, arts. 3\(b\), 4\(a\)](#) [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]
- F5** 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\(h\)](#)

[^{F1}49D **Conciliation of disputes** **N.I.**

- (1) The Equality Commission for Northern Ireland may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house.
- (2) Subsections (2) to (8) of section 28 apply for the purposes of this section as they apply for the purposes of that section and for that purpose a reference in that section to—
 - (a) a dispute arising under Part III must be construed as a reference to a dispute mentioned in subsection (1);
 - (b) arrangements under that section must be construed as a reference to arrangements under this section.
- (3) “Relevant improvement” has the same meaning as in section 49C.]

[^{F3}49E **Duties under section 49D: compliance notices**

^{F6}

Textual Amendments

- F3** [Pt. 5A](#) (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 3, 20(3)-(6); [S.I. 2005/1676, art. 2\(2\)\(b\)](#); [S.I. 2005/2774, arts. 3\(b\), 4\(a\)](#) [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B. (See end of Document for details)

- F6** S. 49E repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, **Sch. 3 para. 49, Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2(d)** (subject to art. 3)

49F Enforcement of compliance notices

F7]

Textual Amendments

- F3** Pt. 5A (ss. 49A-49F) inserted (E.W.S) (30.6.2005 for s. 49D for certain purposes, 5.12.2005 for s. 49A(1) for certain purposes, and 49B-49F so far as not already in force, and otherwise 4.12.2006) by Disability Discrimination Act 2005 (c. 13), ss. 3, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(b)**; S.I. 2005/2774, **arts. 3(b), 4(a)** [Editorial note: The E.W.S versions of ss. 49C-49F were inserted along with the Part heading "Pt. 5A Public authorities" and should appear under that heading]
- F7** S. 49F repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, **Sch. 3 para. 49, Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2(d)** (subject to art. 3)

49G Improvements to let dwelling houses

F8

Textual Amendments

- F8** 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)**

49H Conciliation of disputes

F9

Textual Amendments

- F9** S. 49H repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, **Sch. 3 para. 50, Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

[^{F10}49I Conciliation of disputes: rented housing in Scotland

F11]]

Textual Amendments

- F10** S. 49I inserted (E.W.S.) (4.12.2006) by Equality Act 2006 (c. 3), **ss. 43(1), 93** (with s. 92); S.I. 2006/1082, **art. 3**
- F11** S. 49I repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, **Sch. 3 para. 51, Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part 5B.