
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2008 No.

**The Special Educational Needs and Disability (2005 Order)
(Amendment) (General Qualifications Bodies) (Alteration of
Premises and Enforcement) Regulations (Northern Ireland) 2008**

PART 3

Leasehold Premises

Modification of Article 37B and Schedule 3A

12.—(1) This regulation applies where a general qualifications body occupies premises under a sub-lease or sub-tenancy (within the meaning of Article 37B of the 2005 Order).

(2) Article 37B of the 2005 Order has effect as if—

- (a) in sub-paragraphs (a) and (b) of paragraph (2), for “the lessor” there were substituted “its immediate landlord”;
- (b) in sub-paragraphs (c) and (d) of that paragraph, for “the lessor” there were substituted “the immediate landlord”;
- (c) after paragraph (2) there were inserted—

“(2A) Except to the extent to which it expressly so provides, any superior lease in respect of the premises shall have effect in relation to the lessor and lessee who are parties to that superior lease as if it provided—

- (a) for the lessee to be entitled to give his consent to the alteration with the written consent of the lessor;
- (b) for the lessee to have to make a written application to the lessor for consent if he wishes to give his consent to the alteration;
- (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (d) for the lessor to be entitled to make his consent subject to reasonable conditions.”

(3) Schedule 3A to the 2005 Order has effect as if—

- (a) in paragraphs 1 and 2(1), for “the lessor” in each place where it occurs there were substituted “its immediate landlord”;
- (b) after paragraph 2(1) there were inserted—

“(1A) Where the lessee of any superior lease in relation to the premises has applied in writing to his lessor for consent to the alteration and—

- (a) that consent has been refused, or
- (b) the lessor has made his consent subject to one or more conditions,

the general qualifications body, the lessee or a disabled person who has an interest in the proposed alteration to the premises being made may refer the matter to a county court.”; and

- (c) in paragraph 3(1), for “the lessor”, there were substituted “any lessor (including any superior landlord)”.