

## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

**31.**—(1) Schedule 4 (premises occupied under leases) is amended as follows.

(2) In paragraph 2 (joining lessors in tribunal proceedings)—

(a) in the heading, the words “or 25(8)” are omitted, and

(b) in sub-paragraph (1), for “under section 17A or 25(8)” substitute “on a complaint under section 17A”.

(3) In the heading to Part II (occupation by provider of services) for “provider of services” substitute “persons subject to a duty under section 21, section 21E or 21H”.

(4) In paragraph 5 (failure to obtain consent to alteration), after “section 21 duty” insert “or the duty imposed under section 21E or 21H”.

(5) In paragraph 7(1) (joining lessors in proceedings under section 25), for “under section 25, in a case to which this Part of this Schedule applies,” substitute “under section 25 in a case to which section 27 applies, other than a claim presented as a complaint under section 25(8),”.

(6) After paragraph 7 insert—

*“Joining lessors in proceedings relating to group insurance or employment services*

**7A.**—(1) In any proceedings on a complaint under section 25(8) in a case to which section 27 applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined as a party to the proceedings.

(2) The request shall be granted if it is made before the hearing of the complaint begins.

(3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.

(4) The request may not be granted if it is made after the tribunal has determined the complaint.

(5) Where a lessor has been so joined as a party to the proceedings, the tribunal may determine—

(a) whether the lessor has—

(i) refused consent to the alteration, or

(ii) consented subject to one or more conditions; and

(b) if so, whether the refusal or any of the conditions was unreasonable.

(6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—

(a) make such declaration as it considers appropriate;

(b) make an order authorising the occupier to make the alteration specified in the order;

(c) order the lessor to pay compensation to the complainant.

**Status:** This is the original version (as it was originally made).

(7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.

(8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under section 17A(2).

(9) If the tribunal orders the lessor to pay compensation it may not make an order under section 17A(2) ordering the occupier to do so.”.