
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 420

DISABLED PERSONS

The Disability Discrimination (Sub-leases and Sub-tenancies) Regulations (Northern Ireland) 1996

Made - - - - 12th September 1996

Coming into operation 4th November 1996

In exercise of the powers conferred on the Department of Economic Development by section 16(3) of and paragraph 4 of Schedule 4 to the Disability Discrimination Act 1995⁽¹⁾ the Department of Economic Development hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Disability Discrimination (Sub-leases and Sub-tenancies) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2.—(1) In these Regulations “the Act” means the Disability Discrimination Act 1995.

(2) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Definition of sub-lease and sub-tenancy

3. For the purposes of section 16 of the Act “sub-lease” means any sub-term created out of or deriving from a leasehold interest and “sub-tenancy” means any tenancy created out of or deriving from a superior tenancy.

Modification of section 16 and paragraph 1 of Schedule 4

4. Where the occupier occupies premises under a sub-lease or sub-tenancy the following modifications and additions shall have effect—

- (a) (subject to paragraph (b), section 16 of and paragraph I of Schedule 4 to the Act are modified so that for references to “lessor” there are substituted references to the lessor who is the occupier’s immediate landlord;

(1) 1995 c. 50 as it applies in Northern Ireland by virtue of section 70(6) and Schedule 8 thereof. Apart from the cited provisions, section 16 and Schedule 4 are not yet in force.

(2) 1954 c. 33 (N.I.)

- (b) the following subsection is added to follow section 16(2) of the Act;
- “(2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—
- (i) for the lessee to have to make a written application to the lessor for consent to the alteration;
 - (ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and
 - (iii) for the lessor to be entitled to make his consent subject to reasonable conditions”.
- (c) paragraphs 2 and 3 of Schedule 4 to the Act are modified so that references to “lessor” include any superior landlord.

Sealed with the Official Seal of the Department of Economic Development on 12th September 1996.

W. A. N. Arbuthnot
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

These Regulations modify and supplement the provisions of section 16 of and Schedule 4 to the Disability Discrimination Act 1995 as it applies in Northern Ireland by virtue of section 70(6) and Schedule 8 thereof, in relation to cases where premises are occupied under a sub-lease or sub-tenancy. Section 16 and paragraph 1 of Schedule 4 are modified so that “lessor” refers to the occupier’s immediate landlord. The effect of this is that any consent to alterations has to be sought from the immediate landlord rather than a superior landlord.

Section 16 is also supplemented to cover the position with regard to the obligations of lessors and lessees under superior leases and tenancies.

Schedule 4 paragraph 2 (joining lessors in industrial tribunal proceedings) and paragraph 3 (regulation making power) are modified so that reference to the lessor include any superior landlord.

The Regulations define sub-lease and sub-tenancy for the purposes of section 16.