
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under Part III of the Disability Discrimination Act 1995 (“the Act”) and apply to service providers and landlords of premises occupied by service providers.

Regulation 3 prescribes particular circumstances in which it is reasonable or not reasonable for a service provider to have to take steps under section 21 of the Act in relation to alterations to his premises. One prescribed circumstance is where under the terms of a binding obligation the service provider is required to obtain the consent of another person to the alteration. In such circumstances it is reasonable for him to have to request the consent and it is not reasonable for him to have to make the alteration before the consent is obtained. Another circumstance is where, in the circumstances set out in the Schedule, a physical feature provided to assist people to have access to a building or to use the facilities provided in the building satisfies the relevant design standards defined in the Schedule. In such a case it is not reasonable for the service provider to have to remove or alter the feature.

Regulation 4 defines the meaning of “sub-lease” and “sub-tenancy” for the purposes of section 27 of the Act.

Regulations 5 to 7 set out the circumstances for the purpose of section 27 of, and Part II of Schedule 4 to, the Act where a lessor will be taken to have withheld his consent or to have reasonably or unreasonably withheld his consent to an application to make an alteration to premises made by or on behalf of the service provider.

Regulation 8 sets out conditions for the purposes of section 27 of, and Part II of Schedule 4 to, the Act that it is reasonable for a lessor to attach to a grant of consent to an alteration of premises.

Regulation 9 modifies certain provisions of section 27 of, and Schedule 8 to, the Act that apply to a landlord who is the service provider’s immediate landlord so that they apply to a landlord who is a service provider’s superior landlord.

The Schedule explains the meaning of “relevant design standard” for the purpose of Regulation 3 and sets out the circumstances in which a feature is to be regarded as satisfying that standard.

These Regulations were notified in draft to the European Commission in accordance with Directive [98/34/EC](#).

The Schedule refers to “Technical Booklet R”. Copies of the December 2000 Technical Booklet R (ISBN 0 337 23709 3) are available from The Publications Centre (mail, telephone and fax orders only) PO Box 276, London SW8 5DT (Telephone orders 0171 873 9090; Fax orders 0171 873 8200) and from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD (Telephone 028 9023 8451; Fax 028 9023 5401). It is also available on the Department of Finance and Personnel’s website (www.dfpni.gov.uk/buildingregulations/techbooklets.htm).