
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace (in part) the Disability Discrimination (Employment) Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 419](#)) and (in full) the Disability Discrimination (Sub-leases and Sub-tenancies) Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 420](#)) in consequence of changes made to the Disability Discrimination Act 1995 by the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 ([S.R. 2004 No. 55](#)) (“the primary regulations”) which come into force on 1st October 2004. The primary regulations implement (in Northern Ireland) provisions of Council Directive [2000/78/EC](#) (O.J. No. L303, 2.12.2000, p. 16) (“the Directive”) establishing a general framework for equal treatment in employment and occupation so far as it relates to disability discrimination.

These Regulations contain provisions applying where a person who has a duty to make reasonable adjustments under Part II of the 1995 Act needs to obtain consent from a lessor or superior lessor in order to make those changes, and the circumstances in which such consent may be given or withheld.

Regulation 3 revokes both [S.R. 1996 No. 419](#) and [S.R. 1996 No. 420](#).

Regulation 4 (which replaces [S.R. 1996 No. 419](#), reg. 11) prescribes the circumstances in which a lessor of premises is taken to have withheld his consent to an application made by a person to whom a duty to make a reasonable adjustment applies to alter premises so that he can comply with any such duty.

Regulation 5 (which replaces [S.R. 1996 No. 419](#), reg. 12) prescribes the circumstances in which a lessor is taken to have withheld his consent unreasonably.

Regulation 6 (which replaces [S.R. 1996 No. 419](#), reg. 13) prescribes the circumstances in which a lessor is taken to have withheld his consent reasonably.

Regulation 7 (which replaces [S.R. 1996 No. 419](#), reg. 14) prescribes when a condition, subject to which the lessor has given his consent, is taken to be reasonable.

Regulations 8 and 9 relate to the withholding of consent where the premises are occupied under a sub-lease or sub-tenancy. They replicate the provisions of [S.R. 1996 No. 420](#) which are revoked by these Regulations.

(Regulations 3 to 10 and 15 of [S.R. 1996 No. 419](#) are not replaced. Regulations 7, 9 and 10 have been replaced with modifications in the primary regulations: see new sections 4B(5), 18D(2) and 18B(3) and (4) inserted into the 1995 Act. Regulations 3 to 6, 8 and 15 are not replaced as their provisions are inconsistent with the Directive.)

These Regulations do not impose any new costs on businesses.