



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### [<sup>F1</sup>PART 5B

#### IMPROVEMENTS TO DWELLING HOUSES

##### Annotations:

##### Amendments (Textual)

- F1** Pt. 5B (ss. 49G, 49H) inserted (E.W.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. [16\(1\)](#), [20\(3\)-\(6\)](#), S.I 2005/2774, {art. 4(d)}

#### **49G Improvements to let dwelling houses**

- (1) This section applies in relation to a lease of a dwelling house if—
  - (a) the tenancy is not a protected tenancy, a statutory tenancy or a secure tenancy,
  - (b) the tenant or any other person who lawfully occupies or is intended lawfully to occupy the premises is a disabled person,
  - (c) the person mentioned in paragraph (b) occupies or is intended to occupy the premises as his only or principal home,
  - (d) the tenant is entitled under the lease to make improvements to the premises with the consent of the landlord, and
  - (e) the tenant applies to the landlord for his consent to make a relevant improvement.
- (2) If the consent of the landlord is unreasonably withheld it must be taken to have been given.
- (3) Where the tenant applies in writing for the consent—
  - (a) if the landlord refuses to give consent, he must give the tenant a written statement of the reason why the consent was withheld;
  - (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been withheld.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Discrimination Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (4) If the landlord gives consent to the making of an improvement subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.
- (5) In any question as to whether—
  - (a) the consent of the landlord was unreasonably withheld, or
  - (b) a condition imposed by the landlord is unreasonable,
 it is for the landlord to show that it was not.
- (6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of his tenancy.
- (7) An improvement to premises is a relevant improvement if, having regard to the disability which the disabled person mentioned in subsection (1)(b) has, it is likely to facilitate his enjoyment of the premises.
- (8) Subsections (2) to (6) apply to a lease only to the extent that provision of a like nature is not made by the lease.
- (9) In this section—
  - “improvement” means any alteration in or addition to premises and includes—
    - (a) any addition to or alteration in landlord’s fittings and fixtures,
    - (b) any addition or alteration connected with the provision of services to the premises,
    - (c) the erection of a wireless or television aerial, and
    - (d) the carrying out of external decoration;
  - “lease” includes a sub-lease or other tenancy, and “landlord” and “tenant” must be construed accordingly;
  - “protected tenancy” has the same meaning as in section 1 of the Rent Act 1977;
  - “statutory tenancy” must be construed in accordance with section 2 of that Act;
  - “secure tenancy” has the same meaning as in section 79 of the Housing Act 1985.

**49H Conciliation of disputes**

F2 .....

<p><b>Annotations:</b></p> <hr/> <p><b>Amendments (Textual)</b></p> <p><b>F2</b> S. 49H repealed (1.10.2007) by <a href="#">Equality Act 2006 (c. 3)</a>, ss. 40, 91, 93, <a href="#">Sch. 3 para. 50</a>, <a href="#">Sch. 4</a> (with s. 92); S.I. 2007/2603, <a href="#">art. 2</a> (subject to <a href="#">art. 3</a>)</p>
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**49I Conciliation of disputes: rented housing in Scotland**

F4 .....]]

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**Annotations:**

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**Amendments (Textual)**

- F3** S. 49I inserted (E.W.S.) (4.12.2006) by Equality Act 2006 (c. 3), **ss. 43(1)**, 93 (with s. 92); S.I. 2006/1082, **art. 3**
- F4** S. 49I repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, **Sch. 3 para. 51**, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision 2009 nawm 5 by [S.I. 2010/1148 art. 5\(2\)](#)
- Act applied by [2015 c. 10 \(N.I.\) s. 9\(3\)\(b\)](#)
- Act repealed by [2010 c. 15 Sch. 27 Pt. 1](#) (Sch. 27 Pt. 1 was substituted by [SI 2010/2279, art. 13, Sch. 2](#))
- Act savings for effects of [2010 c. 15 Sch. 27](#) by [S.I. 2010/2279 art. 16\(5\)](#)
- Act transfer of functions by [S.R. 2016/76 Sch. 1 Pt. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(4B) inserted by [S.I. 2010/1504 reg. 10](#)
- Sch. 1 para. 4(1)(i)(j) inserted by [2011 c. 27 \(N.I.\) s. 1\(2\)](#)
- Sch. 3 para. 3(1A)(1B) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 11](#)

**Commencement Orders yet to be applied to the Disability Discrimination Act 1995**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/303 art. 2-7 Sch. 1-6](#) commences ([2009 c. 22](#))
- [S.I. 2010/341 art. 2](#) commences ([2005 c. 13](#))
- [S.I. 2010/1151 art. 2-4](#) commences ([2009 c. 22](#))
- [S.I. 2010/2317 art. 2 3](#) commences ([2010 c. 15](#))
- [S.I. 2011/1066 art. 2](#) commences ([2010 c. 15](#))
- [S.R. 2013/216 art. 2](#) commences ([S.I. 2006/312 \(N.I.\)](#))
- [S.R. 2015/35 art. 2](#) commences ([2014 c. 12 \(N.I.\)](#))
- [S.R. 2015/389 art. 2\(3\) Sch. Pt. 3](#) commences ([2008 c. 4 \(N.I.\)](#))
- [S.R. 2016/387 art. 2](#) commences ([2015 c. 9 \(N.I.\)](#))