



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART III

#### DISCRIMINATION IN OTHER AREAS

##### *Premises*

#### **22 Discrimination in relation to premises.**

- (1) It is unlawful for a person with power to dispose of any premises to discriminate against a disabled person—
  - (a) in the terms on which he offers to dispose of those premises to the disabled person;
  - (b) by refusing to dispose of those premises to the disabled person; or
  - (c) in his treatment of the disabled person in relation to any list of persons in need of premises of that description.
- (2) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he—
  - (a) uses the services of an estate agent, or
  - (b) publishes an advertisement or causes an advertisement to be published.
- (3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises—
  - (a) in the way he permits the disabled person to make use of any benefits or facilities;
  - (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
  - (c) by evicting the disabled person, or subjecting him to any other detriment.

[<sup>F1</sup>(3A) Regulations may make provision, for purposes of subsection (3)—

- (a) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;

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- (b) as to who is to be treated as being, or as to who is to be treated as not being, a person occupying premises.]
- (4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in, or (in Scotland) the subject of, a tenancy to discriminate against a disabled person by withholding his licence or consent for the disposal of the premises to the disabled person.
- (5) Subsection (4) applies to tenancies created before as well as after the passing of this Act.
- (6) In this section—
- “advertisement” includes every form of advertisement or notice, whether to the public or not;
- “dispose”, in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in, or (in Scotland) the subject of, a tenancy, includes—
- (a) assigning the tenancy, and
- (b) sub-letting or parting with possession of the premises or any part of the premises;
- and “disposal” shall be construed accordingly;
- “estate agent” means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and
- “tenancy” means a tenancy created—
- (a) by a lease or sub-lease,
- (b) by an agreement for a lease or sub-lease,
- (c) by a tenancy agreement, or
- (d) in pursuance of any enactment.
- (7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (8) This section applies only in relation to premises in the United Kingdom.

#### Annotations:

#### Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Amendments (Textual)

- F1** S. 22(3A) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 16](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 14](#); S.R. 2006/289, [art. 2\(1\)\(b\)](#)

## [<sup>F2</sup>22A Commonholds

- (1) It is unlawful for any person whose licence or consent is required for the disposal of an interest in a commonhold unit by the unit-holder to discriminate against a disabled

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- person by withholding his licence or consent for the disposal of the interest in favour of, or to, the disabled person.
- (2) Where it is not possible for an interest in a commonhold unit to be disposed of by the unit-holder unless some other person is a party to the disposal of the interest, it is unlawful for that other person to discriminate against a disabled person by deliberately not being a party to the disposal of the interest in favour of, or to, the disabled person.
  - (3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only, in cases of a prescribed description.
  - (4) Regulations may make provision, for purposes of this section—
    - (a) as to what is, or as to what is not, to be included within the meaning of “dispose” (and “disposal”);
    - (b) as to what is, or as to what is not, to be included within the meaning of “interest in a commonhold unit”.
  - (5) In this section “commonhold unit”, and “unit-holder” in relation to such a unit, have the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.
  - (6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
  - (7) This section applies only in relation to premises in England and Wales.]

**Annotations:**

**Amendments (Textual)**

- F2** S. 22A inserted (E.W.S. with application to E.W. only) (30.6.2005 for certain purposes, and 4.12.2006 insofar as not already in force) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 17](#); [S.I. 2005/1676](#), [art. 2\(2\)\(g\)](#); [S.I. 2005/2774](#), {art. 4(f)}

**23 Exemption for small dwellings.**

- (1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.
- (2) The conditions are that—
  - (a) the relevant occupier resides, and intends to continue to reside, on the premises;
  - (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
  - (c) the shared accommodation is not storage accommodation or a means of access; and
  - (d) the premises are small premises.
- (3) For the purposes of this section, premises are “small premises” if they fall within subsection (4) or (5).
- (4) Premises fall within this subsection if—
  - (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;

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- (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;
  - (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
  - (d) there are not normally more than two such other households.
- (5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.
- (6) For the purposes of this section “the relevant occupier” means—
- (a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;
  - [<sup>F3</sup>(aa) in a case falling within section 22(3), the person managing the premises, or a near relative of his;]
  - (b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.
- (7) For the purposes of this section—
- “near relative” means a person’s spouse [<sup>F4</sup>or civil partner], partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or [<sup>F5</sup>by marriage or civil partnership]); and
- [<sup>F6</sup>“partner” means the other member of a couple consisting of—
- (a) a man and a woman who are not married to each other but are living together as husband and wife, or
  - (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.]

#### Annotations:

##### Amendments (Textual)

- F3** S. 23(6)(aa) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 18](#); [S.I. 2005/1676](#), [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 15](#); [S.R. 2006/289](#), [art. 2\(1\)\(b\)](#)
- F4** Words in s. 23(7) inserted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(2)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F5** Words in s. 23(7) substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150}; [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F6** S. 23(7): definition of "partner" substituted (5.12.2005) by [Civil Partnership Act \(2004 c. 33\)](#), ss. 261(1), 263(10), {Sch. 27 para. 150(3)}; [S.I. 2005/3175](#), [art. 2\(2\)](#)

##### Modifications etc. (not altering text)

- C1** S. 23: power to amend or repeal conferred (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 15; [S.R. 2007/466](#), [art. 2\(2\)\(i\)](#)

## 24 Meaning of “discrimination” .

- (1) For the purposes of [<sup>F7</sup>sections 22 and 22A], a person (“A”) discriminates against a disabled person if—

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- (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
  - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this section, treatment is justified only if—
- (a) in A's opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (3) The conditions are that—
- (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
  - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
  - (c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;
  - (d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.
- [<sup>F8</sup>(e) in a case to which subsection (3A) applies, the terms are less favourable in order to recover costs which—
- (i) as a result of the disabled person having a disability, are incurred in connection with the disposal of the premises, and
  - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24G(1);
- (f) in a case to which subsection (3B) applies, the disabled person is subjected to the detriment in order to recover costs which—
- (i) as a result of the disabled person having a disability, are incurred in connection with the management of the premises, and
  - (ii) are not costs incurred in connection with taking steps to avoid liability under section 24A(1) or 24G(1).]

[<sup>F9</sup>(3A) This subsection applies to a case if—

    - (a) the case falls within section 22(1)(a);
    - (b) the premises are to let;
    - (c) the person with power to dispose of the premises is a controller of them; and
    - (d) the proposed disposal of the premises would involve the disabled person becoming a person to whom they are let.

(3B) This subsection applies to a case if—

    - (a) the case falls within section 22(3)(c);
    - (b) the detriment is not eviction;
    - (c) the premises are let premises;
    - (d) the person managing the premises is a controller of them; and
    - (e) the disabled person is a person to whom the premises are let or, although not a person to whom they are let, is lawfully under the letting an occupier of them.

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(3C) Section 24G(3) and (4) apply for the purposes of subsection (3A) as for those of section 24G; and section 24A(3) and (4) apply for the purposes of subsection (3B) as for those of section 24A.]

(4) Regulations may make provision, for purposes of this section, as to circumstances in which—

- (a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);
- (b) it is not reasonable for a person to hold that opinion.

[<sup>F10</sup>(4A) Regulations may make provision for the condition specified in subsection (3)(b) not to apply in prescribed circumstances.]

(5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.

#### Annotations:

##### Amendments (Textual)

- F7** S. 24(1): words "sections 22 and 22A" substituted (E.W.S.) for "section 22" (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 19\(2\)](#); S.I. 2005/2774, [art. 4\(f\)](#)
- F8** S. 24(3)(e)(f) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 19\(3\)](#); S.I. 2005/2774, [art. 4\(f\)](#) and same subsections inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(4\)](#); S.R. 2007/466, [art. 2\(2\)\(m\)](#)
- F9** S. 24(3A)–(3C) inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 19\(4\)](#); S.I. 2005/2774, [art. 4\(f\)](#) and same subsections inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(3\)](#); S.R. 2007/466, [art. 2\(2\)\(m\)](#)
- F10** S. 24(4A) inserted (E.W.S.) (30.6.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 19\(5\)](#); S.I. 2005/1676, [art. 2\(1\)\(c\)](#) and same subsection inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 16\(4\)](#); S.R. 2007/466, [art. 2\(2\)\(m\)](#)

##### Modifications etc. (not altering text)

- C2** S. 24(3)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Premises\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/474\)](#), [reg. 2](#)

##### Commencement Information

- I1** S. 24 wholly in force at 2.12.1996; s. 24 not in force at Royal Assent see [s. 70\(3\)](#); [s. 24\(5\)](#) in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 24\(5\)](#) in force (N.I.) at 11.7.1996 by S.R. 1996/280, [art. 2\(1\)](#), [Sch. Pt. I](#); [s. 24\(1\)–\(4\)](#) in force (E.W.S.) at 2.12.1996 by S.I. 1996/1474, [art. 2\(3\)](#), [Sch. Pt. III](#); [s. 21\(1\)–\(4\)](#) in force (N.I.) at 2.12.1996 by S.R. 1996/280, [art. 2\(2\)](#), [Sch. Pt. II](#)

#### [<sup>F11</sup>24A Let premises: discrimination in failing to comply with duty

(1) It is unlawful for a controller of let premises to discriminate against a disabled person

- (a) who is a person to whom the premises are let; or
- (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.

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- (2) For the purposes of subsection (1), a controller of let premises discriminates against a disabled person if—
  - (a) he fails to comply with a duty under section 24C or 24D imposed on him by reference to the disabled person; and
  - (b) he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24B to 24F, a person is a controller of let premises if he is—
  - (a) a person by whom the premises are let; or
  - (b) a person who manages the premises.
- (4) For the purposes of this section and sections 24B to 24F—
  - (a) “let” includes sub-let; and
  - (b) premises shall be treated as let by a person to another where a person has granted another a contractual licence to occupy them.
- (5) This section applies only in relation to premises in the United Kingdom.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 14; S.R. 2006/289, [art. 2\(2\)\(c\)](#); S.R. 2007/466, [art. 2\(2\)\(h\)](#)

**24B Exceptions to section 24A(1)**

- (1) Section 24A(1) does not apply if—
  - (a) the premises are, or have at any time been, the only or principal home of an individual who is a person by whom they are let; and
  - (b) since entering into the letting—
    - (i) the individual has not, and
    - (ii) where he is not the sole person by whom the premises are let, no other person by whom they are let has,  
used for the purpose of managing the premises the services of a person who, by profession or trade, manages let premises.
- (2) Section 24A(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24A(1) does not apply.
- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24A(1), a controller of the let premises, or a near relative of his; and “near relative” has here the same meaning as in section 23.

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**Annotations:**

**Amendments (Textual)**

**F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

**Modifications etc. (not altering text)**

**C3** S. 24B: power to amend or repeal conferred (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **15**; S.R. 2007/466, **art. 2(2)(i)**

**24C Duties for purposes of section 24A(2) to provide auxiliary aid or service**

- (1) Subsection (2) applies where—
  - (a) a controller of let premises receives a request made by or on behalf of a person to whom the premises are let;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service; and
  - (c) either the first condition, or the second condition, is satisfied.
- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide the auxiliary aid or service (but see section 24E(1)).
- (3) The first condition is that—
  - (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to enjoy, or facilitate such a person's enjoyment of, the premises, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to enjoy the premises.
- (4) The second condition is that—
  - (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to make use, or facilitate such a person's making use, of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use.

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**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 14; S.R. 2006/289, [art. 2\(2\)\(c\)](#); S.R. 2007/466, [art. 2\(2\)\(h\)](#)

**24D Duty for purposes of section 24A(2) to change practices, terms, etc.**

- (1) Subsection (3) applies where—
- (a) a controller of let premises has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person—
    - (i) to enjoy the premises, or
    - (ii) to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, or
  - (b) a term of the letting has that effect,
- and (in either case) the conditions specified in subsection (2) are satisfied.
- (2) Those conditions are—
- (a) that the practice, policy, procedure or term would not have that effect if the relevant disabled person concerned did not have a disability;
  - (b) that the controller receives a request made by or on behalf of a person to whom the premises are let; and
  - (c) that it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy, procedure or term so as to stop it having that effect.
- (3) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy, procedure or term so as to stop it having that effect (but see section 24E(1)).

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 14; S.R. 2006/289, [art. 2\(2\)\(c\)](#); S.R. 2007/466, [art. 2\(2\)\(h\)](#)

**24E Sections 24C and 24D: supplementary and interpretation**

- (1) For the purposes of sections 24C and 24D, it is never reasonable for a controller of let premises to have to take steps consisting of or including the removal or alteration of a physical feature.
- (2) Sections 24C and 24D impose duties only for the purpose of determining whether a person has, for the purposes of section 24A, discriminated against another; and accordingly a breach of any such duty is not actionable as such.

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- (3) In sections 24C and 24D “relevant disabled person”, in relation to let premises, means a particular disabled person—
- (a) who is a person to whom the premises are let; or
  - (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.
- (4) For the purposes of section 24C and 24D, the terms of a letting of premises include the terms of any agreement which relates to the letting of the premises.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

**24F Let premises: victimisation of persons to whom premises are let**

- (1) Where a duty under section 24C or 24D is imposed on a controller of let premises by reference to a person who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises, it is unlawful for a controller of the let premises to discriminate against a person to whom the premises are let.
- (2) For the purposes of subsection (1), a controller of the let premises discriminates against a person to whom the premises are let if—
- (a) the controller treats that person (“T”) less favourably than he treats or would treat other persons whose circumstances are the same as T's; and
  - (b) he does so because of costs incurred in connection with taking steps to avoid liability under section 24A(1) for failure to comply with the duty.
- (3) In comparing T's circumstances with those of any other person for the purposes of subsection (2)(a), the following (as well as the costs' having been incurred) shall be disregarded—
- (a) the making of the request that gave rise to the imposition of the duty; and
  - (b) the disability of each person who—
    - (i) is a disabled person or a person who has had a disability, and
    - (ii) is a person to whom the premises are let or, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

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## **24G Premises that are to let: discrimination in failing to comply with duty**

- (1) Where—
  - (a) a person has premises to let, and
  - (b) a disabled person is considering taking a letting of the premises,it is unlawful for a controller of the premises to discriminate against the disabled person.
- (2) For the purposes of subsection (1), a controller of premises that are to let discriminates against a disabled person if—
  - (a) he fails to comply with a duty under section 24J imposed on him by reference to the disabled person; and
  - (b) he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24H and 24J, a person is a controller of premises that are to let if he is—
  - (a) a person who has the premises to let; or
  - (b) a person who manages the premises.
- (4) For the purposes of this section and sections 24H and 24J—
  - (a) “let” includes sub-let;
  - (b) premises shall be treated as to let by a person to another where a person proposes to grant another a contractual licence to occupy them;and references to a person considering taking a letting of premises shall be construed accordingly.
- (5) This section applies only in relation to premises in the United Kingdom.

### **Annotations:**

#### **Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force)) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

## **24H Exceptions to section 24G(1)**

- (1) Section 24G(1) does not apply in relation to premises that are to let if the premises are, or have at any time been, the only or principal home of an individual who is a person who has them to let and—
  - (a) the individual does not use, and
  - (b) where he is not the sole person who has the premises to let, no other person who has the premises to let uses,the services of an estate agent (within the meaning given by section 22(6)) for the purposes of letting the premises.
- (2) Section 24G(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24G(1) does not apply.

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- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24G(1), a controller of the premises that are to let, or a near relative of his; and “near relative” has here the same meaning as in section 23.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force)) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

**Modifications etc. (not altering text)**

- C4** S. 24H: power to amend or repeal conferred (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **15**; S.R. 2007/466, **art. 2(2)(i)**

**24J Duties for purposes of section 24G(2)**

- (1) Subsection (2) applies where—
- (a) a controller of premises that are to let receives a request made by or on behalf of a relevant disabled person;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service;
  - (c) the auxiliary aid or service—
    - (i) would enable the relevant disabled person to become, or facilitate his becoming, a person to whom the premises are let, but
    - (ii) would be of little or no practical use to him if he were not considering taking a letting of the premises; and
  - (d) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person to become a person to whom the premises are let.
- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for the controller to have to take in order to provide the auxiliary aid or service (but see subsection (5)).
- (3) Subsection (4) applies where—
- (a) a controller of premises that are to let has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person to become a person to whom the premises are let;
  - (b) the practice, policy or procedure would not have that effect if the relevant disabled person did not have a disability;
  - (c) the controller receives a request made by or on behalf of the relevant disabled person; and
  - (d) it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy or procedure so as to stop it having that effect.

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- (4) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy or procedure so as to stop it having that effect (but see subsection (5)).
- (5) For the purposes of this section, it is never reasonable for a controller of premises that are to let to have to take steps consisting of or including the removal or alteration of a physical feature.
- (6) In this section “relevant disabled person”, in relation to premises that are to let, means a particular disabled person who is considering taking a letting of the premises.
- (7) This section imposes duties only for the purpose of determining whether a person has, for the purposes of section 24G, discriminated against another; and accordingly a breach of any such duty is not actionable as such.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A–24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; S.R. 2006/289, **art. 2(2)(c)**; S.R. 2007/466, **art. 2(2)(h)**

**24K Let premises and premises to let: justification**

- (1) For the purposes of sections 24A(2) and 24G(2), a person's failure to comply with a duty is justified only if—
  - (a) in his opinion, a condition mentioned in subsection (2) is satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (2) The conditions are—
  - (a) that it is necessary to refrain from complying with the duty in order not to endanger the health or safety of any person (which may include that of the disabled person concerned);
  - (b) that the disabled person concerned is incapable of entering into an enforceable agreement, or of giving informed consent, and for that reason the failure is reasonable.
- (3) Regulations may—
  - (a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to hold the opinion mentioned in subsection (1)(a);
  - (b) amend or omit a condition specified in subsection (2) or make provision for it not to apply in prescribed circumstances;
  - (c) make provision, for purposes of this section, as to circumstances (other than any for the time being mentioned in subsection (2)) in which a failure is to be taken to be justified.

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#### Annotations:

#### Amendments (Textual)

**F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **14**; [S.R. 2006/289](#), **art. 2(2)(c)**; [S.R. 2007/466](#), **art. 2(2)(h)**

#### Modifications etc. (not altering text)

**C5** S. 24K(2)(b) excluded (N.I.) (31.12.2007) by [The Disability Discrimination \(Premises\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/474\)](#), **reg. 2**

### 24L Sections 24 to 24K: power to make supplementary provision

- (1) Regulations may make provision, for purposes of sections 24(3A) and (3B) and 24A to 24K—
- (a) as to circumstances in which premises are to be treated as let to a person;
  - (b) as to circumstances in which premises are to be treated as not let to a person;
  - (c) as to circumstances in which premises are to be treated as being, or as not being, to let;
  - (d) as to who is to be treated as being, or as to who is to be treated as not being, a person who, although not a person to whom let premises are let, is lawfully under the letting an occupier of the premises;
  - (e) as to who is to be treated as being, or as to who is to be treated as not being, a person by whom premises are let;
  - (f) as to who is to be treated as having, or as to who is to be treated as not having, premises to let;
  - (g) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;
  - (h) as to things which are, or as to things which are not, to be treated as auxiliary aids or services;
  - (i) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
  - (j) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to have to take steps of a prescribed description;
  - (k) as to steps which it is always, or as to steps which it is never, reasonable for a person to have to take;
  - (l) as to circumstances in which it is, or as to circumstances in which it is not, reasonable to regard a request as being of a particular kind;
  - (m) as to things which are, or as to things which are not, to be treated as physical features;
  - (n) as to things which are, or as to things which are not, to be treated as alterations of physical features.
- (2) The powers under subsections (1)(j) and (k) are subject to sections 24E(1) and 24J(5).]

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**Annotations:**

**Amendments (Textual)**

- F11** Ss. 24A-24L inserted (N.I.) (3.7.2006 for ss. 24K and 24L for certain purposes only and 31.12.2007 for all provisions insofar as not already in force) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 14; S.R. 2006/289, [art. 2\(2\)\(c\)](#); S.R. 2007/466, [art. 2\(2\)\(h\)](#)

[<sup>F12</sup>**24M Premises provisions do not apply where other provisions operate**

- (1) Sections 22 to 24L do not apply—
- (a) in relation to the provision of premises by a provider of services where he provides the premises in providing services to members of the public;
  - (b) in relation to the provision, in the course of a Part II relationship, of premises by the regulated party to the other party;
  - (c) in relation to the provision of premises to a student or prospective student—
    - (i) by a responsible body within the meaning of Chapter I or II of Part III of the 2005 Order, or
    - (ii) by an authority in discharging any functions mentioned in Article 19(1) of the 2005 Order; or
  - (d) to anything which is unlawful under section 21F or which would be unlawful under that section but for the operation of any provision in or made under this Act.
- (2) Subsection (1)(a) has effect subject to any prescribed exceptions.
- (3) In subsection (1)(a) “provider of services”, and providing services, have the same meaning as in section 19.
- (4) For the purposes of subsection (1)(b)—
- (a) “Part II relationship” means a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under sections 4 to 15C; and
  - (b) in relation to a Part II relationship, “regulated party” means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.
- (5) In subsection (1)(c) “student” includes pupil.]

**Annotations:**

**Amendments (Textual)**

- F12** S. 24M inserted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), [Sch. 1 para. 17](#); S.R. 2007/466, [art. 2\(2\)\(I\)](#)

[<sup>F13</sup>**24A Let premises: discrimination in failing to comply with duty**

- (1) It is unlawful for a controller of let premises to discriminate against a disabled person—
- (a) who is a person to whom the premises are let; or

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- (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.
- (2) For the purposes of subsection (1), a controller of let premises discriminates against a disabled person if—
  - (a) he fails to comply with a duty under section 24C or 24D imposed on him by reference to the disabled person; and
  - (b) he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24B to 24F, a person is a controller of let premises if he is—
  - (a) a person by whom the premises are let; or
  - (b) a person who manages the premises.
- (4) For the purposes of this section and sections 24B to 24F—
  - (a) “let” includes sub-let; and
  - (b) premises shall be treated as let by a person to another where a person has granted another a contractual licence to occupy them.
- (5) This section applies only in relation to premises in the United Kingdom.

**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**24B Exceptions to section 24A(1)**

- (1) Section 24A(1) does not apply if—
  - (a) the premises are, or have at any time been, the only or principal home of an individual who is a person by whom they are let; and
  - (b) since entering into the letting—
    - (i) the individual has not, and
    - (ii) where he is not the sole person by whom the premises are let, no other person by whom they are let has,
 used for the purpose of managing the premises the services of a person who, by profession or trade, manages let premises.
- (2) Section 24A(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24A(1) does not apply.
- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24A(1), a controller of the let premises, or a near relative of his; and “near relative” has here the same meaning as in section 23.

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**Annotations:**

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**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**24C Duty for purposes of section 24A(2) to provide auxiliary aid or service**

- (1) Subsection (2) applies where—
- (a) a controller of let premises receives a request made by or on behalf of a person to whom the premises are let;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service; and
  - (c) either the first condition, or the second condition, is satisfied.
- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to provide the auxiliary aid or service (but see section 24E(1)).
- (3) The first condition is that—
- (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to enjoy, or facilitate such a person's enjoyment of, the premises, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to enjoy the premises.
- (4) The second condition is that—
- (a) the auxiliary aid or service—
    - (i) would enable a relevant disabled person to make use, or facilitate such a person's making use, of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, but
    - (ii) would be of little or no practical use to the relevant disabled person concerned if he were neither a person to whom the premises are let nor an occupier of them; and
  - (b) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person concerned to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use.

**Annotations:**

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**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

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## 24D Duty for purposes of section 24A(2) to change practices, terms etc

- (1) Subsection (3) applies where—
- (a) a controller of let premises has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person—
    - (i) to enjoy the premises, or
    - (ii) to make use of any benefit, or facility, which by reason of the letting is one of which he is entitled to make use, or
  - (b) a term of the letting has that effect,
- and (in either case) the conditions specified in subsection (2) are satisfied.
- (2) Those conditions are—
- (a) that the practice, policy, procedure or term would not have that effect if the relevant disabled person concerned did not have a disability;
  - (b) that the controller receives a request made by or on behalf of a person to whom the premises are let; and
  - (c) that it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy, procedure or term so as to stop it having that effect.
- (3) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy, procedure or term so as to stop it having that effect (but see section 24E(1)).

### Annotations:

#### Amendments (Textual)

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

## 24E Sections 24C and 24D: supplementary and interpretation

- (1) For the purposes of sections 24C and 24D, it is never reasonable for a controller of let premises to have to take steps consisting of, or including, the removal or alteration of a physical feature.
- (2) Sections 24C and 24D impose duties only for the purpose of determining whether a person has, for the purposes of section 24A, discriminated against another; and accordingly a breach of any such duty is not actionable as such.
- (3) In sections 24C and 24D “relevant disabled person”, in relation to let premises, means a particular disabled person—
  - (a) who is a person to whom the premises are let; or
  - (b) who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.
- (4) For the purposes of sections 24C and 24D, the terms of a letting of premises include the terms of any agreement which relates to the letting of the premises.

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**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**24F Let premises: victimisation of persons to whom premises are let**

- (1) Where a duty under section 24C or 24D is imposed on a controller of let premises by reference to a person who, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises, it is unlawful for a controller of the let premises to discriminate against a person to whom the premises are let.
- (2) For the purposes of subsection (1), a controller of the let premises discriminates against a person to whom the premises are let if—
  - (a) the controller treats that person (“T”) less favourably than he treats or would treat other persons whose circumstances are the same as T’s; and
  - (b) he does so because of costs incurred in connection with taking steps to avoid liability under section 24A(1) for failure to comply with the duty.
- (3) In comparing T’s circumstances with those of any other person for the purposes of subsection (2)(a), the following (as well as the costs’ having been incurred) shall be disregarded—
  - (a) the making of the request that gave rise to the imposition of the duty; and
  - (b) the disability of each person who—
    - (i) is a disabled person or a person who has had a disability, and
    - (ii) is a person to whom the premises are let or, although not a person to whom the premises are let, is lawfully under the letting an occupier of the premises.

**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**24G Premises that are to let: discrimination in failing to comply with duty**

- (1) Where—
  - (a) a person has premises to let, and
  - (b) a disabled person is considering taking a letting of the premises,it is unlawful for a controller of the premises to discriminate against the disabled person.
- (2) For the purposes of subsection (1), a controller of premises that are to let discriminates against a disabled person if—
  - (a) he fails to comply with a duty under section 24J imposed on him by reference to the disabled person; and

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- (b) he cannot show that failure to comply with the duty is justified (see section 24K).
- (3) For the purposes of this section and sections 24H and 24J, a person is a controller of premises that are to let if he is—
- (a) a person who has the premises to let; or
  - (b) a person who manages the premises.
- (4) For the purposes of this section and sections 24H and 24J—
- (a) “let” includes sub-let;
  - (b) premises shall be treated as to let by a person to another where a person proposes to grant another a contractual licence to occupy them;
- and references to a person considering taking a letting of premises shall be construed accordingly.
- (5) This section applies only in relation to premises in the United Kingdom.

**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**24H Exceptions to section 24G(1)**

- (1) Section 24G(1) does not apply in relation to premises that are to let if the premises are, or have at any time been, the only or principal home of an individual who is a person who has them to let and—
- (a) the individual does not use, and
  - (b) where he is not the sole person who has the premises to let, no other person who has the premises to let uses,
- the services of an estate agent (within the meaning given by section 22(6)) for the purposes of letting the premises.
- (2) Section 24G(1) does not apply if the premises are of a prescribed description.
- (3) Where the conditions mentioned in section 23(2) are satisfied, section 24G(1) does not apply.
- (4) For the purposes of section 23 “the relevant occupier” means, in a case falling within section 24G(1), a controller of the premises that are to let, or a near relative of his; and “near relative” has here the same meaning as in section 23.

**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

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## **24J Duties for purposes of section 24G(2)**

- (1) Subsection (2) applies where—
  - (a) a controller of premises that are to let receives a request made by or on behalf of a relevant disabled person;
  - (b) it is reasonable to regard the request as a request that the controller take steps in order to provide an auxiliary aid or service;
  - (c) the auxiliary aid or service—
    - (i) would enable the relevant disabled person to become, or facilitate his becoming, a person to whom the premises are let, but
    - (ii) would be of little or no practical use to him if he were not considering taking a letting of the premises; and
  - (d) it would, were the auxiliary aid or service not to be provided, be impossible or unreasonably difficult for the relevant disabled person to become a person to whom the premises are let.
- (2) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for the controller to have to take in order to provide the auxiliary aid or service (but see subsection (5)).
- (3) Subsection (4) applies where—
  - (a) a controller of premises that are to let has a practice, policy or procedure which has the effect of making it impossible, or unreasonably difficult, for a relevant disabled person to become a person to whom the premises are let;
  - (b) the practice, policy or procedure would not have that effect if the relevant disabled person did not have a disability;
  - (c) the controller receives a request made by or on behalf of the relevant disabled person; and
  - (d) it is reasonable to regard the request as a request that the controller take steps in order to change the practice, policy or procedure so as to stop it having that effect.
- (4) It is the duty of the controller to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change the practice, policy or procedure so as to stop it having that effect (but see subsection (5)).
- (5) For the purposes of this section, it is never reasonable for a controller of premises that are to let to have to take steps consisting of, or including, the removal or alteration of a physical feature.
- (6) In this section “relevant disabled person”, in relation to premises that are to let, means a particular disabled person who is considering taking a letting of the premises.
- (7) This section imposes duties only for the purpose of determining whether a person has, for the purposes of section 24G, discriminated against another; and accordingly a breach of any such duty is not actionable as such.

### **Annotations:**

#### **Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13**, 20(3)-(6); S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

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## 24K Let premises and premises that are to let: justification

- (1) For the purposes of sections 24A(2) and 24G(2), a person's failure to comply with a duty is justified only if—
- (a) in his opinion, a condition mentioned in subsection (2) is satisfied; and
  - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (2) The conditions are—
- (a) that it is necessary to refrain from complying with the duty in order not to endanger the health or safety of any person (which may include that of the disabled person concerned);
  - (b) that the disabled person concerned is incapable of entering into an enforceable agreement, or of giving informed consent, and for that reason the failure is reasonable.
- (3) Regulations may—
- (a) make provision, for purposes of this section, as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to hold the opinion mentioned in subsection (1)(a);
  - (b) amend or omit a condition specified in subsection (2) or make provision for it not to apply in prescribed circumstances;
  - (c) make provision, for purposes of this section, as to circumstances (other than any for the time being mentioned in subsection (2)) in which a failure is to be taken to be justified.

### Annotations:

#### Amendments (Textual)

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

## 24L Sections 24 to 24K: power to make supplementary provision

- (1) Regulations may make provision, for purposes of sections 24(3A) and (3B) and 24A to 24K—
- (a) as to circumstances in which premises are to be treated as let to a person;
  - (b) as to circumstances in which premises are to be treated as not let to a person;
  - (c) as to circumstances in which premises are to be treated as being, or as not being, to let;
  - (d) as to who is to be treated as being, or as to who is to be treated as not being, a person who, although not a person to whom let premises are let, is lawfully under the letting an occupier of the premises;
  - (e) as to who is to be treated as being, or as to who is to be treated as not being, a person by whom premises are let;
  - (f) as to who is to be treated as having, or as to who is to be treated as not having, premises to let;
  - (g) as to who is to be treated as being, or as to who is to be treated as not being, a person who manages premises;

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- (h) as to things which are, or as to things which are not, to be treated as auxiliary aids or services;
  - (i) as to what is, or as to what is not, to be included within the meaning of “practice, policy or procedure”;
  - (j) as to circumstances in which it is, or as to circumstances in which it is not, reasonable for a person to have to take steps of a prescribed description;
  - (k) as to steps which it is always, or as to steps which it is never, reasonable for a person to have to take;
  - (l) as to circumstances in which it is, or as to circumstances in which it is not, reasonable to regard a request as being of a particular kind;
  - (m) as to things which are, or as to things which are not, to be treated as physical features;
  - (n) as to things which are, or as to things which are not, to be treated as alterations of physical features.
- (2) Regulations under subsection (1)(a) may (in particular) provide for premises to be treated as let to a person where they are a commonhold unit of which he is a unit-holder; and “commonhold unit”, and “unit-holder” in relation to such a unit, have here the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002.
- (3) The powers under subsections (1)(j) and (k) are subject to sections 24E(1) and 24J(5).]

**Annotations:**

**Amendments (Textual)**

**F13** S. 24A-24L inserted (E.W.S.) (30.6.2005 for ss. 24K and 24L for certain purposes only, otherwise 4.12.2006 for all provisions) by [Disability Discrimination Act 2005 \(c. 13\)](#), **ss. 13, 20(3)-(6)**; S.I. 2005/1676, **art. 2(2)(d)**; S.I. 2005/2774, **art. 4(b)**

**[<sup>F14</sup>24M Premises provisions do not apply where other provisions operate**

- (1) Sections 22 to 24L do not apply—
- (a) in relation to the provision of premises by a provider of services where he provides the premises in providing services to members of the public;
  - (b) in relation to the provision, in the course of a Part 2 relationship, of premises by the regulated party to the other party;
  - (c) in relation to the provision of premises to a student or prospective student—
    - (i) by a responsible body within the meaning of Chapter 1 or 2 of Part 4, or
    - (ii) by an authority in discharging any functions mentioned in section 28F(1); or
  - (d) to anything which is unlawful under section 21F or which would be unlawful under that section but for the operation of any provision in or made under this Act.
- (2) Subsection (1)(a) has effect subject to any prescribed exceptions.
- (3) In subsection (1)(a) “provider of services”, and providing services, have the same meaning as in section 19.
- (4) For the purposes of subsection (1)(b)—

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- (a) “Part 2 relationship” means a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship by the other party to it is unlawful under sections 4 to 15C; and
- (b) in relation to a Part 2 relationship, “regulated party” means the party whose acts of discrimination, or harassment, are made unlawful by sections 4 to 15C.

(5) In subsection (1)(c) “student” includes pupil.]

**Annotations:**

**Amendments (Textual)**

**F14** S. 24M inserted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 20](#); S.I. 2005/2774, [art. 4\(f\)](#)

**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 \(N.I.\)](#))