
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations should be read in conjunction with sections 22 to 24M of the Disability Discrimination Act 1995 (“the 1995 Act”), as amended by the Disability Discrimination Act 2005 (“the 2005 Act”).

Sections 22 to 24 of the 1995 Act make provision about discrimination in relation to the disposal of premises. By section 24(1), a person with power to dispose of any premises discriminates against a disabled person if, 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 he cannot show that the treatment is justified under that section. Regulations 2 and 3 (which replaces regulation 7 of [S.I. 1996/1836](#)) make further provision about justification.

Sections 24A to 24L of the 1995 Act, which were inserted by the 2005 Act, make further provision about discrimination in relation to let premises and premises that are to let. By section 24A, a controller of let premises discriminates against a disabled person to whom premises are let, or who is a lawful occupier of such premises, if he fails to comply with a duty under section 24C or 24D (which concern the provision of auxiliary aids or services, and changes to practices, policies, procedures and terms of a letting) and he cannot show that the failure to comply was justified. Certain duties are also imposed by sections 24G to 24J in respect of premises that are to let.

Regulation 4 prescribes things which are, and are not, to be treated as physical features, and things which are not to be treated as alterations of physical features, for the purposes of sections 24E(1) and 24J(5) of the 1995 Act. Section 24E(1) provides that it is never reasonable for the purposes of sections 24C and 24D of the 1995 Act for a controller of let premises to have to take steps consisting of or including the removal or alteration of a physical feature. Section 24J(5) of the 1995 Act makes similar provision in respect of premises that are to let.

Regulation 5 prescribes things which are to be treated as auxiliary aids or services for the purposes of sections 24C and 24J(1) and (2) of the 1995 Act.

Regulation 6 makes provision for the purposes of section 24D(3) of the 1995 Act about the steps which it is reasonable for a controller of let premises to have to take, and steps which it is not reasonable to have to take, where it is necessary to obtain the consent of any person to change a term of a letting.

Regulation 7 makes provision for the purposes of section 24D(3) of the 1995 Act about the steps which it is reasonable for a controller of let premises to have to take in prescribed circumstances where a term of the letting of a dwelling house prohibits the making of alterations or improvements to the premises, and the person to whom the premises are let has requested permission to make a disability-related improvement to them. (Section 49G of the 1995 Act provides for cases where a term of the letting permits the making of improvements, subject to the consent of the landlord.)

Regulations 8 and 9 make provision about commonholds. Regulation 8(1) provides that the commonhold association is to be treated as a person managing any commonhold premises, thereby ensuring that section 22(3) of the 1995 Act, which provides that discrimination by a person managing any premises is unlawful, is applicable. Regulation 8(2) makes provision in relation to section 22A of the 1995 Act, which concerns discrimination in the disposal of an interest in a commonhold unit. Regulation 9 applies the duties imposed by sections 24C and 24D of the 1995 Act to commonholds.

An assessment of the impact of these Regulations on business, charities and the voluntary sector has been made. Copies of the Regulatory Impact Assessment have been placed in the libraries of both

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Houses of Parliament. Copies may be obtained from the Better Regulation Unit of the Department for Work and Pensions, level 4, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.