

**Changes to legislation:** The Special Educational Needs and Disability (Northern Ireland) Order 2005, Reference to court is up to date with all changes known to be in force on or before 20 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### PREMISES OCCUPIED BY EDUCATIONAL INSTITUTIONS UNDER LEASES

##### *Reference to court*

**2**<sup>F1</sup>.—(1) If the responsible body has applied in writing to the lessor for consent to the alteration and—

- (a) that consent has been refused, or
- (b) the lessor has made his consent subject to one or more conditions,

that body or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court.

<sup>F1</sup>(2) On such a reference the court must determine whether the lessor's refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.

- (3) If the court determines—
  - (a) that the lessor's refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,

it may make such declaration as it considers appropriate or an order authorising the responsible body to make the alteration specified in the order.

(4) An order under sub-paragraph (3) may require the responsible body to comply with conditions specified in the order.

<b>F1</b> mod. by SR 2005/371
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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

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

- [art. 22\(1\)\(i\)-\(ii\)](#) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)