

**Changes to legislation:** The Special Educational Needs and Disability (Northern Ireland) Order 2005, *Joining lessors in proceedings under Article 37A* is up to date with all changes known to be in force on or before 26 May 2023. 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

### [<sup>F1</sup>SCHEDULE 3A

#### PREMISES OCCUPIED BY GENERAL QUALIFICATIONS BODIES UNDER LEASES

**F1** Sch. 3A inserted (23.4.2008) by [Special Educational Needs and Disability \(2005 Order\) \(Amendment\) \(General Qualifications Bodies\) \(Alteration of Premises and Enforcement\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/177\)](#), **reg. 6**

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

**C1** Sch. 3A modified (23.4.2008) by [Special Educational Needs and Disability \(2005 Order\) \(Amendment\) \(General Qualifications Bodies\) \(Alteration of Premises and Enforcement\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/177\)](#), **reg. 12(3)**

#### *Joining lessors in proceedings under Article 37A*

**3.—(1)** In any proceedings on a claim under Article 37A, in which a question arises as to whether a general qualifications body has failed to comply with the duty imposed by Article 37 by failing to make an alteration to premises occupied by the general qualifications body under a lease—

- (a) the claimant, or
- (b) the general qualifications body concerned,

may ask the court to direct that the lessor be joined as a party to the proceedings.

(2) The request shall be granted if it is made before the hearing of the claim begins.

(3) The court may refuse the request if it is made after the hearing of the claim begins.

(4) The request may not be granted if it is made after the court has determined the claim.

(5) If a lessor has been so joined as a party to the proceedings, the court may determine—

- (a) whether the lessor has—
  - (i) refused consent to the alteration, or
  - (ii) consented subject to one or more conditions, and
- (b) if so, whether the refusal or any of the conditions was unreasonable.

(6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable, it may take one or more of the following steps—

- (a) make such declaration as it considers appropriate;
- (b) make an order authorising the general qualifications body to make the alteration specified in the order;
- (c) order the lessor to pay compensation to the claimant.

(7) An order under sub-paragraph (6)(b) may require the general qualifications body to comply with the conditions specified in the order.

(8) If the court orders the lessor to pay compensation it may not order the general qualifications body to do so.]

**Changes to legislation:**

The Special Educational Needs and Disability (Northern Ireland) Order 2005, Joining lessors in proceedings under Article 37A is up to date with all changes known to be in force on or before 26 May 2023. 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.

[View outstanding changes](#)

**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\(1\)](#)