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STATUTORY INSTRUMENTS

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**2006 No. 312**

**The Disability Discrimination (Northern Ireland) Order 2006**

*Other matters*

**Improvements to let dwelling houses**

16.—(1) In the 1995 Act, after Part VA (which is inserted by Article 5) insert—

**“PART VB**

**IMPROVEMENTS TO DWELLING HOUSES**

**Improvements to let dwelling houses**

**49C.**—(1) This section applies in relation to a lease of a dwelling house if—

- (a) the tenancy is not a secure tenancy or a regulated 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.

(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;

“regulated tenancy” has the same meaning as in the Rent (Northern Ireland) Order 1978 (NI 20);

“secure tenancy” has the meaning given by Article 25 of the Housing (Northern Ireland) Order 1983 (NI 15).

### **Conciliation of disputes**

**49D.**—(1) The Equality Commission for Northern Ireland may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house.

(2) Subsections (2) to (8) of section 28 apply for the purposes of this section as they apply for the purposes of that section and for that purpose a reference in that section to—

- (a) a dispute arising under Part III must be construed as a reference to a dispute mentioned in subsection (1);
- (b) arrangements under that section must be construed as a reference to arrangements under this section.

(3) “Relevant improvement” has the same meaning as in section 49C.”.

(2) In section 54A of the 1995 Act (codes of practice), after subsection (1C) insert—

“(1D) The Commission may prepare and issue codes of practice giving practical guidance to landlords and tenants as to—

- (a) circumstances in which a tenant requires the consent of his landlord for making a relevant improvement to a dwelling house;
- (b) circumstances in which it is unreasonable to withhold such consent;
- (c) the application of the improvement provisions in relation to relevant improvements to dwelling houses.

(1E) In subsection (1D) the improvement provisions are—

- (a) Article 42(e) of the Rent (Northern Ireland) Order 1978 (NI 20);
- (b) Article 34 of the Housing (Northern Ireland) Order 1983 (NI 15);
- (c) Article 49C.”.

(3) In Article 9 of the Equality (Disability, etc) (Northern Ireland) Order 2000 (NI 2) (assistance in relation to proceedings)—

(a) in paragraph (1), after sub-paragraph (aa) insert—

“(ab) proceedings of any description to the extent that the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house falls to be considered in the proceedings;”,  
and

(b) after paragraph (4) insert—

“(4A) A relevant improvement is an improvement (within the meaning of section 49C(9) of the 1995 Act) to premises which, having regard to the disability which a disabled person who lawfully occupies or is intended lawfully to occupy the premises has, is likely to facilitate his enjoyment of the premises.”.

**Annotations:**

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**Commencement Information**

**II** [Art. 16](#) wholly in operation at 31.12.2007; [art. 16](#) not in operation at date of making see [art. 1\(2\)](#); [art. 16\(2\)](#) in operation at 3.7.2006 by [S.R. 2006/289](#), [art. 2](#); [art. 16](#) in operation at 31.12.2007 insofar as not already in operation by [S.R. 2007/466](#), [art. 2\(2\)\(j\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Disability Discrimination (Northern Ireland) Order 2006, Section 16.