
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 371

**The Special Educational Needs and Disability
(Educational Institutions) (Alteration of Leasehold
Premises) Regulations (Northern Ireland) 2005**

Modification of Article 32 and paragraphs 1 to 3 of Schedule 3

7.—(1) In relation to any case where the occupier occupies premises under a sub-lease or sub-tenancy, the provisions of Article 32 of, and Schedule 3 to, the Order shall have effect as if they contained the following modifications.

(2) In Article 32 after paragraph (2), insert the following paragraph—

“(2A) Except to the extent to which it expressly so provides, any superior lease in respect of the premises shall have effect in relation to the lessor and lessee who are parties to that superior lease as if it provided—

- (a) for the lessee to be entitled to give his consent to the alteration with the written consent of the lessor;
- (b) for the lessee to have to make a written application to the lessor for consent if he wishes to give his consent to the alteration;
- (c) if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (d) for the lessor to be entitled to make his consent subject to reasonable conditions.”.

(3) In Article 32(2) for “the lessor” substitute “his immediate landlord” where those words occur in sub-paragraphs (a) and (b) and “the immediate landlord” where they occur in sub-paragraphs (c) and (d).

(4) In paragraphs 1 and 2 of Schedule 3, for “the lessor” in each place where those words occur substitute “his immediate landlord”.

(5) In paragraph 2 of Schedule 3 after sub-paragraph (1), insert the following sub-paragraph—

“(1A) Where the lessee of any superior lease in relation to the premises has applied in writing to his 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,

the occupier, lessee 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.”.

(6) In paragraph 3 of Schedule 3—

- (a) in sub-paragraph (1), for the “the lessor”, substitute “any lessor (including any superior landlord)”; and
- (b) for sub-paragraph (2), substitute—

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“(2) Unless it appears to the court that another lessor should be joined as a party to the proceedings, the request shall be granted if it is made before the hearing of the claim begins.”.