
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 177

**The Special Educational Needs and Disability (2005 Order)
(Amendment) (General Qualifications Bodies) (Alteration of
Premises and Enforcement) Regulations (Northern Ireland) 2008**

PART 3

Leasehold Premises

Lessor withholding consent

8.—(1) For the purposes of Article 37B of, and Schedule 3A to, the 2005 Order, a lessor is to be taken to have withheld his consent for alterations to premises where he has received a written application by or on behalf of a general qualifications body for consent to make the alteration in the circumstances set out in paragraph (2).

(2) Subject to paragraph (3), the circumstances referred to in paragraph (1) are that, within the period of 42 days beginning with the date on which the lessor receives the application for consent, he—

- (a) fails to reply consenting to or refusing the alteration; or
- (b) replies consenting to the alteration subject to obtaining the consent of another person required under a superior lease or pursuant to a binding obligation, but fails to seek that consent.

(3) A lessor is not to be taken to have withheld his consent under paragraph (1) where—

- (a) the applicant fails to submit with the application such plans and specifications as it is reasonable for him to require before consenting to the alteration, and
- (b) within the period of 21 days beginning with the date on which he receives the application, he replies requesting the applicant to submit such plans and specifications.

(4) However, where such plans and specifications are submitted to a lessor in response to a request made in accordance with paragraph (3)(b), he shall be taken to have withheld his consent to the alteration where, within the period of 42 days beginning with the date on which he receives those plans and specifications, he—

- (a) fails to reply consenting to or refusing the alteration; or
- (b) replies consenting to the alteration subject to obtaining the consent of another person required under a superior lease or pursuant to a binding obligation, but fails to seek that consent.

(5) A lessor, who having sought the consent of the other person referred to in paragraphs (2)(b) or (4)(b), receives that consent, shall be taken to have withheld his consent to the alteration where, within the period of 14 days beginning with the day on which he receives the consent, he fails to inform the applicant in writing that he has received it.

(6) A lessor who, but for the requirements as to time, complies with the requirements of paragraphs (2), (4) or (5) shall be taken to have withheld his consent until such time as he so complies.

(7) For the purposes of this regulation—

(a) a lessor is to be treated as not having sought another person’s consent unless—

(i) he has applied in writing to that person indicating that—

(aa) the general qualifications body has applied for consent to the alteration of the premises in order to comply with a duty imposed by Article 37; and

(bb) the lessor has given his consent conditionally upon obtaining the other person’s consent; and

(ii) he submits to that other person any plans and specifications which have been submitted to him;

(b) “to reply” means to reply in writing .