

**Status:** Point in time view as at 16/07/2001. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Disability Discrimination Act 1995, PART 4. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4 U.K.

#### PREMISES OCCUPIED UNDER LEASES

##### Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

VALID FROM 01/09/2007

### [<sup>F1</sup>PART 4 E+W+S

#### OCCUPATION BY GENERAL QUALIFICATIONS BODIES

##### Textual Amendments

- F1** Sch. 4 Pt. 4 inserted (E.W.S.) (1.9.2007) by The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (S.I. 2007/2405), regs. 1(2), 6(3) (with regs. 8-13)

##### *Failure to obtain consent to alteration*

- 15 If any question arises as to whether a general qualifications body has failed to comply with the duty imposed by section 31AD by failing to make a particular alteration to the premises, any constraint attributable to the fact that the body occupies the premises under a lease is to be ignored unless the body has applied to the lessor in writing for consent to the making of the alteration.

##### *Reference to court*

- 16 (1) If the general qualifications body has applied in writing to the lessor for consent to the alteration and—
- that consent has been refused, or
  - the lessor has made his consent subject to one or more conditions,
- that general qualifications 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 or, in Scotland, to the sheriff.

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- (2) On such a reference the court must determine whether the 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 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 general qualifications body to make the alteration specified in the order.
- (4) An order under sub-paragraph (3) may require the general qualifications body to comply with conditions specified in the order.

*Joining lessors in proceedings under section 31ADA]*

- 17 (1) In any proceedings on a claim under section 31ADA in which a question arises as to whether a general qualifications body has failed to comply with the duty imposed by section 31AD by failing to make an alteration to premises occupied by the general qualifications body under a lease—
  - (a) the claimant (or pursuer in Scotland), or
  - (b) the general qualifications body concerned,
 may ask the court to direct that the lessor be joined (or sisted) 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) Where a lessor has been so joined (or sisted) 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 or pursuer.
- (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.

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