

*Status: Point in time view as at 01/09/2007.*

*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

#### 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)

### [<sup>F1</sup>PART 4

#### 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—
- (a) that consent has been refused, or
  - (b) 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.
- (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.

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- (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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