

Status: Point in time view as at 01/10/2010.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Reference to court. (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)

PART II

OCCUPATION BY ^{F1}PERSONS SUBJECT TO A DUTY UNDER SECTION 21, 21E OR 21H

Textual Amendments

- F1** Sch. 4 Pt. 2: words in heading substituted (E.W.S.) (4.12.2006) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 40\(3\)](#); S.I. 2005/2774, [art. 4\(f\)](#) and said words substituted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19, [Sch. 1 para. 31\(3\)](#); S.R. 2007/466, [art. 2\(I\)](#)

Modifications etc. (not altering text)

- C1** Sch. 4 Pt. II modified (1.10.2004) by S.I. 2001/3253, [reg. 9](#)
C1 Sch. 4 Pt. II modified (N.I.) (1.10.2004) by [The Disability Discrimination \(Providers of Services\) \(Adjustment of Premises\) Regulations \(Northern Ireland\) 2003 \(S.R. 2003/109\)](#), [reg. 9](#)

Reference to court

- ⁶ ^{F1}(1) If the occupier 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,
- the occupier 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) In the following provisions of this Schedule “court” includes “sheriff”.
 - (3) On such a reference the court shall determine whether the lessor’s refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
 - (4) If the court determines—
 - (a) that the lessor’s refusal was unreasonable, or

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(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 occupier to make the alteration specified in the order.

(5) An order under sub-paragraph (4) may require the occupier to comply with conditions specified in the order.]

Extent Information

E1 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 51(3) (4); see [s. 70\(6\)](#)

Textual Amendments

F1 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with [arts. 4-25, Schs. 1-16](#)); [S.I. 2011/1066, art. 2\(h\)](#)

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