



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART IV

#### EDUCATION

#### [<sup>F1</sup>CHAPTER 2

#### FURTHER AND HIGHER EDUCATION]

[<sup>F1</sup>Enforcement, etc.]

#### [<sup>F1</sup>28W Occupation of premises by educational institutions

- (1) This section applies if—
  - (a) premises are occupied by an educational institution under a lease;
  - (b) but for this section, the responsible body would not be entitled to make a particular alteration to the premises; and
  - (c) the alteration is one which the responsible body proposes to make in order to comply with section 28T [<sup>F2</sup>or section 28UA(5)].
- (2) Except to the extent to which it expressly so provides, the lease has effect, as a result of this subsection, as if it provided—
  - (a) for the responsible body to be entitled to make the alteration with the written consent of the lessor;
  - (b) for the responsible body to have to make a written application to the lessor for consent if it wishes to make 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 this section—

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*Status: Point in time view as at 30/06/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28W. (See end of Document for details)*

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“lease” includes a tenancy, sub-lease or sub-tenancy and an agreement for a lease, tenancy, sub-lease or sub-tenancy; and

“sub-lease” and “sub-tenancy” have such meaning as may be prescribed.

(4) If the terms and conditions of a lease—

- (a) impose conditions which are to apply if the responsible body alters the premises, or
- (b) entitle the lessor to impose conditions when consenting to the responsible body’s altering the premises,

the responsible body is to be treated for the purposes of subsection (1) as not being entitled to make the alteration.

(5) Part 3 of Schedule 4 supplements the provisions of this section.]

#### **Textual Amendments**

- F1** S. 28W inserted (E.W.S.) (30.5.2002) by 2001 c. 10, s. 31 (with s. 43(13)); S.I. 2002/1649, art. 3
- F2** Words in s. 28W(1)(c) inserted (30.6.2006 for certain purposes and otherwise 1.9.2006) by The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 (S.I. 2006/1721), regs. 1, 16

#### **Modifications etc. (not altering text)**

- C1** S. 28W modified (28.6.2002) by S.I. 2002/1458, reg. 7 (which Regulations were revoked (1.5.2005) by S.I. 2005/1070, reg. 8)
- C2** S. 28W modified (1.5.2005) by The Disability Discrimination (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005 (S.I. 2005/1070), reg. 7

**Status:**

Point in time view as at 30/06/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28W.