



Disability Discrimination Act 2005

2005 CHAPTER 13

Other matters

16 Improvements to let dwelling houses

- (1) In the 1995 Act, after Part 5A (which is inserted by section 3 of this Act) there is inserted—

“PART 5B

IMPROVEMENTS TO DWELLING HOUSES

49G Improvements to let dwelling houses

- (1) This section applies in relation to a lease of a dwelling house if—
- (a) the tenancy is not a protected tenancy, a statutory tenancy or a secure tenancy,
 - (b) the tenant or any other person who lawfully occupies or is intended lawfully to occupy the premises is a disabled person,
 - (c) the person mentioned in paragraph (b) occupies or is intended to occupy the premises as his only or principal home,
 - (d) the tenant is entitled under the lease to make improvements to the premises with the consent of the landlord, and
 - (e) the tenant applies to the landlord for his consent to make a relevant improvement.
- (2) If the consent of the landlord is unreasonably withheld it must be taken to have been given.
- (3) Where the tenant applies in writing for the consent—
- (a) if the landlord refuses to give consent, he must give the tenant a written statement of the reason why the consent was withheld;

Status: This is the original version (as it was originally enacted).

- (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been withheld.
- (4) If the landlord gives consent to the making of an improvement subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.
- (5) In any question as to whether—
 - (a) the consent of the landlord was unreasonably withheld, or
 - (b) a condition imposed by the landlord is unreasonable,
 it is for the landlord to show that it was not.
- (6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of his tenancy.
- (7) An improvement to premises is a relevant improvement if, having regard to the disability which the disabled person mentioned in subsection (1)(b) has, it is likely to facilitate his enjoyment of the premises.
- (8) Subsections (2) to (6) apply to a lease only to the extent that provision of a like nature is not made by the lease.
- (9) In this section—
 - “improvement” means any alteration in or addition to premises and includes—
 - (a) any addition to or alteration in landlord’s fittings and fixtures,
 - (b) any addition or alteration connected with the provision of services to the premises,
 - (c) the erection of a wireless or television aerial, and
 - (d) the carrying out of external decoration;
 - “lease” includes a sub-lease or other tenancy, and “landlord” and “tenant” must be construed accordingly;
 - “protected tenancy” has the same meaning as in section 1 of the Rent Act 1977;
 - “statutory tenancy” must be construed in accordance with section 2 of that Act;
 - “secure tenancy” has the same meaning as in section 79 of the Housing Act 1985.

49H Conciliation of disputes

- (1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in relation to a dispute of any description concerning the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house.
- (2) Subsections (2) to (8) of section 28 apply for the purposes of this section as they apply for the purposes of that section and for that purpose a reference in that section to—
 - (a) a dispute arising under Part 3 must be construed as a reference to a dispute mentioned in subsection (1) above;

Status: This is the original version (as it was originally enacted).

- (b) arrangements under that section must be construed as a reference to arrangements under this section.
- (3) “Relevant improvement” has the same meaning as in section 49G.”
- (2) In section 53A of the 1995 Act (codes of practice), after subsection (1C) there is inserted—
 - “(1D) The Commission may prepare and issue codes of practice giving practical guidance to landlords and tenants as to—
 - (a) circumstances in which a tenant requires the consent of his landlord for making a relevant improvement to a dwelling house;
 - (b) circumstances in which it is unreasonable to withhold such consent;
 - (c) the application of the improvement provisions in relation to relevant improvements to dwelling houses.
 - (1E) In subsection (1D) the improvement provisions are—
 - (a) section 19(2) of the Landlord and Tenant Act 1927;
 - (b) sections 81 to 85 of the Housing Act 1980;
 - (c) sections 97 to 99 of the Housing Act 1985;
 - (d) section 49G above.”
- (3) In section 7 of the Disability Rights Commission Act 1999 (provision of assistance in relation to proceedings)—
 - (a) in subsection (1), after paragraph (a) there is inserted—
 - “(aa) proceedings of any description to the extent that the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house falls to be considered in the proceedings;”, and
 - (b) after subsection (4) there is inserted—
 - “(4A) A relevant improvement is an improvement (within the meaning of section 49G(9) of the 1995 Act) to premises which, having regard to the disability which a disabled person who lawfully occupies or is intended lawfully to occupy the premises has, is likely to facilitate his enjoyment of the premises.”