



Equality Act 2010

2010 CHAPTER 15

PART 4

PREMISES

Supplementary

38 Interpretation and exceptions

- (1) This section applies for the purposes of this Part.
- (2) A reference to premises is a reference to the whole or part of the premises.
- (3) A reference to disposing of premises includes, in the case of premises subject to a tenancy, a reference to—
 - (a) assigning the premises,
 - (b) sub-letting them, or
 - (c) parting with possession of them.
- (4) A reference to disposing of premises also includes a reference to granting a right to occupy them.
- (5) A reference to disposing of an interest in a commonhold unit includes a reference to creating an interest in a commonhold unit.
- (6) A reference to a tenancy is to a tenancy created (whether before or after the passing of this Act)—
 - (a) by a lease or sub-lease,
 - (b) by an agreement for a lease or sub-lease,
 - (c) by a tenancy agreement, or
 - (d) in pursuance of an enactment,and a reference to a tenant is to be construed accordingly.

Changes to legislation: Equality Act 2010, Section 38 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (7) A reference to commonhold land, a commonhold association, a commonhold community statement, a commonhold unit or a unit-holder is to be construed in accordance with the Commonhold and Leasehold Reform Act 2002.
- (8) Schedule 4 (reasonable adjustments) has effect.
- (9) Schedule 5 (exceptions) has effect.

Commencement Information

- II** S. 38 partly in force; s. 38 not in force at Royal Assent see s. 216; s. 38(8) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, art. 2; s. 38(1)-(7)(9) wholly in force and s. 38(8) in force for certain further purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(4)(c)(d) (with art. 15)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)