
STATUTORY INSTRUMENTS

2010 No. 2128

The Equality Act 2010 (Disability) Regulations 2010

PART 4

Reasonable Adjustments to Physical Features

Reasonableness and design standards

9.—(1) This regulation prescribes particular circumstances, for the purposes of paragraph 2 of Schedule 2 and paragraph 2 of Schedule 15 to the Act, in which it is not reasonable for a provider of services, a public authority carrying out its functions or an association to have to take the steps specified in this regulation.

(2) It is not reasonable for a provider of services, a public authority carrying out its functions or an association to have to remove or alter a physical feature where the feature concerned —

- (a) was provided in or in connection with a building for the purpose of assisting people to have access to the building or to use facilities provided in the building; and
- (b) satisfies the relevant design standard.

(3) Whether a physical feature satisfies the relevant design standard shall be determined in accordance with the Schedule.

Landlord withholding consent

10.—(1) This regulation prescribes particular circumstances in which a relevant landlord (L) is to be taken, for the purposes of Schedule 21 to the Act, to have withheld consent for alterations to premises.

(2) Subject to paragraph (3), L is to be taken to have withheld such consent where, within the period of 42 days beginning with the date on which L receives the application for consent, L—

- (a) fails to reply consenting to or refusing the alteration; or
- (b) (i) replies consenting to the alteration subject to obtaining the consent of another person required under a superior leave or pursuant to a binding obligation, but
- (ii) fails to seek that consent.

(3) L is not to be taken to have withheld consent for the purposes of paragraph (2) where—

- (a) the applicant fails to submit with the application such plans and specifications as it is reasonable for L to require before consenting to the alteration, and
- (b) within the period of 21 days beginning with the date on which he receives the application, L replies requesting the applicant to submit such plans and specifications.

(4) However, where such plans and specifications are submitted to L in response to a request made in accordance with paragraph (3)(b), L shall be taken to have withheld consent to the alteration where, within the period of 42 days beginning with the date on which he receives those plans and specifications L—

- (a) fails to reply consenting or refusing the alteration; or
 - (b) (i) replies consenting to the alteration subject to obtaining the consent of another person required under a superior lease or pursuant to a binding obligation, but
 - (ii) fails to seek that consent.
- (5) L, who having sought the consent of the other person referred to in paragraphs (2)(b) or (4)(b), receives that consent, shall be taken to have withheld consent to the alteration where, within the period of 14 days beginning with the day on which he receives the consent, L fails to inform the applicant in writing that it has been received.
- (6) L who, but for the requirements as to time, complies with the requirements of paragraphs (2), (4) or (5) shall be taken to have withheld consent until such time as he so complies.
- (7) For the purposes of this regulation—
- (a) L is to be treated as not having sought another’s consent unless he—
 - (i) has applied in writing to that person indicating that—
 - (aa) the occupier has applied for consent to the alteration of the premises in order to comply with a second requirement duty; and
 - (bb) L has given his consent conditionally upon obtaining the other person’s consent; and
 - (ii) submits to that other person any plans and specifications which have been submitted to L;
 - (b) “to reply” means to reply in writing.

Landlord withholding consent unreasonably

11.—(1) This regulation prescribes particular circumstances in which a relevant landlord (L) is to be taken, for the purposes of Schedule 21 to the Act, to have acted unreasonably in withholding consent for alterations to the premises.

(2) The circumstances so prescribed are that the lease provides that L shall give his consent to an alteration of the kind in question and L has withheld his consent to that alteration.

Landlord withholding consent reasonably

12.—(1) This regulation prescribes particular circumstances in which a relevant landlord (L) is to be taken, for the purposes of Schedule 21 to the Act, to have acted reasonably in withholding consent for alterations to premises.

(2) The circumstances so prescribed are where—

- (a) (i) there is a binding obligation requiring the consent of any person to the alteration;
 - (ii) L has taken steps to obtain that consent; and
 - (iii) that consent has not been given, or has been given subject to a condition making it reasonable for L to withhold consent; or
- (b) L does not know, and could not reasonably be expected to know, that the alteration is one which the occupier proposes to make to comply with a second requirement duty.

Landlord’s consent subject to conditions

13.—(1) This regulation prescribes particular circumstances in which a condition, subject to which a relevant landlord (L) has given consent to alterations to premises, is to be taken, for the purposes of Schedule 21 to the Act, to be reasonable.

- (2) The circumstances so prescribed are where the condition is to the effect that—
- (a) the occupier must obtain any necessary planning permission and any other consent or permission required by or under any enactment;
 - (b) the work must be carried out in accordance with any plans or specifications approved by the L;
 - (c) L must be permitted a reasonable opportunity to inspect the work (whether before or after it is completed);
 - (d) the consent of another person required under a superior lease or a binding agreement must be obtained;
 - (e) the occupier must repay to the L the costs reasonably incurred in connection with the giving of the consent.

Modification of Schedule 21

14.—(1) In relation to any case where the occupier occupies premises under a sub-tenancy, the provisions of Schedule 21 to the Act shall have effect as if they contained the following modifications.

(2) In paragraph 3(3) and (4) and 4(1), for “the landlord” substitute “the immediate landlord” in each place it occurs.

(3) After paragraph 3(3), insert the following sub-paragraph—

“(3A) Except to the extent to which it expressly so provides, any superior lease in respect of the premises shall have effect in relation to the landlord and tenant who are parties to that superior lease as if it provided—

- (a) for the tenant to be entitled to give his consent to the alteration with the written consent of the landlord;
- (b) for the tenant to have to make a written application to the landlord for consent if he wishes to give his consent to the alteration;
- (c) if such an application is made, for the landlord not to withhold his consent unreasonably; and
- (d) for the landlord to be entitled to make his consent subject to reasonable conditions.”.

(4) After paragraph 4(2), insert the following sub-paragraph—

“(2A) Where the tenant of any superior lease in relation to the premises has applied in writing to his landlord for consent to the alteration and—

- (a) That consent has been refused, or
- (b) The landlord has made his consent subject to one or more conditions, the occupier, tenant or a disabled person who has an interest in the alteration being made may refer the matter to a county court or, in Scotland, the sheriff.”.

(5) In paragraph 5—

(a) In sub-paragraph (2), for ‘the landlord’ substitute “any landlord (including any superior landlord)”;

(b) In sub-paragraph (3), for paragraph (a), substitute—

“(a) must grant the request if it is made before the hearing of the complaint or claim begins, unless it considers that another landlord should be joined or sisted as a party to the proceedings.”.

Revocation

- 15.**—(1) The Regulations listed in paragraph (2) are revoked.
- (2) The Regulations referred to in paragraph (1) are-
- (i) the Disability Discrimination (Meaning of Disability) Regulations 1996**(1)**;
 - (ii) the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001**(2)**;
 - (iii) the Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003**(3)**;
 - (iv) the Disability Discrimination (Employment Field) (Leasehold Premises) Regulations 2004**(4)**;
 - (v) the Disability Discrimination (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005**(5)**;
 - (vi) the Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations 2005**(6)**;
 - (vii) the Disability Discrimination (Private Clubs etc) Regulations 2005**(7)**;
 - (viii) the Disability Discrimination (Premises) Regulations 2006**(8)**.

(1) S.I. 1996/1455.
(2) S.I. 2001/3253.
(3) S.I. 2003/712.
(4) S.I. 2004/153.
(5) S.I. 2005/1070.
(6) S.I. 2005/2901.
(7) S.I. 2005/3258.
(8) S.I. 2006/887.