
STATUTORY INSTRUMENTS

2005 No. 1117

**The Special Educational Needs and
Disability (Northern Ireland) Order 2005**

PART III

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER II

FURTHER AND HIGHER EDUCATION

Enforcement, etc.

Occupation of premises by educational institution

32.—(1) This Article applies if—

- (a) premises are occupied by an educational institution under a lease;
- (b) but for this Article, 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 Article 30 [^{F1}or Article 30A(5)] .

(2) Except to the extent to which it expressly so provides, the lease has effect, as a result of this paragraph, as if it provided—

- (a) ^{F2} for the responsible body to be entitled to make the alteration with the written consent of the lessor;
- (b) ^{F2} for the responsible body to have to make a written application to the lessor for consent if it wishes to make the alteration;
- (c) ^{F2} if such an application is made, for the lessor not to withhold his consent unreasonably; and
- (d) ^{F2} for the lessor to be entitled to make his consent subject to reasonable conditions.

^{F2}(3) In this Article—

“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 paragraph (1) as not being entitled to make the alteration.

Changes to legislation: *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 32 is up to date with all changes known to be in force on or before 06 October 2022. 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*

(5) Schedule 3 supplements the provisions of this Article.

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| <p>F1 Words in art. 32(1)(c) inserted (10.8.2006 for certain purposes and 1.9.2006 otherwise) by Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006 (S.R. 2006/332), regs. 1, 13</p> <p>F2 mod. by SR 2005/371</p> |
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[View outstanding changes](#)

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

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

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)