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STATUTORY INSTRUMENTS

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**2005 No. 1117**

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

PART III

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER III

GENERAL QUALIFICATIONS BODIES

[<sup>F1</sup>Alterations to premises occupied under leases

**37B.**—(1) This Article applies where—

- (a) a general qualifications body occupies premises under a lease;
- (b) but for this Article, the general qualifications body would not be entitled to make a particular alteration to the premises; and
- (c) the alteration is one which the general qualifications body proposes to make in order to comply with the duty imposed by Article 37(3).

(2) Except to the extent to which it expressly so provides, the lease shall have effect by virtue of this paragraph as if it provided—

- (a) for the general qualifications body to be entitled to make the alteration with the written consent of the lessor;
- (b) for the general qualifications 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 Article and in Schedule 3A—

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

“sub-lease” means any sub-term created out of, or deriving from, a leasehold interest; and

“sub-tenancy” means any tenancy created out of, or deriving from, a superior tenancy.

(4) For the purposes of paragraph (1), the general qualifications body is to be treated as not being entitled to make the alteration, if the terms and conditions of a lease—

- (a) impose conditions which are to apply if the general qualifications body alters the premises, or
- (b) entitle the lessor to impose conditions when consenting to the general qualification's body altering the premises.

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

**Status:** Point in time view as at 23/04/2008.

**Changes to legislation:** The Special Educational Needs and Disability (Northern Ireland) Order 2005, Section 37B is up to date with all changes known to be in force on or before 24 January 2023. 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)

**F1** Art. 37B inserted (23.4.2008) by Special Educational Needs and Disability (2005 Order) (Amendment) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (Northern Ireland) 2008 (S.R. 2008/177), **reg. 5**

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

**C1** Art. 37B modified (23.4.2008) by Special Educational Needs and Disability (2005 Order) (Amendment) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (Northern Ireland) 2008 (S.R. 2008/177), **reg. 12(2)**

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