

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2008 No. 177**

**The Special Educational Needs and Disability (2005 Order)  
(Amendment) (General Qualifications Bodies) (Alteration of  
Premises and Enforcement) Regulations (Northern Ireland) 2008**

**PART 2**

**Amendments to the Special Educational Needs  
and Disability (Northern Ireland) Order 2005**

**Alterations to premises occupied under leases**

**5.** After Article 37A of the 2005 Order (enforcement, remedies and procedures) (inserted by regulation 3) insert—

**“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.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (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.”.