



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

Premises

22 Discrimination in relation to premises

- (1) It is unlawful for a person with power to dispose of any premises to discriminate against a disabled person—
 - (a) in the terms on which he offers to dispose of those premises to the disabled person;
 - (b) by refusing to dispose of those premises to the disabled person; or
 - (c) in his treatment of the disabled person in relation to any list of persons in need of premises of that description.
- (2) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he—
 - (a) uses the services of an estate agent, or
 - (b) publishes an advertisement or causes an advertisement to be published.
- (3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises—
 - (a) in the way he permits the disabled person to make use of any benefits or facilities;
 - (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
 - (c) by evicting the disabled person, or subjecting him to any other detriment.
- (4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in, or (in Scotland) the subject of, a tenancy to discriminate

against a disabled person by withholding his licence or consent for the disposal of the premises to the disabled person.

- (5) Subsection (4) applies to tenancies created before as well as after the passing of this Act.
- (6) In this section—
- “advertisement” includes every form of advertisement or notice, whether to the public or not;
- “dispose”, in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in, or (in Scotland) the subject of, a tenancy, includes—
- (a) assigning the tenancy, and
 - (b) sub-letting or parting with possession of the premises or any part of the premises;
- and “disposal” shall be construed accordingly;
- “estate agent” means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and
- “tenancy” means a tenancy created—
- (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 any enactment.
- (7) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.
- (8) This section applies only in relation to premises in the United Kingdom.

23 Exemption for small dwellings

- (1) Where the conditions mentioned in subsection (2) are satisfied, subsection (1), (3) or (as the case may be) (4) of section 22 does not apply.
- (2) The conditions are that—
- (a) the relevant occupier resides, and intends to continue to reside, on the premises;
 - (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
 - (c) the shared accommodation is not storage accommodation or a means of access; and
 - (d) the premises are small premises.
- (3) For the purposes of this section, premises are “small premises” if they fall within subsection (4) or (5).
- (4) Premises fall within this subsection if—
- (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;
 - (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;

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- (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
 - (d) there are not normally more than two such other households.
- (5) Premises fall within this subsection if there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.
- (6) For the purposes of this section “the relevant occupier” means—
- (a) in a case falling within section 22(1), the person with power to dispose of the premises, or a near relative of his;
 - (b) in a case falling within section 22(4), the person whose licence or consent is required for the disposal of the premises, or a near relative of his.
- (7) For the purposes of this section—
- “near relative” means a person’s spouse, partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or by affinity); and
- “partner” means the other member of a couple consisting of a man and a woman who are not married to each other but are living together as husband and wife.

24 Meaning of “discrimination”

- (1) For the purposes of section 22, a person (“A”) discriminates against a disabled person if—
- (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and
 - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this section, treatment is justified only if—
- (a) in A’s opinion, one or more of the conditions mentioned in subsection (3) are satisfied; and
 - (b) it is reasonable, in all the circumstances of the case, for him to hold that opinion.
- (3) The conditions are that—
- (a) in any case, the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
 - (b) in any case, the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case;
 - (c) in a case falling within section 22(3)(a), the treatment is necessary in order for the disabled person or the occupiers of other premises forming part of the building to make use of the benefit or facility;
 - (d) in a case falling within section 22(3)(b), the treatment is necessary in order for the occupiers of other premises forming part of the building to make use of the benefit or facility.
- (4) Regulations may make provision, for purposes of this section, as to circumstances in which—

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- (a) it is reasonable for a person to hold the opinion mentioned in subsection 2(a);
 - (b) it is not reasonable for a person to hold that opinion.
- (5) Regulations may make provision, for purposes of this section, as to circumstances (other than those mentioned in subsection (3)) in which treatment is to be taken to be justified.