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*Status: Point in time view as at 01/09/2002. This version of this schedule contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, SCHEDULE 4. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

Sections 16(5) and 27(5).

#### PREMISES OCCUPIED UNDER LEASES

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##### Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### PART I

##### OCCUPATION BY EMPLOYER OR TRADE ORGANISATION

###### *Failure to obtain consent to alteration*

- 1 If any question arises as to whether the occupier has failed to comply with the section 6 or section 15 duty, by failing to make a particular alteration to the premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.

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

- C1** Sch. 4 para. 1 modified (7.6.1996) by S.I. 1996/1333, art. 4(a)

###### *Joining lessors in proceedings under section 8*

- 2 (1) In any proceedings under section 8, in a case to which section 16 applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the complaint begins.
- (3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.
- (4) The request may not be granted if it is made after the tribunal has determined the complaint.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the tribunal may determine—

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- (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable,
- (6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;
  - (b) make an order authorising the occupier to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under section 8(2).
- (9) If the tribunal orders the lessor to pay compensation it may not make an order under section 8(2) ordering the occupier to do so.

#### **Extent Information**

**E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

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

**C2** Sch. 4 para. 2 modified (7.6.1996) by S.I. 1996/1333, art. 4(c)

### *Regulations*

- 3 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 16 and this Part of this Schedule to have—
    - (i) withheld his consent;
    - (ii) withheld his consent unreasonably;
    - (iii) acted reasonably in withholding his consent;
  - (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
  - (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

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

**C3** Sch. 4 para. 3 modified (7.6.1996) by S.I. 1996/1333, art. 4(c)

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#### Commencement Information

- II** Sch. 4 para. 3 wholly in force at 11.7.1996; Sch. 4 para. 3 not in force at Royal Assent see s. 70(3); Sch. 4 Pt. I para. 3 in force (E.W.S.) at 6.6.1996 by S.I. 1996/1474, art. 2(1), Sch. Pt. I; Sch. 4 Pt. I para. 3 in force (N.I.) at 11.7.1996 by S.R. 1996/280, art. 2(1), Sch. Pt. I para. 3

*Sub-leases etc.*

- 4 The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by section 16 or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.

#### Commencement Information

- I2** Sch. 4 para. 4 wholly in force at 30.5.1996; Sch. 4 para. 4 not in force at Royal Assent see s. 70(3); Sch. 4 para. 4 in force (E.W.S.) at 17.5.1996 by S.I. 1996/1336, art. 3(o); Sch. 4 para. 4 in force (N.I.) at 30.5.1996 by S.R. 1996/219, art. 3(n)

## PART II

### OCCUPATION BY PROVIDER OF SERVICES

VALID FROM 01/10/2004

#### *Failure to obtain consent to alteration*

- 5 If any question arises as to whether the occupier has failed to comply with the section 21 duty, by failing to make a particular alteration to premises, any constraint attributable to the fact that he occupies the premises under a lease is to be ignored unless he has applied to the lessor in writing for consent to the making of the alteration.

VALID FROM 01/10/2004

#### *Reference to court*

- 6 (1) If the occupier has applied in writing to the lessor for consent to the alteration and—  
(a) that consent has been refused, or  
(b) the lessor has made his consent subject to one or more conditions,  
the occupier or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court or, in Scotland, to the sheriff.

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- (2) In the following provisions of this Schedule “court” includes “sheriff”.
- (3) On such a reference the court shall determine whether the lessor’s refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (4) If the court determines—
  - (a) that the lessor’s refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,
 it may make such declaration as it considers appropriate or an order authorising the occupier to make the alteration specified in the order.
- (5) An order under sub-paragraph (4) may require the occupier to comply with conditions specified in the order.

VALID FROM 01/10/2004

*Joining lessors in proceedings under section 25*

- 7 (1) In any proceedings on a claim under section 25, in a case to which this Part of this Schedule applies, the plaintiff, the pursuer or the occupier concerned may ask the court to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the claim begins.
- (3) The court may refuse the request if it is made after the hearing of the claim begins.
- (4) The request may not be granted if it is made after the court has determined the claim.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the court may determine—
  - (a) whether the lessor has—
    - (i) refused consent to the alteration, or
    - (ii) consented subject to one or more conditions, and
  - (b) if so, whether the refusal or any of the conditions was unreasonable.
- (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
  - (a) make such declaration as it considers appropriate;
  - (b) make an order authorising the occupier to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) If the court orders the lessor to pay compensation it may not order the occupier to do so.

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VALID FROM 05/12/2005

*[<sup>F1</sup>Joining lessors in proceedings relating to group insurance or employment services*

**Textual Amendments**

**F1** Sch. 4 para. 7A and cross-heading inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 40(6); S.I. 2005/2774, art. 3(j)

- 7A (1) In any proceedings on a complaint under section 25(8) in a case to which section 27 applies, the complainant or the occupier may ask the tribunal hearing the complaint to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the complaint begins.
- (3) The tribunal may refuse the request if it is made after the hearing of the complaint begins.
- (4) The request may not be granted if it is made after the tribunal has determined the complaint.
- (5) Where a lessor has been so joined or sisted as a party to the proceedings, the tribunal may determine—
- (a) whether the lessor has—
- (i) refused consent to the alteration, or
- (ii) consented subject to one or more conditions; and
- (b) if so, whether the refusal or any of the conditions was unreasonable.
- (6) If, under sub-paragraph (5), the tribunal determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
- (a) make such declaration as it considers appropriate;
- (b) make an order authorising the occupier to make the alteration specified in the order;
- (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the occupier to comply with conditions specified in the order.
- (8) Any step taken by the tribunal under sub-paragraph (6) may be in substitution for, or in addition to, any step taken by the tribunal under section 17A(2).
- (9) If the tribunal orders the lessor to pay compensation it may not make an order under section 17A(2) ordering the occupier to do so.]

*Regulations*

- 8 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 27 and this Part of this Schedule to have—

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- (i) withheld his consent;
- (ii) withheld his consent unreasonably;
- (iii) acted reasonably in withholding his consent;
- (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
- (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

**Commencement Information**

**I3** Sch. 4 para. 8 wholly in force at 31.12.2001; Sch. 4 para. 8 not in force at Royal Assent see s. 70(3); Sch. 4 para. 8 in force (E.W.S.) (9.5.2001) by S.I. 2001/2030, art. 2(c)(i); Sch. 4 para. 8 in force (N.I.) (31.12.2001) by S.R. 2001/439, art. 2(1)(c)(i)

*Sub-leases etc.*

- 9 The Secretary of State may by regulations make provision supplementing, or modifying, the provision made by section 27 or any provision made by or under this Part of this Schedule in relation to cases where the occupier occupies premises under a sub-lease or sub-tenancy.

**Commencement Information**

**I4** Sch. 4 para. 9 wholly in force at 31.12.2001; Sch. 4 para. 9 not in force at Royal Assent see s. 70(3); Sch. 4 para. 9 in force (E.W.S.) (9.5.2001) by S.I. 2001/2030, art. 2(c)(ii); Sch. 4 para. 9 in force (N.I.) (31.12.2001) by S.R. 2001/439, art. 2(1)(c)(ii)

[<sup>F2</sup>PART 3

OCCUPATION BY EDUCATIONAL INSTITUTIONS]

**Textual Amendments**

**F2** Sch. 4 Pt. 3 (paras. 10-14) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

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

- C4** Sch. 4 Pt. 3 (paras. 10-14) modified (28.6.2002) by S.I. 2002/1458, reg. 7 (which Regulations were revoked (1.5.2005) by S.I. 2005/1070, reg. 8)
- C5** Sch. 4 Pt. 3 modified (1.5.2005) by The Disability Discrimination (Educational Institutions) (Alteration of Leasehold Premises) Regulations 2005, {reg. 7}

*Failure to obtain consent*

- <sup>F3</sup>10 If any question arises as to whether a responsible body has failed to comply with the duty imposed by section 28T, by failing to make a particular alteration to premises, any constraint attributable to the fact that the premises are occupied by the

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educational institution under a lease is to be ignored unless the responsible body has applied to the lessor in writing for consent to the making of the alteration.

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**Textual Amendments**

**F3** Sch. 4 Pt. 3 (paras. 10-14) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Reference to court*

- <sup>F4</sup>11 (1) If the responsible body has applied in writing to the lessor for consent to the alteration and—
- (a) that consent has been refused, or
  - (b) the lessor has made his consent subject to one or more conditions,
- that body or a disabled person who has an interest in the proposed alteration to the premises being made, may refer the matter to a county court or, in Scotland, to the sheriff.
- (2) On such a reference the court must determine whether the lessor's refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (3) If the court determines—
- (a) that the lessor's refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,
- it may make such declaration as it considers appropriate or an order authorising the responsible body to make the alteration specified in the order.
- (4) An order under sub-paragraph (3) may require the responsible body to comply with conditions specified in the order.

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**Textual Amendments**

**F4** Sch. 4 Pt. 3 (paras. 10-14) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Joining lessors in proceedings under section 28V*

- <sup>F5</sup>12 (1) In proceedings on a claim under section 28V, in a case to which this Part of this Schedule applies, the claimant, the pursuer or the responsible body concerned may ask the court to direct that the lessor be joined or sisted as a party to the proceedings.
- (2) The request must be granted if it is made before the hearing of the claim begins.
- (3) The court may refuse the request if it is made after the hearing of the claim begins.
- (4) The request may not be granted if it is made after the court has determined the claim.
- (5) If a lessor has been so joined or sisted as a party to the proceedings, the court may determine—
- (a) whether the lessor has—
    - (i) refused consent to the alteration, or

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- (ii) consented subject to one or more conditions, and
- (b) if so, whether the refusal or any of the conditions was unreasonable.
- (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable it may take one or more of the following steps—
  - (a) make such a declaration as it considers appropriate;
  - (b) make an order authorising the responsible body to make the alteration specified in the order;
  - (c) order the lessor to pay compensation to the complainant.
- (7) An order under sub-paragraph (6)(b) may require the responsible body to comply with conditions specified in the order.
- (8) If the court orders the lessor to pay compensation it may not order the responsible body to do so.

**Textual Amendments**

**F5** Sch. 4 Pt. 3 (paras. 10-14) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Regulations*

- <sup>F6</sup>13 Regulations may make provision as to circumstances in which—
- (a) a lessor is to be taken, for the purposes of section 28W and this Part of this Schedule to have—
    - (i) withheld his consent;
    - (ii) withheld his consent unreasonably;
    - (iii) acted reasonably in withholding his consent;
  - (b) a condition subject to which a lessor has given his consent is to be taken to be reasonable;
  - (c) a condition subject to which a lessor has given his consent is to be taken to be unreasonable.

**Textual Amendments**

**F6** Sch. 4 Pt. 3 (paras. 10-14) inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

*Sub-leases etc.*

- <sup>F7</sup>14 Regulations may make provision supplementing, or modifying, section 28W or any provision made by or under this Part of this Schedule in relation to cases where the premises of the educational institution are occupied under a sub-lease or sub-tenancy.

**Textual Amendments**

**F7** Sch. 4 Pt. 3 paras. 10-14 inserted (E.W.S.) (1.9.2002) by 2001 c. 10, s. 31(2), Sch. 6 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. I

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VALID FROM 01/09/2007

## [<sup>F8</sup>PART 4

### OCCUPATION BY GENERAL QUALIFICATIONS BODIES

#### Textual Amendments

- F8** Sch. 4 Pt. 4 inserted (E.W.S.) (1.9.2007) by The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (S.I. 2007/2405), regs. 1(2), 6(3) (with regs. 8-13)

#### *Failure to obtain consent to alteration*

- 15 If any question arises as to whether a general qualifications body has failed to comply with the duty imposed by section 31AD by failing to make a particular alteration to the premises, any constraint attributable to the fact that the body occupies the premises under a lease is to be ignored unless the body has applied to the lessor in writing for consent to the making of the alteration.

#### *Reference to court*

- 16 (1) If the general qualifications body has applied in writing to the lessor for consent to the alteration and—
- (a) that consent has been refused, or
  - (b) the lessor has made his consent subject to one or more conditions,
- that general qualifications body or a disabled person who has an interest in the proposed alteration to the premises being made may refer the matter to a county court or, in Scotland, to the sheriff.
- (2) On such a reference the court must determine whether the refusal was unreasonable or (as the case may be) whether the condition is, or any of the conditions are, unreasonable.
- (3) If the court determines—
- (a) that the refusal was unreasonable, or
  - (b) that the condition is, or any of the conditions are, unreasonable,
- it may make such declaration as it considers appropriate or an order authorising the general qualifications body to make the alteration specified in the order.
- (4) An order under sub-paragraph (3) may require the general qualifications body to comply with conditions specified in the order.

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*Joining lessors in proceedings under section 31ADA]*

- 17 (1) In any proceedings on a claim under section 31ADA in which a question arises as to whether a general qualifications body has failed to comply with the duty imposed by section 31AD by failing to make an alteration to premises occupied by the general qualifications body under a lease—
- (a) the claimant (or pursuer in Scotland), or
  - (b) the general qualifications body concerned,
- may ask the court to direct that the lessor be joined (or sisted) as a party to the proceedings.
- (2) The request shall be granted if it is made before the hearing of the claim begins.
  - (3) The court may refuse the request if it is made after the hearing of the claim begins.
  - (4) The request may not be granted if it is made after the court has determined the claim.
  - (5) Where a lessor has been so joined (or sisted) as a party to the proceedings, the court may determine—
    - (a) whether the lessor has—
      - (i) refused consent to the alteration, or
      - (ii) consented subject to one or more conditions, and
    - (b) if so, whether the refusal or any of the conditions was unreasonable.
  - (6) If, under sub-paragraph (5), the court determines that the refusal or any of the conditions was unreasonable, it may take one or more of the following steps—
    - (a) make such declaration as it considers appropriate;
    - (b) make an order authorising the general qualifications body to make the alteration specified in the order;
    - (c) order the lessor to pay compensation to the claimant or pursuer.
  - (7) An order under sub-paragraph (6)(b) may require the general qualifications body to comply with the conditions specified in the order.
  - (8) If the court orders the lessor to pay compensation it may not order the general qualifications body to do so.

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