

SCHEDULES

SCHEDULE 21

REASONABLE ADJUSTMENTS: SUPPLEMENTARY

Joining landlord as party to proceedings

- 5 (1) This paragraph applies to proceedings relating to a contravention of this Act by virtue of section 20.
- (2) A party to the proceedings may request the employment tribunal, county court or sheriff (“the judicial authority”) to direct that the landlord is joined or sisted as a party to the proceedings.
- (3) The judicial authority—
- (a) must grant the request if it is made before the hearing of the complaint or claim begins;
 - (b) may refuse the request if it is made after the hearing begins;
 - (c) must refuse the request if it is made after the complaint or claim has been determined.
- (4) If the landlord is joined or sisted as a party to the proceedings, the judicial authority may determine whether—
- (a) the landlord has refused to consent to the alteration;
 - (b) the landlord has consented subject to a condition;
 - (c) the refusal or condition was unreasonable.
- (5) If the judicial authority finds that the refusal or condition was unreasonable, it—
- (a) may make such declaration as it thinks appropriate;
 - (b) may make an order authorising A to make the alteration specified in the order (and requiring A to comply with such conditions as are so specified);
 - (c) may order the landlord to pay compensation to the complainant or claimant.
- (6) An employment tribunal may act in reliance on sub-paragraph (5)(c) instead of, or in addition to, acting in reliance on section 124(2); but if it orders the landlord to pay compensation it must not do so in reliance on section 124(2).
- (7) If a county court or the sheriff orders the landlord to pay compensation, it may not order A to do so.