

**The Disability Discrimination (Sub-leases and Sub-tenancies) Regulations 1996 / [Department for Education and Employment].**

**Contributors**

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1996 No. 1333

# DISABLED PERSONS

## The Disability Discrimination (Sub-leases and Sub-tenancies) Regulations 1996

<i>Made</i>	- - -	<i>17th May 1996</i>
<i>Laid before Parliament</i>		<i>17th May 1996</i>
<i>Coming into force</i>		<i>7th June 1996</i>

In exercise of the powers conferred on the Secretary of State by section 16(3) of and paragraph 4 of Schedule 4 to the Disability Discrimination Act 1995(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

### Citation and commencement

1.—(1) These Regulations may be cited as the Disability Discrimination (Sub-leases and Sub-tenancies) Regulations 1996 and shall come into force on 7th June 1996.

### Interpretation

2. In these Regulations “the Act” means the Disability Discrimination Act 1995.

### Definition of sub-lease and sub-tenancy

3. For the purposes of section 16 of the Act “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.

### Modification of section 16 and paragraph 1 of Schedule 4

4. Where the occupier occupies premises under a sub-lease or sub-tenancy the following modifications and additions shall have effect—

- (a) (subject to paragraph (b) below), section 16 of and paragraph 1 of Schedule 4 to the Act are modified so that for references to “lessor” there are substituted references to the lessor who is the occupier’s immediate landlord;
- (b) the following subsection is added to follow section 16(2) of the Act:  
“(2A) Except to the extent to which it expressly so provides, any superior lease under which the premises are held shall have effect in relation to the lessor and lessee who are parties to that lease as if it provided—
  - (i) for the lessee to have to make a written application to the lessor for consent to the alteration;
  - (ii) if such an application is made, for the lessor not to withhold his consent unreasonably; and
  - (iii) for the lessor to be entitled to make his consent subject to reasonable conditions.”;

(a) 1995 c. 50. For the meaning of “prescribed” and “regulations” see section 68(1). Apart from the cited provisions, section 16 and Schedule 4 are not yet in force.

(c) paragraphs 2 and 3 of Schedule 4 to the Act are modified so that references to "lessor" include any superior landlord.

17th May 1996

Henley  
Minister of State,  
Department for Education and Employment.

### EXPLANATORY NOTE

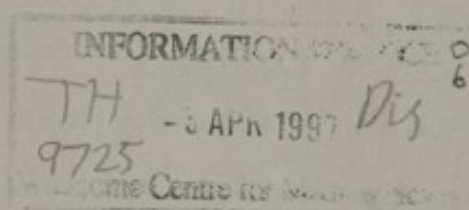
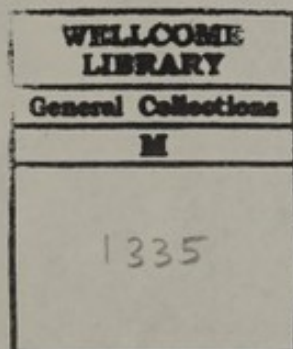
*(This note is not part of the Order)*

These Regulations modify and supplement the provisions of section 16 of and Schedule 4 to the Disability Discrimination Act 1995 in relation to cases where premises are occupied under a sub-lease or sub-tenancy. Section 16 and paragraph 1 of Schedule 4 are modified so that "lessor" refers to the occupier's immediate landlord. The effect of this is that any consent to alterations has to be sought from the immediate landlord rather than a superior landlord.

Section 16 is also supplemented to cover the position with regard to the obligations of lessors and lessees under superior leases and tenancies.

Schedule 4 paragraph 2 (joining lessors in industrial tribunal proceedings) and paragraph 3 (regulation making power) are modified so that references to the lessor include any superior landlord.

The Regulations define sub-lease and sub-tenancy for the purposes of section 16.



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