



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

An Act to consolidate certain provisions of the law of landlord and tenant formerly found in the Housing Acts, together with the Landlord and Tenant Act 1962, with amendments to give effect to recommendations of the Law Commission. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows;—

### Modifications etc. (not altering text)

- C1 A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.
- C2 Act: certain functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
- C3 Act amended by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 2(3)
- C4 Act modified by S.I. 1988/1283, art. 2, Sch. para. 7
- C5 Act: definition applied (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. 167, 223(2), Sch. 11 para. 10 (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)  
Act :definition applied (1.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), ss. 168(3), 225(2), Sch. 19 para. 10 (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

### Commencement Information

- II Act not in force at Royal Assent: Act wholly in force at 1. 4. 1986

### *Information to be given to tenant*

#### 1 Disclosure of landlord's identity.

- (1) If the tenant of premises occupied as a dwelling makes a written request for the landlord's name and address to—
- (a) any person who demands, or the last person who received, rent payable under the tenancy, or

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- (b) any other person for the time being acting as agent for the landlord, in relation to the tenancy,  
that person shall supply the tenant with a written statement of the landlord's name and address within the period of 21 days beginning with the day on which he receives the request.
- (2) A person who, without reasonable excuse, fails to comply with subsection (1) commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section and section 2—
  - (a) "tenant" includes a statutory tenant; and
  - (b) "landlord" means the immediate landlord.

## **2 Disclosure of directors, &c. of corporate landlord.**

- (1) Where a tenant is supplied under section 1 with the name and address of his landlord and the landlord is a body corporate, he may make a further written request to the landlord for the name and address of every director and of the secretary of the landlord.
- (2) The landlord shall supply the tenant with a written statement of the information requested within the period of 21 days beginning with the day on which he receives the request.
- (3) A request under this section is duly made to the landlord if it is made to—
  - (a) an agent of the landlord, or
  - (b) a person who demands the rent of the premises concerned:and any such agent or person to whom such a request is made shall forward it to the landlord as soon as may be.
- (4) A landlord who, without reasonable excuse, fails to comply with a request under this section, and a person who, without reasonable excuse, fails to comply with a requirement imposed on him by subsection (3), commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.

## **3 Duty to inform tenant of assignment of landlord's interest.**

- (1) If the interest of the landlord under a tenancy of premises which consist of or include a dwelling is assigned, the new landlord shall give notice in writing of the assignment, and of his name and address, to the tenant not later than the next day on which rent is payable under the tenancy or, if that is within two months of the assignment, the end of that period of two months.
- (2) If trustees constitute the new landlord, a collective description of the trustees as the trustees of the trust in question may be given as the name of the landlord, and where such a collective description is given—
  - (a) the address of the new landlord may be given as the address from which the affairs of the trust are conducted, and
  - (b) a change in the persons who are for the time being the trustees of the trust shall not be treated as an assignment of the interest of the landlord.
- (3) A person who is the new landlord under a tenancy falling within subsection (1) and who fails, without reasonable excuse to give the notice required by that subsection,

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commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.

[<sup>F1</sup>(3A) The person who was the landlord under the tenancy immediately before the assignment (“the old landlord”) shall be liable to the tenant in respect of any breach of any covenant, condition or agreement under the tenancy occurring before the end of the relevant period in like manner as if the interest assigned were still vested in him; and where the new landlord is also liable to the tenant in respect of any such breach occurring within that period, he and the old landlord shall be jointly and severally liable in respect of it.

(3B) In subsection (3A) “the relevant period” means the period beginning with the date of the assignment and ending with the date when—

- (a) notice in writing of the assignment, and of the new landlord’s name and address, is given to the tenant by the new landlord (whether in accordance with subsection (1) or not), or
- (b) notice in writing of the assignment, and of the new landlord’s name and last-known address, is given to the tenant by the old landlord,

whichever happens first.]

(4) In this section—

- (a) “tenancy” includes a statutory tenancy, and
- (b) references to the assignment of the landlord’s interest include any conveyance other than a mortgage or charge.

#### Textual Amendments

**F1** S. 3(3A)(3B) inserted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 50

#### [<sup>F2</sup>3A **Duty to inform tenant of possible right to acquire landlord’s interest.**

(1) Where a new landlord is required by section 3(1) to give notice to a tenant of an assignment to him, then if—

- (a) the tenant is a qualifying tenant within the meaning of Part I of the Landlord and Tenant Act 1987 (tenants’ rights of first refusal), and
- (b) the assignment was a relevant disposal within the meaning of that Part affecting premises to which at the time of the disposal that Part applied,

the landlord shall give also notice in writing to the tenant to the following effect.

(2) The notice shall state—

- (a) that the disposal to the landlord was one to which Part I of the Landlord and Tenant Act 1987 applied;
- (b) that the tenant (together with other qualifying tenants) may have the right under that Part—
  - (i) to obtain information about the disposal, and
  - (ii) to acquire the landlord’s interest in the whole or part of the premises in which the tenant’s flat is situated; and
- (c) the time within which any such right must be exercised, and the fact that the time would run from the date of receipt of notice under this section by the requisite majority of qualifying tenants (within the meaning of that Part).

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- (3) A person who is required to give notice under this section and who fails, without reasonable excuse, to do so within the time allowed for giving notice under section 3(1) commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.]

#### Textual Amendments

**F2** S. 3A inserted (1.10.1996) by 1996 c. 52, s. 93(1); S.I. 1996/2212, art. 2(2)(with Sch.)

### *Provision of rent books*

#### **4 Provision of rent books.**

- (1) Where a tenant has a right to occupy premises as a residence in consideration of a rent payable weekly, the landlord shall provide a rent book or other similar document for use in respect of the premises.
- (2) Subsection (1) does not apply to premises if the rent includes a payment in respect of board and the value of that board to the tenant forms a substantial proportion of the whole rent.
- (3) In this section and sections 5 to 7—
- (a) “tenant” includes a statutory tenant and a person having a contractual right to occupy the premises; and
  - (b) “landlord”, in relation to a person having such a contractual right, means the person who granted the right or any successor in title of his, as the case may require.

[<sup>F3</sup>(4) This section does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).]

#### Textual Amendments

**F3** S. 4(4) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 13(2)

#### **5 Information to be contained in rent books.**

- (1) A rent book or other similar document provided in pursuance of section 4 shall contain notice of the name and address of the landlord of the premises and—
- (a) if the premises are occupied by virtue of a restricted contract, particulars of the rent and of the other terms and conditions of the contract and notice of such other matters as may be prescribed;
  - (b) if the premises are let on or subject to a protected or statutory tenancy [<sup>F4</sup>or let on an assured tenancy within the meaning of Part I of the Housing Act 1988], notice of such matters as may be prescribed.
- (2) If the premises are occupied by virtue of a restricted contract or let on or subject to a protected or statutory tenancy [<sup>F5</sup>or let on an assured tenancy within the meaning

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of Part I of the Housing Act 1988], the notice and particulars required by this section shall be in the prescribed form.

- (3) In this section “prescribed” means prescribed by regulations made by the Secretary of State, which—
- (a) may make different provision for different cases, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F4** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), [Sch. 17 para. 67\(1\)](#)  
**F5** Words added by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), [Sch. 17 para. 67\(2\)](#)

## 6 Information to be supplied by companies.

- (1) Where the landlord of premises to which section 4(1) applies (premises occupied as a residence at a weekly rent) is a company, and the tenant serves on the landlord a request in writing to that effect, the landlord shall give the tenant in writing particulars of the name and address of every director and of the secretary of the company.
- (2) A request under this section is duly served on the landlord if it is served—
- (a) on an agent of the landlord named as such in the rent book or other similar document, or
  - (b) on the person who receives the rent of the premises;
- and a person on whom a request is so served shall forward it to the landlord as soon as may be.

## 7 Offences.

- (1) If the landlord of premises to which section 4(1) applies (premises occupied as a residence at a weekly rent) fails to comply with any relevant requirement of—
- section 4 (provision of rent book),
  - section 5 (information to be contained in rent book), or
  - section 6 (information to be supplied by companies),
- he commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.
- (2) If a person demands or receives rent on behalf of the landlord of such premises while any relevant requirement of—
- section 4 (provision of rent book), or
  - section 5 (information to be contained in rent book),
- is not complied with, then, unless he shows he neither knew nor had reasonable cause to suspect that any such requirement had not been complied with, he commits a summary offence and is liable to a fine not exceeding level 4 on the standard scale.
- (3) If a person fails to comply with a requirement imposed on him by section 6(2) (duty to forward request to landlord), he commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.

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- (4) If a default in respect of which—
- (a) a landlord is convicted under subsection (1), or
  - (b) another person is convicted of an offence under subsection (3),
- continues for more than 14 days after the conviction, the landlord or other person commits a further offence under that subsection in respect of the default.

*Implied terms as to fitness for human habitation*

**8 Implied terms as to fitness for human habitation<sup>[F6: Wales]</sup>.**

- (1) In a contract to which this section applies for the letting of a house [<sup>F7</sup>in Wales] for human habitation there is implied, notwithstanding any stipulation to the contrary—
- (a) a condition that the house is fit for human habitation at the commencement of the tenancy, and
  - (b) an undertaking that the house will be kept by the landlord fit for human habitation during the tenancy.

<sup>F8</sup>(2) .....

- (3) This section applies to a contract if—
- (a) the rent does not exceed the figure applicable in accordance with the subsection (4), and
  - (b) the letting is not on such terms as to the tenant's responsibility as are mentioned in subsection (5).
- (4) The rent limit for the application of this section is shown by the following Table, by reference to the date of making of the contract and the situation of the premises:

TABLE

<i>Date of making of contract</i>	<i>Rent limit</i>
Before 31st July 1923.	In London: £40. Elsewhere: £26 or £16 (see Note 1).
On or after 31st July 1923 and before 6th July 1957.	In London: £40. Elsewhere: £26.
On or after 6th July 1957.	In London: £80. Elsewhere: £52.

NOTES

1. The applicable figure for contracts made before 31st July 1923 is £26 in the case of premises situated in a borough or urban district which at the date of the contract had according to the last published census a population of 50,000 or more. In the case of a house situated elsewhere, the figure is £16.

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2. The references to “London” are, in relation to contracts made before 1st April 1965, to the administrative county of London and, in relation to contracts made on or after that date, to Greater London exclusive of the outer London boroughs.

(5) This section does not apply where a house is let for a term of three years or more (the lease not being determinable at the option of either party before the expiration of three years) upon terms that the tenant puts the premises into a condition reasonably fit for human habitation.

[<sup>F9</sup>(5A) This section does not apply if the contract is an occupation contract (for provisions about the condition of dwellings that are subject to an occupation contract, see Part 4 of the Renting Homes (Wales) Act 2016 (anaw 1)).

(5B) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).]

(6) In this section “house” includes—

- (a) a part of a house, and
- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

#### Textual Amendments

- F6** Word in s. 8 heading inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\), ss. 1\(2\)\(a\), 2\(2\)](#)
- F7** Words in s. 8(1) inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\), ss. 1\(2\)\(b\), 2\(2\)](#)
- F8** S. 8(2) repealed (1.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 2 para. 12\(1\), Sch. 10 Pt. 2](#) (with s. 97)
- F9** [S. 8\(5A\)\(5B\) inserted \(1.12.2022\) by The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\), regs. 1\(1\), 13\(3\)](#)

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

- C6** S. 8 excluded by [Housing Act 1985 \(c. 68, SIF 61\), ss. 302, 307](#)

## 9 Application of s. 8 to certain houses occupied by agricultural workers.

(1) Where under the contract of employment of a worker employed in agriculture the provision of a house for his occupation forms part of his remuneration and the provisions of section 8 (implied terms as to fitness for human habitation) are inapplicable by reason only of the house not being let to him—

- (a) there are implied as part of the contract of employment notwithstanding any stipulation to the contrary, the like condition and undertaking as would be implied under that section if the house were so let, and
- (b) the provisions of that section apply accordingly, with the substitution of “employer” for “landlord” and such other modifications as may be necessary.

(2) This section does not affect any obligation of a person other than the employer to repair a house to which this section applies, or any remedy for enforcing such an obligation.

(3) In this section “house” includes—

- (a) a part of a house, and

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- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

### **[<sup>F10</sup>9A Fitness for human habitation of dwellings in England**

- (1) In a lease to which this section applies of a dwelling in England (see section 9B), there is implied a covenant by the lessor that the dwelling—
  - (a) is fit for human habitation at the time the lease is granted or otherwise created or, if later, at the beginning of the term of the lease, and
  - (b) will remain fit for human habitation during the term of the lease.
- (2) The implied covenant is not to be taken as requiring the lessor—
  - (a) to carry out works or repairs for which the lessee is liable by virtue of—
    - (i) the duty of the lessee to use the premises in a tenant-like manner, or
    - (ii) an express covenant of the lessee of substantially the same effect as that duty;
  - (b) to rebuild or reinstate the dwelling in the case of destruction or damage by fire, storm, flood or other inevitable accident;
  - (c) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling;
  - (d) to carry out works or repairs which, if carried out, would put the lessor in breach of any obligation imposed by any enactment (whenever passed or made);
  - (e) to carry out works or repairs requiring the consent of a superior landlord or other third party in circumstances where consent has not been obtained following reasonable endeavours to obtain it.
- (3) The implied covenant is also not to be taken as imposing on the lessor any liability in respect of the dwelling being unfit for human habitation if the unfitness is wholly or mainly attributable to—
  - (a) the lessee's own breach of covenant, or
  - (b) disrepair which the lessor is not obliged to make good because of an exclusion or modification under section 12 (power of county court to authorise exclusions or modifications in leases in respect of repairing obligations under section 11).
- (4) Any provision of a lease or of any agreement relating to a lease (whether made before or after the grant or creation of the lease) is void to the extent that it purports—
  - (a) to exclude or limit the obligations of the lessor under the implied covenant, or
  - (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations.
- (5) Where in any proceedings before a court it is alleged that a lessor is in breach of an obligation under the implied covenant, the court may order specific performance of the obligation (regardless of any equitable rule restricting the scope of that remedy).
- (6) Where a lease to which this section applies of a dwelling in England forms part only of a building, the implied covenant has effect as if the reference to the dwelling in subsection (1) included a reference to any common parts of the building in which the lessor has an estate or interest.



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- (7) In a lease to which this section applies of a dwelling in England, there is also implied a covenant by the lessee that the lessor, or a person authorised in writing by the lessor, may enter the dwelling for the purpose of viewing its condition and state of repair.
- (8) The covenant implied by subsection (7) requires entry to the dwelling to be permitted—
- (a) only at reasonable times of the day, and
  - (b) only if at least 24 hours' notice in writing has been given to the occupier of the dwelling.
- (9) In this section—
- “common parts” has the meaning given by section 60(1) of the Landlord and Tenant Act 1987;
  - “lease” does not include a mortgage term;
  - “lessee” means the person for the time being entitled to the term of a lease;
  - “lessor” means the person for the time being entitled to the reversion expectant on a lease.

#### Textual Amendments

**F10** Ss. 9A-9C inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\), ss. 1\(3\), 2\(2\)](#)

### 9B Leases to which section 9A applies

- (1) Section 9A applies to a lease under which a dwelling is let wholly or mainly for human habitation if either of the following applies—
- (a) the lease is for a term of less than 7 years, or
  - (b) the lease is of a kind mentioned in subsection (1A) or (1AB) of section 13 (leases to which section 11 applies: secure, assured or introductory tenancies for fixed term of 7 years or more).

This is subject as follows.

- (2) Section 9A does not apply to any lease of a kind mentioned in section 14 (exceptions for leases to which section 11 applies).
- (3) Except as mentioned in subsections (4), (5) and (6), section 9A does not apply to a lease granted—
- (a) before the commencement date, or
  - (b) on or after that date in pursuance of an agreement entered into, or an order of a court made, before the commencement date.
- (4) Section 9A applies to a periodic or secure tenancy that is in existence on the commencement date, but in the case of any such tenancy the covenant implied by that section has effect in the following way—
- (a) subsection (1)(a) of that section has effect as if the reference to the later of the times there mentioned were a reference to the time that begins at the end of the period of 12 months beginning with the commencement date, and
  - (b) subsection (1)(b) of that section has effect only in respect of times falling after the end of that 12 month period.

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- (5) Section 9A applies to a periodic or secure tenancy that comes into existence after the commencement date on expiry of a term of a lease granted before that date.
- (6) Section 9A applies to a lease for a fixed term which—
- (a) is granted or renewed before the commencement date, and
  - (b) is renewed for a further fixed term on or after that date,
- and for this purpose the renewal on or after the commencement date is to be treated as a grant of the lease on or after that date.
- (7) For the purposes of subsection (1) it is immaterial—
- (a) whether the dwelling is to be occupied under the lease or under an inferior lease derived out of it, or
  - (b) that the lease also demises other property (which may consist of or include one or more other dwellings).
- (8) In determining for the purposes of subsection (1)(a) whether a lease is for a term of less than 7 years—
- (a) any part of the term falling before the grant or creation is to be ignored and the lease is to be treated as a lease for a term commencing with the grant or creation;
  - (b) a lease which is determinable at the option of the lessor before the expiry of 7 years from the commencement of the term is to be treated as a lease for a term of less than 7 years;
  - (c) a lease (other than one to which paragraph (b) applies) is not to be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more.
- (9) In this section—
- “the commencement date” means the date on which the Homes (Fitness for Human Habitation) Act 2018 comes into force;
- “lease”, “lessee” and “lessor” have the same meanings as in section 9A;
- “secure tenancy” has the meaning given by section 79 of the Housing Act 1985.

#### Textual Amendments

**F10** Ss. 9A-9C inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), **ss. 1(3), 2(2)**

### 9C Application of section 9A to certain dwellings occupied by agricultural workers

- (1) This section applies where under a contract of employment of a worker employed in agriculture—
- (a) the provision of a dwelling for the worker’s occupation forms part of the worker’s remuneration, and
  - (b) the provisions of section 9A (implied term as to fitness for human habitation of dwellings in England) are inapplicable by reason only of the dwelling not being let to the worker.

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- (2) There is implied as part of the contract of employment (in spite of any stipulation to the contrary) a term having the same effect as the covenant that would be implied by section 9A if the dwelling were let by a lease to which that section applies.
- (3) The provisions of section 9A apply accordingly—
  - (a) with the substitution of “employer” and “employee” for “lessor” and “lessee”, and
  - (b) with such other modifications as may be necessary.
- (4) This section does not affect—
  - (a) any obligation of a person other than the employer to repair a dwelling to which the covenant implied by section 9A applies by virtue of this section, or
  - (b) any remedy for enforcing such an obligation.]

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**Textual Amendments**

**F10** Ss. 9A-9C inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\), ss. 1\(3\), 2\(2\)](#)

## 10 Fitness for human habitation.

- [<sup>F11</sup>(1)] In determining for the purposes of this Act whether a house [<sup>F12</sup>or dwelling] is unfit for human habitation, regard shall be had to its condition in respect of the following matters—
- repair,
  - stability,
  - freedom from damp,
  - internal arrangement,
  - natural lighting,
  - ventilation,
  - water supply,
  - drainage and sanitary conveniences,
  - facilities for preparation and cooking of food and for the disposal of waste water;
- [<sup>F13</sup>in relation to a dwelling in England, any prescribed hazard;]
- and the house [<sup>F12</sup>or dwelling] shall be regarded as unfit for human habitation if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition.
- [<sup>F14</sup>(2) In subsection (1) “prescribed hazard” means any matter or circumstance amounting to a hazard for the time being prescribed in regulations made by the Secretary of State under section 2 of the Housing Act 2004.
- (3) The definition of “hazard” in section 2(1) of the Housing Act 2004 applies for the purposes of subsection (2) as though the reference to a potential occupier were omitted.]

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**Textual Amendments**

**F11** S. 10 renumbered as s. 10(1) (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\), ss. 1\(4\)\(a\), 2\(2\)](#)

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- F12** Words in s. 10(1) inserted (20.3.2019) by Homes (Fitness for Human Habitation) Act 2018 (c. 34), ss. **1(4)(b)(i)**, 2(2)
- F13** Words in s. 10(1) inserted (20.3.2019) by Homes (Fitness for Human Habitation) Act 2018 (c. 34), ss. **1(4)(b)(ii)**, 2(2)
- F14** S. 10(2)(3) inserted (20.3.2019) by Homes (Fitness for Human Habitation) Act 2018 (c. 34), ss. **1(4)(c)**, 2(2)

*<sup>F15</sup>Implied term as to remedying of hazards*

**Textual Amendments**

- F15** Ss. 10A, 10B and cross-heading inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), ss. 42, 46(3)(a); S.I. 2023/1001, reg. 2(t)

**10A Remedying of hazards occurring in dwellings let on relevant social housing leases**

- (1) This section applies to a lease of a dwelling if—
- (a) the dwelling is in England,
  - (b) the lease is a relevant social housing lease, and
  - (c) section 9A—
    - (i) applies to the lease (see section 9B), or
    - (ii) would apply to the lease if the provision in section 9B(3) did not exist.
- (2) There is implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.
- (3) The Secretary of State must make regulations which require the lessor under a lease to which this section applies to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.
- (4) Regulations under subsection (3) are enforceable against lessors only through actions for breach of the covenant that is implied by subsection (2).
- (5) In any proceedings for a breach of the covenant that is implied by subsection (2), it is a defence for the lessor to prove that the lessor used all reasonable endeavours to avoid that breach.
- (6) For the purposes of this section a lease is a “relevant social housing lease” at any time when—
- (a) the lessor under the lease is a registered provider of social housing, and
  - (b) the dwelling leased under the lease—
    - (i) is social housing, but
    - (ii) is not low cost home ownership accommodation.
- (7) In this section and section 10B—
- “lease”, “lessor” and “lessee” have the same meanings as in section 9A (see section 9A(9));
- “low cost home ownership accommodation” has the meaning given in section 70 of the Housing and Regeneration Act 2008;

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“prescribed hazard” has the same meaning as in section 10 (see section 10(2) and (3));

“prescribed requirement” means a requirement prescribed in regulations under subsection (3);

“social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 (see sections 68 and 72 of that Act).

## **10B Regulations section 10A: supplementary provision**

- (1) Regulations under section 10A(3) may apply to—
  - (a) leases granted before the day when [section 42](#) of the Social Housing (Regulation) Act 2023 came into force;
  - (b) prescribed hazards which began before that day;
  - (c) only some descriptions of prescribed hazards.
- (2) Regulations under section 10A(3) may—
  - (a) specify a period that is not of a specific duration (for example a reasonable or appropriate period, including a period decided by the lessor or another person);
  - (b) specify two (or more) periods in relation to particular action.
- (3) Regulations under section 10A(3) may (in particular)—
  - (a) require the lessor to take particular action, or action that is intended to produce a particular outcome, in relation to a prescribed hazard;
  - (b) require the lessor to take action in relation to a prescribed hazard that is not of itself intended to remedy the hazard, for example by requiring the lessor—
    - (i) to investigate whether or how a prescribed hazard is affecting the leased dwelling, or
    - (ii) to secure that the lessee and any other members of the lessee’s household are provided with alternative accommodation at no cost to them;
  - (c) require the lessor to take action in relation to a prescribed hazard only—
    - (i) in particular circumstances, or
    - (ii) if particular conditions are met;
  - (d) provide that the lessor is not required to take action in relation to a prescribed hazard—
    - (i) in particular circumstances, or
    - (ii) if particular conditions are met.
- (4) The Secretary of State may by regulations—
  - (a) provide for section 10A not to apply to particular descriptions of leases;
  - (b) make provision, in relation to the covenant that is implied by section 10A(2), which corresponds to any provision made by section 9A(4) to (8).
- (5) A power to make regulations under section 10A or this section includes power to make—
  - (a) incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (6) The power to make transitional or saving provision may (in particular) be used to make provision about situations where the covenant in section 10A(2)—

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- (a) begins to be implied in a lease after its grant because it becomes a relevant social housing lease;
  - (b) ceases to be implied in a lease because it ceases to be a relevant social housing lease (including provision to save the lessor's liability for any breach of the covenant occurring before it ceases to be implied).
- (7) Regulations under section 10A or this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under section 10A or this section may not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

### *Repairing obligations*

## **11 Repairing obligations in short leases.**

- (1) In a lease to which this section applies (as to which, see sections 13 and 14) there is implied a covenant by the lessor—
- (a) to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes),
  - (b) to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and
  - (c) to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.
- [<sup>F16</sup>(1A) If a lease to which this section applies is a lease of a dwelling-house which forms part only of a building, then, subject to subsection (1B), the covenant implied by subsection (1) shall have effect as if—
- (a) the reference in paragraph (a) of that subsection to the dwelling-house included a reference to any part of the building in which the lessor has an estate or interest; and
  - (b) any reference in paragraphs (b) and (c) of that subsection to an installation in the dwelling-house included a reference to an installation which, directly or indirectly, serves the dwelling-house and which either—
    - (i) forms part of any part of a building in which the lessor has an estate or interest; or
    - (ii) is owned by the lessor or under his control.
- (1B) Nothing in subsection (1A) shall be construed as requiring the lessor to carry out any works or repairs unless the disrepair (or failure to maintain in working order) is such as to affect the lessee's enjoyment of the dwelling-house or of any common parts, as defined in section 60(1) of the Landlord and Tenant Act <sup>M1</sup>1987, which the lessee, as such, is entitled to use.]
- (2) The covenant implied by subsection (1) (“the lessor’s repairing covenant”) shall not be construed as requiring the lessor—
- (a) to carry out works or repairs for which the lessee is liable by virtue of his duty to use the premises in a tenant-like manner, or would be so liable but for an express covenant on his part,

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- (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident, or
  - (c) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling-house.
- (3) In determining the standard of repair required by the lessor's repairing covenant, regard shall be had to the age, character and prospective life of the dwelling-house and the locality in which it is situated.

[<sup>F17</sup>(3A) In any case where—

- (a) the lessor's repairing covenant has effect as mentioned in subsection (1A), and
  - (b) in order to comply with the covenant the lessor needs to carry out works or repairs otherwise than in, or to an installation in, the dwelling-house, and
  - (c) the lessor does not have a sufficient right in the part of the building or the installation concerned to enable him to carry out the required works or repairs,
- then, in any proceedings relating to a failure to comply with the lessor's repairing covenant, so far as it requires the lessor to carry out the works or repairs in question, it shall be a defence for the lessor to prove that he used all reasonable endeavours to obtain, but was unable to obtain, such rights as would be adequate to enable him to carry out the works or repairs.]
- (4) A covenant by the lessee for the repair of the premises is of no effect so far as it relates to the matters mentioned in subsection (1)(a) to (c), except so far as it imposes on the lessee any of the requirements mentioned in subsection (2)(a) or (c).
- (5) The reference in subsection (4) to a covenant by the lessee for the repair of the premises includes a covenant—
- (a) to put in repair or deliver up in repair,
  - (b) to paint, point or render,
  - (c) to pay money in lieu of repairs by the lessee, or
  - (d) to pay money on account of repairs by the lessor.
- (6) In a lease in which the lessor's repairing covenant is implied there is also implied a covenant by the lessee that the lessor, or any person authorised by him in writing, may at reasonable times of the day and on giving 24 hours' notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

#### Textual Amendments

**F16** S. 11(1A)(1B) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 116(1)** (with s. 116(4))

**F17** S. 11(3A) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 116(2)** (with s. 116(4))

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

**C7** S. 11 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15, ss. 102, 181\(1\)](#), **Sch. 7 para. 3(1)-(6)**; [S.I. 2003/1986, art. 2\(a\)](#); [S.I. 2004/669, art. 2\(a\)](#)

#### Marginal Citations

**M1** [1987 c.31\(75:1\)](#).

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## 12 Restriction on contracting out of s. 11.

- (1) A covenant or agreement, whether contained in a lease to which section 11 applies or in an agreement collateral to such a lease, is void in so far as it purports—
- (a) to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or
  - (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of his enforcing or relying upon those obligations or immunities,
- unless the inclusion of the provision was authorised by the county court.
- (2) The county court may, by order made with the consent of the parties, authorise the inclusion in a lease, or in an agreement collateral to a lease, of provisions excluding or modifying in relation to the lease, the provisions of section 11 with respect to the repairing obligations of the parties if it appears to the court that it is reasonable to do so, having regard to all the circumstances of the case, including the other terms and conditions of the lease.

### Modifications etc. (not altering text)

**C8** S. 12(1)(a) modified (E.) (30.9.2003) (W.) (30.3.2004) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 3(7); S.I. 2003/1986, art. 2(a); S.I. 2004/669 {art. 2(a)}

## 13 Leases to which s. 11 applies: general rule.

- (1) Section 11 (repairing obligations) applies to a lease of a dwelling-house granted on or after 24th October 1961 for a term of less than seven years.
- [<sup>F18</sup>(1ZA) But in the case of a dwelling-house in Wales, section 11 does not apply if the dwelling-house is subject to an occupation contract (for provisions about repairing obligations in the case of occupation contracts, see Part 4 of the Renting Homes (Wales) Act 2016 (anaw 1)).
- (1ZB) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).]
- [<sup>F19</sup>(1A) Section 11 also applies to a lease of a dwelling-house in England granted on or after the day on which section 166 of the Localism Act 2011 came into force which is—
- (a) a secure tenancy for a fixed term of seven years or more granted by a person within section 80(1) of the Housing Act 1985 (secure tenancies: the landlord condition), or
  - (b) an assured tenancy for a fixed term of seven years or more that—
    - (i) is not a shared ownership lease, and
    - (ii) is granted by a private registered provider of social housing.
- (1B) In subsection (1A)—
- “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
- “secure tenancy” has the meaning given by section 79 of the Housing Act 1985; and
- “shared ownership lease” means a lease—



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- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
  - (b) under which the lessee (or the lessee's personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.]
- (2) In determining whether a lease is one to which section 11 applies—
- (a) any part of the term which falls before the grant shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant,
  - (b) a lease which is determinable at the option of the lessor before the expiration of seven years from the commencement of the term shall be treated as a lease for a term of less than seven years, and
  - (c) a lease (other than a lease to which paragraph (b) applies) shall not be treated as a lease for a term of less than seven years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to seven years or more.
- (3) This section has effect subject to—
- section 14 (leases to which section 11 applies: exceptions), and
  - section 32(2) (provisions not applying to tenancies within Part II of the <sup>M2</sup>Landlord and Tenant Act 1954).

#### Textual Amendments

- F18** S. 13(1ZA)(1ZB) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **13(4)**
- F19** S. 13(1A)(1B) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. **166**, 240(2); S.I. 2012/628, art. 6(c) (with arts. 9, 11, 14, 15, 17)

#### Marginal Citations

- M2** 1954 c. 56.

## 14 Leases to which s. 11 applies: exceptions.

- (1) Section 11 (repairing obligations) does not apply to a new lease granted to an existing tenant, or to a former tenant still in possession, if the previous lease was not a lease to which section 11 applied (and, in the case of a lease granted before 24th October 1961, would not have been if it had been granted on or after that date).
- (2) In subsection (1)—
- “existing tenant” means a person who is when, or immediately before, the new lease is granted, the lessee under another lease of the dwelling-house;
  - “former tenant is still in possession” means a person who—
- (a) was the lessee under another lease of the dwelling-house which terminated at some time before the new lease was granted, and
  - (b) between the termination of that other lease and the grant of the new lease was continuously in possession of the dwelling-house or of the rents and profits of the dwelling-house; and
- “the previous lease” means the other lease referred to in the above definitions.

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- (3) Section 11 does not apply to a lease of a dwelling-house which is a tenancy of an agricultural holding within the meaning of the <sup>[F20]</sup>Agricultural Holdings Act 1986<sup>[F21]</sup> and in relation to which that Act applies or to a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995].
- (4) Section 11 does not apply to a lease granted on or after 3rd October 1980 to—
- a local authority,
  - <sup>[F22]</sup>a National Park Authority]
  - a new town corporation,
  - an urban development corporation,
  - <sup>[F23]</sup> a Mayoral development corporation,]
  - the Development Board for Rural Wales,
  - <sup>[F24]</sup> a non-profit registered provider of social housing]
  - a <sup>[F25]</sup>registered social landlord],
  - a co-operative housing association, or
  - an educational institution or other body specified, or of a class specified, by regulations under section 8 of the <sup>M3</sup>Rent Act 1977 <sup>[F26]</sup> or paragraph 8 of Schedule 1 to the Housing Act 1988] (bodies making student lettings)
  - <sup>[F27]</sup> a housing action trust established under Part III of the Housing Act 1988].
- (5) Section 11 does not apply to a lease granted on or after 3rd October 1980 to—
- (a) Her Majesty in right of the Crown (unless the lease is under the management of the Crown Estate Commissioners), or
  - (b) a government department or a person holding in trust for Her Majesty for the purposes of a government department.

#### Textual Amendments

- F20** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 64**
- F21** Words in s. 14(3) added (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 31** (with s. 37)
- F22** Words in s. 14(4) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 25(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F23** Words in s. 14(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 21**
- F24** Words in s. 14(4) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 59** (with art. 6, Sch. 3)
- F25** Words in s. 14(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 16(2)**
- F26** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 89**
- F27** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 116(3)** (with s. 116(4))

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

- C9** S. 14(4) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 24** (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 4, 5, **Sch. 2 para. 61**)
- C10** S. 14(4) explained by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 4, 5, **Sch. 3 para. 5(3)**
- S. 14(4) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 14(4) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(a)**

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### Marginal Citations

M3 1977 c. 42.

## 15 Jurisdiction of county court.

The county court has jurisdiction to make a declaration that section 11 (repairing obligations) applies, or does not apply, to a lease—

- (a) whatever the net annual value of the property in question, and
- (b) notwithstanding that no other relief is sought than a declaration.

## 16 Meaning of “lease” and related expressions.

In sections 11 to 15 (repairing obligations in short leases)—

- (a) “lease” does not include a mortgage term;
- (b) “lease of a dwelling-house” means a lease by which a building or part of a building is let wholly or mainly as a private residence and “dwelling-house” means that building or part of a building;
- (c) “lessee” and “lessor” mean, respectively, the person for the time being entitled to the term of a lease and to the reversion expectant on it.

## 17 Specific performance of landlord’s repairing obligations.

(1) In proceedings in which a tenant of a dwelling alleges a breach on the part of his landlord of a repairing covenant relating to any part of the premises in which the dwelling is comprised, the court may order specific performance of the covenant whether or not the breach relates to a part of the premises let to the tenant and notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise.

(2) In this section—

- (a) “tenant” includes a statutory tenant,
- (b) in relation to a statutory tenant the reference to the premises let to him is to the premises of which he is a statutory tenant,
- (c) “landlord”, in relation to a tenant, includes any person against whom the tenant has a right to enforce a repairing covenant, and
- (d) “repairing covenant” means a covenant to repair, maintain, renew, construct or replace any property.

### *Service charges*

## 18 Meaning of “service charge” and “relevant costs”.

(1) In the following provisions of this Act “service charge” means an amount payable by a tenant of a [<sup>F28</sup>dwelling] as part of or in addition to the rent—

- (a) which is payable, directly or indirectly, for services, repairs, maintenance [<sup>F29</sup>, improvements] or insurance or the landlord’s costs of management, and
- (b) the whole or part of which varies or may vary according to the relevant costs.

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- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
- (a) “costs” includes overheads, and
  - (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

#### Textual Amendments

- F28** Word substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 1**
- F29** Word in s. 18(1)(a) inserted (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15, ss. 150, 181\(1\), Sch. 9 para. 7 \(with para. 13\)](#); [S.I. 2003/1986, art. 2\(c\)\(i\)](#) (subject to [Sch. 2](#)); [S.I. 2004/669, art. 2\(c\)\(i\)](#) (subject to [Sch. 2](#))

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

- C11** S. 18 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 24** (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 61**) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C12** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15, ss. 102, 181\(1\), Sch. 7 para. 4](#); [S.I. 2003/1986, art. 2\(a\)](#); [S.I. 2004/669](#) {art. 2(a)}
- C13** Ss. 18-30 modified (1.4.1995) by [S.I. 1995/401, art. 18, Sch. para. 10\(b\)](#)  
Ss. 18-30 extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)\(b\), Sch. 13 para. 23\(b\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))
- C14** Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15, ss. 172, 181\(1\)](#); [S.I. 2003/1986, art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); [S.I. 2004/669, art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); [S.I. 2004/3056, art. 3\(h\)](#) (subject to [art. 4](#) (as amended by [S.I. 2005/193, art. 2](#))); [S.I. 2005/1353, art. 2\(h\)](#) (subject to [art. 3](#))
- C15** S. 18(1)(a): power to amend conferred (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15, ss. 150, 181\(1\), Sch. 9 para. 13\(a\)](#); [S.I. 2003/1986, art. 2\(c\)\(i\)](#) (subject to [Sch. 2](#)); [S.I. 2004/669, art. 2\(c\)\(i\)](#) (subject to [Sch. 2](#))

## 19 Limitation of service charges: reasonableness.

- (1) Relevant costs shall be taken into account in determining the amount of a service charge payable for a period—
- (a) only to the extent that they are reasonably incurred, and
  - (b) where they are incurred on the provision of services or the carrying out of works, only if the services or works are of a reasonable standard;
- and the amount payable shall be limited accordingly.
- (2) Where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise.

(2A) <sup>F30</sup> .....

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- (2B) <sup>F30</sup> .....
- (2C) <sup>F30</sup> .....
- (3) <sup>F30</sup> .....
- <sup>F31</sup>(4) .....

[<sup>F32</sup>(5) If a person takes any proceedings in the High Court in pursuance of any of the provisions of this Act relating to service charges and he could have taken those proceedings in the county court, he shall not be entitled to recover any costs.]

#### Textual Amendments

- F30** S. 19(2A)-(3) repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, arts. 1(2), 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2)
- F31** S. 19(4) repealed (1.9.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. III; S.I. 1997/1851, art. 2 (with Sch. para. 1)
- F32** S. 19(5) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, Sch. 2 para. 2(b), but is repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), Sch. 20

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

- C16** S. 19 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 24 (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, Sch. 2 para. 61) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C17** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes otherwise *prosp.* and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise *prosp.*) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/3056, art. 3(h) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(h) (subject to art. 3)
- C18** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 10(b)  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), Sch. 13 para. 23(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C19** S. 19(1)(2) excluded by S.I. 1988/1283, art. 2, Sch. para. 2(a)
- C20** S. 19(5) excluded by S.I. 1988/1283, art. 2, Sch. para. 5

#### [<sup>F33</sup>20 Limitation of service charges: consultation requirements

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
- (a) complied with in relation to the works or agreement, or
- (b) [<sup>F34</sup>except in the case of works to which section 20D applies,] dispensed with in relation to the works or agreement by (or on appeal from) [<sup>F35</sup>the appropriate tribunal].
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to

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- contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
- (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
  - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
- (a) an amount prescribed by, or determined in accordance with, the regulations, and
  - (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.]

#### Textual Amendments

- F33** Ss. 20, 20ZA substituted (26.7.2002 for E. for certain purposes otherwise 31.10.2003 and 1.1.2003 for W. for certain purposes and otherwise 30.3.2004) for s. 20 by [2002 c. 15, s. 151](#); [S.I. 2002/1912, art. 2\(c\)](#); [S.I. 2002/3012, art. 2\(c\)](#); [S.I. 2003/1986, art. 3\(1\)](#) (subject to [art. 3\(2\)-\(7\)](#)); [S.I. 2004/669, art. 2\(d\)](#) (subject to [art. 2\(d\)\(i\)-\(vi\)](#))
- F34** Words in [s. 20\(1\)\(b\)](#) inserted (1.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\), ss. 133\(2\), 170\(5\)](#); [S.I. 2023/362, reg. 2\(1\)\(g\)](#)
- F35** Words in [s. 20\(1\)\(b\)](#) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 50](#) (with [Sch. 3](#))

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

- C21** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15, ss. 102, 181\(1\), Sch. 7 para. 4](#); [S.I. 2003/1986, art. 2\(a\)](#); [S.I. 2004/669, art. 2\(a\)](#)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15, ss. 172, 181\(1\)](#); [S.I. 2003/1986, art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); [S.I. 2004/669, art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); [S.I. 2004/3056, art. 3\(h\)](#) (subject to [art. 4](#) (as amended by [S.I. 2005/193, art. 2](#))); [S.I. 2005/1353, art. 2\(h\)](#) (subject to [art. 3](#))
- C22** S. 20 applied (E.) (31.10.2003) by [The Service Charges \(Consultation Requirements\) \(England\) Regulations 2003 \(S.I. 2003/1987\), reg. 4\(1\)](#)

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### [<sup>F36</sup>20ZA Consultation requirements: supplementary

- (1) Where an application is made to [<sup>F37</sup>the appropriate tribunal] for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
  - (2) In section 20 and this section—
    - “qualifying works” means works on a building or any other premises, and
    - “qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.
  - (3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—
    - (a) if it is an agreement of a description prescribed by the regulations, or
    - (b) in any circumstances so prescribed.
  - (4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.
  - (5) Regulations under subsection (4) may in particular include provision requiring the landlord—
    - (a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,
    - (b) to obtain estimates for proposed works or agreements,
    - (c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,
    - (d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and
    - (e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.
- [ And in the case of works to which [section 20D](#) applies, regulations under <sup>F38</sup>(5A) subsection (4) may also include provision requiring the landlord—
- (a) to give details of the steps taken or to be taken under [section 20D\(2\)](#),
  - (b) to give reasons about prescribed matters, and any other prescribed information, relating to the taking of such steps, and
  - (c) to have regard to observations made by tenants or the recognised tenants’ association in relation to the taking of such steps.]
  - (6) Regulations under section 20 or this section—
    - (a) may make provision generally or only in relation to specific cases, and
    - (b) may make different provision for different purposes.
  - (7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F36** Ss. 20, 20ZA substituted (26.7.2002 for E. for certain purposes and otherwise 31.10.2003 and 1.1.2003 for W. for certain purposes and otherwise 30.3.2004) for s. 20 by [2002 c. 15, s. 151](#); [S.I. 2002/1912](#),

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**art. 2(c)**; S.I. 2002/3012, **art. 2(c)**; S.I. 2003/1986, **art. 3(1)** (subject to art. 3(2)-(7)); S.I. 2004/669, **art. 2(d)** (subject to art. 2(d)(i)-(vi))

**F37** Words in s. 20ZA(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 51** (with Sch. 3)

**F38** S. 20ZA(5A) inserted (1.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 133(3)**, 170(5); S.I. 2023/362, reg. 2(1)(g)

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

**C23** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

#### [<sup>F39</sup>20A Limitation of service charges: grant-aided works.

Where relevant costs are incurred or to be incurred on the carrying out of works in respect of which a grant has been or is to be paid under [<sup>F40</sup>section 523 of the Housing Act 1985 (assistance for provision of separate service pipe for water supply) or any provision of Part I of the Housing Grants, Construction and Regeneration Act 1996 (grants, &c. for renewal of private sector housing) or any corresponding earlier enactment][<sup>F41</sup>or article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (power of local housing authorities to provide assistance)], the amount of the grant shall be deducted from the costs and the amount of the service charge payable shall be reduced accordingly.

[ In any case where—

- <sup>F42</sup>(2) (a) relevant costs are incurred or to be incurred on the carrying out of works which are included in the external works specified in a group repair scheme, within the meaning of [<sup>F43</sup>Part I of the Housing Grants, Construction and Regeneration Act 1996], and
- (b) the landlord participated or is participating in that scheme as an assisted participant,

the amount which, in relation to the landlord, is [<sup>F44</sup>the balance of the cost determined in accordance with section 69(3) of the Housing Grants, Construction and Regeneration Act 1996] shall be deducted from the costs, and the amount of the service charge payable shall be reduced accordingly.]]

#### Textual Amendments

**F39** S. 20A inserted by Housing and Planning Act 1986 (c. 63, SIF 75:1), s. 24(1), **Sch. 5 para. 9(1)**

**F40** Words in s. 20A(1) substituted (17.12.1996) by 1996 c. 53, s. 103, **Sch. 1 para. 11(1)**; S.I. 1996/2842, **art. 3**

**F41** Words in s. 20A(1) inserted (19.7.2002) by S.I. 2002/1860, arts. 1(2)(b), 9, **Sch. 1 para. 2**

**F42** S. 20A(2) added by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 90**

**F43** Words in s. 20A(2)(a) substituted (17.12.1996) by 1996 c. 53, s. 103, **Sch. 1 para. 11(2)(a)**; S.I. 1996/2842, **art. 3**



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**F44** Words in s. 20A(2) substituted (17.12.1996) by 1996 c. 53, **Sch. 1 para. 11(2)(b)**; S.I. 1996/2842, **art. 3**

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

**C24** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/669, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

**C25** S. 20A amended by **Housing Act 1988 (c. 50, SIF 61), s. 79(12)**

**C26** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, **art. 18, Sch. para. 10(b)**

Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

**[<sup>F45</sup>20B Limitation of service charges: time limit on making demands.**

- (1) If any of the relevant costs taken into account in determining the amount of any service charge were incurred more than 18 months before a demand for payment of the service charge is served on the tenant, then (subject to subsection (2) ), the tenant shall not be liable to pay so much of the service charge as reflects the costs so incurred.
- (2) Subsection (1) shall not apply if, within the period of 18 months beginning with the date when the relevant costs in question were incurred, the tenant was notified in writing that those costs had been incurred and that he would subsequently be required under the terms of his lease to contribute to them by the payment of a service charge.]

**Textual Amendments**

**F45** Ss. 20B, 20C inserted by **Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, Sch. 2 para. 4**

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

**C27** S. 20B amended by **Housing Act 1988 (c. 50, SIF 61), s. 79(12)**

**C28** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/669, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

**C29** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, **art. 18, Sch. para. 10(b)**

Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

**C30** S. 20B(2) modified by S.I. 1988/1283, **art. 2, Sch. para. 6**

**[<sup>F46</sup>20C Limitation of service charges: costs of proceedings.**

- (1) A tenant may make an application for an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with proceedings before a court [<sup>F47</sup>, residential property tribunal] or leasehold valuation tribunal [<sup>F48</sup> or the First-tier

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Tribunal], or the [<sup>F49</sup>Upper Tribunal], or in connection with arbitration proceedings, are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person or persons specified in the application.

(2) The application shall be made—

(a) in the case of court proceedings, to the court before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to [<sup>F50</sup>the county court];

[<sup>F51</sup>(aa) in the case of proceedings before a residential property tribunal, to a leasehold valuation tribunal;]

(b) in the case of proceedings before a leasehold valuation tribunal, to the tribunal before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to any leasehold valuation tribunal;

[<sup>F52</sup>(ba) in the case of proceedings before the First-tier Tribunal, to the tribunal;]

(c) in the case of proceedings before the [<sup>F53</sup>Upper Tribunal], to the tribunal;

(d) in the case of arbitration proceedings, to the arbitral tribunal or, if the application is made after the proceedings are concluded, to [<sup>F50</sup>the county court].

(3) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.]

#### Textual Amendments

- F46** S. 20C substituted (1.9.1997 subject to saving in Sch. para. 1 of S.I. 1997/1851 and otherwise 11.8.1998 subject to art. 3 of S.I. 1998/1768) by 1996 c. 52, s. 83(4); S.I. 1997/1851, art. 2; S.I. 1998/1768, art. 2
- F47** Words in s. 20C(1) inserted (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 265(1), 270, Sch. 15 para. 32(1)(2); S.I. 2006/1060, art. 2(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with art. 3, Sch.)
- F48** Words in s. 20C(1) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 52(a) (with Sch. 3)
- F49** Words in s. 20C(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), Sch. 1 para. 177 (with Sch. 5)
- F50** Words in s. 20C(2) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F51** S. 20C(2)(aa) inserted (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 265(1), 270, Sch. 15 para. 32(1)(3); S.I. 2006/1060, art. 2(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with art. 3, Sch.)
- F52** S. 20C(2)(ba) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 52(b) (with Sch. 3)
- F53** Words in s. 20C(2)(c) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), Sch. 1 para. 177 (with Sch. 5)

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

- C31** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)

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Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/3056, art. 3(h) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(h) (subject to art. 3)

## [<sup>F54</sup>20D Limitation of service charges: remediation works

- (1) This section applies to works of a prescribed description (“remediation works”) on a building in England of a prescribed description.
- (2) The landlord must—
  - (a) take reasonable steps to ascertain whether any grant is payable in respect of the remediation works and, if so, to obtain the grant;
  - (b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of the remediation works and, if so, to obtain monies from the third party;
  - (c) take prescribed steps relating to any other prescribed kind of funding.
- (3) In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies—
  - (a) under a policy of insurance;
  - (b) under a guarantee or indemnity;
  - (c) pursuant to a claim made against—
    - (i) a developer;
    - (ii) a person involved in the design of the building or of works to the building; or
    - (iii) a person involved in carrying out works in relation to the building.
- (4) Where any funding of a kind mentioned in subsection (2) is obtained, the amount of the funding is to be deducted from the remediation costs (and the amount of any service charge is to be reduced accordingly).
- (5) In the case of a failure to comply with subsection (2), a tenant may make an application for an order that all or any of remediation costs are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by—
  - (a) the tenant, or
  - (b) anyone else specified in the application.
- (6) An application is to be made to the prescribed court or tribunal.
- (7) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.
- (8) Nothing in this section requires the landlord to do anything mentioned in subsection (2) before carrying out remediation works.
- (9) The Secretary of State may issue guidance about the taking of steps under subsection (2), and may revise or withdraw any issued guidance.
- (10) Where on an application under this section it is alleged that a person failed to comply with subsection (2)—

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- (a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and
- (b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.

(11) In this section—

“developer”, in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

“prescribed” means prescribed by regulations made by the Secretary of State;

“remediation costs” means costs incurred or to be incurred in carrying out the remediation works;

“third party” means a person other than a tenant.

#### Textual Amendments

**F54** Ss. 20D, 20E inserted (1.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), ss. [133\(4\)](#), [170\(5\)](#); S.I. 2023/362, reg. 2(1)(g)

#### 20E Regulations under [section 20D](#)

- (1) In this section “regulations” means regulations under [section 20D](#).
- (2) Regulations are to be made by statutory instrument.
- (3) A power to make regulations includes power to make—
  - (a) incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (4) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F54** Ss. 20D, 20E inserted (1.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), ss. [133\(4\)](#), [170\(5\)](#); S.I. 2023/362, reg. 2(1)(g)

#### [<sup>F55</sup>20F Limitation of service charges: excluded costs for higher-risk buildings

- (1) This section applies in relation to a lease to which [section 30D](#) (higher-risk buildings: building safety costs) applies.
- (2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of service charge payable by a tenant under the lease.
- (3) In this section “excluded costs” means any of the following incurred in connection with Part 4 of the [Building Safety Act 2022](#) or regulations made under that Part—
  - (a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by the regulator;

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- (b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with special measures order proceedings;
  - (c) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf;
  - (d) costs of a description prescribed by regulations made by the Secretary of State that are incurred or to be incurred by or on behalf of an accountable person or special measures manager for the building in connection with the taking of building safety measures.
- (4) In this section—
- “building safety measures” has the meaning given by section 30D;
  - “enforcement action” means action taken with a view to, or in connection with—
    - (a) securing compliance with Part 4 of the Building Safety Act 2022 or regulations made under that Part, or
    - (b) the imposition of a sanction in respect of a contravention of that Part or those regulations;
  - “the regulator” has the meaning given by section 115 of the Building Safety Act 2022;
  - “relevant person” means—
    - (a) where the landlord under the lease is an accountable person for the higher-risk building, the landlord or a special measures manager for the higher-risk building;
    - (b) where the landlord is not such an accountable person, any superior landlord who is an accountable person for the higher-risk building or a special measures manager for the higher-risk building;
  - “special measures order proceedings” means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a special measures order under Schedule 7 to the Building Safety Act 2022 (including any appeals in relation to such proceedings).
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A power to make regulations includes power to make—
- (a) incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F55** S. 20F inserted (28.4.2022 for specified purposes, 6.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\), ss. 112\(3\), 170\(2\)](#) (with s. 164); S.I. 2023/362, reg. 3(1)(z10)(iii)

#### <sup>X1</sup>[<sup>F56</sup>21 Service charge information

- (1) The appropriate national authority may make regulations about the provision, by landlords of dwellings to each tenant by whom service charges are payable, of information about service charges.

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- (2) The regulations must, subject to any exceptions provided for in the regulations, require the landlord to provide information about—
  - (a) the service charges of the tenant,
  - (b) any associated service charges, and
  - (c) relevant costs relating to service charges falling within paragraph (a) or (b).
- (3) The regulations must, subject to any exceptions provided for in the regulations, require the landlord to provide the tenant with a report by a qualified person on information which the landlord is required to provide by virtue of this section.
- (4) The regulations may make provision about—
  - (a) information to be provided by virtue of subsection (2),
  - (b) other information to be provided (whether in pursuance of a requirement or otherwise),
  - (c) reports of the kind mentioned in subsection (3),
  - (d) the period or periods in relation to which information or reports are to be provided,
  - (e) the times at or by which information or reports are to be provided,
  - (f) the form and manner in which information or reports are to be provided (including in particular whether information is to be contained in a statement of account),
  - (g) the descriptions of persons who are to be qualified persons for the purposes of subsection (3).
- (5) Subsections (2) to (4) do not limit the scope of the power conferred by subsection (1).
- (6) Regulations under this section may—
  - (a) make different provision for different cases or descriptions of case or for different purposes,
  - (b) contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- <sup>F57</sup>(6A) In particular, regulations which make provision about higher-risk buildings (within the meaning of Part 4 of the Building Safety Act 2022) [<sup>F58</sup>or relevant buildings (as defined by section 117 of that Act)] need not contain provision of a kind mentioned in subsection (2) or (3).]
- (7) Regulations under this section are to be made by statutory instrument which, subject to subsections (8) and (9)—
  - (a) in the case of regulations made by the Secretary of State, is to be subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) in the case of regulations made by the Welsh Ministers, is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) The Secretary of State may not make a statutory instrument containing the first regulations made by the Secretary of State under this section unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) The Welsh Ministers may not make a statutory instrument containing the first regulations made by the Welsh Ministers under this section unless a draft of the

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instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

(10) In this section—

“the appropriate national authority”—

(a) in relation to England, means the Secretary of State, and

(b) in relation to Wales, means the Welsh Ministers,

“associated service charges”, in relation to a tenant by whom a contribution to relevant costs is payable as a service charge, means service charges of other tenants so far as relating to the same costs.]

#### Editorial Information

- X1** Editorial note: The substitution of s. 21 (Regular statements of account) by the [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), [s. 152](#) (version dated 26.7.2002 on the timeline) has been brought into force only in so far as it confers power to make regulations; and the further substitution of s. 21 (Service charge information) by the [Housing and Regeneration Act 2008 \(c. 17\)](#), [Sch. 12 para. 2](#) (version dated 1.12.2008) has been brought into force only for the purpose of enabling the Secretary of State to make regulations (for England). The power to make such regulations has not to date been exercised in either case. For s. 21 (Request for summary of relevant costs) as it otherwise remains in force, see the version dated 17.12.1996.

#### Textual Amendments

- F56** S. 21 (as substituted by s. 152 of the [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#)) substituted (1.12.2008 for E. for the purpose of enabling the Secretary of State to make regulations and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 303, 325\(3\)\(b\)\(4\)](#), [Sch. 12 para. 2](#); S.I. 2008/3068, [art. 4\(6\)](#) (with [arts. 6-3](#))
- F57** S. 21(6A) inserted (28.4.2022 for specified purposes, 6.4.2023 in so far as not already in force) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 112\(4\)](#), 170(2) (with s. 164); S.I. 2023/362, [reg. 3\(1\)\(z1\)\(iv\)](#)
- F58** Words in s. 21(6A) inserted (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(3), [Sch. 8 para. 17](#) (with s. 164)

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

- C32** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15](#), [ss. 102, 181\(1\)](#), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15](#), [ss. 172, 181\(1\)](#); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/699, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, [art. 2](#))); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

### [<sup>F59</sup>21A Withholding of service charges

[<sup>F60</sup>(1) A tenant may withhold payment of a service charge if—

(a) the landlord has not provided him with information or a report—

(i) at the time at which, or

(ii) (as the case may be) by the time by which,

he is required to provide it by virtue of section 21, or

(b) the form or content of information or a report which the landlord has provided him with by virtue of that section (at any time) does not conform exactly

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- or substantially with the requirements prescribed by regulations under that section.]
- (2) The maximum amount which the tenant may withhold is an amount equal to the aggregate of—
- (a) the service charges paid by him in the [<sup>F61</sup>period to which the information or report] concerned would or does relate, and
  - [<sup>F62</sup>(b) amounts standing to the tenant's credit in relation to the service charges at the beginning of that period.]
- (3) An amount may not be withheld under this section—
- (a) in a case within paragraph (a) of subsection (1), after the [<sup>F63</sup>information or report concerned has been provided] to the tenant by the landlord, or
  - [<sup>F64</sup>(b) in a case within paragraph (b) of that subsection, after information or a report conforming exactly or substantially with requirements prescribed by regulations under section 21 has been provided to the tenant by the landlord by way of replacement of that previously provided.]
- (4) If, on an application made by the landlord to [<sup>F65</sup>the appropriate tribunal], the tribunal determines that the landlord has a reasonable excuse for a failure giving rise to the right of a tenant to withhold an amount under this section, the tenant may not withhold the amount after the determination is made.
- (5) Where a tenant withholds a service charge under this section, any provisions of the tenancy relating to non-payment or late payment of service charges do not have effect in relation to the period for which he so withholds it.]

#### Textual Amendments

- F59** Ss. 21, 21A substituted (26.7.2002 for E. in so far as it confers power to make regulations and 1.1.2003 for W. in so far as it confers power to make regulations and otherwise prosp.) for s. 21 by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 152](#); S.I. 2002/1912, [art 2\(c\)](#); S.I. 2002/3012, [art. 2\(c\)](#)
- F60** S. 21A(1) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 303, 325, Sch. 12 para. 3\(2\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F61** Words in s. 21A(2)(a) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 303, 325, Sch. 12 para. 3\(3\)\(a\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F62** S. 21A(2)(b) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 303, 325, Sch. 12 para. 3\(3\)\(b\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with 6-13)
- F63** Words in s. 21A(3)(a) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\) ss. 303, 325, {Sch. 12 para. 3\(4\)\(a\)}](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F64** S. 21A(3)(b) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 303, 325, Sch. 12 para. 3\(4\)\(b\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F65** Words in s. 21A(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 53](#) (with Sch. 3)



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

- C33** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

#### [<sup>F66</sup>21B Notice to accompany demands for service charges

- (1) A demand for the payment of a service charge must be accompanied by a summary of the rights and obligations of tenants of dwellings in relation to service charges.
- (2) The Secretary of State may make regulations prescribing requirements as to the form and content of such summaries of rights and obligations.
- (3) A tenant may withhold payment of a service charge which has been demanded from him if subsection (1) is not complied with in relation to the demand.
- (4) Where a tenant withholds a service charge under this section, any provisions of the lease relating to non-payment or late payment of service charges do not have effect in relation to the period for which he so withholds it.
- (5) Regulations under subsection (2) may make different provision for different purposes.
- (6) Regulations under subsection (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F66** S. 21B inserted (26.7.2002 for E. for certain purposes and otherwise 1.10.2007 and 1.1.2003 for W. for certain purposes and otherwise 30.11.2007) by 2002 c. 15, s. 153; S.I. 2002/1912, **art. 2(c)**; S.I. 2002/3012, **art. 2(c)**; S.I. 2007/1256, **art. 2**; S.I. 2007/3161, **art. 2**

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

- C34** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)
- C35** S. 21B applied (1.10.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007 (S.I. 2007/1257), **reg. 4(b)** (with **reg. 2**)
- C36** S. 21B applied (30.11.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provisions) (Wales) Regulations 2007 (S.I. 2007/3160), **reg. 4(b)** (with **reg. 2**)
- C37** S. 21B(3)(4) excluded (1.10.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007 (S.I. 2007/1257) {**reg. 4(a)**} (with **reg. 2**)
- C38** S. 21B(3)(4) excluded (30.11.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provisions) (Wales) Regulations 2007 (S.I. 2007/3160), **reg. 4(a)** (with **reg. 2**)

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## 22 Request to inspect supporting accounts &c.

- (1) This section applies where a tenant, or the secretary of a recognised tenants' association, has obtained such a summary as is referred to in section 21(1) (summary of relevant costs), whether in pursuance of that section or otherwise.
- (2) The tenant, or the secretary with the consent of the tenant, may within six months of obtaining the summary require the landlord in writing to afford him reasonable facilities—
  - (a) for inspecting the accounts, receipts and other documents supporting the summary, and
  - (b) for taking copies or extracts from them.
- (3) A request under this section is duly served on the landlord if it is served on—
  - (a) an agent of the landlord named as such in the rent book or similar document, or
  - (b) the person who receives the rent of behalf of the landlord;
 and a person on whom a request is so served shall forward it as soon as may be to the landlord.
- (4) The landlord shall make such facilities available to the tenant or secretary for a period of two months beginning not later than one month after the request is made.
- [<sup>F67</sup>(5) The landlord shall—
  - (a) where such facilities are for the inspection of any documents, make them so available free of charge;
  - (b) where such facilities are for the taking of copies or extracts, be entitled to make them so available on payment of such reasonable charge as he may determine.
- (6) The requirement imposed on the landlord by subsection (5)(a) to make any facilities available to a person free of charge shall not be construed as precluding the landlord from treating as part of his costs of management any costs incurred by him in connection with making those facilities so available.]

### Textual Amendments

**F67** S. 22(5)(6) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 6**

### Modifications etc. (not altering text)

**C39** S. 22 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)

**C40** S. 22 excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(d)**

**C41** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C42** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

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## 23 Request relating to information held by superior landlord.

- (1) If a request under section 21 (request for summary of relevant costs) relates in whole or in part to relevant costs incurred by or on behalf of a superior landlord, and the landlord to whom the request is made is not in possession of the relevant information—
  - (a) he shall in turn make a written request for the relevant information to the person who is his landlord (and so on, if that person is not himself the superior landlord),
  - (b) the superior landlord shall comply with that request within a reasonable time, and
  - (c) the immediate landlord shall then comply with the tenant's or secretary's request, or that part of it which relates to the relevant costs incurred by or on behalf of the superior landlord, within the time allowed by section 21 or such further time, if any, as is reasonable in the circumstances.
- (2) If a request under section 22 (request for facilities to inspect supporting accounts, &c.) relates to a summary of costs incurred by or on behalf of a superior landlord—
  - (a) the landlord to whom the request is made shall forthwith inform the tenant or secretary of that fact and of the name and address of the superior landlord, and
  - (b) section 22 shall then apply to the superior landlord as it applies to the immediate landlord.

### Modifications etc. (not altering text)

- C43** S. 23 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C44** S. 23 excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(d)**
- C45** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)
- C46** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

PROSPECTIVE

### <sup>F68</sup>23A Effect of change of landlord

- (1) This section applies where, at a time when a duty imposed on the landlord or a superior landlord by or by virtue of any of sections 21 to 23 remains to be discharged by him, he disposes of the whole or part of his interest as landlord or superior landlord to another person.
- (2) If the landlord or superior landlord is, despite the disposal, still in a position to discharge the duty to any extent, he remains responsible for discharging it to that extent.

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- (3) If the other person is in a position to discharge the duty to any extent, he is responsible for discharging it to that extent.
- (4) Where the other person is responsible for discharging the duty to any extent (whether or not the landlord or superior landlord is also responsible for discharging it to that or any other extent)—
- (a) references to the landlord or superior landlord in sections 21 to 23 [<sup>F69</sup>and any regulations under section 21] are to, or include, the other person so far as is appropriate to reflect his responsibility for discharging the duty to that extent, but
  - (b) in connection with its discharge by the other person, section 22(6) applies as if the reference to the day on which the landlord receives the notice were to the date of the disposal referred to in subsection (1) [<sup>F70</sup> and
  - (c) any regulations under section 21 apply subject to any modifications contained in the regulations.]]

#### Textual Amendments

- F68** S. 23A inserted (prosp.) by 2002 c. 15, ss. 157, 181(1), **Sch. 10 para. 2**
- F69** Words in s. 23A(4)(a) inserted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 303, 325, **Sch. 12 para. 6(a)**; S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)
- F70** S. 23A(4)(c) and preceding word inserted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 303, 325, **Sch. 12 para. 6(b)**; S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

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

- C47** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**
- Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/699, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

## 24 Effect of assignment on request.

The assignment of a tenancy does not affect the validity of a request made under section 21, 22 or 23 before the assignment; but a person is not obliged to provide a summary or make facilities available more than once for the same [<sup>F71</sup>dwelling] and for the same period.

#### Textual Amendments

- F71** Word substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 7**

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

- C48** S. 24 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 24** (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 61**) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

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- C49** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

## 25 Failure to comply with s. 21, 22 or 23 an offence.

- (1) It is a summary offence for a person to fail, without reasonable excuse, to perform a duty imposed on him by section 21, 22 or 23.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding level 4 on the standard scale.
- [<sup>F72</sup>(3) Subsection (1) does not apply where the person is—
- (a) a local authority for an area in Wales, or
  - (b) a registered social landlord.]

### Textual Amendments

- F72** S. 25(3) inserted (1.12.2014) by Housing (Wales) Act 2014 (anaw 7), ss. 128, 145(3); S.I. 2014/3127, art. 2(a), Sch. Pt. 1

### Modifications etc. (not altering text)

- C50** S. 25 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C51** Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**
- C52** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

## 26 Exception: tenants of certain public authorities.

- (1) Sections 18 to 25 (limitation on service charges and requests for information about costs) do not apply to a service charge payable by a tenant of—
- a local authority,
  - [<sup>F73</sup>a National Park authority [<sup>F74</sup>, or]]
  - a new town corporation, <sup>F75</sup> . . .
  - <sup>F75</sup> . . .
- unless the tenancy is a long tenancy, in which case sections 18 to 24 apply but section 25 (offence of failure to comply) does not.

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- (2) The following are long tenancies for the purposes of subsection (1), subject to subsection (3)—
- (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
  - (b) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy;
  - (c) any tenancy granted in pursuance of Part V of the <sup>M4</sup>Housing Act 1985 (the right to buy) [<sup>F76</sup> , including any tenancy granted in pursuance of that Part as it had effect by virtue of section 17 of the Housing Act 1996 (the right to acquire).]
- (3) A tenancy granted so as to become terminable by notice after a death is not a long tenancy for the purposes of subsection (1), unless—
- (a) it is granted by a housing association which at the time of the grant is [<sup>F77</sup>a private registered provider of social housing or][<sup>F78</sup>a registered social landlord],
  - (b) it is granted at a premium calculated by reference to a percentage of the value of the dwelling-house or the cost of providing it, and
  - (c) at the time it is granted it complies with the requirements of the regulations then in force under section 140(4)(b) of the <sup>M5</sup>Housing Act 1980 [<sup>F79</sup>or paragraph 4(2)(b) of Schedule 4A to the Leasehold Reform Act 1967] (conditions for exclusion of shared ownership leases from Part I of Leasehold Reform Act 1967) or, in the case of a tenancy granted before any such regulations were brought into force, with the first such regulations to be in force.

#### Textual Amendments

- F73** Words in s. 26(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 25(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F74** Words in s. 26(1) inserted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 12** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F75** Words in s. 26(1) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F76** Words in s. 26(2)(c) added (1.4.1997) by S.I. 1997/627, art. 2, **Sch. para. 4**
- F77** Words in s. 26(3)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 60** (with art. 6, Sch. 3)
- F78** Words in s. 26(3)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 16(3)**
- F79** Words inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 para. 68**

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

- C53** S. 26 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. **79(12)**
- C54** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C55** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**

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Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

#### Marginal Citations

- M4** 1985 c. 68.  
**M5** 1980 c. 51.

## 27 Exception: rent registered and not entered as variable.

Sections 18 to 25 (limitation on service charges and requests for information about costs) do not apply to a service charge payable by the tenant of a [<sup>F80</sup>dwelling] the rent of which is registered under Part IV of the <sup>M6</sup>Rent Act 1977, unless the amount registered is, in pursuance of section 71(4) of that Act, entered as a variable amount.

#### Textual Amendments

- F80** Word substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 8**

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

- C56** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C57** S. 27 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C58** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

#### Marginal Citations

- M6** 1977 c. 42.

## [<sup>F81</sup> 27A Liability to pay service charges: jurisdiction

- (1) An application may be made to [<sup>F82</sup>the appropriate tribunal] for a determination whether a service charge is payable and, if it is, as to—
- the person by whom it is payable,
  - the person to whom it is payable,
  - the amount which is payable,
  - the date at or by which it is payable, and
  - the manner in which it is payable.
- (2) Subsection (1) applies whether or not any payment has been made.

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- (3) An application may also be made to [<sup>F83</sup>the appropriate tribunal] for a determination whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and, if it would, as to—
- (a) the person by whom it would be payable,
  - (b) the person to whom it would be payable,
  - (c) the amount which would be payable,
  - (d) the date at or by which it would be payable, and
  - (e) the manner in which it would be payable.
- (4) No application under subsection (1) or (3) may be made in respect of a matter which—
- (a) has been agreed or admitted by the tenant,
  - (b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,
  - (c) has been the subject of determination by a court, or
  - (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.
- (5) But the tenant is not to be taken to have agreed or admitted any matter by reason only of having made any payment.
- (6) An agreement by the tenant of a dwelling (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—
- (a) in a particular manner, or
  - (b) on particular evidence,
- of any question which may be the subject of an application under subsection (1) or (3).
- (7) The jurisdiction conferred on [<sup>F84</sup>the appropriate tribunal] in respect of any matter by virtue of this section is in addition to any jurisdiction of a court in respect of the matter.]

#### Textual Amendments

- F81** S. 27A inserted (E.W.) (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 155(1), 181(1); S.I. 2003/1986, arts. 1(2), 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F82** Words in s. 27A(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 54 (with Sch. 3)
- F83** Words in s. 27A(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 54 (with Sch. 3)
- F84** Words in s. 27A(7) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 54 (with Sch. 3)

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

- C59** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 10(b)  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), Sch. 13 para. 23(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C60** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2);



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- S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)
- C61** S. 27A(3): power to amend conferred (E.) (30.9.2003) (W.) (30.3.2004) by 2002 c. 15, ss. 150, 181(1), **Sch. 9 para. 13(b)**; S.I. 2003/1986, **art. 2(c)(i)** (subject to savings in **Sch. 2**); S.I. 2004/699, **art. 2(c)(i)** (subject to savings in **Sch. 2**)

## 28 Meaning of “qualified accountant”.

- [<sup>F85</sup>(1) The reference to a “qualified accountant” in section 21(6) (certification of summary of information about relevant costs) is to a person who, in accordance with the following provisions, has the necessary qualification and is not disqualified from acting.
- <sup>F86</sup>(2) A person has the necessary qualification if he is eligible for appointment as a [<sup>F87</sup>statutory auditor under Part 42 of the Companies Act 2006] .]
- <sup>F88</sup>(3) . . . . .
- (4) The following are disqualified from acting—
- <sup>F89</sup>(a) . . . . .
- (b) an officer [<sup>F90</sup>, employee or partner] of the landlord or, where the landlord is a company, of an associated company;
- (c) a person who is a partner or employee of any such officer or employee.
- [<sup>F91</sup>(d) an agent of the landlord who is a managing agent for any premises to which any of the costs covered by the summary in question relate;
- (e) an employee or partner of any such agent.]
- (5) For the purposes of subsection (4)(b) a company is associated with a landlord company if it is (within the meaning of [<sup>F92</sup>section 1159 of the Companies Act 2006]) the landlord’s holding company, a subsidiary of the landlord or another subsidiary of the landlord’s holding company.
- [<sup>F93</sup>(5A) For the purposes of subsection (4)(d) a person is a managing agent for any premises to which any costs relate if he has been appointed to discharge any of the landlord’s obligations relating to the management by him of the premises and owed to the tenants who may be required under the terms of their leases to contribute to those costs by the payment of service charges.]
- (6) Where the landlord is a local authority [<sup>F94</sup>National Park Authority][<sup>F95</sup>or a new town corporation]—
- (a) the persons who have the necessary qualification include members of the Chartered Institute of Public Finance and Accountancy, and
- (b) subsection (4)(b) (disqualification of officers and employees of landlord) does not apply.]

### Textual Amendments

- F85** S. 28 omitted (1.12.2008 for certain purposes and otherwise prosp.) by virtue of [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 303, 325, {**Sch. 12 para. 9**} and repealed (prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 321, 325, **Sch. 16**; S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)
- F86** S. 28(2) substituted (1.10.1991) by S.I. 1991/1997, **Sch. para. 60(a)** (with reg. 4)
- F87** Words in s. 28(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), **art. 3(1)**, **Sch. 1 para. 1(jj)** (with arts. 6, 11, 12)

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- F88** S. 28(3) repealed (1.10.1991) by S.I. 1991/1997, **Sch. para. 60(b)** (with reg. 4)  
**F89** S. 28(4)(a) repealed (1.10.1991) by S.I. 1991/1997, **Sch. para. 60(c)** (with reg. 4)  
**F90** Words substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 9(2)(a)**  
**F91** S. 28(4)(d)(e) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 9(2)(b)**  
**F92** Words in s. 28(5) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 64** (with art. 10)  
**F93** S. 28(5A) inserted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 9(3)**  
**F94** Words in s. 28(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 25(2)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**  
**F95** Words in s. 28(6) substituted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 13** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

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

- C62** S. 28 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), **s. 79(12)**  
**C63** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
 Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
**C64** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
 Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/669, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)  
**C65** S. 28(1) applied (1.11.1993) by 1993 c. 28, **s. 78(4)(a)**; S.I. 1993/2134, **art. 5**

## 29 Meaning of “recognised tenants’ association”.

- (1) A recognised tenants’ association is an association of [<sup>F96</sup>qualifying tenants (whether with or without other tenants)] which is recognised for purposes of the provisions of this Act relating to service charges either—
- (a) by notice in writing given by the landlord to the secretary of the association, or
  - [<sup>F97</sup>(b) by a certificate—
    - (i) in relation to dwellings in England, of the First-tier Tribunal; and
    - (ii) in relation to dwellings in Wales, of a member of the local rent assessment committee panel.]
- (2) A notice given under subsection (1)(a) may be withdrawn by the landlord by notice in writing given to the secretary of the association not less than six months before the date on which it is to be withdrawn.
- (3) A certificate given [<sup>F98</sup>under subsection (1)(b)(i)] may be cancelled by the First-tier Tribunal, and a certificate given under subsection (1)(b)(ii)] may be cancelled by any member of the local rent assessment committee panel.
- (4) In this section the “local rent assessment committee panel” means the persons appointed by the Lord Chancellor under the <sup>M7</sup>Rent Act 1977 to the panel of persons to act as members of a rent assessment committee for the registration area [<sup>F99</sup>in Wales] in which [<sup>F100</sup>the dwellings let to the qualifying tenants are situated, and for the purposes

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of this section a number of tenants are qualifying tenants if each of them may be required under the terms of his lease to contribute to the same costs by the payment of a service charge.].

- [<sup>F101</sup>(5) The Secretary of State may by regulations specify—
- (a) the procedure which is to be followed in connection with an application for, or for the cancellation of, a certificate under [<sup>F102</sup>subsection (1)(b)(ii)];
  - (b) the matters to which regard is to be had in giving or cancelling [<sup>F103</sup>a certificate under subsection (1)(b)];
  - (c) the duration of such a certificate; and
  - (d) any circumstances in which a certificate is not to be given under subsection (1)(b).]
- (6) Regulations under subsection (5)—
- (a) may make different provisions with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F96** Words substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 10(2)**
- F97** S. 29(1)(b) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 55(a)** (with Sch. 3)
- F98** Words in s. 29(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 55(b)** (with Sch. 3)
- F99** Words in s. 29(4) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 55(c)** (with Sch. 3)
- F100** Words substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 10(3)**
- F101** S. 29(5) substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 10(4)**
- F102** Words in s. 29(5)(a) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 55(d)(i)** (with Sch. 3)
- F103** Words in s. 29(5)(b) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 55(d)(ii)** (with Sch. 3)

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

- C66** S. 29 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C67** Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**
- C68** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

#### Marginal Citations

- M7** 1977 c. 42.

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[<sup>F104</sup>29A Tenants' associations: power to request information about tenants

- (1) The Secretary of State may by regulations impose duties on a landlord to provide the secretary of a relevant tenants' association with information about relevant qualifying tenants.
- (2) The regulations may—
  - (a) make provision about the tenants about whom information must be provided and what information must be provided;
  - (b) require a landlord to seek the consent of a tenant to the provision of information about that tenant;
  - (c) require a landlord to identify how many tenants have not consented.
- (3) The regulations may—
  - (a) authorise a landlord to charge costs specified in or determined in accordance with the regulations;
  - (b) impose time limits on a landlord for the taking of any steps under the regulations;
  - (c) make provision about the form or content of any notices under the regulations (including provision permitting or requiring a person to design the form of a notice);
  - (d) make other provision as to the procedure in connection with anything authorised or required by the regulations.
- (4) The regulations may confer power on a court or tribunal to make an order remedying a failure by a landlord to comply with the regulations.
- (5) The regulations may include supplementary, incidental, transitional or saving provision.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
 

“relevant tenants' association”, in relation to a landlord, means an association of tenants of the landlord at least one of whom is a qualifying tenant of a dwelling in England;

“relevant qualifying tenant” means—

  - (a) a person who is a qualifying tenant of a dwelling in England and a member of the relevant tenants' association, or
  - (b) a person who is a qualifying tenant of a dwelling in England by virtue of being required to contribute to the same costs as a qualifying tenant who is a member of the relevant tenants' association;

“qualifying tenant” means a tenant who, under the terms of the lease, is required to contribute to the same costs as another tenant by the payment of a service charge.]

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**Textual Amendments**

**F104** S. 29A inserted (12.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), ss. 130, 216(2)(b)

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### 30 Meaning of [<sup>F105</sup>“landlord”, “tenant” etc].

In the provisions of this Act relating to service charges—

- .....<sup>F106</sup>
- “landlord” includes any person who has a right to enforce payment of a service charge;
- [<sup>F107</sup>“services” includes, in relation to a dwelling in a higher-risk building (as defined by section 30I), building safety measures within the meaning of section 30D;]
- “tenant” includes
- a statutory tenant, and
  - where the [<sup>F108</sup>dwelling] or part of it is sub-let, the sub-tenant.

#### Textual Amendments

- F105** Words in s. 30 heading substituted (28.4.2022 for specified purposes, 6.4.2023 in so far as not already in force) by Building Safety Act 2022 (c. 30), ss. 112(5)(b), 170(2) (with s. 164); S.I. 2023/362, reg. 3(1)(z10)(iv)
- F106** Definition of “flat” repealed by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), ss. 41, 61(2), Sch. 2 para. 11(a), Sch. 5
- F107** Words in s. 30 inserted (28.4.2022 for specified purposes, 6.4.2023 in so far as not already in force) by Building Safety Act 2022 (c. 30), ss. 112(5)(a), 170(2) (with s. 164); S.I. 2023/362, reg. 3(1)(z10)(iv)
- F108** Word substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, Sch. 2 para. 11(b)

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

- C69** S. 30 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 24 (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, Sch. 2 para. 61) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C70** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 10(b)  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), Sch. 13 para. 23(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C71** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/3056, art. 3(h) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(h) (subject to art. 3)

[<sup>F109</sup> Insurance

#### Textual Amendments

- F109** S. 30A inserted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 43(1)

### 30A Rights of tenants with respect to insurance.

The Schedule to this Act (which confers on tenants certain rights with respect to the insurance of their dwellings) shall have effect.]

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

- C72** S. 30A modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 5; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)
- C73** Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/3056, art. 3(h) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(h) (subject to art. 3)

### *F110* Managing agents

#### Textual Amendments

- F110** S. 30B inserted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 44

### **30B** Recognised tenants' associations to be consulted about managing agents.

- (1) A recognised tenants' association may at any time serve a notice on the landlord requesting him to consult the association in accordance with this section on matters relating to the appointment or employment by him of a managing agent for any relevant premises.
- (2) Where, at the time when any such notice is served by a recognised tenants' association, the landlord does not employ any managing agent for any relevant premises, the landlord shall, before appointing such a managing agent, serve on the association a notice specifying—
  - (a) the name of the proposed managing agent;
  - (b) the landlord's obligations to the tenants represented by the association which it is proposed that the managing agent should be required to discharge on his behalf; and
  - (c) a period of not less than one month beginning with the date of service of the notice within which the association may make observations on the proposed appointment.
- (3) Where, at the time when a notice is served under subsection (1) by a recognised tenants' association, the landlord employs a managing agent for any relevant premises, the landlord shall, within the period of one month beginning with the date of service of that notice, serve on the association a notice specifying—
  - (a) the landlord's obligations to the tenants represented by the association which the managing agent is required to discharge on his behalf; and
  - (b) a reasonable period within which the association may make observations on the manner in which the managing agent has been discharging those obligations, and on the desirability of his continuing to discharge them.
- (4) Subject to subsection (5), a landlord who has been served with a notice by an association under subsection (1) shall, so long as he employs a managing agent for any relevant premises—
  - (a) serve on that association at least once in every five years a notice specifying—

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- (i) any change occurring since the date of the last notice served by him on the association under this section in the obligations which the managing agent has been required to discharge on his behalf; and
    - (ii) a reasonable period within which the association may make observations on the manner in which the managing agent has discharged those obligations since that date, and on the desirability of his continuing to discharge them;
  - (b) serve on that association, whenever he proposes to appoint any new managing agent for any relevant premises, a notice specifying the matters mentioned in paragraphs (a) to (c) of subsection (2).
- (5) A landlord shall not, by virtue of a notice served by an association under subsection (1), be required to serve on the association a notice under subsection (4)(a) or (b) if the association subsequently serves on the landlord a notice withdrawing its request under subsection (1) to be consulted by him.
- (6) Where—
- (a) a recognised tenants’ association has served a notice under subsection (1) with respect to any relevant premises, and
  - (b) the interest of the landlord in those premises becomes vested in a new landlord, that notice shall cease to have effect with respect to those premises (without prejudice to the service by the association on the new landlord of a fresh notice under that subsection with respect to those premises).
- (7) Any notice served by a landlord under this section shall specify the name and the address in the United Kingdom of the person to whom any observations made in pursuance of the notice are to be sent; and the landlord shall have regard to any such observations that are received by that person within the period specified in the notice.
- (8) In this section—
- “landlord”, in relation to a recognised tenants’ association, means the immediate landlord of the tenants represented by the association or a person who has a right to enforce payment of service charges payable by any of those tenants;
  - “managing agent”, in relation to any relevant premises, means an agent of the landlord appointed to discharge any of the landlord’s obligations to the tenants represented by the recognised tenants’ association in question which relate to the management by him of those premises; and
  - “tenant” includes a statutory tenant;
- and for the purposes of this section any premises (whether a building or not) are relevant premises in relation to a recognised tenants’ association if any of the tenants represented by the association may be required under the terms of their leases to contribute by the payment of service charges to costs relating to those premises.]

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

- C74** S. 30B modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 6; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)
- C75** Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(ii) (subject to Sch. 2);

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S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

### *[<sup>F111</sup>Higher-risk buildings in England*

#### **Textual Amendments**

**F111** Ss. 30C-30I and cross-heading inserted (28.4.2022 for specified purposes, 6.4.2023 for specified purposes) by **Building Safety Act 2022 (c. 30)**, **ss. 112(2)**, **170(2)** (with s. 164); S.I. 2023/362, **reg. 3(1)(z10)(ii)**

### **30C Implied terms relating to building safety**

- (1) This section applies to a lease of premises which consist of or include a dwelling in a higher-risk building.
- (2) In the lease there is implied a covenant by the landlord—
  - (a) where the landlord is an accountable person for the higher-risk building, to comply with their building safety duties;
  - (b) to cooperate with any person in connection with a relevant person complying with their building safety duties;
  - (c) where a special measures order in relation to the higher-risk building is in force, to comply with that order so far as it relates to the landlord.
- (3) In the lease there is implied a covenant by the tenant—
  - (a) to allow the landlord, a relevant person or a person authorised in writing by the landlord or a relevant person to enter the premises for a relevant building safety purpose;
  - (b) where the tenant is a resident of the higher-risk building, to comply with their duties under sections 95 and 97 of the Building Safety Act 2022;
  - (c) where a special measures order in relation to the higher-risk building is in force, to comply with that order so far as it relates to the tenant.
- (4) In the covenant implied by subsection (2)(b), “cooperate”, in relation to a person, includes—
  - (a) taking any steps which are reasonably required by the person to facilitate compliance by a relevant person with their building safety duties;
  - (b) where the person is a relevant person (or a person authorised in writing by a relevant person), providing any information (including names and contact details of residents and tenants of the premises) to the person which is reasonably required in connection with the relevant person complying with their building safety duties.
- (5) In the covenant implied by subsection (3)(a), a relevant building safety purpose means—
  - (a) inspecting the premises in connection with a relevant person complying with their building safety duties;
  - (b) carrying out works to the premises, where such works are required to be carried out in connection with a relevant person complying with their building safety duties;



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- (c) accessing a part of the higher-risk building that is not let to the tenant in order to—
  - (i) inspect that part of the building in connection with a relevant person complying with their building safety duties;
  - (ii) carry out works to that part of the building, where such works are required to be carried out in connection with a relevant person complying with their building safety duties.
- (6) The covenant implied by subsection (3)(a) requires entry to the premises to be allowed—
  - (a) only at reasonable times, and
  - (b) only if the tenant has been given at least 48 hours' notice in writing.
- (7) Except as provided by subsection (8), the disclosure of information in accordance with subsections (2)(b) and (4)(b) does not breach—
  - (a) any obligation of confidence owed by the landlord in relation to that information;
  - (b) any other restriction on the disclosure of information (however imposed).
- (8) Subsections (2)(b) and (4)(b) do not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty imposed by subsections (2)(b) and (4)(b)).
- (9) In this section—
  - “building safety duties”—
    - (a) in relation to an accountable person, means any duties of the accountable person under Part 4 of the Building Safety Act 2022, or regulations made under that Part of that Act;
    - (b) in relation to a special measures manager, means any duties of the manager included in the special measures order appointing the manager;
  - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
  - “relevant person” means—
    - (a) an accountable person for the higher-risk building;
    - (b) a special measures manager for the higher-risk building;
  - “resident” and “resident of a higher-risk building” have the same meaning as in Part 4 of the Building Safety Act 2022 (see section 71(3) and (4)(c) of that Act);
  - “works” includes alterations, improvements and installations.

### **30D Liability for building safety costs**

- (1) This section applies to a relevant lease of premises which consist of or include a dwelling in a higher-risk building.
- (2) In this section “relevant lease”—
  - (a) means a lease—
    - (i) that is granted for a term certain of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and

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- (ii) under which the tenant is liable to pay a service charge (within the meaning of section 18), but
  - (b) does not include a relevant social housing tenancy.
- (3) The relevant lease has effect—
  - (a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and
  - (b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.
- (4) “Building safety measure” means any of the following—
  - (a) applying for registration of a higher-risk building in accordance with section 78 of the Building Safety Act 2022;
  - (b) applying for a building assessment certificate in accordance with section 79 of that Act;
  - (c) displaying a building assessment certificate in accordance with section 82 of that Act;
  - (d) assessing building safety risks in accordance with section 83 of that Act;
  - (e) taking reasonable steps in accordance with section 84 of that Act (management of building safety risks), other than steps involving the carrying out of works as referred to in section 84(2);
  - (f) preparing and revising a safety case report in accordance with section 85 of that Act;
  - (g) notifying the regulator of a safety case report, and giving a copy of a safety case report to the regulator, in accordance with section 86 of that Act;
  - (h) establishing and operating a mandatory occurrence reporting system, and giving information to the regulator, in accordance with section 87 of that Act;
  - (i) keeping information and documents in accordance with section 88 of that Act;
  - (j) giving information and documents to any person in accordance with section 89, 90 or 92 of that Act;
  - (k) complying with any duty under section 91 of that Act (residents’ engagement strategy);
  - (l) establishing and operating a system for the investigation of complaints in accordance with section 93 of that Act;
  - (m) giving a contravention notice to a resident, and making an application to the county court, in accordance with section 96 of that Act;
  - (n) making a request to enter premises, or making an application to the county court, in accordance with section 97 of that Act (access to premises).
- (5) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—
  - (a) legal and other professional fees;
  - (b) fees payable to the regulator;
  - (c) management costs.
- (6) In this section—

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“landlord” includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);

“relevant person” means—

- (a) if the landlord is an accountable person for the building, the landlord or a special measures manager for the building;
- (b) otherwise, any superior landlord who is an accountable person for the building or a special measures manager for the building;

“relevant social housing tenancy” has the meaning given in section 132 of the Land Registration Act 2002;

“tenant” includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).

- (7) The Secretary of State may by regulations made by statutory instrument amend subsection (4) so as to add, remove or modify a building safety measure.
- (8) The regulations may make incidental, transitional or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

### **30E Liability for remuneration of building safety director of resident management company etc**

- (1) This section applies to a lease of premises which consist of or include a dwelling in a higher-risk building if—
  - (a) the landlord is an accountable person for the building,
  - (b) the landlord is—
    - (i) a resident management company within the meaning of section 111 of the Building Safety Act 2022, or
    - (ii) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), and
  - (c) the tenant is liable to pay a service charge.
- (2) The lease has effect—
  - (a) as if it contained provision authorising the appointment of a person (whether or not a leaseholder or a resident of the building) as a director of the landlord for a building safety purpose,
  - (b) as if the matters for which the service charge is payable under the lease included remunerating any director of the landlord appointed for a building safety purpose (insofar as this would not otherwise be the case), and
  - (c) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided that any costs for which the tenant is liable by virtue only of paragraph (b) to be apportioned in the same way as costs incurred in connection with insuring the building.
- (3) In this section—
  - “building safety purpose” means the purpose of supporting the landlord in complying with its duties under Part 4 of the Building Safety Act 2022 or under regulations made under that Part;
  - “landlord” includes any person who has a right under the lease to enforce payment of a service charge;

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“service charge” has the meaning given by section 18;  
“tenant” includes any person who has an obligation under the lease to pay a service charge.

### **30F Restrictions on contracting out of sections 30C to 30E**

- (1) A covenant or agreement, whether contained in a lease to which section 30C (implied terms) applies or in an agreement collateral to such a lease, is void in so far as it purports—
- (a) to exclude or limit the obligations of the landlord or the tenant under section 30C, or
  - (b) to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant enforcing or relying upon the obligations of the landlord.
- (2) A covenant or agreement, whether contained in a lease to which section 30D or 30E applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30D(3) or 30E(2).

### **30G Jurisdiction of county court**

The county court has jurisdiction to deal with any claim or other proceedings arising under or in connection with any of sections 30C to 30E (implied terms etc) notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this section, be within the jurisdiction of the county court.

### **30H Specific performance of implied terms**

In proceedings relating to a breach of a covenant in section 30C(2) or (3) (implied building safety terms), the court may order specific performance of the covenant—

- (a) notwithstanding any equitable rule restricting the scope of the remedy, whether on the basis of a lack of mutuality or otherwise, and
- (b) in the case of a breach of a covenant in section 30C(2) or (3)(b) or (c), whether or not the breach relates to a part of the higher-risk building let to the tenant.

### **30I Interpretation of building safety provisions**

In sections 30C to 30H—

“accountable person” has the meaning given in section 115 of the Building Safety Act 2022;

“higher-risk building” has the meaning given in section 115 of that Act;

“lease” does not include a mortgage term;

“special measures manager” has the meaning given in paragraph 1 of Schedule 7 to the Building Safety Act 2022;

“special measures order” has the meaning given in paragraph 1 of Schedule 7 to that Act.]

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### Miscellaneous

#### 31 Reserve power to limit rents.

- (1) The Secretary of State may by order provide for—
  - (a) restricting or preventing increases of rent for dwellings which would otherwise take place, or
  - (b) restricting the amount of rent which would otherwise be payable on new lettings of dwellings;and may provide either generally or in relation to any specified description of dwelling.
- (2) An order may contain supplementary or incidental provisions, including provisions excluding, adapting or modifying any provision made by or under an enactment (whenever passed) relating to rent or the recovery of overpaid rent.
- (3) In this section—

“new letting” includes any grant of a tenancy, whether or not the premises were previously let, and any grant of a licence;

“rent” includes a sum payable under a licence, but does not include a sum attributable to rates or [<sup>F112</sup>council tax or], in the case of dwellings of local authorities [<sup>F113</sup>National Park authority] or new town corporations, to the use of furniture, or the provision of services;

and for the purposes of this section an increase in rent takes place at the beginning of the rental period for which the increased rent is payable.
- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F112** Words in the definition of "rent" in s. 31(3) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 16**
- F113** Words in s. 31(3) inserted (23.11.1995) by 1995 c. 25, ss. 78, **Sch. 10 para. 25(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

### Supplementary provisions

#### 31A Jurisdiction of leasehold valuation tribunal.

<sup>F114</sup> .....

#### Textual Amendments

- F114** Ss. 31A-31C repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, **art. 2(c)(iv)**, Sch. 1 (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(iv)**, Sch. 1 (subject to Sch. 2)

#### 31B Leasehold valuation tribunal: applications and fees.

<sup>F115</sup> .....

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**Textual Amendments**

**F115** Ss. 31A-31C repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 (subject to Sch. 2)

**31C Transfer of cases from county court.**

**F116** .....

**Textual Amendments**

**F116** Ss. 31A-31C repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 (subject to Sch. 2)

**32 Provisions not applying to tenancies within Part II of the Landlord and Tenant Act 1954.**

- (1) The following provisions do not apply to a tenancy to which Part II of the <sup>M8</sup>Landlord and Tenant Act 1954 (business tenancies) applies—
  - [<sup>F117</sup>sections 1 to 3A] (information to be given to tenant),
  - section 17 (specific performance of landlord’s repairing obligations).
  - [<sup>F118</sup>section 30C (implied terms relation to building safety),
  - section 30D (building safety costs),
  - section 30E (liability for remuneration of building safety director of resident management company etc).]

- (2) Section 11 (repairing obligations) does not apply to a new lease granted to an existing tenant, or to a former tenant still in possession, if the new lease is a tenancy to which Part II of the Landlord and Tenant Act 1954 applies and the previous lease either is such a tenancy or would be but for section 28 of that Act (tenancy not within Part II if renewal agreed between the parties).

In this subsection “existing tenant”, “former tenant still in possession” and “previous lease” have the same meaning as in section 14(2).

- (3) Section 31 (reserve power to limit rents) does not apply to a dwelling forming part of a property subject to a tenancy to which Part II of the <sup>M9</sup>Landlord and Tenant Act 1954 applies; but without prejudice to the application of that section in relation to a sub-tenancy of a part of the premises comprised in such a tenancy.

**Textual Amendments**

**F117** Words in s. 32(1) substituted (1.10.1996) by 1996 c. 52, s. 93(2); S.I. 1996/2212, art. 2(2)  
**F118** Words in s. 32(1) inserted (28.4.2022 for specified purposes, 6.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), ss. 112(6), 170(2) (with s. 164); S.I. 2023/362, reg. 3(1)(z10)(v)

**Marginal Citations**

**M8** 1954 c. 56.

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**M9** 1954 c. 56.

### **33 Liability of directors, &c. for offences by body corporate.**

- (1) Where an offence under this Act which has been committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, or
  - (b) to be attributable to any neglect on the part of such an officer or person, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### **34 Power of local housing authority to prosecute.**

Proceedings for an offence under any provision of this Act may be brought by a local housing authority.

### **35 Application to Isles of Scilly.**

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **36 Meaning of “lease” and “tenancy” and related expressions.**

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
  - (a) a sub-lease or sub-tenancy, and
  - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

### **37 Meaning of “statutory tenant” and related expressions.**

In this Act—

- (a) “statutory tenancy” and “statutory tenant” mean a statutory tenancy or statutory tenant within the meaning of the <sup>M10</sup>Rent Act 1977 or the <sup>M11</sup>Rent (Agriculture) Act 1976; and
- (b) “landlord”, in relation to a statutory tenant, means the person who, apart from the statutory tenancy, would be entitled to possession of the premises.

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### Marginal Citations

**M10** 1977 c. 42.

**M11** 1976 c. 80.

## 38 Minor definitions.

In this Act—

“address” means a person’s place of abode or place of business or, in the case of a company, its registered office;

[<sup>F119</sup>“appropriate tribunal” means—

(a) in relation to a dwelling in England the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to a dwelling in Wales, a leasehold valuation tribunal;]

[<sup>F120</sup> “arbitration agreement”, “arbitration proceedings” and “arbitral tribunal” have the same meaning as in Part I of the <sup>M12</sup> Arbitration Act 1996 [<sup>F121</sup> and post-dispute arbitration agreement”, in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen;];]

“co-operative housing association” has the same meaning as in the <sup>M13</sup>Housing Associations Act 1985;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“housing association” has the same meaning as in the Housing Associations Act 1985;

“local authority” means a district, county [<sup>F122</sup>county borough] or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and in sections 14(4), 26(1) and 28(6) includes . . . <sup>F123</sup>[<sup>F124</sup>the Broads Authority][<sup>F125</sup>, a police and crime commissioner, the Mayor’s Office for Policing and Crime],. . . <sup>F126</sup>. . . a joint authority established by Part IV of the <sup>M14</sup>Local Government Act 1985 [<sup>F127</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act]<sup>F128</sup>, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004],<sup>F129</sup>... [<sup>F130</sup>and the London Fire Commissioner];

“local housing authority” has the meaning given by section 1 of the <sup>M15</sup>Housing Act 1985;

“new town corporation” means—

(a) a development corporation established by an order made, or treated as made, under the <sup>M16</sup>New Towns Act 1981,

[<sup>F131</sup>(b) the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1) (a) to (d) of the Housing and Regeneration Act 2008,

[<sup>F132</sup>(ba) the Greater London Authority so far as exercising its new towns and urban development functions, or]



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- (c) the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981;]  
“protected tenancy” has the same meaning as in the Rent Act 1977;  
[<sup>F133</sup>“registered social landlord” has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act);]  
“restricted contract” has the same meaning as in the Rent Act 1977;  
“urban development corporation” has the same meaning as in Part XVI of the<sup>M17</sup>Local Government, Planning and Land Act 1980.

### Textual Amendments

- F119** Definition in s. 38 inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 56** (with Sch. 3)
- F120** Definition in s. 38 inserted (1.9.1997) by [1996 c. 52, s. 83\(5\)](#); S.I. 1997/1851, **art. 2**
- F121** Words in s. 38 inserted (30.9.2003 for E. and 30.3.2004 for W.) by virtue of [2002 c. 15, ss. 155\(2\), 181\(1\)](#); S.I. 2003/1986, **art. 2(c)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (subject to Sch. 2)
- F122** Words in s. 38 inserted (1.4.1996) by [1994 c. 19, s. 22\(2\)](#), **Sch. 8 para. 7** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F123** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F124** Words inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 23(2), 27(2), **Sch. 6 para. 26**
- F125** Words in s. 38 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 170**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 49)
- F126** Word in s. 38 repealed (3.7.2000) by [1999 c. 29, s. 423](#), **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(i)**
- F127** S. 38: words in definition of "local authority" inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 70**; S.I. 2009/3318, **art. 2(b)(c)**
- F128** Words in s. 38 inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 1 para. 50**; S.I. 2017/399, reg. 2, Sch. para. 38
- F129** Words in s. 38 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(20)**; S.I. 2015/994, art. 6(g)
- F130** Words in s. 38 substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 75**; S.I. 2018/227, reg. 4(c)
- F131** S. 38(b)(c) substituted for s. 38(b) and preceding word (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, **Sch. 8 para. 36**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)
- F132** S. 38(ba) substituted for word (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 22**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F133** Definition in s. 38 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 16(4)**

### Modifications etc. (not altering text)

- C76** S. 38 extended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 4(y)**
- C77** S. 38 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 10**

### Marginal Citations

- M12** [1996 c. 23](#).  
**M13** [1985 c. 69](#).  
**M14** [1985 c. 51](#)

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**M15** 1985 c. 68.

**M16** 1981 c. 64.

**M17** 1980 c. 65.

### 39 Index of defined expressions.

The following Table shows provisions defining or otherwise explaining expressions used in this Act (other than provisions) defining or explaining an expression in the same section):

<b>address</b>	<b>section 38</b>
[ <sup>F134</sup> arbitration agreement, arbitration proceedings and [ <sup>F135</sup> , arbitral tribunal and post-dispute arbitration agreement]	section 38]
co-operative housing association	section 38
dwelling	section 38
dwelling-house (in the provisions relating to repairing obligations)	section 16
fit for human habitation	section 10
flat (in the provisions relating to service charges)	section 30
housing association	section 38
landlord—	
(generally)	section 36(3)
(in sections 1 and 2)	section 1(3)
(in the provisions relating to rent books)	section 4(3)
(in the provisions relating to service charges)	section 30
(in relation to a statutory tenancy)	section 37(b)
lease, lessee and lessor—	
(generally)	section 36
[ <sup>F136</sup> (in the provisions relating to fitness for human habitation of dwellings in England)	section 9A(9)]
(in the provisions relating to repairing obligations)	section 16
local authority	section 38
local housing authority	section 38
new town corporation	section 38
protected tenancy	section 38

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[ <sup>F137</sup> qualified accountant (for the purposes of section 21(6))]	[ <sup>F137</sup> section 28]
[ <sup>F138</sup> registered social landlord]	section 38
recognised tenants' association	section 29
relevant costs (in relation to a service charge)	section 18(2)
restricted contract	section 38
service charge	section 18(1)
statutory tenant	section 37(a)
tenancy and tenant—	
(generally)	section 36
(in sections 1 and 2)	section 1(3)
(in the provisions relating to rent books)	section 4(3)
(in the provisions relating to service charges)	section 30
urban development corporation	section 38

#### Textual Amendments

- F134** Words in s. 39 inserted (1.9.1997 subject to saving in Sch. para. 1 of S.I. 1997/1851 and otherwise 11.8.1998 subject to art. 3 of S.I. 1998/1768) by 1996 c. 52, s. 83(6); S.I. 1997/1851, art. 2; S.I. 1998/1768, art. 2
- F135** Words in s. 39 substituted (30.9.2003 for E. and 30.3.2004 for W.) by virtue of 2002 c. 15, ss. 155(3), 181(1); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F136** Words in s. 39 inserted (20.3.2019) by Homes (Fitness for Human Habitation) Act 2018 (c. 34), ss. 1(5), 2(2)
- F137** S. 39: table entry for 'qualified accountant' omitted (1.12.2008 for certain purposes and otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 303, 325, Sch. 12 para. 10 and repealed (prosp.) by s. 321(1), {Sch. 16}; S.I. 2008/3068, art. 4(6) (with arts. 6-13)
- F138** Words in s. 39 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), Sch. 2 para. 16(5)

#### Final provisions

#### 40 Short title, commencement and extent.

- (1) This Act may be cited as the Landlord and Tenant Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) This Act extends to England and Wales.

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## [<sup>F139</sup>SCHEDULE

Section 30A

### RIGHTS OF TENANTS WITH RESPECT TO INSURANCE

#### Textual Amendments

**F139** Sch. added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 43(2)

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

**C78** Sch. modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 5; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)  
 Sch. extended to Crown Land (E.) (30.9.2003) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii)(iii) (subject to savings in Sch. 2); S.I. 2004/669, art. 2(c)(ii)(iii) (subject to savings in Sch. 2)

#### *Construction*

- 1 In this Schedule—
- “landlord”, in relation to a tenant by whom a service charge is payable which includes an amount payable directly or indirectly for insurance, includes any person who has a right to enforce payment of that service charge;
- “relevant policy”, in relation to a dwelling, means any policy of insurance under which the dwelling is insured (being, in the case of a flat, a policy covering the building containing it); and
- “tenant” includes a statutory tenant.

#### *<sup>F140</sup> . . . Summary of insurance cover*

#### Textual Amendments

**F140** Words in heading before Sch. para. 2 repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, arts. 1(2), 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2)

- 2 (1) Where a service charge is payable by the tenant of a dwelling which consists of or includes an amount payable directly or indirectly for insurance, the tenant may [<sup>F141</sup>by notice in writing require the landlord] to supply him with a written summary of the insurance for the time being effected in relation to the dwelling.
- (2) If the tenant is represented by a recognised tenants’ association and he consents, the [<sup>F142</sup>notice may be served] by the secretary of the association instead of by the tenant and may then be for the supply of the summary to the secretary.
- (3) A [<sup>F143</sup>notice under this paragraph is duly] served on the landlord if it is served on—
- (a) an agent of the landlord named as such in the rent book or similar document, or
  - (b) the person who receives the rent on behalf of the landlord;
- and a person on [<sup>F144</sup>whom such a notice] is so served shall forward it as soon as may be to the landlord.

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- (4) The landlord shall, within [<sup>F145</sup>the period of twenty-one days beginning with the day on which he receives the notice,] comply with it by supplying to the tenant or the secretary of the recognised tenants' association (as the case may require) such a summary as is mentioned in sub-paragraph (1), which shall include—
- (a) the insured amount or amounts under any relevant policy, and
  - (b) the name of the insurer under any such policy, and
  - (c) the risks in respect of which the dwelling or (as the case may be) the building containing it is insured under any such policy.
- (5) In sub-paragraph (4)(a) “the insured amount or amounts”, in relation to a relevant policy, means—
- (a) in the case of a dwelling other than a flat, the amount for which the dwelling is insured under the policy; and
  - (b) in the case of a flat, the amount for which the building containing it is insured under the policy and, if specified in the policy, the amount for which the flat is insured under it.
- (6) The landlord shall be taken to have complied with the [<sup>F146</sup>notice] if, within the period mentioned in sub-paragraph (4), he instead supplies to the tenant or the secretary (as the case may require) a copy of every relevant policy.
- (7) In a case where two or more buildings are insured under any relevant policy, the summary or copy supplied under sub-paragraph (4) or (6) so far as relating to that policy need only be of such parts of the policy as relate—
- (a) to the dwelling, and
  - (b) if the dwelling is a flat, to the building containing it.

#### Textual Amendments

- F141** Words in Sch. para. 2(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(2); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F142** Words in Sch. para. 2(2) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(3); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F143** Words in Sch. para. 2(3)(a) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(4)(a); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F144** Words in Sch. para. 2(3)(b) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(4)(b); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F145** Words in Sch. para. 2(4) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(5); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)
- F146** Word in Sch. para 2(6) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 8(1)(6); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

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*Request to inspect insurance policy etc.*

*Inspection of insurance policy etc.*

- [<sup>F1473</sup> (1) Where a service charge is payable by the tenant of a dwelling which consists of or includes an amount payable directly or indirectly for insurance, the tenant may by notice in writing require the landlord—
- (a) to afford him reasonable facilities for inspecting any relevant policy or associated documents and for taking copies of or extracts from them, or
  - (b) to take copies of or extracts from any such policy or documents and either send them to him or afford him reasonable facilities for collecting them (as he specifies).
- (2) If the tenant is represented by a recognised tenants' association and he consents, the notice may be served by the secretary of the association instead of by the tenant (and in that case any requirement imposed by it is to afford reasonable facilities, or to send copies or extracts, to the secretary).
- (3) A notice under this paragraph is duly served on the landlord if it is served on—
- (a) an agent of the landlord named as such in the rent book or similar document, or
  - (b) the person who receives the rent on behalf of the landlord;
- and a person on whom such a notice is so served shall forward it as soon as may be to the landlord.
- (4) The landlord shall comply with a requirement imposed by a notice under this paragraph within the period of twenty-one days beginning with the day on which he receives the notice.
- (5) To the extent that a notice under this paragraph requires the landlord to afford facilities for inspecting documents—
- (a) he shall do so free of charge, but
  - (b) he may treat as part of his costs of management any costs incurred by him in doing so.
- (6) The landlord may make a reasonable charge for doing anything else in compliance with a requirement imposed by a notice under this paragraph.
- (7) In this paragraph—
- “relevant policy” includes a policy of insurance under which the dwelling was insured for the period of insurance immediately preceding that current when the notice is served (being, in the case of a flat, a policy covering the building containing it), and
- “associated documents” means accounts, receipts or other documents which provide evidence of payment of any premiums due under a relevant policy in respect of the period of insurance which is current when the notice is served or the period of insurance immediately preceding that period.]

**Textual Amendments**

**F147** Sch. para. 3 substituted (30.9.2003 for E. and 30.4.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 9; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

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*F148 . . . Insurance effected by superior landlord*

**Textual Amendments**

**F148** Words in heading before Sch. para. 4 repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, arts. 1(2), 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2)

- 4 (1) If [<sup>F149</sup>a notice is served] under paragraph 2 in a case where a superior landlord has effected, in whole or in part, the insurance of the dwelling in question and the landlord [<sup>F150</sup>on whom the notice is served] is not in possession of the relevant information—
- (a) he shall in turn [<sup>F151</sup>by notice in writing require the person who is his landlord to give him the relevant information] (and so on, if that person is not himself the superior landlord),
  - (b) the superior landlord shall comply with [<sup>F152</sup>the notice] within a reasonable time, and
  - (c) the immediate landlord shall then comply with the tenant's or [<sup>F153</sup>secretary's notice] in the manner provided by sub-paragraphs (4) to (7) of paragraph 2 within the time allowed by that paragraph or such further time, if any, as is reasonable in the circumstances.
- (2) If, in a case where a superior landlord has effected, in whole or in part, the insurance of the dwelling in question, a [<sup>F154</sup>notice under paragraph 3 imposes a requirement relating] to any policy of insurance effected by the superior landlord—
- (a) the landlord [<sup>F155</sup>on whom the notice is served] shall forthwith inform the tenant or secretary of that fact and of the name and address of the superior landlord, and
  - (b) that paragraph shall then apply to the superior landlord in relation to that policy as it applies to the immediate landlord.

**Textual Amendments**

**F149** Words in Sch. para. 4(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(2)(a); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

**F150** Words in Sch. para. 4(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(2)(b); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

**F151** Words in Sch. para. 4(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(2)(c); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

**F152** Words in Sch. para. 4(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(2)(d); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

**F153** Words in Sch. para. 4(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(2)(e); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

**F154** Words in Sch. para. 4(2) substituted (30.9.2003 for W. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(3)(a); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

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**F155** Words in Sch. para. 4(2) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 10(1)(3)(b); S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

### *Effect of change of landlord*

- [<sup>F156</sup>4A (1) This paragraph applies where, at a time when a duty imposed on the landlord or a superior landlord by virtue of any of paragraphs 2 to 4 remains to be discharged by him, he disposes of the whole or part of his interest as landlord or superior landlord).
- (2) If the landlord or superior landlord is, despite the disposal, still in a position to discharge the duty to any extent, he remains responsible for discharging it to that extent.
- (3) If the other person is in a position to discharge the duty to any extent, he is responsible for discharging it to that extent.
- (4) Where the other person is responsible for discharging the duty to any extent (whether or not the landlord or superior landlord is also responsible for discharging it to that or any other extent)—
- (a) references to the landlord or superior landlord in paragraphs 2 to 4 are to, or include, the other person so far as is appropriate to reflect his responsibility for discharging the duty to that extent, but
  - (b) in connection with its discharge by that person, paragraphs 2(4) and 3(4) apply as if the reference to the day on which the landlord receives the notice were to the date of the disposal referred to in sub-paragraph (1).]

#### **Textual Amendments**

**F156** Sch. para. 4A and preceding sidenote inserted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 11; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

### *Effect of assignment*<sup>F157</sup> . . .

#### **Textual Amendments**

**F157** Words in heading before Sch. para. 5 repealed (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 180, 181(1), Sch. 14; S.I. 2003/1986, arts. 1(2), 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (subject to Sch. 2)

- 5 The assignment of a tenancy does not affect [<sup>F158</sup>any duty imposed by virtue of any of paragraphs 2 to 4A; but a person is not required to comply with more than a reasonable number of requirements imposed by any one person.]

#### **Textual Amendments**

**F158** Words in Sch. para. 5 substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 12; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)



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*[<sup>F159</sup>Offence of failure to comply]*

**Textual Amendments**

**F159** Words in heading before Sch. para. 6 substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 13; S.I. 2003/1986, arts. 1(2), 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

- 6 (1) It is a summary offence for a person to fail, without reasonable excuse, to perform a duty imposed on him by or by virtue of [<sup>F160</sup>any of paragraphs 2 to 4A].
- (2) A person committing such an offence is liable on conviction to a fine not exceeding level 4 on the standard scale.

**Textual Amendments**

**F160** Words in Sch. para. 6(1) substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 13; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i) (subject to Sch. 2)

*Tenant's right to notify insurers of possible claim*

- 7 (1) This paragraph applies to any dwelling in respect of which the tenant pays to the landlord a service charge consisting of or including an amount payable directly or indirectly for insurance.
- (2) Where—
- (a) it appears to the tenant of any such dwelling that damage has been caused—
- (i) to the dwelling, or
- (ii) if the dwelling is a flat, to the dwelling or to any other part of the building containing it,
- in respect of which a claim could be made under the terms of a policy of insurance, and
- (b) it is a term of that policy that the person insured under the policy should give notice of any claim under it to the insurer within a specified period,
- the tenant may, within that specified period, serve on the insurer a notice in writing stating that it appears to him that damage has been caused as mentioned in paragraph (a) and describing briefly the nature of the damage.
- (3) Where—
- (a) any such notice is served on an insurer by a tenant in relation to any such damage, and
- (b) the specified period referred to in sub-paragraph (2)(b) would expire earlier than the period of six months beginning with the date on which the notice is served,
- the policy in question shall have effect as regards any claim subsequently made in respect of that damage by the person insured under the policy as if for the specified period there were substituted that period of six months.

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- (4) Where the tenancy of a dwelling to which this paragraph applies is held by joint tenants, a single notice under this paragraph may be given by any one or more of those tenants.
- (5) The Secretary of State may by regulations prescribe the form of notices under this paragraph and the particulars which such notices must contain.
- (6) Any such regulations—
  - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument.

*Right to challenge landlord's choice of insurers*

- [<sup>F1618</sup> (1) This paragraph applies where a tenancy of a dwelling requires the tenant to insure the dwelling with an insurer nominated [<sup>F162</sup>or approved]by the landlord.
- (2) The tenant or landlord may apply to [<sup>F163</sup>the county court] or [<sup>F164</sup>the appropriate tribunal] for a determination whether—
- (a) the insurance which is available from the nominated [<sup>F162</sup>or approved]insurer for insuring the tenant's dwelling is unsatisfactory in any respect, or
  - (b) the premiums payable in respect of any such insurance are excessive.
- (3) No such application may be made in respect of a matter which—
- (a) has been agreed or admitted by the tenant,
  - (b) under an arbitration agreement to which the tenant is a party is to be referred to arbitration, or
  - (c) has been the subject of determination by a court or arbitral tribunal.
- (4) On an application under this paragraph the court or tribunal may make—
- (a) an order requiring the landlord to nominate [<sup>F165</sup>or approve] such other insurer as is specified in the order, or
  - (b) an order requiring him to nominate [<sup>F165</sup>or approve]another insurer who satisfies such requirements in relation to the insurance of the dwelling as are specified in the order.
- (5) <sup>F166</sup> .....
- (6) An agreement by the tenant of a dwelling (other than an arbitration agreement) is void in so far as it purports to provide for a determination in a particular manner, or on particular evidence, of any question which may be the subject of an application under this paragraph.]

**Textual Amendments**

**F161** Sch. para. 8 substituted (1.9.1997 subject to saving in Sch. para. 1 of S.I. 1997/1851 and otherwise 11.8.1998 subject to art. 3 of S.I. 1998/1768) by 1996 c. 52, s. 83(2); S.I. 1997/1851, art. 2; S.I. 1998/1768, art. 2

**F162** Words in Sch. para. 8(1)(2) inserted (28.2.2005 for E. and 31.5.2005 for W.) by 2002 c. 15, ss. 165(2), 181(1); S.I. 2004/3056, art. 3(d) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(d) (subject to art. 3)

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- F163** Words in Sch. para. 8(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F164** Words in Sch. para. 8(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 57](#) (with Sch. 3)
- F165** Words in Sch. para. 8(4) inserted (28.2.2005 for E. and 31.5.2005 for W.) by [2002 c. 15](#), ss. 165(3), 181(1); [S.I. 2004/3056](#), art. 3(d) (subject to art. 4 (as amended by [S.I. 2005/193](#), art. 2)); [S.I. 2005/1353](#), art. 2(d) (subject to art. 3)
- F166** Sch. para 8(5) repealed ((30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15](#), ss. 180, 181(1), Sch. 14; [S.I. 2003/1986](#), art. 2(c)(iv), Sch. 1 Pt. 1 (subject to Sch. 2); [S.I. 2004/669](#), art. 2(c)(iv), Sch. 1 Pt. 1

*Exception for tenants of certain public authorities*

- 9 (1) Paragraphs 2 to 8 do not apply to a tenant of—  
a local authority,  
[<sup>F167</sup>a National Park authority [<sup>F168</sup>, or]]  
a new town corporation, <sup>F169</sup> . . .  
<sup>F169</sup> . . .

unless the tenancy is a long tenancy, in which case paragraphs 2 to 5 and 7 and 8 apply but paragraph 6 does not.

- (2) Subsections (2) and (3) of section 26 shall apply for the purposes of sub-paragraph (1) as they apply for the purposes of subsection (1) of that section.]

TABLE OF DERIVATIONS

1. The following abbreviations are used in this Table:—	Acts of Parliament
1957	= The Housing Act 1957 (c. 56).
1961	= The Housing Act 1961 (c. 65).
1962	= The Landlord and Tenant Act 1962 (c. 50).
1963 (c. 33)	= The London Government Act 1963.
1968 (c. 23)	= The Rent Act, 1968.
1969	= The Housing Act 1969 (c. 33).
1972 (c. 70)	= The Local Government Act 1972.
1974	= The Housing Act 1974 (c. 44).
1975	= The Housing Rents and Subsidies Act 1975 (c. 6).
1976 (c. 80)	= The Rent (Agriculture) Act 1976.
1977 (c. 42)	= The Rent Act 1977.
1980	= The Housing Act 1980 (c. 51).
1980 (c. 65)	= The Local Government, Planning and Land Act 1980.

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1981 (c. 64)	= The New Towns Act 1981.
1982 (c. 48)	= The Criminal Justice Act 1982.
1985 (c. 9)	= The Companies Consolidation (Consequential Provisions) Act 1985.
1985(c. 51)	= The Local Government Act 1985.

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#### Subordinate legislation

S.I. 1975/512 = The Isles of Scilly (Housing) Order 1975.

2. The Table does not show the effect of Transfer of Functions Orders.

3. The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commissions' Report of the Consolidation of the Housing Acts (Cmnd. 9515).

4. The entry "drafting" indicates a provision of a mechanical or editorial nature affecting the arrangement of the consolidation; for instance, a provision introducing the provisions which follow or introducing a definition to avoid undue repetition of the defining words.

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<b>Provision</b>	<b>Derivation</b>
1(1)	1974 s. 121(1).
(2)	1974 s. 121(1); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
(3)	1974 s. 121(9).
2(1), (2)	1974 s. 121(2).
(3)	1974 s. 121(4).
(4)	1974 s. 121(5); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
3(1)	1974 s. 122(1), (2).
(2)	1974 s. 122(4).
(3)	1974 s. 122(5); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
(4)	1974 s. 122(8), (9)(a).
4(1)	1962 s. 1(1).
(2)	1962 s. 1(2).
(3)	1962 ss. 1(1), 6(1)(a).
Provision	Derivation
5(1)	1962 s. 2(1); 1976 (c. 80) Sch. 8 para. 9; 1977 (c. 42) Sch. 23 para. 31(a), (b).
(2)	1962 s. 2(1); 1968 (c. 23) Sch. 15.
(3)	1962 s. 6(1)(b).

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6(1)	1962 s. 3(1).
(2)	1962 s. 3(2).
7(1), (2)	1962 s. 4(1), (3); 1982 (c. 48) ss. 37, 46(1), Sch. 3.
(3)	1962 s. 4(2), (3); 1982 (c. 48) ss. 37, 46(1), Sch. 3.
(4)	1962 s. 4(4).
8(1), (2)	1957 s. 6(2), (3).
(3)	1957 s. 6(1), (2).
(4)	1957 s. 6(1); 1963 (c. 33) Sch. 8 para. 2.
(5)	1957 s. 6(2) proviso.
(6)	1957 s. 189(1) “house” (a).
9(1), (2)	1957 s. 7.
(3)	1957 ss. 7, 189(1) “house” (a).
10	1957 s. 4(1); 1969 s. 71.
11(1)	1961 s. 32(1).
(2)	1961 s. 32(2).
(3)	1961 s. 32(3).
(4)	1961 s. 32(1), (2).
(5)	1961 s. 32(1).
(6)	1961 s. 32(4).
12(1)	1961 s. 33(7).
(2)	1961 s. 33(6).
13(1)	1961 s. 33(1).
(2)	1961 s. 33(2), (5).
14(1), (2)	1961 s. 33(3).
(3)	1961 s. 33(4).
(4)	1977 (c. 42) ss. 14, 15(3); 1980 s. 80(1) (a)-(c), (2), (3); 1980 (c. 65) s. 155(1); 1981 (c. 64) Sch. 12 para. 24.
(5)	1980 s. 80(1)(d), (e).
15	1961 s. 33(8).
16	1961 s. 32(5).
17(1)	1974 s. 125(1).
(2)	1974 s. 125(2); R.14(i).
18(1)(3)	1980 Sch. 19 para. 1(1).

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19(1)	1980 Sch. 19 paras. 2, 3.
(2)	1980 Sch. 19 para. 2.
(3)	180 Sch. 19 para. 11.
(4)	1980 Sch. 19 para. 12.
20(1)	1980 Sch. 19 paras. 2, 4(1).
(2)	1980 Sch. 19 para. 4(2).
(3)	1980 Sch. 19 para. 5(1)(6).
(4)	1980 Sch. 19 para. 5(7).
(5)	1980 Sch. 19 para. 6.
(6)	1980 s. 151(1), (3).
21(1)	1980 Sch. 19 para. 7(1), (5).
(2)	1980 Sch. 19 para. 7(2).
(3)	1980 Sch. 19 para. 9.
(4)	1980 Sch. 19 para. 7(1).
(5), (6)	1980 Sch. 19 para. 7(3)
22(1), (2)	1980 Sch. 19 para. 7(4).
(3)	1980 Sch. 19 para. 9.
(4)	1980 Sch. 19 para. 7(4).
23(1), (2)	1980 Sch. 19 para. 8(1), (2).
24	1980 Sch. 19 para. 10.
25(1), (2)	1980 Sch. 19 para. 13(1); 1982 (c. 48) ss. 37, 46(1).
26(1)	1980 s. 50(1) “development corporation”, “local authority” <sup>F167</sup> “a National Park authority”], Sch. 19 para. 14(1), (2)(a).
(2), (3)	1980 Sch. 3 para. 1(2), (2A), (3), Sch. 19 para. 14(1); 1984 Sch. 1 para. 12, Sch. 11 para. 33(1).
27	1980 Sch. 19 para. 15.
28(1)	drafting.
(2)	1980 Sch. 16 para. 3(2), Sch. 19 para. 17(1); 1985 (c. 9) Sch. 2.
(3)	1980 Sch. 16 para. 3(4), Sch. 19 para. 17(1).
(4)	1980 Sch. 19 para. 17(2).
(5)	1980 Sch. 19 para. 17(2)(b); 1985 (c. 9) Sch. 2.

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(6)	1980 Sch. 19 para. 14(1),(2)(b).
29(1)	1980 Sch. 19 para. 20.
(2), (3)	1980 Sch. 19 para. 21(1).
(4)	1980 Sch. 19 para. 20(b).
(5)	1980 Sch. 19 para. 21(2).
(6)	1980 s. 151(1), (3).
30	
“flat”	1980 Sch. 19 para. 16.
“landlord”	1980 Sch. 19 para. 18.
“tenant”	1980 Sch. 19 para. 19.
31(1)	1975 ss. 11(1), 15(1), (5).
(2)	1975 ss. 11(2), 15(5).
(3)	1975 s. 11(10), (11).
(4)	1975 ss. 11(3), 15(1).
32(1)	1974 ss. 121(9), 122(8), 125(2).
(2)	1961 s. 33(3).
(3)	1975 s. 11(11) “dwelling”.
33(1)	1962 s. 4(6); 1974 ss. 121(6), 122(6); 1980 Sch. 19 para. 13(2).
(2)	1974 ss. 121(7), 122(7); 1980 Sch. 19 para. 13(3); R.28.
34	1962 s. 5(2); 1968 (c. 23) Sch. 15; 1972 (c. 70) s. 222(1); 1974 s. 121(8); 1977 (c. 42) s. 149(2), Sch. 23 para. 32, Sch. 24 para. 30.
35(1), (2)	1972 s. 103; 1975 s. 17(11), Sch. 5 para. 7(1); S.I. 1972/1204; S.I. 1975/512; R.29.
36	1961 s. 32(5); 1974 ss. 121(9), 125(2); 1975 s. 11(11) “new letting”; drafting.
37	1962 s. 6(1)(a); 1974 ss. 121(9), 122(8), 125(2); 1976 (c. 80) Sch. 8 para. 31; 1977 (c. 42) Sch. 23 para. 66; 1980 Sch. 19 para. 18; R.14(i).
38	
“address”	1962 s. 6(2); 1974 ss. 121(3), 122(3), Sch. 13 para. 9.
“co-operative housing association”	1977 (c. 42) s. 15(3)(d); 1980 s. 80(1) (b); drafting.

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“dwelling”	1974 s. 129(1) “dwelling”; 1975 s. 16(1) “dwelling”.
“housing association”	1977 (c. 42) s. 15(3)(a); 1980 s. 80(1) (b).
“local authority” [F167 “a National Park authority” ]	1975 ss. 11(11), 16(1) “local authority” [F167 “a National Park authority”]; 1977 (c. 42) s. 14(1)(a)-(c); 1980 s. 80(1)(c); 1985 (c. 51 Sch. 13 para. 21, Sch. 14 paras. 56, 58 (h).
“local housing authority”	1962 s. 5(2); 1968 (c. 23) Sch. 15; 1974 s. 121(8); S.I. 1975/512; 1977 (c. 42) s. 149(2), Sch. 23 para. 32, Sch. 24 para. 30; 1980 s. 50(1) “local authority” [F167 “a National Park authority”], Sch. 19 para. 14(1)(a).
“new town corporation”	1977 (c. 42) s. 14(d), (e); 1980 ss. 50(1) “development corporation”, 80(1)(c), Sch. 19 para. 14(1)(a), (c); 1981 (c. 64); Sch. 12 para. 24; drafting.
“protected tenancy”	1962 s. 2(1); 1968 (c. 23) Sch. 15; 1977 (c. 42) Sch. 23 para. 31(b), Sch. 24 para. 30.
“registered”	1977 (c. 42) s. 15(3)(a); 1980 s. 80(1) (b).
“restricted contract”	1962 s. 2(1); 1977 (c. 42) Sch. 23 para. 31(a).
“urban development corporation”	1977 (c. 42) s. 14(1)(g); 1980 s. 80(1) (c); 1980 (c. 65) s. 155(1).
39	drafting.
40	drafting.

### Textual Amendments

**F167** Words in Sch. para. 9 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 25(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

**F168** Words in Sch. para. 9(1) inserted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 14** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

**F169** Words in Sch. para. 9(1) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

### Modifications etc. (not altering text)

**C79** Sch. para. 9(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 4, 5, **Sch. 2 para. 61** and as amended by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 61, **Sch. 4 para. 3(a)(ii)**)  
 Sch. para. 9(1) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(c)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2))



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Sch. para. 9(1) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(c)**

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