



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

*[<sup>F1</sup>Implied term as to remedying of hazards*

### **[<sup>F1</sup>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

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**Changes to legislation:** Landlord and Tenant Act 1985, Section 10B is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (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)—
- (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.]

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#### Textual Amendments

- F1** 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)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1AB) inserted by [2016 c. 22 Sch. 7 para. 18\(2\)](#)