



Landlord and Tenant Act 1985

1985 CHAPTER 70

Service charges

20 Limitation of service charges: estimates and consultation.

- (1) Where relevant costs incurred on the carrying out of works on a building exceed the limit specified in subsection (2), the excess shall not be taken into account in determining the amount of a service charge unless—
 - (a) the requirements of subsection (3) as to estimates and consultation have been complied with, or
 - (b) those requirements have been dispensed with by the court in accordance with subsection (5);and the amount payable shall be limited accordingly.
- (2) The limit is whichever is the greater of—
 - (a) £25, or such other amount as may be prescribed by order of the Secretary of State, multiplied by the number of flats in the building, or
 - (b) £500, or such other amount as may be so prescribed.
- (3) The requirements are:—
 - (a) At least two estimates for the works shall be obtained, one of them from a person wholly unconnected with the landlord.
 - (b) A notice accompanied by a copy of the estimates shall be given to each of the tenants concerned or shall be displayed in the buildings so as to be likely to come to the notice of all those tenants; and if, there is a recognised tenants' association for the building, the notice and copy of the estimates shall also be given to the secretary of the association.
 - (c) The notice shall describe the works to be carried out and invite observations on them and on the estimates and shall state the name and address in the United Kingdom of the person to whom the observations may be sent and the date by which they are to be received.
 - (d) The date stated in the notice shall not be earlier than one month after the date on which the notice is given or displayed as required by paragraph (b).

Status: This is the original version (as it was originally enacted).

- (e) The landlord shall have regard to any observations received in pursuance of the notice; and unless the works are urgently required they shall not be begun earlier than the date specified in the notice.
- (4) For the purposes of subsection (3) the tenants concerned are all the landlord's tenants of flats in the building by whom a service charge is payable to which the costs of the proposed works are relevant.
- (5) In proceedings relating to a service charge the court may, if satisfied that the landlord acted reasonably, dispense with all or any of the requirements of subsection (3).
- (6) An order under this section—
 - (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 which shall be subject to annulment in pursuance of a resolution of either House of Parliament.