



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Service charges*

#### **[<sup>F1</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;
  - (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;

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**Changes to legislation:** Landlord and Tenant Act 1985, Section 20F is up to date with all changes known to be in force on or before 16 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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“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

**F1** 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\(1\)\(z10\)\(iii\)](#)

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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\(2\)](#)