



Landlord and Tenant Act 1985

1985 CHAPTER 70

Service charges

[^{F1}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

Changes to legislation: Landlord and Tenant Act 1985, Section 20D is up to date with all changes known to be in force on or before 13 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

- (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 \(2\)](#)—
- (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

F1 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\(1\)\(g\)](#)

Changes to legislation:

Landlord and Tenant Act 1985, Section 20D is up to date with all changes known to be in force on or before 13 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.

[View outstanding changes](#)

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\(2\)](#)