



# Landlord and Tenant (Covenants) Act 1995

## 1995 CHAPTER 30

### *Third party covenants*

#### **12 Covenants with management companies etc**

- (1) This section applies where—
  - (a) a person other than the landlord or tenant (“the third party”) is under a covenant of a tenancy liable (as principal) to discharge any function with respect to all or any of the demised premises (“the relevant function”); and
  - (b) that liability is not the liability of a guarantor or any other financial liability referable to the performance or otherwise of a covenant of the tenancy by another party to it.
- (2) To the extent that any covenant of the tenancy confers any rights against the third party with respect to the relevant function, then for the purposes of the transmission of the benefit of the covenant in accordance with this Act it shall be treated as if it were—
  - (a) a tenant covenant of the tenancy to the extent that those rights are exercisable by the landlord; and
  - (b) a landlord covenant of the tenancy to the extent that those rights are exercisable by the tenant.
- (3) To the extent that any covenant of the tenancy confers any rights exercisable by the third party with respect to the relevant function, then for the purposes mentioned in subsection (4), it shall be treated as if it were—
  - (a) a tenant covenant of the tenancy to the extent that those rights are exercisable against the tenant; and
  - (b) a landlord covenant of the tenancy to the extent that those rights are exercisable against the landlord.
- (4) The purposes mentioned in subsection (3) are—
  - (a) the transmission of the burden of the covenant in accordance with this Act; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) any release from, or apportionment of liability in respect of, the covenant in accordance with this Act.
- (5) In relation to the release of the landlord from any covenant which is to be treated as a landlord covenant by virtue of subsection (3), section 8 shall apply as if any reference to the tenant were a reference to the third party.