



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Landlord and tenant etc

114 Commonholds

- (1) The Commonhold and Leasehold Reform Act 2002 is amended as follows.
- (2) In section 13(3) (joint unit-holders), after paragraph (fa) insert—

“(faa) section [38A\(1\)](#).”.
- (3) In section 14 (use and maintenance)—
 - (a) in the heading, for “and maintenance” substitute “, maintenance and building safety”;
 - (b) after subsection (3) insert—

“(4) A commonhold community statement for a higher-risk commonhold must make provision requiring the commonhold association to comply with its duties under [Part 4](#) of the Building Safety Act 2022, or regulations made under that Part of the Act, in relation to each commonhold unit.”
- (4) In section 26 (use and maintenance)—
 - (a) in the heading, for “and maintenance” substitute “, maintenance and building safety”;
 - (b) the existing subsection becomes [subsection \(1\)](#);
 - (c) after that subsection insert—

“(2) A commonhold community statement for a higher-risk commonhold must make provision requiring the commonhold association to comply with its duties under [Part 4](#) of the Building Safety Act 2022, or

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 114. (See end of Document for details)

regulations made under that Part of that Act, in relation to the common parts.”

- (5) In section 31(5) (form and content of commonhold community statement), after paragraph (d) insert—
- “(da) to give information;
 - “(db) to apply for grants or other funding;”.
- (6) In section 32(5)(a) (regulations), after “38,” insert “38A,”.
- (7) In section 38 (commonhold assessment), after subsection (2) insert—
- “(3) In subsection (1)(a) “expenses of the association” does not include building safety expenses of the association (within the meaning of section 38A).”
- (8) After section 38 insert—

“38A Building safety assessment

- (1) A commonhold community statement for a higher-risk commonhold must make provision—
- (a) requiring the directors of the commonhold association to make an annual estimate of the income required to be raised from unit-holders to meet the building safety expenses of the association,
 - (b) enabling the directors of the commonhold association to make estimates from time to time of income required to be raised from unit-holders in addition to the annual estimate,
 - (c) specifying the percentage of any estimate made under paragraph (a) or (b) which is to be allocated to each unit,
 - (d) requiring each unit-holder to make payments in respect of the percentage of any estimate which is allocated to their unit, and
 - (e) requiring the directors of the commonhold association to serve notices on unit-holders specifying payments required to be made by them and the date on which each payment is due.
- (2) For the purpose of subsection (1)(c)—
- (a) the percentages allocated by a commonhold community statement to the commonhold units must amount in aggregate to 100;
 - (b) a commonhold community statement may specify 0 per cent in relation to a unit.
- (3) In this section—
- “building safety expenses of the association” means the expenses incurred by the commonhold association or special measures manager for the higher-risk building in connection with taking measures that the association or manager is required or permitted to take under [Part 4](#) of the Building Safety Act 2022, or regulations made under that Part of that Act;
 - “special measures manager” means a person appointed under paragraph 4 of Schedule 7 to the Building Safety Act 2022.”
- (9) In section 69(1) (interpretation), before the definition of “instrument” insert—

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““higher-risk building” has the meaning given by section 115 of the Building Safety Act 2022,

“higher-risk commonhold” means a commonhold in England that includes all or any part of a higher-risk building,”.

Commencement Information

- I1** S. 114 in force at Royal Assent for specified purposes, see **s. 170(2)(a)**
- I2** S. 114 in force at 6.4.2023 in so far as not already in force by S.I. 2023/362, **reg. 3(1)(z11)**

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