



Landlord and Tenant Act 1985

1985 CHAPTER 70

Repairing obligations

12 Restriction on contracting out of s. 11.

- (1) A covenant or agreement, whether contained in a lease to which section 11 applies or in an agreement collateral to such a lease, is void in so far as it purports—
- to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or
 - to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of his enforcing or relying upon those obligations or immunities,

unless the inclusion of the provision was authorised by the county court.

- (2) The county court may, by order made with the consent of the parties, authorise the inclusion in a lease, or in an agreement collateral to a lease, of provisions excluding or modifying in relation to the lease, the provisions of section 11 with respect to the repairing obligations of the parties if it appears to the court that it is reasonable to do so, having regard to all the circumstances of the case, including the other terms and conditions of the lease.

Modifications etc. (not altering text)

- C1** S. 12(1)(a) modified (E.) (30.9.2003) (W.) (30.3.2004) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 3(7); S.I. 2003/1986, art. 2(a); S.I. 2004/669 {art. 2(a)}

Changes to legislation:

Landlord and Tenant Act 1985, Section 12 is up to date with all changes known to be in force on or before 18 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\(2\)](#)