
STATUTORY INSTRUMENTS

2022 No. 711

**The Building Safety (Leaseholder
Protections) (England) Regulations 2022**

Landlord's certificate

6.—(1) A current landlord must provide a certificate (a “landlord’s certificate”) to a leaseholder in each of the following circumstances—

- (a) when the current landlord makes a demand to a leaseholder for the payment of a remediation service charge;
 - (b) within four weeks of receipt of notification from the leaseholder that the leasehold interest is to be sold;
 - (c) within four weeks of becoming aware (either themselves or by notification from another person) of a relevant defect not covered by a previous landlord’s certificate; or
 - (d) within four weeks of being requested to do so by the leaseholder.
- (2) The landlord’s certificate under paragraph (1) must—
- (a) be in the form set out in Schedule 1,
 - (b) confirm whether or not the relevant landlord (as defined in paragraph 3(1) to Schedule 8 of the Act) met the contribution condition under paragraph 3 of that Schedule,
 - (c) confirm whether or not the relevant landlord (as defined in paragraph 2(4) to Schedule 8 of the Act), met the condition in paragraph 2(2) of that Schedule 8 and was responsible for⁽¹⁾ the relevant defect or was associated with a person responsible for a relevant defect,
 - (d) contain the information referred to in paragraph (3),
 - (e) be accompanied by the evidence set out in paragraph (4),
 - (f) be signed by the person who is the current landlord on the date the certificate is completed.
- (3) The evidence is—
- (a) where the relevant landlord is part of a landlord group⁽²⁾, details of the corporate structure of the group, setting out—
 - (i) the companies which make up the landlord group,
 - (ii) the beneficial owner of each company in the group, and
 - (iii) if the beneficial owner of the group or any company comprised in the group is, or includes, a trust foundation or arrangement of a similar character, details of the trust and the trustees;
 - (b) the names of all the directors of each company in that group and directors of each corporate trustee, including in each case nominee and shadow directors or any person occupying the position of director by whatever name called;

(1) See paragraph 2(3) of Schedule 8 to the Act for the definition of “responsible for”.

(2) See paragraph 3(4) of Schedule 8 to the Act for the definition of “the landlord group”.

- (c) the name of any other person or persons who has the right to exercise or does exercise significant control or influence directly or indirectly over the group;
 - (d) details of the type of trust if any, the law to which it is subject and where it is tax resident; and
 - (e) in relation to trusts with an interest in the shares of any company comprised in the group—
 - (i) details of the economic settlor,
 - (ii) the named beneficiaries or class of beneficiaries and protector, and
 - (iii) any other person who has the right to exercise or does exercise significant influence or control directly or indirectly over the trust.
- (4) The landlord certificate must be accompanied by—
- (a) the set of company accounts for the relevant landlord (in accordance with regulation 5) and, where the relevant landlord is part of a landlord group, for each company in the landlord group;
 - (b) a statement from a chartered accountant or finance director of the landlord company—
 - (i) setting out the net worth of the relevant landlord and, where the relevant landlord is part of a landlord group, of each company in the landlord group;
 - (ii) confirming the net worth is calculated in accordance with regulation 5 and paragraph 3 of Schedule 8 to the Act (the “net worth calculation”);
 - (iii) confirming the net worth calculations accurately represents the net worth of the relevant landlord (and, where the relevant landlord is part of a landlord group, of each of the companies in the landlord group);
 - (c) documents or receipts that demonstrate that the relevant building was constructed or converted before the relevant period⁽³⁾ and details of any relevant works⁽⁴⁾ which were carried out in the relevant period;
 - (d) evidence (where applicable) that—
 - (i) the person who undertook works relating to the relevant defect or commissioned those works was not the relevant landlord and was not associated with the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act) together with confirmation of the identity of the person who did undertake such works, and
 - (ii) where those works were commissioned or undertaken by a joint venture, proof the relevant landlord was not party to that joint venture, together with details of the persons who were parties to the joint venture;
 - (e) details of any relevant defects and any works carried out to the relevant building since 28 June 2017 to remedy relevant defects; and
 - (f) details of any costs paid or due to be paid in relation to any works carried out to remedy any relevant defects in the relevant building since 28 June 2017, including—
 - (i) the total sum of any such costs;
 - (ii) details of the number of flats between which the costs should be divided; and
 - (iii) the leaseholder’s maximum remaining liability.

(5) In paragraph (4)(f)(iii), the “leaseholder’s maximum remaining liability” is the maximum capped amount payable by the leaseholder in respect of a relevant measure⁽⁵⁾ deducting any payments made by the leaseholder in respect of any relevant measure since 28 June 2017.

⁽³⁾ See section 120(3) of the Act for the definition of “relevant period”.

⁽⁴⁾ See section 120(3) of the Act for the definition of “relevant works”.

⁽⁵⁾ See paragraph 1 of Schedule 8 to the Act for the definition of “relevant measure”.

(6) Where the current landlord is unable to provide any of the information required for the landlord's certificate in paragraphs (3) and (4) the current landlord must apply to other persons who are relevant landlords requesting the information in accordance with regulation 7 which those persons must provide within 3 weeks of having been asked.

(7) If any person who is a relevant landlord under paragraph 2(4) of Schedule 8 to the Act does not provide a certificate which complies with this regulation in the form outlined in Schedule 2 to the leaseholder, the condition in paragraph 2(2) of Schedule 8 to the Act is to be treated as met in accordance with paragraph 14(2) of Schedule 8 to the Act.

(8) In this regulation, "relevant landlord"—

- (a) in paragraphs (2)(b) and (4)(a) and (b), has the meaning given in paragraph 3(1) of Schedule 8 to the Act;
- (b) otherwise, has the meaning given in paragraph 2(4) of Schedule 8 to the Act.