
STATUTORY INSTRUMENTS

2023 No. 895

The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023

Amendment of regulation 6

11.—(1) Regulation 6 (landlord’s certificate) is amended as follows.

(2) In paragraph (1) after sub-paragraph (d) insert—

“(e) within four weeks of becoming aware of a new leaseholder deed of certificate (as defined in regulation 6 of the Building Safety (Leaseholder Protections) (Information etc.) (England) Regulations 2022) which is in relation to a lease of a dwelling in the building of which the current landlord is the landlord and which contained information that was not included in a previous landlord’s certificate.”.

(3) After paragraph (2) insert—

“(2A) But the requirement in paragraph (2) that the landlord’s certificate contain the information referred to in paragraph (3) and be accompanied by the evidence set out in paragraph (4) is modified as set out in paragraphs (2B) to (2G).

(2B) Where the landlord’s certificate confirms that—

- (a) either the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) met the contribution condition under paragraph 3 of that Schedule or the leaseholder’s lease is not a qualifying lease as defined in section 119 of the Act, and
- (b) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act)—
 - (i) met the condition in paragraph 2(2) of that Schedule, or
 - (ii) did not believe at the time of completing the certificate that there was a relevant defect,

it does not have to contain the information referred to in paragraph (3) nor be accompanied by the evidence set out in paragraph (4).

(2C) Where the landlord’s certificate confirms that—

- (a) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act)—
 - (i) met the condition in paragraph 2(2) of that Schedule, or
 - (ii) did not believe at the time of completing the certificate that there was a relevant defect, and
- (b) the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) did not meet the contribution condition under paragraph 3 of that Schedule,

it does not have to contain the information referred to in paragraphs (3)(a) and (b) nor be accompanied by the evidence set out in paragraph (4)(d).

(2D) Where the landlord’s certificate confirms that—

- (a) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act) did not meet the condition in paragraph 2(2) of that Schedule, and

(b) either the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) met the contribution condition under paragraph 3 of that Schedule, or the leaseholder's lease is not a qualifying lease as defined in section 119 of the Act, it does not have to contain the information referred to in paragraphs (3)(a) and (c) nor be accompanied by the evidence set out in paragraphs (4)(a), (b), (e) and (f).

(2E) Where the landlord's certificate confirms that—

(a) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act) did not meet the condition in paragraph 2(2) of that Schedule, and

(b) the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) is exempt from the contribution condition under paragraph 3(6) of that Schedule,

it does not have to contain the information referred to in paragraph (3)(c) nor be accompanied by the evidence set out in paragraphs (4)(a) and (b).

(2F) Where the landlord's certificate confirms that—

(a) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act)—

(i) met the condition in paragraph 2(2) of that Schedule, or

(ii) did not believe at the time of completing the certificate that there was a relevant defect, and

(b) the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) is exempt from the contribution condition under paragraph 3(6) of that Schedule,

it does not have to contain the information referred to in paragraph (3) nor be accompanied by the evidence set out in paragraphs (4)(a), (b) and (d).

(2G) Where the landlord's certificate confirms that—

(a) the relevant landlord (as defined in paragraph 2(4) of Schedule 8 to the Act) did not meet the condition in paragraph 2(2) of that Schedule,

(b) the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) did not meet the contribution condition under paragraph 3 of that Schedule, and

(c) the value of the qualifying lease on 14th February 2022 was below £325,000 in Greater London or £175,000 elsewhere in England,

it does not have to be accompanied by the evidence set out in paragraphs (4)(e) and (f).”.

(4) For paragraph (3) substitute—

“(3) The information is—

(a) the percentage of the storeys in the relevant building for which each relevant landlord was the landlord at the qualifying time;

(b) in relation to the condition in paragraph 2 of Schedule 8 to the Act, where a relevant landlord was part of a landlord group at the qualifying time, details of the corporate structure of the relevant landlord and any person associated with the relevant landlord and including—

(i) 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;

(ii) 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;

(iii) details of the type of trust if any, the law to which it is subject and where it is tax resident; and

- (iv) in relation to trusts with an interest in the shares of any company comprised in the group, details of the economic settlor, the named beneficiaries or class of beneficiaries and protector and any other person who has the right to exercise or does exercise significant influence or control directly or indirectly over the trust;
- (c) in relation to the condition in paragraph 3 of Schedule 8 to the Act, where the relevant landlord (as defined in paragraph 3(1) of Schedule 8 to the Act) was part of a landlord group at the qualifying time—
 - (i) details of the corporate structure of the group, setting out—
 - (aa) the companies which make up the landlord group,
 - (bb) the beneficial owner of each company in the group, and
 - (cc) 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;
 - (ii) the name of any other person who has the right to exercise or does exercise significant control or influence directly or indirectly over the group;
 - (iii) details of the type of trust if any, the law to which it is subject and where it is tax resident; and
 - (iv) in relation to trusts with an interest in the shares of any company comprised in the group—
 - (aa) details of the economic settlor;
 - (bb) the named beneficiaries or class of beneficiaries and protector, and
 - (cc) any other person who has the right to exercise or does exercise significant influence or control directly or indirectly over the trust.”.
- (5) In paragraph (4)—
 - (a) in sub-paragraph (e) for “any works carried out to the relevant building since 28th June 2017 to remedy relevant defects” substitute “any relevant measures (as defined in paragraph 1 of Schedule 8 to the Act) taken in relation to those relevant defects since 28th June 2017”; and
 - (b) in sub-paragraph (f) for “any works carried out to remedy” substitute “any relevant measures taken in relation to”.
- (6) In paragraph (7)—
 - (a) for “If any person who is a relevant landlord under paragraph 2(4) of Schedule 8 to the Act” substitute “If a current landlord”;
 - (b) for “Schedule 2” substitute “Schedule 1”.
- (7) In paragraph (8)(a) after “(2)(b)” insert “, (2B)(a), (2C)(b), (2D)(b), (2E)(b), (2F)(b), (2G)(b), (3)(c)”.
- (8) After paragraph (8) insert—
 - “(9) Where a current landlord has provided a landlord’s certificate to a leaseholder they must provide a copy of that certificate to any other landlords of premises in the building, the RMC, RTM company or named manager within one week of providing the certificate to the leaseholder.
 - (10) Where a current landlord fails to comply with the requirement in paragraph (9) the costs of a relevant measure relating to a relevant defect in the building to which the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

certificate relates are prescribed costs under paragraph 16(4) of Schedule 8 to the Act and so are not to be regarded as relevant costs to be taken into account in determining the amount of a service charge payable under a relevant lease of premises in that building and must not be met from a relevant reserve fund as defined in paragraph 10 of Schedule 8 to the Act.”.