



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Service charges*

#### **[<sup>F1</sup>21A Withholding of service charges**

- [<sup>F2</sup>(1) A tenant may withhold payment of a service charge if—
- (a) the landlord has not provided him with information or a report—
    - (i) at the time at which, or
    - (ii) (as the case may be) by the time by which, he is required to provide it by virtue of section 21, or
  - (b) the form or content of information or a report which the landlord has provided him with by virtue of that section (at any time) does not conform exactly or substantially with the requirements prescribed by regulations under that section.]
- (2) The maximum amount which the tenant may withhold is an amount equal to the aggregate of—
- (a) the service charges paid by him in the [<sup>F3</sup>period to which the information or report] concerned would or does relate, and
  - [<sup>F4</sup>(b) amounts standing to the tenant's credit in relation to the service charges at the beginning of that period.]
- (3) An amount may not be withheld under this section—
- (a) in a case within paragraph (a) of subsection (1), after the [<sup>F5</sup>information or report concerned has been provided] to the tenant by the landlord, or
  - [<sup>F6</sup>(b) in a case within paragraph (b) of that subsection, after information or a report conforming exactly or substantially with requirements prescribed by regulations under section 21 has been provided to the tenant by the landlord by way of replacement of that previously provided.]
- (4) If, on an application made by the landlord to [<sup>F7</sup>the appropriate tribunal], the tribunal determines that the landlord has a reasonable excuse for a failure giving rise to the right of a tenant to withhold an amount under this section, the tenant may not withhold the amount after the determination is made.

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*Changes to legislation: Landlord and Tenant Act 1985, Section 21A is up to date with all changes known to be in force on or before 19 May 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. (See end of Document for details) View outstanding changes*

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- (5) Where a tenant withholds a service charge under this section, any provisions of the tenancy relating to non-payment or late payment of service charges do not have effect in relation to the period for which he so withholds it.]

#### Textual Amendments

- F1** Ss. 21, 21A substituted (26.7.2002 for E. in so far as it confers power to make regulations and 1.1.2003 for W. in so far as it confers power to make regulations and otherwise prosp.) for s. 21 by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), [s. 152](#); S.I. 2002/1912, [art 2\(c\)](#); S.I. 2002/3012, [art. 2\(c\)](#)
- F2** S. 21A(1) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 303, 325](#), [Sch. 12 para. 3\(2\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F3** Words in s. 21A(2)(a) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 303, 325](#), [Sch. 12 para. 3\(3\)\(a\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F4** S. 21A(2)(b) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 303, 325](#), [Sch. 12 para. 3\(3\)\(b\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with 6-13)
- F5** Words in s. 21A(3)(a) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#) [ss. 303, 325](#), {[Sch. 12 para. 3\(4\)\(a\)](#)}; S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F6** S. 21A(3)(b) substituted (1.12.2008 for certain purposes and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 303, 325](#), [Sch. 12 para. 3\(4\)\(b\)](#); S.I. 2008/3068, [art. 4\(6\)](#) (with arts. 6-13)
- F7** Words in s. 21A(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 53](#) (with [Sch. 3](#))

#### Modifications etc. (not altering text)

- C1** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15](#), [ss. 102, 181\(1\)](#), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)
- Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15](#), [ss. 172, 181\(1\)](#); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject [Sch. 2](#)); S.I. 2004/699, [art. 2\(c\)\(ii\)](#) (subject [Sch. 2](#)); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, [art. 2](#))); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

**Changes to legislation:**

Landlord and Tenant Act 1985, Section 21A is up to date with all changes known to be in force on or before 19 May 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.

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**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\(2\)](#)