



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *[<sup>F1</sup>Higher-risk buildings in England*

#### **[<sup>F1</sup>30D Liability for building safety costs**

- (1) This section applies to a relevant lease of premises which consist of or include a dwelling in a higher-risk building.
- (2) In this section “relevant lease”—
  - (a) means a lease—
    - (i) that is granted for a term certain of 7 years or more, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and
    - (ii) under which the tenant is liable to pay a service charge (within the meaning of section 18), but
  - (b) does not include a relevant social housing tenancy.
- (3) The relevant lease has effect—
  - (a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and
  - (b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.
- (4) “Building safety measure” means any of the following—
  - (a) applying for registration of a higher-risk building in accordance with section 78 of the Building Safety Act 2022;
  - (b) applying for a building assessment certificate in accordance with section 79 of that Act;
  - (c) displaying a building assessment certificate in accordance with section 82 of that Act;
  - (d) assessing building safety risks in accordance with section 83 of that Act;

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- (e) taking reasonable steps in accordance with section 84 of that Act (management of building safety risks), other than steps involving the carrying out of works as referred to in section 84(2);
  - (f) preparing and revising a safety case report in accordance with section 85 of that Act;
  - (g) notifying the regulator of a safety case report, and giving a copy of a safety case report to the regulator, in accordance with section 86 of that Act;
  - (h) establishing and operating a mandatory occurrence reporting system, and giving information to the regulator, in accordance with section 87 of that Act;
  - (i) keeping information and documents in accordance with section 88 of that Act;
  - (j) giving information and documents to any person in accordance with section 89, 90 or 92 of that Act;
  - (k) complying with any duty under section 91 of that Act (residents' engagement strategy);
  - (l) establishing and operating a system for the investigation of complaints in accordance with section 93 of that Act;
  - (m) giving a contravention notice to a resident, and making an application to the county court, in accordance with section 96 of that Act;
  - (n) making a request to enter premises, or making an application to the county court, in accordance with section 97 of that Act (access to premises).
- (5) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure—
- (a) legal and other professional fees;
  - (b) fees payable to the regulator;
  - (c) management costs.
- (6) In this section—
- “landlord” includes any person who has a right under the lease to enforce payment of a service charge (within the meaning of section 18);
  - “relevant person” means—
    - (a) if the landlord is an accountable person for the building, the landlord or a special measures manager for the building;
    - (b) otherwise, any superior landlord who is an accountable person for the building or a special measures manager for the building;
  - “relevant social housing tenancy” has the meaning given in section 132 of the Land Registration Act 2002;
  - “tenant” includes any person who has an obligation under the lease to pay a service charge (within the meaning of section 18).
- (7) The Secretary of State may by regulations made by statutory instrument amend subsection (4) so as to add, remove or modify a building safety measure.
- (8) The regulations may make incidental, transitional or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]

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#### Textual Amendments

- F1** Ss. 30C-30I and cross-heading inserted (28.4.2022 for specified purposes, 6.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 112\(2\), 170\(2\)](#) (with [s. 164](#)); [S.I. 2023/362](#), [reg. 3\(1\)\(z10\)\(ii\)](#)

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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\(2\)](#)