
Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Paragraph 10. (See end of Document for details)

SCHEDULES

SCHEDULE 8

REMEDIATION COSTS UNDER QUALIFYING LEASES ETC

Paragraphs 2 to 4, 8 and 9: supplementary

- 10 (1) **This paragraph** supplements paragraphs 2 to 4, 8 and 9 (the “relevant paragraphs”).
- (2) Where a relevant paragraph provides that no service charge is payable under a lease in respect of a thing—
- (a) no costs incurred or to be incurred in respect of that thing (or in respect of that thing and anything else)—
 - (i) are to be regarded for the purposes of the relevant provisions as relevant costs to be taken into account in determining the amount of a service charge payable under the lease, or
 - (ii) are to be met from a relevant reserve fund;
 - (b) any amount payable under the lease, or met from a relevant reserve fund, is limited accordingly (and any necessary adjustment must be made by repayment, reduction of subsequent charges or otherwise).
- (3) In **this paragraph**—
- “the relevant provisions” means sections 18 to 30 of the Landlord and Tenant Act 1985 (service charges) and section 42 of the Landlord and Tenant Act 1987 (service charge contributions to be held on trust);
 - “relevant reserve fund” means—
 - (a) a trust fund within the meaning of section 42 of the Landlord and Tenant Act 1987,
 - (b) an express trust of a kind mentioned in subsection (9) of that section, comprising payments made by the tenant under the lease and others, or
 - (c) any other fund comprising payments made by the tenant under the lease and others, and held for the purposes of meeting costs incurred or to be incurred in respect of the relevant building in question or any part of it (or in respect of that building or part and anything else).
- (4) The Secretary of State may by regulations modify the application of **this paragraph** as it applies in relation to a lease of premises that do not include a dwelling.

Commencement Information

II Sch. 8 para. 10 in force at 28.6.2022, see s. 170(3)(a)

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