

SCHEDULES

SCHEDULE 8

REMEDIATION COSTS UNDER QUALIFYING LEASES ETC

No service charge payable for defect for which landlord or associate responsible

- 2 (1) [This paragraph](#) applies in relation to a lease of any premises in a relevant building.
- (2) No service charge is payable under the lease in respect of a relevant measure relating to a relevant defect if a relevant landlord—
- (a) is responsible for the relevant defect, or
 - (b) is associated with a person responsible for a relevant defect.
- (3) For the purposes of [this paragraph](#) a person is “responsible for” a relevant defect if—
- (a) in the case of an initial defect, the person was, or was in a joint venture with, the developer or undertook or commissioned works relating to the defect;
 - (b) in any other case, the person undertook or commissioned works relating to the defect.
- (4) In [this paragraph](#)—
- “developer” means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;
 - “initial defect” means a defect which is a relevant defect by virtue of section 120(3)(a);
 - “relevant landlord” means the landlord under the lease at the qualifying time or any superior landlord at that time.