



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 5

#### OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

##### *Remediation of certain defects*

#### **119 Meaning of “qualifying lease” and “the qualifying time”**

- (1) This section applies for the purposes of sections 122 to 125 and [Schedule 8](#).
  - (2) A lease is a “qualifying lease” if—
    - (a) it is a long lease of a single dwelling in a relevant building,
    - (b) the tenant under the lease is liable to pay a service charge,
    - (c) the lease was granted before 14 February 2022, and
    - (d) at the beginning of 14 February 2022 (“the qualifying time”)—
      - (i) the dwelling was a relevant tenant’s only or principal home,
      - (ii) a relevant tenant did not own any other dwelling in the United Kingdom, or
      - (iii) a relevant tenant owned no more than two dwellings in the United Kingdom apart from their interest under the lease.
  - (3) Where a dwelling was at the qualifying time let under two or more leases to which subsection (2)(a) and (b) apply, any of those leases which is superior to any of the other leases is not a “qualifying lease”.
- [<sup>F1</sup>(3A) A connected replacement lease (see section 119A) is also a “qualifying lease”.]
- (4) For the purposes of this section—
    - (a) “long lease” means a lease granted for a term of years certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;

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*Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 119. (See end of Document for details)*

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- (b) a person “owns” a dwelling in England, Wales or Northern Ireland if the person has a freehold interest in it or is a tenant under a long lease of it;
- (c) “relevant tenant” means a person who, at the qualifying time, was the tenant, or any of the tenants, under the lease mentioned in subsection (2);
- (d) “service charge” has the meaning given by section 18 of the Landlord and Tenant Act 1985.

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#### **Textual Amendments**

- F1** S. 119(3A) inserted (retrospectively) by [Levelling-Up and Regeneration Act 2023 \(c. 55\), s. 243\(2\)\(5\)](#) (with s. 247)
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#### **Commencement Information**

- I1** S. 119 in force at 28.6.2022, see [s. 170\(3\)\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Building Safety Act 2022, Section 119.