



Building Safety Act 2022

2022 CHAPTER 30

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Remediation and redress: other provisions

133 Service charges in respect of remediation works

- (1) The Landlord and Tenant Act 1985 is amended as follows.
- (2) In section 20(1)(b) (limitation of service charges: consultation requirements) at the beginning insert “except in the case of works to which [section 20D](#) applies,”.
- (3) In section 20ZA (consultation requirements: supplementary) after subsection (5) insert—
 - “(5A) And in the case of works to which [section 20D](#) applies, regulations under subsection (4) may also include provision requiring the landlord—
 - (a) to give details of the steps taken or to be taken under [section 20D\(2\)](#),
 - (b) to give reasons about prescribed matters, and any other prescribed information, relating to the taking of such steps, and
 - (c) to have regard to observations made by tenants or the recognised tenants’ association in relation to the taking of such steps.”
- (4) After section 20C insert—

“20D Limitation of service charges: remediation works

- (1) This section applies to works of a prescribed description (“remediation works”) on a building in England of a prescribed description.
- (2) The landlord must—

Status: This is the original version (as it was originally enacted).

- (a) take reasonable steps to ascertain whether any grant is payable in respect of the remediation works and, if so, to obtain the grant;
 - (b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of the remediation works and, if so, to obtain monies from the third party;
 - (c) take prescribed steps relating to any other prescribed kind of funding.
- (3) In [subsection \(2\)\(b\)](#) the reference to obtaining monies from a third party includes obtaining monies—
 - (a) under a policy of insurance;
 - (b) under a guarantee or indemnity;
 - (c) pursuant to a claim made against—
 - (i) a developer;
 - (ii) a person involved in the design of the building or of works to the building; or
 - (iii) a person involved in carrying out works in relation to the building.
- (4) Where any funding of a kind mentioned in [subsection \(2\)](#) is obtained, the amount of the funding is to be deducted from the remediation costs (and the amount of any service charge is to be reduced accordingly).
- (5) In the case of a failure to comply with [subsection \(2\)](#), a tenant may make an application for an order that all or any of remediation costs are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by—
 - (a) the tenant, or
 - (b) anyone else specified in the application.
- (6) An application is to be made to the prescribed court or tribunal.
- (7) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.
- (8) Nothing in this section requires the landlord to do anything mentioned in [subsection \(2\)](#) before carrying out remediation works.
- (9) The Secretary of State may issue guidance about the taking of steps under [subsection \(2\)](#), and may revise or withdraw any issued guidance.
- (10) Where on an application under this section it is alleged that a person failed to comply with [subsection \(2\)](#)—
 - (a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and
 - (b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.
- (11) In this section—
 - “developer”, in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

Status: This is the original version (as it was originally enacted).

“prescribed” means prescribed by regulations made by the Secretary of State;

“remediation costs” means costs incurred or to be incurred in carrying out the remediation works;

“third party” means a person other than a tenant.

20E Regulations under [section 20D](#)

- (1) In this section “regulations” means regulations under [section 20D](#).
- (2) Regulations are to be made by statutory instrument.
- (3) A power to make regulations includes power to make—
 - (a) incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (4) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”