



Building Safety Act 2022

2022 CHAPTER 30

PART 4

HIGHER-RISK BUILDINGS

Meaning of “accountable person” and other key definitions

72 Meaning of “accountable person”

- (1) In [this Part](#) an “accountable person” for a higher-risk building is—
- a person who holds a legal estate in possession in any part of the common parts (subject to [subsection \(2\)](#)), or
 - a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to any part of the common parts.

[This subsection](#) is subject to [subsection \(5\)](#) (special rule for commonhold land).

- (2) A person (“the estate owner”) who holds a legal estate in possession in the common parts of a higher-risk building or any part of them (“the relevant common parts”) is not an accountable person for the building by virtue of [subsection \(1\)\(a\)](#) if—
- each long lease of which the estate owner is lessor provides that a particular person, who does not hold a legal estate in any part of the building, is under a relevant repairing obligation in relation to all of the relevant common parts, or
 - all repairing obligations relating to the relevant common parts which would otherwise be obligations of the estate owner are functions of an RTM company.
- (3) [Subsection \(4\)](#) applies where—
- under a lease, a person (“the estate owner”) holds a legal estate in possession in the common parts of a higher-risk building or any part of them (“the relevant common parts”), and
 - a landlord under the lease is under a relevant repairing obligation in relation to any of the relevant common parts.

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 72. (See end of Document for details)

- (4) For the purposes of this section and section 73—
- (a) the legal estate in possession in so much of the relevant common parts as are within [subsection \(3\)\(b\)](#) is treated as held by the landlord (instead of the estate owner), and
 - (b) if (and so far as) the landlord’s actual legal estate in those common parts is held under a lease, the legal estate in possession mentioned in [paragraph \(a\)](#) is treated as held under that lease (and, accordingly, [subsection \(3\)](#) and [this subsection](#) may apply in relation to it).
- (5) Where a higher-risk building is on commonhold land, the commonhold association is the accountable person for the building for the purposes of [this Part](#).
- (6) For the purposes of this section—
- “common parts”, in relation to a building, means—
- (a) the structure and exterior of the building, except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business, or
 - (b) any part of the building provided for the use, benefit and enjoyment of the residents of more than one residential unit (whether alone or with other persons);
- “commonhold association” and “commonhold land” have the same meaning as in Part 1 of the Commonhold and Leasehold Reform Act 2002 (see sections 34 and 1 respectively);
- “long lease”: for the meaning of “long lease” see section 115;
- “possession”: a reference to “possession” does not include the receipt of rents and profits or the right to receive the same;
- “relevant repairing obligation”: a person is under a relevant repairing obligation in relation to anything if the person is required, under a lease or by virtue of an enactment, to repair or maintain that thing;
- “RTM company” has the same meaning as in Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage).
- (7) The Secretary of State may by regulations amend this section (other than [this subsection](#)).

Commencement Information

- I1** S. 72 in force at Royal Assent for specified purposes, see [s. 170\(2\)\(a\)](#)
- I2** S. 72 in force at 6.4.2023 in so far as not already in force by [S.I. 2023/362](#), [reg. 3\(1\)\(z\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 72.