

F1 SCHEDULE 1

Regulation 6

Textual Amendments

F1 Sch. 1 substituted (5.8.2023) by The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023 (S.I. 2023/895), reg. 1(1), Sch.

Building Safety Act 2022

Landlord's certificate

This certificate relates to the lease of:
[insert name and address of the relevant building]

The lease was granted on:
[insert date lease was granted]

The dwelling to which this lease relates is:
[insert name or number of the dwelling to which the lease relates]

Name and address of the relevant landlord under the lease:
[insert name and address of the landlord under the lease on 14th February 2022]

Name and address of the current landlord under the lease:
[insert name and address of the current landlord under the lease]

Name and address of any superior relevant landlords under the lease:

1.
2.
3.
4.
5.

[insert name and address of any superior landlords under the lease at the beginning of 14th February 2022]

Changes to legislation: There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1. (See end of Document for details)

IMPORTANT NOTE: Answers to the questions below are needed to confirm whether or not any of the relevant landlords under the lease are responsible for historical safety defects under the Building Safety Act 2022 and, if so, to what extent.

Failure to return a completed, signed copy of this certificate, along with the evidence from any superior landlords under this lease, to the leaseholder will result in you being held responsible for all historical safety defects under the lease to which this certificate relates.

In answering the questions below you must provide information about the property as at 14th February 2022, not the current date.

If you were not the landlord of the property on 14th February 2022 it is still you who are responsible for completing, signing and returning this certificate, but you may need to seek the answers to the questions below from someone else e.g. the person who was the landlord on that date.

Questions as to developer criteria

The relevant defect to which the below statement applies is
[insert name of relevant defect to which the statement applies; where the landlord certificate is required but no relevant defect has been identified, please answer "N/A" and place an X in box 4 below]

1. On 14th February 2022 the landlord under the lease was responsible for the relevant defect or associated with a person responsible for a relevant defect. (The definition of 'responsible' is set out in paragraph 2(3) of Schedule 8 to the Building Safety Act 2022.)

2. On 14th February 2022 at least one superior landlord was responsible for the relevant defect or was associated with a person responsible for a relevant defect.

The superior landlords responsible for the defect are
.....
[insert name of relevant landlords to which the statement applies]

3. On 14th February 2022, the landlord under the lease and all superior landlords were not responsible for the relevant defect or associated with a person responsible for a relevant defect.

4. No relevant defect that requires remediation was identified at the point this certificate was produced.

[place an X in the box next to the ONE statement which applies]

Questions as to qualifying lease

1. The leaseholder has not provided a leaseholder deed of certificate at the point this certificate was issued. They are assumed not to qualify for the qualifying lease protections until they demonstrate otherwise.

2. The leaseholder has provided a leaseholder deed of certificate, but does not qualify for the qualifying lease protections.

Changes to legislation: There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1. (See end of Document for details)

3. The leaseholder has provided a leaseholder deed of certificate demonstrating that they qualify for the leaseholder protections.

[place an X in the box next to the ONE statement which applies in relation to the leaseholder]

Questions as to group net worth criteria

Please note: You are only required to complete this section where the lease is a qualifying lease.

At the beginning of 14th February 2022 the net worth of the landlord under the lease listed above and all the companies (if any) within the landlord group(d) of that landlord was £..... *[insert net worth of the landlord group]* and the number of relevant buildings for that landlord and its group on that date (N) was *[insert number of relevant buildings for the landlord group]*

1. The net worth of the landlord group was less than N x £2,000,000

2. The net worth of the landlord group was equal to or more than N x £2,000,000

3. The landlord is exempt from the net worth assessment as it is a private registered provider of social housing, a local authority, a government department, an arm's length body, an NHS Foundation Trust or the Crown. The landlord is: *[specify category]*

[place an X in the box next to the ONE statement which applies in relation to the landlord group]

Determination of the value of a qualifying lease

Please note: You are only required to complete this section where both of the following criteria apply:

- you do not meet the contribution condition; and
- the lease is a qualifying lease.

On 14th February 2022 the value of the qualifying lease listed above was £..... *[insert value of the lease on 14th February 2022, calculated in accordance with SI 2022/859]*

Work undertaken on relevant defects

Please note: You are only required to complete this section where all of the following criteria apply:

- you do not meet the contribution condition;
- the lease is a qualifying lease; and
- the value of the lease on 14th February 2022 was more than £175,000 (£325,000 in Greater London).

Changes to legislation: There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1. (See end of Document for details)

The following relevant measures relating to relevant defects have been carried out to the relevant building since 28 June 2017:

Date completed	Work undertaken	Total cost of works for building	Number of flats for between which costs should be divided	This lease's share of costs

Total amount paid for this lease since 28 June 2017: £..... [sum of this property's share of costs to date in the table above]

Based on the information provided in this certificate and the information provided by the leaseholder in the deed of certificate, the maximum liability for relevant measures relating to relevant defects for this qualifying lease for non-cladding defects and interim measure costs is £..... [calculate liability for the qualifying lease based on property value, shared ownership status and works already undertaken in accordance with the Building Safety Act 2022]

Evidence

The following documents form part of this landlord certificate

[place an X in the box next to each document provided, fill in additional details if required]

<p>Accompanying documents required under Regulation 6</p>
<p>A copy of each document listed below is required in accordance with regulation 6, except where one of the following applies:</p> <ol style="list-style-type: none"> 1. Where you (the current landlord) or a superior landlord met the developer test or there is no known defect at the time of completing this certificate <u>and</u> you met the contribution condition or the lease is not a qualifying lease, you <u>do not</u> need to provide information and evidence under regulation 6(3) and (4). <input type="checkbox"/> 2. Where you or a superior landlord met the developer test or there is no known defect at the time of completing this certificate <u>and</u> you did not meet the contribution condition, you <u>do not</u> need to provide information and evidence under regulation 6(3)(a) and (b), and (4)(d). <input type="checkbox"/> 3. Where you or a superior landlord did not meet the developer test <u>and</u> you met the contribution condition or the lease is not a qualifying lease, you <u>do not</u> need to provide information and evidence under regulation 6(3)(a) and (c), and (4)(a), (b), (e) and (f). <input type="checkbox"/> 4. Where you or a superior landlord did not meet the developer test <u>and</u> you are exempt from the contribution condition (in accordance with paragraph 3 of Schedule 8 to the Building Safety Act 2022), you <u>do not</u> need to provide information and evidence under regulation 6(3)(c), and (4)(a) and (b). <input type="checkbox"/> 5. Where you or a superior landlord met the developer test or there is no known defect at the time of completing this certificate <u>and</u> you are exempt from the contribution condition (in accordance with paragraph 3 of Schedule 8 to the Building Safety Act 2022), you <u>do not</u> need to provide information and evidence under regulation 6(3), and (4)(a), (b) and (d). <input type="checkbox"/>

Changes to legislation: There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1. (See end of Document for details)

<p>6. Where your or a superior landlord did not meet the developer test, you did not meet the contribution condition <u>and</u> the value of the lease on 14 February 2022 was below £325,000 in Greater London or £175,000 elsewhere in England, you <u>do not</u> need to provide information and evidence under regulation 6(4)(e) and (f). <input type="checkbox"/></p> <p><i>[place an X in the box next to the ONE statement which applies (if any), and insert "N/A" in the applicable boxes below]</i></p>	
A. Evidence of the relevant percentage of the building owned by each landlord (where there are superior landlords in the building) (regulation 6(3)(a))	<input type="checkbox"/>
B. Organogram or other form of information showing the landlord group companies and related details in relation to the developer test (regulation 6(3)(b))	<input type="checkbox"/>
C. Organogram or other form of information showing the landlord group companies and related details in relation to the contribution condition (regulation 6(3)(c))	<input type="checkbox"/>
D. Most recent company accounts for each company in the landlord group audited or filed after 14 February 2017 but before 14 February 2022 (regulation 6(4)(a))	<input type="checkbox"/>
E. Statement from chartered accountant or finance director (regulation 6(4)(b))	<input type="checkbox"/>
F. Documents demonstrating that the relevant building was constructed or converted before the relevant period and details of any relevant works which were carried out in the relevant period (regulation 6(4)(c)).	<input type="checkbox"/>
G. Confirmation of the identity of any person who undertook works relating to the relevant defect or commissioned those works (regulation 6(4)(d)(i))	<input type="checkbox"/>
H. Details of the parties to any joint venture which commissioned or undertook works relating to the relevant defect in the building (regulation 6(4)(d)(ii))	<input type="checkbox"/>
I. Evidence of any relevant defects and works carried out to remedy those defects since 28 June 2017 (regulation 6(4)(e))	<input type="checkbox"/>
J. Evidence of any costs paid in relation to the works carried out to remedy those relevant defects, details of the number of flats between which the costs should be divided and evidence of the leaseholder's maximum remaining liability (regulation 6(4)(f))	<input type="checkbox"/>

Signed by:
[full name of landlord under the lease]

<i>Signature</i>

Date:

Changes to legislation: There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1. (See end of Document for details)

WARNING: If any person who is a relevant landlord under paragraph 2(4) of Schedule 8 to the Building Safety Act 2022 does not provide a certificate which complies with regulation 6 in the form outlined in this certificate to the leaseholder, the condition in paragraph 2(2) of Schedule 8 to the Act is to be treated as met in accordance with paragraph 14(2) of Schedule 8 to the Act.

Dishonestly making a false representation or failing to disclose information required may be a criminal offence under section 2 or 3 of the Fraud Act 2006. Under section 12 of that Act a director, manager, secretary or other similar officer of a corporation may also be criminally liable.

Notes

- a. a qualifying lease has the meaning in section 119 of the Building Safety Act 2022.
- b. a relevant building has the meaning in section 117 of the Building Safety Act 2022, and for the purposes of this certificate includes the relevant buildings for the whole landlord group on 14th February 2022 (see paragraph 3 of Schedule 8 to the Act).
- c. the net worth is to be determined in accordance with regulations made under paragraph 3(4)(b) of Schedule 8 to the Building Safety Act 2022.
- d. the landlord group has the meaning in paragraph 3(4) of Schedule 8 to the Building Safety Act 2022.
- e. “responsible for” has the meaning given in paragraph 2(3) of Schedule 8 to the Building Safety Act 2022.
- f. a relevant defect has the meaning in section 120 of the Building Safety Act 2022.
- g. “associated with” has the meaning given in section 121 of the Building Safety Act 2022.

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (England) Regulations 2022, SCHEDULE 1.