
STATUTORY INSTRUMENTS

2022 No. 859

**The Building Safety (Leaseholder Protections)
(Information etc.) (England) Regulations 2022**

Recovery of amounts from other landlords: cases under paragraph 2 of Schedule 8

3.—(1) This regulation applies where, in relation to a lease of premises in a relevant building, a landlord (L) has paid or is liable to pay the cost of a relevant measure⁽¹⁾ relating to a relevant defect⁽²⁾ (“the remediation amount”) which, but for paragraph 2 of Schedule 8 to the Act, would have been payable as a service charge by a tenant under the lease.

[^{F1}(2) Where this regulation applies the responsible landlord is liable to pay L the remediation amount, and where, in relation to a particular relevant defect, two or more persons are responsible landlords, each person is jointly and severally liable for the remediation amount.

(3) To recover the remediation amount from the responsible landlord or responsible landlords liable under paragraph (2) L must give to at least one responsible landlord a notice which contains the information set out in paragraph (3B).

(3A) Only a responsible landlord to whom L has given a notice under paragraph (3) can be required to pay the remediation amount.

(3B) The information which the notice given under paragraph (3) must contain is—

- (a) the remediation amount that L has paid or the remediation amount that L expects to pay;
- (b) the time limit for appealing under paragraph (5) to the First-tier Tribunal and for applying under paragraph (5A) for an extension of that time limit;
- (c) the possible grounds of appeal.]

(4) The remediation amount may not include any amount which L is entitled to recover under regulations 4 or 5 [^{F2}but nothing in this regulation prevents L from seeking to recover amounts under regulation 4 or 5].

(5) A person who is notified by L of a requirement to pay all or part of the remediation amount referred to in paragraph (2) may appeal ^{F3}... to the First-tier Tribunal within 30 days of the notification, specifying the grounds of appeal.

[^{F4}(5A) A person who has received a notice under paragraph (3) may apply to the First-tier Tribunal to extend the time limit for lodging an appeal under paragraph (5).

(5B) An application under paragraph (5A) must be made within 30 days of the notification under paragraph (3).

(5C) In response to an application under paragraph (5A) the First-tier Tribunal may grant an extension of the time limit for lodging an appeal by no more than 30 days.]

(6) The grounds of appeal are—

- (a) that the remediation amount does not represent the cost of the relevant measure; or
- (b) that the person sent the notice is not a responsible landlord.

(1) See paragraph 1 of Schedule 8 to the Act for the definition of “relevant measure”.

(2) See section 120 of the Act for the definition of “relevant defect”.

- [^{F5}(6A) Where an appeal made on the grounds specified in paragraph (6)(a)—
- (a) is unsuccessful, subject to the outcome of an appeal on another ground under this regulation the person who was notified by L is required to pay the remediation amount set out in the notice unless that person’s liability has been discharged by payment of the remediation amount by another recipient of the notice;
 - (b) is successful, subject to the outcome of an appeal on another ground under this regulation the First-tier Tribunal must substitute the remediation amount it rules is the correct one for the remediation amount in the notice.
- (6B) Where an appeal made on the grounds specified in paragraph (6)(b)—
- (a) is unsuccessful, subject to the outcome of an appeal on another ground under this regulation the person who was notified by L is required to pay the remediation amount set out in the notice unless that person’s liability has been discharged by payment of the remediation amount by another recipient of the notice;
 - (b) is successful, the person who was notified by L is not required to pay the remediation amount set out in the notice.]

(7) For the purposes of this regulation, the reference to landlord (L) includes a RMC or a RTM company [^{F6}or a named manager].

(8) In this regulation “the responsible landlord” means—

 - (a) the person who, at the beginning of 14th February 2022, was the landlord of the tenant referred to in paragraph (1) or any superior landlord and was on that date—
 - (i) responsible for(3) the particular relevant defect to which the relevant measure relates; or
 - (ii) associated with(4) a person responsible for that relevant defect; or
 - (b) the person who, on or after 14th February 2022, became the owner of that landlord’s, or superior landlord’s, interest.

[^{F7}(9) Where two or more landlords are liable for remediation costs under the Act, L must give a notice under paragraph (3) to at least one landlord which fulfils the “responsible for” criteria set out in paragraph 2(3) of Schedule 8 to the Act.

(10) An amount payable to L under this regulation is recoverable by L as a civil debt.]

Textual Amendments

- F1** Reg. 3(2)-(3B) substituted for reg. 3(2) (5.8.2023) by *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(3)** (with reg. 5(2))
- F2** Words in reg. 3(4) inserted (5.8.2023) by *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(4)**
- F3** Words in reg. 3(5) omitted (5.8.2023) by virtue of *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(5)** (with reg. 5(2))
- F4** Reg. 3(5A)-(5C) inserted (5.8.2023) by *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(6)** (with reg. 5(2))
- F5** Reg. 3(6A)(6B) inserted (5.8.2023) by *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(7)** (with reg. 5(2))
- F6** Words in reg. 3(7) inserted (5.8.2023) by *The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023* (S.I. 2023/895), regs. 1(1), **5(8)** (with reg. 5(2))

(3) See paragraph 2(3) of Schedule 8 to the Act for the definition of “responsible for”.

(4) See section 121 of the Act for the definition of “associated with”.

Changes to legislation: *There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (Information etc.) (England) Regulations 2022, Section 3. (See end of Document for details)*

F7 Reg. 3(9)(10) inserted (5.8.2023) by The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023 (S.I. 2023/895), regs. 1(1), **5(9)**

Commencement Information

I1 Reg. 3 in force at 21.7.2022, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Leaseholder Protections) (Information etc.) (England) Regulations 2022, Section 3.