
STATUTORY INSTRUMENTS

2023 No. 895

The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023

Amendment of regulation 3 and transitional provision

5.—(1) Regulation 3 (recovery of amounts from other landlords under paragraph 2 of Schedule 8) is amended as follows.

(2) But the amendments made by paragraphs (3), (5), (6), (7) and (8) do not apply in respect of a notice given before this regulation comes into force by a landlord under regulation 3(3) of the Building Safety (Leaseholder Protections) (Information etc.) (England) Regulations 2022.

(3) For paragraphs (2) and (3) substitute—

“(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) In paragraph (4) after “5” insert “but nothing in this regulation prevents L from seeking to recover amounts under regulation 4 or 5”.

(5) In paragraph (5) omit “that notice”.

(6) After paragraph (5) insert—

“(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.”

(7) After paragraph (6) insert—

“(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.”.
- (8) In paragraph (7) after “company” insert “or a named manager”.
- (9) After paragraph (8) insert—
- “(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.”.