
STATUTORY INSTRUMENTS

2023 No. 895

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

Amendment of regulation 4 and transitional provision

6.—(1) Regulation 4 (recovery of amounts from other landlords: cases under paragraph 3 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 the date this regulation comes into force by a landlord under regulation 4(2) of the Building Safety (Leaseholder Protections) (Information etc.) (England) Regulations 2022.

(3) For paragraph (2) substitute—

“(2) Where this regulation applies the contributing landlord is liable to pay L the remediation amount.

(2A) To recover the remediation amount from the contributing landlord who is liable under paragraph (2) L must give the contributing landlord a notice which sets out the information listed in paragraph (2B).

(2B) The information which the notice given under paragraph (2A) must contain is—

- (a) the remediation amount that L has paid or the remediation amount which L expects to pay;
- (b) the time limit for appealing under paragraph (4) to the First-tier Tribunal and for applying for an extension of that time limit under paragraph (4A);
- (c) the possible grounds of appeal.”

(4) In paragraph (3) after “5” insert “but nothing in this regulation prevents L from seeking to recover amounts under regulation 3 or 5”.

(5) In paragraph (4) omit “that notice”.

(6) After paragraph (4) insert—

“(4A) A person who has received a notice under paragraph (2A) may apply to the First-tier Tribunal to extend the time limit for lodging an appeal under paragraph (4).

(4B) An application under paragraph (4A) must be made within 30 days of the notification under paragraph (2A).

(4C) In response to an application under paragraph (4A) 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 (5) insert—

“(5A) Where an appeal made on the grounds specified in paragraph (5)(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;

- (b) is successful, 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 determined by the First-tier Tribunal.
- (5B) Where an appeal made on the grounds specified in paragraph (5)(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;
 - (b) is successful, subject to the outcome of an appeal on another ground under this regulation the person who was notified by L is not required to pay the remediation amount set out in the notice.”.
- (8) In paragraph (6) after “company” insert “or a named manager”.
- (9) For paragraph (7) substitute—
 - “(7) In this regulation “the contributing landlord” means the person who—
 - (a) is the landlord under the qualifying lease referred to in paragraph (1) provided that they met the contribution condition in paragraph 3 of Schedule 8 to the Act on 14th February 2022; or
 - (b) after 14th February 2022 became the owner of that landlord’s interest.”.
- (10) After paragraph (7) insert—
 - “(8) An amount payable to L under this regulation is recoverable by L as a civil debt.”.