
STATUTORY INSTRUMENTS

1975 No. 1039

Defective Premises (Northern Ireland) Order 1975

Duty to build dwellings properly

3.—(1) A person taking on work for or in connection with the provision of a dwelling (whether the dwelling is provided by the erection or by the conversion or enlargement of a building) owes a duty—

- (a) if the dwelling is provided to the order of any person, to that person; and
- (b) without prejudice to sub-paragraph (a), to every person who acquires an estate in the dwelling;

to see that the work which he takes on is done in a workmanlike or, as the case may be, professional manner, with proper materials and so that as regards that work the dwelling will be fit for habitation when completed.

(2) A person who takes on any such work for another on terms that he is to do it in accordance with instructions given by or on behalf of that other shall, to the extent to which he does it properly in accordance with those instructions, be treated for the purposes of this Article as discharging the duty imposed on him by paragraph (1) except where he owes a duty to the other to warn him of any defects in the instructions and fails to discharge that duty.

(3) A person shall not be treated for the purposes of paragraph (2) as having given instructions for the doing of work merely because he has agreed to the work being done in a specified manner, with specified materials or to a specified design.

(4) A person who—

- (a) in the course of a business which consists of or includes providing or arranging for the provision of dwellings or installations in dwellings; or
- (b) in the exercise of a power of making such provision or arrangements conferred by or by virtue of any statutory provision;

arranges for another to take on work for or in connection with the provision of a dwelling shall be treated for the purposes of this Article as included among the persons who have taken on the work.

(5) Any cause of action in respect of a breach of the duty imposed by this Article shall be deemed, for the purposes of^{F1} the Limitation (Northern Ireland) Order 1989^{F1} to have accrued at the time when the dwelling was completed, but if after that time a person who has done work for or in connection with the provision of the dwelling does further work to rectify the work he has already done, any such cause of action in respect of that further work shall be deemed for those purposes to have accrued at the time when the further work was finished.

Changes to legislation:

There are currently no known outstanding effects for the Defective Premises (Northern Ireland) Order 1975, Section 3.