



Building Safety Act 2022

2022 CHAPTER 30

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Remediation and redress: other provisions

133 Service charges in respect of remediation works

- (1) The Landlord and Tenant Act 1985 is amended as follows.
- (2) In section 20(1)(b) (limitation of service charges: consultation requirements) at the beginning insert “except in the case of works to which [section 20D](#) applies,”.
- (3) In section 20ZA (consultation requirements: supplementary) after subsection (5) insert—
 - “(5A) And in the case of works to which [section 20D](#) applies, regulations under subsection (4) may also include provision requiring the landlord—
 - (a) to give details of the steps taken or to be taken under [section 20D\(2\)](#),
 - (b) to give reasons about prescribed matters, and any other prescribed information, relating to the taking of such steps, and
 - (c) to have regard to observations made by tenants or the recognised tenants’ association in relation to the taking of such steps.”
- (4) After section 20C insert—

“20D Limitation of service charges: remediation works

- (1) This section applies to works of a prescribed description (“remediation works”) on a building in England of a prescribed description.
- (2) The landlord must—

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- (a) take reasonable steps to ascertain whether any grant is payable in respect of the remediation works and, if so, to obtain the grant;
 - (b) take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of the remediation works and, if so, to obtain monies from the third party;
 - (c) take prescribed steps relating to any other prescribed kind of funding.
- (3) In [subsection \(2\)\(b\)](#) the reference to obtaining monies from a third party includes obtaining monies—
 - (a) under a policy of insurance;
 - (b) under a guarantee or indemnity;
 - (c) pursuant to a claim made against—
 - (i) a developer;
 - (ii) a person involved in the design of the building or of works to the building; or
 - (iii) a person involved in carrying out works in relation to the building.
- (4) Where any funding of a kind mentioned in [subsection \(2\)](#) is obtained, the amount of the funding is to be deducted from the remediation costs (and the amount of any service charge is to be reduced accordingly).
- (5) In the case of a failure to comply with [subsection \(2\)](#), a tenant may make an application for an order that all or any of remediation costs are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by—
 - (a) the tenant, or
 - (b) anyone else specified in the application.
- (6) An application is to be made to the prescribed court or tribunal.
- (7) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.
- (8) Nothing in this section requires the landlord to do anything mentioned in [subsection \(2\)](#) before carrying out remediation works.
- (9) The Secretary of State may issue guidance about the taking of steps under [subsection \(2\)](#), and may revise or withdraw any issued guidance.
- (10) Where on an application under this section it is alleged that a person failed to comply with [subsection \(2\)](#)—
 - (a) proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a failure, and
 - (b) proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.
- (11) In this section—

“developer”, in relation to a building, means a person who undertakes or commissions the construction or conversion of the building with a view to granting or disposing of interests in the building (or parts of it);

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“prescribed” means prescribed by regulations made by the Secretary of State;

“remediation costs” means costs incurred or to be incurred in carrying out the remediation works;

“third party” means a person other than a tenant.

20E Regulations under section 20D

- (1) In this section “regulations” means regulations under section 20D.
- (2) Regulations are to be made by statutory instrument.
- (3) A power to make regulations includes power to make—
 - (a) incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (4) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I1 S. 133 not in force at Royal Assent, see [s. 170\(5\)](#)

I2 S. 133 in force at 1.4.2023 for specified purposes by [S.I. 2023/362, reg. 2\(1\)\(g\)](#)

134 Duties relating to work to dwellings etc

- (1) In the Defective Premises Act 1972 after section 2 insert—

“2A Duties relating to work to dwellings etc

- (1) This section applies where a person, in the course of a business, takes on work in relation to any part of a relevant building.
- (2) In this section “relevant building” means a building consisting of or containing one or more dwellings.
- (3) The person owes a duty to—
 - (a) the person for whom the work is done, and
 - (b) each person who holds or acquires an interest (whether legal or equitable) in a dwelling in the building,to see that the work is done in a workmanlike or (as the case may be) professional manner, with proper materials and so that as regards the work the dwelling is fit for habitation when the work is completed.
- (4) The duty under this section does not apply in relation to a dwelling if—
 - (a) the work taken on is work for or in connection with the provision of the dwelling (as to which see section 1), or
 - (b) it is expected that, on completion of the work, it will have ceased to be a dwelling or will otherwise have ceased to exist.
- (5) A person (A) who takes on any work to which this section applies for another (B) on terms that A is to do it in accordance with instructions given by or on

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behalf of B is, to the extent to which A does it properly in accordance with those instructions, to be treated for the purposes of this section as discharging the duty imposed on A by this section except where A owes a duty to B to warn B of any defects in the instructions and fails to discharge that duty.

- (6) A person is not treated for the purposes of [subsection \(5\)](#) as having given instructions for the doing of work merely because the person has agreed to the work being done in a specified manner, with specified materials or to a specified design.
- (7) A person who, in the course of a business which consists of or includes carrying out or arranging for the carrying out of work of a kind mentioned in [subsection \(1\)](#), arranges for another to take on work of that kind is treated for the purposes of this section as included among the persons who have taken on the work.
- (8) For the purposes of the Limitation Act 1980, a cause of action in respect of a breach of a duty imposed by this section is treated as accruing at the time the work is completed; but if after that time a person does further work to rectify the work the person has already done, any such cause of action in respect of that further work is treated as accruing at the time when the further work is finished.”

- (2) The amendment made by this section applies in relation to work completed after the coming into force of this section.

Commencement Information

I3 [S. 134](#) in force at 28.6.2022, see [s. 170\(3\)\(b\)](#)

135 Limitation periods

- (1) After section 4A of the Limitation Act 1980 insert—

“4B Special time limit for certain actions in respect of damage or defects in relation to buildings

- (1) Where by virtue of a relevant provision a person becomes entitled to bring an action against any other person, no action may be brought after the expiration of 15 years from the date on which the right of action accrued.
- (2) An action referred to in subsection (1) is one to which—
 - (a) sections 1, 28, 32, 35, 37 and 38 apply;
 - (b) the other provisions of this Act do not apply.
- (3) In this section “relevant provision” means—
 - (a) section 1 or 2A of the Defective Premises Act 1972;
 - (b) section 38 of the Building Act 1984.
- (4) Where by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the commencement date, to bring an action against any other person, this section applies in relation to the action as if the reference in subsection (1) to 15 years were a reference to 30 years.

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Cross Heading: Remediation and redress: other provisions. (See end of Document for details)

- (5) In subsection (4) “the commencement date” means the day on which section 135 of the Building Safety Act 2022 came into force.”
- (2) In section 1(5) of the Defective Premises Act 1972, for “the Limitation Act 1939, the Law Reform (Limitation of Actions, &c.) Act 1954 and the Limitation Act 1963” substitute “the Limitation Act 1980”.
- (3) The amendment made by [subsection \(1\)](#) in relation to an action by virtue of section 1 of the Defective Premises Act 1972 is to be treated as always having been in force.
- (4) In a case where—
- (a) by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the day on which this section came into force, to bring an action against any other person, and
- (b) the period of 30 years from the date on which the right of action accrued expires in the initial period,
- section 4B of the Limitation Act 1980 (inserted by subsection (1)) has effect as if it provided that the action may not be brought after the end of the initial period.
- (5) Where an action is brought that, but for [subsection \(3\)](#), would have been barred by the Limitation Act 1980, a court hearing the action must dismiss it in relation to any defendant if satisfied that it is necessary to do so to avoid a breach of that defendant’s Convention rights.
- (6) Nothing in this section applies in relation to a claim which, before this section came into force, was settled by agreement between the parties or finally determined by a court or arbitration (whether on the basis of limitation or otherwise).
- (7) In this section—
- “Convention rights” has the same meaning as in the Human Rights Act 1998;
- “the initial period” means the period of one year beginning with the day on which this section comes into force.

Commencement Information

I4 [S. 135](#) in force at 28.6.2022, see [s. 170\(3\)\(c\)](#)

Changes to legislation:

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