



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

40 Liability of officers of body corporate etc

In the Building Act 1984 before section 113 insert—

“112A Liability of officers of body corporate etc

- (1) Where an offence under this Act committed by a body corporate—
 - (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
 - (b) is attributable to any neglect on the part of any such person,that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In [subsection \(1\)](#) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Subsection (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—
 - (a) in the case of a partnership, to a partner;
 - (b) in the case of an unincorporated body other than a partnership—
 - (i) where the body’s affairs are managed by its members, to a member of the body;
 - (ii) in any other case, to a member of the governing body.”

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 40. (See end of Document for details)

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Commencement Information

- I1** S. 40 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(iii\)\(c\)](#)
- I2** [S. 40](#) in force at 1.10.2023 except in relation to W. by [S.I. 2023/993](#), [reg. 2\(j\)](#)
- I3** [S. 40](#) in force at 6.4.2024 for W. by [S.I. 2024/207](#), [reg. 2\(d\)\(i\)](#) (with regs. 3, 4, 8-12)

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