



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

39 Breach of building regulations

- (1) The Building Act 1984 is amended as follows.
- (2) For section 35 substitute—

“35 Offence of contravening building regulations etc

- (1) A person who contravenes a provision of building regulations, or a requirement imposed by virtue of any such provision, commits an offence.
- (2) Building regulations may provide that [subsection \(1\)](#) does not apply in relation to a prescribed provision of the regulations.
- (3) Building regulations may provide that, in relation to a prescribed provision of the regulations, it is a defence for a person charged with an offence under this section to prove such matters relating to the contravention as may be prescribed.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.”

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 39. (See end of Document for details)

- (3) In section 36(4) (time limit for notices requiring removal or alteration of non-compliant work) for “12 months” substitute “10 years”.

Commencement Information

- I1** S. 39 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(iii\)\(c\)](#)
- I2** [S. 39](#) in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(r\)](#)
- I3** [S. 39](#) in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(vi\)](#)
- I4** [S. 39](#) in force at 1.10.2023 in so far as not already in force except in relation to W. by [S.I. 2023/993](#), [reg. 2\(i\)](#) (with [reg. 7](#))

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 39.