



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

[^{F1}Notices in respect of contraventions]

38 Civil liability.

- (1) Subject to this section—
 - (a) breach of a duty imposed by building regulations, so far as it causes damage, is actionable, except in so far as the regulations provide otherwise, and
 - (b) as regards such a duty, building regulations may provide for a prescribed defence to be available in an action for breach of that duty brought by virtue of this subsection.
- (2) Subsection (1) above, and any defence provided for in regulations made by virtue of it, do not apply in the case of a breach of such a duty in connection with a building erected before the date on which that subsection comes into force unless the regulations imposing the duty apply to or in connection with the building by virtue of section 2(2) [^{F1}or 2A] above or paragraph 8 of Schedule 1 to this Act.
- (3) This section does not affect the extent (if any) to which breach of—
 - (a) a duty imposed by or arising in connection with this Part of this Act or any other enactment relating to building regulations, or
 - (b) a duty imposed by building regulations in a case to which subsection (1) above does not apply,is actionable, or prejudice a right of action that exists apart from the enactments relating to building regulations.
- (4) In this section, “damage” includes the death of, or injury to, any person (including any disease and any impairment of a person’s physical or mental condition).

Status: Point in time view as at 06/04/2024.

Changes to legislation: Building Act 1984, Section 38 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 38(2) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), **ss. 4(3), 11(4)**
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Commencement Information

- I1** S. 38 in force at 1.12.1984 for specified purposes, see [s. 134\(1\)\(a\)](#)

Status:

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