



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 5

#### OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

##### *Construction products: costs contribution orders*

#### **153 Costs contribution orders made by courts**

- (1) The Secretary of State may by regulations make provision for courts to make costs contribution orders on the application of the Secretary of State.
- (2) The regulations may only make provision for the making of costs contribution orders under this section in cases where—
  - (a) Conditions A to D are met, and
  - (b) any prescribed conditions are met.
- (3) Condition A is that a person (“the defaulter”) is convicted of an offence consisting of a failure to comply with a construction product requirement in relation to a construction product.
- (4) Condition B is that, after the failure to comply referred to in subsection (3), the construction product is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.
- (5) Condition C is that, when those works are completed—
  - (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
  - (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.
- (6) Condition D is that the failure to comply referred to in subsection (3) was the cause, or one of the causes, of the building or dwelling being unfit for habitation.

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*Status: This is the original version (as it was originally enacted).*

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- (7) A “costs contribution order” under this section is an order requiring the defaulter to pay an amount to a person with a prescribed interest in the building or any dwelling contained in the building.
- (8) Regulations under this section must provide for the amount to be paid to a person under a costs contribution order under this section to be such amount as the court making the order considers just and equitable in respect of the costs that the person has reasonably incurred, or in the view of the court is likely to reasonably incur, in respect of works to make the building or dwelling fit for habitation.
- (9) The regulations may make provision as to the matters which may or must be taken into account by a court in determining—
- (a) whether, against whom and in favour of whom to make a costs contribution order under this section;
  - (b) the amount required to be paid by a person under a costs contribution order under this section.
- (10) The regulations may make provision in relation to—
- (a) enforcement of a costs contribution order under this section;
  - (b) court powers to order the defaulter to pay—
    - (i) any costs incurred by the Secretary of State under regulations under section 155 (assessments) in respect of the application, and
    - (ii) any costs incurred by the Secretary of State in making the application.
- (11) The regulations may make provision about how a costs contribution order under this section relates to other remedies, including in particular—
- (a) provision to secure that, taking a costs contribution order under this section together with other remedies—
    - (i) a person does not incur liability more than once in respect of the same costs;
    - (ii) a person is not entitled to be reimbursed more than once for the same costs;
  - (b) provision preventing a person to whom any amount is payable under a costs contribution order under this section from pursuing any other legal remedy for the recovery of such an amount.
- (12) In this section “prescribed” means prescribed by regulations under this section.