



Building Safety Act 2022

2022 CHAPTER 30

PART 6

GENERAL

161 Liability of officers of body corporate etc

- (1) Where an offence under [Part 2](#) or [4](#) 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.
- (4) Where—
 - (a) a relevant company is an accountable person for a higher-risk building (within the meaning of [Part 4](#)), and
 - (b) one or more (but not all) directors of the relevant company have been appointed for a building safety purpose and are entitled to remuneration from the company,

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 161. (See end of Document for details)

this section, so far as relating to Part 4, does not apply in relation to a director who is not entitled to remuneration from the relevant company.

(5) In subsection (4)—

“building safety purpose” means the purpose of supporting the relevant company in complying with its duties under Part 4 or under regulations made under that Part;

“relevant company” means—

- (a) a resident management company within the meaning of section 111,
- (b) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), or
- (c) a company that is a commonhold association within the meaning of Part 1 of that Act (see section 34).

Commencement Information

- I1** S. 161 not in force at Royal Assent, see [s. 170\(5\)](#)
- I2** [S. 161](#) in force at 1.10.2023 by [S.I. 2023/993](#), [reg. 2\(y\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 161.