

# Amendments to the Defective Premises Act 1972 (DPA)

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The government has said that it is “clear that those responsible for shoddy workmanship that has caused homes to be unsafe, bear the responsibility to put those problems right. While some parts of industry have done the right thing and funded the remediation of serious defects, too many seek to avoid their responsibilities. That is why we are taking action to extend legal rights to redress for shoddy workmanship and unacceptable defects. The changes we are making will enhance the ability of building owners, homeowners, and leaseholders to seek compensation for defective work carried out on their properties.” Part of this extension of rights of redress under the Bill, will be made via changes to the Defective Premises Act 1972 (DPA).

S.1 DPA provides that:

“Duty to build dwellings properly

(1) A person taking on work for or in connection with the provision of a dwelling (whether the dwelling is provided by the erection or by the conversion or enlargement of a building) owes a duty—

(a) if the dwelling is provided to the order of any person, to that person; and

(b) without prejudice to paragraph (a) above, to every person who acquires an interest (whether legal or equitable) in the dwelling;

to see that the work which he takes on is done in a workmanlike or, as the case may be, professional manner, with proper materials and so that as regards that work the dwelling will be fit for habitation when completed.”

Currently a claim for compensation under S.1 DPA can only be brought in relation to work done as part of the provision of a dwelling (eg the building of a new house). Therefore refurbishment works are excluded.

Furthermore, any claim under S.1 must be brought within 6 years of the completion of the defective work. However post Grenfell building checks across England have highlighted that many higher-risk buildings have defective works far older than 6 years.

Therefore under the new Building Safety Act, a new section 2A will be inserted into the DPA and a new section 4B inserted into the Limitation Act 1980. Those 2x amendments will expand the DPA to include refurbishment and other work to an existing dwelling, and also extend the limitation period for bringing a claim both retrospectively (for work already completed) from 6 to 30 years, and prospectively (for work completed in the future) from 6 to 15 years. Obviously these are considerable extensions.

These changes are expected to come into Law on 28 June 2022.



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