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Panel 3: Work to Dwellings, Section 2A, DPA 1972 (as inserted by section 134 of the BSA 2022)

Keating Chambers BSA Symposium
4 November 2025

2A Duties relating to work to dwellings etc



- (1) This section applies where a person, in the course of a business, takes on work in relation to any part of a relevant building.
- (2) In this section “relevant building” means a building consisting of or containing one or more dwellings.

2A Duties relating to work to dwellings etc



- (3) The person owes a duty to—
- (a) the person for whom the work is done, and
 - (b) each person who holds or acquires an interest (whether legal or equitable) in a dwelling in the building,
- to see that the work is done in a workmanlike or (as the case may be) professional manner, with proper materials and so that as regards the work the dwelling is fit for habitation when the work is completed.
- (4) The duty under this section does not apply in relation to a dwelling if—
- (a) the work taken on is work for or in connection with the provision of the dwelling (as to which see section 1), or
 - (b) it is expected that, on completion of the work, it will have ceased to be a dwelling or will otherwise have ceased to exist.

2A Duties relating to work to dwellings etc



- (5) A person (A) who takes on any work to which this section applies for another (B) on terms that A is to do it in accordance with instructions given by or on behalf of B is, to the extent to which A does it properly in accordance with those instructions, to be treated for the purposes of this section as discharging the duty imposed on A by this section except where A owes a duty to B to warn B of any defects in the instructions and fails to discharge that duty.
- (6) A person is not treated for the purposes of subsection (5) as having given instructions for the doing of work merely because the person has agreed to the work being done in a specified manner, with specified materials or to a specified design.
- (7) A person who, in the course of a business which consists of or includes carrying out or arranging for the carrying out of work of a kind mentioned in subsection (1), arranges for another to take on work of that kind is treated for the purposes of this section as included among the persons who have taken on the work.

2A Duties relating to work to dwellings etc



- (8) For the purposes of the Limitation Act 1980, a cause of action in respect of a breach of a duty imposed by this section is treated as accruing at the time the work is completed; but if after that time a person does further work to rectify the work the person has already done, any such cause of action in respect of that further work is treated as accruing at the time when the further work is finished.

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Thank you for joining.