



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Offences and liability*

#### **51 Civil liability**

- (1) Subject to this section, breach of a duty imposed by building regulations, so far as it causes damage, is actionable, except in so far as the regulations otherwise provide.
- (2) Such regulations may provide for a specified defence to be available in an action for breach of such a duty brought by virtue of subsection (1).
- (3) Subsection (1) and any defence provided for in pursuance of subsection (2) do not apply in relation to the breach of such a duty in connection with a building erected before the date on which those subsections come fully into force unless the breach arises in relation to the conversion, alteration, demolition, repair, maintenance or fitting of such a building.
- (4) Nothing in this section affects—
  - (a) the extent (if any) to which breach of a duty imposed by building regulations is actionable in a case to which subsection (1) does not apply,
  - (b) any right of action which exists apart from this section.
- (5) 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).