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**Horses for Courses: Assignment of Building Warranties to Subsequent Owners –
Jeremy Parsons**

Statutory and contractual assignments of building warranties provide subsequent owners the opportunity to protect themselves from building defects. The mechanism for such protection, and the extent to which it is legally reinforced, are heavily dependent on the building owner’s vulnerability and the ambit of the relevant legislation. This article considers the importance of providing commercial certainty to non-vulnerable parties. Conversely, it explores the need for broad and consistent legislative relief for vulnerable parties. To this end, it is suggested that statutory warranty assignments are appropriate for the latter and contractual warranty assignments are appropriate for the former. However, in order to be fully effective, this “horses for courses” proposition requires both legislative reform and jurisprudential clarification on the operation of the “ruling principle” for assessing contract damages. 195

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