



ABC Conference Presentation - July, 2024

Chris Randell

Building Act 2004

Order a commercial print 

Print/Download PDF [2.2MB] 

If you need more information about this Act, please contact the administering agency: **Ministry of Business, Innovation, and Employment**

- Warning: Some amendments have not yet been incorporated

Search within this Act [SEARCH](#)

[By sections](#) [View whole \(2.5MB\)](#) [Versions and amendments](#) [Secondary legislation](#)

[Contents](#) [Previous section](#) | [Next section](#) [Tag section](#) [Remove](#) [Previous hit](#) | [Next hit](#)

Purpose and principles

3 Purposes


This Act has the following purposes:

- (a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—
 - (i) people who use buildings can do so safely and without endangering their health; and
 - (ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
 - (iii) people who use a building can escape from the building if it is on fire; and
 - (iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development;
- (b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the [building code](#).

Section 3: replaced, on 13 March 2012, by [section 4](#) of the Building Amendment Act 2012 (2012 No 23).

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

Order a commercial print 

Print/Download PDF [557KB] 

Search within this Secondary legislation


SEARCH

By clauses


View whole (103KB)

Versions and amendments



 Contents

 Previous clause

| Next clause 

 Tag clause

 Remove

 Previous hit | Next hit 

Reprint as at 16 December 2019



Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

(SR 2005/32)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 21st day of February 2005

Present:

Her Excellency the Governor-General in Council

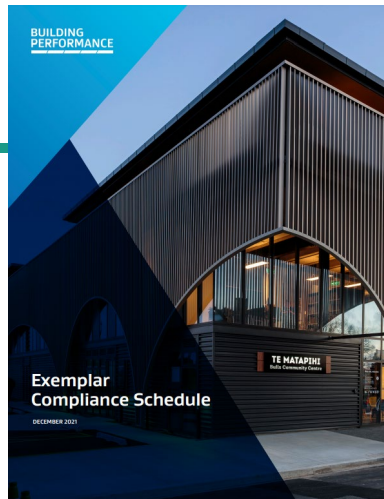
Schedule 1

Specified systems

r 4

- 1 Automatic systems for fire suppression (for example, sprinkler systems).
- 2 Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).
- 3 Electromagnetic or automatic doors or windows (for example, ones that close on fire alarm activation).
- 4 Emergency lighting systems.
- 5 Escape route pressurisation systems.
- 6 Riser mains for use by fire services.
- 7 Automatic back-flow preventers connected to a potable water supply.
- 8 Lifts, escalators, travelators, or other systems for moving people or goods within buildings.
- 9 Mechanical ventilation or air conditioning systems.
- 10 Building maintenance units providing access to exterior and interior walls of buildings.
- 11 Laboratory fume cupboards.
- 12 Audio loops or other assistive listening systems.
- 13 Smoke control systems.
- 14 Emergency power systems for, or signs relating to, a system or feature specified in any of [clauses 1 to 13](#).
- 15 Any or all of the following systems and features, so long as they form part of a building's means of escape from fire, and so long as those means also contain any or all of the systems or features specified in [clauses 1 to 6, 9, and 13](#):
 - (a) systems for communicating spoken information intended to facilitate evacuation; and
 - (b) final exits (as defined by clause A2 of the [building code](#)); and
 - (c) fire separations (as so defined); and
 - (d) signs for communicating information intended to facilitate evacuation; and
 - (e) smoke separations (as so defined).

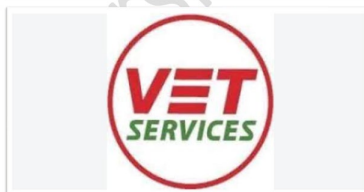
Clause 15: added, on 12 January 2006, by [regulation 3](#) of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2005 (SR 2005/338).



COMPLIANCE SCHEDULE

Issued under s102 of the Building Act 2004

Compliance Schedule Number	CS0223	Anniversary Date	12 th of July
----------------------------	--------	------------------	--------------------------



Compliance schedule CS0108

1. The building

Street address of building: 48 Amuri Avenue, Hammer Springs

Legal description of land where building is located: GAZ 84/1258 RES 5187 HANMER TSHIP -WAR M EMORIAL-

Valuation number: 2125158000

Building name: Hammer Library

Level/unit number: 1

Building consent number: 970337

Maximum Occupant Number: 200

Highest fire hazard category for building use: 2

Classified use: Commercial & Communal Non-Residential – Assembly Service (Library & Hall)

Risk group: CA

Activity group: CL, WL

2. The owner

Name of owner: Hurunui District Council

Contact person: Property Team

Mailing address: PO Box 13, Amberley 7441

Phone: 03 314 8816

Email: property@hurunui.govt.nz

Website: www.hurunui.govt.nz

First point of contact for communications with the Council: Building Compliance Management, 32 Aymes Road, Christchurch

Phone: 03 3441953

3. Specified Systems

2 Automatic or manual emergency warning systems

3/1 Electromagnetic or automatic doors or windows

4 Emergency lighting systems

14/2 Signs relating to a system or feature

15/2 Final exit

15/4 Signs for communicating information intended to facilitate evacuation

15/5 Smoke separations

108 Annual building warrant of fitness

- (1) An owner of a building for which a compliance schedule has been issued must supply to the territorial authority a building warrant of fitness in accordance with subsection (3).
- (2) The purpose of a building warrant of fitness is to ensure that the specified systems stated in the compliance schedule are performing, and will continue to perform, to the performance standards for those systems that are set out in the relevant building consent.
- (3) The building warrant of fitness must—
 - (a) be supplied on each anniversary of the issue of the compliance schedule; and
 - (b) state that the inspection, maintenance, and reporting procedures of the compliance schedule have been fully complied with during the previous 12 months; and
 - (c) have attached to it all certificates, in the prescribed form, issued by an independently qualified person that, when those certificates are considered together, certify that the inspection, maintenance, and reporting procedures stated in the compliance schedule have been fully complied with during the previous 12 months; and
 - (d) have attached to it any recommendation made by an independently qualified person that the compliance schedule should be amended to ensure that the specified systems stated in the compliance schedule are performing, and will continue to perform, to the performance standards for those systems; and
 - (e) be in the prescribed form; and
 - (f) contain the prescribed information.
- (4) The owner must publicly display a copy of the building warrant of fitness in a place in the building to which users of the building have ready access or, if the compliance schedule relates only to a cable car, publicly display the copy of the building warrant of fitness in or near the cable car.
- (5) A person commits an offence if the person—
 - (aa) fails to supply to the territorial authority the building warrant of fitness in accordance with subsection (1); or
 - (a) fails to display a building warrant of fitness that is required to be displayed under this section; or
 - (b) displays a false or misleading building warrant of fitness; or
 - (c) displays a building warrant of fitness otherwise than in accordance with this section.
- (6) A person who commits an offence under this section is liable on conviction,—
 - (a) in the case of an individual, to a fine not exceeding \$50,000;
 - (b) in the case of a body corporate, to a fine not exceeding \$150,000.
- (7) In subsection (3)(d), a reference to an independently qualified person is a reference to the independently qualified person or independently qualified persons who carried out or supervised the inspection, maintenance, and reporting procedures stated in the compliance schedule during the previous 12 months.



Building Act 2004 section 7

independently qualified person means a person—

- (a) who is accepted by a territorial authority as being qualified to—
 - (i) carry out or supervise all or some of the inspection, maintenance, and reporting procedures required for a specified system stated in a compliance schedule; and
 - (ii) certify that those procedures have been fully complied with; and
- (b) whose acceptance under paragraph (a) has not been withdrawn by the territorial authority

Building Act 2004 section 103

103 Content of compliance schedule

- (1) A compliance schedule must—
 - (a) state and describe each of the specified systems covered by the compliance schedule, including a statement of the type and (if known) make of each specified system; and
 - (b) state the performance standards for the specified systems; and
 - (c) describe the inspection, maintenance, and reporting procedures to be followed by **independently qualified persons** or other persons in respect of the specified systems to ensure that those systems are capable of, and are, performing to the performance standards.

Building Act 2004 section 108

- (c) have attached to it all certificates, in the prescribed form, issued by an **independently qualified person** that, when those certificates are considered together, certify that the inspection, maintenance, and reporting procedures stated in the compliance schedule have been fully complied with during the previous 12 months; and
- (d) have attached to it any recommendation made by an **independently qualified person** that the compliance schedule should be amended to ensure that the specified systems stated in the compliance schedule are performing, and will continue to perform, to the performance standards for those systems; and
- (7) In subsection (3)(d), a reference to an **independently qualified person** is a reference to the independently qualified person or independently qualified persons who carried out or supervised the inspection, maintenance, and reporting procedures stated in the compliance schedule during the previous 12 months.

Building Act 2004 section 109

109 Territorial authority must consider recommendation to amend compliance schedule

A territorial authority must, in relation to a recommendation made by an independently qualified person under section 108(3)(d) for a compliance schedule to be amended,—

- (a) give the owner of the building concerned a reasonable opportunity to make written submissions on the recommendation; and
- (b) consider those submissions (if any); and
- (c) decide whether to—
 - (i) accept the recommendation; or
 - (ii) refuse to accept the recommendation; and
- (d) if it decides to accept the recommendation, amend the compliance schedule and give written notice to the owner accordingly.

Building Act 2004 section 108

110 Owner must obtain reports on compliance schedule

An owner of a building for which a compliance schedule has been issued must—

- (a) obtain annual written reports relating to the inspection, maintenance, and reporting procedures of the compliance schedule signed by each independently qualified person or other person who carried out 1 or more of those procedures; and
- (b) keep those reports, together with the compliance schedule, for a period of 2 years; and
- (c) produce those reports for inspection, when required, by—
 - (i) the territorial authority; and
 - (ii) any person or organisation who or that has the right to inspect the building under any Act; and

Version as at 23 December 2023



Building (Forms) Regulations 2004

(SR 2004/385)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of November 2004

Present:

Her Excellency the Governor-General in Council

Note


The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under [subpart 2](#) of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.
These regulations are administered by the Ministry of Business, Innovation, and Employment.

Pursuant to [section 402](#) of the [Building Act 2004](#), Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building Issues, makes the following regulations.

Building (Forms) Regulations 2004

Order a commercial print 

Print/Download PDF [532KB] 

Search within this Secondary legislation

SEARCH

By clauses

View whole (254KB)

Versions and amendments

 Contents



Previous clause

| Next clause



Tag clause



Remove



Previous hit

| Next hit



General provisions on forms

6 Use of forms

- (1) [Form 1](#) may not contain any differences from the form that is prescribed.
- (2) Use of any other form is not invalid only because it contains minor differences from a form prescribed by these regulations as long as the form that is used—
 - (a) has the same effect as the prescribed form and is not misleading; and
 - (b) contains all the information required by the prescribed form and the information is in the same order as appears on the prescribed form.

Form 12

Warrant of fitness

Section 108, Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1]*

Year first constructed:

Intended life of the building if 50 years or less: years

Highest fire hazard category for building use: *[state number]*

The owner

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

‡Agent

Name of agent: *[only required if warrant is being supplied on behalf of the owner]*

§Contact person:

Mailing address:

Phone number:

Daytime:

After hours:

Facsimile number:

Email address:

Relationship to owner: *[state details of authorisation from the owner to supply the warrant on the owner's behalf]*.

Warrant

†The maximum number of occupants that can safely use this building is:

The inspection, maintenance, and reporting procedures of the compliance schedule for the above building have been fully complied with during the 12 months prior to the date stated below.

The compliance schedule is kept at:

Attachments

†Certificates relating to inspections, maintenance, and reporting

†Recommendations for amendments to the compliance schedule

Signature of †owner/†agent on behalf of and with the authority of the owner:

Date:

*Delete if the owner is an individual.

†Delete if inapplicable.

‡Delete this section if the warrant is not being supplied on behalf of the owner.

§Delete if the agent is an individual.

Schedule 2 Part 2 form 12: amended, on 21 July 2005, by regulation 5(1) of the Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

Schedule 2 Part 2 form 12: amended, on 21 July 2005, by regulation 5(2) of the Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

Schedule 2 Part 2 form 12: amended, on 21 July 2005, by regulation 5(3) of the Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

Form 12A

Certificate of compliance with inspection, maintenance, and reporting
procedures*Section 108(3)(c), Building Act 2004***The building**

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address:

†Registered office:

Compliance

The inspection, maintenance, and reporting procedures of the compliance schedule have been fully complied with during the 12 months prior to the date stated below in relation to the following specified system/s:

[state specified system(s)].

Signature of licensed building practitioner:

*Delete if applicant is individual.

†Delete if inapplicable.

Schedule 2 Part 2 form 12A: inserted, on 31 March 2005, by regulation 4(5) of the Building (Forms) Amendment Regulations 2005 (SR 2005/31).



What the law says

Schedule 1 of the Building Act 2004

1. General repair, maintenance, and replacement

1. The repair and maintenance of any component or assembly incorporated in or associated with a building, provided that comparable materials are used.
2. Replacement of any component or assembly incorporated in or associated with a building, provided that:
 - (a). a comparable component or assembly is used; and
 - (b). the replacement is in the same position.
3. However, subclauses (1) and (2) do not include the following building work:
 - (a). complete or substantial replacement of a specified system; or
 - (b). complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or
 - (c). repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the Building Code for durability, for example, through a failure to comply with the external moisture requirements of the Building Code; or
 - (d). sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.