



Building (Product Certification) Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of September 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 402(1) of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
 These regulations are the Building (Product Certification) Regulations 2008.
- 2 Commencement**
 These regulations come into force on 30 October 2008.
- 3 Interpretation**
 In these regulations, unless the context otherwise requires,—
Act means the Building Act 2004
Building Code means the Building Code set out in Schedule 1 of the Building Regulations 1992 (SR 1992/150)
building method or product means building methods, methods of construction, building design, or building materials
certificate means a product certificate issued under section 269 of the Act

certificate holder means the proprietor of a building method or product to whom a certificate has been issued in respect of the building method or product

mark of conformity means a symbol, approved by the chief executive, that signifies that products marked with it or to which it is attached meet the criteria and standards specified in regulation 10.

*Criteria and standards for accreditation as
product certification body*

4 Criteria and standards for accreditation

To meet the criteria and standards for accreditation as a product certification body, a person must be willing and able to comply with the requirements set out in regulations 5 to 8.

5 Compliance with ISO/IEC Guide 65:1996

A product certification body must comply with all relevant requirements under the following documents:

- (a) ISO/IEC Guide 65:1996 (E): General requirements for bodies operating product certification systems:
- (b) IAF GD 5: 2006 Issue 2: IAF Guidance on the application of ISO/IEC Guide 65:1996.

6 Scope of accreditation

- (1) A product certification body may certify the compliance of a building method or product with a provision of the Building Code only if that building method or product and that provision are within the scope of its accreditation determined by the product certification accreditation body.
- (2) For the purpose of assisting the product certification accreditation body in its determination of an appropriate scope of accreditation, an applicant for accreditation as a product certification body must—
 - (a) specify the building methods or products that the applicant wishes to certify; and
 - (b) specify the provisions of the Building Code in relation to which the applicant wishes to certify each building method or product.

7 Records relating to certificates

- (1) In relation to each certificate issued by a product certification body, the product certification body must retain written records that—
 - (a) record the evaluations undertaken on which the certificate is based; and
 - (b) demonstrate compliance with these regulations, the Building Code, and the product certification body's procedures.
- (2) Without limiting subclause (1), the records must be sufficient to establish clearly that all evaluation and audit requirements have been met.
- (3) The records must be maintained and retained throughout the duration of the certificate to which they relate, and must, after the revocation of the certificate, be retained for a further period of not less than 10 years.
- (4) This regulation does not limit clause 4.9.1 of ISO/IEC Guide 65:1996 (E): General requirements for bodies operating product certification systems.

8 Method of evaluation

- (1) A product certification body must have procedures for certifying each building method or product that are based on evidence established by—
 - (a) testing the building method or product; and
 - (b) assessing a quality plan prepared by the proprietor of the building method or product in respect of the building method or product.
- (2) In the case of a building method or product that is a tangible product, the product certification body must test, or arrange for the testing of, samples supplied to ascertain whether or not the product meets the criteria and standards specified in regulation 10(a).
- (3) The product certification body must also conduct site audits of the factory or, as the case may be, the construction site where the building method or product is applied or produced.

*Fees payable by product certification body***9 Fees**

- (1) In respect of any matter specified in the first column of the Schedule, the fee specified opposite that matter in the second column is payable by an applicant for accreditation as a product certification body or, as the case requires, by a product certification body to the product certification accreditation body.
- (2) The fees are inclusive of goods and services tax.

*Criteria and standards for certification of building methods or products***10 Criteria and standards for certification**

To meet the criteria and standards for certification, a building method or product—

- (a) must comply with—
 - (i) all provisions of the Building Code in respect of which certification is sought in the application for certification;
 - (ii) any relevant compliance documents in force under section 22 of the Act;
 - (iii) the relevant provisions of ISO/IEC Guide 65:1996 (E): General requirements for bodies operating product certification systems;
 - (iv) IAF GD 5: 2006 Issue 2: IAF Guidance on the application of ISO/IEC Guide 65:1996; and
- (b) must be under the effective control of a person who is, or has applied to be, a certificate holder and who complies with regulation 11 and, if applicable, regulation 12.

11 Quality plan for building method or product sought to be certified

- (1) An applicant for certification must submit with the application a quality plan prepared in respect of the building method or product sought to be certified.
- (2) The quality plan referred to in subclause (1) must—
 - (a) specify the procedures to be followed in respect of the building method or product and the resources to be applied to the building method or product; and

- (b) specify the persons responsible for following those procedures and applying those resources; and
 - (c) be consistent with ISO 10005, Second Edition 2005-06-01: Quality management systems—Guidelines for quality plans.
- (3) The applicant must provide an assurance that the building method or product to be certified has been produced in accordance with the quality plan.

12 Supply of samples

An applicant for certification of a building method or product that is a tangible product must supply a sample that is an accurate representation of the product.

13 Mark of conformity to be shown on product or packaging

Every building method or product that is a tangible product or its packaging must be marked with, or have attached to it, the mark of conformity.

Product certificates

14 Content of product certificates

- (1) Each product certificate must contain or be accompanied by the following information and conditions:
- (a) a description of the certified building method or product, including its trade name, catalogue number, model identification, and indication of the different brand names that may be used:
 - (b) the purpose or use of the building method or product:
 - (c) a reference to the specific Building Code provisions to which the certification applies:
 - (d) the certificate holder's full contact details:
 - (e) the conditions, which must include the conditions relating to notification set out in regulation 15, and any limitations of certification:
 - (f) specific references to the title and edition of any publication of documentation relevant to the building method or product:

- (g) a reference to the existence of any information that forms part of the certificate or the basis for certification:
 - (h) the mark of conformity:
 - (i) a unique identifier (eg, product certificate number):
 - (j) the name of the product certification accreditation body and its symbol or mark:
 - (k) date of issue:
 - (l) the following statement: *“This certificate is issued by an independent certification body accredited by the product certification accreditation body appointed by the Chief Executive of the Department of Building and Housing under the Building Act 2004. The Department of Building and Housing does not in any way warrant, guarantee, or represent that the building method or product the subject of this certificate conforms with the New Zealand Building Code, nor accept any liability arising out of the use of the building method or product. The Department of Building and Housing disclaims, to the extent permitted by law, all liability (including negligence) for claims of losses, expenses, damages, and costs arising as a result of the use of the building method(s) or product(s) referred to in this certificate.”*:
 - (m) a statement that the certificate may only be reproduced in its entirety.
- (2) Information of the kind described in subclause (1)(g) must be readily available on request.
- (3) Section 269(2) of the Act requires the certificate to state whether there are any matters that should be taken into account in the use or application of the building method or product, and if so, what those matters are.

15 Conditions relating to notification

The conditions referred to in regulation 14(1)(e) are that—

- (a) the certificate holder notifies the product certification body in writing of any intended change to any of the following particulars:
 - (i) the name, address, or contact details of the certificate holder:

- (ii) any address of a location where a certified product is produced or manufactured:
 - (b) the certificate holder notifies the product certification body in writing of any intended change, modification, or alteration to any of the following:
 - (i) the certified building method or product:
 - (ii) the method of its production or manufacture:
 - (iii) the product quality plan prepared in respect of the certified building method or product:
 - (iv) the application or installation instructions for the certified building method or product:
 - (v) any documentation relating to the use and maintenance of the certified building method or product:
 - (c) if the certificate holder has any reason to suspect that the certified building method or product does not comply with the Building Code, the certificate holder notifies the product certification body in writing of the reason for that suspicion:
 - (d) if the certificate holder or the product certification body finds that a certified building method or product that has been released on the market does not comply with the Building Code, the certificate holder discloses that fact in disclosure statements published in a form that is acceptable to the product certification body and to the chief executive:
 - (e) if the certificate is suspended or revoked, the certificate holder—
 - (i) notifies all customers to whom the building method or product is regularly supplied; and
 - (ii) immediately ceases using the certificate, the mark of conformity, and any reference to the number of the certificate.
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Schedule

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**Fees payable by applicants for
accreditation and product certification
bodies**

Matter	Fee
Application for accreditation	\$2,706
Any additional reviews required as a result of non-compliance, omissions, or errors	\$169 per hour
Extension to scope (document review)	\$169 per hour per assessor up to \$1,352
On-site audit of product certification body	\$1,352 per day or part of day
Preparation of assessment report following on-site audit	\$1,352 per day or part of day
Contractors, technical experts, interpreters, assessors, or any other resource required for purposes of audit	\$1,352 per day or part of day, or at cost, whichever is the greater
Additional documentation review required for audit	\$169 per hour
Travel, accommodation, and associated out of pocket expenses incurred for purposes of audit	Amount of reasonable expenses incurred
Cancellation of meeting required for audit if cancelled 7 calendar days before meeting	\$676

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 October 2008, relate to the certification of building methods or products under the Building Act 2004 (the **Act**).

Building methods or products are certified by product certification bodies that are accredited by a product certification accreditation body. The regulations prescribe the criteria and standards that a prod-

uct certification body must meet to be accredited. These criteria and standards include—

- compliance with the guide of the International Organization for Standardization (**ISO**) on requirements for product certification bodies:
- requirements concerning the records of product certification bodies:
- requirements concerning the evaluation of building methods or products.

The regulations prescribe the fees that product certification bodies have to pay to the product certification accreditation body.

The regulations also prescribe the criteria and standards that a building method or product must meet for certification under the Act. These criteria and standards include—

- compliance with the provisions of the Building Code in respect of which certification is sought in the application for certification:
- compliance with any relevant compliance documents in force under section 22 of the Act:
- compliance with the relevant provisions of the ISO guide on requirements for product certification bodies.

The regulations also prescribe the contents of product certificates, which include conditions that require a certificate holder to notify the product certification body of changes to the certified building method or product, and to disclose any non-compliance of the certified building method or product with the Building Code.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Department of Building and Housing.
