

**Reprint
as at 27 September 2007**



**Building (Registration of Building
Consent Authorities) Regulations
2007**

(SR 2007/300)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 24th day of September 2007

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 402 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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

The Building (Registration of Building Consent Authorities) Regulations 2007 are administered by the Department of Building and Housing.

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Regulations

- 1 Title**
These regulations are the Building (Registration of Building Consent Authorities) Regulations 2007.
- 2 Commencement**
These regulations come into force on 1 November 2007.
- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
Act means the Building Act 2004
application means an application under section 194 of the Act for registration in the register of building consent authorities
building control function means a function of a building consent authority under any of the following provisions of the Act:
- (a) section 19:
 - (b) section 28:
 - (c) section 31:
 - (d) section 45:
 - (e) section 46(3):
 - (f) section 47(3):
 - (g) sections 48 to 52:
 - (h) section 53(2)(b):
 - (i) section 54:
 - (j) section 58:

- (k) section 63:
- (l) section 67:
- (m) sections 71 to 74:
- (n) section 77:
- (o) section 90:
- (p) section 91:
- (q) sections 93 to 95:
- (r) sections 102 to 104:
- (s) section 112:
- (t) sections 164 to 166:
- (u) sections 238 to 240

management, in relation to an applicant, means the chief executive of the applicant, and every manager or director of the applicant who is responsible for directing or controlling the applicant's building control functions.

4 Criteria and standards for registration as building consent authority

- (1) This regulation sets out the criteria and standards referred to in section 192(1)(b) of the Act.
- (2) The applicant must be a fit and proper person to be registered as a building consent authority, by reference to the following attributes:
 - (a) the applicant's character and integrity:
 - (b) the applicant's likely ability to maintain an appropriate degree of impartiality and independence in relation to his or her building control functions:
 - (c) the applicant's reputation for professional conduct:
 - (d) the applicant's likely ability to conduct business in a responsible and ethical manner.
- (3) The applicant must be—
 - (a) a New Zealand citizen; or
 - (b) a permanent resident of New Zealand; or
 - (c) a body that is incorporated in New Zealand.

5 Application for registration

- (1) An application for registration—

- (a) must be in form 1 of the Schedule, or if the applicant is a territorial authority or a regional authority, in form 2 of the Schedule; and
 - (b) must contain the information requested in the relevant form.
- (2) The chief executive may request from the applicant any further information that he or she considers necessary for the purposes of assessing whether the applicant has met the criteria and standards set out in regulation 4.
- (3) In assessing whether the applicant meets the criteria and standards referred to in regulation 4, the chief executive must consider—
 - (a) the information that the applicant has provided in the application; and
 - (b) any further information provided by the applicant under subclause (2).

6 Registration fee

A fee of \$6,250 must accompany the application, unless the applicant is a territorial authority or a regional authority, in which case no fee is required.

Schedule

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Forms

Form 1

Application form for registration as building
consent authority for applicants other than
regional or territorial authority

Details of applicant

Full legal name:

Nature of applicant (incorporated or otherwise):

If unincorporated, attach proof of identity and of New Zealand citizenship or permanent residency.

If incorporated, attach evidence of incorporation in New Zealand and provide full names and dates of birth of each member of management.

Physical address of all permanent offices in New Zealand:

Physical address for delivery and service of notices:

Postal address (if different from physical address):

Email address:

Telephone number:

Fax number:

Details of person responsible for application

Full name:

Title:

Email address:

Direct-dial telephone number:

Mobile telephone number:

Fax number:

Scope limitation

Please provide details of any limitation on the scope that would apply to building control function work that would be undertaken if registration is granted.

Form 1—*continued*

Supporting information (attach separately as appropriate)

For the applicant and each member of management please provide details of—

- any prior professional misconduct, such as disciplinary proceedings initiated or action taken by a professional institute or association; and
- any civil claims made against that person in relation to contractual performance or tortious liability; and
- any New Zealand or overseas convictions, or pending proceedings, in relation to dishonesty offences (such as fraud or forgery) or offences under enactments relating to building; and
- any prior suspension, cancellation, or refusal of, or lapse in, status as—
 - a building certifier under the Building Act 1991; or
 - an accredited or registered building consent authority in New Zealand; or
 - any overseas equivalent building control authority; and
- any prior building control experience in New Zealand or overseas.

Please provide evidence that the applicant holds a current accreditation from a building consent accreditation body appointed under section 248 of the Building Act 2004.

Please provide evidence that the applicant has adequate means to cover any civil liabilities that may arise in the performance of the functions of a building consent authority—including insurance policies or any other arrangements that provide for effective consumer protection (for example, by giving a bond or having a guarantor).

Please confirm that the applicant would have no conflicts of interest in fulfilling the role of a building consent authority and how the applicant would act to avoid such conflicts.

Statutory declaration

When you have completed the rest of this form, and all the supporting information has been prepared and attached, please take it to a Justice of the Peace, a Solicitor, or the Registrar or Deputy Regis-

Form 1—*continued*

trar of the court to be witnessed. The declaration must be completed by a person who has legal authority to sign on behalf of the applicant. A significant penalty, including a term of imprisonment of up to 3 years, may be imposed under the Crimes Act 1961 for making a false declaration.

I, [*full name and designation*], solemnly and sincerely declare that—

*I am the applicant for which this licence application is being made

*I am authorised to make this application on behalf of the applicant

*Delete if inapplicable.

I have made all reasonable inquiries and the information contained in this application is true and correct to the best of my knowledge and belief and is accompanied by all relevant information known to the applicant.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature:

Full name:

Declared at [*place*] on [*date*].

Witness signature:

Witness name:

Witness designation:

Form 2
Application form for registration as building
consent authority where applicant is regional
or territorial authority

Details of applicant

Full legal name of the territorial or regional authority:
Physical address of the territorial or regional authority for delivery
or service of notices:
Postal address (if different from physical address):
Telephone number:
Fax number:
Email address:

Details of person responsible for application

Full name:
Title:
Email address:
Direct-dial telephone number:
Mobile telephone number:
Fax number:

Supporting information (attach separately as appropriate)

Please provide evidence that the applicant holds a current accreditation from a building consent accreditation body appointed under section 248 of the Building Act 2004.

Signature

When you have completed the rest of this form, and all the supporting information has been prepared and attached, please sign and date the form and submit the form to the Department of Building and Housing. The application may only be signed by a person who is authorised to sign on behalf of the territorial or regional authority.

Signature of person authorised to sign this application on behalf of the territorial or regional authority:

Full name of signatory:
Designation of signatory:

Form 2—*continued*

Dated at [*place*] on [*date*].

Diane Morcom,
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 1 November 2007, relate to applications for registration in the register of building control authorities under the Building Act 2004. These regulations, amongst other things, prescribe—

- the criteria and standards that the applicant must meet;
- the form of the application;
- the fee that must accompany the application.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 27 September 2007.

Contents

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Notes**1 General**

This is a reprint of the Building (Registration of Building Consent Authorities) Regulations 2007. The reprint incorporates all the amendments to the Building (Registration of Building Consent Authorities) Regulations 2007 as at 27 September 2007, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
