

Reprint
as at 1 July 2017



**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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

**Schedule
Forms**

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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 has the same meaning as in regulation 3 of the Building (Accreditation of Building Consent Authorities) Regulations 2006

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.

Regulation 3 **building control function**: replaced, on 1 July 2017, by regulation 17(2) of the Building (Accreditation of Building Consent Authorities) Amendment Regulations 2017 (LI 2017/14).

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 Forms

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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.

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 Registrar 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 build-
ing 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:

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

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 September 2007.

Reprints notes

1 *General*

This is a reprint of the Building (Registration of Building Consent Authorities) Regulations 2007 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Building (Accreditation of Building Consent Authorities) Amendment Regulations 2017 (LI 2017/14): regulation 17