

Version
as at 7 September 2022



Building (Product Certification) Regulations 2008 (SR 2008/360)

Building (Product Certification) Regulations 2008: revoked, on 7 September 2022, by regulation 18(1) of the Building (Product Certification) Regulations 2022 (SL 2022/172).

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.

Contents

| | Page |
|--|------|
| 1 Title | 2 |
| 2 Commencement | 2 |
| 3 Interpretation | 2 |
| 3A Transitional, savings, and related provisions | 3 |

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.

| | | |
|----|--|----|
| | <i>Criteria and standards for accreditation as product certification body</i> | |
| 4 | Criteria and standards for accreditation | 3 |
| 5 | Compliance with ISO/IEC 17065:2012 Conformity assessment | 3 |
| 6 | Scope of accreditation | 4 |
| 7 | Records relating to certificates | 4 |
| 7A | Compliance with ISO 9001:2015 Quality management systems—Requirements | 5 |
| 8 | Method of evaluation | 5 |
| | <i>Fees payable by product certification body</i> | |
| 9 | Fees | 5 |
| | <i>Criteria and standards for certification of building methods or products</i> | |
| 10 | Criteria and standards for certification | 5 |
| 11 | Quality plan for building method or product sought to be certified | 6 |
| 12 | Supply of samples | 6 |
| 13 | Mark of conformity to be shown on product or packaging | 6 |
| | <i>Product certificates</i> | |
| 14 | Content of product certificates | 7 |
| 15 | Conditions relating to notification | 7 |
| | Schedule 1AA | 8 |
| | Transitional, savings, and related provisions | |
| | Schedule 1 | 10 |
| | Fees payable by applicants for accreditation and product certification bodies | |
| | Schedule 2 | 10 |
| | Content of product certificates | |

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,—
accredited conformity assessment body means a certifying body that is accredited to ISO/IEC 17021–1:2015 (Conformity assessment—Requirements

for bodies providing audit and certification of management systems—Part 1: Requirements)—

- (a) by the Joint Accreditation System of Australia and New Zealand; or
- (b) by an equivalent overseas accreditation body that is recognised by the Joint Accreditation System of Australia and New Zealand in relation to ISO/IEC 17021–1:2015 under a mutual recognition agreement

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.

Regulation 3 **accredited conformity assessment body**: inserted, on 1 November 2019, by regulation 4 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 3A: inserted, on 1 November 2019, by regulation 5 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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 17065:2012 Conformity assessment

- (1) A product certification body must comply with all relevant requirements under ISO/IEC 17065:2012 (Conformity assessment—Requirements for bodies certifying products, processes and services).
- (2) However,—
 - (a) a product certification body that complies with regulation 7A need not comply with the requirements under clause 8 of ISO/IEC 17065:2012 (management system requirement); and

- (b) a product certification body that complies with regulation 7B need not comply with—
 - (i) the requirements under clause 6.2.1 of ISO/IEC 17065:2012 (internal resources); and
 - (ii) the requirements under clause 6.2.2.1 of ISO/IEC 17065:2012 (external resources (outsourcing)).

Regulation 5: replaced, on 1 November 2019, by regulation 6 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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 7.12 (records) of ISO/IEC 17065:2012 (Conformity assessment—Requirements for bodies certifying products, processes and services).

Regulation 7(4): amended, on 1 November 2019, by regulation 7 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

7A Compliance with ISO 9001:2015 Quality management systems—Requirements

A product certification body that is not an accredited conformity assessment body must have a quality management system that has been certified as meeting ISO 9001:2015 (Quality management systems—Requirements) by an accredited conformity assessment body.

Regulation 7A: inserted, on 1 November 2020, by regulation 8 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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 Schedule 1, 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.

Regulation 9(1): amended, on 1 November 2019, by regulation 15(2) of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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) clause B2 (Durability) of the Building Code; and

- (ii) the provisions of clauses F1 to F9 of the Building Code that are relevant to the intended use of the building method or product; and
 - (iii) all other provisions of the Building Code that are relevant to the intended use; and
- (ab) must have been certified by a product certification body that—
- (i) complies with regulation 5 in relation to the certification; and
 - (ii) complies with regulation 7A; 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.

Regulation 10(a): replaced, on 1 November 2019, by regulation 10(1) of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Regulation 10(ab): inserted, on 1 November 2019, by regulation 10(1) of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Regulation 10(ab)(ii): inserted, on 1 November 2020, by regulation 10(2) of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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 10005:2018 (Quality management—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.

Regulation 11(2)(c): amended, on 1 November 2019, by regulation 11 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

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) The body of each product certificate must contain all the information referred to in items 1 to 8 of Schedule 2 that is—
 - (a) applicable; and
 - (b) not too lengthy, detailed, specific, technical, or complex to be included in the body.
- (2) The body must—
 - (a) be headed “Key information” and contain sections in the same order, and using the same headings, as items 1 to 8 of Schedule 2; and
 - (b) be written in plain English; and
 - (c) contain the date of issue of the certificate.
- (3) The Schedule of the product certificate must contain—
 - (a) any information referred to in items 1 to 8 of Schedule 2 that is applicable and that is not included in the body; and
 - (b) all the supporting information referred to in items 9 to 14 of Schedule 2 that is applicable; and
 - (c) any other information that is needed to ensure that the certificate provides a good overview of the building method or product and of any conditions or limitations of use.
- (4) The Schedule must be headed “Schedule: Information that supports key information” and contain sections in the same order, and using the same headings, as items 9 to 14 of Schedule 2.
- (5) The sections of the product certificate must be numbered sequentially.
- (6) On request, a product certification body must make information and documents referred to in item 13 of Schedule 2 readily available to the chief executive or product certification accreditation body.

Regulation 14: replaced, on 1 November 2019, by regulation 12 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

15 Conditions relating to notification

The conditions referred to in item 14 of Schedule 2 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.

Regulation 15: amended, on 1 November 2019, by regulation 13 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Schedule 1AA

Transitional, savings, and related provisions

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Schedule 1AA: inserted, on 1 November 2019, by regulation 14 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Part 1

Provision relating to Building (Product Certification) Amendment Regulations 2019

Schedule 1AA Part 1: inserted, on 1 November 2019, by regulation 14 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

1 Product certificates issued before 1 November 2019

- (1) Subclause (2) applies—

- (a) to a current product certificate that was issued under section 269 of the Act before 1 November 2019; and
 - (b) until the date on which the product certification body must review the product certificate under section 270 of the Act.
- (2) The product certificate continues, until the start of the review, to have the same effect as if these regulations had not been amended by the Building (Product Certification) Amendment Regulations 2019.
- (3) However, the review must be conducted on the basis that these regulations were so amended.

Schedule 1AA clause 1: inserted, on 1 November 2019, by regulation 14 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Schedule 1

Fees payable by applicants for accreditation and product certification bodies

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Schedule 1 schedule number: inserted, on 1 November 2019, by regulation 15(1) of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

| 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 |

Schedule 2

Content of product certificates

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Schedule 2: inserted, on 1 November 2019, by regulation 16 of the Building (Product Certification) Amendment Regulations 2019 (LI 2019/218).

Key information

1 Certificate holder details:

- legal name
- trading name, or trading names, in New Zealand
- address for service in New Zealand
- email address and phone number in New Zealand
- Internet site

2 Product certification body details:

- legal name
- trading name, or trading names, in New Zealand
- address for service in New Zealand
- email address and phone number in New Zealand
- Internet site
- Internet link to the publicly available information on the product certification body's complaint process

- 3 Summary of description of building method or product, including—**
 - the name or names of the building method or product in New Zealand (including the brand or brands used for marketing)
 - the building method or product’s catalogue or model identification number or numbers or other unique identifiers that might be used by specifiers or suppliers to identify the building method or product
 - in the case of a building method or product that is a tangible product, the product’s physical attributes
 - as required by section 269(2) of the Act, 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
- 4 Summary of intended use of building method or product,—**
 - as described in the building method or product’s manual and other instructional materials
 - clearly stating the function or purpose of the building method or product
- 5 Building Code provisions, listing the specific provisions of the Building Code with which the building method or product complies, and stating—**
 - for each provision under a heading of “Performance”, how the building method or product complies with the provision
 - the building method or product’s specific contribution to compliance where used as part of a system
 - any qualifications on the extent of compliance with the provision (including where the building method or product must be used as part of a system)
- 6 Conditions and limitations of use, listing any conditions or limitations of conformity for each individual performance requirement the building method or product is compliant with, including the following:**
 - requirements for the building method or product’s use to be in accordance with the installation instructions and requirements against which the building method or product was assessed
 - requirements for people with the qualifications and skills to install or use the building method or product
 - known or demonstrated situations where the building method or product should not be used
- 7 Health and safety information, including any health, safety, and well-being declarations associated with installation, maintenance, and use of the building method or product, and their specific editions and dates necessary to ensure the objective, functional, and performance requirements of clauses F1 to F9 of the Building Code can be met**
- 8 Signatures of the following:**

- the product certification body's authorised representative
- the person or persons assigned by the product certification body to make the certification decision in accordance with clause 7.6.2 of ISO/IEC 17065:2012 (Conformity assessment—Requirements for bodies certifying products, processes and services)
- the certificate holder's authorised representative

Schedule: Information that supports key information

- 9 Supporting information about description of building method or product**, including any of the information referred to in item 3 that could not be easily summarised in the key information
- 10 Supporting information about intended use of building method or product**, including any of the information referred to in item 4 that could not be easily summarised in the key information
- 11 Supporting information about conditions and limitations of use**, including any of the information referred to in item 6 that could not be easily summarised in the key information
- 12 Basis for certification**, including how the performance requirements in the Building Code were met
- 13 Supporting documentation for certification**, including—
- reference to any acceptable solutions, verification methods, New Zealand Standards, or other compliance pathways referenced against each individual performance requirement the building method or product is compliant with, and their specific version and date
 - reference to documents describing tests and evaluations, along with their full and correct title, specific version and date, and the outcome of the test or evaluation, as relevant to the building method or product's certification
 - reference to any other documents relied on for certification, or used to prove compliance, including their full title, specific version, and date
- 14 Conditions relating to notification** set out in regulation 15

Rebecca Kitteridge,
Clerk of the Executive Council.

Notes

1 *General*

This is a consolidation of the Building (Product Certification) Regulations 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Building (Product Certification) Regulations 2022 (SL 2022/172): regulation 18(1)

Building (Product Certification) Amendment Regulations 2019 (LI 2019/218)