



# **Building (Definition of Restricted Building Work) Amendment Order 2014**

Jerry Mateparae, Governor-General

## **Order in Council**

At Wellington this 3rd day of November 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 7 and 401B of the Building Act 2004, His 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 and Housing made after being satisfied that the requirement in section 401B(3) of that Act has been fulfilled, makes the following order.

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## Order

- 1 Title**  
This order is the Building (Definition of Restricted Building Work) Amendment Order 2014.
- 2 Commencement**  
This order comes into force on the 28th day after the date of its notification in the *Gazette*.
- 3 Principal order**  
This order amends the Building (Definition of Restricted Building Work) Order 2011 (the **principal order**).
- 4 Clause 5 replaced (Declaration of building work that must be carried out or supervised by licensed building practitioner)**  
Replace clause 5 with:
- “5 Certain building work relating to primary structure or external moisture-management systems of residential buildings to be restricted building work**
- “(1) The kinds of building work to which this clause applies are restricted building work for the purposes of the Act.
- “(2) This clause applies to building work that is—
- “(a) the construction or alteration of—
- “(i) the primary structure of a house or a small-to-medium apartment building; or
- “(ii) the external moisture-management system of a house or a small-to-medium apartment building; and
- “(b) of a kind described in subclause (3); and

- “(c) of a kind for which a licensing class to carry out or supervise the work has been designated by Order in Council under section 285 of the Act.
- “(3) The kinds of building work referred to in subclause (2)(b) are—
- “(a) bricklaying or blocklaying work:
  - “(b) carpentry work:
  - “(c) external plastering work:
  - “(d) foundations work:
  - “(e) roofing work.”

Michael Webster,  
Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, amends the Building (Definition of Restricted Building Work) Order 2011 to align clause 5 of that order with changes introduced by the Building Amendment Act 2012 to the definition of restricted building work in the Building Act 2004 (the **Act**).

For a kind of building work to be restricted building work, the definition requires a declaration by Order in Council. Before recommending the making of an order, the Minister must be satisfied that the kind of building work or design work in question is (or is likely to be) critical to the integrity of a building or part of a building.

As envisaged by paragraph (a) of the definition in section 7 of the Act, *new clause 5* (as set out in *clause 4* of this order) declares certain kinds of building work to be restricted building work. In the former clause 5, the same work was declared to be “building work that must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that kind of building work”, which

reflected the wording of the definition in section 7 at the time the order was made.

Building work will be restricted building work under *new clause 5* if all 3 of the following criteria apply:

- it is the construction or alteration of the primary structure or external moisture-management system of a residential building, which carries over the effect of former clause 5(1):
- it is of a kind listed in *new clause 5(3)*, which is the same list as in the former clause 5(2):
- it is of a kind for which a licensing class to carry out or supervise the work has been designated under the Act (the Building (Designation of Building Work Licensing Classes) Order 2010), which carries over the effect of former clause 5(3).

The clause relates to carpentry work, external plastering work, brick-laying or blocklaying work, foundations work, or roofing work on the construction or alteration of—

- the primary structure of a house or a small-to-medium apartment building; or
- the external moisture-management system of a house or a small-to-medium apartment building.

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 6 November 2014.

This order is administered by the Ministry of Business, Innovation, and Employment.

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