



## **Building (Residential Consumer Rights and Remedies) Amendment Regulations 2022**

Rt Hon Dame Helen Winkelmann, Administrator of the Government

### **Order in Council**

At Wellington this 7th day of June 2022

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 402(1) of the Building Act 2004 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building and Construction.

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	<b>New Schedule 1AA inserted</b>	

## Regulations

**1 Title**

These regulations are the Building (Residential Consumer Rights and Remedies) Amendment Regulations 2022.

**2 Commencement**

These regulations come into force on 7 September 2022.

**3 Principal regulations**

These regulations amend the Building (Residential Consumer Rights and Remedies) Regulations 2014.

**4 New regulation 3A inserted (Transitional, savings, and related provisions)**

After regulation 3, insert:

**3A Transitional, savings, and related provisions**

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

**5 Regulation 5 amended (Prescribed disclosure information and prescribed checklist)**

In regulation 5(3), replace “section 26 of the Interpretation Act 1999” with “section 52 of the Legislation Act 2019”.

**6 Regulation 6 amended (Prescribed content for residential building contracts for prescribed minimum price or more)**

After regulation 6(2), insert:

- (3) However, if the only building work that is the subject of the residential building contract is the manufacture of a modular component,—
- (a) subclause (2)(c) and (e) does not apply; but
  - (b) the contract must contain—

- (i) the address of the place where the modular component will be manufactured (if different to the physical address of the manufacturer required by subclause (2)(b)(i)); and
- (ii) the address (or location description) of the site where the modular component will be installed.

**7 Regulation 7 amended (Prescribed clauses deemed to be included in oral residential building contracts for prescribed minimum price or more)**

After regulation 7(2), insert:

- (3) However, if the only building work that is the subject of the residential building contract is the manufacture of a modular component, clauses 1 and 2 of Schedule 3 are not deemed to be included in that contract.

**8 Regulation 8 amended (Prescribed clauses deemed to be included in incomplete written residential building contracts for prescribed minimum price or more)**

After regulation 8(2), insert:

- (3) Subclause (2)(a) does not apply if the only building work that is the subject of the residential building contract is the manufacture of a modular component.

**9 New Schedule 1AA inserted**

Insert the Schedule 1AA set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**10 Schedule 1 amended**

In Schedule 1, form, replace the heading “**Key contact person (if identified at the time when this information is provided)**” and all the items under that heading with:

**Key contact person (if identified at the time when this information is provided)**

*(Information about the key contact person, being a person who will manage or supervise the building work and who is available to the client to discuss any aspect of the building project)*

Name of key contact person:

Telephone number:

Mobile telephone number:

\*Role in the building project (for example, “project manager”, “site foreperson”):

\*Relevant qualifications, skills, and experience:

\*Licensed building practitioner number (if any):

†MCM registration number:

†[Postal] address of manufacturing site:

**Note:** The building contractor must notify the client if the key contact person changes.

\*Omit if the only building work that is the subject of the residential building contract is the manufacture of a modular component.

†Include only if the building work that is the subject of the residential building contract includes the manufacture of a modular component.

## 11 Schedule 2 amended

- (1) In Schedule 2, under the heading “**About this checklist**”, after “dealing with directly.”, insert “If the building work is or includes the manufacture of a modular component, the building contractor will be the modular component manufacturer.”
- (2) In Schedule 2, notes, under the heading “**Step 1—Become informed**”, after “and fences.”, insert “It includes the manufacture of a modular component.”
- (3) In Schedule 2, notes, under the heading “**Step 1—Become informed**”, insert as the last paragraph:

Modular components manufactured by a registered MCM still require a consent if they are designed by someone other than the registered MCM (for example, by an architect or a draftsman). If a modular component is designed and manufactured by a registered MCM who is certified to design and manufacture the component then building consent is not required. Building consent will be required for the installation of the modular component on the site. For more information on the modular component manufacturer scheme, go to <https://www.building.govt.nz>
- (4) In Schedule 2, notes, under the heading “**Step 3—Hire competent building contractors**”, insert as the last item:
  - if the building work is or includes the manufacture of a modular component, look up the details of the modular component manufacturer on the register of modular component manufacturers.

## Schedule

### New Schedule 1AA inserted

r 4

### Schedule 1AA

#### Transitional, savings, and related provisions

r 3A

Michael Webster,  
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 7 September 2022, amend the Building (Residential Consumer Rights and Remedies) Regulations 2014 (the **principal regulations**). The principal regulations prescribe matters for the purposes of Part 4A of the Building Act 2004, which concerns consumer rights and remedies in relation to residential building work. These regulations make variations to the principal regulations so that they deal relevantly with consumer rights and remedies in relation to modular components (which are generally manufactured off-site).

### Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 12 October 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mbie.govt.nz/dmsdocument/18114-building-system-reform-regulations-policy-proposals-to-make-regulations-under-the-building-amendment-act-2021-proactiverelase-pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 9 June 2022.

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