

Building Act 2004

The Building Act 2004 sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand.

It is the primary legislation governing the building industry. Its purpose is that:

- people can use buildings safely and without endangering their health
- buildings have attributes that contribute appropriately to the health, physical independence and wellbeing of the people who use them
- people who use a building can escape from the building if it is on fire
- buildings are designed, constructed and able to be used in ways that promote sustainable development.

Its aim is to improve control of and encourage better practices in building design and construction to provide greater assurance to consumers. This includes:

- setting clear expectations of the standards buildings should meet (Building Code)
- guidance on how to meet those standards
- more certainty that capable people are undertaking design, construction and inspection
- scrutiny of the building consent and inspection process
- protection for homeowners through mandatory warranties.

It also contains provision to ensure existing buildings are incrementally improved, particularly regarding means of escape from fire, sanitary facilities, access and facilities for people with disabilities and in relation to buildings deemed most vulnerable in an earthquake.

You can see the full [Building Act 2004 \(http://www.legislation.govt.nz/\)](http://www.legislation.govt.nz/) on the New Zealand Legislation website.

Structure of the Act

The Building Act has five parts:

Part 1 The purpose and principles of the Building Act, together with an overview, and commencement dates for various provisions and definitions. These sections provide an important reference point for reading and interpreting the Building Act.

Part 2 (and Schedules 1 and 2) Matters relating to the Building Code and building work (for example, building consents).

Part 3 Sets out the functions, duties and powers of the chief executive of the government department responsible for administration of the Building Act (currently Ministry of Business, Innovation & Employment), territorial authorities, regional authorities and building consent authorities. It also deals with the accreditation of building consent authorities and dam owners, and product certification.

Part 4 (and Schedule 3) Matters relating to the licensing and disciplining of building practitioners.

Part 5 (and Schedule 4) Miscellaneous matters including:

- offences and criminal proceedings
- implied terms of contracts for residential building work
- regulation-making powers
- amendments to other enactments
- the repeal of the Building Act 1991
- transitional provisions from the Building Act 1991 to the Building Act 2004.

Changes to the Building Act

The Building Act 2004 repealed the Building Act 1991 and introduced a number of changes to the law governing building work. The changes were introduced in stages between 2005 and 2012.

The Act has been subject to reviews and amendments since its introduction to make technical adjustments and introduce improvements in building controls for the sector.

When reading the Act it is important to take its amendments into account.

Regulations made under the Act

Building regulations form an important part of New Zealand's building controls. Typically they cover rules requiring prescribed details, or that can be amended more readily than an Act.

The building regulations include provisions for the Licencing of Building Practitioners Scheme, the product certification scheme, the Building Consent Authority scheme, fees, infringements, levies, forms, dam safety, the list of specified systems, and definitions of 'change the use' and 'moderate earthquake'.

The regulations are made under and in accordance with the Building Act 2004. Sections 400-415 of the Act sets out the type of regulations that can be made, including the process that must be followed when creating new regulations.

The Building Regulations 1992, and subsequent amendments, were made under the Building Act 1991 but are now treated as if they were regulations made under the Act. The majority of the 1992 Regulations were revoked on 31 March 2005 by the Building (Forms) Regulations 2004. The only part of the 1992 Regulations still in force is Schedule 1 containing the Building Code.

A full list of regulations made under the Building Act can be found on the [New Zealand Legislation website \(http://www.legislation.govt.nz\)](http://www.legislation.govt.nz), and in the preface of the Building Code Handbook.

Related content

[Building Code and handbooks \(https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/\)](https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/)

Overview of the Building Code, how to get a copy of it and its handbook.



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- with compliance with the Building Act, it is published under section 175 of the Building Act
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