



Building (Modular Component Manufacturer Scheme) 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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Regulations

1 Title

These regulations are the Building (Modular Component Manufacturer Scheme) Regulations 2022.

2 Commencement

These regulations come into force on 7 September 2022.

3 Outline

- (1) These regulations relate to the modular component scheme under the Act.
- (2) That scheme provides—
 - (a) for a person to be appointed as the modular component manufacturer certification accreditation body; and
 - (b) for that body to accredit persons as modular component manufacturer certification bodies (**accredited MCMCBs**); and
 - (c) for registration of accredited MCMCBs by the chief executive (**registered MCMCBs**); and
 - (d) for registered MCMCBs to certify persons as modular component manufacturers (**certified MCMs**); and
 - (e) for registration of certified MCMs by the chief executive (**registered MCMs**); and
 - (f) for registered MCMs to issue modular component certificates.
- (3) These regulations—
 - (a) define modular component for the purposes of section 7 of the Act; and
 - (b) prescribe criteria and standards for the accreditation of persons as modular component manufacturer certification bodies under section 272J of the Act and for the registration of accredited MCMCBs under section 272N of the Act; and
 - (c) prescribe criteria and standards for the certification of persons as modular component manufacturers under section 272U of the Act and for the registration of certified MCMs under section 272Y of the Act; and
 - (d) prescribe required content for modular component certificates; and
 - (e) prescribe matters relating to applications for registrations, matters relating to audits, and fees.
- (4) This outline is only a guide to the general scheme and effect of these regulations.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Building Act 2004

building code means the building code set out in Schedule 1 of the Building Regulations 1992

certificate, in relation to a modular component, means a certificate issued under section 272ZF of the Act

prefabricated product has the meaning set out in regulation 5.

5 Meaning of prefabricated product

- (1) In these regulations, **prefabricated product** means a product that is—
- (a) manufactured (in whole or in parts) at a site or sites where the product is not intended to be installed; and
 - (b) intended to be transported to another site for installation.
- (2) For the purposes of subclause (1), the following are irrelevant:
- (a) whether, after transportation, some on-site assembly is required;
 - (b) whether the site for installation is known at the time of manufacture.

6 Transitional, savings, and related provisions

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

Meaning of modular component

7 Application of regulations 8 to 10

Regulations 8 to 10 apply for the purposes of the definition of modular component in section 7(1) of the Act.

8 Prefabricated frames and panels that are modular components

A building product is a **modular component** if the product is—

- (a) an open frame or a truss, or an enclosed frame or panel (whether or not included within it are 1 or more mechanical, electrical, or other systems); and
- (b) intended for use as, or contributes to the structural performance of,—
 - (i) the roof or floor of a building; or
 - (ii) a wall of a building; and
- (c) a prefabricated product.

9 Prefabricated volumetric structures that are modular components

A building product is a **modular component** if the product is—

- (a) a volumetric structure that comprises 1 or more of the products described in regulation 8(a); and

- (b) intended for use as, or contributes to the structural performance of, 2 or more of any of the roof, floor, floors, or walls of a building; and
- (c) a prefabricated product.

10 Prefabricated whole buildings are modular components

- (1) A building product is a **modular component** if the product is a whole building that is prefabricated.
- (2) In subclause (1), **whole building** excludes site work, such as foundations and connections to services.

Criteria and standards for accreditation as modular component manufacturer certification body

11 Requirements for MCMCB policies, procedures, and systems

- (1) To meet the criteria and standards for accreditation as a modular component manufacturer certification body required by section 272J(1)(b) of the Act, the MCMCB policies, procedures, and systems that a person has in place must—

Certification of modular component manufacturers

- (a) include the process to be carried out before an applicant is certified as a modular component manufacturer, including how risk is assessed in relation to applicants; and

Audit of certified MCMs

- (b) include the process to be carried out when auditing a certified MCM; and

Scope of accreditation as modular component manufacturer certification body

- (c) be designed to ensure that the only modular component manufacturer certification activities that the person carries out are activities that are within the scope of their accreditation; and

Employees and contractors

- (d) be designed to ensure—
 - (i) that the person has enough employees and contractors to perform the person's functions as a modular component manufacturer certification body; and
 - (ii) that every individual who is allocated or carries out modular component manufacturer certification work on the person's behalf is competent to do that work; and

Written records

- (e) require the making, and keeping, of appropriate written records; and

Disputes and complaints

- (f) include processes for receiving and handling disputes and complaints in an appropriate manner; and

Geographical distance

- (g) show how the person can perform their functions as a registered MCMCB at a geographical distance from any certified MCMs for which they are responsible; and

Comply with scheme rules

- (h) be consistent with the MCM scheme rules made under section 272ZG(3) of the Act that supplement this regulation (if any).
- (2) In this regulation, **MCMCB policies, procedures, and systems**, in relation to a person, means policies, procedures, and systems that relate to the person's ability to competently, impartially, consistently, transparently, and accountably perform the functions of a modular component manufacturer certification body under the Act for which the person wishes to be accredited.
- (3) In relation to written records, *see* subpart 3 of Part 4 of the Contract and Commercial Law Act 2017 (which contains provisions relating to, for example, the making of written records in electronic form).

12 Other criteria and standards for accreditation

To meet the criteria and standards for accreditation as a modular component manufacturer certification body required by section 272J(1)(c) of the Act, a person must provide evidence that they have a robust and detailed understanding of New Zealand's building system, including—

- (a) the Act; and
- (b) the building code; and
- (c) acceptable solutions and verification methods; and
- (d) any other relevant legislation, including any legislation that—
 - (i) regulates an occupation involved in the design, construction, or maintenance of any building or works on any building; and
 - (ii) applies, or would apply, to the person.

Registration of modular component manufacturer certification body

13 Criteria and standards for registration

To meet the criteria and standards for registration required by section 272N(1)(c) of the Act, an accredited MCMCB must be a fit and proper person to be registered as a modular component manufacturer certification body, by reference to the following attributes:

- (a) their character and integrity:

- (b) their likely ability to maintain an appropriate degree of impartiality and independence in relation to their functions as a registered MCMCB;
- (c) their reputation for professional conduct;
- (d) their likely ability to conduct business in a responsible and ethical manner.

14 Application for registration

An application for registration as a modular component manufacturer certification body must include the following information:

- (a) details of the applicant, including—
 - (i) their full legal name; and
 - (ii) the physical address of their principal place of business; and
 - (iii) their postal address (if different from that physical address); and
 - (iv) their other contact details, including their email address and phone number; and
 - (v) the address of their Internet site; and
- (b) details of the individual responsible for the application, including—
 - (i) their full name; and
 - (ii) their title or role (in relation to the applicant); and
 - (iii) their contact details, including their email address and phone number; and
- (c) evidence that the applicant is an accredited MCMCB; and
- (d) information relevant to the chief executive's assessment as to whether the applicant meets the requirement to be a fit and proper person to be registered as a modular component manufacturer certification body, including—
 - (i) the information required by regulation 15; and
 - (ii) the information relating to conflicts of interest required by regulation 16.

15 Information required under regulation 14(d)(i)

- (1) This regulation sets out the information that an applicant for registration as a modular component manufacturer certification body must include in their application for the purposes of regulation 14(d)(i).
- (2) The information in subclause (3) must be provided for each of the following persons:
 - (a) the applicant; and
 - (b) the individual responsible for the application; and

- (c) every individual responsible for the day-to-day management or control of any of the applicant's functions as a registered MCMCB.
- (3) The information is—
 - (a) whether, in New Zealand or overseas,—
 - (i) any civil claim has been brought or filed against the person in relation to contract or tort and, if so, details of that civil claim; or
 - (ii) the person has been convicted of any offence, or there are pending proceedings for any offence, that the chief executive considers relevant to the chief executive's assessment of whether the applicant is a fit and proper person, including,—
 - (A) details of any offence involving dishonesty, fraud, or misrepresentation or of any offence under any legislation relating to the building sector; and
 - (B) details of the conviction or pending proceedings; or
 - (iii) the person has been the subject of any complaint made to, investigation conducted by, or disciplinary action imposed by any person (including any department) acting as regulator, or responsible for administering discipline, under legislation relating to a similar scheme and, if so, details of the complaint, investigation, or disciplinary action; or
 - (iv) the person has been refused accreditation in relation to a similar scheme and, if so, details of that refusal; and
 - (b) whether the person has any relevant experience (including any experience with similar schemes) and, if so, details of that experience; and
 - (c) details of the person's knowledge, or access to knowledge, of legislation and other regulatory requirements relating to the New Zealand building industry; and
 - (d) if the person is an individual, details of—
 - (i) relevant past and current employment; and
 - (ii) relevant qualifications; and
 - (iii) relevant past and current professional body memberships; and
 - (iv) past and current directorships and senior management roles; and
 - (e) details of the person's financial management history, including—
 - (i) whether the person has been declared bankrupt or put into liquidation, or had a receiver appointed in relation to any of their assets; and
 - (ii) if the person is an individual, whether they were involved in the management or control of an entity at a time when that entity was

put into liquidation or had a receiver appointed in relation to any of its assets.

- (4) The information required under subclause (3)(a) does not include details that are suppressed by court order or under legislation.
- (5) The information required under subclause (3)(d)(i), (iii), and (iv) that is past information is required only in respect of the 10-year period before the application is made.
- (6) In this regulation,—

similar scheme means a scheme in respect of which a person is responsible for assessing whether, and providing assurance to users that, a product, process, or service meets required criteria or standards

users, in the definition of similar scheme, means users of a product, process, or service assessed by the person referred to in that definition as meeting the required criteria or standards.

16 Information relating to conflicts of interest

- (1) An applicant for registration as a modular component manufacturer certification body must include in their application, for the purposes of regulation 14(d)(ii),—
 - (a) confirmation that there are no current or reasonably foreseeable relevant conflicts of interest; or
 - (b) details of all relevant conflicts of interest that are either current or reasonably foreseeable, and confirmation that the applicant has written procedures for transparently and appropriately managing those conflicts of interest.
- (2) In this clause, **relevant conflicts of interest**, in relation to an applicant, means—
 - (a) conflicts between—
 - (i) the applicant's interests that relate to the applicant's modular component manufacturer certification activities; and
 - (ii) the applicant's other interests; and
 - (b) conflicts between—
 - (i) the applicant's interests that relate to the applicant's modular component manufacturer certification activities; and
 - (ii) the interests of any of the persons referred to in regulation 15(2)(b) and (c).

*Criteria and standards for certification as modular component manufacturer***17 Requirements for MCM policies, procedures, and systems**

- (1) To meet the criteria and standards for certification as a modular component manufacturer required by section 272U(1)(b)(ii) of the Act, the MCM policies, procedures, and systems that a person has in place must—

Quality plan and quality management system

- (a) include a quality plan and quality management system designed to ensure that the person will meet all relevant requirements under the Act and any customer requirements; and

Manufacture of modular components

- (b) be designed to ensure a manufacturing process appropriate for the scope of certification that the person is seeking; and
- (c) cover the manufacturing process, including covering processes for—
- (i) detecting and managing defects; and
 - (ii) managing the supply chain for building materials; and

Design of modular components (if applicable)

- (d) if the person is seeking certification to design modular components, cover the design process (including demonstrating the person's ability to design components to a standard that complies with the building code); and

Employees and contractors

- (e) be designed to ensure—
- (i) that the person has enough employees and contractors to perform the person's functions as a modular component manufacturer; and
 - (ii) that every individual who is allocated or carries out modular component manufacturer work on the person's behalf is competent to do that work; and

Written records

- (f) require the making, and keeping, of appropriate written records; and

Disputes and complaints

- (g) include processes for receiving and handling disputes and complaints that are designed to ensure that these are received and handled in an appropriate manner; and

Comply with scheme rules

- (h) be consistent with the MCM scheme rules made under section 272ZG(3) of the Act that supplement this regulation (if any).

- (2) In this regulation, **MCM policies, procedures, and systems**, in relation to a person, means policies, procedures, and systems that relate to the person's abil-

ity to perform the functions of a modular component manufacturer under the Act for which the person wishes to be certified as required by section 272U(1)(a) of the Act.

- (3) In relation to written records, *see* subpart 3 of Part 4 of the Contract and Commercial Law Act 2017 (which contains provisions relating to, for example, the making of written records in electronic form).

Registration of modular component manufacturer

18 Adequate means to cover civil liabilities arising from manufacture or design

- (1) To meet the criteria and standards for registration required by section 272Y(1)(b) of the Act, an applicant must have adequate means to cover any civil liabilities that may arise in relation to their manufacture and design (if applicable) of modular components, including by reference to—
 - (a) the applicant’s financial viability; and
 - (b) the applicant’s policies, procedures, and systems relating to the identification, assessment, evaluation, and management of risk.
- (2) The matters listed in subclause (1)(a) and (b) must be appropriate in relation to the risk involved in—
 - (a) the kinds of modular components that the applicant is certified to manufacture; and
 - (b) the kinds of modular components that the applicant is certified to design (if any).

19 Other criteria and standards for registration

To meet the criteria and standards for registration required by section 272Y(1)(c) of the Act, an applicant must be a fit and proper person to be registered as a modular component manufacturer, 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 their modular component manufacture and (if applicable) modular component design functions;
- (c) the applicant’s reputation for professional conduct;
- (d) the applicant’s likely ability to conduct business in a responsible and ethical manner.

20 Application for registration

An application for registration as a modular component manufacturer must include the following information:

- (a) details of the applicant, including—
 - (i) their full legal name; and
 - (ii) the physical address of their principal place of business; and
 - (iii) their postal address (if different from that physical address); and
 - (iv) their other contact details, including their email address and phone number; and
 - (v) the address of their Internet site; and
- (b) details of the individual responsible for the application, including—
 - (i) their full name; and
 - (ii) their title or role (in relation to the applicant); and
 - (iii) their contact details, including their email address and phone number; and
- (c) evidence that the applicant is a certified MCM; and
- (d) information relevant to the chief executive's assessment as to whether the applicant meets the requirements to have adequate means to cover any civil liabilities that may arise in relation to their manufacture and (if applicable) design of modular components, including the information required by regulation 21; and
- (e) information relevant to the chief executive's assessment as to whether the applicant meets the requirement to be a fit and proper person to be registered as a modular component manufacturer, including—
 - (i) the information required by regulation 22; and
 - (ii) the information relating to conflicts of interest required by regulation 23.

21 Information required under regulation 20(d)

- (1) For the purposes of regulation 20(d), an applicant for registration as a modular component manufacturer must include in their application the following information:
 - (a) a description of—
 - (i) the kinds of modular components that the applicant is certified to manufacture; and
 - (ii) the kinds of modular components that the applicant is certified to design (if any); and
 - (b) a description of the applicant's organisational structure; and
 - (c) the applicant's financial statements, prepared in accordance with generally accepted accounting practice, for its last 2 accounting periods (or such lesser number of accounting periods as the applicant has, if it is newly formed or incorporated); and

- (d) a financial forecast of the applicant's anticipated revenue and expenditure for at least the next 2 years; and
 - (e) details of the applicant's policies, procedures, and systems relating to the identification, assessment, evaluation, and management of risk; and
 - (f) details of the applicant's transferred risks (for example, through insurance policies held by the applicant); and
 - (g) details of risks retained by the applicant and of how they are managed; and
 - (h) whether, in New Zealand or overseas, any civil or criminal proceedings have been brought against the applicant that are not resolved and, if so, details of the claim or alleged offence.
- (2) In this regulation, **accounting period** has the same meaning as in section 5(1) of the Financial Reporting Act 2013.

22 Information required under regulation 20(e)(i)

- (1) This regulation sets out the information that an applicant for registration as a modular component manufacturer must include in their application for the purposes of regulation 20(e)(i).
- (2) The information in subclause (3) must be provided for each of the following persons:
- (a) the applicant; and
 - (b) the individual responsible for the application; and
 - (c) every individual responsible for the day-to-day management or control of any of the applicant's functions as a registered MCM.
- (3) The information is—
- (a) whether, in New Zealand or overseas,—
 - (i) any civil claim has been brought or filed against the person in relation to contract or tort and, if so, details of that claim; or
 - (ii) the person has been convicted of any offence, or there are pending proceedings for any offence, that the chief executive considers relevant to the chief executive's assessment of whether the applicant is a fit and proper person, including,—
 - (A) details of any offence involving dishonesty, fraud, or misrepresentation or of any offence under any legislation relating to the building sector; and
 - (B) details of the conviction or pending proceedings; or
 - (iii) the person has been the subject of any complaint made to, investigation conducted by, or disciplinary action imposed by any person (including any department) acting as regulator, or responsible for administering discipline, under legislation relating to a similar

- scheme and, if so, details of the complaint, investigation, or disciplinary action; or
- (iv) the person has been refused certification in relation to a similar scheme and, if so, details of that refusal; and
- (b) whether the person has any relevant experience (including any experience with similar schemes) and, if so, details of that experience; and
 - (c) details of the person's knowledge, or access to knowledge, of legislation and other regulatory requirements relating to the New Zealand building industry; and
 - (d) if the person is an individual, details of—
 - (i) relevant past and current employment; and
 - (ii) relevant qualifications; and
 - (iii) relevant past and current professional body memberships; and
 - (iv) past and current directorships and senior management roles; and
 - (e) details of the person's financial management history, including—
 - (i) whether the person has been declared bankrupt or put into liquidation, or had a receiver appointed in relation to any of their assets; and
 - (ii) if the person is an individual, whether they were involved in the management or control of an entity at a time that entity was put into liquidation or had a receiver appointed in relation to any of its assets.
- (4) The information required under subclause (3)(a) does not include details that are suppressed by court order or under legislation.
 - (5) The information required under subclause (3)(d)(i), (iii), and (iv) that is past information is required only in respect of the 10-year period before the application is made.
 - (6) For the purposes of this regulation, **similar scheme** means a scheme under which a person manufactures or designs products, processes, or services to required criteria or standards.

23 Information relating to conflicts of interest

- (1) An applicant for registration as a modular component manufacturer must include in their application, for the purposes of regulation 20(e)(ii),—
 - (a) confirmation that there are no current or reasonably foreseeable relevant conflicts of interest; or
 - (b) details of all relevant conflicts of interest that are either current or reasonably foreseeable, and confirmation that the applicant has written procedures for transparently and appropriately managing those conflicts of interest.

- (2) In this clause, **relevant conflicts of interest**, in relation to an applicant, means—
- (a) conflicts between—
 - (i) the applicant’s interests that relate to the applicant’s modular component manufacturer activities; and
 - (ii) the applicant’s other interests; and
 - (b) conflicts between—
 - (i) the applicant’s interests that relate to the applicant’s modular component manufacturer activities; and
 - (ii) the interests of any of the persons referred to in regulation 22(2)(b) and (c).

Certificates for modular components

24 Content of certificates

- (1) A certificate that a registered MCM issues for a modular component for the purposes of section 45(1)(bb) or (bc) of the Act must include all the information referred to in Part 1 of Schedule 2 that is applicable.
- (2) A certificate that a registered MCM issues for a modular component for the purposes of section 92(3) or (3A) of the Act must include all the information referred to in Part 2 of Schedule 2 that is applicable.

Audits

25 Audit of accredited MCMCB

- (1) For the purposes of section 272K(3)(a) of the Act, the MCMC accreditation body must take the following matters into account in carrying out an audit of an accredited MCMCB:
 - (a) the outcome of any risk assessments undertaken by the MCMC accreditation body into the accredited MCMCB’s performance of the accredited MCMCB’s functions;
 - (b) any complaints or other feedback that the MCMC accreditation body has received in relation to the accredited MCMCB’s performance of the accredited MCMCB’s functions;
 - (c) any relevant complaints or other relevant feedback of which the MCMC accreditation body is aware that relate to the performance of any functions that the person who is the accredited MCMCB has under a similar scheme;
 - (d) any other relevant matters that the MCMC accreditation body thinks ought to be taken into account.
- (2) In this regulation, **similar scheme** has the same meaning as in regulation 15(6).

26 Audit of accredited MCMCB conducted for cause

For the purposes of section 272K(1)(b) of the Act an audit of an accredited MCMCB is required to be undertaken by the MCMC accreditation body if the MCMC accreditation body—

- (a) has reason to believe that—
 - (i) there may be grounds to suspend or revoke the person’s accreditation under section 272L of the Act; or
 - (ii) there may be reasons to lift the suspension of the person’s accreditation (following suspension); and
- (b) is satisfied that an audit may provide significant information that will help establish whether—
 - (i) the accredited MCMCB no longer meets the criteria for accreditation under section 272J of the Act or has failed to comply with any MCM scheme rules; or
 - (ii) in a case where the accreditation of the MCMCB is suspended, the MCMCB is likely to meet or comply with the accreditation criteria and any MCM scheme rules in the future.

27 Audit of certified MCM

(1) For the purposes of section 272V(5)(a) of the Act, a registered MCMCB must take the following matters into account in carrying out an audit of a certified MCM:

- (a) the outcome of any risk assessments undertaken by the registered MCMCB into the certified MCM’s performance of the certified MCM’s functions:
- (b) any complaints or other feedback that the registered MCMCB has received in relation to the certified MCM’s performance of the certified MCM’s functions:
- (c) any relevant complaints or other relevant feedback of which the registered MCMCB is aware that relate to the performance of any functions that the person who is the certified MCM has under a similar scheme:
- (d) any other relevant matters that the registered MCMCB thinks ought to be taken into account.

(2) In this regulation, **similar scheme** has the same meaning as in regulation 22(6).

28 Audits of certified MCM conducted for cause

For the purposes of section 272V(1)(b) of the Act an audit of a certified MCM is required to be undertaken by the MCMCB that is responsible for the certified MCM if the MCMCB—

- (a) has reason to believe that—

- (i) there may be grounds to suspend or revoke the persons certification under section 272W of the Act; or
- (ii) there may be reasons to lift the person's suspension of certification (following suspension); and
- (b) is satisfied that an audit may provide significant information that will help establish whether—
 - (i) a certified MCM no longer meets the criteria for certification under section 272U of the Act or has failed to comply with any MCM scheme rules; or
 - (ii) in a case where the certification of the MCM is suspended, is likely to meet or comply with the certification or any MCM scheme rules in the future.

Fees

29 Fees

- (1) The fees set out in Schedule 3 are payable in respect of the matters to which they relate.
- (2) The fees are exclusive of goods and services tax.

**Schedule 1
Transitional, savings, and related provisions**

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**Part 1
Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2

Content of manufacturer's certificates for modular components

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Part 1

Certificates issued for purposes of section 45(1)(bb) or (bc) of Act

In accordance with regulation 24(1) and section 272ZF(2)(b) of the Act, a certificate for a modular component issued by a registered MCM must include the following information:

General

- (a) the date of issue of the certificate:
- (b) the certificate number:
- (c) whichever of the following applies:
 - (i) a statement that the certificate is issued for the purposes of section 45(1)(bb) of the Act:
 - (ii) a statement that the certificate is issued for the purposes of section 45(1)(bc) of the Act:
- (d) a description of the modular component sufficient to identify it:
- (e) a statement, in the name of the registered MCM, that the registered MCM takes responsibility for the modular component in respect of which the certificate is issued:

Registered MCM: general details

- (f) the following general information about the registered MCM:
 - (i) their legal name:
 - (ii) their trading name, or trading names, in New Zealand:
 - (iii) their New Zealand Business Number (if any):
 - (iv) their address for service in New Zealand:
 - (v) their email address and phone number in New Zealand:
 - (vi) their Internet site:
 - (vii) a link to (or the address of) the Internet site where information on the registered MCM's complaint process can be accessed:

Registered MCM: MCM scheme details

- (g) the following information about the registered MCM:
 - (i) the scope of the registered MCM's certification:
 - (ii) the date of their last audit (if any) as a certified MCM under section 272V of the Act:

- (iii) the date of their last audit (if any) as a registered MCM under section 272Z of the Act:

Responsible MCMCB details

- (h) the following information about the responsible MCMCB:
 - (i) their legal name:
 - (ii) their trading name, or trading names, in New Zealand:
 - (iii) their New Zealand Business Number (if any):
 - (iv) their address for service in New Zealand:
 - (v) their email address and phone number in New Zealand:
 - (vi) their Internet site:
 - (vii) a link to (or the address of) the Internet site where information on the responsible MCMCB's complaint process can be accessed:

Design specifications (only applicable if the certificate is issued for the purposes of section 45(1)(bb) of the Act)

- (i) a description of the design of the modular component that will support the intended use of the modular component:
- (j) a link to (or the address of) the Internet site where further details of the design can be accessed:

Manufacturing specifications

- (k) a description of the processes to be used in the manufacture of the modular component:

Manufacture statement

- (l) if the certificate is issued for the purposes of section 45(1)(bb), statements that the modular component—
 - (i) will be manufactured, stored, transported to site, and installed according to the design specifications in the certificate; and
 - (ii) will be manufactured according to the manufacturing specifications in the certificate; and
 - (iii) will comply with the other details of the certificate:
- (m) if the certificate is issued for the purposes of section 45(1)(bc), statements that the modular component—
 - (i) will be manufactured, stored, transported to site, and installed according to the consented design; and
 - (ii) will comply with the other details of the certificate:

Signatures

- (n) the signatures of the registered MCM's authorised representatives.

Part 2

Certificates issued for purposes of section 92(3) or (3A) of Act

In accordance with regulation 24(2) and section 272ZF(2)(b) of the Act, a certificate for a modular component issued by a registered MCM must contain the following information:

General

- (a) the date of issue of the certificate:
- (b) the certificate number:
- (c) whichever of the following applies:
 - (i) a statement that the certificate is issued for the purposes of section 92(3) of the Act:
 - (ii) a statement that the certificate is issued for the purposes of section 92(3A) of the Act:
- (d) a description of the modular component sufficient to identify it:
- (e) a statement, in the name of the registered MCM, that the registered MCM takes responsibility for the modular component in respect of which the certificate is issued:

Registered MCM: general details

- (f) the following general information about the registered MCM:
 - (i) their legal name:
 - (ii) their trading name, or trading names, in New Zealand:
 - (iii) their New Zealand Business Number (if any):
 - (iv) their address for service in New Zealand:
 - (v) their email address and phone number in New Zealand:
 - (vi) their Internet site:
 - (vii) a link to (or the address of) the Internet site where information on the registered MCM's complaint process can be accessed:

Registered MCM: MCM scheme details

- (g) the following information about the registered MCM:
 - (i) the scope of the registered MCM's certification:
 - (ii) the date of their last audit (if any) as a certified MCM under section 272V of the Act:
 - (iii) the date of their last audit (if any) as a registered MCM under section 272Z of the Act:

Responsible MCMCB details

- (h) the following information about the responsible MCMCB:

- (i) their legal name:
- (ii) their trading name, or trading names, in New Zealand:
- (iii) their New Zealand Business Number (if any):
- (iv) their address for service in New Zealand:
- (v) their email address and phone number in New Zealand:
- (vi) their Internet site:
- (vii) a link to (or the address of) the Internet site where information on the responsible MCMCB's complaint process can be accessed:

Manufacture statement

- (i) if the certificate is issued for the purposes of section 92(3), whichever of the following applies:
 - (i) a statement that the modular component has been manufactured, stored, transported to site, and installed in accordance with the manufacturer's certificate issued at the building consent application stage (such statement to include the certificate number of that certificate):
 - (ii) a statement that the modular component has been manufactured, stored, transported to site, and installed in accordance with the manufacturer's certificate issued at the building consent application stage, except for the described variations (such statement to include the certificate number of that certificate and to describe the variations):
- (j) if the certificate is issued for the purposes of section 92(3A), a statement that the modular component has been manufactured, stored, transported to site, and installed in accordance with the consented design and the manufacturer's certificate issued at the building consent application stage (such statement to include the certificate number of that certificate):

Signatures

- (k) the signatures of the registered MCM's authorised representatives.

Schedule 3

Fees

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Part 1

Modular component manufacturer certification body

Activity	Matter	Fee
Accreditation of modular component manufacturer certification body	1 Application for accreditation as modular component manufacturer certification body	\$8,600
	2 Any additional time required after first 2 days to assess application for accreditation	\$2,000 per day, or part of day, per assessor or technical expert
	3 Expenses incurred as part of accreditation activities under items 1 and 2	Amount of reasonable expenses incurred
Registration of modular component manufacturer certification body	4 Application for registration as modular component manufacturer certification body	\$90.15 per hour up to \$1,803
Audit of accredited MCMCB	5 Audit of accredited MCMCB under section 272K of the Act	\$2,000 per day, or part of day, per assessor or technical expert
	6 Expenses incurred as part of audit activities under item 5	Amount of reasonable expenses incurred

Part 2

Modular component manufacturer

Activity	Matter	Fee
Registration of modular component manufacturer	Application for registration as modular component manufacturer	\$90.15 per hour up to \$5,859.75

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, relate to the modular component scheme to be established under the Building Act 2004 (the **Act**). These regulations—

- define modular component for the purposes of the Act (*see regulations 7 to 10*):

- prescribe criteria and standards for the accreditation of a person as a modular component manufacturer certification body under section 272J of the Act (*see regulations 11 and 12*):
- prescribe criteria and standards and procedures for the registration of a person as a modular component manufacturer certification body under section 272N of the Act, and rules about conflicts of interest (*see regulations 13 to 16*):
- prescribe criteria and standards for the certification of a person as a modular component manufacturer under section 272U of the Act (*see regulation 17*) and for the registration of certified MCMs under section 272Y of the Act (*see regulations 18 to 23*):
- prescribe the required content of modular component certificates (*see regulation 24 and Schedule 2*):
- prescribe matters relating to audits (*see regulations 25 to 28*):
- prescribe fees for accreditation, registration, and audits (*see regulation 28 and Schedule 3*).

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 20 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>

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