



# Building (Building Product Information Requirements) 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 (Building Product Information Requirements) Regulations 2022.

### 2 Commencement

These regulations come into force on 11 December 2023.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Building Act 2004

**designated building product** means a building product to which regulation 5 or 6 applies

**NZBN** means New Zealand Business Number

**required building product information,—**

- (a) in relation to a designated building product: class 1, means the information required to be disclosed by Schedule 1:
- (b) in relation to a designated building product: class 2, means the information required to be disclosed by Schedule 2

**responsible person**, in relation to a designated building product, means—

- (a) the person living, or incorporated, in New Zealand who is the manufacturer or importer of the building product; and
- (b) each of the persons living, or incorporated, in New Zealand who sell the building product by wholesale or retail, or otherwise distribute the building product

**specified responsibilities**,—

- (a) in relation to the person described in paragraph (a) of the definition of responsible person, means—
  - (i) collating and producing the required building product information and disclosing it to the public, free of charge, on an Internet site; and
  - (ii) carrying out the obligations set out in regulation 12(a) and, if applicable, regulation 12(b)(i), (ii), and (v); and
  - (iii) carrying out the obligations set out in regulation 13(a) and (c) and, if applicable, regulation 13(b):
- (b) in relation to each of the persons described in paragraph (b) of the definition of responsible person, means—
  - (i) ensuring that the required building product information is actually available to all persons to whom that responsible person sells or otherwise distributes the building product before it is sold or otherwise distributed; and
  - (ii) carrying out the obligations set out in regulation 12(b)(iii), (iv), and, if applicable, (v); and
  - (iii) carrying out the obligations set out in regulation 13(b), if applicable

**standard**—

- (a) means a specification relating to goods, services, processes, or practices approved or adopted by a standards organisation (within the meaning of section 4(1) of the Standards and Accreditation Act 2015); and
- (b) includes a modification to any such specification.

### *Designated building products*

#### **4 Application**

These regulations apply to designated building products manufactured in, or imported into, New Zealand on or after 11 December 2023.

#### **5 Designated building products: class 1**

- (1) **A designated building product: class 1** is a building product that—

- (a) is mass-produced or produced in batches to a general specification; and
  - (b) is available for wholesale or retail purchase; and
  - (c) is new (and not used); and
  - (d) when used in building work, may affect whether the building work complies with the building code; and
  - (e) is not a product of a kind described in regulation 7.
- (2) Examples of products to which subclause (1) may apply, depending on the circumstances, include (without limitation)—
- (a) cladding products:
  - (b) mechanical fixings:
  - (c) insulation products:
  - (d) internal lining products:
  - (e) roofing products:
  - (f) structural wood-based products:
  - (g) structural steel and reinforcing products:
  - (h) sanitary plumbing and drainage products, including tapware.

## **6 Designated building products: class 2**

- (1) A **designated building product: class 2** is a building product that—
- (a) is based on a line of products where each unit is customised to the specification of an individual client; and
  - (b) is new (and not used); and
  - (c) when used in building work, may affect whether the building work complies with the building code; and
  - (d) is not a product of a kind described in regulation 7.
- (2) Examples of products to which subclause (1) may apply, depending on the circumstances, include (without limitation) external window joinery and doors that have been customised to the specifications of individual clients (for example, specifications on dimensions and glass type).

## **7 Building products to which these regulations do not apply**

The following building products are not designated building products:

- (a) a building product to which a product certificate registered under section 272A of the Act applies:
- (b) a building product that is a modular component manufactured by a registered MCM:

- (c) a temporary building product (for example, barriers used during demolition or construction) that does not form part of the building when construction is completed:
- (d) frames and trusses manufactured in a different location from the building site where they are to be installed, and that are designed in accordance with the relevant acceptable solutions and verification methods issued under section 22(1) of the Act.
- (e) a building product that is—
  - (i) a gas appliance or a fitting (within the meaning of section 2(1) of the Gas Act 1992):
  - (ii) an electrical appliance or a fitting (within the meaning of section 2(1) of the Electricity Act 1992).

## Part 1

### Required information for designated building products

#### *What information must be disclosed*

#### **8 Information disclosure: designated building products: class 1**

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in Schedule 1, and in the way required by these regulations, for a designated building product: class 1.

#### **9 Information disclosure: designated building products: class 2**

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in Schedule 2, and in the way required by these regulations, for a designated building product: class 2.

#### *When information must be disclosed*

#### **10 Timing of information disclosure: designated building products: class 1**

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 1 is disclosed either before or when the product is offered for supply by a wholesaler, retailer, or other distributor of the product.

#### **11 Timing of information disclosure: designated building products: class 2**

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 2 is disclosed before the product is ordered by a client.

*How information must be disclosed***12 Requirements as to method of disclosure of required building product information**

Each responsible person must ensure, to the extent of their specified responsibilities that—

- (a) the required building product information is published and maintained on an Internet site and available free of charge and without pre-conditions (for example, the need to create an account, insert a password, log in, or provide an email address); and
- (b) the address of the Internet site where the required building product information is published, is disclosed—
  - (i) on the building product; or
  - (ii) on the packaging of the building product; or
  - (iii) in the case of a building product sold or distributed in a shop or other physical location, on signs next to the building product; or
  - (iv) in the case of a building product sold or offered for sale on the Internet,—
    - (A) on the relevant Internet site at the same location where the building product is displayed; and
    - (B) in a manner that provides the public with a clear link to the Internet site where the required building product information can be accessed; or
  - (v) in any similar way that will provide the public with a clear link to the Internet site where the required building product information can be accessed.

*Requirements for reviewing, updating, and maintaining certain information***13 Requirements for reviewing, updating, and maintaining required building product information**

Each responsible person must ensure, to the extent of their specified responsibilities, that—

- (a) the required building product information for each designated building product is kept up to date on the relevant Internet site from which the information is available to members of the public; and
- (b) if there are any changes to the address of the relevant Internet site, information about those changes is disclosed to the public to the extent practicable and as soon as practicable; and

- (c) the required building product information continues to be maintained on the relevant Internet site while the building product continues to be supplied or offered for supply, even if—
  - (i) the building product has been superseded by an updated version of the product, or an entirely new product; or
  - (ii) the building product is no longer manufactured.

## Schedule 1

### Designated building products: class 1

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The following information must be disclosed about a designated building product: class 1:

- (a) a description of the building product (including the name of the product and its intended use):
- (b) a product identifier for the building product that distinguishes that product from other building products:
- (c) if the building product is manufactured—
  - (i) in New Zealand, the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any):
  - (ii) overseas,—
    - (A) the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any); and
    - (B) the legal and trading name of the importer, the importer's address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any):
- (d) a statement specifying—
  - (i) the clauses of the building code that are relevant to the product, within its intended scope of use; and
  - (ii) how the building product is expected to contribute to compliance with those clauses (using references to 1 or more of the following):
    - (A) any applicable options for compliance set out in section 19 of the Act (other than the product certificate referred to in section 19(1)(d) or the manufacturer's certificate referred to in section 19(1)(da)):
    - (B) any other standard or technical document that describes the performance of the building product or the relevant specifications to which the building product was manufactured:
    - (C) the physical properties of the building product:
    - (D) how the building product is intended to be used; and
  - (iii) any information on the limitations on the use of the building product within its intended scope of use:

- (e) any design requirements that would support the appropriate use of the building product in building work:
- (f) any installation requirements:
- (g) any maintenance requirements:
- (h) if the building product is not subject to a warning or ban under section 26 of the Act, a statement to that effect:
- (i) if the building product is subject to a warning or ban under section 26 of the Act, a description of the warning or ban.

## Schedule 2

### Designated building products: class 2

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The following information must be disclosed about a designated building product: class 2:

- (a) a description of the building product line from which the building product is customised (including the name of the product line and its intended use):
- (b) a product identifier for the building product line, if needed to distinguish that product line from other building product lines:
- (c) if the building product is manufactured—
  - (i) in New Zealand, the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any):
  - (ii) overseas,—
    - (A) the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any); and
    - (B) the legal and trading name of the importer, the importer's address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any):
- (d) a statement specifying—
  - (i) the clauses of the building code that are relevant to the product, within its intended scope of use; and
  - (ii) how the building product is expected to contribute to compliance with those clauses (using references to 1 or more of the following):
    - (A) any applicable options for compliance set out in section 19 of the Act (other than the product certificate referred to in section 19(1)(d) or the manufacturer's certificate referred to in section 19(1)(da)):
    - (B) any other standard or technical document that describes the performance of the building product or the relevant specifications to which the building product was manufactured:
    - (C) the physical properties of the building product:
    - (D) how the building product is intended to be used:
  - (iii) any information on the limitations on the use of the product line from which the building product is customised, within its intended scope of use:

- (e) any design requirements that support the appropriate use of any building product that will be customised from the building product line in building work:
- (f) any installation requirements:
- (g) any maintenance requirements:
- (h) if the building product line is not subject to a warning or ban under section 26 of the Act, a statement to that effect:
- (i) if the building product line from which the building product is customised is subject to a warning or ban under section 26 of the Act, a description of the warning or ban.

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 11 December 2023, provide for building product information requirements.

The regulations—

- describe what building products these regulations apply to (*regulation 4*):
- define designated building products: class 1 (*regulation 5*):
- define designated building products: class 2 (*regulation 6*):
- specify what building products these regulations do not apply to (*regulation 7*):
- specify what information must be disclosed for class 1 and class 2 building products (*regulations 8 and 9 and Schedules 1 and 2*):
- specify when that information must be disclosed (*regulations 10 and 11*):
- describe how the information must be disclosed (*regulation 12*):
- set out certain requirements for reviewing, updating, and maintaining building product information (*regulation 13*).

### **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-proactiverelease-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.