



# Building Amendment Regulations 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 13th day of September 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 48 of the Building Act 1991, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the advice of the Minister of Internal Affairs following the recommendation of the Building Industry Authority, in compliance with subsection (4) of that section), makes the following regulations.

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### Regulations

- 1 Title**
- (1) These regulations are the Building Amendment Regulations 2004.
- (2) In these regulations, the Building Regulations 1992<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1992/150

## 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

## 3 First Schedule amended

The First Schedule of the principal regulations is amended by revoking clause E3, and substituting the following clause:

### Clause E3—Internal Moisture

#### Provisions

#### Limits on application

#### Objective

**E3.1** The objective of this provision is to—

- (a) safeguard people against illness, injury, or loss of *amenity* that could result from accumulation of internal moisture; and
- (b) protect *household units* and *other property* from damage caused by free water from another *household unit* in the same *building*.

#### Functional Requirement

**E3.2** *Buildings* must be constructed to avoid the likelihood of—

- (a) fungal growth or the accumulation of *contaminants* on linings and other *building elements*; and
- (b) free water overflow penetrating to an adjoining *household unit*; and
- (c) damage to *building elements* caused by the presence of moisture.

#### Performance

**E3.3.1** An *adequate* combination of *thermal resistance*, ventilation, and space temperature must be provided to all *habitable spaces*, bathrooms, laundries, and other spaces where moisture may be generated or may accumulate.

Performance E3.3.1 does not apply to *communal non-residential, commercial, industrial, outbuildings, or ancillary buildings*.

**Provisions****Limits on application**

**E3.3.2** Free water from accidental overflow from *sanitary fixtures* or *sanitary appliances* must be disposed of in a way that avoids loss of *amenity* or damage to *household units* or *other property*.

**E3.3.3** Floor surfaces of any space containing *sanitary fixtures* or *sanitary appliances* must be *impervious* and easily cleaned.

**E3.3.4** Wall surfaces adjacent to *sanitary fixtures* or *sanitary appliances* must be *impervious* and easily cleaned.

**E3.3.5** Surfaces of *building elements* likely to be splashed or become contaminated in the course of the *intended use* of the *building*, must be *impervious* and easily cleaned.

**E3.3.6** Surfaces of *building elements* likely to be splashed must be constructed in a way that prevents water splash from penetrating behind linings or into *concealed spaces*.

Diane Morcom,  
Clerk of the Executive Council.

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**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 the 28th day after the date of their notification in the *Gazette*, amend the Building Code set out in the First Schedule of the Building Regulations 1992. They revoke and replace clause E3 (which relates to internal moisture) in an amended form in order to safeguard people against loss of amenity caused by internal moisture and improve the clarity of the provision by using terms that are defined in the Code. Clause E3 is also extended to include sanitary appliances.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 September 2004.

These regulations are administered in the Department of Internal Affairs.

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