



# Building (Forms) Amendment Regulations (No 2) 2005

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 20th day of June 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 402 of the Building Act 2004, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building Issues, makes the following regulations.

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## Regulations

### 1 Title

- (1) These regulations are the Building (Forms) Amendment Regulations (No 2) 2005.
- (2) In these regulations, the Building (Forms) Regulations 2004<sup>1</sup> are called “the principal regulations”.

<sup>1</sup>SR 2004/385

### 2 Commencement

These regulations come into force on 21 July 2005.

### 3 Other forms

The table in regulation 5 of the principal regulations is amended by adding the following items:

15	363A(1)	Application for certificate for public use
16	363A(3)	Certificate for public use

### 4 Agreement between residential property developer and purchaser

Form 1 in Part 1 of the Schedule of the principal regulations is amended by inserting, immediately above the words “This agreement is made between—”, the words “This agreement is made on [*insert date*]”.

### 5 Warrant of fitness

- (1) Form 12 in Part 2 of the Schedule of the principal regulations is amended by inserting, immediately above the heading “**Warrant**”, the following heading and particulars:

“‡**Agent**

“Name of agent: [*only required if warrant is being supplied on behalf of the owner*]

“§Contact person:

“Mailing address:

“Phone number:           Daytime:                                   After hours:

“Facsimile number:

“Email address:

“Relationship to owner: [*state details of authorisation from the owner to supply the warrant on the owner’s behalf*].

- (2) Form 12 in Part 2 of the Schedule of the principal regulations is amended by omitting the words “Signature of owner:”, and substituting the words “Signature of †owner/†agent on behalf of and with the authority of the owner:”.
- (3) Form 12 in Part 2 of the Schedule of the principal regulations is amended by adding the following notes:  
 ‡Delete this section if the warrant is not being supplied on behalf of the owner.  
 §Delete if the agent is an individual.

## 6 Application for determination

Form 14 in Part 2 of the Schedule of the principal regulations is amended by inserting, after subparagraph (iii) of paragraph (c), the following subparagraph:

“†(iiia) †issue/†refuse to issue/a certificate for public use for the following †premises/ †part of premises [*state details of the premises or part of premises*]”.

## 7 Forms relating to certificate for public use added to Part 2 of Schedule of principal regulations

Part 2 of the Schedule of the principal regulations is amended by adding the forms set out in the Schedule of these regulations.

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**Schedule**  
**Forms relating to certificate for public use added to**  
**Part 2 of Schedule of principal regulations**

Form 15

Application for certificate for public use  
*Section 363A, Building Act 2004*

**\*Premises/\*Part of premises**

Description of \*premises/\*part of premises for which certificate is sought: [*identify the building in which the premises or part of the premises are located and describe those premises or that part of the premises. If appropriate, provide plans or diagrams that clearly delineate the premises or part of the premises.*]

**Building work affecting \*premises/\*part of premises**

Building \*consent number/\*consent numbers:

Issued by: [*name of building consent authority that issued the building consent*]

**The applicant (person who owns, occupies, or controls premises)**

Name of applicant: [*include preferred form of address, eg, Mr, Miss, Dr, if an individual*]

†Contact person:

Mailing address:

Phone number:                      Daytime:                      After hours:

Facsimile number:

Email address:

The applicant is the person who \*owns/\*occupies/\*controls the premises.

The following evidence of the applicant's status as \*owner/\*occupier/\*person in control is attached to this application: [*eg, copy of certificate of title, lease, agreement for sale and purchase, licence, or property management agreement, being a document that shows the full name of the applicant*]

‡The owner's name and address is: [*state owner's name and address*]

Form 15—*continued*

**§Agent**

Name of agent: *[only required if application is being made on behalf of the owner, occupier, or person in control of premises]*

||Contact person:

Mailing address:

Phone number:           Daytime:           After hours:

Facsimile number:

Email address:

Relationship to \*owner/\*occupier/\*person in control of the premises: *[state details of authorisation from the \*owner/\*occupier/\*person in control of premises to make the application on the person's behalf]*

**Application**

I confirm that no code compliance certificate has been issued for the building work.

It is intended to permit members of the public to use the \*premises/\*part of the premises described above for the following purposes and in the following circumstances: *[describe purposes and circumstances]*

Members of the public can use the \*premises/\*part of the premises described above safely because: *[state reasons for statement, and include any precautions taken to protect the public, information on any specified systems in the premises or part of the premises, and the management of any special risks (eg, means of escape from fire) on site (provide information in attachments, if necessary)]*

The personnel who carry out the building work are as follows: *[if known, list names, addresses, phone numbers, and (where relevant) registration numbers]*

I request that you issue, under section 363A(2) of the Building Act 2004, a certificate for public use for the premises or the part of the premises described above.

Signature of \*owner/\*occupier/\*person in control of premises/\*agent on behalf of, and with the authority of, the \*owner/\*occupier/\*person:

Name of person signing:

Date:

Form 15—*continued*

*space for council use*

**Attachments**

The following documents are attached to this application:

\*Evidence of applicant's status

\*Plans and diagrams showing the premises or part of the premises described above

\*Documentation relevant to the safety of the \*premises/\*part of the premises (eg, an engineer's report, certificates concerning specified systems)

\*Delete if inapplicable.

†Delete if owner/occupier/person in control is an individual.

‡Delete if the applicant is the owner.

§Delete this section if the application is not being made on behalf of the owner/occupier/person in control.

||Delete if the agent is an individual.

Form 16  
Certificate for public use  
*Section 363A, Building Act 2004*

**\*Premises/\*Part of premises**

Description of \*premises/\*part of premises for which certificate is issued: *[identify the building in which the premises or part of the premises are located and describe those premises or that part of the premises. If appropriate, refer to plans or diagrams that clearly delineate the premises or part of the premises.]*

**Building work affecting \*premises/\*part of premises**

Building \*consent number/\*consent numbers:

Issued by: *[name of building consent authority that issued the building consent]*

**The applicant (person who owns, occupies, or controls premises)**

Name and description of applicant: *[state whether applicant owns, occupies, or controls the premises]*

†Contact person:

Mailing address:

Phone number:                      Daytime:                      After hours:

Facsimile number:

Email address:

**Public use of \*premises/\*part of premises**

The territorial authority named below, being satisfied on reasonable grounds, in relation to the building work described above, that members of the public can safely use the \*premises/\*part of the premises described above, issues under section 363A(2) of the Building Act 2004 this certificate for public use in respect of \*those premises/\*that part of the premises. \*This certificate is subject to the following conditions: *[state conditions]*

Nothing in this certificate limits the duty of the owner to apply for a code compliance certificate, nor does it relieve any person from compliance with any other legislative requirement.

**\*Attachments**

The following documents are attached to this application:

Form 16—*continued*

\*Plans and diagrams showing the premises or part of the premises in respect of which the certificate is issued

\*Any other documentation the territorial authority considers relevant to the territorial authority's certificate

Signature:

Position:

On behalf of: [*name of territorial authority*]

Date:

\*Delete if inapplicable.

†Delete if applicant is an individual.

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 21 July 2005, amend the Building (Forms) Regulations 2004 (“the principal regulations”).

The regulations prescribe 2 new forms required for the application and issue of certificates for public use. A certificate for public use, provided for by a recent amendment to the Building Act 2004, may be issued for premises (or part) affected by a building work if the territorial authority concerned is satisfied that the premises (or part) can be safely used by members of the public.

The regulations also make minor amendments to certain forms in the principal regulations.

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

Date of notification in *Gazette*: 23 June 2005.

These regulations are administered in the Department of Building and Housing.

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