



Restrictions on building surveyors clarified

Regulation 5 of the Building Regulations 2012 (the Regulations) was amended in August 2017 to clarify the restrictions on the types of buildings and incidental structures for which a building surveying practitioner level 2 or a building surveying practitioner technician may sign a compliance certificate under the *Building Act 2011*.

The Regulations were amended because the qualifications of a building surveying practitioner level 2 or a building surveying practitioner technician are commensurate to certification of any residential buildings and incidental structures. The following table sets out the changes to Regulation 5.

Class of building surveyor	Type of building – previous (prior to 9 August 2017)	Type of building – current (since 9 August 2017)
Building surveying practitioner level 1	Any type of building or incidental structure	Any type of building or incidental structure
Building surveying practitioner level 2	A building or incidental structure: (a) with a floor area not exceeding 2000 m ² ; and (b) not higher than 3 storeys.	A Class 1 or Class 10 building or incidental structure. A Class 2 to Class 9 building or incidental structure: (a) with a floor area not exceeding 2000 m ² ; and (b) not higher than 3 storeys.
Building surveying practitioner technician	A building or incidental structure: (a) with a floor area not exceeding 500 m ² ; and (b) not higher than 2 storeys.	A Class 1 or Class 10 building or incidental structure. A Class 2 to Class 9 building or incidental structure: (a) with a floor area not exceeding 500 m ² ; and (b) not higher than 2 storeys.

Building surveyors are able to certify any residential (Class 1 or Class 10) building or incidental structure, as well as commercial (Class 2 to Class 9) buildings or incidental structures up to the existing floor area and storey restrictions in Regulation 5. These amendments also make clear that the floor and storey restrictions do not apply to (and are not appropriate for) residential structures such as retaining walls and swimming pools.

This does not change the fact that only a registered building surveying contractor at the appropriate level, or a public authority, can issue a compliance certificate.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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