

Doc Ref TS-43 Warnings and Bans NV

Date 28/05/2008

TS-43 Warnings and Bans

ROLES AND RESPONSIBILITIES

- **BCA**

Responsible for developing procedures relating to observing warnings and bans as issued by the DBH or as published in the *Gazette*.

- **Building Manager**


Responsible for ensuring procedures are followed which take into account warnings and bans during building consent processes e.g. consenting, inspecting and issue of CCC.

- **Building Officer**

Responsible for consideration of warnings and bans on each job as each process of the building consent is carried out.

BACKGROUND

1. Sections 26 – 30 and 48 (3) (b) of the Building Act relate to Warnings and Bans.
2. The Chief Executive can issue a warning about a building method or product or can ban a building method or product if he or she believes on reasonable grounds that the use of a building method or product is likely to result in building work failing to comply with the building code.
3. If the Chief Executive issues a warning or ban, he or she must publicly notify :
 1. The warning or ban
 2. The date when the warning or ban came into place
 3. Whether the ban applies to building consents already granted.
 4. The procedure followed when issuing a warning or ban
4. Where a warning has been given a Building Consent Authority must have due regard to that warning when issuing a code compliance certificate or determining whether something complies with the building code.
5. Consideration must be given to whether or not that warning was relevant to that particular building work that has been inspected.
6. A BCA cannot grant a building consent or a code compliance certificate where a banned building method or product is involved.
7. It is an offence to use a banned building method or product for building work.

	<p style="text-align: center;">Clutha District Council</p> <p style="text-align: center;">Building Consent Authority Manual</p>	Doc Ref	TS-43 Warnings and Bans NV
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PROCEDURE

1 REGISTER OF WARNINGS AND BANS

- 1.1 The BCA will maintain a register of Warnings and Bans which will be updated with all information provided by the DBH.
- 1.2 Building Officers will familiarise themselves with the content of this register.
- 1.3 Upon notification of a new warning or ban from the DBH, the BCA will insert details of the bans on the appropriate consent processing and inspection checksheets.
- 1.4 When processing building consents Building Officers will identify whether a building system or method subject to a warning or ban is proposed. If this is the case the applicant is to be notified that the consent will not be approved and an alternative method which complies with the Building Code must be proposed.
- 1.5 When conducting inspections if a building method or product subject to a warning or ban is identified the Building Officer will request that it is replaced by a method or product which complies with the Building Code.
- 1.6 The officer will consider whether it is appropriate to follow the enforcement procedures of TS 38 and advise the DBH of the use of the product or method.

NOTES AND RELATED DOCUMENTS

Register of Warnings and Bans.