

2018-02-09

OBJECTS AND REASONS

This Bill would provide for

- (a) the establishment of a Building Standards Authority;
- (b) the registration of building practitioners;
- (c) the granting of building permits and completion certificates;
- (d) the establishment of a Practitioners Board;
- (e) the establishment of a Building Appeals Board;
- (f) the prescribing of building standards to ensure the health, safety and welfare of persons in and about buildings

and for related matters.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Purpose of the Act
3. Interpretation
4. Application
5. Fees

PART II

ADMINISTRATION

6. Building Standards
7. Functions of the Authority
8. Functions of the Director
9. Staff
10. Delegation by Minister and Director
11. Directions

PART III

BUILDING STANDARDS ADVISORY COMMITTEE

12. Establishment and functions of the Building Standards Advisory Committee
13. Annual report

PART IV

ESTABLISHMENT AND FUNCTIONS OF PRACTITIONERS BOARD

14. Establishment of Practitioners Board
15. Functions and powers of Practitioners Board
16. Building practitioner to be registered
17. Application for registration as a building practitioner
18. Registration of building practitioner
19. Function of building practitioner to be carried out by a natural person
20. Register of building practitioners
21. Certificate to be displayed
22. Discipline
23. Inquiry by Practitioners Board
24. Procedure during an Inquiry

- 25. Inquiry to be open to public
- 26. Attendance by Witnesses
- 27. Documents produced at Inquiry
- 28. Oaths
- 29. Lesser Penalty
- 30. Costs
- 31. Determination to be published
- 32. Appeals to Appeal Board
- 33. Employer to be advised

PART V

REVIEW CONSULTANT

- 34. Applicant required to employ Review Consultant
- 35. Functions of Review Consultant
- 36. Projects requiring the employment of a Review Consultant
- 37. Qualifications of a Review Consultant

PART VI

BUILDING PERMIT

- 38. Building permit required

- 39. Stage building permit
- 40. Application
- 41. Further information may be requested
- 42. Compliance with Act and Regulations
- 43. Type approval permit
- 44. Design certificate
- 45. Refusal to grant a building permit
- 46. Building work not requiring building permit
- 47. Historic buildings

PART VII

COMMENCEMENT, INSPECTION AND INSURANCE OF BUILDING WORK

- 48. Building work to be insured
- 49. Notification and inspection of building work
- 50. Inspections
- 51. Building work to comply with plans, specifications, the Act and regulations

PART VIII

COMPLETION CERTIFICATE

- 52.** Completion certificate or approval to occupy
- 53.** Certificate for public use and assembly to be granted
- 54.** Application for a completion certificate, approval to occupy or certificate for public use and assembly
- 55.** Temporary occupation
- 56.** Declaration by owner
- 57.** Suspension or revocation of completion certificate and other certificates and approvals
- 58.** Regularisation of building and building work prior to commencement of Act
- 59.** Regularisation of unauthorised building work
- 60.** Offence

PART IX

ENFORCEMENT OF SAFETY AND BUILDING STANDARDS

- 61.** Emergency orders
- 62.** Building work may be carried out by Director
- 63.** Police assistance

- 64. Completion of building work
- 65. Appeals
- 66. Duration of emergency order
- 67. Contravention of emergency order
- 68. Building and upgrading notices
- 69. Contents of building notices
- 70. Representations by owner
- 71. Building orders
- 72. Contents of building orders
- 73. Requirements for building notices, building orders and emergency orders given under this Part
- 74. Building orders to stop building work
- 75. Fire hazards
- 76. Fire upgrading reports
- 77. Representations to Director
- 78. Building orders relating to fire hazards.
- 79. Failure to comply with building order of the Director
- 80. Police assistance

- 81.** Completion of building work
- 82.** Amendment or cancellation of certain building orders
- 83.** Duration of building order
- 84.** Contravention of building order
- 85.** Register of building orders
- 86.** Appeals
- 87.** Onus of proof on appeal

PART X

APPEALS BOARD AND APPEALS

- 88.** Establishment of Appeals Board
- 89.** Functions of Appeals Board
- 90.** Who may appeal
- 91.** Modification of Director's decision
- 92.** Authentication of documents
- 93.** Procedure generally
- 94.** Form of applications for Appeal
- 95.** Decisions
- 96.** Evidence of determinations

- 97.** Enforcement of determinations
- 98.** Adjournments
- 99.** Hearings to be open
- 100.** Attendance of witnesses
- 101.** Oaths
- 102.** Appeal to High Court

PART XI

ENFORCEMENT PROVISIONS

- 103.** Prosecution
- 104.** Offences by Corporations
- 105.** Additional orders that may be made by the Court

PART XII

LIABILITY

- 106.** Liability of officers
- 107.** Application of limitation of liability provisions
- 108.** Limitation on liability of persons jointly and severally liable
- 109.** Right to contribution
- 110.** Amounts of contribution

111. Relationship of liability provisions to other laws

PART XIII

MISCELLANEOUS

112. Application of limitation on taking action

113. Limitation of time when action may be taken

114. Authorised Officers

115. Access to residential premises

116. Additional powers of authorised officer

117. Access where safety of public at risk

118. Offences

119. Evidentiary provisions

120. Regulations

121. Building standards

122. Building standards and Codes, etc.

123. Relaxation of building standards and regulations

124. Act to bind the Crown

125. Commencement

FIRST SCHEDULE

*CONSTITUTION AND PROCEDURE OF BUILDING STANDARDS
ADVISORY COMMITTEE*

SECOND SCHEDULE

CONSTITUTION AND PROCEDURE OF THE PRACTITIONERS BOARD

THIRD SCHEDULE

APPLICATION FOR BUILDING PERMIT

FOURTH SCHEDULE

DESIGN CERTIFICATE FOR CONSTRUCTION OF BUILDING

FIFTH SCHEDULE

APPLICATION FOR COMPLETION CERTIFICATE

SIXTH SCHEDULE

EMERGENCY ORDER

SEVENTH SCHEDULE

BUILDING NOTICE

EIGHTH SCHEDULE

BUILDING ORDER FOR BUILDING NOTICE

NINTH SCHEDULE

BUILDING ORDER TO STOP BUILDING WORK

TENTH SCHEDULE

FIRE UPGRADING REPORT

ELEVENTH SCHEDULE

BUILDING ORDER FOR FREE UPGRADING REPORT

TWELFTH SCHEDULE

CONSTITUTION AND PROCEDURE OF APPEALS BOARD

BARBADOS

A Bill entitled

An Act to make provision for the

- (a) the establishment of a Building Standards Authority;
- (b) the registration of building practitioners;
- (c) the granting of building permits and completion certificates;
- (d) the establishment of a Practitioners Board;
- (e) the establishment of a Building Appeals Board;

- (f) the prescribing of building standards to ensure the health, safety and welfare of persons in and about buildings

and for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Building Standards Act, 2018*.

Purpose of the Act

2. The purposes of the Act are to
 - (a) establish, promote, maintain, improve and enforce building standards;
 - (b) facilitate the use of uniform building standards;
 - (c) facilitate uniform certification of building products, building designs and building components;
 - (d) maintain and improve the safety of buildings;
 - (e) promote the conservation of energy in building design;
 - (f) promote the construction of buildings with adequate provision for a person with a disability;
 - (g) provide an efficient and effective system for granting building permits, completion certificates, administering building matters and facilitating building appeals;
 - (h) assist in the cost-effective construction of buildings;

- (i) process applications for the registration of building practitioners so as to ensure uniformity in their training, qualifications and experience;
- (j) assist the achievement of an efficient and competitive building industry.

Interpretation

3. In this Act,

“adjoining property”, in relation to building work, means a property including a highway that has a common boundary;

“Appeals Board” means the Building Appeals Board established by section 88;

“authorised officer” means a person appointed to be, or who is a member of a class of persons appointed to be, an authorised officer under section 118;

“Barbados National Building Code” means the Building Code issued as Standard BNS SPI: Parts 1-18: 2013 Barbados National Building Code 2013 Edition and declared as a voluntary standard by the Barbados National Standards Institute on 5th September, 2013;

“building” means a structure or erection of whatever kind or nature, whether temporary or permanent, and every part thereof, including any fixture affixed thereto other than a structure, erection or part thereof consisting of or ancillary to

- (a) a public or private road and including in the case of a public road any bridge on which the road is carried;
- (b) any sewer or water main which is vested in the Barbados Water Authority;
- (c) an airport runway; and
- (d) wires and cables that supports above ground and other apparatus used for telephonic or telegraphic communication with the exception of telephone posts

and includes a part of a building or any prospective building, and in relation to the extension, alteration or change of use of a building any reference to the building shall be construed as a reference to so much of the building as is comprised in the extension or is subject to alteration or change of use;

“building notice” means a notice referred to in section 68;

“building order” means a building order made under section 71;

“building permit” means a permit to carry out building work granted under this Act;

“building practitioner” includes a person, firm, unincorporated body or body corporate registered under section 18 in any of the following categories of building practitioner:

(a) architects;

(b) engineers;

(c) artisans;

(d) contractors;

“building product” means any product used in the building process or building work;

“building service equipment” means any component of a building which is used to ensure the health, safety and amenity of persons in and about a building and includes lifts, escalators, elevators, emergency lighting, fire and smoke alarm detection systems, ventilation and air-conditioning systems;

“building standards” include the technical standards contained in the Barbados National Building Code;

“building work” means work in connection with the construction, demolition or removal of a building and the change of use of a building and any work done in relation to services, fittings, fixtures, components or equipment associated with a building;

“change of use” means such material change in the use, occupation, classification, purpose or circumstances for which a building is used; and includes such change in the use or occupation of the building as will bring it within a class of building to which the building standards apply or if it is already within such a class will impose additional or more onerous building standards;

“completion certificate” means a certificate granted under Part VIII;

“construct” includes alter, erect, extend, fix, change of use, and any construction related matters and "construction" shall be construed accordingly;

“continuing requirement” means a requirement and condition issued in relation to building permits, completion certificates, commencement notices, forms and other approvals and certificates issued by the Authority;

“dangerous building” means a situation, where a building or part of a building or the way in which the building is being constructed, demolished, used, occupied or managed is likely to cause injury or a hazard to the life or health of any person in or about the building or to occupants of an adjoining building or to an adjoining property through damage, disrepair or other cause including conditions arising from

- (a) structural inadequacy;
- (b) a lack of adequate maintenance of the building or structural components, materials, services or installed equipment;
- (c) insufficient safe means of escape in a fire or other emergency including
 - (i) failure to maintain clear escape routes free of obstruction by any matter that might impede escape;
 - (ii) unauthorised locking of doors or exits;
 - (iii) having an occupancy level that exceeds the approved occupancy capacity of a building or space in a building;

- (d) a change in the position of a building's boundary that reduces the required means of escape or other safety provision required by the building standards;
- (e) alterations to a building or changes which reduce a building's structural integrity or fire safety requirements; or
- (f) any other matter which does not comply with the relevant requirements of the building standards and regulations;

“Director” means the Director of Building Standards referred to in section 6;

“emergency lighting” means artificial illumination designed to come into or remain in operation automatically in the event of either a local or general power failure;

“employer” means a person who manages, supervises and keeps in his service a building practitioner for the purpose of carrying out building work in relation to any trade, business, profession, office, vocation or apprenticeship;

“fire hazard” means the danger of potential harm and the degree or exposure arising from

- (a) the start and spread of fire; and
- (b) the smoke and gases that are generated by the start and spread of fire;

“fire upgrading report” means a report prepared under section 76;

“highway” has the definition assigned to it in the *Highways Act*, Cap. 289 and includes footpath and pavement;

“insurer” has the definition assigned in the *Insurance Act*, Cap. 310;

“owner” means, in relation to land and buildings, every person who jointly or severally

- (a) is entitled to the land and building for an estate of freehold in possession;

- (b) is a person to whom the Crown has lawfully contracted to sell the land under the *Crown Lands (Vesting and Disposal) Act*, Cap. 225; or
- (c) is entitled to receive or is in receipt of, or if the land and building were let to a tenant, would be entitled to receive the rents and profits from the land, and building whether as beneficial owner, trustee, mortgagee in possession or otherwise; and
- (d) may own a building;

“person with a disability” means a person who has a physical, hearing or sight impairment which affects the person’s mobility or use of a building;

“plans and specifications” means

- (a) the drawings including details, as-built drawings, materials and testing certificates, specifications, calculations and other documents according to which a building is proposed to be constructed, demolished, or removed or in relation to its change of use; and
- (b) the proposed procedures for supervision during the construction, demolition, removal or change of use of a building; and
- (c) in the case of the construction of a building, also includes
 - (i) the intended use of the building; and
 - (ii) the proposed procedures for inspection and routine maintenance for the purposes of the compliance with the maintenance schedule for those specified systems;

“Practitioners Board” means the Building Practitioners Board established by Part IV;

“public assembly” means an assembly of persons whether or not admission to the assembly is gained on payment of money or other consideration and whether or not its purpose is for public entertainment;

“public authority” means the Crown, a public authority established by or under an Act, a statutory body representing the Crown, and includes persons

exercising functions on behalf of the Crown, the public authority or statutory body;

“reasonably practicable” means in relation to the carrying out of any operation, reasonably practicable having regard to all of the circumstances including the expense involved in carrying out the operation;

“Registrar” means in relation to the Authority, the person who is so designated by the Authority;

“regulations” includes building standards or other documents adopted by the regulations for the purposes of this Act;

“reporting authority” means a body or person required by this Act or regulations to report on, or consent to, an application for a building permit.

Application

4.(1) The Minister may, by notice in the *Official Gazette*, declare that all or any of the provisions of this Act apply to the parts of Barbados specified in the notice and on the Minister so declaring, those provisions shall apply accordingly.

(2) The Minister may, by notice in the *Official Gazette*, declare that a provision of the Regulations specified in the notice does not apply to a part of Barbados specified in the notice and on the Minister so declaring the provision shall not apply to that part of Barbados.

Fees

5.(1) The Authority may charge fees for any service provided by the Authority.

(2) The Minister responsible for Finance may by Order prescribe the fees referred to in this Act.

PART II

ADMINISTRATION

Building Standards

6. There is established a Building Standards
- (a) headed by a Director, who shall be a public officer and who shall have the responsibility of administering this Act; and
 - (b) the Director and the Authority shall give effect to the general policy of the Government in respect of building standards by insuring the implementation of the building standards contained in the Barbados National Building Code published by the Barbados National Standards Institute and enforcing the provisions of this Act.

Functions of the Authority

- 7.(1) The Authority shall have the following functions:
- (a) to advise persons, groups and bodies involved in the building industry in the use of construction methods, building products, building design, building components and building systems;
 - (b) to examine and approve plans and specifications for building work;
 - (c) to grant building permits to authorise the commencement of building work;
 - (d) to conduct periodic site inspections of buildings under construction;
 - (e) to grant completion certificates for building work that comply with the Barbados National Building Code;
 - (f) to grant certificates of public use and assembly in relation to fire safety in existing buildings;

- (g) to grant certificates of regularisation in relation to existing buildings and to unauthorised building work;
- (h) to charge and collect fees in accordance with this Act;
- (i) to promote research into building matters; and
- (j) to carry out the purposes of this Act.

(2) In carrying out the functions referred to in subsection (1) the Authority shall consult with the Barbados Fire Service in respect of any of those functions which involve

- (a) matters of fire safety and recognised fire-engineering practice; and
- (b) any appointment of a Review Consultant in respect of any provisions of this Act which relate to fire safety and recognised fire-engineering.

Functions of the Director

8.(1) The functions of the Director are

- (a) to execute, manage and administer the affairs of the Authority;
- (b) to advise the Minister on all matters relating to building control in Barbados;
- (c) to inspect building work;
- (d) to liaise with groups and bodies involved in the building industry and with other interested groups or bodies on building matters;
- (e) to publish reports, disseminate information and provide educational programmes on building matters;
- (f) to investigate and report on any building matters when required by the Minister to do so;
- (g) to liaise with any national body established to deal with building regulation matters;
- (h) to prepare an annual report on the operations of the Authority; and

- (i) to carry out periodic reviews of this Act and the Regulations.
- (2) The Director shall have such powers as are conferred on him under this Act.
- (3) The Director shall keep at his office and make available to members of the public for inspection during normal office hours, a register of Review Consultants, building permits, building notices, building orders, emergency orders, completion certificates, regularisation certificates, certificates of public use and assembly and approvals to occupy on a temporary basis.

Staff

- 9.(1) The staff of the Authority shall be public officers and the offices of the staff shall be established in accordance with the *Public Service Act*, Cap. 21.
- (2) The staff of the Authority shall assist the Director with carrying out the functions referred to in section 8.

Delegation by Minister and Director

- 10.(1) The Minister may in writing delegate to a person or to the holder from time to time of a specified office any of the Minister's powers and functions under this Act, other than
 - (a) the power of delegation; or
 - (b) the Minister's power under sections 4, 14, or 88.
- (2) The Director may in writing delegate to a person or to the holder from time to time of a specified office any of the Directors powers and functions under this Act, other than this power of delegation.
- (3) A power or function delegated under this section when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Minister or the Director as the case may be.
- (4) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or the Director.

Directions

11. The Minister may give the Director directions of a general or specific nature in respect of the policy to be followed by the Authority in the performance of its functions under this Act, and the Director shall comply with these directions.

PART III

BUILDING STANDARDS ADVISORY COMMITTEE

Establishment and functions of the Building Standards Advisory Committee

- 12.**(1) There shall be a Building Standards Advisory Committee.
- (2) The provisions of the *First Schedule* shall have effect as to the constitution of the Committee and otherwise in relation thereto.
- (3) The functions of the Committee are to advise the Minister
- (a) on any matter on which the Minister seeks its advice; and
 - (b) in relation to the functions of the Authority.
- (4) For the purposes of this Part "Committee" means the Building Standards Advisory Committee.

Annual report

13. The Director shall within 3 months of the end of every calendar year and not later than 1st April of each year prepare an annual report of the activities of the Authority for that year and the report when it is approved by the Committee shall be forwarded by the Committee to the Minister who shall lay copies of it before Parliament and shall cause the report to be published in the *Official Gazette*.

PART IV

ESTABLISHMENT AND FUNCTIONS OF PRACTITIONERS BOARD

Establishment of Practitioners Board

- 14.(1)** There is established a Building Practitioners Board.
- (2) The provisions of the *Second Schedule* shall have effect with respect to the membership and procedure of the Practitioners Board.
- (3) The Director, a member of the Advisory Committee or a member of the Appeals Board shall not be appointed as a member of the Practitioners Board.

Functions and powers of Practitioners Board

- 15.** The functions of the Practitioners Board are
- (a) to evaluate the qualifications, experience, training and suitability of building practitioners;
 - (b) to appoint a Registrar and register persons as building practitioners;
 - (c) to receive, investigate and hear complaints about and to inquire into the conduct and discipline of registered building practitioners under this Part;
 - (d) to review and report to the Minister periodically, and annually in the form of a written report, on the performance of the functions, duties and the exercise of the powers of the Practitioner's Board;
 - (e) to notify that the annual report has been given to the Minister and inform the public of where copies of the report may be inspected and purchased; and
 - (f) to perform such other functions as are imposed on it by or under this or any other Act.

Building practitioner to be registered

16.(1) No person shall engage an individual to carry out building work unless that individual is registered as a building practitioner under this Part.

(2) No person shall

- (a) take or use the title of building practitioner;
- (b) perform a function or work as a building practitioner; or
- (c) imply in any way that he is
 - (i) registered under this Part; or
 - (ii) authorised to perform a function or work as a building practitioner

unless that person is registered under this Part.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$500.

Application for registration as a building practitioner

17.(1) A person may, apply to the Practitioner's Board to be registered as a building practitioner in a form approved by the Practitioner's Board and accompanied by the prescribed fee.

(2) A person who is registered as an engineer, architect, land surveyor or electrical wireman may, on making an application under subsection (1), be exempt from the payment of the prescribed fee where that person is validly registered under the legislation that governs the respective discipline.

Registration of building practitioner

18.(1) The Practitioner's Board shall register an applicant as a building practitioner in the category specified in the application made under section 17 where it is satisfied that

- (a) the applicant is of good character and is a fit and proper person to be so registered;
- (b) the applicant holds the relevant qualifications or experience determined by the Practitioner's Board in relation to the particular category of building practitioner specified in the application;
- (c) the applicant's registration, licence or other recognition under any other legislation or enactment in respect to any substantially equivalent occupation has not been suspended or cancelled in respect of a disciplinary matter at any time within the last 5 years; and
- (d) the applicant has complied with the conditions prescribed by the Practitioner's Board.

(2) An applicant's registration as a building practitioner is, unless previously suspended, cancelled or revoked, valid for a period of 12 months and is renewable on or before the expiry date specified in the registration document.

(3) The Practitioner's Board shall keep a register to be known as the Building Practitioner's register in which it shall cause to be entered the name of every person entitled to be registered as a building practitioner together with the following particulars in respect of each such person:

- (a) full name including any aliases;
- (b) address;
- (c) date of birth;
- (d) nationality;
- (e) photograph;

- (f) national registration number;
- (g) resident status;
- (h) date of registration;
- (i) description and date of qualification in respect of which the person is registered;
- (j) description of the relevant experience prescribed by the Practitioner's Board as a condition for registration;
- (k) name of the body corporate, firm or unincorporated body that is associated with the building practitioner; and
- (l) any other information that the Practitioner's Board considers necessary for purposes of registration.

(4) Conditions prescribed for the purposes of subsections (1)(d) may include a condition requiring a building practitioner to hold a policy of professional indemnity or other insurance from an insurer of a type or for an amount, or both, approved by the Minister.

(5) A building practitioner referred to in subsection (4) shall not perform a function of a building practitioner unless that person holds a policy of insurance required as a condition of his registration as a building practitioner.

(6) The conditions prescribed for the purposes of subsection (3)(l) shall include conditions requiring a building practitioner to hold a valid building work permit and to satisfy all other statutory requirements which are applicable to the building practitioner.

(7) Where the Practitioners Board is satisfied, on an application under section 17, on behalf of a firm, body corporate or unincorporated body that

- (a) all of the individuals who constitute the firm, body corporate or unincorporated body would be fit and proper persons to be so registered if the application had been made by them individually;

- (b) at least one of the individuals holds the qualification determined by the Board in relation to the particular category of building practitioner specified in the application and is registered as a building practitioner in that category; and
- (c) the firm, unincorporated body or body corporate has complied with the prescribed conditions, if any,

the Board shall register the firm, body corporate or unincorporated body as a building practitioner in the category of building practitioners specified in the application.

(8) The conditions prescribed for the purposes of subsection 7(c) may include a condition requiring a building practitioner to hold a policy of professional indemnity or other insurance from an insurer of a type or for an amount, or both, approved by the Practitioners Board.

(9) A person shall not perform a function of a building practitioner in accordance with subsection (8) unless that person holds a policy of insurance required as a condition of his registration as a building practitioner.

(10) A person who contravenes the provisions of this section, is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

(11) When an offence is committed under this section by a body corporate and a director or officer of that body corporate knowingly authorised, permitted or acquiesced in the commission of the offence, that body corporate is liable on summary conviction to a fine of \$10 000.

Function of building practitioner to be carried out by a natural person

19.(1) Where a function of a building practitioner is carried out by an unincorporated body, firm or partnership

- (a) the building work shall be carried out by or at the direction of a person who is a building practitioner in the relevant category and the building work shall be certified by that person; and

- (b) the firm shall cause the name of the person to appear in all advertisements in respect of the relevant function published by or on its behalf.
- (2) Where a function of a building practitioner is carried out by a body corporate
 - (a) it shall be carried out by or at the direction of a person who is a building practitioner in the relevant category and the building work shall be certified by that person; and
 - (b) the body corporate shall cause the name of the person to appear in all advertisements in respect of the relevant function published by or on its behalf.
- (3) Where an individual or body corporate contravenes the provisions of this section that individual or body corporate is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

Register of building practitioners

- 20.(1)** The Practitioners Board shall cause to be maintained a register of building practitioners with separate sections for each category of building practitioner.
- (2) The Practitioners Board may give the Registrar directions to amend the information contained in the register.
 - (3) The purpose of the register referred to in subsection (2) is
 - (a) to enable members of the public to
 - (i) determine whether a person is a registered building practitioner;
 - (ii) choose a suitable building practitioner from a list of registered building practitioners; and
 - (b) to facilitate the administrative, disciplinary and other functions of the Practitioners Board under this Act.

Certificate to be displayed

- 21.(1)** A building practitioner shall
- (a) display his certificate of registration in a conspicuous place at his principal place of business; or
 - (b) provide evidence of current registration prior to being engaged as a building practitioner and within 7 working days of being requested to do so by an authorised officer.
- (2) Where a building practitioner fails to comply with subsection (1), the building practitioner is guilty of an offence and is liable on summary conviction to a fine of \$1 000.

Discipline

- 22.** The Practitioners Board may by order, cancel or suspend for such period as it specifies in the order, the registration of a building practitioner where it is satisfied that
- (a) the registration was obtained by fraud or misrepresentation;
 - (b) the building practitioner has been convicted of an offence punishable by imprisonment for a term exceeding 12 months under an enactment in force in Barbados;
 - (c) the building practitioner has been convicted of an offence under this Act or the Regulations;
 - (d) the building practitioner has been found to be negligent as a building practitioner;
 - (e) the building practitioner has not been found to have been diligent in carrying out the building work;
 - (f) a statement or certificate made or given by the building practitioner in relation to building work is to the knowledge of the building practitioner, false in a material particular and was made or given for

the purpose of inducing a person to enter into a contract for the carrying out or the completion of building work or for the purpose of inducing a person to purchase land on which building work has been, is being or is to be carried out;

- (g) the building practitioner has been found to have been guilty of fraudulent conduct as a building practitioner; or
- (h) the building practitioner has not complied with a prescribed condition relating to his registration as a building practitioner.

Inquiry by Practitioners Board

23.(1) The Practitioners Board may on the basis of a written complaint made to it or on its own accord conduct an inquiry into the conduct of a building practitioner.

(2) A written complaint referred to in subsection (1) may be made by a person or a person's representative other than an employer of the building practitioner.

(3) The Practitioners Board may not make an order under section 22 unless the building practitioner has been given the opportunity of appearing before the Board either personally or by a representative and has had an opportunity of being heard.

(4) The Practitioners Board shall not later than 7 days before an inquiry is to be held, give to the building practitioner written notice advising him or her of the place and time at which the building practitioner may appear and be heard in the matter of the inquiry.

Procedure during an Inquiry

24.(1) The Practitioners Board shall determine its own procedures in relation to an inquiry except to the extent that its procedures are prescribed.

(2) An inquiry by the Practitioners Board shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of

this Act, the regulations, and the proper consideration of the matters before the Board, permit.

Inquiry to be open to public

25. An inquiry referred to in section 23 shall be open to the public unless otherwise directed by the Practitioners Board.

Attendance by Witnesses

26.(1) The Practitioners Board may by notice in writing signed by a member of the Board and served on a person, require that person to attend an inquiry for the purpose of giving evidence or producing a document to the inquiry at a time, date and place specified in the notice.

- (2) A notice referred to in subsection (1) may be served
- (a) by personal service;
 - (b) by posting the notice to the person's usual or last known place of business or address;
 - (c) by leaving the notice for the person with an adult person at his usual or last known place of business or address;
 - (d) in the case of a body corporate or of any association of persons whether incorporated or not, by delivering it to the secretary of the body or association at the registered or principal office of the body or association or serving it by post on the secretary at the respective office.
- (3) Where a notice is served in accordance with
- (a) subsection (2)(a), it shall be served at least 48 hours before the attendance of the person is required;
 - (b) subsection (2)(b) or (c), it shall be served at least 10 days before the attendance of the witness is required.
- (4) A notice referred to in subsection (1) that is posted is treated as having been served when it would have been delivered in the ordinary course of post.

(5) A person who refuses to comply with the requirements of subsection (1) and fails to attend an inquiry or to produce a document which that person is reasonably able to supply, is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10 000.

Documents produced at Inquiry

27. The Practitioners Board may keep a document produced to it under section 26 for as long as it considers necessary for the purpose of completing the inquiry.

Oaths

28. The Practitioners Board may require a person who attends an inquiry to be sworn for the purposes of giving evidence and for that purpose the Practitioners Board may administer an oath or an affirmation.

Lesser Penalty

29.(1) Where the Practitioners Board is satisfied after an inquiry referred to in section 23, that the conduct of a building practitioner does not justify an order under section 22, it may instead

- (a) reprimand the building practitioner; or
- (b) impose a fine of \$5 000 on the building practitioner.

(2) A fine imposed under subsection (1) is a debt due and payable by the building practitioner to the Crown.

(3) All charges, fines and other money payable by a person under this Part are

- (a) payable to the Registrar;
- (b) recoverable as a debt due to the Registrar from that person whether or not he remains a registered building practitioner.

- (4) Where money payable by a person under this Part remains unpaid for 60 days or more after the date of the order, the Board may
- (a) suspend the person's registration until the person pays the money and, if he does not pay within 12 months from the date of the order, cancel his registration and direct the Registrar to remove his name from the register; or
 - (b) cancel the person's registration and direct the Registrar to remove the person's name from the register.

Costs

30. Where, after an inquiry referred to in section 23, the Practitioners Board finds in favour of the building practitioner, it may order that all or such part of the building practitioner's reasonable costs in the inquiry, as it specifies, be paid to the building practitioner, and the Crown is liable to pay those costs accordingly.

Determination to be published

- 31.** The Practitioner's Board shall publish
- (a) in the *Official Gazette*; and
 - (b) in any other manner approved by the Minister
- any decision made pursuant to section 29.

Appeals to Appeal Board

- 32.(1)** A person aggrieved by an action of the Practitioner's Board under section 29 may within 30 days after being notified of the action appeal to the Appeals Board against the action.
- (2) An appeal brought under this section shall be made in writing.
 - (3) A decision or action against which an appeal is lodged under this section continues in force unless the Appeals Board orders otherwise.

(4) An appeal under subsection (1) shall be by way of a review of the evidence before the Practitioners Board and no fresh evidence or fresh information may be given on the appeal unless, in the opinion of the Appeals Board, there were special reasons that prevented its presentation to the Practitioners Board at the inquiry.

(5) The decision of the Appeals Board on an appeal under subsection (1) is final and is not subject to appeal, and the Practitioners Board shall carry out the directions of the Appeals Board resulting from its decision.

(6) The costs imposed by the Appeals Board in an appeal under subsection (1) are a debt and are payable by the party against whom they are awarded to the party in whose favour they are awarded.

Employer to be advised

33. Where

(a) a person has not, within the time limited by section 32(1) lodged an appeal under that section against an action of the Practitioners Board;
or

(b) an appeal under that section is dismissed,

the Practitioner's Board shall notify its action to the employer, if any, of the building practitioners to whom it relates and to the professional association, if any, of which the building practitioner is known by the Practitioner's Board to be a member and may notify such other persons, as it thinks fit.

PART V

REVIEW CONSULTANT

Applicant required to employ Review Consultant

34.(1) The Director may require the applicant for a building permit to employ a Review Consultant where the proposed building work is intended for

- (a) buildings to which the public have access;
- (b) hazardous buildings; or
- (c) buildings of the categories listed at section 36(2).

(2) The cost of the Review Consultant engaged under subsection (1) shall be borne by the owner of the building.

(3) Where an applicant is required under subsection (1) to employ a Review Consultant that Review Consultant shall be required to submit reports to the Director in a format decided by the Director.

Functions of Review Consultant

35.(1) The Review Consultant shall

- (a) examine and review the plans and specifications submitted for a building permit and determine whether the plans and specifications conform to the relevant requirements of the building standards and regulations;
- (b) certify that the plans and specifications for the building or building work in relation to the building permit application conform to the requirements of the building standards and regulations;
- (c) provide advice to the Director and the owner with respect to any technical problems encountered in relation to the development of the building work;

- (d) submit monthly progress reports to the Director during the execution of the building work;
 - (e) provide advice to the owner and the Director during the execution of the building works to ensure that the building works are being carried out in accordance with the approved plans and specifications and the Regulations;
 - (f) submit an engineering certificate to the Director at the completion of the building work.
- (2) The Director may require the Review Consultant to submit a further report where pursuant to section 41(2) additional information or documents are required and there is a material change to the information contained in the building permit.
- (3) The Director may withhold the issue of a building permit or completion certificate if the Review Consultant fails to provide the documents mentioned at sections 34(3), 35(1)(d) and 35(2).

Projects requiring the employment of a Review Consultant

36.(1) A Review Consultant shall be employed to oversee building work in relation to buildings and structures or parts thereof, which in the opinion of the Director are of complex or unusual

- (a) design;
 - (b) construction; or
 - (c) construction method.
- (2) The buildings or structures referred to in subsection (1) shall include
- (a) buildings associated with complex foundations, pile driving, major site work and structural engineering work for the installation of equipment including elevators, power plants and water sewage treatment plants;

- (b) buildings associated with water supply and drainage, sewage and waste disposal, telecommunications and electrical generation, oil, gas and associated distribution facilities;
 - (c) buildings used for the storage or manufacture of flammable toxic or hazardous liquids, explosive substances or materials;
 - (d) buildings that are open to the public or are intended for public use and are defined in Part I of the Barbados National Building Code in their respective Purpose Groups:
 - (i) Purpose Group 1: Dwellings;
 - (ii) Purpose Group 2: Institutional and other residential;
 - (iii) Purpose Group 3: Offices;
 - (iv) Purpose Group 4: Shops and Commercial
 - (v) Purpose Group 5: Assembly and recreational
 - (vi) Purpose Group 6: Industrial
 - (vii) Purpose Group 7: Storage and warehousing;
 - (e) buildings used as hurricane shelters;
 - (f) any other building for which the Director may require technical advice.
- (3) The Director may engage a Review Consultant to carry out audits of
- (a) the plans and specifications; and
 - (b) the construction of selected buildings

to determine whether the plans and specification and the construction of selected buildings comply with the requirements of the building standards and regulations.

- (4) Where the Authority engages a Review Consultant, the Authority shall pay the Review Consultant for the services provided.

Qualifications of a Review Consultant

- 37.(1)** A Review Consultant shall be
- (a) a qualified engineer who is registered under the *Engineers Registration Act*, Cap. 368 and is registered as a building practitioner in the relevant category of building practitioner or has the qualifications and experience to be so registered;
 - (b) an independent consulting engineer or expert;
 - (c) a suitably qualified person who is engaged to carry out the tasks that are necessary to satisfy the requirements of the building standards and regulations; or
 - (d) a firm of qualified registered engineers or a firm of suitably qualified persons.
- (2) The Director shall assess
- (a) the qualifications and experience of a person who is proposed by the owner of a building to be a Review Consultant; and
 - (b) the terms of reference for the owner's engagement of the person as a Review Consultant for the particular building permit application.
- (3) A Review Consultant shall
- (a) not be associated with the building works for which he is being engaged as a Review Consultant, in any capacity; and
 - (b) not have a relationship with the owner of the building which could affect his performance with respect to building work.

PART VI

BUILDING PERMIT

Building permit required

- 38.(1)** A person shall not carry out building work unless
- (a) a building permit in respect of the building work has been granted to him by the Director and is in force;
 - (b) the insurance requirements set out in section 48 are satisfied; and
 - (c) the building work is being carried out in accordance with the building permit.
- (2) A building permit granted by the Director under subsection (1) may be amended or extended by the Director where the circumstances so require and a person who carries out building work in accordance with an amended or extended building permit shall comply with paragraphs (b) and (c) of subsection (1).
- (3) Any person who fails to comply with subsection (1) is guilty of an offence and is liable
- (a) on summary conviction in the case of an individual, to a fine of \$10 000; or
 - (b) on conviction on indictment of a body corporate, to a fine of \$ 50 000.

Stage building permit

- 39.(1)** Where the Director is satisfied that the information submitted to him with an application for a building permit for the carrying out of building work is insufficient to show that when the stages of the building work are completed,

they will conform to a building standards and regulations referred to in sections 124 the Director may

- (a) request that further information relating to the stages of the building works be submitted for approval;
 - (b) amend the terms of the building permit to authorise the building work to proceed.
- (2) A person who
- (a) fails to submit the information referred to in subsection (1)(a); and
 - (b) completes building works contrary to subsection (1)

is guilty of an offence and is liable on summary conviction of a fine of \$5 000 and in the case of a continuing offence to a further fine of \$1 000 for every day or part thereof during which the offence continues.

Application

40. An application for a building permit may be made to the Director in the form set out in the *Third Schedule* by the owner or owner's agent of the building or the land in or on which the building work is to be carried out.

Further information may be requested

41.(1) Before the Director grants or refuses to grant a building permit the Director may require the applicant to provide additional information or documents or amend the application where required.

(2) Where the Director requires the applicant to provide the additional information, documents or an amendment to the application referred to in subsection (1), the Director shall give the applicant 6 months to comply.

(3) Where additional information or a document or an amended application, required under subsection (1) is not submitted within the time period stated in subsection (2), the Director may treat the application as having lapsed.

Compliance with Act and Regulations

- 42.(1)** The Director shall not grant a building permit unless
- (a) the building permit application has been made in the prescribed form and the prescribed fee has been paid; and
 - (b) the proposed building work complies with the building standards and the regulations made pursuant to section 120.
- (2) The duration of a building permit shall be for a period of 5 years from the date of issue but the Director may extend the period where an application for an extension to the period of the building permit is made by the owner or owner's agent.
- (3) The Director shall not, in granting a building permit, impose on the applicant lesser building standards than those set out in the Barbados National Building Code, unless permitted to do so under this Act.
- (4) Where under any provisions of this Act or Regulations, the Director is required to carry out operations for the construction or demolition of any building, a building permit shall be deemed to have been granted in respect of that construction or demolition.
- (5) The Director shall within 42 working days after receiving an application for a building permit that complies with subsection (1),
- (a) grant the application; or
 - (b) refuse the application.
- (6) Where the Director requires further information in respect of the application referred to in subsection (5) the period of 42 working days referred to in that subsection is suspended until the Director receives the information.
- (7) Where the Director refuses to grant an application for a building permit, the Director shall give the applicant written notice of
- (a) the refusal; and

(b) the reasons for the refusal.

(8) Where a building permit is issued under this section, the owner of the building or proposed building to which the building permit relates shall

(a) satisfy any duty or responsibility under any other Act relating to or affecting the building; or

(b) not permit the construction, alteration, demolition, or removal of the building or proposed building if that construction, alteration, demolition, or removal would be in breach of any other Act.

Type approval permit

43. Where a practicable design including the specification of materials and components of a building conforms either generally or in respect of any class of building to which the building standards apply, the Director may in relation to an application made to him, under this section, issue a type approval permit.

Design certificate

44.(1) On making an application for a building permit under this Part, an applicant may be required to submit a design certificate in the forms set out in Part I and Part II of the *Fourth Schedule* stating that the engineering design of the plans and specifications for the building work comply with the building standards and regulations.

(2) In determining whether to issue a building permit, the Director shall subject to subsection (3) accept the design certificate as conclusive of the facts to which it relates provided that the engineer certifying the design certificate is a suitably qualified and experienced registered engineer.

(3) The Director shall determine

(a) the part or parts of the building in relation to which a design certificate may be submitted and different provisions may be made in respect of

(i) different parts of the building standards and regulations, and

- (ii) in respect of different types of buildings;
- (b) whether or not by reference to specific criteria an engineer shall be entitled to issue a design certificate;
- (c) the plans and specifications or other documents which shall be submitted with the design certificate.

Refusal to grant a building permit

45.(1) The Director shall refuse to grant a building permit for carrying out building work, where

- (a) the land on which the building work is to be carried out is subject to or is likely to be subject to one or more natural hazards;
- (b) the building work is likely to accelerate, worsen, or result in a natural hazard occurring on that land or to any other adjacent property;
- (c) the alterations to the building will make the whole building as altered fail to comply with the building standards;
- (d) the unaltered building has significant defects and is in need of rectification;
- (e) the information submitted is not adequate to determine compliance with the building standards and the regulations.

(2) Subsection (1) does not apply where the Director is satisfied that adequate provision has been or will be made to

- (a) protect the land, building, building work or other property referred to in that subsection from the natural hazard or hazards;
- (b) restore any damage to land or other property as a result of the building work;
- (c) ensure that the altered building complies with the building standards;
- (d) rectify the defects in the unaltered building; or

- (e) provide any additional information or documents or to amend the application where required in accordance with section 41.
- (3) In this section, "natural hazard" includes
 - (a) erosion including coastal erosion and sheet erosion;
 - (b) falling debris including soil and rock;
 - (c) subsidence;
 - (d) inundation including flooding, overland flow, storm surge, tidal effects; and
 - (e) slippage.
- (4) The Director may suspend or revoke a building permit where
 - (a) the building work is not being done in accordance with the approved plans and specifications;
 - (b) the building work is being carried out in contravention of this Act and the regulations;
 - (c) the building permit was issued in error, obtained by fraud or the associated continuing requirements are not being complied with;
 - (d) incorrect or false information was submitted in respect of the building permit application; or
 - (e) the prescribed fee is not paid.
- (5) A person who is aggrieved by a decision of the Director pursuant to subsection (1) may, within 30 days after being notified of the suspension or revocation of the building permit appeal in writing to the Appeals Board against the decision.

Building work not requiring building permit

- 46.** A building permit is not required in respect of
- (a) an exempted class of buildings listed in Part I of the Barbados National Building Code; or
 - (b) building work
 - (i) undertaken pursuant to an emergency order; or
 - (ii) otherwise specified in the Act or regulations.

Historic buildings

47.(1) Notwithstanding section 42 the Director may grant a building permit for the carrying out of building work that does not comply with the building standards and regulations if the building work is to be carried out on, or is connected with a building designated as historic by the Barbados National Trust and then only subject to such conditions, restrictions or protections, as are imposed by the Director after consultation with the Barbados National Trust.

(2) To facilitate the building permit granted under subsection (1) the Barbados National Trust shall be required to maintain a register of all historic buildings with the Director, and submit a copy of the register to the Director where required to do so.

PART VII

COMMENCEMENT, INSPECTION AND INSURANCE OF BUILDING
WORK

Building work to be insured

48.(1) Subject to subsection (2), no person shall commence or continue to carry out building work unless

- (a) the building work is covered by a type or class of insurance from an insurer against natural disasters and hazards including hurricane, wind storm, overflow from the sea, thunderbolt, volcanic eruption, smoke, lightning, earthquake, fire, explosion, flooding, public liability and employers liability;
- (b) the building work when completed is covered by a policy of insurance from an insurer against natural disasters and hazards including hurricane, wind storm, overflow from the sea, thunderbolt, volcanic eruption, smoke, lightning, earthquake, fire, explosion and flooding; and
- (c) copies or proof of the insurance policies referred to in paragraphs (a) and (b) are submitted to the Director prior to the commencement of the building work and upon application for a completion certificate.

(2) The policies of insurance referred to in subsection (1) shall not apply to any building work of a minor nature where the Director is satisfied that it is not reasonably practicable to so apply.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$25 000.

Notification and inspection of building work

49.(1) Prior to the commencement of building work, the owner or owner's agent who was granted the building permit for the building work shall notify the Director in writing of the commencement date of the building work.

(2) The Director or a person authorised by the Director shall inform the person who is to undertake or be in charge of carrying out the building work of the requisite inspection stages of the building work which are not to be covered up prior to being inspected and approved by the Director or the person authorised by the Director, and the Director shall be notified in writing by the person undertaking or in charge of the building work, that an inspection stage is ready for inspection.

(3) A person who is required under subsection (1) to notify the Director shall not carry out any building work after the completion of an inspection stage until

(a) the Director, has advised the person that the building work may proceed; or

(b) the building work, completed to that inspection stage, has been inspected and approved in accordance with subsection (1).

(4) Notwithstanding subsection (2), the person undertaking or in charge of the building work may cover up uninspected building work in circumstances where an inspection was not carried out by the Director for a period of 4 complete working days after the Director received written notification that the uncovered building work was to be ready for inspection in 3 working days.

(5) The person referred to in subsection (4) shall inform the Director in writing that he intends to cover up the uninspected building work.

(6) A person who fails to comply with the requirements of this section is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

Inspections

50. The Director may at any reasonable time inspect the building work.

Building work to comply with plans, specifications, the Act and regulations

51.(1) The Director may after inspecting building work, direct the person carrying out the building work or in charge of carrying out the building work to ensure that the building work complies with the approved plans and specifications, this Act or the regulations.

(2) Where the person referred to in subsection (1) fails to comply with a direction given under subsection (1), the Director may cause a building notice or a building order to be served under Part IX or may take any other action permitted by this Act or the regulations.

PART VIII

COMPLETION CERTIFICATE

Completion certificate or approval to occupy

52. A person shall not occupy a building in which building work is being carried out unless a completion certificate or an approval to occupy on a temporary basis

- (a) has been granted to the owner or owner's agent by the Director; or
- (b) is not required under this Act or the regulations.

Certificate for public use and assembly to be granted

53.(1) No person shall

- (a) promote or conduct a public assembly in a building; or

(b) permit the public use of a building, place or temporary structure unless a certificate for public use and assembly has been granted by the Director to permit the use of the building, place or temporary structure.

(2) For the purpose of subsection (1), a building, place or temporary structure where

(a) public assembly is conducted or promoted; or

(b) public use is permitted

are those buildings, places or temporary structures that are intended to be open to members of the public or are used by members of the public.

(3) For the purpose of subsection (2), a building, place or temporary structure is open to members of the public whether or not those members

(a) are charged for the use of the building, place or temporary structure; and

(b) will regularly or from time to time be excluded from using the building, place or temporary structure.

Application for a completion certificate, approval to occupy or certificate for public use and assembly

54.(1) An application for a completion certificate, an approval to occupy on a temporary basis or a certificate for public use and assembly shall be in the forms set out in Part I, Part II and Part III of the *Fifth Schedule* respectively and shall be submitted to the Director by the owner of the building or by the owner's agent.

(2) An owner of a building or his agent may apply for a completion certificate

(a) after carrying out building work;

(b) where a variation of an existing completion certificate is sought; or

(c) where a completion certificate is required for any other reason.

- (3) An owner of a building or his agent shall apply for a certificate for public use and assembly prior to the building being used for public use and assembly.
- (4) An owner of a building or his agent shall apply for an approval to occupy on a temporary basis either prior to the occupation of an unoccupied building in which building work is to be carried out or prior to commencing building work in or on an occupied building.
- (5) An application for an approval to occupy on a temporary basis or a certificate for public use and assembly shall specify the period for which the building is required and give a description of the nature and extent of the building work or the period of public use and assembly, as appropriate.

Temporary occupation

- 55.(1)** Notwithstanding any provision of this Act, or any regulations made hereunder, a person may with the approval of the Director, occupy on a temporary basis a building for which a building permit has not or cannot be granted for the purpose of carrying out building work in that building.
- (2) An application for an approval to occupy a building on a temporary basis may be made to the Director by the owner of the building or by the owner's agent.
- (3) An approval to occupy a building on a temporary basis shall specify the period for which occupancy is permitted.

Declaration by owner

- 56.(1)** The Director shall not grant a completion certificate unless the application for the certificate is accompanied by a duly certified declaration by the owner or owner's agent stating that the building work to which it relates has been carried out in accordance with the approved plans and specifications, this Act and the regulations and that the building concerned is suitable for occupation.
- (2) The Director shall not grant a certificate for public use and assembly unless the application for the certificate is accompanied by a declaration by the owner

or the owner's agent stating that the building concerned is suitable for public use and assembly.

(3) The owner, his agent or occupier of a building shall publicly display a copy of the certificate for public use and assembly in a place in the building or premises to which users of the building have ready access.

Suspension or revocation of completion certificate and other certificates and approvals

57.(1) The Director may suspend or revoke a completion certificate, certificate of regularisation, an approval to occupy on a temporary basis or a certificate for public use and assembly, as appropriate, where

- (a) the use of the building is not in accordance with the approved plans and specifications;
- (b) the use of the building contravenes the building standards, the Act and the regulations made hereunder;
- (c) the approval or certificate was issued in error or was obtained by fraud or the associated continuing requirements are not complied with;
- (d) incorrect or false information was submitted on the application in respect of
 - (i) a completion certificate;
 - (ii) an approval to occupy on a temporary basis;
 - (iii) a certificate for public use and assembly; or
 - (iv) a certificate of regularisation;
- (e) building service equipment is being used contrary to the provisions of the Act or Regulations; or
- (f) the prescribed fee is not paid.

(2) A person who is aggrieved by a decision of the Director under this Part may within 30 days after being notified of the decision appeal in writing to the Appeal Board against the decision.

Regularisation of building and building work prior to commencement of Act

58.(1) The Director may, in relation to an application for regularisation of a building or building work which has been completed prior to the commencement of this Act, require an owner or owner's agent, to take such reasonable steps including

- (a) laying open the building or building work for inspection;
- (b) conducting tests; or
- (c) taking samples

as the Director considers appropriate to ascertain what building work, if any, is required to allow the Director to issue a certificate of regularisation.

(2) Where the Director has been able to satisfy himself, after taking all reasonable steps that the relevant requirements of the building standards have been satisfied, he may issue a certificate of regularisation to that effect.

(3) A certificate of regularisation issued under this Part shall be evidence that the relevant requirements specified in the certificate have been complied with.

Regularisation of unauthorised building work

59.(1) The Director may

- (a) on an application being made to him; or
- (b) having discovered unauthorised building work

require the owner or the owner's agent to take such reasonable steps including laying open the unauthorised building work for inspection by the Director, and making tests and taking samples as the Director considers appropriate to ascertain

what building work, if any is, required to secure that the relevant building standards have been met.

(2) Where the Director has been able to satisfy himself that the relevant building standards have been satisfied, the Director may issue a certificate of regularisation to that effect.

Offence

60. A person who fails to comply with the requirements of this Part is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 and in the case of a continuing offence, to a further fine of \$10 000 for every day or part of a day during which the offence has continued.

PART IX

ENFORCEMENT OF SAFETY AND BUILDING STANDARDS

Emergency orders

61.(1) Where in the opinion of the Director it is necessary to issue an emergency order in the form set out in the *Sixth Schedule* as a result of

- (a) a threat to life; or
- (b) a dangerous building situation which arises out of
 - (i) the condition or use of a building, place or temporary structure; or
 - (ii) the conduct or proposed conduct of a public assembly in or the public use of a building, place or temporary structure,

the Director may where there is a threat to life or in a dangerous building situation enter the building without having first obtained a warrant to do so or issue an emergency order in writing.

- (2) An emergency order issued under subsection (1) may require the owner of a building, place or temporary structure, or the owner's agent or the occupier
- (a) to evacuate the building, place or temporary structure or a specified part of the building, place or temporary structure;
 - (b) not to conduct, promote or allow the conduct or promotion of a public assembly or public use on or in the building, place or temporary structure or a specified part of it, or to immediately cease to conduct, promote or allow such public use of or public assembly in the building, place or temporary structure;
 - (c) to stop building work on the building or to carry out building work or other work including repairs;
 - (d) to cause to be executed such operations to make the building safe, including demolition operations, as in the Director's opinion is necessary for preventing access to the building and any adjacent parts of any road or public place; and
 - (e) to comply with such directions as are specified in the order.
- (3) The Director shall have the authority to cause the disconnection of the utility services in a building, place or temporary structure in the case of an emergency order so as to
- (a) eliminate threat to life or property; or
 - (b) prevent a dangerous building situation.
- (4) Where utilities have been disconnected pursuant to subsection (3), the cost to restore the utilities shall be borne by the owner.
- (5) The Director shall whenever possible notify the utility service provider, the owner and occupant of the building, place or temporary structure and the person responsible for the building service equipment of the decision to disconnect the utility service prior to taking such action.

(6) An emergency order issued under subsection (1) may also prohibit the occupation or use of a building, place or temporary structure.

Building work may be carried out by Director

62.(1) Where an owner fails to carry out building work as required by an emergency order, the Director may carry out the building work or bring proceedings for a court order under section 105.

(2) The costs and expense incurred by the Director in carrying out building work referred to in subsection (1) are debts due and payable by the owner to the Crown.

Police assistance

63. The Director or other person exercising the functions of the Director under this Part may request the assistance of a member of the Police Force, and a member of the Police Force may assist in evacuating people from a building, place or temporary structure in accordance with the emergency order.

Completion of building work

64.(1) On completion of the building work required by an emergency order the owner or the owner's agent shall notify the Director in writing and include with the notification such information relating to the building, place or temporary structure and building service equipment as is required by the Director.

(2) The Director shall within 28 days of the notification inspect the completed building work and report to the owner or the owner's agent that the order has been complied with and cancel the emergency order, or refuse to make such a report and require compliance with the emergency order.

Appeals

65.(1) An owner or the agent of an owner of a building, place or temporary structure that is affected by an emergency order may within 28 days of the date of the emergency order appeal to the Appeals Board against the emergency order

or against a refusal of the Director to make a report that an emergency order has been complied with.

(2) On an appeal under this section, the Appeals Board may confirm, amend or cancel the emergency order.

Duration of emergency order

66.(1) Subject to subsection (2), an emergency order remains in force until it is cancelled by the Director or the Appeals Board.

(2) The Director shall not cancel an emergency order in respect of which an appeal under section 65 is not finally disposed of.

Contravention of emergency order

67.(1) A person who contravenes or fails to comply with an emergency order is guilty of an offence and is liable

(a) on summary conviction in the case of an individual, to a fine of \$10 000 or to imprisonment for a term of 6 months;

(b) on conviction on indictment in the case of a body corporate, to a fine of \$50 000.

(2) It is a defence to a prosecution for an offence under this section where the defendant proves that he was not aware of the fact that a public use or assembly in respect of which the offence arose was the subject of an emergency order under this Part.

Building and upgrading notices

68. The Director may serve a building notice in the form set out in the *Seventh Schedule* on an owner of a building, place or temporary structure, or on the owner's agent or the occupier, where the Director is of the opinion that

(a) the building work is being or has been carried out on the building, place or temporary structure without the building permit required by this Act or in contravention of a building permit, this Act or the regulations;

- (b) the building and its use or change of use contravenes this Act, the regulations, the completion certificate, or any certificate, approval or requirements granted under this Part;
- (c) the building is unfit for use or occupation;
- (d) the building has defects that require rectification;
- (e) the building or building work is a danger to its users or the users of adjoining properties or to users of the highway;
- (f) it is reasonably practicable to make the building conform to the requirements of the notice.

Contents of building notices

69. The building notice referred to in section 68 may require the owner of a building, place or temporary structure, the owner's agent or the occupant, to show cause why, within the period specified in the notice, the occupation and use of the building, place or temporary structure or its use for a public assembly and public use, should not be prohibited, or why the owner or owner's agent

- (a) should not evacuate the building, place or temporary structure;
- (b) should be allowed to conduct, promote or allow the conduct or promotion, of a public use or assembly or should not immediately cease to conduct, promote or allow a public assembly in or public use of the building, place or temporary structure;
- (c) should not stop building work or carry out building work or other work on or in the building, place or temporary structure; and
- (d) should not comply with such directions as are specified in the notice.

Representations by owner

70.(1) Where a building notice is issued to an owner or the agent of an owner of a building, place or temporary structure, the owner or his agent may, in the

manner and within the time specified in the notice, make written representations to the Director about the matters contained in the notice.

(2) The Director may amend or cancel the building notice where the Director considers it appropriate to do so after considering any written representations made under subsection (1).

Building orders

71.(1) The Director may make a building order in the forms set out in Parts I and II of the *Eighth Schedule*, after the time specified in the building notice referred to in section 69 for making representations under section 70 has expired.

(2) Before making a building order, the Director shall consider the representations, if any, made in section 70.

(3) The Director may make a building order in respect of work of a minor nature requiring building work or other work to be carried out without first serving a building notice where the Director is of the opinion that the building work required to be carried out is of a minor nature.

Contents of building orders

72. A building order made under section 71 may prohibit the occupation of a building, place or temporary structure or its use for public assembly or public use, or require its owner or the owner's agent or occupants

- (a) to evacuate the building, place or temporary structure or a specified part of it;
- (b) to stop building work or to carry out building work or other work on or in the building, place or temporary structure;
- (c) not to conduct, promote or permit the conduct or promotion of public assembly or public use in the building, place or temporary structure; and

- (d) to comply with such other directions as are specified in the building order.

Requirements for building notices, building orders and emergency orders given under this Part

73.(1) A building notice, building order or emergency order given under this Part shall

- (a) be affixed to the building concerned; and
 - (b) state whether the owner of the building must obtain a building permit in order to carry out the building work required by the building notice, the building order or emergency order.
- (2) A copy of the building notice, building order or emergency order shall be given to
- (a) the owner of the building or the owner's agent;
 - (b) an occupier of the building;
 - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the *Property Act*, Cap. 236; and
 - (d) the Barbados National Trust where the building is a heritage building.

Building orders to stop building work

74.(1) Where, in the opinion of the Director, building work

- (a) contravenes the approved plans and specifications, this Act or the regulations;
- (b) is a danger to the public; or
- (c) affects an adjoining property,

the Director may make a building order in the form set out in the *Ninth Schedule* requiring the owner or other person carrying out the building work to

stop the building work, notwithstanding that a building notice has not been served.

(2) The Director shall serve a copy of the building order on the owner, owner's agent, or a person who reasonably appears to be in charge of the site on which the building work is being carried out.

Fire hazards

75. For the purposes of this Part, a building, place or temporary structure is or contains a fire hazard where

- (a) in the event of a fire the means of escape for the persons occupying or using the building, place or temporary structure is not adequate;
- (b) barriers to delay the spread of fire or smoke are not evident;
- (c) suitable exits to facilitate escape from a fire in the building, place or temporary structure are not evident;
- (d) devices, facilities and systems for the detection, warning and fighting of fire are insufficient; or
- (e) the means of preventing the growth of fire or the spread of fire and smoke is inadequate.

Fire upgrading reports

76.(1) Where the Director is of the opinion that a building, place or temporary structure is or may contain a fire hazard, the Director may inspect the building, place or temporary structure and with the assistance of the Barbados Fire Service or any other suitably qualified person or body, and prepare a fire upgrading report in the form set out in the *Tenth Schedule* as to the building work required to overcome the fire hazard.

(2) A fire upgrading report shall, if a fire hazard is found to exist, contain recommendations and a period of time for building work to remedy the hazard and any other matters contained in the report.

(3) The Director shall serve a copy of a fire upgrading report on the owner of the building, place or temporary structure or his agent.

Representations to Director

77.(1) An owner of a building, place or temporary structure in respect of which a fire upgrading report is issued, or the owner's agent, may, in the manner and within the time specified in the report, make written representations to the Director about the matters contained in the fire upgrading report related to the fire hazard.

(2) The Director may amend or cancel the fire upgrading report where the Director considers it appropriate to do so after considering any written representations made under subsection (1).

Building orders relating to fire hazards.

78.(1) The Director may make a building order in the form set out in the *Eleventh Schedule* in relation to a building, place or temporary structure in respect of which a fire upgrading report is issued, after the time allowed under section 77 for making representation has expired.

(2) A building order made under subsection (1) shall direct the owner of the building, place or temporary structure concerned, or the owner's agent, to carry out a program of building work as directed and may contain any other matters contained in the order.

Failure to comply with building order of the Director

79.(1) Where an owner or an owner's agent fails to comply with a building order made by the Director, the Director may carry out the building work.

(2) Where the building work is carried out by the Director pursuant to subsection (1) the costs and expenses incurred by the Director are debts due and payable by the owner to the Crown.

(3) Where an owner or an owner's agent cannot be ascertained the debts due and payable as a result of building work carried out by the Director shall become a lien on the property.

Police assistance

80. The Director or a person performing the functions of the Director may request the assistance of a member of the Police Force in removing persons from a building, place or temporary structure in or on which the Director or person performing his functions, is carrying out or is about to carry out building work in accordance with a building order.

Completion of building work

81.(1) On the completion of building work required to be carried out under a building order, the owner or the owner's agent, shall give written notice of the completion to the Director.

(2) The Director shall, after receipt of the notification under subsection (1) and within 28 days after the receipt of the notice, inspect the completed building work and report to the owner or the owner's agent that the building order has been complied with and cancel the building order, or refuse to make such a report and, in writing, require compliance with the building order.

Amendment or cancellation of certain building orders

82.(1) An owner, or an owner's agent, required to comply with a building order made after the issue of a fire upgrading report may, if there is a change in circumstances after the original fire upgrading report is made, request the Director to amend or cancel the building order.

(2) On a request being made under subsection (1), the Director may

- (a) refuse to amend or cancel the building order;
- (b) issue an amended fire upgrading report; or
- (c) cancel the fire upgrading report.

(3) An owner or the owner's agent may, in accordance with Part X, not later than 28 days after the decision of the Director under subsection (2), appeal to the Appeal Board against the decision.

Duration of building order

83.(1) A building order or an amended building order remains in force until it has been complied with or is cancelled by the Director or the Appeals Board.

(2) The Director shall not cancel the building order while an appeal in relation to the building order is being determined.

Contravention of building order

84. A person who contravenes or fails to comply with a building order is guilty of an offence and is liable on conviction on indictment to a fine of \$50 000.

Register of building orders

85. The Director shall keep at the Director's office and make available for inspection to the public during normal business hours on payment of the prescribed fee a register of all

- (a) applications for building permits and amended building permits;
- (b) decisions taken on all applications;
- (c) issued completion certificates;
- (d) decisions on the acceptance or rejection of applications;
- (e) issued enforcement notices and orders;
- (f) suitably qualified, experienced and registered engineers;
- (g) review consultants;
- (h) decisions of the Appeals Board;

- (i) revocations and suspensions of building permits, completion certificates, certificates of regularisation, approvals to occupy on a temporary basis;
- (j) any continuous requirements imposed in relation to a building permit, completion certificate, approval to occupy on a temporary basis, certificate of public use and assembly or certificate of regularisation;
- (k) fire upgrading reports;
- (l) building orders;
- (m) building notices; and
- (n) emergency orders.

Appeals

86.(1) An owner of a building, place or temporary structure or the owner's agent affected by a building order, may, in accordance with Part X, not later than 28 days after the building order is served on him, appeal to the Appeals Board against the building order.

(2) An owner, or an owner's agent may, within 28 days after being advised of a refusal under section 82 make a report and appeal to the Appeals Board against the refusal.

(3) On an appeal being made under this section, the Appeals Board may confirm, amend or cancel the building order.

(4) A building order remains in force until the appeal against the order is determined.

Onus of proof on appeal

87. In an appeal to the Appeals Board under this Part in relation to a building order arising out of a fire upgrading report, the onus of proving a fact on which the building order was issued is on the Director.

PART X

APPEALS BOARD AND APPEALS

Establishment of Appeals Board

88.(1) There is established a Building Appeals Board to be known as the Appeals Board.

(2) The Appeals Board shall hear appeals in accordance with this Act.

(3) The Appeals Board shall consist of persons who have knowledge and expertise

(a) in the building industry; or

(b) in matters connected with the building industry.

(4) The Constitution and Procedure of the Appeals Board are set out in the *Twelfth Schedule*.

Functions of Appeals Board

89.(1) The functions of the Appeals Board are to determine appeals

(a) relating to the application of building standards and regulations to buildings and building work;

(b) relating to disputes concerning

(i) the manner in which the building standards and regulations have been complied with; and

(ii) such other functions as are imposed on it under this Act.

(2) The Appeals Board has such powers as are conferred on it under this Act and subject to this Act, may do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

Who may appeal

90. An appeal may be made by

- (a) a person or that person's agent in respect of matters set out in section 89(1); or
- (b) the Director

and shall be made in accordance with this Part.

Modification of Director's decision

91.(1) The Appeals Board may on an application being made pursuant to section 89, modify a decision of the Director in relation to a building standard or a regulation.

(2) Before making a determination pursuant to subsection (1), the Appeals Board may require a report from the Director or reporting authority in respect of the application.

Authentication of documents

92. A document requiring authentication by the Appeals Board is sufficiently authenticated without the seal of the Appeals Board if it is signed by the Chairman or the Deputy Chairman.

Procedure generally

93.(1) The Appeals Board shall determine its own procedure.

(2) Hearings of the Appeals Board shall be conducted with as little formality and technicality, and with expedition, and in accordance with the provisions of this Act and the regulations.

(3) The Appeals Board is not bound by the rules of evidence but may inform itself of any matter in such manner as it thinks fit.

Form of applications for Appeal

94. An application to the Appeals Board shall contain

- (a) details of the application;
- (b) details of the grounds of the appeal; and
- (c) such other particulars, if any, as are stated.

Decisions

95.(1) A determination by the Appeals Board shall be in writing and shall be signed by two members of the Appeals Board involved in making the determination.

(2) A determination made pursuant to subsection (1) shall be noted in a register by the Registrar.

(3) Every hearing and determination by the Appeals Board shall be in accordance with the principles of natural justice and the Appeals Board is under a duty to give reasons for its decision.

(4) A person may, on payment of the prescribed fee to the Registrar, inspect a written decision of the Appeals Board.

Evidence of determinations

96. The production of a document purporting to be a copy of a determination made by the Appeals Board under this Act and to be signed by the Registrar, is evidence of the due making and existence of the determination.

Enforcement of determinations

97. Every determination made by the Appeals Board may be enforced as if it were a judgment or order of a court.

Adjournments

98. The Appeals Board may, from time to time, adjourn a hearing to such time, date and place, and for such reasons, as it thinks fit.

Hearings to be open

99.(1) The hearings of the Appeals Board shall be open to the public, unless otherwise directed by the Appeals Board.

(2) A party to a hearing before the Appeals Board is, entitled to be represented by another person.

Attendance of witnesses

100.(1) The Appeals Board may, by notice in writing served on a person, require that person to attend a hearing of the Appeals Board for the purpose of giving evidence or to produce to the Appeals Board a document that is relevant to the hearing at a time, date and place specified in the notice.

(2) The Appeals Board may keep a document produced to it under this section for as long as it considers necessary for the purpose of completing the hearing.

(3) A person who without just cause fails to comply with a requirement under this section to attend and give evidence at a hearing or to produce a document, is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

Oaths

101. The Appeals Board may require a person who attends a hearing to be sworn for the purpose of giving evidence and for that purpose the Appeals Board may administer an oath or an affirmation.

Appeal to High Court

102. An appeal from a decision of the Appeals Board may be made to the High Court.

PART XI

ENFORCEMENT PROVISIONS

Prosecution

103.(1) Proceedings for an offence under this Act shall

- (a) not be instituted except by or with the consent of the Director; and
- (b) be by information in the name of the Director.

(2) Prosecution of an offence under this Act or the regulations made hereunder shall be made within 2 years after the date when the matter occurred.

Offences by Corporations

104.(1) Where a corporation contravenes a provision of this Act or the regulations, every director or manager of the corporation is jointly and severally liable together with the corporation unless the director or manager proves that he had no knowledge of the commission of the offence and could not, by the exercise of due diligence, have prevented the commission of the offence.

(2) Nothing in this section affects the liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations made hereunder.

(3) Without limiting any other law or practice relating to the admissibility of evidence, evidence that an officer, employee or agent of a corporation while acting in that capacity had at a particular time, a particular intention, is evidence that the corporation had that intention at that time.

(4) A person who contravenes this section is guilty of an offence and is liable on conviction on indictment to a fine of \$200 000 and in the case of a continuing offence to a further fine of \$ 10 000 for every day or part of a day during which the offence continues.

Additional orders that may be made by the Court

105.(1) The Director may bring proceedings in a court for an order to be made under this section in the event of

- (a) contravention of this Act or the regulations made hereunder; or
 - (b) a contravention of a building notice, a building order or an emergency order issued under this Act.
- (2) The court may, if it is satisfied that a contravention has occurred make
- (a) an order to restrain the person making the contravention;
 - (b) an order requiring building work to be carried out;
 - (c) an order requiring the payment of money into court in respect of building work carried out by, or to be carried out by, the Director;
 - (d) an order to commence proceedings against a person for an offence under this Act or the regulations; or
 - (e) any necessary ancillary orders.

PART XII

LIABILITY

Liability of officers

106.(1) Where any act is committed or omitted to be done by

- (a) the Director;
- (b) the Practitioners Board or a member of the Practitioners Board;
- (c) the Appeals Board or a member of the Appeals Board; or

- (d) a person acting under the direction of the Director, the Practitioners Board or the Appeals Board

that commission or omission shall not subject the Director, Practitioners Board, Appeals Board or person to any action, liability, claim or demand, where the matter or thing was done or omitted to be done in good faith for the purpose of performing a function or executing a power under this or any other Act, or the performance or exercise, or intended performance or exercise, of the functions or powers of the Director, Practitioner's Board or member of that Board, Appeals Board or a member of the Board or person.

- (2) Where any act is committed or omitted to be done by
- (a) the Director; or
- (b) a person performing a function or exercising a power in relation to a public authority under this Act, the acts of good faith that result in the commission or omission shall not subject the Director or person, to any action, liability, claim or demand.
- (3) No action or other proceedings may be brought against the Director, an employee of the Authority or a member of the Practitioners Board with respect to information included in or omitted from a register maintained under this Act.

Application of limitation of liability provisions

107.(1) Sections 108, 109, 110 and 111 apply to an action of tort including an action for damages for breach of statutory duty, for damages for economic loss and rectification costs resulting from defective construction of building work or other work carried out under this Act.

- (2) Those sections do not affect a right to recover damages for death or personal injury resulting from defective construction.

Limitation on liability of persons jointly and severally liable

108.(1) After determining an award of damages in an action, a court shall apportion the total amount of the damages between all persons who are found in

the action to be jointly or severally liable for the damages, having regard to the extent of each person's responsibility for the damages.

(2) The liability for damages of a person found to be jointly or severally liable for damages in an action is limited to the amount apportioned to the person by the court.

Right to contribution

109.(1) A person found to be jointly or severally liable for damages in an action shall not be required to contribute to the damages apportioned to any other person in the same action or to indemnify any such other person.

(2) A person found to be jointly or severally liable for damages in an action may recover a contribution from any other tortfeasor not a party to the action who is, or would if sued have been liable in respect of the same damage, whether as a joint tortfeasor or otherwise.

(3) A person is not entitled to recover a contribution under this section from a person entitled to be indemnified by the person in respect of the liability for which the contribution is sought.

Amounts of contribution

110. In proceedings for recovery of contribution under section 108, the amount of contribution recoverable from a person shall be that found by the court to be just and equitable having regard to the extent of the person's responsibility or the damage.

Relationship of liability provisions to other laws

111. Nothing in sections 108, 109 or 110 affects the operation of a law that enables a person to take an action against a tortfeasor.

PART XIII

MISCELLANEOUS

Application of limitation on taking action

112.(1) Section 113 applies to an action for damages for economic loss and rectification costs resulting from defective construction of building work or other work carried out under this Act.

(2) The cause of action may be founded on contract or tort including a cause of action for damages for breach of a statutory duty or be a cause of action to recover money recoverable by virtue of this Act.

(3) This section does not affect a right to recover damages for death or personal injury resulting from defective construction.

Limitation of time when action may be taken

113.(1) An action is not maintainable by a plaintiff or person claiming on behalf of a plaintiff if it is brought after the end of a limitation period of 7 years after the date on which the cause of action first accrues.

(2) The cause of action accrues on the date of the issue of the completion certificate in respect of the building work or, if a completion certificate is not issued, on the date of first occupation of the building concerned after completion of the building work or the date of completion of the building work, if the building was occupied.

Authorised Officers

114.(1) The Minister may appoint persons or classes of persons to be authorised officers.

(2) Subject to this Act, a member of the Police Force or an authorised officer may, for the purpose of performing a function or exercising a power of the member of the Police Force or exercising the powers of an authorised officer

enter any land, building, place or temporary structure if the member of the Police Force or authorised officer has reasonable grounds to believe that it is necessary to do so for that purpose.

Access to residential premises

115.(1) An authorised officer shall not enter a part of a building used for residential purposes without

- (a) the consent of the occupier; or
- (b) a search warrant.

(2) Where a member of the Police Force or authorised officer makes a complaint on oath to a Magistrate or Justice of the Peace to the effect that the member of the Police Force or authorised officer has reason to suspect, and believe that this Act or the regulations made hereunder have been or are being contravened in residential premises, a Magistrate may, if satisfied that the belief is well founded, authorise a member of the Police Force or an authorised officer under the authority of a search warrant to enter the premises to search for evidence in relation to the contravention in or on the premises.

(3) The *Police Act*, Cap. 167, with the necessary modifications, applies to and in relation to a search warrant issued under subsection (2).

Additional powers of authorised officer

116. In addition to his powers under this Part, an authorised officer may

- (a) demand that the owner or occupier of any land, building, place or temporary structure produce records relating to the building or any building work;
- (b) search for, inspect, take extracts from and make copies of such records; and
- (c) make any inquiry that the authorised officer considers necessary relating to any building work, land, building, place or temporary

structure carry out test and take samples of materials for the purposes of an inquiry.

Access where safety of public at risk

117. An authorised officer may enter any premises at any time if the safety of the public or the occupants is at risk or the premises are affected by an emergency order under Part IX.

Offences

118.(1) No person shall

- (a) fail or refuse to produce records on being required to do so in accordance with section 116;
- (b) make a false or misleading statement in answer to an inquiry made pursuant to section 116;
- (c) assault, delay, obstruct, hinder or impede an authorised officer in the performance of a power under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

(3) A person who

- (a) impersonates an authorised officer, an employee of the Authority or a member of the Practitioners Board;
- (b) intentionally fails to comply with a direction given by a person who is authorised to give a direction under this Act or the regulations made hereunder;
- (c) wilfully removes or defaces any notice or order published under this Act;
- (d) incites another person to contravene paragraph (c);

- (e) knowingly in an application or document makes a written statement that is false or misleading in a material particular;
- (f) knowingly makes a material omission in an application, document or statement given under this Act

is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

Evidentiary provisions

119.(1) In proceedings before a court, the court shall take judicial notice of an order or direction purporting to have been given under this Act by the Minister, the Appeals Board, the Practitioners Board or the Director.

(2) In proceedings before a court, a copy of an adopted code or standard, or a code or standard referred to in an adopted code or standard, or any part thereof, purporting to be certified by the Director or an officer authorised for the purpose by the Director, is admissible in evidence.

Regulations

120.(1) The Director may with the approval of the Minister make regulations prescribing building standards and the carrying out of building work including

- (a) the types of buildings and building work that do not require a building permit;
- (b) the classification, occupancy capacity and measurement of buildings;
- (c) the demolition of buildings;
- (d) the fitness of materials used to construct buildings and the workmanship used in the buildings;
- (e) the structural strength and stability of buildings;
- (f) the structural fire precautions to be implemented to limit the spread of fire within a building or between buildings;
- (g) the means of escape from a building;

- (h) the means of warning of a fire in a building and the facilities for fighting a fire in a building;
- (i) the use of combustion appliances and the storage of combustible fuels in a building;
- (j) the preparation of sites for construction and condensation in buildings;
- (k) the prevention of the transmission of sound within a building;
- (l) the conservation of the use of fuel and power within a building;
- (m) the ventilation of buildings;
- (n) the drainage and sanitary facilities to be included in buildings;
- (o) the electrical installation in buildings;
- (p) the prevention of danger, obstructions and hazards occurring in buildings;
- (q) access to and facilities in buildings a person with a disability;
- (r) the use of protective barriers in buildings;
- (s) the storage of waste in buildings;
- (t) waste management and vermin control in buildings;
- (u) in built systems, services and equipment in buildings;
- (v) the use of miscellaneous structures and the temporary change of use of buildings;
- (w) the provision of protective work for building sites and buildings;
- (x) the clearing of footpaths and roads adjacent to a building site or buildings;
- (y) the securing of unoccupied and partially completed buildings; and
- (z) the provision of services, fittings and equipment in buildings.

(2) The Minister may after consultation with the Director make regulations for the better carrying out of the provisions of this Act.

(3) The Regulations made pursuant to subsection (1) shall be read with the Barbados National Building Code.

Building standards

121. The building standards prescribed by the regulations made under section 120, may be expressed in terms of performance, types of materials, methods of construction, or in such other terms as the Minister after consultation with the Director thinks fit.

Building standards and Codes, etc.

122.(1) The regulations made under section 120, may incorporate by reference, either wholly or in part and with or without modification, the Barbados National Building Code and any international building standards, codes, rules, or specifications.

(2) The regulations made under this Act, may provide for the certification of

- (a) building products;
- (b) construction methods; or
- (c) a design component or system,

by an accredited person or institution.

(3) Notwithstanding the provisions of this section, if in relation to any building or class of buildings, it appears to the Director that it is unreasonable that any provision of the regulations made under this Act should apply to that particular building or class of buildings, he may so advise the Minister who may by order, declare that the specific provision of the regulations shall not apply to the building or class of buildings.

(4) For the purpose of this section “design component or system” includes any element of a structure, building component or system that is designed for a specific purpose or use in a building.

Relaxation of building standards and regulations

123.(1) Where the Director considers that the operation of a requirement of the building regulations or building standards would be unreasonable in relation to a particular building, he may in respect of an application made to him or of his own accord give a direction dispensing with or relaxing that requirement generally or in relation to a building

- (a) unconditionally; or
- (b) subject to compliance with any conditions specified in the direction being conditions with respect to matters directly connected with the dispensation or relaxation.

(2) A direction under subsection (1)

- (a) ceases to have effect at the end of such period as may be specified in the direction;
- (b) may be varied or revoked by a subsequent direction of the Director.

(3) Where the Director gives a direction under subsection (1), he shall publish in the *Official Gazette* a notice of that direction, within 6 months of the date of giving that direction.

Act to bind the Crown

124.(1) Except as provided in subsections (2) and (3) this Act shall bind the Crown.

(2) This Act does not apply to any Crown building or building work where the Minister with responsibility for Defence and Security certifies that the building or the building work is necessary for reasons of national security.

(3) The Crown should not be liable to be prosecuted for an offence against this Act, but in any case where it is alleged that the Crown has contravened any provision of this Act and that contravention constitutes an offence, the party making the allegation may apply to the High Court for a declaration that the Crown has contravened that provision and if that Court is satisfied beyond a reasonable doubt that the Crown has contravened that provision, it may make a declaration accordingly.

Commencement

125. This Act shall come into operation on a date to be fixed by proclamation.

FIRST SCHEDULE*(Section 12)***CONSTITUTION AND PROCEDURE OF BUILDING STANDARDS
ADVISORY COMMITTEE**

- 1.(1) The Committee shall consist of 9 members who shall be appointed by the Minister by instrument in writing.
- (2) The Committee referred to in subparagraph (1) shall consist of:
 - (a) a civil engineer who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (b) an architect who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (c) a quantity surveyor who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (d) an attorney-at-law who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (e) a person nominated by the Barbados National Organisation of the Disabled to represent the disabled community;
 - (f) a representative from the Barbados National Standards Institute;
 - (g) a representative from the Town and Country Planning Department;
 - (h) a contractor of 10 years experience;
 - (i) a representative of the General Insurance Association of Barbados.
2. The Minister shall appoint a member to be Chairman of the Committee and another member to be Deputy Chairman.
3. A member of the Committee shall, subject to this *Schedule*, hold office for a period not exceeding 2 years but shall be eligible for re-appointment.

- 4.** The Minister may appoint any person to act temporarily in the place of the Chairman or any other member of the Committee in the case of the absence or inability to act of the Chairman or of such other member.
- 5.(1)** Any member of the Committee, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith forward it to the Minister and from the date of receipt by the Minister of such instrument the member shall cease to be a member of the Committee.
- (2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument by the Minister.
- 6.** A vacancy shall arise in the membership of the Committee in the case of
- (a) the death or resignation of a member;
 - (b) the revocation by the Minister of the appointment of a member;
 - (c) absence from Barbados of a member without leave of the Minister; or
 - (d) failure of a member to attend 4 consecutive meetings of the Committee, unless such failure to attend was approved by the Minister.
- 7.** The Minister shall revoke the appointment of a member if that member
- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health; or
 - (b) is convicted of an offence involving fraud or dishonesty or in the case of any other offence, is sentenced to a term of imprisonment.
- 8.** The names of all members of the Committee as first constituted and every change in the membership shall be published in the *Official Gazette*.

9.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business and the meetings shall be held at such places and times and on such days as the Committee may determine; but the Minister may direct that, in dealing with matters specified in the direction, the Committee shall meet at such places and times as may be so directed.

(2) The Chairman shall preside at meetings of the Committee and, if the Chairman is absent from a meeting, the meeting shall be presided over by such persons as the other members present at the meeting and constituting a quorum may elect from among their number.

(3) At any meeting of the Committee a quorum shall be the minimum number constituting a majority of all the members of the Committee.

(4) The decisions of the Committee shall be a majority of votes of members present and voting and, in addition to an original vote, the Chairman shall have a second or casting vote in any case in which the voting is equal.

(5) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the Chairman as soon as practicable thereafter at a subsequent meeting.

(6) The actions of the Committee shall be authenticated by the signature of the Chairman or the secretary of the Committee.

(7) Subject to this paragraph, the Committee may regulate its own proceedings.

10. The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

11. There shall be paid to the Chairman and other members of the Committee such remuneration and allowances, if any, as the Minister may determine in the case of those members respectively.

- 12.** The Director shall assign one of the officers of his department to perform the functions of secretary of the Committee.
- 13.** For the purpose of this *Schedule* the expression “Chairman” includes a person appointed or elected to act temporarily in place of the Chairman.

SECOND SCHEDULE*(Section 14)**CONSTITUTION AND PROCEDURE OF THE PRACTITIONERS BOARD*

- 1.(1)** The Practitioner's Board shall consist of 9 members who shall be appointed by the Minister by instrument in writing.
- (2)** The Practitioner's Board referred to in sub-paragraph (1) shall consist of:
- (a)* a civil engineer who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (b)* an architect who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (c)* an attorney-at-law who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (d)* a representative from the Government Electrical Engineering Department;
 - (e)* a representative from the Samuel Jackman Prescod Polytechnic;
 - (f)* a drafting technician or technologist;
 - (g)* a contractor of 10 years experience;
 - (h)* a representative from the Technical and Vocational Education and Training Council;
 - (i)* a representative from the Vocational Training Board.
- 2.** The members of the Practitioners Board shall hold office for a term of 3 years and shall be eligible for re-appointment.
- 3.** The members of the Practitioners Board shall elect one of its member to be Chairman and one member to be Deputy Chairman.

- 4.** The Chairman shall have an original and casting vote and shall preside at all of the meetings of the Practitioners Board at which he is present.
- 5.** The Minister may at any time revoke the appointment of any member, including the Chairman.
- 6.** The Minister may terminate the appointment of a member of the Practitioner's Board for inability, inefficiency, misbehaviour or physical or mental incapacity.
- 7.(1)** Where the Chairman ceases to be a member of the Practitioners Board before the expiration of the period for which he has been elected, the Practitioners Board shall elect some other member in his place to be Chairman for the remainder of that period.

(2) Where at any meeting of the Practitioners Board the Chairman is not present or there is no Chairman, the members present shall elect one of their members to act as Chairman in respect of that meeting.
- 8.(1)** The Practitioners Board shall appoint a secretary and such other officers for the purpose of carrying out its functions under this Act.

(2) The secretary and other officers of the Practitioners Board shall receive such remuneration as the Minister determines.
- 9.** The names of all members of the Practitioners Board as first constituted and every change in the membership of the Practitioners Board shall be published in the *Official Gazette*.
- 10.** At a meeting of the Practitioners Board 5 members shall constitute a quorum.
- 11.(1)** Any member of the Board other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and

transmitted through the Chairman, and from the date of receipt by the Minister of such instrument the member shall cease to be a member of the Practitioners Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take as from the date of receipt of the instrument by the Minister.

12. In the absence or inability to act of any member, the Minister may appoint any person to act temporarily in place of the member, and the temporary appointment shall be made in the same manner and from the same categories of persons if any, as the appointment of the member.

13. Where a vacancy occurs in the membership of the Practitioners Board, the vacancy shall be filled by the appointment of another member, who shall hold office for the remainder of the period for which the previous member was appointed.

14.(1) The Practitioners Board shall regulate its own proceedings.

(2) The Practitioners Board shall meet at such times and places as may be necessary or expedient for the transaction of its business.

(3) An inquiry before a Practitioner's Board shall be heard and determined by the Chairman and 2 members selected by the Chairman.

(4) Minutes in proper form of each meeting of the Practitioners Board shall be kept.

(5) The decisions of the Practitioners Board shall be by a majority of votes and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) The validity of the proceedings of the Practitioners Board shall not be affected by any vacancy amongst the members of the Practitioners Board, or by any defect in the appointment of a member of the Practitioners Board.

THIRD SCHEDULE

(Section 40)



**Building Standards Act
(Act 2018-)**

Building Permit Application Number _____
(for official use only)

Received on _____
(for official use only)

APPLICATION FOR BUILDING PERMIT

- APPLICATION* for: (a) the erection of a new *building*;
(b) the alteration of a *building*;
(c) the extension of a *building*;
(d) the change of use of a *building*;
(e) the demolition of a *building*;
(f) to provide services, fittings or equipment in or in connection with a *building*; or
(g) the fitting-out of a *building*.

Before completing this form, please read ALL notes, some of which are attached separately.

Applicants for a demolition permit need only complete Parts A, C, D, H and J.

Third Schedule (Cont'd)

DETAILS OF APPLICATION:

PART A (to be completed for all applications)

1. OWNER (APPLICANT) (details of *owner (applicant)*)

Name: _____

Postal _____

Address: _____

_____ Tel No: _____

Fax No: _____ Email: _____

2. OWNER'S AGENT (if any, letter from *owner* must be submitted authorizing *agent*)

Name: _____

Address: _____

_____ Tel No: _____

Fax No: _____ Email: _____

3. PURPOSE FOR WHICH BUILDING PERMIT IS SOUGHT

Please state the nature and give a brief description of the proposed *building work* e.g. erection, alteration, extension, *change of use*, fitting-out, demolition of or provision of a service, fitting or equipment in house, shop, office or other *building*. Description of the *building work* may also include the re-siting of a chattel house, the *construction* of a miscellaneous structure (see Part 17), a temporary *change of use* of a *building*, or a type approval *building permit*, other (see Part G)

Third Schedule (Cont'd)

PART A (Cont'd)

| |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4. ADDRESS OF <i>BUILDING(S)</i> OR <i>BUILDING WORK</i> (For which application is being made)</p> <p>_____</p> <p>_____</p> <p>(a) Land Tax Registration No:</p> <p>(b) Town & Country Development Planning Office Application No:</p> <p>5. LISTED <i>BUILDINGS</i></p> <p>Does the <i>application</i> concern a <i>building(s)</i> listed as being of special architectural or historic interest or in a conservation area? (If in doubt, the Town and Country Development Planning Office can advise)</p> <p>Yes/No*</p> <p>6. If so, please state category: _____</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PART B (to be completed by applicants for *building permit* to erect, alter or extend a *building* or to provide services, fittings or equipment in a *building*)

| |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>7. CONDITION OF <i>BUILDING WORK</i> (see note 8 below)</p> <p>Has the <i>building work</i> which is the subject of this <i>application</i> already started?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the fee to be paid will be 1.25 times the normal rate.</p> <p>8. USE OF <i>BUILDING(S)</i> (e.g. school, factory, supermarket, office and any parts to be occupied by different tenants)</p> <p>The <i>building(s)</i> will be used as _____</p> <p>_____</p> <p>_____</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Third Schedule (Cont'd)

PART B (Cont'd)

9. RELAXATION DIRECTIONS

The *building(s)* is/are* the subject of a relaxation direction given by the *Building Standards Authority/Building Appeals Board**.

Reference number: _____ Dated: _____

10. STAGES OF CONSTRUCTION

If a stage *building permit* is required, please indicate which stage is required

Note

You can arrange at the *Building Standards Authority's* discretion to be granted a *building permit* on condition that you provide them with further details before any of the following stages of *construction* are commenced:-

- foundations*
- substructure
- underground drainage system
- superstructure; excluding the stages specified below
- external wall* cladding internal walls or their linings
- roof
- installation of a lift, escalator or electrical ventilation, heating or plumbing system

Third Schedule (Cont'd)

PART C (to be completed by applicants for a demolition permit to demolish a *building*)

11. DEMOLITION STAGES (DEMOLITION OF A *BUILDING*)

(a) Isolation and/or* removal of services, fixtures, equipment and fittings
 (b) Isolation and protection of adjacent *building*
 (c) other (specify)

Describe stages or demolition work being applied for: _____

PART D (to be completed by all applicants)

12. COST OF *BUILDING* WORK (cost of labour and materials)

(a) The *building cost* of the *building work* is estimated at Barbados \$ _____

I/We* enclose my/our* fee of Barbados \$ _____. In order to verify the *building cost*, a cost estimate prepared by a qualified quantity surveyor or other appropriate person must be submitted in support of your *application*.

Please note that the *Building Standards Authority* may wish to verify this figure, and make comparisons with established independent indices of *building costs*. No concessions can be made for self-built *applications*.

See Building Standards Authority fee schedule

(b) State floor area of *building* _____ (m²) _____ (ft²)

Note: No assessment will be done on an *application* that has not been paid in full. *Applications* for which fees have not been received after 42 calendar days will be disposed of.

Third Schedule (Cont'd)

PART E (to be completed where an existing *building* is to be used for a different purpose)

13. EXISTING USE OF *BUILDING(S)* (e.g. office, supermarket, school, factory etc.)

The *building(s)* is/are* at present used as _____

14. PROPOSED USE OF *BUILDING(S)* (give purpose group(s))

The *building(s)* will be used as _____

PART F (to be completed by)

15. LIMITED LIFE BUILDING(S)

The life of the *building(s)* will be _____ (not more than 5 years)

PART G

16. NOTICES AND ORDERS

Please indicate if this *application* is as the result of:

- a fire upgrading report
- a building notice
- a building order
- an emergency order
- a certificate for public use and assembly
- regularization of unauthorized building work
- regularization of an existing building or
- other, specify _____

If so, give reference number _____ and comment (any) _____

Third Schedule (Cont'd)

PART H (to be completed by all applicants)

17. DECLARATION

I/We* apply for a *building permit* in accordance with the details supplied above and with any necessary *plans and specifications* (i.e. drawings, specifications, and other particulars) accompanying this *application*. I/We* have/have not* included design certificates showing that the design complies with the structural, civil, mechanical, electrical and other engineering provisions of the Barbados National Building Code (see notes 5 and 6).

Signature of applicant/*agent** _____ .

Date _____ .

PART I (to be completed by all applicants)

THIS FORM, DULY COMPLETED, TOGETHER WITH ANY ACCOMPANYING *PLANS AND SPECIFICATIONS* MUST BE SENT TO:

THE *BUILDING STANDARDS AUTHORITY* OFFICE

Tel No(s): _____ Fax No: _____

Email: _____

Website: _____

*Delete as appropriate

Note:

1. The services of a *registered engineer* are not required for a detached *house* or *building* which is *constructed* within the design limitations of the "Construction Manual for Detached Houses". For a *building* requiring the services of a *registered architect*, please consult the *Architect Registration Act*, Cap. 366 or the Barbados Institute of Architects.

Third Schedule (Cont'd)

2. For *building work* not involving or requiring the services of engineering or architectural consultants the *Building Standards Authority* can assist you with the completion of the form.
3. For *building work* designed by *registered* engineers and/or *registered architects/designers*, this form must be accompanied by Forms 21, 25, 25B, 26, 26B and 27 to assist with the processing of your application.
4. For a typical detached house this form should be accompanied by Form 28. For a single or *two-storey building* constructed within the limitations of the 'Construction Manual for Detached Houses' this form must be accompanied by Form 28 and other applicable forms in relation to the building materials, components and services provided therein.
5. For an amusement device this form must be accompanied by Form 29 and such other applicable forms as identified at note 3.
6. For an existing *building* which will be occupied or used while *building work* is being carried out (e.g. in the case of an extension or alteration), this form should be accompanied by a duly completed Form 10.

NOTE:

1. **A BUILDING PERMIT DOES NOT EXEMPT YOU FROM OBTAINING OTHER TYPES OF PERMISSION NECESSARY, E.G. PLANNING PERMISSION OR LISTED BUILDING CONSENT. CONSULT THE BUILDING STANDARDS AUTHORITY IF IN DOUBT.**

NOTES

1. The name and address of the *owner* is required as under the *Building Standards Act, 2018* (Act 2018-), as the *owner/owner's agent* is responsible for the *building work*. Supervision of the building work is not the responsibility of the *Building Standards Authority*.

Third Schedule (Cont'd)

2. The *Building Standards Authority* will only grant a *building permit* if they are satisfied that the *building (building work)* will be *constructed* in accordance with requirements of the Barbados National Building Code. A demolition permit will be granted if the requirements of the Barbados National Building Code are not met. An *application* should be sent to the address shown above.
3. Once we have received your *application* we will send you a report giving details of any changes to the *plans and specifications* which are needed to comply with the requirements of the Barbados National Building Code. Where possible, these reports will be sent within thirty (30) workings days. Once the *plans and specifications* are altered to the Barbados *Building Standards Authority's* satisfaction a *building permit* will be issued, where possible, within fifteen (15) working days. These response times are always contingent on the cooperation of the applicant.
4. If the Barbados *Building Standards Authority* refuses to grant a *building permit* you may appeal to the *Building Appeal Board* within twenty-eight (28) days of the date of the refusal.
5. The Barbados *Building Standards Authority* can advise you on what plans, drawings, specifications and other information should accompany your *application*, also see paragraph 1.23.9 of Part 1 of the Barbados National Building Code.
6. The *Act* enables an applicant for a *building permit* to submit with his *application* a design certificate (Form 25 and the design considerations related thereto) signed by a suitably qualified and experienced, *registered engineer* certifying that the relevant engineering aspects of the *building work*, including the specification of materials to be used, comply with the requirements of the Barbados National Building Code (see paragraph 1.5.4 of the Code). For a *building or building work* requiring the use of a *review consultant(s)* (see paragraph 1.8 of the Code) the design certificate and the design considerations must bear his/her signature. For further information regarding self certification see Part 1 of the Barbados National Building Code.
7. The 'Construction Manual for Detached Houses'
 - (a) is one method deemed to satisfy Part 5 of the *Technical Standards* for the *construction* of a detached *house* in single occupation and parts of which are not of different *purpose groups*. If used, the details in this manual must be number referenced to the drawings. In the absence of this information, it will be assumed that the manual has not been

Third Schedule (Cont'd)

used and consequently a design certificate from a suitably qualified and experienced *registered engineer* may be required to support the *application*. The referenced details in this manual will also be used by building standards officers when conducting inspections of the *house* during its *construction*; and

- (b) may also be used to construct a single or *two-storey building* of any *purpose group* provided such a *building* is *constructed* within the design limitations of the manual.
8. The 'condition of *building work*' (under Part B) refers to:
- (a) Unauthorised *building work*, i.e. the *building work* has started without a *building permit* when a building permit is required, or *building work* is done in contravention of an issued *building permit* when an amendment of *building permit* is required and the applicant is required to regularise the *building work*. The fee of 1.25 times the normal rate refers to such occurrences. Disruptive inspections may be needed to determine what has been *constructed*.
 - (b) *Building work* in progress or *building work* yet to be commenced at the time of enactment. This will occur in the case of persons who were granted planning permission to build prior to the *Building Standards Act, 2018* (Act 2018-) and who may wish to have their *buildings* comply with the Barbados National Building Code. For *building work* in progress the fee of 1.25 times the rate is applicable to cover the costs of checking details on site rather than on plan. The Act also provides for the regularisation of a *building* which was completed before enactment. These are voluntary decisions on the part of an *owner* and require the submission of *plans and specifications* and other particulars as for a normal *application*. The *owner* should discuss this matter with the *Building Standards Authority* to determine its feasibility prior to making such an *application*.

Under Part X of the Act, the procedures discussed above are referred to as regularisation. Forms 15, 16 and 17 provide further guidance into these procedures.

9. For a *building* sited within the Scotland District, approval is needed from the Soil Conservation Unit. The applicant must provide evidence of such approval.

Third Schedule (Concl'd)

10. For details of the appropriate insurance documentations required for carrying out and completing *building work*, see note 9 of commencement notice (Form 18).
11. The terms in italics are defined terms. For definitions see paragraph 1.56 of Part 1 of the Barbados National Building Code.

COMMENTS: _____
(for official use only)

FOURTH SCHEDULE

(Section 44(1))

PART I



**Building Standards Act
(Act 2018-)**

Land Tax Registration Number _____

Building Permit Number _____

Town & Country Development Planning Office Number _____

Design Certificate Ref. Number _____
(for official use only)

Received on _____
(for official use only)

(This form may not be required for a detached *house*; see Form 28)

**CIVIL/STRUCTURAL ENGINEER'S DESIGN CERTIFICATE FOR THE
CONSTRUCTION OF A BUILDING (See note 1).**

Fourth Schedule (Cont'd)

Complete all parts of this form. Where any part is not applicable, write N/A

Before completing this form, please read ALL notes and warnings.

1. **ADDRESS OF BUILDING (BUILDING WORK)** This design certificate is submitted in relation to *building work* described at paragraph 2 for *building work* at

2. **DESCRIPTION OF BUILDING WORK** (including the part of the *building*, the stages of *construction* and the type of *building work* being certified).

3. **DETAILS OF REGISTERED ENGINEER** (certifying *building work* at 5c(i))

Name _____ Reg. No. _____
Name of Company _____
Address _____ Tel. No. _____
Fax No. _____ E-mail: _____

4. **DETAILS OF REVIEW CONSULTANT** (if required at 5(c)(ii))

Name _____ Reg. No. _____
Name of Company _____
Address _____ Tel. No. _____
Fax No. _____ E-mail: _____

Fourth Schedule (Cont'd)

5. **DECLARATION AND CERTIFICATION** (see notes before completing this part)

- (a) I _____ hereby declare that the *plans and specifications* for the *building work* including all the structural elements have been prepared by me in accordance with sound engineering practices and principles of structural mechanics to satisfy the civil (structural) engineering requirements of Parts 2 and 5 of the Barbados National Building Code. I declare that the *building work* during its *construction* and on its completion will not impair or cause any deformation or instability in any part of the *building* or to any part of another *building*; and
- (b) I _____ hereby declare that I have checked and I am satisfied that the *plans and specifications* for the *building work*, including all the structural elements, have been properly prepared in accordance with sound engineering practices and principles of structural mechanics to satisfy the civil (structural) engineering requirements of Parts 2 and 5 ⁽⁺⁾ of the Barbados National Building Code and that the *building work* during its *construction* and on its completion will not impair or cause any deformation or instability in any part of the subject *building* or to any part of another *building*; and
- (c) I _____ hereby certify that the *plans and specifications*, including the design considerations attached and the specifications for the materials to be used in relation to the *building work*, are subject to any relaxations and dispensations, in accordance with the regulations and *relevant standards* of the Barbados National Building Code 2013 (year)

(i) Signature of *registered engineer* _____
Affix stamp and seal above

Date: _____

(ii) Signature of *review consultant* (if required) _____
Affix stamp and seal above

Date: _____

⁽⁺⁾ This design certificate must also include the designs of protective barriers and measures to prevent collision with glazing in Parts 8 and 14 of the Code. If yes, specify _____ .

Fourth Schedule (Cont'd)

THIS FORM, DULY COMPLETED, MUST BE ATTACHED TO THE *BUILDING PERMIT APPLICATION* (FORM 1) AND SENT TO:

THE *BUILDING STANDARDS AUTHORITY* OFFICE

Tel. No: _____ Fax No: _____

E-mail: _____

Notes:

1. This form is principally for the design and *construction* of the structural engineering aspects of the *building work* and for civil engineering work (e.g. site preparation) related to the structure and fabric of the *building*.
2. The person signing this form must be a *registered engineer* and he or she must be suitably qualified and experienced in the preparation of *plans and specifications* for the type of *building work* being certified.
3. When the *registered engineer* at 5a is suitably qualified but not suitably experienced, then a suitably qualified and experienced *registered engineer(s)* must be named at paragraph 5(b) and paragraph 5(c). The person named at paragraph 5(c) must sign at paragraph 5(c)(i).
4. When a *registered engineer* named at paragraph 5(a) is suitably qualified and experienced then he or she must (other than in the case of the alternative next described) sign at paragraph 5(c)(i) and the name at paragraph 5(a) must also be entered at paragraph 5(b) and paragraph 5(c). Alternatively, other suitably qualified and experienced *registered engineer(s)* maybe named at paragraph 5(b) and paragraph 5(c). However, the person named at paragraph 5(c) must sign at paragraph 5(c)(i).
5. When a *review consultant* is used, a suitably qualified and experienced *registered engineer* must be named at paragraph 5(a) and he or she must sign at paragraph 5(c)(i) and the *review consultant* must be named at paragraph 5(b) and paragraph 5(c) and sign at paragraph 5(c)(ii).
6. For easy reference the *registered engineer's* (company's) project job number and the reference number of this design certificate should be entered as indicated.

Fourth Schedule (Cont'd)

- 7. Under the *Building Standards Act, 2018* (Act 2018-), the Director of the Building Standards Authority determines whether a *registered engineer* is suitably qualified and experienced to certify *building work*. Being suitably qualified relates to a *registered engineer's* formal academic training in relation to a particular engineering discipline. Being suitably experienced relates to a *registered engineer* providing evidence (i.e. a curriculum vitae which may be supported by a sworn affidavit and approved references) to the *Building Standards Authority* that he or she has previously and satisfactorily prepared *plans and specifications* in relation to the type of *building work* being certified.
- 8. The terms in italics are defined terms. The definitions are listed at paragraph 1.56 of Part 1 of the Barbados National Building Code.

WARNING:

UNDER PART IV OF THE *BUILDING STANDARDS ACT, 2018* (ACT 2018-), THE REGISTRATION OF A *BUILDING PRACTITIONER* MAY BE CANCELLED OR SUSPENDED IF HE OR SHE MAKES OR ISSUES A STATEMENT, WHICH IS, TO THE KNOWLEDGE OF THE *BUILDING PRACTITIONER*, FALSE IN MATERIAL PARTICULAR AND WAS MADE OR GIVEN FOR THE PURPOSE OF INDUCING A PERSON TO ENTER INTO A CONTRACT FOR THE CARRYING OUT OF OR THE COMPLETION OF *BUILDING WORK*.

COMMENTS: _____
(for official use only)

Fourth Schedule (Cont'd)

(Section 44(1))

PART II



**Building Standards Act
(Act 2018-)**

Land Tax Registration Number _____

Building Permit Number _____

Town & Country Development Planning Office Number _____

Design Certificate Ref. Number _____
(for official use only)

Received on _____
(for official use only)

(This form may not be required for a detached *house*)

**CIVIL/BUILDING SERVICES* ENGINEER'S DESIGN CERTIFICATE FOR THE
CONSTRUCTION OF A BUILDING (See note 1).**

Fourth Schedule (Cont'd)

Complete all parts of this form. Where any part is not applicable, write N/A

Before completing this form, please read ALL notes and warnings.

1. **ADDRESS OF BUILDING (BUILDING WORK)** This design certificate is submitted in relation to *building work* described at paragraph 2 for *building work* at

2. **DESCRIPTION OF BUILDING WORK** (including the part of the *building*, the stages of *construction* and the type of *building work* being certified).

3. **DETAILS OF REGISTERED ENGINEER** (certifying *building work* at 5c(i))

Name _____ Reg. No. _____

Name of Company _____

Address _____ Tel. No. _____

Fax No. _____ E-mail: _____

4. **DETAILS OF REVIEW CONSULTANT** (if required at 5(c)(ii))

Name _____ Reg. No. _____

Name of Company _____

Address _____ Tel. No. _____

Fax No. _____ E-mail: _____

Fourth Schedule (Cont'd)

5. DECLARATION AND CERTIFICATION (see notes before completing this part)

(a) I _____, do hereby declare that the *plans and specifications* for the *building work* have been prepared by me in accordance with sound engineering practices and principles to satisfy the _____
_____ (+) engineering requirements of Part(s) _____
(++) of the Barbados National Building Code and certify that the *building work*, during its *construction* and on its completion will not impair or cause any deformation or instability in any part of the *building* or to any part of another *building*; and

(b) I _____, do hereby declare that I have checked and I am satisfied that the *plans and specifications* for the *building work* have been properly prepared by me in accordance with sound engineering practices and principles to satisfy the _____
(+) engineering requirements of Part(s) _____ (++) of the Barbados National Building Code and certify that the *building work*, during its *construction* and on its completion will not impair or cause any deformation or instability in any part of the *building* or to any part of another *building*; and

(c) I _____, do hereby certify that the *plans and specifications*, including the design considerations attached and the specifications for the materials to be used in relation to the *building work*, are, subject to any relaxations and dispensations, in accordance with the regulations, and *relevant standards* of the Barbados National Building Code 2013 (year)

(i) Signature of *registered engineer* _____
Affix stamp and seal above

Date: _____

Fourth Schedule (Cont'd)

(ii) Signature of *review consultant* (if required) _____
Affix stamp and seal above

Date: _____

(+) Indicate the engineering discipline (i.e. civil, mechanical, electrical, etc.)

(++) Indicate the Parts and *relevant standards* of the Barbados National Building Code for which this certificate is applicable (eg. Part 13 (13.2.1, 13.2.1.1 etc.), Part 10 (10.2.1, 10.2.1.1 etc.). Use separate sheets if necessary.

THIS FORM, DULY COMPLETED, MUST BE ATTACHED TO THE *BUILDING PERMIT APPLICATION* (FORM 1) AND SENT TO:

THE *BUILDING STANDARDS AUTHORITY* OFFICE

Tel. No: _____ Fax No: _____

E-mail: _____

Notes:

1. This form is principally for the design of drainage (*wastewater* and *surface water* etc.) and building services (eg. mechanical ventilation, combustion appliances, *fire fighting lifts*, artificial lighting, fire alarm systems, water, electricity and gas supply, air conditioning, energy efficiency etc.) aspects of *building work*.
2. The person signing this form must be a *registered engineer* and he or she must be suitably qualified and experienced in the preparation of *plans and specifications* for the type of *building work* being certified.
3. When the *registered engineer* at paragraph 5(a) is suitably qualified but not suitably experienced, then a suitably qualified and experienced *registered engineer(s)* must be named at paragraph 5(b) and paragraph 5(c). The person named at paragraph 5(c) must sign at paragraph 5(c)(i).

Fourth Schedule (Concl'd)

4. When a *registered engineer* named at paragraph 5(a) is suitably qualified and experienced then he or she must (other than in the case of the alternative next described) sign at paragraph 5(c)(i) and the name at paragraph 5(a) must also be entered at paragraph 5(b) and paragraph 5(c). Alternatively, other suitably qualified and experienced *registered engineer(s)* maybe named at paragraph 5(b) and paragraph 5(c). However, the person named at paragraph 5(c) must sign at paragraph 5(c)(i).
5. When a *review consultant* is used, a suitably qualified and experienced *registered engineer* must be named at paragraph 5(a) and he or she must sign at paragraph 5(c)(i) and the *review consultant* must be named at paragraph 5(b) and paragraph 5(c) he or she must sign at paragraph 5(c)(ii).
6. For easy reference the *registered engineer's* (company's) project job number and the reference number of this design certificate should be entered as indicated.
7. Under the *Building Standards Act, 2018* (Act 2018-), the Director of the *Building Standards Authority* determines whether a *registered engineer* is suitably qualified and experienced to certify *building work*. Being suitably qualified relates to a *registered engineer's* formal academic training in relation to a particular engineering discipline. Being suitably experienced relates to a *registered engineer* providing evidence (i.e. a curriculum vitae which may be supported by a sworn affidavit) to the *Building Standards Authority* that he or she has previously and satisfactorily prepared *plans and specifications* in relation to the type of *building work* being certified.
8. The terms in italics are defined terms. The definitions are listed at paragraph 1.56 of Part 1 of the Barbados National Building Code.

WARNING:

UNDER PART IV OF THE *BUILDING STANDARDS ACT, 2018* (ACT 2018-), THE REGISTRATION OF A *BUILDING PRACTITIONER* MAY BE CANCELLED OR SUSPENDED IF HE OR SHE MAKES OR ISSUES A STATEMENT, WHICH IS, TO THE KNOWLEDGE OF THE *BUILDING PRACTITIONER*, FALSE IN MATERIAL PARTICULAR AND WAS MADE OR GIVEN FOR THE PURPOSE OF INDUCING A PERSON TO ENTER INTO A CONTRACT FOR THE CARRYING OUT OF OR THE COMPLETION OF *BUILDING WORK*.

COMMENTS: _____
(for official use only)

FIFTH SCHEDULE

(Section 54(1))

PART I



**Building Standards Act
(Act 2018-)**

Completion certificate application Number _____
(for official use only)

Received on _____
(for official use only)

Land Tax Registration Number _____
(if any)

Approval to occupy/use (a building) on a temporary basis Number _____

Issued on: _____

Town & Country Development Planning Office Number _____

FORM 2

Complete all parts of this form. Where any part is not applicable, write N/A

Before completing this form, please read ALL notes and warnings.

Fifth Schedule (Cont'd)

APPLICATION FOR COMPLETION CERTIFICATE

DETAILS OF APPLICATION:

1. **APPLICANT (OWNER)**

Name: _____

Address: _____

Tel. No: _____

Fax No: _____

E-mail: _____

2. **OWNER'S AGENT** (if any)

Name: _____

Address: _____

Tel. No: _____

Fax No: _____

E-mail: _____

3. A *completion certificate* is sought for the *erection/alteration/extension/*change of use/* fitting-out/demolition of/or the provision of services, fittings or equipment and components in a *building(s)* at (address)

4. **DESCRIPTION OF BUILDING WORK**

Provide a brief description (see item 3 of Form I) of the *building work* including part of *building* for which *completion certificate* is sought:

Fifth Schedule (Cont'd)

5. DATE OF BUILDING PERMIT AND ANY AMENDMENTS

Reference No. of *building permit* _____

Building permit was granted on _____

Reference No. of amendment(s) _____

6. DATE BUILDING WORK COMPLETED

The building work was completed on _____

7. RELAXATION DIRECTIONS

Was a relaxation or dispensation of the *building* standards or regulations given? YES/NO*

If yes, give date and reference number _____

8. DECLARATION

I/We* confirm that the *building work* at the above address has now been completed in accordance with the building standards as relaxed by the *Building Standards Authority/ Building Appeals Board** on _____ (date)*. The *building work* was carried out in accordance with the *continuing requirements* as laid down in the *building permit* number _____ and any amendments thereto mentioned above and conform with any necessary approved *plans and specifications* (i.e. drawings, specifications and other particulars) endorsed in connection with the *building permit*. I/We* also enclose certification(s) from *registered engineer(s), registered architect(s)*, designers and contractor(s) certifying that the *building work* was carried out in accordance with the approved *plans and specifications* and complies with the requirements of the Barbados National Building Code. A copy of an approved policy of insurance, as appropriate, (see note 6) for the *building* is attached.

Signature of applicant/*agent** _____

Date _____

Fifth Schedule (Cont'd)

*Delete as applicable.

Tick as appropriate

9. COMMENTS (if any) _____

THIS FORM⁺, DULY COMPLETED, MUST, TOGETHER WITH THE NECESSARY CERTIFICATIONS, BE SENT TO:

THE BUILDING STANDARDS AUTHORITY OFFICE

Tel. No: _____ Fax No: _____

E-mail: _____

Website: _____

⁺Note:

1. For *building work* designed by *registered engineers* and *registered architects/designers*, this form must be accompanied by Forms 21, 22, 23 and 24.
2. For the *construction* of a typical detached *house* this form must, as appropriate, be accompanied by Forms 24 and 28. However, where a *registered engineer* and/ or a *registered architect/designer** are engaged in relation to the *construction* of a detached house, then Forms 22 and 23 must also be submitted.
3. For a single or two-storey *building* of any *purpose group constructed* within the design limitations of the 'Construction Manual for Detached Houses' this form must also be accompanied by Forms 24 and 28 and such other forms as the Building Standards Authority may request.

Fifth Schedule (Cont'd)

4. For *buildings*, other than those of *purpose group 1 (dwellings)* a copy of the written information (operating manual), where required, for installed *building services* must accompany this form.

NOTES

1. The name and address of the *owner* is required as the *owner* must be informed if an application for a *completion certificate* is rejected.
2. The *Building Standards Authority* will grant a *completion certificate* if they are satisfied that the *building (building work)* has been *constructed* in accordance with the Barbados National Building Code.
3. The *Building Standards Authority* must either grant a *completion certificate* or notify the applicant of their refusal to do so.
4. If the *Building Standards Authority* refuses to grant a *completion certificate* the applicant has the right of appeal to the *Building Appeals Board* within twenty-eight (28) days of the refusal.
5. All applications for a *completion certificate* will receive a response, where possible, within fifteen (15) working days of receipt of the application. This response time is always contingent on the cooperation of the applicant.
6. An approved policy of insurance for completed *building work* is intended principally to ensure that *buildings* are insured against perils and natural disasters. An approved policy of insurance may also relate to a temporary or permanent *building* the use of which may pose a danger to the public, for example in the case of bleachers or an amusement device.
7. The terms in italics are defined terms. The defined are listed at paragraph 1.56 of Part 1 of the Barbados National Building Code.

Fifth Schedule (Cont'd)

WARNINGS

1. **THIS APPLICATION DOES NOT AUTHORISE THE OCCUPATION OR USE OF THE *BUILDING*.**

2. **IT IS AN OFFENCE TO OCCUPY OR USE A *BUILDING* WITHOUT A *COMPLETION CERTIFICATE* UNLESS AN *APPROVAL TO OCCUPY (THE *BUILDING*) ON A TEMPORARY BASIS* HAS BEEN GRANTED BY THE *BUILDING STANDARDS AUTHORITY*.**

COMMENTS: _____
(for official use only)

Fifth Schedule (Cont'd)

(Section 54(1))

PART II



**Building Standards Act
(Act 2018-)**

Approval to occupy/use (a building) on a temporary basis
Application Number _____
(for official use only)

Received on _____
(for official use only)

Land Tax Registration Number _____

Town & Country Development Planning Office Number _____

FORM 10

Complete all parts of this form. Where any part is not applicable, write N/A

Before completing this form, please read ALL notes and warnings.

Fifth Schedule (Cont'd)

APPLICATION FOR APPROVAL TO OCCUPY/USE (A BUILDING) ON A TEMPORARY BASIS

DETAILS OF APPLICATION:

1. **APPLICANT (OWNER)**

2. **OWNER'S AGENT (letter from owner must be submitted)**

Name: _____

Name: _____

Address: _____

Address: _____

Tel. No: _____

Tel. No: _____

Fax No: _____

Fax No: _____

E-mail: _____

E-mail: _____

3. **ADDRESS OF BUILDING OR PART OF BUILDING** (for which application is being made)

BUILDING PERMIT DETAILS

4. Date *building permit* was granted _____

Reference number of *building permit* _____

Fifth Schedule (Cont'd)

5. *Building permit* granted for
- | | |
|-------------------------------------------------------------------------------|--------------------------|
| erection | <input type="checkbox"/> |
| alteration (renovation) | <input type="checkbox"/> |
| extension | <input type="checkbox"/> |
| <i>change of use</i> | <input type="checkbox"/> |
| Provision of services, fittings, equipment, components etc. (√ as applicable) | |
| other | <input type="checkbox"/> |

specify: _____

PREVIOUS APPLICATION

6. Has a previous application for an *approval to Occupy/use on a temporary basis** been granted? YES/NO*
7. If yes, please give details:
- i. Date authorization given _____
 - ii. Date authorization expires _____

8. REASONS FOR APPLICATION

Please state below why you wish the above *building* to be temporarily occupied/used* before the issue of a **completion certificate of public use and assembly*.

Fifth Schedule (Cont'd)

9. LENGTH OF TEMPORARY OCCUPATION/USE*

Period of temporary occupation/use* requested:- From _____

To _____

Signature of Applicant (Owner)/Agent* _____

Date _____

*Delete as appropriate

10. THIS FORM, DULY COMPLETED, MUST, TOGETHER WITH THE NECESSARY PLANS AND SPECIFICATIONS BE SENT TO:

THE BUILDING STANDARDS AUTHORITY OFFICE

Tel. No. _____ Fax _____

E-mail _____

Website: _____

Notes:

1. *Plans and specifications* of the proposed area to be occupied must, where relevant, be submitted with this application.
2. Please see paragraph 1.6.1 of Part 1 of the Barbados National Building Code for complete guidance in relation to an *approval to occupy/use (a building) on a temporary basis*.
3. Where this form accompanies Form 1, no *building permit* number is required.
4. The *Building Standards Authority* will grant an *approval to occupy/use (a building) on a temporary basis* if they are satisfied that, because of exceptional circumstances, it is reasonable that the *building* should be temporarily occupied or used before a *completion certificate* or a *certificate of public use and assembly* has been issued.

Fifth Schedule (Cont'd)

5. This approval may be granted whether or not the *building work* has been completed or commenced. However, approval is unlikely to be granted, particularly in the case of an unoccupied *building*, if at the time of application, there are contraventions of the building standards or regulations, which could affect the safety of the occupants or the public.

6. The terms in italics are defined terms. The definitions are listed at paragraph 1.56 of Part 1 of the Barbados National Building Code.

COMMENTS: _____
(for official use only)

Fifth Schedule (Cont'd)

(Section 54(1))

PART III



**Building Standards Act
(Act 2018-)**

Certificate of public use and assembly Application Number _____
(for official use only)

Received on _____
(for official use only)

Land Tax Registration Number _____

Town & Country Development Planning Office Number _____

FORM 30

Complete all parts of this form. Where any part is not applicable, write N/A

Before completing this form, please read ALL notes and warnings.

Fifth Schedule (Cont'd)

APPLICATION FOR CERTIFICATE OF PUBLIC USE AND ASSEMBLY

DETAILS OF APPLICATION:

1. **APPLICANT (OWNER)**

Name: _____

Address: _____

Tel. No: _____

Fax No: _____

E-mail: _____

2. **OWNER'S AGENT (if any)**

Name: _____

Address: _____

Tel. No: _____

Fax No: _____

E-mail: _____

3. A certificate of public use and assembly is sought for a *building(s)* at (address)

4. **DESCRIPTION OF BUILDING WORK (if any)**

Provide a brief description (see item 3 of Form 1) of the *building work* including part of *building* for which *certificate of public use and assembly* is sought:

Fifth Schedule (Cont'd)

- 5. Have *plans and specifications* for the *building* been submitted with this application.
YES/NO
IF no, please explain

DATES OF ANY BUILDING PERMIT, COMPLETION CERTIFICATE, APPROVAL TO OCCUPY/USE (A BUILDING) ON A TEMPORARY BASIS AND ANY AMENDMENTS

- 6. Reference No. of *building permit* _____
Building permit was granted on _____
Reference No. of amendment(s) _____

- 7. Was any *building work* carried out with respect to this application? YES/NO
If yes either:
 - a. Enter *completion certificate* number..... Granted on
 - or
 - b. Submit application for *completion certificate* with this application.

- 8. Was an *approval to occupy/use (a building) on a temporary basis* granted with respect to this application? YES/NO
If yes
 - a. Enter the *approval to occupy/use (a building) on a temporary basis* number _____: Granted on _____or
 - b. Submit an application for an *approval to occupy/use (a building) on a temporary basis* with this application.

- 9. **DATE BUILDING WORK (if any) WAS COMPLETED**
The *building work* was completed on _____

Fifth Schedule (Cont'd)

10. RELAXATION DIRECTIONS

Was a relaxation or dispensation of the *building* standards or regulations given? YES/NO*

If yes, give date and reference number _____

11. DECLARATION

I/We* apply for a *certificate of public use and assembly* in accordance with the details supplied above, which I/we* declare are true and accurate.

Signature of applicant/agent* _____

Date _____

*Delete as applicable.

Tick as appropriate.

THIS FORM⁺, DULY COMPLETED, MUST, TOGETHER WITH THE NECESSARY CERTIFICATIONS, BE SENT TO:

THE BUILDING STANDARDS AUTHORITY OFFICE

Tel. No: _____ Fax No: _____

E-mail: _____

Website: _____

Fifth Schedule (Concl'd)

WARNINGS

- 1. THIS APPLICATION DOES NOT AUTHORISE THE OCCUPATION OR USE OF THE *BUILDING*.**
- 2. IT IS AN OFFENCE TO OCCUPY OR USE A *BUILDING* WITHOUT A *COMPLETION CERTIFICATE* UNLESS AN *APPROVAL TO OCCUPY/USE* (THE *BUILDING*) ON A *TEMPORARY BASIS* HAS BEEN GRANTED BY THE BUILDING STANDARDS AUTHORITY.**

COMMENTS:

(for official use only)

SIXTH SCHEDULE

(Section 61(1))



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Emergency Order Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-1

EMERGENCY ORDER

To: Name and address of owner: _____

And: Name and address of occupier: _____

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve an Emergency Order under section 61 of the *Building Standards Act, 2018* (Act 2018-).
2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director's representative on the

Date

Sixth Schedule (Cont'd)

- 3. The Director is of the opinion that it is warranted to serve this Emergency Order of a threat to life; or a dangerous building situation arising out of the condition or use the conduct or proposed conduct of a public assembly in or the public use of the building, place, temporary structure or building work at _____

- 4. The reason(s) this Emergency Order is being served* is/are in relation to _____

THEREFORE TAKE NOTICE THAT:

- 5. The *owner/owner's agent and occupier *is/are required to immediately/within _____ of the date of this emergency order to:
 - 5.1 evacuate the building, place or temporary structure or a specified part as described below _____
 - 5.2 not conduct, promote or allow the conduct or promotion of a public assembly in or the public use of the building, place or temporary structure or a specified part as described below _____

 - 5.3 *stop building work/carry out building work or other work as specified below _____
 - 5.4 cause to be executed such operations, as set out below, to make the building, place or temporary structure or building work safe _____
 - 5.5 comply with the following: _____

Sixth Schedule (Concl'd)

AND TAKE FURTHER NOTICE THAT:

6. This Emergency Order *prohibits/does not prohibit the occupation or use of the building, place or temporary structure or a specified part of (named below) from the date of this Emergency Order until it is complied with or is cancelled by the Director or the Building Appeals Board. (The specified part relates to _____
_____)
7. A building permit *must/must not first be obtained to carry out the building work (Note: Plans and specifications *are/are not required for assessment)
8. An approval to occupy/use (a building) on a temporary basis *is/is not required before commencing the building work.

Dated this _____ day of _____ 20_____

Director

* Delete as applicable

NOTES

1. The owner or owner's agent must give written notice to the Director upon completion of the building work. The Director or the Director's representative will within 28 days inspect the building work and report to the owner or the owner's agent whether the emergency order has been complied with.
2. An emergency order remains in force, and if amended remains in force as amended, until it is complied with or it is cancelled by the Director or the Building Appeals Board.
3. A person who contravenes or fails to comply with an emergency order is guilty of an offence and is liable to a fine or imprisonment.

Sixth Schedule (Concl'd)

4. A person affected by an emergency order may within 28 days of the date of the emergency order appeal to the Building Appeals Board against the emergency order or against a refusal of the Director to make a report that an emergency order has been complied with.
5. The Director has authority to cause the disconnection of utility services in a building, place or temporary structure in the case of an emergency order so as to eliminate a threat to life or a dangerous building situation.

EP – Enforcement Provision

SEVENTH SCHEDULE

(Section 68)



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Building Notice Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-2

BUILDING NOTICE

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure or building work at _____

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Building Notice under section 68 of the *Building Standards Act, 2018* (Act 2018-).
2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director's representative on the

Date

Seventh Schedule (Cont'd)

3. The Director is of the opinion that it is warranted to serve this Building Notice for the following reason(s):
- 3.1 The building work is being/has been carried out without a building permit or in contravention of a building permit or in contravention of the Act or the Regulations.
 - 3.2 The building, place or temporary structure, its use or change of use contravenes the Act and relevant certificates approvals and conditions issued in relation to the Act.
 - 3.3 The building place or temporary structure, is unfit for use or occupation.
 - 3.4 The building has defects that require rectification.
 - 3.5 The building place or temporary structure, or building work is a danger to its users or the users of adjoining properties or to users of the highway.
 - 3.6 It is reasonably practicable to make the building place or temporary structure or building work conform to the requirements of this Building Notice.
4. The reason (s) why this Building Notice is being served *is/are in relation to _____
-

THEREFORE TAKE NOTICE THAT:

5. You are required to SHOW CAUSE in writing within _____ of the date of service of this Building Notice:
- 5.1 why you should not evacuate the building, place or temporary structure or a specified part of it as here described _____

 - 5.2 Why you should be allowed to conduct or promote or allow the conduct or promotion of a public use of or public assembly in the building, place or temporary structure or why you should not immediately cease to conduct or to promote a public assembly in or public use of the building, place or temporary structure or a specified part of it as here described. _____

Seventh Schedule (Concl'd)

- 5.3 Why you should not stop building work.
 - 5.4 Why you should not carry out building work or other work on or in the building, place or temporary structure.
 - 5.5 Why you should not comply with the following directions in relation to this notice: _____

6. A building permit *must/must not first be obtained to carry out the building work. (Note: plans and specifications *are/are not required for assessment).
 7. An approval to occupy/use (a building) on a temporary basis *is/is not required before commencing the building work.

Dated this _____ day of _____ 20_____

Director

* Delete as applicable

NOTES

1. An owner or owner’s agent may make written representations to the Director about matters contained in this Building Notice before the end of the show cause period indicated above. The owner or owner’s agent must give written notice to the Director upon completion of the building work. The Director will within 28 days inspect the building work and report to the owner’s agent whether the building notice has been complied with.
2. The Director may cancel or amend the building notice where the Director considers it appropriate to do so after considering any written representations made by the owner or the owner’s agent.
3. The Director may serve a building order after the time specified in this Building Notice for making written representations.

EP – Enforcement Provision

EIGHTH SCHEDULE

(Section 71(1))

PART I



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Building Notice Number _____

Issued on: _____

Building Order Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-3

BUILDING ORDER FOR A BUILDING NOTICE

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure or building work at _____

Eighth Schedule (Cont'd)

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Building Order in relation to a Building Notice under section 71 of the *Building Standards Act, 2018* (Act 2018-).
2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director's representative on the

 Date
3. A Building Notice number _____ dated _____ was served on you and any written representations made by you have been considered.
4. The Director is of the opinion that insufficient cause has been shown by the *owner/owner's agent and that for reasons set out in the Building Notice the making of this Building Order is warranted.

THEREFORE TAKE NOTICE THAT:

5. You are required to evacuate the building, place or temporary structure or a specified part of it as described in the Building Notice.
6. You are not allowed to conduct or promote or allow the conduct or promotion of a public use of or public assembly in the building, place or temporary structure or you are required to immediately cease to conduct or to promote a public assembly in or public use of the building, place or temporary structure or a specified part of it as described in the Building Notice.
7. You are required to stop building work.
8. You are required to carry out building work or other work on or in the building, place or temporary structure.
9. You are required to comply with such directions as specified in the building notice.
10. A building permit *must/must not first be obtained to carry out the building work. (Note: Plans and specifications are/are not required for assessment)

Eighth Schedule (Cont'd)

11. An approval to occupy/use (a building) on a temporary basis *is/is not required before commencing the building work.

Dated this _____ day of _____ 20_____

Director

* Delete as applicable

NOTES

1. A building order remains in force, and if amended remains in force as amended until it has been complied with or it is cancelled by the Director or the Building Appeals Board. The owner or owner's agent must give written notice to the Director upon completion of the building work. The Director or the Director's representative will within 28 days inspect the building work and report to the owner or the owner's agent whether the building order has been complied with.
2. A person who contravenes or fails to comply with an emergency order is guilty of an offence and is liable to a fine.
3. A person affected by a building order may within 28 days of the date of the building order appeal to the Building Appeals Board against the building order.

EP – Enforcement Provision

Eighth Schedule (Cont'd)

(Section 71(1))

PART II



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Building Order Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-4

BUILDING ORDER FOR MINOR BUILDING WORK

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure or building work at _____

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Building Notice under section 71 of the *Building Standards Act, 2018* (Act 2018-).

Eighth Schedule (Cont'd)

- 2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director's representative on the

Date

- 3. The Director is of the opinion that the building work or other work required to be carried out is of minor nature.
- 4. This Building Order may be made without first serving a Building Notice.
- 5. The reason(s) this Building Order is being served * is/are in relation to _____

THEREFORE TAKE NOTICE THAT:

- 6. You are required to carry out the following building work: _____

- 7. The building work must be carried out and completed within _____ of the date of this Building Order.

- 8. A Building Permit *must/must not first be obtained to carry out the building work (Note: plans and specifications *are/are not required for assessment)

- 9. An approval to occupy/use (a building) on a temporary basis is/not required before commencing the building work.

* Delete as applicable

Dated this _____ day of _____ 20_____

Director

Eighth Schedule (Concl'd)

NOTES

1. A building order remains in force, and if amended remains in force as amended, until it has been complied with or it is cancelled by the Director or the Building Appeals Board. The owner or owner's agent must give written notice to the Director upon completion of the building work. The Director or the Director's representative will within 28 days inspect the building work and report to the owner or the owner's agent whether the building order has been complied with.
2. A person who contravenes or fails to comply with a building order is guilty of an offence and is liable to a fine.
3. A person affected by a building order may within 28 days of the date the building order appeal to the Building Appeals Board against the building order.

EP – Enforcement Provision

NINTH SCHEDULE

(Section 74(1))



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Building Order Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-5

BUILDING ORDER TO STOP BUILDING WORK

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure at _____

AT WHICH BUILDING WORK IS BEING CARRIED OUT:

AND TO ANY OTHER PERSON TO WHOM THIS BUILDING ORDER IS DIRECTED

Ninth Schedule (Cont'd)

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Building Order under section 74 of the *Building Standards Act, 2018* (Act 2018-), that requires an owner, owner’s agent or a person who reasonably appears to be in charge of the site to stop building work.
2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director’s representative on the _____
3. This Building Order may be made without first serving a Building Notice.
4. The Director is of the opinion that the building work:
 - 4.1 Contravenes the approved plans and specifications, the *Building Standards Act, 2018* (Act 2018-) or the regulations.
 - 4.2 Is a danger to the public.
 - 4.3 Affects an adjoining property.
5. The reason(s) this Building Order is being served is in relation to _____

THEREFORE TAKE NOTICE THAT:

6. The owner and all other persons who are in charge of the building work at _____

 are required to stop the following building work immediately: _____

 and to comply with the following directions in relation to this Building Order _____

7. A building permit *must/must not first be obtained to carry out the building work. (Note: Plans and specifications *are/are not required for assessment).

Ninth Schedule (Concl'd)

8. An approval to occupy/use (a building) on a temporary basis *is/is not required before commencing the building work.

* Delete as applicable

Dated this _____ day of _____ 20_____

Director

NOTES

1. A building order remains in force , and if amended remains in force as amended, until it has been complied with or it is cancelled by the Director or the Building Appeals Board. The owner or owner's agent must give written notice to the Director upon completion of any building work required under this Building Order. The Director or the Director's representative will within 28 days inspect the building work and report to the owner or the owner's agent whether the building order has been complied with.
2. A person who contravenes or fails to comply with a building order is guilty of an offence and is liable to a fine.
3. A person affected by a building order may within 28 days of the date of the building order appeal to the Building Appeals Board against the building order.

EP – Enforcement Provision

TENTH SCHEDULE

(Section 76(1))



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Fire Upgrading Report Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-6

FIRE UPGRADING REPORT

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure or building work at _____

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Fire Upgrading Report under section 76 of the *Building Standards Act, 2018* (Act 2018-).

Tenth Schedule (Cont'd)

2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director/Director's representative on the _____

3. The Director is of the opinion that the building, place, temporary structure or building work is or may contain a fire hazard and therefore it is warranted to serve this Fire Upgrading Report given that:

- 3.1 In the event of fire the means of escape for persons occupying or using the building, place or temporary structure are not adequate.
- 3.2 Barriers to delay the spread of fire or smoke are not evident.
- 3.3 Suitable exits to facilitate escape from the building, place or temporary structure are not evident.
- 3.4 Devices, facilities and systems for the detection, warning and control of fire are insufficient.
- 3.5 The means of preventing the growth of fire or the spread of fire and smoke are inadequate.

4. The reason(s) this Fire Upgrading Report is being served *is/are in relation to _____

THEREFORE TAKE NOTICE THAT:

5. You are required to comply with the following recommendations in order to remedy the fire hazard: _____

6. The recommendations and any building work or other work to be carried out in relation to the recommendations must be completed within _____ of the date of this Fire Upgrading Report.

Tenth Schedule (Concl'd)

- 7. A building permit *must/must not first be obtained to carry out the building work. (Note: Plans and specifications *are/are not required for assessment).
- 8. An approval to occupy/use (a building) on a temporary basis *is/not required before commencing the building work.

* Delete as applicable

Dated this _____ day of _____ 20_____

Director

NOTES

- 1. The building, place or temporary structure may be inspected with the assistance of representative from the Barbados Fire Service or any other suitably qualified person or body.
- 2. An owner or owner's agent may make written representations to the Director about matters contained in this Fire Upgrading Report before the end of the period indicated above. The owner or owner's agent must give written notice to the Director upon completion of any building work. The Director or the Director's representative will within 28 days inspect the building work and report to the owner's agent whether the fire upgrading report has been complied with.
- 3. The Director may cancel or amend the Fire Upgrading Report where the Director considers it appropriate to do so after considering any written representations made by the owner or the owner's agent.
- 4. The Director may serve a building order after the time specified in the Fire Upgrading Report for making written representations.

EP – Enforcement Provision

ELEVENTH SCHEDULE

(Section 78(1))



**Building Standards Act
(Act 2018-)**

Address: _____

Tel. #: _____ **FAX #:** _____ **Email:** _____

Website: _____

Fire Upgrading Report Number _____

Issued on: _____

Building Order Number _____

Issued on: _____

Land Tax Registration Number _____

FORM EP-7

BUILDING ORDER FOR A FIRE UPGRADING REPORT

To: Name and address of *owner/owner's agent: _____

IN RELATION TO: building, place, temporary structure or building work at _____

Eleventh Schedule (Cont'd)

WHEREAS:

1. The Director of the Building Standards Authority is authorized to serve a Building Order in relation to a Fire Upgrading Report under section 78 of the *Building Standards Act, 2018* (Act 2018-).
2. The building, place, temporary structure or building work was inspected (where this was possible) by the *Director /Director's representative on the _____
3. A Fire Upgrading Report number _____ dated _____ was served on you and any written representations related to the fire hazard made by you have been considered.
4. The Director is of the opinion that insufficient consideration has been given by the *Owner/Owner's Agent to the fire hazard and that for reasons set out in the Fire Upgrading Report the making of this Building Order is warranted.

THEREFORE TAKE NOTICE THAT:

5. You are required to carry out the following program of building work and such other work to remedy the fire hazard as here directed: _____

6. The program of building work must be carried out and completed within _____ of the date of this Building Order.
7. A building permit *must/must not first be obtained to carry out the building work (Note: Plans and specifications *are/are not required for assessment).
8. An approval to occupy/use (a building) on a temporary basis *is/is not required before commencing the building work.

Dated this _____ day of _____ 20_____

Director

* Delete as applicable

Eleventh Schedule (Concl'd)

NOTES

1. A building order remains in force, and if amended remains in force as amended, until it has been complied with or it is cancelled by the Director or the Building Appeals Board. The owner or owner's agent must give written notice to the Director upon completion of the building work. The Director or the Director's representative will within 28 days inspect the building work and report to the owner or the owner's agent whether the building order has been complied with.
2. A person who contravenes or fails to comply with an emergency order is guilty of an offence and is liable to a fine or imprisonment.
3. A person affected by a building order may within 28 days of the date the order appeal to the Building Appeals Board against the building order.

EP – Enforcement Provision

TWELFTH SCHEDULE*(Section 88)***CONSTITUTION AND PROCEDURE OF APPEALS BOARD**

1. There is established a Building Appeals Board.
- 2.(1) The Minister shall by instrument in writing appoint 9 people to discharge the functions of the Appeals Board.
- (2) The Appeals Board referred to in sub-paragraph (1) shall consist of:
 - (a) an engineer who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (b) an architect who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (c) a quantity surveyor who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (d) an attorney-at-law who is registered in Barbados and who has been registered as such for not less than 10 years;
 - (e) a representative of the Barbados Coalition of Service Industries;
 - (f) a representative of the Chief Town Planner;
 - (g) a representative from the Samuel Jackman Prescod Polytechnic;
 - (h) a registered contractor of 10 years experience;
 - (i) a representative from the Barbados Vocational Training Board with relevant skills and work experience.
3. The Minister shall appoint a member of the Board to be Chairman of the Board.

- 4.** A member of the Appeals Board shall subject to this *Schedule*, hold office for a period not exceeding 3 years but shall be eligible for re-appointment.
- 5.** The Minister may appoint any person to act temporarily in the place of the Chairman or any other member of the Appeals Board in the case of the absence or inability to act of the Chairman or such other member.
- 6.(1)** Any member of the Appeals Board other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of receipt by the Minister of such instrument the member shall cease to be a member of the Appeals Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instruments by the Minister.
- 7.** The names of all of the members of the Appeals Board as first constituted and every change in the membership shall be published in the *Official Gazette*.
- 8.** The Minister may terminate the appointment of a member of the Appeals Board for inability, inefficiency, misbehaviour or physical or mental incapacity.
- 9.** An appeal to the Appeals Board shall be heard and determined by the Chairman and 2 members selected by the Chairman.
- 10.** The Minister shall from time to time assign a public officer to perform the functions of secretary to the Appeals Board.
- 11.** The members of the Appeals Board shall be paid such remuneration, if any, as is fixed by the Minister.
- 12.** The Appeals Board shall regulate its own proceedings.