

BERMUDA STATUTORY INSTRUMENT

SR&O 50/1976

**BUILDING CODE (SUPPLEMENTARY PROVISIONS)
REGULATIONS 1976**

*[made under section 53 of the Development and Planning Act 1974 [title 20
item 1] and brought into operation on 10 July 1976]*

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Interpretation

- 1 In these Regulations, unless the context otherwise requires—

"the Act" means the Development and Planning Act 1974 [*title 20
item 1*];

"the Building Code" means the Building Code 1972 [*title 20 item
1(f)*];

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"the Minister" includes any person acting on his authority.

Plans to be submitted for all buildings or works

2 (1) No person shall commence any building or work for which planning permission is required unless he has first submitted a plan of the proposed building or work to the Minister in conformity with this regulation:

Provided that nothing in this paragraph shall require a plan to be submitted for any building or work which is executed under the authority of a development order made under section 15 of the Act.

(2) The plan submitted for the purposes of paragraph (1) may be submitted at the same time as application is made to the Board for planning permission, not being an application for planning permission in principle, or at any time after the grant of such planning permission and during the subsistence thereof.

(3) The plan submitted for the purposes of paragraph (1) shall be in conformity with the Development and Planning (Development Application Procedure) Regulations 1970 [*title 20 item 1(d)*] and shall contain sufficient detail as to design and methods of construction (including elevations) as to enable the Minister to exercise his functions under these Regulations as read with the Building Code.

(4) The Minister may, in the case of minor works, deem the submission of a sketch plan or other description of the works to be executed a sufficient compliance with paragraph (1) and, in the case of major works, require or permit the plan submitted for the purposes of that paragraph to be submitted in form other than that required by paragraph (3).

Certain other applications deemed sufficient

3 A person who makes application to the Development Applications Board for planning permission for any building or work, not being an application for planning permission in principle, shall be deemed also to have made application to the Minister under regulation 2 if his application is accompanied by plans which comply with the requirements of that regulation or by a sketch plan or other description of the works to be executed which the Minister deems to be sufficient compliance with regulation 2.

Further information

4 Where plans have been submitted, or are deemed to have been submitted, to the Minister under these regulations, the Minister may by a direction in writing under his hand require the person submitting the plans to submit such further information, plans or drawings as may be specified in the direction and may withhold his certificate under

regulation 5 until such time as the information, plans or drawings are submitted.

Building certificate

5 The Minister shall examine the plans submitted, or which are deemed to have been submitted, to him under these regulations and shall (after taking into consideration any information, plans or drawings furnished under regulation 4) if he is satisfied that the plans conform to the Building Code and are otherwise in accordance with good building or engineering practice, give a certificate under his hand to that effect, but if he is not so satisfied he shall withhold his certificate. When the Minister gives his certificate he shall issue a distinctive number with it.

Not to commence without certificate or before notice given

6 No person shall commence any building or work the plan of which is required to be submitted to the Minister under regulation 2(1) unless he is in possession of a certificate issued by the Minister under regulation 5 and has given notice to the Minister as required by regulation 7(a).

Notices to Minister

7 Every person who builds or constructs any building or work or who causes the building or construction of any building or work shall notify the Minister of—

- (a) the setting out of the works prior to the commencement of any building or work including the making of any excavation; and
- (b) the completion of excavations for the foundation of any water tank, building or structure prior to the pouring of the foundation concrete; and
- (c) the completion of the roof structure prior to the roofing material being placed in position; and
- (d) the roughing in of electrical works prior to the concealment of such works in the walls, floors or otherwise in such manner as to prevent further access; and
- (e) the re-commencement of work after its abandonment or suspension for any period in excess of three months,

and no person shall proceed further with the construction of any building work beyond the stage at which notice is required to be given under this regulation until the works have been inspected by the Minister or unless the Minister notifies the person giving notice that no inspection is required.

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Completion certificate

8 (1) Every person who builds or constructs any building or work or who causes the building or construction of any building or work shall notify the Minister of the completion of the building or work prior to its occupancy, use or commissioning.

(2) No person shall occupy, use or commission any building or work until such building or work has been inspected by the Minister and he has issued his certificate of completion.

(3) The Minister shall issue his certificate of completion if he is satisfied that the building or work has been constructed so as to comply in every respect with the Building Code, and if he is not so satisfied he shall withhold his certificate.

Inspections

9 The Minister may, in making an inspection of any building or work under these regulations—

- (a) make any test;
- (b) require the opening up or uncovering of any works,

and generally take such steps as may appear to him to be necessary for the purposes of ascertaining whether such building or work has been constructed in accordance with the Building Code or with the plans in respect of which a certificate has been given under regulation 5.

Display of official number

10 No person shall undertake any building or work unless there is displayed on the site thereof in a prominent place the number issued with the building certificate under regulation 5, from the commencement of the building or work until the completion thereof.

Compliance with Building Code

11 The issuing of a certificate under regulation 5 or 8 shall not authorize any contravention of the Building Code. No certificate purporting to authorize such a contravention shall be valid.

(2) The issuing of a certificate under regulation 5 upon plans and specifications shall not prevent the Minister from thereafter requiring the amendment of such plans and specifications in order to make them conform to the Building Code or from stopping any part of the building operations which are undertaken in contravention of the Building Code or other provision of law applicable thereto.

Offences

12 Any person who falls to comply with regulations 6, 7, 8, 9 or 10 or who interferes with or obstructs the Minister in the exercise of his powers under regulation 9 commits an offence:

Punishment on summary conviction: a fine of \$200.