

New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 22, 1976.**

**An Act to amend the Builders Licensing Act, 1971, so as to provide for the licensing of persons carrying out certain work in the building industry and with respect to the insurance of building work, the making of rectification orders and other matters; and to validate certain matters. [Assented to, 1st April, 1976.]**

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*Builders Licensing (Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**      1. This Act may be cited as the "Builders Licensing (Amendment) Act, 1976".

**Commence-  
ment.**            2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**      3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 5.—INSERTION OF PART IVA INTO THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 6.—AMENDMENT TO PART V OF THE BUILDERS LICENSING ACT, 1971.

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SCHEDULE 7.—AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 8.—AMENDMENTS TO PART VII OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE BUILDERS LICENSING ACT, 1971.

SCHEDULE 10.—AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

4. The Builders Licensing Act, 1971, is amended in the manner set forth in Schedules 1-9. Amendment  
of Act No.  
16, 1971.

5. The Local Government Act, 1919, is amended in the manner set forth in Schedule 10. Amendment  
of Act No.  
41, 1919.

6. (1) A person who, immediately before the commencement of this Act, was the holder of a licence then in force (not being a licence granted to a firm on its own behalf or on behalf of a member or an employee of a firm) granted under the Builders Licensing Act, 1971, as in force at any time before that commencement, shall— Saving of  
existing  
licences  
and  
permits.

(a) where the licence (not being a licence referred to in paragraph (b)) was granted under section 11 or 12 of that Act, as so in force, be deemed to be the holder of a full licence under the Builders Licensing Act, 1971, as amended by this Act;

(b) where the licence was granted under section 11 of that Act, as so in force, and there are endorsed on it, in accordance with that Act, as so in force, the words "qualified licensee", be deemed to be the holder of a full licence granted under the Builders Licensing Act, 1971, as amended by this Act, on which are endorsed the words "qualified full licensee"; and

(c)

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- (c) where the licence was granted under section 13 of that Act, as so in force, be deemed to be the holder of a subsidiary full licence held by him on behalf of the person specified in the licence so granted,

and, subject to the Builders Licensing Act, 1971, as amended by this Act, any such full licence or subsidiary full licence shall continue in force until the day on which it would, but for the enactment of this Act, have expired.

(2) A permit granted to any person under section 18 of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act, shall be deemed to be a permit granted to that person under section 13G of the Builders Licensing Act, 1971, as inserted by this Act, and shall have effect as if section 13G of that Act, as so inserted, had been in force when that permit was granted.

(3) Where, immediately before the commencement of this Act, a firm was the holder of a licence then in force (whether granted to it on its own behalf or on behalf of a member or an employee of the firm)—

- (a) each member of the firm (other than the member, if any, of the firm on whose behalf the firm held a licence that was granted under section 13 of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act) shall, where the licence was granted under section 12 of that Act, as so in force, be deemed to be the holder of a full licence granted under the Builders Licensing Act, 1971, as amended by this Act;
- (b) the member, if any, of the firm on whose behalf the licence granted under section 13 of that Act as so in force, was held shall be deemed to be the holder of a full licence granted under the Builders Licensing Act, 1971, as amended by this Act, on which is endorsed the words “qualified full licensee”; and

(c)

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*Builders Licensing (Amendment).*

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- (c) each member of the firm shall, where the licence was granted under section 13 of that Act, as so in force, to the firm on behalf of an employee of the firm, be deemed to be the holder of a subsidiary full licence held by that member on behalf of the person specified in the licence so granted,

and, subject to the Builders Licensing Act, 1971, as amended by this Act, any such full licence or subsidiary full licence shall continue in force until the day on which it would, but for the enactment of this Act, have expired.

7. Where an application for a licence has been made by a firm before the commencement of this Act and the licence has not been granted when this Act commences, the Board shall not deal with the application but shall refund to the applicant the prescribed fee that accompanied the application.

8. For the purposes of any proceedings relating to a firm or a member of a firm commenced before the commencement of this Act but not completed when this Act commences, or commenced after that commencement, Schedule 3 (16) (a), (d) or (f) shall be deemed not to have been enacted.

9. Any proceedings under Part IV of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act but not completed when this Act commences, may be continued and completed in all respects as if this Act had not been enacted.

10. For the purposes of—

- (a) section 25 (1) (a) of the Builders Licensing Act, 1971, as amended by this Act, a person who, at any time before the commencement of this Act, was a member of a firm which at any time before

Pending  
applica-  
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licences  
made by  
firms.

Certificate  
evidence  
relating  
to firms.

Pending  
proceed-  
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Part IV.

Former  
licensees  
—firms.

that

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that commencement was the holder of a licence under that Act, as in force at any time before that commencement, shall be deemed to have been at that time the holder of a licence; and

- (b) section 25 (1) (b) of the Builders Licensing Act, 1971, as amended by this Act, a person on whose behalf a licence under that Act as in force before the commencement of this Act was at any time before that commencement held by a firm shall be deemed to have been at that time the holder of a subsidiary full licence.

Continued operation of Part VI of Builders Licensing Act, 1971, in respect of certain contracts and building work.

**11.** (1) The provisions of Part VI (section 38 excepted) of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act and any regulations made for the purposes of that Part as so in force, shall, in respect of—

- (a) any contract entered into before the commencement of this Act by the holder of a licence under that Act, as so in force, undertaking to carry out, by himself or itself or by others, building work, as defined in section 3 (1) of that Act, as so in force;
- (b) any building work, as defined in section 3 (1) of that Act, as so in force, commenced before the commencement of this Act and completed after that commencement; or
- (c) any contract for the sale of land on which is situated a dwelling comprising or in which is comprised any building work referred to in paragraph (a) or (b),

continue to apply to and in respect of any such building work, and any house purchaser's agreement deemed by section 34 (1) of that Act, as so in force, to have been entered into before the commencement of this Act in respect of any such building work shall continue in force, in all respects as if this Act had not been enacted.

(2)

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*Builders Licensing (Amendment).*

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(2) Notwithstanding subsection (1), the house purchaser's agreement first prescribed under section 34 (2) of the Builders Licensing Act, 1971, as substituted by this Act, shall apply to and in respect of any building work referred to in subsection (1) (a) or (c) if the contract referred to in subsection (1) (a) or (c), as the case may be, was entered into on or after 9th January, 1976.

(3) Where—

(a) any contract referred to in subsection (1) (a) or (c) was entered into before 9th January, 1976, in relation to building work so referred to; or

(b) any building work referred to in subsection (1) (b) was completed on or after that date,

and the insurance premium in respect of that building work was, in accordance with section 32 (1) (e), (3) or (4) of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act, paid in accordance with the prescribed scale fixed on that date, it shall be, and be deemed always to have been, lawful for the Board on the application of the person by whom that insurance premium was paid to refund to that person the difference between the amount of that insurance premium and the amount of the insurance premium that would have been payable by that person in respect of that building work had the insurance premium been calculated in accordance with the prescribed scale as in force immediately before that date.

(4) The Board shall have, and be deemed always to have had, power to substitute for either of the periods referred to in section 34 (2) (c) of the Builders Licensing Act, 1971, as in force at any time before the commencement of this Act, such longer period as to the Board seems or seemed just in the circumstances of the particular case.

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SCHEDULE

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*Builders Licensing (Amendment).*

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Sec. 4.

## SCHEDULE 1.

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971.

## (1) (a) Section 2—

After the matter relating to Part III, insert :—

DIVISION 1.—*Full Licences*—ss. 9–13.

DIVISION 2.—*Restricted Licences*—ss. 13A–  
13F.

DIVISION 3.—*Owner-builders' Permits*—s. 13G.

DIVISION 4.—*General*—ss. 13H–22.

## (b) Section 2—

After the matter relating to Part IV, insert :—

PART IVA.—RECTIFICATION ORDERS—s.  
30A.

## (c) Section 2—

From the matter relating to Part VI, omit  
“32–38”, insert instead “31A–38B”.

## (2) (a) Section 3 (1), definition of “building work”—

Omit the definition, insert instead :—

“building work” means—

- (a) the work involved in the carrying out of the construction of, or in the making of alterations or additions to, a dwelling, where that work does not consist solely of work of one class or description that is prescribed for the purposes of the definition of “trade work” in this subsection; or

SCHEDULE



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*Builders Licensing (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971—*continued.*

- (b) trade work,  
but does not include any work, or work of any class or description, that is prescribed for the purposes of this definition;
- (b) Section 3 (1), definition of “council”—  
After the definition of “Chairman”, insert :—  
“council” means a council as defined in section 4 of the Local Government Act, 1919;
- (c) Section 3 (1), definition of “dwelling”—
- (i) After “outbuilding”, insert “, swimming pool”.
  - (ii) Omit “in conjunction with the construction of”, insert instead “for use in conjunction with”.
  - (iii) Omit “for use in conjunction with the dwelling,”.
- (d) Section 3 (1), definition of “firm”—  
Omit the definition.
- (e) Section 3 (1), definition of “full licence”—  
After the definition of “flat”, insert :—  
“full licence” means a licence granted under section 11 or 12 that is in force;
- (f) Section 3 (1), definition of “permit”—  
After “under”, insert “Division 3 of”.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971—*continued.*

- (g) Section 3 (1), definition of “owner-builder’s work”—

After the definition of “owner-builder”, insert :—

“owner-builder’s work” means building work referred to in paragraph (a) of the definition of “building work” in this subsection for the carrying out of which or of any part of which—

- (a) the approval under Division 4 of Part XI of the Local Government Act, 1919, of the council concerned is required for the carrying out of that work; or
- (b) were that work to be carried out in a municipality within the meaning of that Act or were the person for whom that work is to be carried out bound by that Act, such an approval would be required for the carrying out of that work;

- (h) Section 3 (1), definition of “purchaser”—

- (i) Omit “an individual, corporation or firm” wherever occurring, insert instead “the holder of a licence”.
- (ii) Omit “and includes any person who subsequently becomes the owner of any such land”, insert instead :—

and includes—

- (d) any person who subsequently becomes the owner of any such land; and

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971—*continued.*

(e) in relation to building work comprised in the common property the subject of a strata scheme within the meaning of the Strata Titles Act, 1973, the body corporate in respect of that strata scheme, but only if the original proprietor, within the meaning of that Act, under that strata scheme is not the proprietor of all of the lots comprised in that strata scheme.

(i) Section 3 (1), definitions of “qualified full licensee” and “qualified restricted licensee”—

Omit the definition of “qualified licensee”, insert instead :—

“qualified full licensee” means a person who is the holder of a licence on which the words “qualified full licensee” are endorsed in accordance with section 11 (2);

“qualified restricted licensee”, in relation to any trade work, means a person who is the holder of a licence on which the words “qualified restricted licensee” are endorsed in accordance with section 13D (2) and who is authorised by that licence to carry out that trade work;

(j) Section 3 (1), definition of “restricted licence”—

After the definition of “regulations”, insert :—

“restricted licence” means a licence issued under section 13D or 13E that is in force;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971—*continued.*

- (k) Section 3 (1), definitions of “subsidiary full licence”, “subsidiary restricted licence”, “swimming pool” and “trade work”—

After the definition of “sale”, insert :—

“subsidiary full licence” means a licence issued under section 13 that is in force;

“subsidiary restricted licence” means a licence issued under section 13F that is in force;

“swimming pool” does not include a swimming pool that is capable of being erected by the assembling, by means of screwing, bolting, riveting, clamping, interlocking, glueing or by any other means, of component parts and of being dismantled and subsequently re-assembled with or without the addition or replacement of any component part or other material;

“trade work” means—

- (a) the work involved in the carrying out of the construction of, the making of alterations or additions to, the repairing, renovation, decoration or painting of, or the making of improvements to, a dwelling, being work of a class or description that is prescribed for the purposes of this paragraph; or

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE BUILDERS LICENSING ACT,  
1971—*continued.*

(b) the work involved in the making of any excavation, the filling of any land or the demolition of any building, being work incidental or preparatory to—

(i) any building work referred to in paragraph (a) of the definition of “building work” in this subsection;  
or

(ii) any trade work referred to in paragraph (a),

and being work of a class or description that is prescribed for the purposes of this paragraph,

but does not include any work that, under any Act other than this Act, or under any regulation, ordinance, by-law or rule made under any Act other than this Act, a person is prohibited from carrying out unless he is the holder of a licence granted under that other Act or that regulation, ordinance, by-law or rule;

(1) Section 3 (1A)—

After section 3 (1), insert :—

(1A) For the purposes of the definition of “purchaser” in subsection (1), a reference in section 32 (1) to the holder of a licence includes a reference to a partnership one or more of whose members is the holder of a licence.

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*Builders Licensing (Amendment).*

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Sec. 4.

## SCHEDULE 2.

AMENDMENTS TO PART II OF THE BUILDERS LICENSING ACT,  
1971.

(1) (a) Section 4 (1)—

After “this”, insert “or any other”.

(b) Section 4 (1A)—

After section 4 (1), insert :—

(1A) The Board shall be deemed, for the purposes of any Act, to be and always to have been a statutory body representing the Crown.

(2) Section 5 (1) (f)—

Omit the paragraph, insert instead :—

(f) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

Sec. 4.

## SCHEDULE 3.

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971.

(1) Part III—

After the heading, insert “DIVISION 1.—*Full Licences.*”.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(2) (a) Section 9 (1)—

Omit “An individual, corporation or firm shall not, after the expiration of three months after the commencement of this Part”, insert instead “A person (either by himself or as a member of a partnership) shall not”.

(b) Section 9 (1)—

Omit “or it” wherever occurring.

(c) Section 9 (1)—

Omit “licence” wherever occurring, insert instead “full licence”.

(d) Section 9 (1)—

Omit “or its”.

(e) Section 9 (2)—

Omit the subsection, insert instead :—

(2) A person, other than an individual who is a qualified full licensee, shall not (either by himself or as a member of a partnership) do any of the things referred to in subsection (1) unless, as well as being the holder of a full licence granted to him on his own behalf—

- (a) where that person is an individual and does not do that thing as a member of a partnership, he is the holder of a subsidiary full licence granted to him on behalf of one of his employees ;

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (b) where that person does that thing as a member of a partnership, another member of the partnership is a qualified full licensee or he or another member of the partnership holds a subsidiary full licence on behalf of an employee of the partnership; or
- (c) where that person is a corporation and does not do that thing as a member of a partnership, it is the holder of a subsidiary full licence granted to it on behalf of a director of the corporation or one of its employees.

Penalty: \$2,000 and, in the case of a continuing offence, \$200 for each day the offence continues.

- (f) Section 9 (4) (a)—  
Omit “an individual,”, insert instead “a person”.
- (g) Section 9 (4) (a)—  
Omit “licence”, insert instead “full licence”.
- (h) Section 9 (4) (a1)—  
After section 9 (4) (a), insert :—
- (a1) a person who is the holder of a restricted licence or a subsidiary restricted licence—
- (i) from making a statement to any person or, in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out; or
- (ii) from carrying out, building work that he is authorised by that licence to carry out;

SCHEDULE



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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(i) Section 9 (4) (b)—

Omit the paragraph, insert instead :—

(b) a person who is not the holder of a full licence—

(i) from making a statement to any person or, in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out; or

(ii) from carrying out, building work (not being trade work) that forms part only of building work under a contract entered into by that person with a person who is the holder of a full licence or a permit;

(j) Section 9 (4) (c1)—

After section 9 (4) (c), insert :—

(c1) a person who is the owner or one of the owners of a dwelling from carrying out trade work (not being owner-builder's work) on that dwelling;

(k) Section 9 (4) (d)—

Omit "an individual, corporation or firm who or which", insert instead "a person who".

(l) Section 9 (4) (d)—

Omit "licence", insert instead "full licence".

(m) Section 9 (4) (d)—

Omit "or it".

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(n) Section 9 (4) (d)—

Omit “or its”.

(o) Section 9 (4) (e)—

Omit “an individual, corporation or firm who or which”, insert instead “a person who”.

(p) Section 9 (4) (e)—

Omit “licence”, insert instead “full licence”.

(q) Section 9 (4) (e)—

Omit “or it”.

(r) Section 9 (4) (e)—

Omit “the commencement of this Part”, insert instead “3rd April, 1972”.

(s) Section 9 (4A)—

After section 9 (4), insert :—

(4A) Where the members of a partnership do any of the things referred to in subsection (1), subsections (1) and (2) do not apply to a person who, as a member of the partnership, does not take any part in the business of the partnership except to receive a share of its profits if each other member of the partnership (not being a member who does not take any part in the business of the partnership except to receive a share of its profits) is the holder of a full licence.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

(t) Section 9 (5), (6), (7)—

Omit the subsections.

(3) (a) Section 10 (1), (1A)—

Omit section 10 (1), insert instead :—

(1) A person may apply to the Board for a full licence to be granted to him on his own behalf.

(1A) A person who has applied for a full licence to be granted to him on his own behalf and who is not a qualified full licensee may apply to the Board for a subsidiary full licence to be granted to him—

(a) where that person is an individual and does not propose to do any of the things referred to in section 9 (1) as a member of a partnership—on behalf of one of his employees ;

(b) where that person proposes to do any of the things referred to in section 9 (1) as a member of a partnership and no other member of the partnership is a qualified full licensee—on behalf of an employee of the partnership ; or

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (c) where that person is a corporation and does not propose to do any of the things referred to in section 9 (1) as a member of a partnership—on behalf of a director of the corporation or one of its employees.
- (b) Section 10 (2)—  
Omit “licence”, insert instead “full licence or subsidiary full licence”.
- (c) Section 10 (2)—  
Omit “fee prescribed in respect of licences of the class applied for”, insert instead “prescribed fee”.
- (4) (a) Section 11 (1)—  
Omit “licence” where firstly occurring, insert instead “full licence”.
- (b) Section 11 (1) (a)—  
Omit “twenty-one”, insert instead “eighteen”.
- (c) Section 11 (1) (b)—  
Omit “licence”, insert instead “full licence”.
- (d) Section 11 (1) (f)—  
After “licence” wherever occurring, insert “(whether or not a full licence)”.

SCHEDULE

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*Builders Licensing (Amendment).*

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**SCHEDULE 3—continued.**

**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—continued.**

(e) Section 11 (1) (g)—

Omit “licence” wherever occurring, insert instead “full licence”.

(f) Section 11 (1) (g) (i)—

Omit “within five years after the commencement of this Part”, insert instead “before 4th April, 1977”.

(g) Section 11 (1) (g) (ii)—

Omit “five years or more after the commencement of this Part, that”, insert instead “on or after 4th April, 1977, that, unless he is exempted under subsection (1A),”.

(h) Section 11 (1) (h)—

Omit “licence”, insert instead “subsidiary full licence”.

(i) Section 11 (1A)—

After section 11 (1), insert :—

(1A) On application made by an individual, the Board may, by instrument in writing, exempt him from the requirement that he hold the prescribed qualifications referred to in subsection (1) (g) (ii).

(j) Section 11 (2)—

Omit “licence” where firstly occurring, insert instead “full licence”.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(k) Section 11 (2)—

After “qualified”, insert “full”.

(5) Sections 12, 13—

Omit the sections, insert instead :—

12. Where an application is made, in accordance with section 10, by a corporation for a full licence to be held on its own behalf, the Board shall grant the licence applied for if it is satisfied—

(a) that every director of the corporation—

- (i) is of or above the age of eighteen years;
- (ii) is a fit and proper person to be a director of a corporation holding a full licence and is otherwise of good character; and
- (iii) is not disqualified from holding a licence (whether or not a full licence) or a person whose licence (whether or not a full licence) is under suspension;

(b) that the corporation intends to carry on the business of carrying out building work;

Applica-  
tions for  
licences  
by cor-  
porations  
on own  
behalf.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (c) that the corporation is capable of undertaking the carrying out of building work and has sufficient financial resources to enable it to carry on the business of carrying out building work and that it is fit to hold a full licence;
- (d) that the corporation has applied for, and will be granted, a subsidiary full licence on behalf of an employee or director of the corporation, being the employee or director who is to have the control and supervision of all building work to be carried out by the corporation;
- (e) that the corporation meets such other requirements as may be prescribed in respect of corporations; and
- (f) that the corporation is not disqualified from holding a licence (whether or not a full licence) or a corporation whose licence (whether or not a full licence) is under suspension.

13. Where an application is made, in accordance with section 10, for a subsidiary full licence, the Board shall grant the licence applied for if it is satisfied—

- (a) that the individual or corporation who or which has applied for the subsidiary full licence has applied for, and will be granted, a full licence on his or its own behalf;

Applications for subsidiary full licences to be held on behalf of employees or directors.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

- (b) where the subsidiary full licence is applied for on behalf of—
- (i) an employee of an individual referred to in section 10 (1A) (a) or an employee or director of a corporation referred to in section 10 (1A) (c), that that employee or director is to have the control and supervision of all building work to be carried out by that individual or corporation; or
  - (ii) an employee of a partnership referred to in section 10 (1A) (b), that that employee is to have the control and supervision of all building work to be carried out by that partnership; and
- (c) that the employee or director on whose behalf the subsidiary full licence is applied for—
- (i) is not the holder of a full licence granted to him on his own behalf; and
  - (ii) would, if the provisions of section 11 (1) (c) and (h) did not apply to his application for a licence under section 11, be granted a full licence if he were duly to apply for it.

## SCHEDULE



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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(6) Part III, Divisions 2, 3—

After section 13, insert :—

DIVISION 2.—*Restricted Licences.*

13A. (1) A person (either by himself or as a member of a partnership)—

Unlicensed  
persons not  
to carry out  
trade work.

(a) shall not, after the expiration of three months after the commencement of the Builders Licensing (Amendment) Act, 1976—

(i) by any statement made to any person, indicate, expressly or impliedly, that he is willing or prepared to carry out, under a contract with any person, any trade work;

(ii) by any statement made in an advertisement, indicate, expressly or impliedly, that he is willing or prepared to carry out any trade work; or

(iii) carry out any trade work,

unless he is the holder of a restricted licence authorising him to carry out that trade work; or

(b) shall not, after the expiration of three months after the commencement of the Builders Licensing (Amendment) Act, 1976, by any statement made to any person

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

or made in an advertisement, indicate, expressly or impliedly, that he is the holder—

- (i) of a restricted licence, unless he is the holder of a restricted licence; or
- (ii) of a restricted licence authorising him to carry out trade work of a particular kind, unless he is the holder of a restricted licence authorising him to carry out that kind of trade work.

Penalty: \$2,000 and, in the case of a continuing offence, \$200 for each day the offence continues.

(2) A person, other than an individual who is a qualified restricted licensee, shall not, after the expiration of three months after the commencement of the Builders Licensing (Amendment) Act, 1976, do any of the things referred to in subsection (1) in respect of any trade work unless, as well as being the holder of a restricted licence granted to him on his own behalf authorising him to carry out that kind of trade work—

- (a) where that person is an individual and does not do that thing as a member of a partnership, he is the holder of a subsidiary restricted licence in respect of that kind of trade work granted to him on behalf of one of his employees;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (b) where that person does that thing as a member of a partnership, another member of the partnership is a qualified restricted licensee or he or another member of the partnership holds a subsidiary restricted licence in respect of that kind of trade work on behalf of an employee of the partnership; or
- (c) where that person is a corporation and does not do that thing as a member of a partnership, it is the holder of a subsidiary restricted licence in respect of that kind of trade work granted to it on behalf of a director of the corporation or one of its employees.

Penalty: \$2,000 and, in the case of a continuing offence, \$200 for each day the offence continues.

(3) Subsections (1) and (2) do not apply to a body constituted by or under an Act, other than the Companies Act, 1961, the Co-operation Act, 1923, or the Permanent Building Societies Act, 1967, or to a council, or a county council within the meaning of the Local Government Act, 1919.

(4) Subsections (1) and (2) do not apply so as to prevent—

- (a) a person who is not the holder of a restricted licence—
- (i) from making a statement to any person, or in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out trade work; or

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (ii) from carrying out trade work, as an employee, under a contract of employment with any person;
- (b) a person who is the holder of a full licence—
  - (i) from making a statement to any person, or in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out trade work; or
  - (ii) from carrying out trade work;
- (c) a person who is the owner or one of the owners of a dwelling from carrying out trade work (not being owner-builder's work) on that dwelling;
- (d) a person who is not the holder of a restricted licence from completing any trade work commenced by him if the approval of the Board to his so doing has been obtained and the completion of the trade work is carried out under the supervision of the Board and in accordance with any conditions subject to which that approval was given; or
- (e) a person who is not the holder of a restricted licence from completing any trade work commenced by him before the commencement of the Builders Licensing (Amendment) Act, 1976.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

(5) Where the members of a partnership do any of the things referred to in subsection (1), subsections (1) and (2) do not apply to a person who, as a member of the partnership, does not take any part in the business of the partnership except to receive a share of its profits if each other member of the partnership (not being a member who does not take any part in the business of the partnership except to receive a share of its profits) is the holder of a restricted licence.

13B. The holder of a restricted licence shall comply with any conditions subject to which the licence was issued. Breach of conditions of restricted licence.

Penalty: \$1,000 and, in the case of a continuing offence, \$100 for each day the offence continues.

13c. (1) A person may apply to the Board for a restricted licence to be granted to him on his own behalf authorising him to carry out any trade work of a kind specified in the application. Applications for restricted licences.

(2) A person who has applied for a restricted licence to be granted to him on his own behalf and who is not a qualified restricted licensee may apply to the Board for a subsidiary restricted licence to be granted to him—

- (a) where that person is an individual and does not propose to do any of the things referred to in section 13A (1) as a member of a partnership—on behalf of one of his employees;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

- (b) where that person proposes to do any of the things referred to in section 13A (1) as a member of a partnership and no other member of the partnership is a qualified restricted licensee—on behalf of an employee of the partnership; or
- (c) where that person is a corporation and does not propose to do any of the things referred to in section 13A (1) as a member of a partnership—on behalf of a director of the corporation or one of its employees.

(3) An application for a restricted licence or a subsidiary restricted licence shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

Applica-  
tions for  
restricted  
licences by  
individuals.

13D. (1) Where an application is made, in accordance with section 13C, by an individual for a restricted licence to be held on his own behalf authorising him to carry out any trade work of a kind specified in the application, the Board shall grant the licence applied for if it is satisfied—

- (a) that he is of or above the age of eighteen years;
- (b) that he is a fit and proper person to hold a restricted licence and is otherwise of good character;
- (c) that he is carrying on or intends to carry on the business of carrying out that kind of trade work and has sufficient financial resources to enable him to carry on that business;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

- (d) that he is capable of undertaking the carrying out, by himself or by other persons, of that kind of trade work;
- (e) that he meets such other requirements as may be prescribed in respect of individuals or any class of individuals to which he belongs;
- (f) that he is not disqualified from holding a licence (whether or not a restricted licence) or a person whose licence (whether or not a restricted licence) is under suspension,

and either—

- (g) that he holds the qualifications (either by way of trade or other course or practical experience, or both) prescribed in respect of that kind of trade work; or
- (h) that he has applied for, and will be granted, a subsidiary restricted licence on behalf of an employee of that individual who is to have the control and supervision of all trade work of that kind to be carried out by that individual.

(2) Where the Board grants a restricted licence to an individual who has satisfied the Board as to the appropriate matter or matters specified in subsection (1) (g), the Board shall endorse on the licence the words “qualified restricted licensee”.

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(3) A restricted licence granted under subsection (1) authorises the licensee to carry out, subject to such conditions as are determined by the Board and are specified in the licence, such trade work as is so specified.

Applica-  
tions for  
restricted  
licences by  
corporations  
on own  
behalf.

13E. (1) Where an application is made, in accordance with section 13C, by a corporation for a restricted licence to be held on its own behalf authorising it to carry out any trade work of a kind specified in the application, the Board shall grant the licence applied for if it is satisfied—

- (a) that every director of the corporation—
- (i) is of or above the age of eighteen years;
  - (ii) is a fit and proper person to be a director of a corporation holding a restricted licence and is otherwise of good character; and
  - (iii) is not disqualified from holding a licence (whether or not a restricted licence) or a person whose licence (whether or not a restricted licence) is under suspension;
- (b) that the corporation intends to carry on the business of carrying out that kind of trade work;

SCHEDULE



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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (c) that the corporation is capable of undertaking the carrying out of that kind of trade work and has sufficient financial resources to enable it to carry on the business of carrying out that kind of trade work and that it is fit to hold a restricted licence;
- (d) that the corporation has applied for, and will be granted, a subsidiary restricted licence on behalf of an employee or director of the corporation, being the employee or director who is to have the control and supervision of all trade work of that kind to be carried out by the corporation;
- (e) that the corporation meets such other requirements as may be prescribed in respect of corporations; and
- (f) that the corporation is not disqualified from holding a licence (whether or not a restricted licence) or a corporation whose licence (whether or not a restricted licence) is under suspension.

(2) A restricted licence granted under subsection (1) authorises the licensee to carry out, subject to such conditions as are determined by the Board and are specified in the licence, such trade work as is so specified.

SCHEDULE

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*Builders Licensing (Amendment).*


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**SCHEDULE 3—continued.**
**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—continued.**

Applications for subsidiary restricted licences to be held on behalf of employees or directors.

13F. Where an application is made, in accordance with section 13C, for a subsidiary restricted licence authorising the holder to carry out trade work of a kind specified in the application, the Board shall grant the licence applied for if it is satisfied—

- (a) that the individual or corporation who or which has applied for the subsidiary restricted licence has applied for, and will be granted, a restricted licence on his or its own behalf authorising him or it to carry out that kind of trade work; and
- (b) where the subsidiary restricted licence is applied for on behalf of—
  - (i) an employee of an individual referred to in section 13C (2) (a) or an employee or director of a corporation referred to in section 13C (2) (c), that that employee or director is to have the control and supervision of all trade work of that kind to be carried out by that individual or corporation; or
  - (ii) an employee of a partnership referred to in section 13C (2) (b), that that employee is to have the control and supervision of all trade work of that kind to be carried out by that partnership; and

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (c) that the employee or director on whose behalf the subsidiary restricted licence is applied for—
- (i) is not the holder of a restricted licence granted to him on his own behalf, authorising him to carry out that kind of trade work; and
  - (ii) would, if the provisions of section 13D (1) (c) and (h) did not apply to his application for a licence under section 13D, be granted a restricted licence, authorising him to carry out that kind of trade work, if he were duly to apply for it.

DIVISION 3.—*Owner-builders' Permits.*

13G. (1) A person, other than a corporation, may apply to the Board for a permit authorising him to carry out owner-builder's work specified in the application on land so specified. <sup>owner-builder's permit.</sup>

(2) An application for a permit shall be made in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(3) On receipt of an application made in accordance with subsections (1) and (2), the Board shall, if it is satisfied—

- (a) that the applicant is the owner, or that the applicant and another person are the owners, of the land specified in the application;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (b) that the owner-builder's work so specified is intended for use as, or as part of, the domicile of the applicant or of the applicant and another person; and
- (c) except where the Board considers that special circumstances exist, that the applicant has not been granted a permit during the period of two years next preceding the date of receipt of the application by the Board,

grant to the applicant a permit authorising him to carry out on that land that owner-builder's work.

(7) Part III, Division 4—

Before section 14, insert :—

DIVISION 4.—*General.*

Subsidiary licensee ceasing to be employee or director.

13H. Where the holder of a full licence or a restricted licence holds a subsidiary full licence or a subsidiary restricted licence on behalf of a person who is an employee or director, as referred to in section 9 (2) or 13A (2), and that person ceases to be an employee or director so referred to—

- (a) the holder of that full licence or restricted licence shall, within twenty-one days after that person's so ceasing, lodge with the Board the subsidiary full licence or subsidiary restricted licence held by that holder on behalf of that person; and

SCHEDULE

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*Builders Licensing (Amendment).*

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**SCHEDULE 3—*continued.***

**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.***

(b) section 9 (2) or 13A (2), as the case may be, does not apply to the holder of that full licence or restricted licence or where that person was, immediately before his so ceasing, an employee of a partnership, to any member of that partnership—

(i) during the period commencing on the day of that person's so ceasing and ending on a day that is twenty-one days, or twenty-one days reduced by the number of days for which that subsection has not, by reason of this paragraph, applied to the holder of that full licence or restricted licence, as the case may be, during the preceding twelve months, after that firstmentioned day, whichever period is the shorter; or

(ii) during the period commencing on the day of that person's so ceasing and ending on such later day as the Board may, by an instrument in writing executed at any time, determine in any particular case,

whichever period calculated or determined under subparagraph (i) or (ii) is the longer.

Penalty: \$200.

**SCHEDULE**

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*Builders Licensing (Amendment).*


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**SCHEDULE 3—continued.**
**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—continued.**

Damages where unlicensed person carries out building work.

13I. (1) A person who carries out any building work in contravention of section 9 (1) or (2) or 13A (1) or (2) is not entitled to damages or any other remedy in respect of a breach of any contract for the carrying out of the work committed by another party to the contract but is liable for damages or any other remedy in respect of a breach of any such contract committed by him.

(2) Nothing in subsection (1) affects the liability of a person for an offence under section 9 or 13A.

(8) Section 14—

Omit “or 13”, insert instead “, 13, 13D, 13E or 13F”.

(9) Section 15 (2)—

Omit “fee prescribed in respect of renewals of licences of the class applied for”, insert instead “prescribed fee”.

(10) (a) Section 15A (1)—

Omit “individual, corporation or firm who or which”, insert instead “person who”.

(b) Section 15A (2)—

Omit “fee prescribed in respect of restorations of licences of the class applied for”, insert instead “prescribed fee”.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(c) Section 15A (3) (a)—

Omit “or it”.

(d) Section 15A (3) (a)—

After “9”, insert “or 13A”.

(e) Section 15A (3) (b)—

Omit “or it”.

(f) Section 15A (6) (b)—

Omit “or firm”.

(11) Section 15B (3)—

Omit “the additional fee prescribed for the purpose of this section in respect of the class of licence being renewed”, insert instead “an additional prescribed fee”.

(12) (a) Section 16 (1)—

Omit the subsection, insert instead :—

(1) A person who is the holder of a subsidiary full licence or a subsidiary restricted licence on behalf of another person may apply to the Board for the variation of that licence by substituting for the name of that other person—

(a) where the applicant is an individual and that other person is one of his employees—the name of some other employee of that individual;

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (b) where the applicant is a member of a partnership and that other person is an employee of that partnership—the name of some other employee of that partnership; or
- (c) where the applicant is a corporation and that other person is an employee or director of the corporation—the name of some other employee or director of the corporation.

## (b) Section 16 (3)—

Omit the subsection, insert instead :—

## (3) The provisions of—

- (a) section 13 (paragraph (a) excepted) apply to and in respect of an application for the variation of a subsidiary full licence in the same way as they apply to an application for a subsidiary full licence; and
- (b) section 13F (paragraph (a) excepted) apply to and in respect of an application for the variation of a subsidiary restricted licence in the same way as they apply to an application for a subsidiary restricted licence.

## (13) Section 18—

Omit the section.

SCHEDULE



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*Builders Licensing (Amendment).*

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**SCHEDULE 3—*continued.***

**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.***

(14) Section 19 (3) (a) (iii)—

Omit “individuals, corporations and firms”, insert instead “persons”.

(15) (a) Section 21 (1) (a)—

After “work”, insert “or knowingly assist in any way a person who is the holder of a restricted licence to carry on the business of carrying out building work other than trade work authorised to be carried out by that restricted licence”.

(b) Section 21 (1) (c)—

Omit “or it” wherever occurring.

(16) (a) Section 22 (a)—

Omit “individual, corporation or firm”, insert instead “person”.

(b) Section 22 (a)—

After “licence”, insert “of a class so specified”.

(c) Section 22 (b)—

After “licence”, insert “of a class so specified”.

(d) Section 22 (b)—

Omit “an individual, corporation or firm”, insert instead “a person”.

(e) Section 22 (d)—

After “licence”, insert “of a class so specified”.

**SCHEDULE**

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*Builders Licensing (Amendment).*


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 SCHEDULE 3—*continued.*

 AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.*

## (f) Section 22 (e)—

Omit “individual, corporation or firm”, insert instead “person”.

## (g) Section 22 (e)—

After “licence”, insert “of a class so specified”.

## (h) Section 22 (e)—

Omit “or” where lastly occurring.

## (i) Section 22 (f)—

Omit “paragraph (d) of subsection four of section nine of this Act”, insert instead “section 9 (4) (d) or 13A (4) (d)”.

## (j) Section 22 (f)—

Omit “an individual, corporation or firm”, insert instead “a person”.

## (k) Section 22 (g), (h), (i)—

After section 22 (f), insert :—

- (g) that on a date so specified a restricted licence so specified authorised the holder of the licence to carry out, subject to conditions, if any, so specified, trade work so specified;

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 3—*continued.***

**AMENDMENTS TO PART III OF THE BUILDERS LICENSING ACT, 1971—*continued.***

- (h) that on a date so specified a notice of a contract so specified or of the commencement of building work so specified, being a notice referred to in section 32 (1) (c) or (d), was served on the Board or that during a period so specified such a notice was not so served; or
- (i) that on a date so specified an amount, so specified, in respect of the insurance of building work so specified, being an amount referred to in section 32 (1) (e), 32 (3), 33 (4) or 33 (5), was paid to the Board, that during a period so specified an amount in respect of the insurance of building work so specified, being an amount so referred to, was not so paid or that no amount was payable in respect of any building work so specified,

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**SCHEDULE 4.**

**Sec. 4.**

**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971.**

- (1) (a) Section 23 (a1), (a2)—

After section 23 (a), insert :—

- (a1) he carries out any building work otherwise than in a good and workmanlike manner;
- (a2) in the course of carrying out any building work, he uses faulty or unsuitable materials;

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 4—*continued.***

**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—*continued.***

(b) Section 23 (e)—

Omit “or” where lastly occurring.

(c) Section 23 (g), (h)—

After section 23 (f), insert :—

(g) without reasonable cause, he fails to comply with an order under section 30A served on him; or

(h) he is a member of a partnership and any other member of the partnership, as such a member, does any of the things referred to in the foregoing provisions of this section.

(2) (a) Section 24 (b) (ii)—

Omit “or firm”.

(b) Section 24 (b1)—

Omit “or itself”.

(c) Section 24 (b2)—

Omit “or it”.

(d) Section 24 (c), (d)—

Omit the paragraphs, insert instead :—

(c) the person on whose behalf a subsidiary full licence or a subsidiary restricted licence is held has been guilty of conduct

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 4—*continued.***

**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—*continued.***

which, if he had been the holder of a full licence or restricted licence, would have amounted to improper conduct or is not a fit and proper person to have a subsidiary full licence or a subsidiary restricted licence, as the case may be, held on his behalf or is not of good character; or

- (d) a director of a corporation which is the holder of a licence (not being a director on whose behalf a subsidiary full licence or a subsidiary restricted licence, as the case may be, is held by the corporation) is disqualified from holding a full licence or a restricted licence or from being a person on whose behalf a subsidiary full licence or a subsidiary restricted licence may be held or is otherwise not a fit and proper person to be a director of a corporation holding a full licence or a restricted licence or is not of good character.

- (3) (a) Section 25 (1)—

Omit “an individual, corporation or firm who or which”, insert instead “a person who”.

- (b) Section 25 (1) (a)—

Omit “individual, corporation or firm”, insert instead “person”.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 4—continued.****AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—continued.**

## (c) Section 25 (1) (b), (c)—

Omit the paragraphs, insert instead :—

(b) has been a person on whose behalf a subsidiary full licence or subsidiary restricted licence was, at any time during that period, held and is not a person who is the holder of a licence or on whose behalf a subsidiary full licence or subsidiary restricted licence is held ; or

(c) has, at any time during that period, been a director of a corporation which, at any time during that period, has held a licence and is not a director of a corporation that holds a licence, or the holder of a licence.

## (d) Section 25 (2) (c)—

Omit “or member of a firm”.

## (e) Section 25 (2) (c)—

Omit “, or member of a firm,”.

## (4) (a) Section 26 (1)—

Omit “a deposit of such amount as may be prescribed”, insert instead “the prescribed fee”.

## (b) Section 26 (2)—

Omit “a deposit”, insert instead “the prescribed fee”.

## (c) Section 26 (3)—

Omit the subsection.

**SCHEDULE**

---

*Builders Licensing (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

(5) (a) Section 27 (1)—

Omit “any deposit”, insert instead “the prescribed fee”.

(b) Section 27 (1)—

Omit “individual, corporation or firm”, insert instead “person”.

(c) Section 27 (1)—

Omit “or to which”.

(d) Section 27 (1)—

Omit “or it” wherever occurring.

(e) Section 27 (1A)—

After section 27 (1), insert :—

(1A) Subsection (1) does not apply so as to require the Board to consider any complaint which an officer of the Board, authorised by the Board for the purposes of this subsection, has determined to be of such a nature as not to warrant the issue of a notice under subsection (1) in respect of the complaint.

(f) Section 27 (2)—

Omit the subsection, insert instead :—

(2) As soon as practicable after the receipt of the complaint, the Board shall cause the complainant to be informed in writing of the action taken under this section with respect to the complaint.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 4—continued.****AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—continued.****(g) Section 27 (3)—**

Omit “an individual, corporation or firm”, insert instead “a person”.

**(h) Section 27 (3)—**

Omit “or which”.

**(i) Section 27 (3)—**

Omit “or it” wherever occurring.

**(j) Section 27 (3)—**

Omit “that individual, corporation or firm”, insert instead “that person”.

**(k) Section 27 (5)—**

Omit the subsection, insert instead :—

**(5) Where the defendant is—**

**(a)** a person in respect of whom a complaint referred to in section 24 (c) has been made, a copy of the notice shall be served on the person who holds the subsidiary full licence or subsidiary restricted licence on behalf of the defendant; or

**(b)** a director, referred to in section 24 (d), of a corporation, a copy of the notice shall be served on the corporation.

**SCHEDULE**



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*Builders Licensing (Amendment).*

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**SCHEDULE 4—continued.**

**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—continued.**

(1) Section 27 (7)—

Omit the subsection, insert instead :—

(7) The period referred to in subsection (6) is—

- (a) except as provided in paragraph (b)—seven days after the service on the defendant of the notice referred to in subsection (4); or
- (b) where a copy of the notice under subsection (1) or (3) is required to be served under subsection (5)—seven days after the later service effected pursuant to subsection (1) or (3), as the case may be, or subsection (5).

(6) Section 28 (3) (b) (i)—

Omit the subparagraph, insert instead :—

- (i) may conduct the inquiry in such manner as it or he sees or they see fit and is or are not bound to observe rules of law governing the admission of evidence but may inform itself, himself or themselves of any matter in such manner as it or he thinks or they think fit;

(7) (a) Section 30 (1) (b1)—

After section 30 (1) (b), insert :—

- (b1) make a determination requiring the defendant to pay to the Board, as a penalty, an amount not exceeding \$500

**SCHEDULE**

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*Builders Licensing (Amendment).*


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**SCHEDULE 4—continued.**
**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—continued.**

or, where a larger amount is prescribed, not exceeding that larger amount;

(b) Section 30 (1) (d)—

Omit “or its”.

(c) Section 30 (1) (e) (i)—

Omit “, or a member of a firm,”.

(d) Section 30 (1) (e) (i)—

Omit “or firm”.

(e) Section 30 (1A), (1B), (1C)—

After section 30 (1), insert :—

(1A) The Board shall not make a determination under subsection (1) (b1) if the only ground on which the defendant was required to show cause as referred to in section 27 was a ground referred to in section 23 (a) or (f).

(1B) Where the Board makes a determination—

(a) referred to in subsection (1) (a), it may pay to the defendant such amount as it thinks fit for or towards the reasonable costs and expenses incurred by the defendant in connection with the inquiry in connection with which the determination was made; or

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 4—continued.**

**AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—continued.**

(b) referred to in subsection (1) (paragraph (a) excepted), it may, by that determination, require the defendant to pay to the Board for or towards the costs and expenses incurred in holding the determination was made such the inquiry in connection with which amount as may be specified in the determination.

(1c) A determination made by the Board to pay an amount referred to in subsection (1B) (a) does not constitute a determination of the Board for the purposes of section 31.

(f) Section 30 (3A), (3B)—

After section 30 (3), insert :—

(3A) Where the Board makes a determination under subsection (1) (b1) or (1B) (b) and—

(a) no appeal against that determination is made within the time limited for appealing against it; or

(b) such an appeal is made but is withdrawn,

and the amount required to be paid by the defendant has not been paid to the Board within the time referred to in paragraph (a) or when the appeal is withdrawn, as the case may be, or within such further time as the Board, in writing, may allow—

SCHEDULE

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*Builders Licensing (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE BUILDERS LICENSING ACT, 1971—*continued.*

- (c) any licence held by the defendant shall be deemed to be suspended until that amount is paid to the Board by or on behalf of the defendant or, if that amount is not so paid to the Board before any such licence would, but for this paragraph, expire, to be cancelled; and
- (d) that amount may be recovered by the Board from the defendant as a debt in any court of competent jurisdiction.
- 

Sec. 4.

SCHEDULE 5.

INSERTION OF PART IVA INTO THE BUILDERS LICENSING ACT, 1971.

Part IVA—

Before Part V, insert :—

PART IVA.

RECTIFICATION ORDERS.

Rectifica-  
tion orders.

30A. (1) Where the Board, on such information as to it seems sufficient, is of the opinion that any building work carried out by the holder of a licence, being building work to which a complaint under section 24 relates or that is the subject of investigations referred

SCHEDULE

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*Builders Licensing (Amendment).*

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**SCHEDULE 5—*continued.***

**INSERTION OF PART IVA INTO THE BUILDERS LICENSING  
ACT, 1971—*continued.***

to in section 27 (3), is defective, the Board may, before causing a notice under section 27 (1) or (3) to be served on the holder of that licence, make an order, in writing, requiring that holder to rectify the defective building work to the satisfaction of the Board within such period as may be specified in the order.

(2) An order under subsection (1) may be made subject to compliance by the purchaser concerned of such directions specified in the order as to the Board seem proper to enable the order to be complied with.

(3) The making of an order by the Board under subsection (1) in respect of the holder of a licence does not limit or affect in any way the power of the Board to deal with that holder under Part IV in respect of the building work the subject of the order, but the Board shall not cause a notice under section 27 (1) or (3) to be served on that holder in respect of that work unless the time for compliance with the order under subsection (1) has expired, and if the Board does cause a notice under section 27 (1) or (3) in respect of that building work to be served on that holder it shall, in dealing with that holder under Part IV, take into consideration whether that holder—

- (a) has rectified the defective building work to which the order relates in accordance with the terms of that order; or

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 5—*continued.***

**INSERTION OF PART IVA INTO THE BUILDERS LICENSING ACT, 1971—*continued.***

(b) has been prevented from complying with the order by reason of the failure of the purchaser concerned to comply with any directions referred to in subsection (2) specified in the order.

(4) A reference in this section to defective building work is a reference to building work—

- (a) that has been carried out otherwise than in a good and workmanlike manner;
- (b) in which any faulty or unsuitable materials have been used;
- (c) that has been carried out in contravention of any provision of any Act, regulation, by-law, ordinance or rule applicable to the carrying out of the work; or
- (d) that, without reasonable cause, is carried out otherwise than in accordance with any contract in accordance with which the holder of the licence contracted to carry out the work.

**Sec. 4.**

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**SCHEDULE 6.**

**AMENDMENT TO PART V OF THE BUILDERS LICENSING ACT, 1971.**

Section 31 (5A)—

After section 31 (5), insert :—

(5A) Where—

- (a) the decision of the District Court is that a determination made by the Board under section 30 (1) (b1) or (1A) (b) be con-

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 6—*continued.***

**AMENDMENT TO PART V OF THE BUILDERS LICENSING ACT, 1971—*continued.***

firmed or that there be substituted for such a determination a determination that the defendant be required to pay to the Board an amount that is different from the amount specified in the Board's determination; and

- (b) the amount as so confirmed or substituted is not paid to the Board by or on behalf of the defendant within such time as may be specified in the decision of the District Court or, if no time is so specified, within fourteen days after the decision of the District Court is given or, in either case, within such further time as the Board, in writing, may, on the application of the defendant, allow—

then—

- (c) any licence held by the defendant shall be deemed to be suspended until the amount as so confirmed or substituted is paid to the Board by or on behalf of the defendant or, if that amount is not so paid to the Board before any such licence would, but for this paragraph, expire, to be cancelled; and
- (d) the amount as so confirmed or substituted may be recovered by the Board from the defendant as a debt in any court of competent jurisdiction.

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*Builders Licensing (Amendment).*


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Sec. 4.

## SCHEDULE 7.

AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971.

(1) Section 31A—

Before section 32, insert :—

Application  
of Act.

31A. (1) A reference in this Part to building work does not include a reference to building work (other than “owner-builder’s work” as defined in section 3 (1)) where—

- (a) the approval under Division 4 of Part XI of the Local Government Act, 1919, of the council concerned is not required for the carrying out of that work or of building work of which that work forms part; or
- (b) were that work to be carried out in a municipality within the meaning of that Act or were the person for whom that work is to be carried out bound by that Act, such an approval would not be required for the carrying out of that work or of building work of which that work forms part.

(2) Notwithstanding subsection (1), a reference in this Part to building work includes a reference to any work that, under any Act other than this Act, or under any regulation, ordinance, by-law or rule made under any Act other than this Act, a person is prohibited from carrying out unless he is the holder of

SCHEDULE



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*Builders Licensing (Amendment).*

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**SCHEDULE 7—*continued.***

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—*continued.***

a licence granted under that other Act or that regulation, ordinance, by-law or rule where that work forms part of building work for the carrying out of which—

- (a) the approval under Division 4 of Part XI of the Local Government Act, 1919, of the council concerned is required; or
- (b) were that work to be carried out in a municipality within the meaning of that Act or were the person for whom that work is to be carried out bound by that Act, such an approval would be required.

(3) Subsection (1) shall cease to have effect upon such day as may be appointed by proclamation made by the Governor for the purposes of this section and published in the Gazette.

(4) A proclamation under subsection (3) may be made with respect to all trade work, with respect to all trade work other than such class or description of trade work as may be specified in the proclamation or with respect to such class or description of trade work as is so specified.

(2) (a) Section 32 (1), (1A)—

**Omit section 32 (1), insert instead :—**

- (1) The holder of a licence—
  - (a) who, after the commencement of the Builders Licensing (Amendment) Act, 1976, enters into a contract undertaking to carry out, by himself or by

**SCHEDULE**

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*Builders Licensing (Amendment).*


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**SCHEDULE 7—continued.**
**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—continued.**

others, any building work (being, where that holder is the holder of a restricted licence, trade work which he is, by his restricted licence, authorised to carry out) ; or

- (b) who, otherwise than pursuant to such a contract, commences any building work (being, where that holder is the holder of a restricted licence, trade work which he is, by his restricted licence, authorised to carry out) after the commencement of the Builders Licensing (Amendment) Act, 1976,

shall—

- (c) in the case of a contract referred to in paragraph (a)—
- (i) within one month after entering into the contract, serve on the Board notice of the contract; and
  - (ii) within one month after commencing the building work to which the contract relates, serve on the Board notice of commencement of the building work;
- (d) in the case of any building work referred to in paragraph (b), within one month after commencing the building work, serve on the Board notice of commencement of the building work; and

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

- (e) before the expiration of the period of one month referred to in paragraph (c) (i) or (d), as the case may be, pay to the Board, as an insurance premium in respect of the insurance of **the building work, an amount calculated in accordance with the prescribed scale, unless that amount has previously been paid to the Board as an insurance premium in respect of that building work.**

Penalty: \$2,000.

(1A) A reference in subsection (1) to building work does not include a reference to trade work undertaken by the holder of a restricted licence under a contract with the holder of a full licence or with the holder of a permit.

- (b) Section 32 (2)—

Omit “An individual, corporation or firm”, insert instead “A person”.

- (c) Section 32 (2) (a)—

Omit “or itself”.

- (d) Section 32 (2) (b)—

Omit “completion”, insert instead “commencement”.

SCHEDULE

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*Builders Licensing (Amendment).*


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**SCHEDULE 7—continued.**
**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971—continued.**

## (e) Section 32 (2A)—

After section 32 (2), insert :—

(2A) Where a member of a partnership complies with the provisions of subsection (1) or (2) in relation to any building work or in relation to a contract for the sale of land on which is situated a dwelling comprising or in which is comprised any building work, every other member of that partnership who, but for this subsection, would be required to comply with either of those subsections, shall be deemed to have complied with such of those subsections as that firstmentioned member complied with.

## (f) Section 32 (3) (c)—

Omit “of the corporation, or upon the dissolution of the firm,”, insert instead “or dissolution of the corporation or partnership”.

## (g) Section 32 (3)—

Omit “completion”, insert instead “commencement”.

## (3) (a) Section 33 (2)—

After “building work” where thirdly occurring, insert “was commenced on a date specified in the certificate and”.

## (b) Section 33 (5)—

Omit “completion”, insert instead “commencement”.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 7—*continued.*

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971—*continued.***

**(4) (a) Section 34 (2), (2A), (2B), (2C)—**

Omit section 34 (2), insert instead :—

**(2) The house purchaser's agreement shall be in or to the effect of the prescribed form and shall contain provisions—**

(a) for or with respect to insuring the purchaser against any costs and expenses reasonably incurred by him in commencing or continuing proceedings in respect of the bankruptcy of the individual, the winding up (whether compulsory or voluntary) or dissolution of the corporation or partnership by whom or by which the building work was carried out or undertaken to be carried out;

(b) where the building work undertaken to be carried out under a contract referred to in section 32 (1) (a) has not been commenced or, having been commenced, has not been completed and the contract has been rescinded or determined otherwise than by reason of the fault of the purchaser, for or with respect to insuring the purchaser for an amount—

(i) being the amount by which any consideration paid in money, together with the value of any other consideration conveyed, to the holder of the licence who undertook to carry out the building work under the contract exceeds

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 7—*continued.*AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

the value of any building work carried out, when the contract was rescinded or determined, by that holder in performance or part performance of that contract; or

- (ii) being the amount which is the cost of completion of the building work reduced by the purchaser's remaining liability under the contract immediately before its rescission or determination;
- (c) for or with respect to insuring the purchaser—
- (i) against any loss or expenses reasonably incurred by him in **rectifying any defect in the building work** due to the building work having been carried out otherwise than in a good and workmanlike manner, due to the use of faulty or unsuitable materials, due to the building work having been carried out in contravention of any Act, regulation, by-law, ordinance or rule applicable to the carrying out **of the work or, where the building work was carried out under a contract, due to any departure from the requirements of the contract;**

## SCHEDULE

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*Builders Licensing (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—continued.**

- (ii) against any loss or expenses reasonably incurred by him in rectifying any major structural defect in the building work and in making good any damage to the dwelling caused by that defect; and
- (iii) against such other risks as may be specified in the form of house purchaser's agreement whether of the same kind as, or of a different kind to, those referred to in paragraph (a) or (b) or the foregoing provisions of this paragraph;
- (d) for or with respect to the reference to arbitration of any dispute between the Board and the purchaser arising under the house purchaser's agreement; and
- (e) applying the insurance cover referred to in—
  - (i) paragraph (a), (b) (i) or (ii) or (c) to any matter so referred to only if notice in writing of a claim is received by the Board within such period as may be specified in the house purchaser's agreement in respect of that cover or within such longer period as to the Board seems just in the circumstances of the particular case; or

**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 7—*continued.*

AMENDMENTS TO PART VI OF THE BUILDERS LICENSING  
ACT, 1971—*continued.*

- (ii) against any loss or expenses reasonably incurred by him in rectifying any major structural defect in the building work and in making good any damage to the dwelling caused by that defect; and
  - (iii) against such other risks as may be specified in the form of house purchaser's agreement whether of the same kind as, or of a different kind to, those referred to in paragraph (a) or (b) or the foregoing provisions of this paragraph;
- (d) for or with respect to the reference to arbitration of any dispute between the Board and the purchaser arising under the house purchaser's agreement; and
- (e) applying the insurance cover referred to in—
- (i) paragraph (a), (b) (i) or (ii) or (c) to any matter so referred to only if notice in writing of a claim is received by the Board within such period as may be specified in the house purchaser's agreement in respect of that cover or within such longer period as to the Board seems just in the circumstances of the particular case; or

SCHEDULE



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*Builders Licensing (Amendment).*


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**SCHEDULE 7—*continued.***
**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—*continued.***

- (ii) paragraph (c) (iii) to any risk so referred to only in such circumstances and for such period as may be specified in the house purchaser's agreement in respect of that cover,

and may contain provisions—

(f) specifying—

- (i) in respect of any dwelling or any common property the subject of a strata scheme within the meaning of the Strata Titles Act, 1973; or
- (ii) in respect of any class of persons carrying out building work,

the maximum liability of the Board under the house purchaser's agreement or any provision thereof; or

- (g) for excluding the Board's liability in respect of such risks and to such extent as may be specified in the house purchaser's agreement.

(2A) For the purpose of subsection (2) (b) (ii), the cost of completion of building work shall be deemed to be the reasonable cost of completing that work reduced by, where the reasonable cost of carrying out the building work under the contract for that work exceeds the contract price under the rescinded or determined contract, the difference between that reasonable cost and that price.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—continued.**

(2B) A purchaser is entitled to claim an amount referred to in subsection (2) (b) for which he is insured either under a provision of a house purchaser's agreement referred to in subsection (2) (b) (i) or (ii) at his option, but not under both of those provisions.

(2C) For the purpose of determining the liability of the Board in respect of any claim made under a house purchaser's agreement in respect of any building work, any provision of—

- (a) a contract for the carrying out of that building work; or
- (b) a contract, referred to in section 32 (2) (b), 32 (3) or 33 (5), for the sale of land on which is situated the dwelling comprising or in which is comprised that building work,

requiring any claim in respect of that building work to be submitted to arbitration shall be disregarded.

**(b) Section 34 (3)—**

Omit "individual, corporation or firm by whom or by which the building work was carried out", insert instead "person by whom the building work was carried out or undertaken to be carried out or out of the estate of that person from his personal representative".

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 7—*continued.***

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—*continued.***

(c) Section 34 (4)—

After section 34 (3), insert :—

(4) Notwithstanding any other provision of this section, a person whose sole or main business is the development of land by the erection of dwellings thereon for sale or lease or, where that person is a corporation, any other corporation related to it within the meaning of section 6 (5) of the Companies Act, 1961, is not entitled, as a purchaser referred to in paragraph (a), (b) or (c) of the definition of “purchaser” in section 3 (1), to the benefits of a house purchaser’s agreement.

(5) (a) Section 36 (a)—

Omit “or itself”.

(b) Section 36 (b)—

Omit “completion” wherever occurring, insert instead “commencement”.

(6) (a) Section 37 (3)—

Omit “completion” wherever occurring, insert instead “commencement”.

(b) Section 37 (4)—

Omit the subsection, insert instead :—

(4) Where notice of commencement of any building work has been so served, but the Board is of the opinion—

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 7—*continued.***

**AMENDMENTS TO PART VI OF THE BUILDERS LICENSING ACT, 1971—*continued.***

- (a) that the building work was not commenced on the date shown in the notice as the date of commencement but has been commenced, the Board shall, within one month after service upon it of the notice, determine the date of commencement of the building work ; or
- (b) that the building work referred to in the notice has not been commenced, the Board shall, as soon as practicable after the building work has been commenced, determine the date of commencement of the building work.

(7) Section 38—

Omit the section.

(8) Section 38B—

After section 38A, insert :—

38B. The Board may in such special circumstances as it thinks fit refund any amount paid to it as an insurance premium under section 32. Refund of premiums.

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*Builders Licensing (Amendment).*

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Sec. 4.

## SCHEDULE 8.

AMENDMENTS TO PART VII OF THE BUILDERS LICENSING  
ACT, 1971.

(1) Section 40 (1) (b)—

Omit the paragraph, insert instead :—

(b) all prescribed fees received or receivable  
by the Board under section 26 (1);

(2) Section 41 (2) (d)—

After “38A”, insert “or 38B”.

Sec. 4.

## SCHEDULE 9.

AMENDMENTS TO PART VIII OF THE BUILDERS LICENSING  
ACT, 1971.

(1) (a) Section 45 (1)—

Omit “or itself”.

(b) Section 45 (2), (3), (4), (5)—

Omit the subsections.

SCHEDULE

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*Builders Licensing (Amendment).*

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**SCHEDULE 9—continued.**

**AMENDMENTS TO PART VIII OF THE BUILDERS LICENSING  
ACT, 1971—continued.**

(2) Section 46—

Omit the section.

(3) (a) Section 49 (2)—

After “this”, insert “or any other”.

(b) Section 49 (4)—

After “this”, insert “or any other”.

(4) (a) Section 50 (1)—

Omit “The Board may”, insert instead “Subject to subsection (1A), the Board may”.

(b) Section 50 (1) (c)—

Omit the paragraph, insert instead :—

(c) to a council, or a county council within the meaning of the Local Government Act, 1919, or to a servant of a council or of such a county council that consents to the delegation;

(c) Section 50 (1)—

Omit “(other than the Board’s powers under Part IV of this Act or this power of delegation)”.

**SCHEDULE**

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*Builders Licensing (Amendment).*

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**SCHEDULE 9—continued.****AMENDMENTS TO PART VIII OF THE BUILDERS LICENSING ACT, 1971—continued.****(d) Section 50 (1A)—**

After section 50 (1), insert :—

(1A) The Board may delegate to the Chairman the exercise or performance of the Board's powers—

- (a) to make an order under Part IV<sub>A</sub>; or
- (b) with respect to the issue of a notice to show cause under section 27 where the matter giving rise to the issue of that notice is a failure to comply with an order made under Part IV<sub>A</sub>,

but shall not otherwise delegate the exercise or performance of the Board's powers under Part IV or delegate the power of delegation conferred by this section.

**(5) Section 59 (2)—**

Omit "of subsection one, two or three of section thirty-two, or subsection four or five of section thirty-three,".

**(6) Section 62 (1A)—**

After section 62 (1), insert :—

(1A) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.

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**SCHEDULE**

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*Builders Licensing (Amendment).*

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SCHEDULE 10.

Sec. 5.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) Section 311—

After “beforehand”, insert “and unless, where the application for that approval relates to building work, as defined in section 3 (1) of the Builders Licensing Act, 1971, and the approval was given, or was given subject to conditions, after the commencement of the Builders Licensing (Amendment) Act, 1976, the council has endorsed on a copy of the plans and specifications submitted to it with the application and forwarded or delivered by the council to the applicant after that approval was given a notation that the council is satisfied that—

- (a) the amount, if any, payable under Part VI of the Builders Licensing Act, 1971, as an insurance premium has been duly paid; or
- (b) no amount is payable under that Part, in respect of the building work”.

(2) Section 311 (2), (3)—

At the end of section 311, insert :—

(2) The council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for the

**SCHEDULE**



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*Builders Licensing (Amendment).*

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**SCHEDULE 10—*continued.*****AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—  
*continued.***

approval unless, where the application relates to building work, as defined in section 3 (1) of the Builders Licensing Act, 1971, and the approval has been given, or has been given subject to conditions, after the commencement of the Builders Licensing (Amendment) Act, 1976—

(a) it is satisfied that—

(i) the amount, if any, payable under Part VI of the Builders Licensing Act, 1971, as an insurance premium has been duly paid; or

(ii) no amount is payable under that Part,

in respect of the building work; and

(b) it has endorsed on that copy a notation referred to in subsection (1).

(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act, 1971, certifying that—

(a) the amount payable under Part VI of that Act as an insurance premium has been paid; or

(b) no such amount is payable,

in respect of any building work specified in the certificate shall, for the purposes of the council's making a notation referred to in subsections (1) and (2) (b), be sufficient evidence of the matter referred to in paragraph (a) or (b), as the case may be.

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