

CHAPTER 200

BUILDINGS REGULATION

BUILDINGS REGULATION (GENERAL) RULES

(SECTION 19)

[Commencement 1st November, 1971]

*SI 92/1971
SI 25/1978
SI 44/1981
SI 63/1984
SI 61/1988
SI 27/1993
5 cf 1996*

1. These Rules may be cited as the Buildings Regulation (General) Rules.

Title.

2. In these Rules, unless the context otherwise requires —

Interpretation.

“Act” means the Buildings Regulation Act;

Ch. 200.

“agricultural building” means a green-house, stable, cow-shed, chicken-shed, plucking-shed, piggery, farm storage shed and any other similar building used in conjunction with a farm and not intended for human occupation;

“builder” means a building contractor or any other person (including an owner/builder) undertaking to carry out the work of a building operation to which the Act applies;

“Code” means the Bahamas Building Code issued under the Act or any portion thereof issued separately under the said Act;

“permit” means a building permit issued in accordance with the provisions of sections 5 and 6 of the Act.

3. (1) Every application for a permit shall be made in writing on the official application forms obtainable from the offices of the Building Control Division of the Ministry of Works or from the offices of the Commissioner or Area Engineer in the case of an Out Island application, and the application shall contain all the information required to complete the forms. The application shall be signed by the applicant or by his agent.

Method of application for permit.

(2) Three copies shall be furnished of all plans and documents accompanying an application and these must be drawn or reproduced in a clear and intelligible manner on suitable and durable material and must conform to all the applicable requirements of the Code:

Provided that in the case of an Out Island application requiring the approval of the Building Control Officer, four copies shall be furnished of all plans and documents accompanying an application. One copy shall be kept by the Building Control Officer, one copy by the Area Engineer, and two copies returned to the applicant, on the approval of the application.

SI 44/1981

(3) The Buildings Control Officer may, if he thinks fit, require engineering calculations to be supplied by the applicant in respect of —

- (a) any portion of the structure; or
- (b) any portion of the mechanical or electrical installations intended to be placed therein,

and in every case such calculations shall bear the name, address and qualifications or professional seal of the person who prepared the same.

SI 44/1981

(4) Where calculations are required under paragraph (3)(a) they shall be prepared by a qualified architect, engineer or technician recognised by the Minister, however, where the preparation has not been done by a person recognised by the Minister as an engineer for the preparation of structural design and the calculations involve computation based on structural stresses the Buildings Control Officer may require that the preparation be done by a person recognised as such.

SI 44/1981

(5) Where calculations are required under paragraph (3)(b) they shall be prepared as the case may require, by a qualified mechanical or electrical engineer or master or licensed plumber recognised by the Minister.

Material change
of use of a
building

4. (1) Every application for a permit in respect of a material change in the use of any building or part thereof shall specify the purposes for which the building or material part thereof is being currently used and the new purposes for which it is intended by the applicant to use them in the future.

(2) Site or lot plans shall be furnished with every such application, showing the size and position of the building and its relationship to any adjoining buildings, or other buildings in the immediate vicinity.

(3) Every permit issued in respect of a change in the material use of a building, whether complete or under construction, shall be subject to a condition that the building or material part thereof shall in all respects comply with those requirements of the Code which relate to the group of occupancy and the type of construction applicable to the new use; and that all necessary alterations shall first be made so as to comply with those requirements.

(4) All plans, sections and details required by the Code in connection with alterations rendered necessary by the provisions of paragraph (3) of this rule shall be submitted with the application for the permit to make the material change of use, and all such alterations to the building shall be subject to the relevant provisions of the Code.

5. (1) No permit shall be required for the construction of temporary buildings for use in connection with the construction, alteration or repair of a building or the execution of any works authorised by or under the Act, but before any such building is constructed the written permission of the Building Control Officer shall be obtained. Such permission may be granted for a period not exceeding twelve months and may be renewed for such further periods not exceeding twelve months, as in the opinion of the Building Control Officer are necessary to complete the construction of the building.

Exemption for temporary buildings

(2) Temporary buildings referred to in paragraph (1) of this rule shall —

- (a) be demolished and removed prior to the issue of an occupancy certificate for the building;
- (b) only be used for the purposes specified in the said paragraph (1).

6. (1) Every application for a permit properly submitted in accordance with the provisions of the Act and these Rules, shall be considered by the Buildings Control Officer in conjunction with other responsible Ministries and Authorities and the Buildings Control Officer shall —

Consideration of applications for permits

- (a) pass the plans with or without modification or the imposition of conditions as to the method of execution of the works and approve the issue of a permit; or
- (b) request revision of the plans, in any case where he considers them to be defective or in contravention of any requirement of the Code;
- (c) reject the plans and refuse the application.

(2) Notice of the approval or refusal of an application may be given by the Buildings Control Officer to the applicant in writing by post or personally to the applicant.

(3) Where a permit is approved it shall be issued on the approved form and signed by the Buildings Control Officer on behalf of the Minister and shall be subject to the conditions set out thereon.

(4) Where an application is refused the notice of refusal shall specify the reasons for rejection of the plans.

(5) The Buildings Control Officer shall retain one copy of every application for a permit and of all accompanying plans.

7. (1) Every application for a waiver or modification of the requirements of the Building Code in relation to a building permit shall be made in writing on the form set out in the Third Schedule to these Rules obtainable —

- (a) in New Providence, from the offices of the Buildings Control Division of the Ministry of Works; or
- (b) in Grand Bahama, from the offices of the Area Engineer or such other officer as the Minister may designate in writing for the purpose, or
- (c) in an Out Island other than Grand Bahama, from the offices of the Commissioner.

(2) The Buildings Control Officer may, if he thinks fit, require an applicant to supply such other or further information as he may reasonably require in relation to the application.

8. (1) The Buildings Control Officer shall consider every application made under rule 7 and shall forward the same together with his written recommendation to the Minister.

Application for
waiver or
modification
SI 25/1978, r 2
Third Schedule

Consideration of
application for
waiver or
modification
SI 25/1978, r 3

(2) After receipt of a recommendation under paragraph (1) of this rule, the Minister shall consider the recommendation and may approve or refuse the application.

(3) Where an application is approved, an approval shall be issued in the form set out in the Third Schedule to these Rules, and shall be subject to the conditions set out thereon.

Third Schedule

(4) Where an application is refused the Buildings Control Officer shall inform the applicant accordingly.

9. (1) It shall be the duty of every person in whose name a permit is issued under the Act to carry out the building operation to which it relates in strict conformity with the plans and with any modifications thereof made by the Buildings Control Officer, and to comply with any conditions set out on the permit.

Execution of permitted works

(2) It shall be a condition of every permit issued under the Act that —

- (a) the names of the owner and the prime or head contractor, together with the number of the permit, shall be prominently displayed on the site in such manner as to be readily visible from the road or roads adjacent thereto before any works are started on the site and that they shall remain so displayed until the occupancy certificate has been issued for the building; and
- (b) a copy of the permit and one full set of the approved plans shall be kept readily available upon the site at all times for inspection upon demand by the Buildings Control Officer or by any inspector.

the Buildings Control Officer may suspend the execution of the work in the case of any contravention of this paragraph, for so long as that contravention continues.

(3) Every permit shall be subject to a further condition that the building operation to which it relates shall be started within a period of eighteen months from the date of issue thereof, and a permit shall become void unless the works have been started before the expiration of the said period or unless the permit has been renewed in accordance with the provisions of paragraph (4) of this rule. For the purposes of this paragraph, works for the

construction of a new building or a new part of an existing building shall be deemed to have started when the foundations thereof have been completed.

(4) An application for the renewal of a permit shall be made in writing to the Buildings Control Officer before the expiration of the period of eighteen months specified in paragraph (3) of this rule and be accompanied by a copy of the original permit and two copies of the drawings originally submitted in connection therewith.

Inspections of
building
operations

10. (1) Every builder shall, in relation to every building operation which he is carrying out, give notice in writing to the Buildings Control Officer not less than forty-eight hours (exclusive of Saturdays, Sundays and declared Public Holidays) before the works are at a stage where a mandatory inspection is required to be carried out in accordance with any applicable provision of the Code. Upon receipt of the notice, the Buildings Control Officer shall cause the inspection to be carried out and may, during the course of such inspection take samples of any material used in the construction of the building which may be required for the purpose of analysis.

(2) If any builder fails or neglects to give the notice required by paragraph (1) of this rule, the Buildings Control Officer may serve a notice in writing upon the builder, requiring him within seven days of the receipt of the notice, to cut into, lay open or pull down so much of the building, works or fittings as in the opinion of the Buildings Control Officer will prevent a proper inspection from being carried out to ascertain whether or not the Code and the approved plans have been complied with.

(3) Where an inspection has been carried out of any building operation and the buildings Control Officer, after considering the analysis of any sample taken or the report of any test loading carried out in the course of the inspection, is satisfied that the building is, or may become unsafe, he may recommend to the Minister that an order be made under subsection (3) of section 4 of the Act requiring the owner to pull down or remove the defective work.

Occupancy
certificate

11. (1) An occupancy certificate under subsection (3) of section 9 of the Act shall not be issued by the Buildings Control Officer until all mandatory inspections of the building concerned have been satisfactorily conducted in accordance with the requirements of the Code:

Provided that the Buildings Control Officer may issue an exemption from the requirement to carry out any particular inspection required by the Code where the building is and has remained partially or wholly occupied throughout the carrying out of the works.

(2) The Buildings Control Officer may, prior to the completion of the works, issue a temporary occupancy certificate.

(3) No permanent electrical or water supply connection shall be made to any building unless and until an occupancy certificate has been issued:

Provided that the Buildings Control Officer may recommend to the Minister to authorise the connection of a temporary water supply to any building on a month to month basis before the issue of an occupancy certificate in respect thereof and may also recommend the withdrawal of any such authorization in any case where he thinks fit and the Minister may act upon any such recommendation:

Provided further that nothing in this paragraph shall be deemed to affect the existing supply of electricity or water to an existing building which is being added to, altered or extended in accordance with a permit issued for that purpose.

12. (1) The owner of any building occupied for commercial or industrial purposes shall cause notices to be posted and kept permanently posted stating the live loads for which each floor or part thereof (other than concrete floors at ground level) has been designed. Such notices shall be engraved on durable metal signs in letters not less than three inches high and shall be displayed in a conspicuous position in that part of each storey of the building to which they apply.

Notifications
required for
certain buildings

(2) The owner of any building containing assembly rooms in which the seating is not fixed in position shall cause notices to be posted and kept permanently posted in such rooms stating the maximum number of persons permitted by the applicable provisions of the Code to assemble therein. Such notices shall be engraved on durable metal signs in letters not less than three inches high and shall be displayed in a conspicuous position in each assembly room.

- (3) Any person who —
- (a) being the owner of a building to which paragraph (1) of this rule applies, causes or permits the actual load on any part of any floor of the building to exceed the limit for which it has been designed; or
 - (b) being the owner of a building to which paragraph (2) of this rule applies, causes or permits a greater number of persons than are permitted to do so to assemble in any assembly room therein; or
 - (c) removes, defaces, covers up or fails to post any notice required to be posted by this rule,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

*Fees for permits.
SI 27/1993;
5 cf 1996, s 55*

13. (1) There shall be charged and payable upon the issue or renewal of every permit under the Act a fee according to the scale set out in the First Schedule to these Rules; and such fee shall be payable in advance in cash or by certified cheque made out in favour of the Treasurer and shall be paid into the Consolidated Fund.

*SI 27/1993;
5 cf 1996, s 55*

(2) Subject to the provisions of paragraph (3) of this rule, the amount of the fee payable shall be calculated according to the gross area contained within the outer dimensions of the floor plan of each storey of the building and such area shall include the area of any ancillary building, whether or not attached to the main building, but shall not include any fence.

*SI 27/1993;
5 cf 1996, s 55*

(3) Where a permit is issued for any work relating to the alteration of, or addition to, an existing building the fee shall be calculated in relation to such alteration or addition only.

*SI 27/1993;
5 cf 1996, s 55*

- (4) The fee for a permit in respect of —
 - (a) a fence, wall, retaining wall or similar structure;
 - (b) removal of a building in one piece;
 - (c) a bulkhead wall for a dock or for land reclamation;
 - (d) any agricultural building,

First Schedule.

shall be set out in that part of the First Schedule to these Rules especially applicable to the case.

14. The form of the certificate evidencing the charge referred to in subsection (3) of section 15 of the Act shall be that set forth in the Second Schedule to these Rules.

Form of certificate.
Second Schedule.

15. (1) Appeals to the Minister under section 8 of the Act from any decision of the Buildings Control Officer shall be made in writing, shall be signed by the person aggrieved, his agent or his counsel and attorney and shall specify briefly the grounds of the appeal.

Appeals to Minister.

(2) Any such appeal shall be lodged personally with or sent by prepared registered past to, the Permanent Secretary, Ministry of Works within seven days after the date of the notification of the decision appealed against, but the Minister may, if he thinks fit, consider an appeal which is lodged out of time.

FIRST SCHEDULE (Rule 13)

SI 63/1984;
SI 61/1988

FEEs PAYABLE FOR PERMITS

1. General

Save as provided hereunder, the minimum fee for any building permit shall be \$10.00 of which \$5.00 shall be paid on application for the permit and shall not be refundable.

Where the gross area of the floor space is —

¹ (a) Less than 500 sq. feet	\$10.00
² (b) 500 sq. feet or over but not exceeding 1,000 sq. feet	\$ 8.00 per 100 sq. feet or part thereof
³ (c) Over 1,000 sq. feet but not exceeding 1,500 sq. feet	\$10.00 per 100 sq. feet or part thereof
⁴ (d) Over 1,500 sq. feet but not exceeding 5,000 sq. feet	\$15.00 per 100 sq. feet or part thereof

¹ For a building permit, \$25.00 shall be paid on application for the permit and shall not be refundable.

² For a building permit, \$25.00 shall be paid on application for the permit and shall not be refundable.

³ For a building permit, \$25.00 shall be paid on application for the permit and shall not be refundable.

⁴ For a building permit, 10 per centum of the total fee for the permit shall be paid on application for the permit and shall not be refundable.

⁵ (e)	Over 5,000 sq. feet but not exceeding 10,000 sq. feet.....	\$20.00 per 100 sq. feet or part thereof
⁶ (f)	Over 10,000 sq. feet.....	\$25.00 per 100 sq. feet or part thereof

2. *Special*

Fence, wall, retaining wall or similar structur	\$8.00 per 100 linear feet or part thereof
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Removal of a building in one piece without demolition and re-erection.....	\$25.00
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Bulkhead wall for dock or land reclamation..	\$ 5.00 per 100 sq. feet or part thereof gross area contained within inner dimensions of bulkhead and existing high water mark
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⁷ Agricultural building (no previous reference).....	\$ 3.00 per 100 sq. feet or part thereof
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⁸ Conversions, renovations and internal alterations under 2,500 sq. feet (no previous reference)	\$ 5.00 per 100 sq. feet or part thereof
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⁹ Conversions, renovations and internal alterations of 2,500 sq. feet or over (no previous reference).....	\$10.00 per 100 sq. feet or part thereof
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3. *Renewals of a Building Permit*

The fee for the renewal of a building permit shall be as follows —

Where the gross area of the floor space is —

Less than 1,000 sq. feet	\$ 10.00
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⁵ For a building permit, 10 per centum of the total fee for the permit shall be paid on application for the permit and shall not be refundable.

⁶ For a building permit, 10 per centum of the total fee for the permit shall be paid on application for the permit and shall not be refundable.

⁷ For a building permit, \$25.00 shall be paid on application for the permit and shall not be refundable.

⁸ For a building permit, \$25.00 shall be paid on application for the permit and shall not be refundable.

⁹ For a building permit, 10 per centum of the total fee for the permit shall be paid on application for the permit and shall not be refundable.

1,000 sq. feet or over but not exceeding 1,500 sq. feet..	\$ 25.00
Over 1,500 sq. feet but not exceeding 5,000 sq. feet ..	\$ 45.00
Over 5,000 sq. feet but not exceeding 10,000 sq. feet	\$ 60.00
Over 10,000 sq. feet	\$100.00

SECOND SCHEDULE (Rule 14)

THE BAHAMAS

New Providence

KNOW ALL MEN BY THESE PRESENTS that WHEREAS the Minister of Works has incurred the sum of dollars of lawful money of The Bahamas as expenses for which the owner for the time being of the premises more particularly described in the Schedule hereto is liable,¹⁰ pursuant to the Buildings Regulation Act/and agreement dated the and made, etc.

NOW THEREFORE, THIS CERTIFICATE sheweth that the aforesaid premises stand charged with the payment to the said Minister of the said sum of dollars together with interest at seven per centum per annum from the days of 19..... pursuant to the provisions made in that behalf by section 15 of the aforesaid Act.

Witness the official seal and signature of the Minister of Works thisday of....., 19.....

The official seal of the Minister of Works was hereunto affixed by the Hon the Minister of Works and the said affixed his signature hereto in the presence of

.....
Witness

.....
(Minister)

¹⁰ Complete and delete as applicable

S1 25/1978

THIRD SCHEDULE (Rules 7 and 8)
THE BUILDINGS REGULATION ACT
(Chapter 200)

FORM 1

**APPLICATION FOR WAIVER OR MODIFICATION FROM
THE REQUIREMENTS OF THE BUILDING CODE**

Application No.
To: The Buildings Control Officer

Pursuant to the provisions of section 22 of the Buildings
Regulation Act, I
of hereby make application for the waiver
and/or modification from the provisions of the Building Code.

- 1. (Specify the sections of the Building Code).....
.....
.....
- 2. (State reasons for requesting waiver or modification).....
.....
.....
- 3. (State Application number or if constructing under a valid
Building Permit state permit number).....
- 4. (State the address and location of land in sufficient detail to
enable site to be readily identified).....
.....

Information submitted —

- (a) Plan of building.....
.....
.....
- (b) specification for.....
.....

.....
SIGNATURE

.....
DATE

O.T.E.: The Buildings Control Officer may require you to furnish him with additional information.

Additional information required —

.....
.....

.....
SIGNATURE

.....
DATE

FORM 2

APPROVAL OF WAIVER OR MODIFICATION

Application No

Permit No

To:.....

In exercise of the powers vested in me by section 22 of the Buildings Regulation Act, I hereby grant a waiver or modification from the provisions of —

.....
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.....
.....

in respect of proposed

.....
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.....
.....

works at.....

Name of Applicant.....

Address of Applicant

This Approval is granted subject to the following conditions:.....

.....
.....
.....
.....

NOTE: This Approval is valid for the application in question only.

.....
BUILDINGS CONTROL OFFICER

.....
DATE

SI 40/1975
SI 20/1978
SI 10/1983

**BUILDINGS REGULATION (EXTENSION TO THE
OUT ISLANDS) ORDER**

(SECTION 23)

[Commencement 15th May, 1975]

Citation.

1. This Order may be cited as the Buildings Regulation (Extension to the Out Islands) Order.

General extension of certain sections of Act.
SI 20/1978
Ch. 200.

2. Sections 1, 2, 4, 11, 13 to 15 inclusive, 18, 20, 21, and 22 of the Buildings Regulation Act (hereinafter referred to as “the Act”) shall extend to all parts of the Out Islands (excluding the Port Area of the Island of Grand Bahama) without any modification.

Limited extension of certain sections of Act.

3. Sections 3, 5 to 10 inclusive, 12, 17 and 19 of the Act shall extend —

(a) subject to the following modifications, to the Island of Grand Bahama (excluding the Port Area), that is to say, references in the aforesaid sections to “the Buildings Control Officer” shall be read and construed as reference to “the Area Engineer resident at Grand Bahama or such other officer as the Minister may designate in writing for the purpose”;

SI 10/1983

(b) to every Family Island (other than Grand Bahama) in respect of —

(i) any building or group of buildings having a floor area of one thousand two hundred square feet or more or, if there is in the Island a government engineering officer of or above the grade of a District Works Controller advising the Commissioner, a floor area of not less than two thousand five hundred square feet; or