

PART II
Chapter 2
Establishment Of Authority, Etc

10. Establishment of Authority.—The Government may, with the approval of the Ministry of Public Administration, Finance Division and other relevant Ministries and Divisions, by a notification in the official Gazette, establish the Bangladesh Building Regulatory Authority (BBRA).

11. Head office of the Authority.—The head office of the Authority shall be in Dhaka.

12. Constitution of Authority.—(1) The Authority shall consist of the following 5 (five) members, namely:-

- (a) a civil engineer having professional experience of 30 years in design/ construction/teaching/research related to building;
- (b) an architect having professional experience of 30 years in design/ construction/ teaching/ research related to building;
- (c) a planner having professional experience of 30 years in planning/ teaching/research related to building;
- (d) a judge or legal practitioner having professional experience of 30 years in law including the qualification for appointment of a judge of the High Court Division;
- (e) a person having professional experience of 30 years in Bangladesh Civil Service.

(2) The Government shall appoint the members of the Authority and they shall hold office for a period of 3 (three) years.

(3) The Government shall nominate one of the members as the Chairman of the Authority.

13. Responsibilities of the Authority.—The Authority shall—

- (a) be the organization responsible for establishing regulatory framework for building design and construction with efficient and effective compliance mechanism;
- (b) develop building check and control procedure for ensuring high degree of regulatory compliance in planning and the Code requirements and reduce information asymmetry between the end user (building occupant, home owner) and seller (developers, builders);

- (c) streamline and improve transparency through dissemination of information related to built environment including detail land use plan, regulations on safety, water and environmental conservation, health, energy efficiency and urban planning requirements through print and digital media including its website;
- (d) develop an effective licensing system, jointly with the professional bodies by forming a National Council for Licensing of Building Professionals (NCLBP) for conducting examinations for the members of those respective professional bodies;
- (e) update the requirements of building permit and inspection procedure as per this Code;
- (f) require the owner of an existing or under construction high risk building, having major impacts on public safety for inhabitants within and near the building, to carry out review of design and construction by licensed professionals acceptable to the Authority;
- (g) introduce IT based automated procedure for permits and online information system to enable the applicants to track the progress of the permitting process;
- (h) establish an independent quasi-judicial dispute-resolution body that can make binding decisions in disputes between practitioners, developers, stakeholders and permitting authorities on matters related to interpretation of the Code or sufficiency of compliance, which cannot be appealed except to the High Court Division on matters of law;
- (i) recommend punitive and other measures against developers and professionals for violation of the Code and safety measures;
- (j) take measures for updating of the Code in light of research, improved building design and construction technique, availability of new products and technology;
- (k) advise the Government on policy and administration of building regulations including capacity development;
- (l) take up matters from time to time which the Authority deems necessary.

14. Office of the Building Officials, etc.—(1) The Authority shall designate specific geographical jurisdiction as the Office of the Building Official.

(2) The Office of the Building Official shall be established at various local or regional development area or local government levels.

(3) The Authority may, in order to proper functioning of it, subject to the Organogram approved by the Government and having required qualifications, appoint such numbers of Building Officials, technical assistants, inspectors and other employees as required.

(4) The administrative and operational chief of the Code enforcing office shall be designated as the Building Official who shall act on behalf of the Authority.

(5) The Building Official may designate an employee or employees who shall carry out the specified duty and exercise the specified power of the Building Official.

15. Building Construction Committee.—(1) The Building Official shall exercise through a Building Construction Committee comprising four members excluding Building Official.

(2) Building Construction Committee shall consist of one architect, one civil engineer, one town planner and representative from concerned body.

(3) Building Official shall work as ex-officio member-secretary of the Committee.

16. Qualifications of Building Official.—The person to be designated as the Building Official shall be at least an architect, a civil engineer or a town planner in addition to fulfilling any other requirement of the Authority.

17. Administrative jurisdiction of Building Official.—(1) The areas delineated below in Table 2.2.1 shall be under the jurisdiction of the Building Officials located in the offices/authorities mentioned in the right hand column:

Table 2.2.1: Jurisdiction of Building Officials of Designated Offices/Authorities

<u>Sl.</u>	<u>Area</u>	<u>Authority</u>
1	Areas falling under the master plan control of Rajdhani Unnayan Kartipokhkha (RAJUK)	RAJUK
2	Areas falling under the master plan control of Chittagong Development Authority (CDA)	CDA
3	Areas falling under the master plan control of Rajshahi Development Authority (RDA)	RDA
4	Areas falling under the master plan control of Khulna Development Authority (KDA)	KDA
5	Areas falling under the master plan control of any Development Authority to be established in future	Relevant development authority
6	Areas falling under the geographical jurisdiction of any City Corporation where no Development Authority exists	Relevant city corporation
7	Areas falling under the geographical jurisdiction of any Municipality where no Development Authority exists	Relevant municipality

<u>Sl.</u>	<u>Area</u>	<u>Authority</u>
8	Areas not falling under any of the above	Office of The Executive Engineer Public Works Department (PWD)
9	Special areas, if any	To be declared by the government as and when necessary

(2) There may be as many Building Officials as required depending upon the area of jurisdiction, but every Building Official shall be in charge of an independent and well demarcated area.

18. Merging the Jurisdictions under small local bodies.—Small local bodies like Pourashavas, Upazila, Union Parishad, located outside the larger city municipalities and having insufficient funds for individually carrying out the task of the Code enforcing agency may jointly appoint or designate, with the approval of the Authority, a Building Official who shall have a jurisdiction over the combined area of jurisdiction of the concerned local bodies.

19. Restrictions on the Building Official.—(1) The Building Official or any employee designated by him in this behalf shall not in any way, directly or indirectly, be engaged in planning, design, construction, repair, maintenance, modification or alteration of a building, certification of any work or materials, supply of materials, labor, equipment or appliances or any other work regulated by the provisions of this Code.

(2) The Building Official or such designated employee shall not be interested in business, either directly or indirectly, as planner, engineer, architect, builder or supplier or in any other private business transaction or activity within the jurisdiction of the Authority which conflicts with his official duties or with the interest of the Code enforcing agency.

(3) If any Building Official or designated employee violates the restrictions, he shall be liable to punishment as per service rule of the government.

20. Damage Suit.—(1) In the process of discharging the official duties as required and permitted by the Code, the Building Official or any employee shall not be personally liable for any damage that may be caused to any person or property.

(2) Any suit filed against the Building Official or any employee because of an act performed by him in the official discharge of his duties and under the provisions of the Code shall be defended by the legal representative of the Authority until the final decision of the proceedings.

(3) In no case shall the Building Official or any employee be liable for costs in any legal action, suit, or defense proceedings that may be filed in pursuance of the provisions of the Code.

21. Powers and duties of the Building Official.—(1) The Building Official shall be authorized to enforce all the provisions of this Code and for such purposes the Building Official shall have the power of a law enforcing officer.

(2) Applications shall be made in writing to the Building Official for any erection, construction, addition, alteration, modification, repair, improvement, removal, conversion, change of occupancy, and demolition of any building or structure regulated by this Code.

(3) The Building Official shall receive such applications, examine the premises, enforce compliance with this Code and issue permits for the intended work.

(4) All necessary notices and orders to correct illegal or unsafe conditions, to require the specified safeguards during construction, to require adequate access and exit facilities in existing buildings and to ensure compliance with all the requirements of safety, health and general welfare of the public as included in this Code shall be issued by the Building Official.

(5) The Building Official may enter a building or premises at reasonable times to inspect or to perform the duties imposed by this Code if:

- (a) it is necessary to make an inspection to enforce the provisions of this Code; or
- (b) he has reasonable cause to believe that a condition contrary to or in violation of this Code exists making the building or the premises unsafe, hazardous or dangerous.

(6) If the building or premises is occupied, the Building Official shall present credentials to the occupant and request entry.

(7) If the building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or any other person having charge or control of the building or premises and request entry.

(8) If entry into the building or premises is refused or the owner of the unoccupied building or premises cannot be located, the Building Official shall secure entry as provided by the law.

(9) The Building Official or an employee designated by him in this behalf shall inspect all construction or work for which a permit is required or he may accept reports of inspection by a licensed engineer, architect or planner provided he satisfies the requirements of Table 2.3.4 and may disapprove the report showing specific reason for disapproval.

(10) The work or construction to be inspected shall remain accessible and exposed for inspection purposes until the approval is obtained.

(11) All reports of inspection shall be in writing and certified by the Building Official or the licensed engineer or the architect making the inspection.

(12) Approval of work or construction as a result of such inspection shall not be interpreted to be an approval of a violation of the provisions of this Code or of other law.

(13) The Building Official may require survey of the site and adjoining areas to verify that the structure is located in accordance with the approved plans.

(14) The Building Official or such designated employee shall carry proper identification when inspecting structure or premises in the performance of duties under the provision of this Code.

(15) The Building Official may issue an order for immediate discontinuation of a work and cancellation of a previous permit for such work at any stage if:

- (a) any work is being done contrary to the provision of this Code or other pertinent laws; or
- (b) it is determined by him that the construction is not proceeding according to the approved plan, dangerous or unsafe.

(16) In such cases the Building Official shall notify the owner in writing of such an order by showing the reason for the order, and the conditions under which the cited work will be permitted to resume.

(17) When there is insufficient evidence of compliance with the provisions of this Code, a Building Official shall have the authority to require test as evidence of compliance to be made at no expense to the office of the Building Officials and the test shall be performed by an agency approved by the Building Official.

(18) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(19) The Building Official may order the current uses of a building discontinued and the building or portion thereof vacated by serving a notice on any person if the Building Official determines that the building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code.

(20) The Building Official shall maintain records of all applications and drawings received, permits and orders issued, inspections made and reports prepared and submitted by other recognized agencies.

(21) Copies of all relevant papers and documents for enforcement of the Code shall be preserved by the Building Official. All such records shall be kept open to public inspection at all suitable times.

(22) The Building Official may engage, subject to the approval of the Authority, an expert or a panel of experts for opinion on unusual technical issues that may arise in administering the provisions of the Code.

22. Board of Appeal.—(1) The Authority may, with the approval of the Government, constitute a Board of Appeal to hear and decide appeals of orders, decisions or determinations made by the Building Officials related to the application and interpretation of this Code.

(2) The Board of Appeal shall consist of members appointed by the Authority who are noted for their educations and experience in the relevant field of building construction and whose term of office shall be as decided by the Authority.

(3) The Board of Appeal shall provide reasonable interpretation of the provisions of this Code and determine the suitability of alternative materials or methods of design or construction.

(4) The Board of Appeal shall, with the approval of the Government, adopt rules of procedure for conducting its business, and shall communicate all decisions and findings in writing to the appellant with a copy to the Building Official.

(5) The Board of Appeal shall have no discretion for interpretation of the administrative provisions contained in Part 2 of this Code nor shall be empowered to waive any requirement of this Code.

23. Requirement of certification of work.—Any planning, design, supervision of construction, repair, maintenance, modification and alteration of buildings, or any other work regulated by the Code shall be certified by a licensed engineer, architect or planner for its compliance with the provisions of the Code as per Tables 2.3.3 and 2.3.4.

24. Limits of professional conduct.—(1) Any licensed architect, engineer or planner may take assistance from fellow professionals who are not licensed but is member of professional bodies and who shall work under his direct control and he shall be allowed to plan, design and supervise construction, repair, maintenance, alteration and modification of buildings or structures regulated by this Code provided the licensed professional certify compliance of the work with the provisions of the Code.

(2) In case of any violation of the Code the licensed professionals who shall certify will be liable for action through professional bodies and such person may provide any such certificate as long as his or her services are recognized by the Building Official and such recognition is not withdrawn under the provisions of this Code.

25. Violation and penalties.—Any person, firm, corporation or government department or agency who as owner of the property erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure or cause or permit the same to be done in violation of this Code shall be guilty of an offence and the Authority shall take legal action against such offenders as prescribed by law.

Explanation.—For the purpose of this provisions the term “owner” shall include any developer who by appointment, contract or lease is responsible for such activities.

26. Professional violation.—(1) The engineer, architect or planner responsible for design, supervision or certification of any construction or other work of a building or structure shall ensure compliance of such work with the provisions of this Code.

(2) Any violation of the Code or any other professional misconduct insofar as implementation of the provisions of this Code is concerned including making false statements or issuing false certificates or any incidence of proven professional incapability shall be recommended to the respective professional bodies for necessary disciplinary measure including withdrawal of recognition or registration.

27. Obligation of offender.—A person shall not be relieved from the duty of carrying out the requirements or obligations imposed on him or her by virtue of the provisions of this Code even if such person is convicted for an offence under the provisions of this Section.

28. Conviction no bar to further prosecution.—If a person is convicted under the provisions of this Code for failing to comply with any of its requirements or obligations such conviction shall not act as a bar for further prosecution for any subsequent failure on the part of such person to comply.

PART II
Chapter 3
Permits and Inspections

3.1 Permits

No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished without obtaining permit for each such work from the Building official.

Exceptions:

The following works are exempted from the requirement of a permit unless they do not otherwise violate the provisions of this Code, for the said work or any other adjacent property, regarding general building requirements, structural stability and fire safety requirements of this Code:

- (a) Opening or closing of a window or a door or a ventilator;
- (b) Providing internal doors;
- (c) Providing partitions;
- (d) Providing false ceiling;
- (e) Gardening;
- (f) Painting;
- (g) Plastering and patch work;
- (h) Re-flooring;
- (i) Construction of sunshades on one's own land;
- (j) Re-erection of portion of buildings damaged by earthquake or cyclone or other natural calamities, to the extent and specification as existed prior to such damage; and
- (k) Solid boundary walls less than 1.5 m and open boundary wall less than 2.75 m in height.

3.2 Types of Permit

Building permit shall comprise of the following 4 (four) stages:

- (a) Land use certificate.
- (b) Large and specialized project permit.
- (c) Building permit.
- (d) Occupancy certificate.