

# **GUYANA STANDARD**

## **Code of Practice for Buildings - Part 1: Enforcement**

Prepared by  
GUYANA NATIONAL BUREAU OF STANDARDS

Approved by  
NATIONAL STANDARDS COUNCIL

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## Foreword

This Guyana Standard was adapted by the **National Building Code Sub-committee - Enforcement** and approved by the National Building Code Committee and the National Standards Council in 2005.

In the formulation of this standard, information was reproduced from the **Working Paper for the Barbados Building Act. Prepared by the Ministry of Public Works and Transport with the assistance of Alwyn Watson (OAS) Consultant.**

This standard was developed for the establishing and enforcement of technical standards for buildings to ensure that buildings are safe and have means of escape from fire; the registration of building practitioners and building review consultants, the regulation of building matters, the granting of building and occupancy permits and the establishing of a building appeal process and for related purposes.

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# **Code of Practice for Buildings – Part 1: Enforcement**

## **1 Scope**

The objectives of this Code are:

- (a) to establish, maintain and improve building standards;
- (b) to facilitate the adoption and efficient application of uniform building standards;
- (c) to facilitate uniform accreditation of building products, construction methods, building designs, building components and building systems;
- (d) to maintain, enhance and improve the safety, health and amenity of persons using buildings including adequate provisions for persons with disabilities;
- (e) to promote and provide for the construction of environmentally efficient buildings;
- (f) to provide an efficient and effective system for granting buildings permits, administering building matters and resolving building disputes;
- (g) to reform aspects of the law relating to legal liability of regulatory agencies; to facilitate uniformity in the education, training and qualifications of building practitioners and the recognition of qualifications;
- (h) to facilitate the cost effective construction of buildings; and
- (i) to aid the achievement of an efficient and competitive building industry.

The provisions of this Code shall come into operation on such dates as are fixed by the Minister by notice in the Gazette.

## **2 Definitions**

For the purpose of this Code, the following definitions shall apply:

- 2.1 absolute ownership:** Titles held under Certificates of Title, Transport and Grants.

- 2.2 adverse possession/prescription:** Where persons/legal entries are in possession of lands for the statutory period of years which possessory interest may be ripened in absolute ownership.
- 2.3 adjoining property:** In relation to building work, means a property (including a street) that is next to, or near, the land on which the building work is to be carried out.
- 2.4 appeals board:** The Building Appeals Board established by **5.2**.
- 2.5 approved:** Signed approval of the Director.
- 2.6 authority:** The Building Authority established under section **5.1**.
- 2.7 builder:** A person engaged as a contractor or otherwise in the erection, construction, alteration, improvement, maintenance or repair of buildings and works.
- 2.8 building area:** A part of Guyana to which, under **Clause 4**, all or any of the provisions referred to in that Clause are declared to apply.
- 2.9 authorised officer:** A person appointed to be, or who is a member of a class of persons appointed to be, an authorised officer under section **5.3.2 (a)**.
- 2.10 building:** Any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.
- 2.11 building inspector:** A person registered as a building practitioner and appointed as a building inspector under the provisions of **5.1.3.2**.
- 2.12 building notice:** A building notice issued under this Code.
- 2.13 building order:** A building order made under this Code.
- 2.14 building permit:** A permit to carry out building work granted under this Code.
- 2.15 building practitioner:** A person registered under the Registration Act in any of the following categories of building practitioners;
- (a) contractors;
  - (b) architects;
  - (c) plumbers; referred to all pipework and attendant plumbing devices above ground (Class B - Plumbers) and Class A - plumbers registered to carry out all Class B plumbing work and involving all under ground work;



- (d) engineers registered under the Engineers Registration Act;
- (e) electricians;
- (f) masons;
- (g) carpenters; and
- (h) a prescribed category.

**2.16 building work:** Work for or in connection with the construction, demolition or removal of:

- (a) a building;
- (b) plumbing or drainage services, whether or not connected to a building, other than plumbing or drainage services vested in the Guyana Water Authority Act;
- (c) electrical work in buildings;
- (d) removal of hazardous materials such as asbestos and other toxic materials shall be subject to the Environmental Protection Hazardous Waste Regulation of 2000; and
- (e) “carry out”, in relation to building work, includes to cause to be carried out.

**2.17 construct:** In relation to a building includes:

- (a) build, re-build, erect or re-erect the building;
- (b) refurbishing, modifying or any alterations to the building;
- (c) extending or reducing the building; and
- (d) place or relocate the building on land.

**2.18 director:** The director of Building Control appointed under section 5.1.3.1.

**2.19 fire upgrading report:** A prepared report.

**2.20 freehold in possession (Absolute ownership):** Titles under transport, certificates of titles or grants.

- 2.21 occupancy permit:** A permit to occupy grant under **Sections 8, 9, and 10 of Building Regulations. (See Appendix A).**
- 2.22 owner:** In relation to land, includes every person who jointly or severally:
- (a) is entitled to the land for an estate of free hold in possession;
  - (b) a person to whom the Public authority has lawfully contracted to sell the land under an Act relating to the alienation of lands of the public authority; or
  - (c) is entitled to receive or is in receipt of or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgages in possession or otherwise.
- 2.23 promote or conduct:** In relation to a public assembly, includes to be interested in the proceeds or profits, if any, of the public assembly.
- 2.24 public assembly:** An assembly of persons whether or not admission to the assembly is gained on payment of money or other consideration and whether or not its purpose is public entertainment.
- 2.25 public authority:** The elected residents of a specific area constituting the local authority established by or under an Act or a statutory body representing the public and includes persons elected, exercising functions on behalf of the authority or body.
- 2.26 registrar:** In relation to the Authority or a Board, the employee whose duties include performing the functions of the Registrar of the Authority or Board.
- 2.27 regulations:** A Code or other document adopted by the Regulations for the purposes of this Code.
- 2.28 related building application:** In relation to an application for the grant of an occupancy permit. A building application relating to the same building work as that to which the applications for the permit relates.
- 2.29 relevant person:** The owner of land or a building who proposes to carry out building work in the land or building.
- 2.30 reporting authority:** A body or person required by the Regulations to report, or consent to, an application for a building permit.
- 2.31 review consultant:** A building practitioner of the categories of architect or engineer registered under **6.1** and who has special qualifications as may be made by the Minister by Regulations.

**2.32 street:** A road lane, footway, square, court, alley and right of way and all parts of the public domain.

**2.33 temporary structure:**

- (a) a booth, tent or other temporary enclosure, whether or not a part of it is permanent; or
- (b) a mobile structure.

### **3 Act to bind government**

**3.1** Except as provided in **3.2** and **3.3** this Code shall bind the Government.

**3.2** This Code does not apply to any Government building work where the Minister with responsibility for defence and security certifies that the building or the building work is necessary for reasons of national security.

**3.3** The Government shall not be liable to be prosecuted for an offence against this Code, but in any case where it is alleged that the Government has contravened any provision of this Code and that contravention constitutes an offence, the party making the allegation shall apply to the High Court for a declaration that the Government has contravened that provision and if that Court is satisfied, beyond a reasonable doubt, that the Government has contravened that provision, it shall make a declaration accordingly.

### **4 Application**

**4.1** The Minister shall, by notice in the Gazette, declare that all or any of the provisions of **Parts 4 to 12 (inclusive)** apply in and in relation to the parts of Guyana specified in the notice and accordingly on the Minister so declaring the provision does not apply in that part of Guyana.

**4.2** The Minister may, by notice in the Gazette, declare that a provision of the Regulations specified in the notice does not apply in all or a part of Guyana specified in the notice and accordingly, on the Minister so declaring, the provision does not apply in that part of Guyana.

**4.3** In the application of this Code to building work in respect of which an approval or permit is required by or under this Code, this Code and the Regulations prevail over all other Codes and instruments of a legislative character.

## **5 Building administration**

### **5.1 Establishment of building authority**

- (a) There is hereby established by this Code a body to be known as the Building Authority.
- (b) The Authority shall be a body corporate with perpetual succession and a common seal.
- (c) The Authority shall be capable of:
  - (i) acquiring, holding and disposing of real and personal property;
  - (ii) entering into contracts;
  - (iii) suing and being sued; and
  - (iv) doing and suffering all such things as bodies corporate may do and suffer.
- (d) Membership of Authority:

The Authority shall consist of not more than 8 members appointed by the Minister, from such persons having a mix of knowledge and experience in the building industry or matters connected with the building industry, consumers affairs and the provision of facilities for people with disabilities.

- (e) The Minister shall appoint two Members to be respectively Chairman and Deputy Chairman.

#### **5.1.1 Procedure of the authority**

The provisions of the **Clause 1** shall have effect with respect to the members and procedure of the Authority.

#### **5.1.2 Functions and powers of the authority**

- (a) The Authority shall have the following functions under this Code:
  - (i) to advise the Minister on all matters relating to building regulations in Guyana.

- (ii) to be responsible for the policy of the Authority;
  - (iii) to approve, establish, maintain and publish respective registers of building practitioners;
  - (iv) to determine the qualifications to be held by building practitioners;
  - (v) to approve documents for use in establishing compliance with the provisions of the Building Act;
  - (vi) to process all applications for building permits;
  - (vii) to promote research into building matters;
  - (viii) to facilitate the accreditation of building products, construction methods, designs, components and systems;
  - (ix) to publish reports, disseminate information and provide educational programmes on building matters;
  - (xi) to carry out periodic reviews of this Code;
  - (xii) to liaise with any national body established to deal with building regulation matters;
  - (xiii) generally taking all such steps as may be necessary or desirable to achieve the purposes of this Code; and
  - (xiv) such other functions as are imposed on the Authority by or under this or any other Code as directed by the Minister.
- (b) In carrying out functions under **5.1.2 (a)**, the Authority shall consult with the Chief Fire Officer of the Guyana Fire Service and any other person in respect of any of those functions which involve advice, approval and determinations relating to:
- (i) matters of fire safety and recognised fire-engineering practice; and
  - (ii) any appointment of a review consultant in respect of any provisions of the Building Act which relates to fire safety and recognised fire-engineering practice.
- (c) Subject to this Code, in the exercise of its functions and powers the Authority shall establish for its use, procedures that are appropriate and fair in the circumstances and shall comply with the principles of natural justice.

### 5.1.3 Staff of the authority

#### 5.1.3.1 Director of building control

- (a) The Building Authority shall with the approval of the Minister appoint a person whose qualifications will permit him/her to be registered as a building practitioner in the category of architect or engineer to be Director of Building Control to administer the functions and powers of the Authority.
- (b) The Director has such powers as are conferred on him or her by or under this or any other Code and, subject to this Code, may do all things necessary or convenient to be done for or in connection with or incidental to the performance of his or her functions and the exercise of his or her powers.
- (c) The functions of the director are:
  - (i) to be responsible to the Building Authority for the execution and management of the affairs of the Authority;
  - (ii) to enforce the Building Regulations;
  - (iii) to sign and issue all building and occupancy permits, refusals of permission and applications to build or granting of occupancy permits, issuing of enforcement notices and other documents authorised by the Authority to be issued under the provisions of this Code; and.
  - (v) to report on any building matters when required by the Minister to do so.
- (d) The Director shall keep, and make available to members of the public for inspection at his or her office during normal office hours, a register of building and occupancy permits.
- (e) In the absence of the director the powers and duties of the director under this Code shall be exercised and performed by such other public officer as the Authority, with the approval of the Minister, may direct.

#### 5.1.3.2 Building inspectors

The Authority shall appoint such persons as it deems fit as building inspectors to assist the director in the performance of his function of enforcing Building Regulations. A building inspector shall be a registered building practitioner as having passed certain specified courses in building and construction.

## 5.2 Establishment of Appeals Board

- (a) There is established by this section a Board to be known as the Building Appeals Board.
- (b) The Appeals Board shall consist of such members appointed by the Minister, having experience in the building industry or matters connected with the building industry, as the Minister thinks fit, of whom:
  - (a) one shall be appointed to be its Chairman; and
  - (b) one other shall be appointed to be its Deputy Chairman.
- (c) Without limiting the generality of **5.1.3.1 (b)**, no Director or a member of the Building Authority shall be appointed as a member of the Appeals Board.

### 5.2.1 Procedures of the Board

The provisions of **Clause 1** shall have effect with respect to the members and procedure of the Appeals Board.

### 5.2.2 Functions and powers of the Appeals Board

- (a) The functions of the Appeals Board are:
  - (i) to determine appeals relating to disputes about:
    - (1) the effect of the Regulations or the manner in which the Regulations are to be or have been complied with; and
    - (2) the construction of a party wall or the expenses to be borne by the owners of premises separated by a party wall in relation to any such construction.
  - (ii) to determine appeals relating to the application of the Regulations to land, buildings or building work; and
  - (iii) The Appeals Board has such powers as are conferred on it by or under this or any other Code and, subject to this Code, shall do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

### 5.2.3 Delegation by minister, authority and director

- (a) The Minister shall, in writing, delegate to a person or to the holder from time to time of a specified office, any of the Minister's powers and functions under this Code, other than:
  - (i) this power of delegation; or
  - (ii) the Minister's powers under **4.1 and 4.2, 5.1 (d), 5.1.3.2, 5.2.2, 5.2.3, 7.1.1 or 7.1.2.**
- (b) The Authority and the Director shall, in writing, delegate to a person or to the holder from time to time of a specified office, any of the Authority's or Director's powers and functions under this Code, other than this power of delegation.
- (c) A power or function delegated under this section, when exercised or performed by the delegate, shall for the purposes of Code, be deemed to have been exercised or performed by the Minister, Authority or the Director, as the case may be.
- (d) A delegation under this Code does not prevent the exercise of a power or the performance of a function by the Minister, the Authority or the Director.

## 6 Building practitioners

### 6.1 Building practitioners to be registered

A person shall not:

- (a) take or use the title of building practitioner or building practitioner of a particular category of building practitioners (either alone or in combination with any other words);
- (b) perform a function or exercise a power of, or work as, a building practitioner or building practitioner of a particular category of building practitioner; or
- (c) in any way imply that he or she is:
  - (i) registered under this Code, or



- (ii) authorised to perform a function or work for which registration is required under this Code,

unless he or she is appropriately registered under this Code.

### **6.1.2 Application for registration as building practitioner**

- (a) A person shall, in a form approved by the Building Authority accompanied by the prescribed fee, on behalf of the person or a firm or corporation of which he or she is a partner or member, apply to the Board to be registered (or for the firm or corporation to be registered) as a building practitioner in a specified category of building practitioners.
- (b) The qualifications of persons applying for registration as a building practitioner in any specified category shall be established by the relevant Minister and published in the Official Gazette.

### **6.1.3 Registration of building practitioner**

- (a) Where the Building Authority is satisfied, on an application under **6.1.2**, that a person, not being a corporation:
  - (i) is of good character and a fit and proper person to be so registered;
  - (ii) holds the relevant qualifications determined by the Authority in relation to the particular category of building practitioners specified in the application; and
  - (iii) has complied with the prescribed conditions, if any, it shall register the person as a building practitioner in the category of building practitioners specified in the application.
- (b) Where the Building Authority is satisfied, on an application under **6.1.2** on behalf of a firm that:
  - (i) all of the natural persons by whom the firm is constituted would be fit and proper persons to be so registered if the application had been made by them personally;
  - (ii) at least one of those natural persons holds the qualification determined by the Authority in relation to the particular category of building practitioners specified in the application and is registered as a building practitioner in that category; and

- (iii) the firm has complied with the prescribed conditions, if any, it shall register the firm as a building practitioner in the category of building practitioners specified in the application.
- (c) Where the Building Authority is satisfied, on an application under **6.1.2** on behalf of a corporation, that:
  - (i) all of the persons concerned in the management or conduct of the corporation would be fit and proper persons to be so registered if the application had been made by them personally;
  - (ii) at least one of those persons holds the qualifications determined by the Authority in relation to the particular category of building practitioners specified in the application and is registered as a building practitioner in that category, and
  - (iii) the corporation has complied with the prescribed conditions, if any, it shall register the corporation as a building practitioner in the category of building practitioners specified in the application.
- (d) Conditions prescribed for the purposes of subsections **6.1.3 (a) (iii)**, **6.1.3 (b) (iii)** or **6.1.3 (c) (iii)** shall include a condition requiring a building practitioner to hold a policy of professional indemnity or other insurance of a type or for an amount, or both, approved by the Building Authority.

#### **6.1.4 Function of building practitioner to be carried out by natural person**

- (a) Where a function of a building practitioner is carried out by a firm:
  - (i) it shall be carried out by or at the direction of a partner who is a building practitioner in the relevant category and shall be certified by that partner; and
  - (ii) the firm shall cause the name of the partner to appear in all advertisements in respect of the relevant function published by or on its behalf.
- (b) Where a function of a building practitioner is carried out by a corporation:
  - (i) it shall be carried out by or at the direction of a person concerned in the management or conduct of the corporation who is a building practitioner in the relevant category and shall be certified by that person, and

- (ii) the corporation shall cause the name of the person to appear in all advertisements in respect of the relevant function published by or on its behalf.

## 6.2 Discipline

The Building Authority shall, by order, cancel, or suspend for such period as it specifies in the order, the registration of a building practitioner, if it is satisfied that:

- (a) the registration was obtained by fraud or misrepresentation;
- (b) the building practitioner has been convicted of an offence punishable by imprisonment or a term exceeding 12 months under a law of Guyana;
- (c) the building practitioner has been convicted of an offence against this Code;
- (d) the building practitioner has been negligent as a building practitioner;
- (e) a statement or certificate made or given by the building practitioner in relation to building work is, to the knowledge of the building practitioner, false in a material particular and was made or given for the purpose of inducing a person to enter into a contract for the carrying out or the completion of building work or for the purpose of inducing a person to purchase land on which building work has been, is being or is to be carried out;
- (f) the building practitioner has been guilty of fraudulent conduct as a building practitioner; or
- (g) the building practitioner has not complied with a prescribed condition relating to his or her registration as a building practitioner.

## 6.3 Inquiry by Building Authority

- (a) The Building Authority shall not make an order under **6.1** unless the building practitioner has been given the opportunity of appearing personally or by representative before it at an inquiry and of being heard.
- (b) The Building Authority shall, not later than 7 days before an inquiry is to be held, give to the building practitioner written notice advising him or her of the place, date and time at which he/she may appear and be heard in the matter of the inquiry.
- (c) Notwithstanding **6.3 (a) and (b)**, the Building Authority shall make an order under **6.2** during an inquiry.

### **6.3.1 Procedure**

- (a) Except to the extent that its procedures are prescribed, the Building Authority shall determine its own procedures in relation to an inquiry.
- (b) An inquiry by the Building Authority shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Code, and as the proper consideration of the matters before the Authority permit.
- (c) The Building Authority is not bound by the rules of evidence but shall inform itself of any matter in such manner as it thinks fit.

### **6.3.2 Inquiry to be open**

An inquiry referred to in **6.3** shall be open to the public unless otherwise directed by the Building Authority.

### **6.3.3 Attendance of witnesses**

- (a) The Building Authority shall, by notice in writing served on a person, require the person to attend an inquiry for the purpose of giving evidence, or to produce a document to the inquiry, at a time, date and place specified in the notice.
- (b) The Building Authority shall keep a document produced to it under this Code for as long as it considers necessary for the purpose of completing the inquiry.
- (c) A person shall not refuse or fail to comply with a requirement to attend and give evidence at an inquiry or to produce a document, to the extent to which the person is lawfully able to comply with the requirement.

### **6.3.4 Witnesses to answer questions**

- (a) The Building Authority shall require a person who attends an inquiry to answer a question that is reasonably related to the inquiry.
- (b) A person shall not refuse to answer a question on the ground that the answer might tend to incriminate the person.

### **6.3.5 Oaths**

The Building Authority shall require a person who attends an inquiry to be sworn for the purposes of giving evidence on oath and for that purpose may administer an oath.

**6.3.6 Lesser penalty**

- (a) Where the Building Authority is satisfied after an inquiry referred to in **6.2**, that the conduct of a building practitioner does not justify an order under **6.1.4**, it shall instead:
  - (i) reprimand the building practitioner; or
  - (ii) impose a fine, on the building practitioner.
- (b) A fine imposed under **6.3.6 (a)** is a debt due and payable by the building practitioner to the Government.

**6.3.7 Costs**

Where after an inquiry referred to in section 22, the Building Authority finds in favour of the building practitioner, it may order that all or such part of the building practitioner's reasonable costs in the inquiry, as specified, be paid to the building practitioner, and the State is liable to pay those costs accordingly.

**6.4 Appeal**

- (a) A person aggrieved by an action of the Building Authority under this Code shall, within 30 days after being notified of the action, appeal to the Magistrates Court against the action.
- (b) An appeal under **6.4 (a)** shall be by way of a review of the evidence before the Building Authority and no fresh evidence or fresh information may be given on the appeal unless, in the opinion of the Court, there were special reasons that prevented its presentation to the Building Authority at the inquiry under **6.3**.
- (c) The decision of the Magistrate Court on an appeal under **6.4 (a)** is final and not subject to appeal and the Building Authority shall carry out the directions of the Court resulting from its decision.
- (d) Costs imposed by the Magistrate Court in an appeal under **6.3.7** are a debt due and payable by the party against whom they are awarded to the party in whose favour they are awarded.

**6.4.1 Employer to be advised**

Where:

- (a) a person has not, within the time limited by **6.4 (a)**, lodged an appeal under

that section against an action of the Building Authority; or

- (b) an appeal under that section is dismissed, the Authority shall notify its action to the employer, if any, of the building practitioners to whom it relates and to the professional association, if any, of which the building practitioner is known by the Authority to be a member and shall notify such other persons, and in such manner, as it thinks fit.

## **6.5 Certificates to be displayed**

A building practitioner shall display his, her or its certificate of registration in a conspicuous place at the building practitioner's principal place of business in Guyana.

## **6.6 Building control**

### **6.6.1 Application for building permit**

- (a) An application for a building permit shall be made to the Building Authority through the Director by the owner of the building or the land in or on which the building work is to be carried out or by the owner's agent and be accompanied by the fee prescribed thereof.
- (b) **Clause 1** applies to and in relation to an application for a building permit, and a permit, under this part.

### **6.6.2 Act and building regulations to be complied with**

- (a) The Director shall not grant a building permit unless:
  - (i) the building work and the building permit complies with this Code;
  - (ii) all relevant planning or other prescribed consents, reports or approvals, if any (including consents reports referred to in **Clause 1 (a)**), have been obtained or are to be granted or supplied concurrently with the building permit; and
  - (iii) all planning or other prescribed conditions, if any, will be complied with.
- (b) The Director shall not, in granting a building permit, impose on the applicant lesser standards or requirements than those prescribed, unless permitted to do so by or under this Code.

### **6.6.3 Request for further information**

- (a) If so required by the Director by written notice, an applicant for a building permit shall:
  - (i) furnish the Director, within such reasonable time as may be prescribed by notice, with such information relevant to the application as may be specified in the notice; and
  - (ii) permit the Minister, Director, or members of the Authority, to enter upon and inspect the land to which the application relates.
- (b) If additional information, or a document or an amended application, required under **6.6.3 (a)** is not supplied within the prescribed time, the Director shall treat the application as having lapsed.
- (c) The Director or the Authority shall defer a decision on an application for a building permit until it is satisfied on the matters in respect of which further information is or has been required under the provisions of this Code.

### **6.6.4 Consultation in relation to applications**

- (a) The Director shall consult with any public officer or other person who is to provide information relevant to an application for the granting of a building permit to enable the Director to advise the Minister or the authority, as appropriate, with regard to the application.
- (b) Any public officer or other person such as is mentioned in **6.6.3 (a)**, or his representative, may be invited by the Authority to attend and speak at any meeting called to consider the relevant application.

## **6.7 Building certificates**

### **6.7.1 Passing and rejection of plans**

- (a) Where plans are deposited with the Director, the Director shall pass the plans if he is satisfied on reasonable grounds that:
  - (i) The proposed building work would comply with applicable provisions of the Building Code if the construction or alteration is properly completed in accordance with the plans and specifications; or
  - (ii) the plans, specifications and other construction documents have been prepared by a competent registered building practitioner and the

certificate attesting to compliance with the requirements of the Building Code has been signed by the person responsible for the preparation of the plans, specifications and other construction documents. This shall include all relevant electrical regulations, schematic diagrams, Codes of practice, specifications and procedures.

- (b) If the Director determines that the plans deposited:
  - (i) are defective;
  - (ii) contravene any provisions of the building regulations; or
  - (iii) that there is a failure to comply with the provisions of this Part;he shall refer those plans to the Authority together with his advice thereon.
- (c) If the Director on referring plans in accordance with **6.7.1 (a)** considers that the operation of any requirement contained in building regulations would be unreasonable in relation to that particular case, he may recommend that the Authority relax or dispense with that requirement.
- (d) Building regulations shall provide, as regards any requirement contained in the regulations that **6.7.1 (c)** shall not apply.
- (e) On receipt of any plans on a referral by the Director under **6.7.1 (a)**, the Authority shall reject those plans, or pass them subject to either or both of the conditions set out in **6.7.1 (f)**. If the Authority is advised by the Director in the manner indicated by **6.7.1 (b)**, it may relax or, dispense with the requirements of building regulations mentioned in that recommendation and pass those plans.
- (f) The conditions mentioned in **6.7.1 (e)** above are:
  - (i) that such modifications as the Authority may specify shall be made in the deposited plans; and
  - (ii) that such further plans as they may specify shall be deposited;to bring the plans into conformity with building regulations.
- (g) Any question arising between the Authority or the Director and the person by whom or on whose behalf plans are deposited as to whether:
  - (i) the plans are defective; or



- (ii) the work would contravene the building regulations of this Part; or
- (iii) a relaxation of or dispensing with the requirements of the building regulation ought to have been granted under **6.7.1 (e)**;

shall on the application of that person be determined by the Magistrate, but no such application shall be made unless it is made before the proposed work has been substantially commenced. If the question arising under this subsection is a failure on the part of the Director or the Authority to decide whether the plans deposited are defective, the Magistrate may make an order requiring the Authority to pass or reject the plans within a time to be specified by the Magistrate.

- (h) A person by whom, or on whose behalf, plans have been deposited shall, within sixty days or such extended time as may or any time be agreed by him, be notified by the Director whether those plans are passed or rejected.
- (i) A notice of rejection of plans shall state the defects on account of which, or the building regulation or section of this Act for non-conformity with which, or under the authority of which, the plans have been rejected.
- (j) A notice that plans have been passed shall:
  - (i) if the plans have been passed by the Authority in exercise of any power to relax or dispense with any requirement of building regulations, or this Part, state the requirements of the building regulations or this Part, relaxed or dispensed with; and
  - (ii) in any case that the notice of approval operates as an approval thereof only for the purposes of the requirements of building regulations and this Part, and does not constitute development permission.

### **6.7.2 Issue of building certificate**

- (a) A building certificate issued by the Director under this Code shall:
  - (i) be in writing;
  - (ii) identify the specific items, that are the subject of the certificate, being items not excluded by any limitation on the approval of the Director or of the Review Consultant where engaged;

- (iii) identify the specific provisions of the Building Code with respect to those items certified;
- (iv) be signed by the Director; and
- (v) be accompanied by any relevant project information memorandum.

**6.7.3 Issue of engineering certificate**

- (a) An engineering certificate shall be issued by a registered engineer or review consultant on the prescribed form provided that the engineer or review consultant has prepared or reviewed or supervised the engineering design of the building components and has exercised reasonable care to ensure that the design complies with the standards in the Building Code or with other standards approved by the Authority.
- (b) Where a review consultant considers on reasonable grounds that the plans do not comply with particular items of the building Code, he shall forthwith notify the Director and the owner.
- (c) No review consultant shall issue an engineering certificate in respect of a building in which the review consultant has a professional or financial interest.
- (d) A person shall be regarded as having a professional or financial interest in a building if that person:
  - (i) is or has been responsible for the design or construction of any part of the building in any capacity;
  - (ii) is a partner of, or is in the employment of, a person who has a professional or financial interest in the building; or
  - (iii) is, or any nominee of that person's is, a member, officer, or employee of a company or other body which has a professional or financial interest in the building.

Provided that this paragraph shall not apply to officers or employees of any Government department or agency, territorial authority, or other body that acts pursuant to law for public purposes and not for its own profit.

- (e) For the purposes of this section:
  - (i) A person shall be regarded as having a professional or financial interest in the work even if having that interest only as a trustee for the benefit of some other person.
  - (iii) In the case of married people not living together, the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other.

## **7 Building standards**

### **7.1 Building regulations**

#### **7.1.1 General power**

- (a) Regulations made under **Appendix A** establish standards and requirements for buildings and the carrying out of building work including the qualifications for building practitioners and the use of review consultants for specified building works.
- (b) Standards established by the Regulations shall be expressed in terms of performance, types and material or methods of construction, or in such other terms as the Minister is advised by the relevant competent personnel/authority.
- (c) The Regulations shall apply to existing buildings, whether or not building work is being or is proposed to be carried out on the buildings.

#### **7.1.2 Safety matters**

The Regulations shall provide for matters affecting the safety of existing or proposed buildings, whether or not building work is being or is proposed to be carried out on the buildings and, in particular shall provide for:

- (a) the provision, installation, operation, maintenance and replacement of materials, equipment, services and other items existing or proposed buildings so as to ensure safety;
- (b) the provision, installation, operation, maintenance and replacement of ventilation, lifts, emergency lighting, emergency power, emergency intercommunication systems, fire fighting equipment and other emergency equipment services;

- (c) the prevention of, and precautions against (and in the event of), life threatening emergencies;
- (d) fire prevention and precautions; and
- (e) the provision of certificates as to compliance with any or all of the Regulations.

**7.2 Application of new regulations**

- (a) A regulation or amendment to a regulation does not apply to building work for which a building permit is granted under this Code before the commencement of the regulation or amendment.
- (b) A regulation or amendment to a regulation does not apply to building work in respect of which a review consultant or architect or engineer has certified in writing that substantial progress was made on the design of the building before the commencement of the regulation or amendment.
- (c) Notwithstanding **7.2 (a)** and **(b)**, a review consultant or architect or engineer and the owner of a building shall agree that a regulation or amendment to a regulation is to apply to building work referred to in those sub-sections and it shall apply accordingly.

**7.3 Codes and standards**

- (a) The Regulations shall incorporate by reference, either wholly or in part and with or without modification, any standards, Codes, rules, specifications or methods, as in force at a particular time and as in force from time to time, prescribed or published by an authority or body, whether or not it is a Guyanese authority or body.
- (b) A Code or standard adopted under this section may require anything referred to in the Code or standard to be in accordance with any other Code or standard referred to in the Code or standard so adopted.
- (c) The Director:
  - (a) shall cause a copy of every adopted Code and standard, and every Code or standard referred to in an adopted Code or standard, to be available for inspection by members of the public at the office of the Director, without charge, during normal office hours; and
  - (b) may cause copies of every adopted Code and standard, and every Code

or standard referred to in an adopted Code or standard, or any part of an adopted Code or standard or a Code or standard referred to in an adopted Code or standard, to be available for purchase by members of the public on payment of such charge as the Director requires.

**7.4 Historic buildings**

- (a) Notwithstanding **6.6.2**, the Director shall grant a building permit for the carrying out of building work that does not comply with the Regulations if the building work is to be carried out on, or in connection with, a building designated as historic, or of architectural merit, and is listed in the National Trust Register, and then only subject to such conditions, restrictions or protections, if any, as are imposed by the National Trust of Guyana.
- (b) Any such building permit shall be granted to enable the carrying out of work appropriate to the style, manner of construction and materials of the building.

**7.5 Accreditation of building products**

- (a) The proprietor or the proprietor's agent shall apply to the Authority for the accreditation of any proprietary item, being a material, method of construction, design, or component relating to building work. The Authority shall forward the application to the Guyana National Bureau of Standards (GNBS) for its approval.
- (b) An application made under **7.5 (a)** of this section shall be accompanied by an appraisal complying with **7.5 (c)** and **(d)** of this section and by the fee charged by the Authority or by the GNBS.
- (c) An appraisal shall be a detailed and reasoned technical opinion issued by an appropriately qualified organisation having no proprietary interest in the appraised item.
- (d) An appraisal shall include:
  - (i) a scale drawing and/or a photograph of the article;
  - (ii) description of the object for use and location on the building fabric;
  - (iii) dimensions in metric; and
  - (iv) materials used in the fabrication of the object.

**Appendix A**

**BUILDING REGULATIONS**

**GUYANA**

**BUILDING ACT -  
(No. of -)**

**BUILDING REGULATIONS -  
(Section -)**

Made .....

Coming into operation on .....

Regulation

1. Citation and commencement
2. Interpretation
3. Scope
4. Forms of application
5. Grant or rejection
6. Fees
7. Requirements relating to building operations
8. Mandatory inspections
9. Inspection of work
10. Notice to require pulling down or removal of work
11. Register of applications

Schedules

1. Guyana Building Code
2. Forms
3. Fees





- (5) The Director shall correct or advise an applicant to correct any minor defect or informality in an application or its accompanying drawings and plans at the time when the application is submitted or at any time thereafter before the application is approved by the Director.
- (6) The plans of any proposed work shall not be regarded as having been deposited with the Director until the Director is satisfied that the form of the application is suitable for consideration.
- (7) An application for a building permit shall be submitted to the Director at the same time or during the same period plans are submitted to the Town Planner for development permission, but the Director shall not issue the building permit until the consent has been obtained from the Town Planner and from other Authorities and Agencies required to grant consents for building operations.

*Grant or rejection* **5.**

- (1) After assessing the application, the Director shall issue a grant of building permit or rejection of the building plans on the form appropriate thereto, as set out in Schedule 2.
- (2) If the plans are rejected by the Director, the applicant shall request the Director to place the application and the plans on the agenda of the next meeting of the Authority for its consideration. The Director shall confirm to the Applicant that the application and plans have been placed on the agenda of the Authority.

*Fees*

- 6.** (1) A fee shall be paid in respect of each application for a building permit.
- (2) The fee to be paid is the fee specified in Schedule 3.

*Requirements relating to building operations*

- 7.** (1) Building operations shall be carried out so that they comply with:
  - (a) Drawings and plans submitted under Regulation 4, and for which a building permit has been issued under Regulation 5; and

(b) The requirements contained in Schedule 1, both in respect of the building operations and any structure previously built, of which it forms a part.

*Mandatory inspections*

**8.** (1) As required by the regulations, mandatory inspections of the progress of building operations shall be made by the Director or architect or engineer who shall certify that the building operations are reasonably in accordance with the terms of the building permit.

*Schedule 2*

(2) The Director in issuing a building permit shall attach to it forms of request for inspection as set out in Schedule 2.

*Schedule 1 and 2*

(3) The builder undertaking the building operation shall, in accordance with the requirements laid down in Schedule 1, complete and return the appropriate form in Schedule 2, requesting inspection of the building operations.

*Inspection of the work*

**9.** (1) The owner shall instruct the builder to permit the Director to inspect any building operations in respect of which the building permit has been issued.

(2) Where reasonably required to do so by the Director or to establish if building operations comply with the terms of the building permit, the builder shall uncover work which has been covered prior to inspection and about which the Director had not been advised by the builder so that an inspection could have been made.

*Occupancy certificate*

**10.** (1) When building operations have been completed to the satisfaction of the Director, in accordance with the approved plans and terms of the building permit, he shall issue an occupancy certificate as at Schedule 2.

(2) The builder shall sign and issue the builder's certificate as at Schedule 2 to the effect that he has carried out the building operations in accordance with the approved plans and the terms of the building permit.

*Notice to require pulling down or removal of work*

**11.** A notice requiring the pulling down or removal of work shall be in the form specified in Schedule 2.

*Register of applications*

12. A register of all applications for grant of a building permit shall be kept by the Director.

*Review Consultant*

13. (1) Where the proposed construction is intended for building to which the public will have access or for hazardous or for buildings of the categories listed at (3), the Director shall impose a condition on the Building Permit requiring the applicant to employ a Review Consultant to:

- (i) examine and to assess the plans submitted for the building permit and to provide advice to the owner on the technical problems to be solved in the development of the project; and
- (ii) provide advice to the owner and to the Director during the execution of the works to ensure that the works are being carried out reasonably in accordance with the Code.

(2) The Review Consultant shall be employed for the following projects:

- (i) buildings or structures (or part thereof) of unusual design or method of construction.
- (ii) foundations and structural engineering work for installation of equipment such as elevators, power plants and water and sewage treatment plants.
- (iii) public buildings and other buildings in the following Occupancy Groups:

- Group A: Assembly buildings
- Group B: Business buildings
- Group F: Factory and Industrial buildings
- Group H: High Hazard buildings
- Group I: Institutional buildings
- Group R-1: Hotels and Motels
- Group S: Storage buildings

- (3) For certain other projects such as those listed, the Director may impose the condition requiring the use of a Review Consultant as follows:
  - (i) Major foundations and/or pile driving.
  - (ii) Major site works.
  - (iii) Drainage and waste disposal works for buildings.

*Qualifications of the Review Consultant*

- (4) The Review Consultant shall be an experienced and professionally qualified engineer or architect of the relevant discipline for developments listed at (2) and (3).
- (5) He/she shall be registered as a building practitioner in the relevant category of building practitioners or have the qualifications and experience to permit his/her to so registered.
- (6) The Director shall assess the qualifications and experience of the person proposed by the owner as a Review Consultant and the terms of reference for his/her employment, and if satisfied shall approve the engagement of the person as the Review Consultant for the particular application.

*Responsibility of the Review Consultant*

- (7) The Review Consultant shall:
  - i) review and assess all plans relating to the building and determine whether the plans conform to the requirements of the Building Code at Schedule 1.
  - ii) advise the Director and the owner whether design of the project is in compliance with this Code.
  - iii) during the construction work on the building submit regular progress reports and inspection reports to the Director, if this activity is included in his/her terms of reference, depending on the nature of the work and the

efficiency and staff of the Contractor. Visits could be arranged fortnightly or monthly.

- (iv) at the completion of the construction work, submit a Certificate of Compliance to the Director if he considers that the work was done reasonably in compliance with the Building Permit and the Code.

*Independence of the  
Review Consultant*

- (8) The Review Consultant shall be an independent consulting engineer or architect and shall not have been engaged in any capacity in the development for which he is being engaged as a Review Consultant, and shall have no ties to the applicant, builder or owner which may affect his performance on the project.

**SCHEDULE 1**

**GUYANA**

**BUILDING ACT -  
(No. – of ----)**

**BUILDING CODE**

A person wishing to erect a building or structure, or carry out building operations as defined in the BUILDING ACT 200-, shall comply with such building standards as from time to time be contained in and published by the Government of Guyana as the Guyana Building Code.

**SCHEDULE 2**  
**BUILDING ACT -**  
**(No. – of ----)**  
**BUILDING REGULATIONS**

**INDEX**

1. Inspection Forms (Regulation -)
2. Plans to accompany an Application for Building Permit (Regulation -)
3. Grant of building permit
2. Rejection of grant of building permit
3. Notice to remove or alter work
4. Building application form
5. Details of proposed work
6. Engineering certification
7. Contractors certification
8. Application for occupancy certificate
9. Fire safety consent

Form 1A

GUYANA

BUILDING ACT

(No. – of ----)

BUILDING REGULATIONS -  
Inspection Forms (Regulation -)

Notice No. 1

REQUEST FOR INSPECTION

SETTING OUT

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of the Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....



Form 1B

Notice No. 2

**REQUEST FOR INSPECTION**

**FOUNDATION, EXCAVATION AND PLACING OF REINFORCEMENT**

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....

Form 1C

Notice No. 3

REQUEST FOR INSPECTION

GROUND FLOOR SLAB

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....

Form 1D

Notice No. 4

REQUEST FOR INSPECTION

PLUMBING AND ELECTRICAL ROUGHING IN

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Note: The inspection will be carried out with the Electrical Inspector.

Builder: ..... Date: .....

Form 1E

Notice No. 5

REQUEST FOR INSPECTION  
WALLS, COLUMNS AND BEAMS

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....

**Form 1F**

**Notice No. 6**

**REQUEST FOR INSPECTION**

**ROOF STRUCTURE**

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....

Form 1G

Notice No. 7

REQUEST FOR INSPECTION

COMPLETION

Building Permit No: .....

Building Category: .....

Date of Request: .....

Name of Builder: .....

At least 48 hours notice shall be given to the Director of Building Control at the Building Authority in Guyana and this notice shall be confirmed by telephone at least 24 hours before the inspection is needed.

Builder: ..... Date: .....

Form 2

GUYANA

BUILDING ACT -  
(No. – of ----)

BUILDING REGULATIONS -

---

**PLANS TO BE ATTACHED TO AN APPLICATION FOR A BUILDING PERMIT**  
**(Section -)**

---

An application for a building permit shall be made on a prescribed form. The plans to be attached to the application for a building permit are:

Location Plan: A map to a scale of 1:2500 sufficient to identify the site.

Site Plan: A plan based on the register block plan to a scale of 1:500 or 1:200 showing:

- (a) boundaries of the site;
- (b) position of existing and proposed building or buildings;
- (c) proposed use of each building and of any land not built on;
- (d) area of the site;
- (e) architectural and structural drawings at appropriate scales as follows:
  - (i) plans;
  - (ii) elevations;
  - (iii) cross sections;
  - (iv) structural drawings showing details of all members, including sizes and reinforcing if of reinforced concrete, connections details;

These drawings can be submitted in stages provided the structural scheme has been submitted to the Director.

- (v) roof construction details, including sizes of all members, connections and holding down mechanisms and details.

The scales acceptable for structural design work are:

- (i) 1: 100 for the structural scheme;
- (ii) 1:50 for reinforcing bars detail drawings;

With explanatory sections at 1:50 for the structural scheme and 1:20 for the reinforcing details.

- (vi) plumbing and sanitation arrangements including location and sizes of all fixtures and piping; and
  - (vii) electrical drawings.
- (f) principal materials of construction.

The Director of Building Control shall require you to submit structural and other calculations prepared and signed by a qualified structural or Civil Engineer for review.



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**FOR OFFICIAL USE ONLY**

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<b>Special approvals</b>	<b>Date permission granted</b>	<b>Permit number</b>
Planning permission		
Airport clearance (where required)		
Water extraction		
Historical building		
Other approvals (specify)		

Application number: ..... Receipt no: .....

Building permit fee: ..... Date: .....

Form 3

GUYANA  
BUILDING ACT -  
(No. - of ----)

BUILDING REGULATIONS -

---

GRANT OF BUILDING PERMIT  
(Section -)

---

Application No. ....

To: .....

In pursuance of powers conferred under the above mentioned Act, the Authority/Director hereby GRANTS in accordance with the terms and conditions authorized by the Act a BUILDING PERMIT in respect of the following development:

.....

and as described in your application for a grant of a building permit dated ..... and in the plans and drawings attached thereto, subject to compliance with the relevant statutory provisions and with the following conditions:

.....

.....

The reason(s) for the imposition of the condition(s) is/are: .....

.....

Dated: ..... Signed: .....

Director of Building Authority

Form 4

GUYANA

BUILDING ACT -  
(No. - of ---)

BUILDING REGULATIONS -

Refusal of grant of Building Permit  
(Section -)

To: .....

Application No: .....

In pursuance of powers conferred under the above mentioned Act, the Authority rejects the plans of the following building:

.....

as described in your application dated ..... The plans have been rejected on account of the following defects or non-conformity:

.....

.....

Dated: ..... Signed: .....

Director of Building Authority

1. You may appeal to the against the decision to refuse the grant of a building permit.
2. You may submit an amended or revised application to the Authority. Any such application will be a new application and the appropriate fee will have to be paid at the time the application is submitted.
3. You are advised to discuss any revised or amended proposal for development with the Building Authority before resubmitting an application for a grant of a building permit.
4. All communication relating to this decision shall be addressed to:

The Director of Building Authority  
Guyana

Form 5

GUYANA

BUILDING ACT -  
(No. - of ---)

BUILDING REGULATIONS -

Notice to Remove or Alter Work  
(Section -)

To: .....

Application No: .....

In pursuance of powers conferred under the above mentioned Act the Authority hereby requires you to pull down or remove the following work, which is not in conformity with the Act or Building Regulations, within 28 days of service of this notice:

.....  
.....

Instead you may, if you wish, comply with the following requirements to bring the work in conformity with the Act or Building Regulations:

.....  
.....

Dated: .....

Signed: .....

Director of Building Authority

Notes:

1. Under section ---- of the Act you may appeal against this notice to remove or alter work.
2. You may apply to allow a longer period to remove or alter work.

3. If you fail to remove or alter the work as required by this notice, the Authority, or persons authorised by the Authority, may remove or alter the work and recover from you the expenses in doing so.
4. Any communication concerning this notice should be sent to:

The Director of Building Authority  
Guyana

## SCHEDULE 3

## APPLICATION FEES FOR BUILDING PERMIT

<b>Item No.</b>	<b>Description of Application</b>	<b>Fee</b>
1	Buildings under 100 square meter	
2	Assembly halls, cinemas, churches, stadiums, health facilities, and the like	0.4% of the cost of the building
3	Residential buildings	
	Single family and duplex homes	0.4% of the cost of the building
	Hotels and guest houses of more than 10 guest rooms	0.5% of the cost of the building
	Condominiums of more than 4 units	0.5% of the cost of the building
	Condominiums of less than 4 units	0.45% of the cost of the building
4	Office buildings	0.5% of the cost of the building
5	Copy of an entry in the Register	
6	Application for an official search of Authority records	