



BHUTAN BUILDING REGULATION 2018

Department of Human Settlement
Ministry of Works and Human Settlement
Royal Government of Bhutan

April 2018



དཔལ་ལྷན་འབྲུག་གཞུང་། འབས་རྟོག་ལྷན་ཁག།
ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF WORKS & HUMAN SETTLEMENT
THIMPHU: BHUTAN



April 30, 2018

Foreword

Bhutan's rich natural environment and landscape provide a unique backdrop for a distinct system of traditional architecture. The creativity of the master craftsmen and artisans, with their knowledge of the cultural beliefs and the natural systems, also helped enhance the aesthetics of our cultural landscape. The magnificent Dzongs, serene Lhakhangs and beautiful farm houses together with the surrounding environment produce impressive settlement patterns and systems.

However, the introduction of the 'modern' system of development has adverse impacts on our natural and built environment. Emerging issues include plot fragmentation, incompatible land uses, new methods and materials of construction, excessive use of resources and disturbance of the sanctity of the sacred sites. Therefore, Human Settlement is one of the key sectors of Bhutan's Eleventh Five Year Plan. In establishing and strengthening legal framework for spatial and settlement planning, reviewing of existing rules and regulations were identified as one of the core activities of the Department. The Bhutan Building Rules 2002 (BBR-2002) was framed not only to facilitate and regulate safe building construction but at the same time to promote a healthy living environment. Due to rapid urbanization and changing times particularly with the use of sustainable and efficient use construction technologies, some of the provisions within the BBR- 2002 have either become redundant or inappropriate. Besides, the Rule was applicable only in declared urban areas and rural areas were regulated by Rural Construction Rules 2013. Thus the BBR- 2002 was reviewed and revised to integrate and harmonize the provisions of different rules in a single document.

The revision of BBR-2002, coinciding with establishment of a spatial planning regime, provides opportunity to establish a simplified national system for land use development. This would be based on a two-step process for obtaining regulatory approval to construct and occupy a building, comprising *firstly* planning approval, then *secondly* building approval which is a technical requirement needed to complete the development process.

The *Bhutan Building Regulation 2018* has been framed with the objective to promote settlements that are safe, functional and accessible; to enhance the living standards and the quality of lives of our people and to preserve the natural and cultural landscapes. The Regulation underwent a number of consultative deliberations and the draft copies were also circulated to the local governments for their review and comments. I am very confident of the relevance of this regulation. We must also recognize that the Regulation will require periodic review and update to keep up with the emerging trends. I urge the adoption and implementation of the regulation by all stakeholders in true spirit and intention.

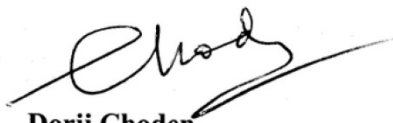

Dorji Choden
Zhabtog Lyonpo

Table of Contents

Chapter 1 - Preliminary	1
Title and commencement	1
Purposes of this Regulation.....	1
Repeal	2
Savings.....	2
Chapter 2: Spatial plans, set-backs and site coverage.....	2
Buildings to be compliant with planning controls.....	2
Spatial Plan to prevail	2
Site coverage – residential building	2
Site coverage – non-residential building.....	2
Cantilevered constructions	2
Basement.....	3
Set-backs – residential building	3
Set-backs – non-residential buildings	3
Chapter 3 – Building Permits	4
Requirement to have a building permit, and to comply with it	4
Exemptions	4
Application for a building permit.....	5
Technical drawings	5
Architectural drawings	6
Structural drawings	6
Electrical drawings.....	7
Plumbing and sanitation drawings	7
Certification of technical drawings	8
Additional information for additions or alterations (electrical installations)	8
Consideration of application and decision	9
Conditions of a building permit	9
Suspension or cancellation of building permit.....	9
Approval after commencement of construction	9
Review by the Review Board.....	10
Chapter 4 – Construction and Demolition of Buildings	10
Notice to neighbours	10
Safety during construction	11
Notification, inspection and directions.....	11
Notification to utilities of demolition.....	11
Power of inspection.....	12
Direction to fix building work.....	12
Stop-work order	12
Demolition of unsafe or unauthorised structures	13
Demolition squad for unauthorised structures.....	13
Plumbing work to be carried out by certified plumbers	13
Repair or installation of sanitary fittings.....	13
Compliance with Code and Rules	13
Electrical work to be carried out by certified electrician	14
Chapter 5 – Occupancy Certificates	14
Offence to occupy without an occupancy certificate	14
Application for occupancy certificate	14
Inspection before issue of occupancy certificate.....	14
Chapter 6 – Continuing responsibilities	15
Scope of this Chapter	15
Building maintenance	15
Complaints from neighbours.....	15

Change of use.....	15
Rehabilitation and demolition of unsafe buildings.....	16
Chapter 7 – Building Code of Bhutan.....	16
Building Code of Bhutan	16
Public access to Building Code.....	16
Incorporation of standards.....	17
Compliance with the Building Code	17
Traditional architecture	17
Chapter 8 – Provisions applying in rural areas	18
Predominant land use	18
Special permission for other land use	18
Developments in existing clustered villages	18
Areas in which construction is not permitted.....	18
Vicinity of sacred sites and structures.....	19
Building orientation	19
Provision of access.....	19
Height limits.....	19
Plot coverage.....	19
Setback requirements	20
Renovation or extension to existing structures.....	20
Water supply and use	20
Waste collection and disposal	20
Parking	20
Recreational facilities.....	21
Chapter 9: Offences and Enforcement	21
Offences	21
Jurisdiction of courts and tribunals	22
Infringement notices	22
Adjustment of infringement notice penalties	23
Sub-standard technical drawings.....	23
Direction by the Ministry	24
Chapter 10 – Miscellaneous	24
Definitions.....	24
Annex	25
Annex 1: Application for Planning Permit.....	26
Annex 2: Application for Building Permit.....	27
Annex 3: Application for Occupancy Certificate.....	28
Annex 4: Acceptance/Refusal of Occupancy Certificate.....	29
Annex 5: Occupancy Certificate.....	30
Chart 1: Procedure for obtaining Planning, Building permit and Occupancy permission.....	31

Building Regulation 2018

In exercise of the power vested by section 300 of the Local Government Act 2009 the Ministry of Works and Human Settlement, being a Ministry responsible for the coordination of Local Governments, makes the following Regulation:

Chapter 1 - Preliminary

Title and commencement

1. This Regulation shall:
 - a) Be called the Bhutan Building Regulation 2018;
 - b) Extend to the whole of Bhutan;
 - c) Come into force on the day on it is approved by the Ministry.

Purposes of this Regulation

2. The purposes of this Regulation are:
 - a) to establish standards for the construction of buildings which are responsive to the needs of the people of Bhutan and consistent with the traditions of Bhutan;
 - b) to ensure that buildings are safe and accessible;
 - c) to provide for the making of the Building Code of Bhutan;
 - d) to recognise diversity in the needs of the people of Bhutan by making special provision for the rural areas of Bhutan;
 - e) to establish procedures and requirements for the effective, transparent and efficient regulation of the construction, maintenance and demolition of buildings, including issuing building permits, monitoring building construction and issuing occupation certificates; and
 - f) to provide for, encourage and facilitate energy efficient housing which is environmentally friendly.
3. For the purposes of this Regulation, the *Bhutanese Architecture Guidelines 2014*:
 - a) are to be taken as expressing the architectural traditions of Bhutan;
 - b) shall be taken into consideration by local government in making decisions about the location and design of buildings.

Repeal

4. Upon enactment of this Regulation, the Bhutan Building Rules 2002 and Rural Construction Rules 2013 shall be repealed.

Savings

5. The offender or violations made prior to the Building Regulation 2018 shall be dealt as per the fines and penalties set under BBR 2002 and Rural Construction Rules 2013.

Chapter 2: Spatial plans, set-backs and site coverage

Buildings to be compliant with planning controls

6. It is an implied condition of a building permit that the building shall comply with applicable Spatial Plans.

Spatial Plan to prevail

7. If there is inconsistency between an applicable Spatial Plan and the provisions of this Chapter, the Spatial Plan has effect.

Site coverage – residential building

8. A residential building:
 - a) shall not have site coverage exceeding:
 - i) the amount set out in the applicable spatial plan; or
 - ii) if there is no applicable spatial plan, 45% of the site; and
 - b) shall conform with set-back requirements, whether or not these limit the site coverage which would otherwise be possible.

Site coverage – non-residential building

9. The maximum permitted site coverage for a non-residential building shall be:
 - a) the amount set out in the applicable spatial plan; or
 - b) if there is no applicable spatial plan, the amount determined by the local government in consultation with the Ministry.

Cantilevered constructions

10. A building may have cantilevered staircases and balconies projecting up to 1.5 metres from the external face of the ground floor, however the projection shall not encroach into the adjacent plot boundaries.
11. A cantilevered room extension shall not cover the septic tanks or soak pits.

Basement

12. A basement may be permitted based on the site conditions but shall not be for any purpose other than parking and services. The basement shall cover same size as the building above and the height shall be maximum of 2.5 meters.

Set-backs – residential building

13. The set-backs of a residential building shall be as per the schedule I of this Regulation.

Schedule I

Building Floors	Set-Backs (Minimum Distance in meters)
Two floors or less	2 meters on three sides and 5 meters on the side accommodating septic tank.
Three floors	3 meters on three sides and 5 meters on the side accommodating septic tank.

14. Two or more habitable structures of two floors or less on the same plot shall have minimum of 4 metres distance between them.
15. Two or more habitable structures of three floors on the same plot shall have minimum of 6 metres distance between them.
16. Set-backs shall provide adequate space for:
- a) vehicular parking;
 - b) septic tanks and soak pits in non-sewered areas.
17. The set-backs area shall be open to the sky.
18. In determining whether a setback area is open to the sky for the purposes of section 17 any cantilevered balcony or staircase shall be disregarded.

Set-backs – non-residential buildings

19. Permissible site coverage of a commercial building shall be within set-back requirements.
20. Cantilevered balconies in a commercial building shall not be permitted on the side of a building facing the main or primary access road.

21. The minimum set-backs for a non-residential building shall be:
 - a) the distance set out in the applicable spatial plan; or
 - b) if there is no applicable spatial plan, the distance determined by the local government in consultation with the Ministry.
22. For minor adjustments to set-backs and coverage not exceeding the requirements set out in this regulation, the committee formed by local government may carry out the feasibility study without compromising on the safety of the structure.

Chapter 3 – Building Permits

Requirement to have a building permit, and to comply with it

23. Any building construction shall not commence without obtaining building permit and must comply with the procedures set under the permit.
24. A person shall not construct, demolish or substantially alter a building unless:
 - a) a building permit authorises that construction, demolition or alteration; or
 - b) an exemption applies, as set out in section 27.
25. A person to whom a building permit has been issued shall comply with the conditions of the building permit.
26. If a person other than the owner of the land on which construction occurs commits an offence against section 24 or 25, the owner of the land is also guilty of an offence.

Exemptions

27. A building permit is not required for maintenance, improvement or alteration of a building which:
 - a) affects only the interior of the building without altering the structural members of the building;
 - b) does not affect the external appearance of the building; and
 - c) does not add built-up area to the building.
28. However, the exemption under section 27 does not apply to a heritage building or a structure in a heritage precinct.

Application for a building permit

29. A person shall apply to the local government for a building permit.
30. An application shall:
 - a) be made by the owner of the land, or by a person who has the authority, in writing, of the owner to make the application; and
 - b) be in the form determined by the local government.
31. An application shall be accompanied by:
 - a) if a planning permit has been issued for the proposed development, a copy of the permit (including any attached plans);
 - b) a site plan drawn to scale, showing:
 - i) the boundaries and dimensions of the plot, set back lines and the access road;
 - ii) levels of the plot, and the location of drains, septic tank and soak pit; and
 - iii) location and dimensions of car parking spaces.
 - c) a layout plan of each floor, elevations of all sides of the building, sections through toilets and staircases, details of doors, windows, traditional cornices, railings/parapet, opening and other methods of ventilation and details of toilet and kitchen;
 - d) technical drawings and related documents, in accordance with section 36;
 - e) if the application is for additions or alterations to an existing structure, the additional information required by section 47; and
 - f) the relevant fee fixed by the Ministry.
32. Drawings submitted with an application shall show the name of the owner, site location, date, revision number, scale and north direction.
33. Drawings shall be legible and drawn to scale. The following minimum scale may be used as reference:
 - a) site plan – 1:500;
 - b) elevation plan/section – 1:100;
 - c) staircase, toilet and kitchen details – 1:50;
 - d) door, window and cornice details – 1:25.
34. The Ministry, by notice, may fix fees for the purposes of section 31 f).

Technical drawings

35. The technical drawings to accompany an application for a building permit shall be prepared in the International System of units (S.I. units) only.

36. The technical drawings to accompany an application for a building permit are:
- a) architectural drawings, in accordance with section 37 and 38;
 - b) structural drawings, in accordance with section 39;
 - c) electrical drawings, in accordance with section 40;
 - d) plumbing and sanitation drawings, in accordance with section 42 and 43;
 - e) at the discretion of the applicant, after consultation with the local government, heating, ventilation and air conditioning (HVAC) drawings.

Architectural drawings

37. Architectural drawings shall comply with the *Bhutanese Architecture Guidelines 2014*.
38. For the purpose of this Regulation, in a locality where uniform front elevation makes it obligatory to construct an arcade, the area covered by the arcade shall be considered as built-up area.

Structural drawings

39. Structural drawings shall include the following:
- a) design calculation notes;
 - b) design codes (listed on the drawing);
 - c) material properties (listed on the drawing);
 - d) assumed soil bearing capacity or soil investigation report (as an attached document);
 - e) details of foundations, including:
 - i) a foundation plan
 - ii) foundation details, including depth of the foundation and plinth level; and
 - iii) in the case of foundations on different levels – retaining details;
 - f) details of beam and slab layout plan of each floor, showing clearly the staircase opening, shaft opening and any other openings and depressions;
 - g) concrete and reinforcement details of foundation, beams, slab, staircase, lintel, cornice, projections, zhu and rabsel, wall and other features;
 - h) truss elevations and connection details showing the holding-down details;
 - i) details and location of separation gaps;
 - j) details of splice locations and splice length for beams, columns, slab and staircase;
 - k) for load-bearing walls – details of plinth band, lintel band and roof band, including vertical bars at corners, opening jambs and wall junctions; and
 - l) the dimensions of all structural members, including:
 - i) anchorage of beam bars in an existing beam – column junction; and

- ii) column ties and beam stirrup details.

Electrical drawings

- 40. Electrical drawings shall include the following:
 - a) single line diagram of the total electrical system, showing the incoming terminal point and distribution network;
 - b) an electrical layout plan, showing the position of light points, power points and any other outlets, switches and a wiring diagram;
 - c) tapping off junctions, switchboards and distribution circuits for power and lighting from SDB and (in the case of multi-phase installations) phase distribution;
 - d) sub distribution boards, showing circuits and load and protection devices;
 - e) for multi-storey buildings - power distribution boards showing floor-wise distribution from the main control board and incoming power line;
 - f) for multi-storey and complex buildings – design calculations;
 - g) for compound electrification work – the following information:
 - i) fixture and fitting specifications;
 - ii) foundation details for support poles and similar structures;
 - iii) terminal box details;
 - iv) the size and type of cables proposed to be used; and
 - v) a single line diagram, showing connections, phase distribution and circuitry.
- 41. The electrical drawings shall include details of telephone connections, showing (by use of symbols and legend) all points, junctions, route ducts and telephone terminal cabinets.

Plumbing and sanitation drawings

- 42. Plumbing and sanitation drawings shall include details as follows:
 - a) kitchen, bathroom and WC outlets;
 - b) the location of the septic tank and soak-pit or sanitary pipe layout to the nearest sewer line, including any manholes;
 - c) drainage layout, showing connection to the nearest storm water drain;
 - d) materials and size of pipe lines; and
 - e) the sewer design, showing compliance with applicable plumbing codes of practice.
- 43. The plumbing and sanitation drawings shall include details of water supply, as follows:

- a) layout plan of the internal plumbing system of each floor, with details of pipe sizes and material;
- b) water meters provided for each dwelling unit;
- c) plumbing design, showing compliance with applicable plumbing codes of practice; and
- d) materials and sizes of pipe lines.

Certification of technical drawings

- 44. Technical drawings shall be signed by the person who prepared them, and shall state the person's name, e-mail address, phone number, address and qualifications.
- 45. Technical drawings shall be prepared by a certified architect or certified engineer, the architect or engineer shall sign them, and endorse them with:
 - a) a signed certification that the documents are compliant with this Regulation and the Building Code;
 - b) his or her name and the date of the endorsement; and
 - c) details of his or her certification.
- 46. Structural drawings for a reinforced cement concrete building in a rural area, must be prepared and certified in accordance with section 45 by a certified engineer.

Additional information for additions or alterations (electrical installations)

- 47. An application for a building permit for additions or alterations to an existing building shall include the following information in respect of electrical installations:
 - a) polarity test results;
 - b) insulation test results;
 - c) earth continuity test results;
 - d) earthing test results;
 - e) capacity, condition and specification of existing spare circuits;
 - f) rating, specification and condition of existing incoming mains control gear;
 - g) composite (existing and proposed) layout plans for all floors.
- 48. Plans submitted under section 47 shall include legends showing:
 - a) type and wattage of fixtures;
 - b) type of SDBs;
 - c) type of PCDs and connected load;
 - d) type of MCBs;
 - e) switches and switchboards;

- f) junction boards.

Consideration of application and decision

- 49. The local government shall consider the application and within 30 days approve or refuse the application.
- 50. If it approves the application, the local government shall issue a building permit to the owner of the land on which the building is to be constructed, demolished or altered.
- 51. If it refuses the application, the local government shall give a statement in writing of the reasons for refusal.

Conditions of a building permit

- 52. A building permit is subject to the following conditions:
 - a) that the building shall be constructed in accordance with the approved plans;
 - b) that a copy of the building permit is to be displayed, visibly to the public, at the construction site from the date of its issue until a certificate of occupancy is issued;
 - c) that the building works shall commence within two years after the issue of the permit, and are to be completed within two years after commencement; and
 - d) any other conditions specified by the local government.

Suspension or cancellation of building permit

- 53. The local government may suspend or cancel a building permit if it appears to the local government that building works are being conducted in breach of:
 - a) this Regulation;
 - b) the Building Code; or
 - c) a condition of the building permit.
- 54. The local government may suspend a building permit under section 53 without prior notice to the owner or holder of the building permit.
- 55. The local government shall give five days' notice to the owner of the land before cancelling a building permit under section 53 and shall consider any written submission made in response to that notice.

Approval after commencement of construction

- 56. If a building has been wholly or partially constructed without a building permit;
 - a) the owner shall apply for a building permit;
 - b) the local government may consider the application and issue a building permit.

57. If the local government issues a building permit under section 56, it may impose conditions relating to inspection, rectification of works and fines and penalties as applicable in section 162 and section 163.
58. A condition under section 57 may include a condition requiring the removal of works and demolition of part or the whole of a building at the cost of the applicant in order to ensure that the building complies with this Regulation.

Review by the Review Board

59. Review board shall be established by the Ministry with Terms of Reference.
60. The Review Board shall accept a request for review from a person:
 - a) whose application for a building permit has been refused in any case where the local government has a discretion to approve or reject the application;
 - b) whose application for a building permit has been approved subject to conditions that are unacceptable to the applicant; or
 - c) who holds a building permit if work under that permit has been suspended or cancelled under section 53.
61. A request for review shall be submitted to the Review Board within 21 working days after the event which gives rise to the right to make the request.
62. Following a hearing, the Review Board may cancel or vary the decision of the local government or dismiss the request.
63. A person aggrieved by a decision of the Review Board may appeal it to the court on a question of law or jurisdiction only.
64. An application for review received by the Review Board shall be rejected by the Chairperson without a hearing if the matter complained of is not within the jurisdiction of the Review Board.

Chapter 4 – Construction and Demolition of Buildings

Notice to neighbours

65. If the Building Code requires that protection work be carried out in respect of an adjoining property before or during the carrying out of building work, the owner shall, before carrying out the building work, serve on the owner of the adjoining property a notice of the proposed building work.
66. The notice must set out details of the proposed building work, setting out the time, duration, location and nature of the building work.
67. The adjoining property owner may notify the local government if the proposed protection work appears to be inadequate.

68. The local government shall consider a notification under section 67 and notify the adjoining property owner of the outcome of its decision.

Safety during construction

69. The owner of the land on which a building is being constructed, altered or demolished shall ensure that:
- a) the work site is closely supervised by an engineer who is experienced in supervision;
 - b) the work site has suitable scaffolding, platforms and nets;
 - c) materials used in the construction comply with minimum standards prescribed by the Building Code;
 - d) suitable signage is provided for workers on site and for members of the public (including drivers and pedestrians) using nearby roads and footpaths;
 - e) workers are provided with suitable safety equipment and clothing, including helmets, safety belts, boots and working gloves;
68. In addition to the other provisions of this regulation, it is the responsibility of all concerned, including government agencies, corporation and private agencies to ensure that the safety aspects at work place shall be in accordance with the *Labour and Employment Act of Bhutan*.

Notification, inspection and directions

69. The owner of land on which a building is being constructed shall notify the local government at each mandatory notification stage.
70. The mandatory notification stages are:
- a) prior to commencement of work;
 - b) prior to pouring of concrete for foundations;
 - c) for multi-storey buildings, prior to commencement of construction of a level of the building;
 - d) on completion of framework;
 - e) final, upon completion of all building work.

Notification to utilities of demolition

71. An owner of a building having service connections such as water, electricity, sewer and other connections, shall notify all the utility agencies concerned prior to demolition of the building.
72. The local government shall not issue a permit authorising the demolition until receipt of clearance from the utility agencies.

Power of inspection

73. A building inspector employed or appointed by the local government may, without notice, inspect a building site.
74. A building inspector shall inspect public properties in the immediate vicinity of the construction site.
75. Any person shall not obstruct or prevent building inspector from inspecting the building construction site.

Direction to fix building work

76. After inspecting building work, if a building inspector believes on reasonable grounds that the building work fails to comply with this Regulation or the building permit, the building inspector may give a written direction to fix the building work.
77. The notice shall be given to the builder or the owner.
78. A direction to fix may require:
 - a) a person to obtain a building permit (if a building permit for the works is not in force);
 - b) to undertake specified building work.
79. A person who is given a direction to fix building work shall comply with the notice.

Stop-work order

80. A building inspector, or a local government on the advice of a building inspector, may direct an owner or other person to stop building work.
81. The order may be made if, in the opinion of the building inspector the building work:
 - a) contravenes this regulation or the building permit;
 - b) is a danger to the life, safety or health of any member of the public or any person using the building, land or place or to any property;
 - c) affects any adjoining property; or
 - d) damages any public properties like roads, footpath, drains, etc.
82. The order shall be in writing, setting out the reasons for the making of the order.
83. The order may be made whether or not a direction to fix building work has been issued.
84. If an order to stop building work is made under this section, the person to whom it is directed must stop the building work except building work carried out in compliance with a direction to fix building work.

Demolition of unsafe or unauthorised structures

85. Subject to section 86, a local government shall demolish the whole or part of a structure if the structure or part of it:
- a) is unsafe and cannot be safely repaired;
 - b) has been the subject of a direction to fix building work, and that work has not been complied with.
86. The local government shall first serve at least two notices before acting under section 85:
- a) a first notice, requiring that the structure (or part structure) be demolished or made safe within 15 calendar days; and
 - b) a final notice, requiring the owner to submit in writing the cause within 5 calendar days, to the satisfaction of the local government, why structure (or part structure) should not be demolished.

Demolition squad for unauthorised structures

87. A demolition squad shall consist of representatives from Implementing Authority, Royal Bhutan Police or any other agencies as directed by the Competent Authority.

Plumbing work to be carried out by certified plumbers

88. A building owner shall not carry out any plumbing work unless the work is carried out by:
- a) a certified plumber; or
 - b) a person who is being trained to become a plumber and is working under the supervision of a certified plumber.
89. Notwithstanding section 88, a person who is not a certified plumber shall:
- a) repair a tap in any dwelling that the person owns and occupies;
 - b) carry out other minor plumbing work of a type approved in writing by the Ministry for the purposes of this Regulation.

Repair or installation of sanitary fittings

90. Work involving repair or installation of sanitary fittings shall be carried out by a licensed plumber.

Compliance with Code and Rules

91. Plumbing shall be carried out in accordance with:
- a) the *Code of Practice for Plumbing*;
 - b) the Water and Sanitation Rules.

Electrical work to be carried out by certified electrician

92. A building owner shall not carry out any electrical work unless the work is carried out by:
- a) a certified electrician; or
 - b) a person who is being trained to become a certified electrician and is working under the supervision of a certified electrician.
93. Notwithstanding section 92, a person who is not a licensed electrician may:
- a) replace fuses or repair lighting in any dwelling that the person owns and occupies;
 - b) carry out other minor electrical work of a type approved in writing by the Ministry for the purposes of this Regulation.

Chapter 5 – Occupancy Certificates

Offence to occupy without an occupancy certificate

94. A person shall not occupy a building:
- a) if an occupancy certificate has not been issued; or
 - b) in contravention of the current occupancy certificate for the building.

Application for occupancy certificate

95. The owner of a building may apply to the local government for an occupancy certificate.
96. An application shall be in the form determined by the local government.

Inspection before issue of occupancy certificate

97. The local government shall inspect the building, and verify that:
- a) the building (or portion) has been constructed in accordance with this Regulation and the building permit;
 - b) the building (or portion) is fit and safe for occupancy;
 - c) septic tanks with soak pits or sewage connections are installed in accordance with the approved drawings;
 - d) construction debris around the building (or portion), abutting road and abutting land has been cleared; and
 - e) the full postal address (house number, street name and zone) are permanently displayed outside the main entrance to the building and, where appropriate, at each dwelling unit, showing the unit number.
98. The local government shall refuse to grant an occupancy certificate if a building permit has not been granted for the building.

99. The occupancy certificate shall be renewed every three years.

Chapter 6 – Continuing responsibilities

Scope of this Chapter

100. This Chapter sets out obligations which apply in respect of all buildings, whether or not under construction.

Building maintenance

101. The owner of a building shall ensure that the building and the compound receives regular maintenance, including painting.
102. A building inspector may, after consultation with a building owner, issue to the building owner a maintenance order.
103. A maintenance order shall:
- a) specify the location of the building;
 - b) describe the nature of the maintenance which is required;
 - c) specify a date by which the notice must be complied with.
104. The owner of a building who is issued a maintenance order shall comply with the order on or before the date specified in the order.

Complaints from neighbours

105. It is an obligation of the owner of a building to act to remedy the cause of a complaint by a neighbour or tenant relating to:
- a) unsatisfactory water supply and sanitary conditions;
 - b) improper or deteriorated electrical wiring;
 - c) improper or deteriorated septic tank or soak pit;
 - d) unsatisfactory surface drains and surrounding environment.
106. An owner who considers that a complaint is not soundly based may consult with a building inspector.
107. If the building inspector considers that a relevant complaint is not soundly based, he or she shall, in writing, notify the owner that compliance with this regulation is not required.

Change of use

108. A person shall not change the use of a building unless the building complies with the requirements of this Regulation and the Building Code applicable to the new use.

109. Notwithstanding section 108, the local government shall exempt a building from compliance of any of this Regulation or of the Building Code applicable to the new use.

Rehabilitation and demolition of unsafe buildings

110. A building owner shall ensure that the building is inspected periodically by a suitably qualified engineer.
111. If the engineer considers that the building is unsafe, the owner shall take action to rehabilitate the building.
112. If the owner fails to take action to rehabilitate the building, the local government may order the owner to demolish the building on or before a specified date.
113. If an owner fails to demolish a building on or before the specified date, the local government may demolish the building, at the risk and at the cost of the owner.
114. In addition to the other provisions of this regulation, it is the responsibility of all concerned, including government agencies, corporation and private agencies to ensure that the disposal of waste produced at construction/demolition site shall be in accordance with the *Waste prevention and Management Regulation*.

Chapter 7 – Building Code of Bhutan

Building Code of Bhutan

115. The Ministry shall make a Code, to be known as the Building Code of Bhutan.
116. The purposes of the Building Code are:
- a) to ensure that buildings are safe and functional;
 - b) to ensure that buildings are constructed with materials that are appropriate for the circumstances in which they are used;
 - c) to provide for inclusive development, with wheel-chair friendly accessibility.
117. The Ministry, by further order, may amend or revoke the Building Code.
118. The Ministry shall publish in a newspaper notice of the making, amendment or revocation of the Building Code.

Public access to Building Code

119. The Ministry shall:
- a) keep copies of the Building Code, incorporating amendments, available at its offices for any person to inspect during office hours free of charge;

- b) make copies of the Building Code available for sale to members of the public for a reasonable price;
 - c) publish the Building Code on its website for free and unrestricted access and download.
120. A local government shall ensure that:
- (a) copies of the Building Code, as it applies in its area, are available for purchase from its offices at a reasonable price;
 - (b) the Building Code, as it applies in its area, is available for download at no charge from its website.

Incorporation of standards

121. The Building Code may incorporate standards, as in force at a time or as in force from time to time, and whether made by the Ministry or by other persons.

Compliance with the Building Code

122. A person who constructs a building in Bhutan after the commencement of this Regulation shall comply with the Building Code, except as otherwise provided in this Regulation.
123. If a person other than the owner of the land commits an offence against section 122, the owner of the land is also guilty of an offence.

Traditional architecture

124. In complying with section 37, the use of local building materials and vernacular architecture shall be promoted.
125. No exposed water storage tanks shall be permitted above the roof line.
126. Exposed toilets, plumbing and waste disposal features shall not be permitted on the side of a building facing the main or the primary access road.
127. The external façade of a reinforced cement concrete construction shall be compatible with existing constructions.
128. Reinforced cement concrete structures that do not blend with, or are not consistent with, the existing village settlement pattern or houses in a clustered village shall not be permitted.
129. Despite the other provisions of this regulation, it is the responsibility of all concerned, including government agencies, corporation and private agencies to implement Bhutanese architecture in accordance with the *Bhutanese Architecture Guidelines 2014*.

Chapter 8 – Provisions applying in rural areas

Predominant land use

130. The predominant land use in rural areas is residential and mixed-use development.

Special permission for other land use

131. Proposals for use other than the predominant land use, irrespective of ownership or the proponent, shall require special approval of the Dzongkhag Administration.
132. The Dzongkhag Administration, may:
- a) consider an application and grant or refuse it;
 - b) refer the application to the Ministry, for its consideration and decision whether to grant or refuse it.
133. Special permission may be granted subject to conditions.
134. Permission shall not be granted under this regulation for a development prohibited under section 135.

Developments in existing clustered villages

135. The following developments are prohibited in existing clustered villages:
- a) hotels and resorts;
 - b) offices;
 - c) polluting factories; and
 - d) group housing, hostels and similar developments.
136. Homestay facilities may be permitted in accordance with the *Guidelines for establishment of Village Homestay*, if they do not exert undue pressure on the resources or social structure of the local community.

Areas in which construction is not permitted

137. Construction shall not be permitted:
- a) in an environmentally sensitive area, or along or obstructing a water course or natural drainage;
 - b) within 15 metres of the edge of a major stream or within 30 metres of the bank or the edge of a river, measured from the highest recorded water level;
 - c) if it would have an adverse impact on the scenic views, the historical and cultural significant attributes of the area or the overall ambience of the traditional settlement.

Vicinity of sacred sites and structures

138. Conditions including restrictions and special requirements, shall be imposed for constructions and site developments proposed adjacent to or in the vicinity of sacred sites and structures such as Lhakhangs and Chortens.
139. In assessing such proposals, consideration is to be given to:
- a) the nature of existing and proposed land uses;
 - b) plot and building layout, access and orientation;
 - c) building scale, proportion and architecture;
 - d) materials and modes of construction; and
 - e) the location of septic tanks, soak-away pits and the drainage system.

Building orientation

140. The layout of new building construction shall follow the orientation of existing houses.
141. In new streets developments, the houses shall face the primary access road.

Provision of access

142. Any plot being earmarked, formed, designated or transacted shall have an access to a road, footpath or walkway clearly marked, irrespective of the transaction.
143. If the provision of vehicular access to a plot is not feasible, the plot shall be connected by a pedestrian access.

Height limits

144. The building height in rural areas shall be maximum of three floors. In the areas of slope of land exceeding 30% gradient the designer shall submit comprehensive design report and shall be accountable for it.

Plot coverage

145. Plot coverage in a rural area shall not exceed 45%.
146. Higher plot coverage may be approved for new construction:
- a) in a clustered village where customary or existing construction rules apply; or
 - b) on the same building plinth as an existing structure that is being removed and re-built upon.
147. The plinth area of a house or building shall be limited to a maximum of 200 m². A proposal exceeding this area shall not be approved except with the concurrence of the Dzongkhag Administration and the Ministry.

Setback requirements

148. The set-back requirements shall be governed by section 13 through 22.

Renovation or extension to existing structures

149. The local government shall ensure that renovation or extension works do not adversely affect structural safety, aesthetics or overall ambience of the structure or of surrounding settlements.

Water supply and use

150. If a proposal for development or construction would require the use of water, a preliminary assessment shall be made for existence, feasibility and adequacy of water supply. The preliminary assessment shall be in accordance with *The Water Act of Bhutan*.

Waste collection and disposal

151. A preliminary study for waste collection and disposal, including the storm water drainage system, shall be carried out prior to approval of an application.
152. All habitable constructions shall have a septic tank and soak-away pit.
153. The design of effluent systems shall ensure that:
- a) no effluent or overflow is discharged into the open private or public grounds, or into roadside drains;
 - b) effluent discharge does not exceed national standards.
154. A proposal for a commercial development shall identify an appropriate system and site for disposal of solid waste generated by the proposed development.
155. The owner and occupier of a building shall ensure that sludge from the septic tank is managed safely.
156. The owner of the building shall ensure that the waste collection and disposal shall be in accordance with the *Waste Prevention and Management Act*.

Parking

157. Provision of parking spaces is mandatory for any construction serviced by a vehicular road or which will generate parking requirements as per section 65 and 66 of Building Code of Bhutan 2018.
158. Parking spaces shall not be constructed within the road right of way.
159. If a construction which is not directly serviced by a vehicular road, the requirement for provision for parking spaces shall be met by suitable parking arrangements.

Recreational facilities

160. The local government shall ensure that existing recreational or open spaces are protected.
161. Consideration shall be given to providing recreational and leisure facilities which may be proposed on government, community or private land in consultation with the authorities and persons concerned.

Chapter 9: Offences and Enforcement

Offences

162. A person who commences building construction without a building permit as required by section 23 of this Regulation is liable for penalties set under:
- a) Payment of 100% of the cost of the deviated construction and regularization of the deviation, if no application was made but the construction is as per the Rules.
 - b) Payment of 50% of the cost of construction and removal of the deviation, if no application was made and the construction is not as per the Rules.
 - c) Payment of 50% of the cost of the deviated construction and regularization of the deviation, if an application was made and the construction is as per the Rules.
 - d) Payment of 25% of the cost of the deviated construction and removal of the deviation, if an application was made but the construction is not as per the Rules.
163. A person who commits an offence against this Regulation for which no other penalty is specified is liable to a penalty as per the schedule II of this Regulation.

Schedule II

Section	Short description of offence	Infringement penalty
12	Use a basement for a purpose other than parking and services	30 days of minimum National Workforce Wage Rate (NWF) wage rate
65	Fail to give notice to neighbours of proposed building work	14 days of minimum (NWF)
69	Fail to notify local government of commencement of a stage of	14 days of minimum NWF at each stage of construction

Section	Short description of offence	Infringement penalty
	construction	
71	Fail to notify utilities of a demolition	14 days of minimum National Workforce Wage Rate
75	Obstruct or prevent an inspection	30 days of minimum NWF wage rate
79	Fail to fix building work as required by a notice	30 days of minimum NWF wage rate
87	Carry out plumbing work, not being licensed or under supervision	Value of work done
91	Carry out electrical work, not being licensed or under supervision	Value of work done
93	Occupy a building without a occupancy certificate or in breach of a condition of an occupancy certificate	Three month's total rental income of the occupied area and 5% of total rental income each day, if the offence continues after the issue of the infringement notice
103	Fail to comply with a maintenance	Value of the cost of the maintenance

Jurisdiction of courts and tribunals

164. Any court or tribunal which may be established by the Royal Government having original jurisdiction shall hear cases under this Regulation.

Infringement notices

165. A building inspector may issue a notice if he or she believes on reasonable grounds that an offence has been committed.
166. A person who has been issued an infringement notice may:
- pay the applicable penalty within 21 days, in accordance with the notice; or
 - notify the local government that the alleged offence is disputed.

167. If a local government receives payment in accordance with section 166 a), no further proceedings may be commenced, nor penalty imposed, in respect of the offence.
168. A local government may prosecute a person for an offence for which an infringement notice has been issued if:
- a) the person fails to pay the applicable penalty in accordance with section 166 a); or
 - b) it receives notification under section 166 b); or
 - c) in the case of a continuing offence, the offence continues for a period of 21 days after the issue of the notice.

Adjustment of infringement notice penalties

169. The applicable penalty specified in section 163 is increased by 50% in the following cases:
- a) if the offence is committed in respect of a proposed industrial or commercial building;
 - b) if the offender or the land owner is a corporation.
170. The Ministry may make an Order adjusting applicable penalties specified in section 163, taking into consideration changes in land values, or prices generally.
171. An Order under section 170:
- a) shall be published on the Ministry's website, and notified in writing to local governments;
 - b) shall be made not sooner than two years after the making of this Regulation or the making of the most recent Order under this regulation (whichever is more recent).

Sub-standard technical drawings

172. A local government shall take disciplinary action if:
- a) technical drawings submitted with a building permit application have been signed by a certified architect or engineer; and
 - b) it appears that the drawings are erroneous, misleading or do not meet the quality standards which are appropriate for a certified architect or engineer (as the case requires).
173. The disciplinary action shall be:
- a) if there is a disciplinary body with responsibility for the conduct of certified architects or certified engineers (as the case may be) – referring details of the case to that body;

- b) otherwise – barring the person from submitting technical drawings in support of building permit applications for a period of not more than five years.
174. Before taking action under section 173, the local government shall notify the person and give the person opportunity to make submissions to it about the case.

Direction by the Ministry

175. If, after due inquiry, the Ministry considers that a local government or building inspector has not satisfactorily carried out any function conferred by this Regulation, the Ministry may, by order, direct the local government or building inspector to carry out the function within a specified time.
176. If a function is not carried out to the satisfaction of the Ministry within the time specified, the Ministry shall:
- a) make any further order that the Ministry considers necessary to secure the satisfactory carrying out of the function; or
 - b) authorise any person to carry out the function, at the expense of the local government.

Chapter 10 – Miscellaneous

Definitions

177. In this Regulation, unless the contrary intention appears:
- Building Code** means the Building Code of Bhutan made under section 115 as amended and in force from time to time;
- Building permit** means a permit issued under section 50 authorising demolition, construction or alteration of part or the whole of a structure;
- Building inspector** means a person employed or appointed by a local government to be a building inspector for the purposes of this Regulation;
- Basement** means the floor below the ground level;
- Certified architect** means a person who is authorised to work as an architect in Bhutan;
- Certified electrician** means a person who is authorised to work as an electrician in Bhutan;
- Certified engineer** means a person who is authorised to work as an engineer in Bhutan;
- Certified plumber** means a person who is authorised to work as a plumber in Bhutan;
- Person** means any individual, government agency, partnership, corporation, organisation, enterprise, or other legal entity whether public or private and successor, representative, or agent of one of them;

Day, in respect of a period of five days or less, means a day other than a public holiday, Saturday or Sunday.

Review Board means a board of that name constituted by the Ministry for the purpose of this Regulation;

Electrical work means work involving building wiring, repair or installation of electrical wiring in a building.

Local government means a local government under the *Local Government Act 2009*;

Ministry means the Ministry of Works and Human Settlements or a successor ministry responsible for human settlements in the Kingdom;

Electrical work means work involving the electrical wiring of a building;

Plumbing work means work involving systems for conveying fluids within, to or from a building;

Rural area means any area or settlement outside the declared municipal boundary. It includes the semi- and peri-urban areas that lie immediately outside the municipal boundary;

Set-back means the distance between the plot boundary and building or the distance between the buildings;

Spatial plan has the same meaning as in the *Spatial Planning Act*;

Technical drawings means the drawings and related documents referred to in section 36;

Continuing offence means an offence which continues after the issue of the infringement notice;

Annex

178. All the related application forms in the annex shall be put under the respective local government's letter head. The forms provided are for guidance only and wherever necessary additional information may be added.

APPLICATION FOR PLANNING PERMIT*(Please type or write in clear block letters, use additional sheet if necessary)***1. Date Filed:****2. Name of applicant:****3. Sex:** Male () Female: ()**4. Citizenship Identity Card No.:****5. Address:****6. Contact details:** Phone No.:

E-mail address:

Passport Size Photo**7. Following documents shall be submitted:**

- i. Copy of the latest Lag Thram/ Land Ownership Certificate
- ii. Copy of Planning Certificate (only in planned areas)
- iii. 2 sets (A3/A4) site plan showing the (one set referral to the other agencies):
 - a. The boundaries and dimensions of the plot, set-back lines and the access road
 - b. Levels of the plot, and the location of drains, septic tank and soak pit
 - c. Location and dimensions of existing buildings, trees and car parking spaces.
- iv. Certificate of the designer.

8. Declaration to be signed by the applicant:

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date: Signature:

For official use only

Noting of the dealing officer with regard to land holdings, building construction, etc.

Recommended () Not recommended ()

Permit No. :Date Issued.....

(Note: Permit expires if the work is not started within two years after the issuance of the permit or two years from last inspection)

Name & Signature of the Dealing Officer:

.....

Name & Signature of approving authority

.....

APPLICATION FOR BUILDING PERMIT*(Please type or write in clear block letters, use additional sheet if necessary)*

1. **Date Filed:**
2. **Name of applicant:** Passport Size Photo
3. **Sex:** Male () Female: ()
4. **Citizenship Identity Card No.:**
5. **Address:**
6. **Contact details: Phone No.:**
E-mail address:
7. **Construction Type/Building use:**
8. **No. of Floor/floors:**
9. **Following documents shall be submitted:**
- i. 2 sets (A3/A4) of architectural, structural, electrical, water supply and sanitation drawings duly signed by the designers.
 - ii. Copy of the latest Lag Thram/ Land Ownership Certificate
 - iii. Copy of latest site plan
 - iv. Copy of planning permit
 - v. Certificate of the designers

10. Declaration to be signed by the applicant:

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date: Signature:

For official use only

Noting of the dealing officer with regard to land holdings, building construction, etc.

Recommended () Not recommended ()

Permit No. : **Date Issued**

(Note: Permit expires if the work is not started within two years after the issuance of the permit or two years from last inspection)

Name & Signature of the Dealing Officer:

.....

Name & Signature of approving authority

.....

APPLICATION FOR OCCUPANCY CERTIFICATE*(Please type or write in clear block letters, use additional sheet if necessary)*

To

.....

Sir/Madam,

I hereby certify that the addition/ alteration/ construction of building on Plot/Thram No.
on.....Lam in..... has been completed on
, according to the approved building plan/ drawings, vide building permit no.
 dated.....

The work has been completed to our best satisfaction. Workmanship and all the materials have been used strictly in accordance with the approved documents/ drawings and relevant standards, codes of practice and specifications, relevant rules and regulations. The building is fit for use for which it has been added /altered/ constructed. The necessary 'Occupancy Certificate' may be issued.

Signature of the Owner:

Name & Address:

Contact No.:

E-mail address:

Date:

ACCEPTANCE/ REFUSAL OF OCCUPANCY CERTIFICATE

To,

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

Sir/Madam,

With reference to the application datedregarding the
addition/ alteration/ construction of building on plot/Thram No.in
street/ Lam.....inDzongkhag/ Thromde has been
inspected on date and found that the building is **fit** () **or not fit**
() for occupation.

Instruction / Remarks (if any):

Signature of the approving authority

Official Seal

Dated:

OCCUPANCY CERTIFICATE

This is to certify that the structure has been built in accordance with the approved drawings.
The structure is therefore deemed fit for occupancy for the specified approved use only.

Name of the owner:	Building type:
Plot no. :	No. of floors:
Thram no. :	Plot coverage:
Designated precinct:	Registered Area:
Location:	
Flat type	No. of units/floors
Date of final inspection:	
Remarks (if any):	

No changes of use or occupancy shall be made unless a new amended certificate is obtained.
The certificate is valid only for 3 years from the date of issue and must be renewed every three years.

Signature of Dealing Officer

Signature of Approving Authority

Chart 1: Chart showing procedure for obtaining planning, building permit and occupancy permission

