

The Building Act, 2055

Date of Authentication and Publication

2055.3.18 (2 July 1998)

Amendments

1. The Building (First Amendment) Act, 2064 (2007) 2064.5.14
(31 August 2007)
2. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066 (2010) 2066-10-7
(21 Jan. 2010)

Act Number 2 of the Year 2055 (1998)

An Act made to provide for the regulation of building construction works

Preamble: Whereas, it is expedient to make necessary provisions for the regulation of building construction works in order to protect building against earthquake, fire and other natural calamities, to the extent possible;

Now, therefore, be it enacted by Parliament in the Twenty Seventh year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short Title and Commencement:** (1) This Act may be called as the "the Building Act, 2055 (1998)."
(2) This Act shall come into force on such area and on such date as the Government of Nepal, by a Notification in the Nepal Gazette, appoint.¹
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

¹ It came into force on 2062.11.1 in the specified area as appointed by a notification in the Nepal Gazette, dated 2062.11.1

- (a) "building" means any physical structure made for residential, industrial, trade, office, convention centre, cold storage, warehouse purposes or other uses, and this term also includes any part of such a structure,
- (b) "building code" means the national building code approved by the Government of Nepal pursuant to Sub-section (2) of Section 9,
- (c) "building construction" means building a new building, reconstructing an old building by demolishing it, adding a storey, changing frontage or add or alter a window, door, veranda, balcony, yard in an existing building or other works pertaining thereto,
- (d) "committee" means the building construction provision consolidating committee formed pursuant to Section 3,
- (e) "design" means all drawings, specifications and other documents relating to building construction,
- (f) "Municipality" means a municipality formed pursuant to the prevailing law, and this term also includes a municipal corporation and sub-municipal corporation,
- (g) "government body" means a Ministry, Secretariat, Department and office of the Government of Nepal and this term also includes a Commission, Council and Committee formed pursuant to the prevailing law,
- (h) "Urban Development Office" means the Urban Development and Building Construction Office.²

3. **Formation of Building Construction Management Upgrading (Consolidation) Committee:** (1) The Government of Nepal shall form

² Amended by the First Amendment.

a Building Construction Management Upgrading (Consolidation) Committee for the consolidation of building construction works.

(2) The committee as referred to in Sub-section (1) shall consist of the following chairperson and members:

(a) Secretary, Ministry of Physical Planning and Works	-Chairperson
(b) Representative, National Planning Commission	-Member
(c) ³ Representative, Ministry of Law, Justice and Parliamentary Affairs	-Member
(d) Member- secretary, Nepal Quality Standards Council	-Member
(e) Dean, Engineering Institute	-Member
(f) ⁴ Joint Secretary, Ministry of Local Development (responsible for affairs of municipalities)	-Member
(g) Chief, Research Center for Applied Science and Technology	-Member
(h) A maximum of three person nominated by the Government of Nepal from amongst the person who have special knowledge on building construction	-Member
(i) ⁵ Director General, Department of Urban Development and Building Construction	Member-secretary

³ Amended by the First Amendment.

⁴ Amended by the First Amendment.

(3)⁶

(4) If the committee considers necessary, it may invite any concerned native or foreign expert or any other person to its meeting as an observer.

(5) The Department of Urban Development and Building Construction⁷ shall act as the secretariat of the committee.

4. **Functions, Duties and Powers of Committee:** The functions, duties and powers of the committee, in addition to those mentioned elsewhere in this Act, shall be as follows:

- (a) To regulate building construction works in order to minimize the possible loss to buildings from earthquake, fire and other natural calamities.
- (b) To formulate a building code in order to regulate building construction works and submit it to the Government of Nepal for approval,
- (c) To do, or cause to be done, necessary study and research in order to make timely reforms in the building code or to develop process or technology related with building construction,
- (d) To inquire into whether approval of designs has been made in consonance with the standards set forth in the building code,⁸
- (e) To make recommendation to the Nepal Quality Assurance Council to determine the quality of native or foreign materials related with building construction,
- (f) To hold, or cause to be held, assemblies or symposia, also involving technical experts and employees in the concerned bodies

⁵ Amended by the First Amendment.

⁶ Deleted by the First Amendment.

⁷ Amended by the First Amendment.

⁸ Amended by the First Amendment.

for making timely resolution of problems coming across in the course of the implementation of the building code,

- (g) To give information through various means to the general public about the utility of the building code,
- (h) To perform, or cause to be performed, such other functions as may be necessary to implement the objects of this Act.

5. **Meeting and Decision of Committee:** (1) The committee shall hold its meeting at such venue, time and date as appointed by the chairperson of the meeting, as per necessity.

(2) The member-secretary of the committee shall give a notice accompanied by the agenda of the meeting to all members in advance of at least Three days of the meeting.

(3) The presence of Fifty percent members of the total number of members of the committee shall be deemed to constitute a quorum for a meeting of the committee.

(4) The meeting of the committee shall be presided over by the chairperson of the committee, and by the person selected by the members from amongst themselves, in the absence of the chairperson.

(5) A majority opinion shall prevail at the meeting of the committee. In the event of a tie, the chairperson may exercise the casting vote.

(6) There shall be maintained minutes of each meeting of the committee, and such minutes shall record the names of attending members, matters discussed at and decisions made by the meeting and be signed by the attending members.

(7) The decisions of the committee shall be authenticated by the member secretary of the committee.

(8) Other procedures relating to the meeting of the committee shall be as determined by the committee itself.

6. **Power to form Sub-committees:** (1) The committee may, in order to perform or cause to be performed, any function to be performed by it, form various sub-committees, also consisting of concerned experts, as required.

(2) The functions, duties and powers of the sub-committees formed pursuant to Sub-section (1) shall be as prescribed.

7. **Meeting Allowance:** The members of the committee and the sub-committees formed pursuant to Section 6 and invitees shall be entitled to such meeting allowance, for their participation at the meeting, as may be prescribed by the Government of Nepal.

8.⁹ **Classification of Buildings:** For the purpose of the formulation and implementation of the building code, the buildings shall be classified into the following Four categories.

(a) **Category "A":** Modern building to be built, based on the international state-of-the-art, also in pursuance of the building codes to be followed in developed countries.

(b) **Category "B":** Buildings with plinth area of more than One Thousand square feet, with more than Three floors including the ground floor or with structural span of more than 4.5 meters.

(c) **Category "C":** Buildings with plinth area of up to One Thousand square feet, with up to Three floors including the ground floor or with structural span of up to 4.5 meters.

⁹ Amended by the First Amendment.

(d) **Category "D"**: Small houses, sheds made of baked or unbaked brick, stone, clay, bamboo, grass etc., except those set forth in clauses (a), (b) and (c).

9. **Building Code to be got Approved**: (1) The committee shall prepare a building code, also based on the classification of building categories set forth in Section 8, and submit it to the Government of Nepal, Ministry of Physical Planning and Works for approval.

(2) The building code submitted pursuant to Sub-section (1) shall come into force after being approved by the Government of Nepal, Ministry of Physical Planning and Works.

10. **Buildings to be built in consonance with Building Code**: Any person, body or government body shall, in making a building, build it in consonance with the standards set forth in the building code. In so making a building, the building shall be built under the supervision of a designer or his/her representative, engineer or architect whose rank is at least the same as that of the designer, engineer or architect who has certified the map and design of that building.¹⁰

11.¹¹ **Provisions relating to Design and Approval of design/map of building**: (1) A person, body or government body who desires to build a building of Category "A", "B" or "C" as set forth in Section 8 within the municipal area shall, in making an application to the municipality for approval in accordance with the prevailing law to build the building, attach the map and design with the application.

(2) A person, body or government body who desires to build a building of Category "A" or "B" as set forth in Section 8 within the area of the Village Development Committee where this Act has come into

¹⁰ Amended by the First Amendment.

¹¹ Amended by the First Amendment.

force shall prepare the map and design of the building and get the same to be approved by the Housing Development Office.

Provided that, in the case of a building of Category "C", in making an application for design approval, pursuant to the prevailing law, a design/map conforming to the building code.

(3) The map and design submitted pursuant to Sub-section (1) or (2) shall have to be certified by the following person that they are in conformity with the building code:

- (a) In the case of a building of Category "A" set forth in Section 8, the concerned designer,
- (b) In the case of a building of Category "B" set forth in Section 8, a civil engineer or architect,
- (c) In the case of a building of Category "C" set forth in Section 8, a person who has passed at least certificate level in civil engineering or architect from a recognized educational institute.

12.¹² **Prohibition on approving Design/Map contrary to standards:** (1)

The municipality shall not approve a design/ map as to be contrary to the standards set forth in the building code.

(2) The Urban Development Office may make necessary inquiry into whether the municipality has approved designs/maps in accordance with the building code or not.

(3) If, in making inquiry pursuant to Sub-section (2), it appears that any municipality has approved designs/maps in a manner to be contrary to the building code, the Urban Development Office shall submit a report thereof to the committee.

¹² Amended by the First Amendment.

(4) If, upon examining the report received pursuant to Sub-section (3), it seems to be reasonable, the committee shall write to the concerned municipality to approve the designs/maps in consonance with the building code.

(5) If it is so written pursuant to Sub-section (4), the concerned municipality shall approve the designs/maps in consonance therewith.

13. **Power to supervise Building Construction:** (1) In the case of within the municipal area, the municipality, and in the case of within the village development area, the Urban Development Office may make supervision whether any person, body or governmental body has built a building in consonance with the standards prescribed by the building code or not.

(2) If, in making supervision pursuant to Sub-section (1), the municipality or the Urban Development Office, as the case may be, finds that any building is not in consonance with the standards prescribed by the building code, it may give necessary directive to the concerned person, body or governmental body, and it shall be the duty of the concerned person, body or governmental body to abide such a directive.

14. **Punishment:** ¹³(1) If any person or body builds a building without getting its design approved pursuant to this Act or in a manner to be contrary to such an approved design or the standards set forth in the building code, in the case of within the municipal area, the municipality, and in the case of the village development area, the Urban Development Office shall give order to immediately stop such construction.

¹⁴(2) If any person or body builds a building without getting its design approved pursuant to this Act or in a manner to be contrary to such an approved design or the standards set forth in the building code, the

¹³ Amended by the First Amendment..

¹⁴ Amended by the First Amendment.

municipality or the Urban Development Office, as the case may be, may order to demolish such a building or any part thereof and also fine the person or body doing such construction with a sum not exceeding Fifty Thousand Rupees.

(3) If the municipality or the Urban Development Office, as the case may be, make an order to demolish a building or any part thereof pursuant to Sub-section (2), the municipality or the Urban Development Office, as the case may be, shall write to the concerned officers to withhold the transfer of the title to, or mortgage such, a property to any person in any manner, to refrain from distributing water supply, electricity, telephone etc. to the building so build and to cut off such water supply, electricity, telephone line etc. if already distributed, and the concerned offices shall also do accordingly as requested.

15. **Appeal:** A person who is not satisfied with an order made by the municipality or the Urban Development Office pursuant to Sub-section (2) may make an appeal to the concerned Court of Appeal within Thirty Five days of the receipt of the order.
16. **To recover expenses incurred in Demolition of Building:** (1) If an order is made to demolish any building or any part thereof pursuant to Sub-section (2) of Section 14, the concerned person, organization or governmental body shall demolish such a building or any part thereof within Thirty Five days after the date of decision made by the Court of Appeal to demolish such a building or any part thereof where an appeal has been made pursuant to Section 15 against such an order and within Thirty Five days after the date of expiration of the time-limit for making appeal where no appeal has been made.

(2) If the concerned person, organization or governmental body does not demolish such a building or any part thereof within the time-limit

referred to in Sub-section (1), the municipality or the Urban Development Office itself may demolish such a building or part thereof, and the expenses incurred in such demolition shall be recovered from the concerned person or organization as a government due.

(3)¹⁵ If, in demolishing a building or any part thereof by the municipality or the Urban Development Office pursuant to Sub-section (2), more part than that to be demolished is demolished despite possible effort, the municipality or the Urban Development Office shall not be responsible for the same, and the concerned person shall not be entitled to claim for compensation for any loss caused from the demolition of more part than that to be demolished.

(4)¹⁶ In demolishing a building or any part thereof pursuant to Sub-section (2), the Urban Development Office shall do so in presence of the chairperson, vice-chairperson of the concerned Village Development Committee or the concerned ward chairperson, and if they are not available or do not appear, in presence of the secretary of the Village Development Committee and of at least four local residents even if the secretary does not appear.

18.¹⁷ **Notice to be Published:** (1) The Government of Nepal shall publish a notice of enforcement of the building code in the Nepal Gazette for the information of the general public.

(2) Upon the publication of a notice pursuant to Sub-section (1), a person who desires to obtain a copy of the building code may obtain the same from the Urban Development Office by paying the prescribed fee.

19. **Delegation of authority:** The Board may, as required, delegate any of the powers conferred to in pursuant to this Act to the members of the

¹⁵ Amended by the First Amendment.

¹⁶ Inserted by the First Amendment.

¹⁷ Amended by the First Amendment.

Board or any sub-committee formed pursuant to Section 6, governmental bodies, municipality, Urban Development Office or any other officer employee.

20. **Power to give Direction:** (1) The Government of Nepal may give necessary direction to the Board in relation to the formulation and enforcement of the building code.

(2) It shall be the duty of the Board to abide by the direction given by the Government of Nepal pursuant to Sub-section (1).

21. **This Act to Prevail:** The matters set forth in this Act shall be governed by it and the other matters shall be governed by the prevailing laws.

22. **Power to frame Rules:** The Government of Nepal may frame necessary Rules to implement the objectives of this Act.