

ACT
of 7 July 1994
BUILDING LAW

(Dziennik Ustaw 2000, No. 106, item 1126 with subsequent amendments: Dziennik Ustaw 2000, No. 109, item 1157, No. 120, item 1268; 2001, No. 5, item 42, No. 11, item 1085, No. 110, item 1190, No. 115, item 1229, No. 154, item 1800; 2003, No. 80, item 718; 2004, No. 6, item 41, No. 92, item 881, No. 93, item 888; 2005, No. 113, item 954, No. 163, items 1362 and 1364, No. 169, item 1419; 2006, No. 12, item 63)

(Excerpts)

Chapter 1. General Provisions

Article 1. The Act – Building Law, hereinafter referred to as “the Act”, shall regulate the activity which consists in design, construction, maintenance and demolition of building objects and govern the rules of activity of the public administration authorities in these areas.

Article 2. 1. The Act shall not apply to mining workings.

2. The provisions of this Act shall not prejudice other separate provisions, in particular those of:

- 1) Geological and Mining Law – with regard to the building objects of mining plants;
- 2) Water Law – with regard to water facilities;
- 3) on protection of monuments and preservation of monuments – with regard to objects and areas entered into the register of monuments and objects covered by monument conservation protection pursuant to the local spatial development plan.

Article 3. Whenever the Act refers to the following:

- 1) building object – it shall mean:
 - a) a building together with technical installations and facilities,
 - b) a structure being a technical and usable object together with installations and facilities,
 - c) a small architectural object;
- 2) building – it shall mean such a building object which is permanently connected to the ground, separated in spatial terms by means of building partitions and has foundations and a roof;
 - 2a) single-family residential building – it shall mean a detached building or a semi-detached building, terraced building or building within a group, which serves to satisfy housing needs, constitutes an independent constructional unit and in which it is admissible to isolate not more than two living accommodations or one living accommodation and business premises whose total area does not exceed 30% of the total area of the building;
 - 3) structure – it shall mean any building object which is neither a building nor a small architectural object, such as: airports, roads, railroad, bridges, trestle bridges, tunnels, technical facilities networks, free-standing aerial masts, free-standing advertising structures permanently connected to the ground, earthen structures, defence fortifications, protection structures, hydraulic engineering structures, reservoirs, free-standing indus-

trial installations or technical facilities, sewage-treatment plants, waste dumping sites, water treatment plants, back-up structures, pedestrian subways and pedestrian bridges, land technical infrastructure networks, sports structures, cemeteries, monuments, as well as building elements of technical facilities (boilers, industrial furnaces and other facilities) and foundations for installations of machinery and facilities, as separate technical components of objects constituting a utility whole;

4) small architectural objects – it shall mean objects of small dimensions, in particular the following:

a) objects for religious worship, such as: shrines, roadside crosses and religious statues,

b) monumental statues, waterworks and other objects of garden architecture,

c) utility objects for the purpose of everyday recreation and maintenance of order, such as: children's sand-pits, swings, wall-bars and household rubbish disposal cubicles,

5) provisional building object – it shall mean building objects for temporary use during a period of time shorter than their technical durability, designated to be moved to another location or demolished, as well as building objects which are not permanently connected to the ground such as: rifle-ranges, street kiosks, street pavilions and exhibition pavilions, tent shells and pneumatic covers, entertainment devices, mobile barracks and containers;

6) construction – it shall mean carrying out the construction of a building object on a specified building site, as well as reconstruction, expansion, superstructure of a building object;

7) construction work – it shall mean construction, as well as the work which consists in rebuilding, assembling, overhaul or demolition of a building object;

8) overhaul – it shall mean carrying out building work in an existing building object with the objective of reconstruction of the original state of the object rather than its current maintenance, however, the use of building products other than those originally used shall be admitted;

9) building facilities connected to a building object – it shall mean the technical facilities connected to the building object, owing to which the object may be used according to its designation, such as terminals and installation devices, including those for waste treatment or storage, as well as crossings, fencing, parking lots and locations for the household rubbish disposal cubicles;

10) building site – it shall mean the place where the construction work is carried out, including the background used for building supplies;

11) the right to dispose of the real estate for building purposes – then it shall mean the legal title under the right of ownership, perpetual usufruct, management, limited property right or relation resulting from an obligation which provides for the right of performance of construction work;

12) building permit – it shall mean an administrative decision authorising the commencement and carrying out the construction or construction work other than the construction of a building;

13) building documentation – it shall mean the building permit with the enclosed documents: building design, building log, final and partial acceptance records and, if necessary, the plans and descriptions of the construction of a building object, geodetic data and a survey book, and in the case of construction of an object by means of assembling, also the erection work log;

14) as built documentation – it shall mean the building documentation with modifications introduced during the progress of construction work and post-construction surveying taken following the completion of construction;

15) closed area – it shall mean a closed area referred to in the provisions of the geodesic and cartographic law;

16) repealed;

17) competent authorities – it shall mean the architectural and building administration authorities and building supervision authorities, according to their competencies described in Chapter 8;

18) repealed;

19) professional self-government body – it shall mean the bodies specified in the Act of 15 December 2000 on Professional Self-Governments of Architects, Civil Engineers and Town Planners (Dziennik Ustaw 2001, No. 5, item 42);

20) area affected by the object – it shall mean the area delimited in the surroundings of the building object pursuant to separate provisions, which introduce limitations to the development of this area connected with the said object;

21) repealed.

Article 4. Everyone shall have the right to develop land real estate if he demonstrates the right to dispose of the real estate for building purposes, on condition of conformity of the building intention to the provisions of law.

Article 5. 1. The building object and the building facilities connected thereto shall be designed and built, taking into account the anticipated period of use, in the manner specified in the relevant provisions, including technical and building regulations and principles of technical knowledge, in order to secure:

1) fulfilment of basic requirements concerning:

a) safety of structure;

b) fire safety;

c) safety of use;

d) appropriate hygienic and sanitary conditions and environmental protection;

e) protection against noise and vibration;

f) energy saving and appropriate thermal insulating power of partitions;

2) operating conditions in accordance with object designation, particularly within the scope of:

a) water and electricity supply and, where necessary, supply of heating and fuel, assuming that these factors are used efficiently;

b) disposal of sewage, precipitation waters and waste products;

3) ability to maintain proper technical condition;

4) necessary conditions for use of public utilities and multi-family housing quarters by disabled persons, and in particular persons using wheelchairs;

5) conditions of work safety and hygiene;

6) protection of people in accordance with civil defence requirements;

7) protection objects entered into the register of monuments and objects covered by monument conservation protection;

8) proper location on the building plot;

9) respect for reasonable interests of third parties occurring on the area affected by the object, including securing access to a public road;

10) conditions of safety and protection of health of persons staying on the building site.

2. The building object shall be used in the manner consistent with its designation and environmental protection requirements, and their appropriate technical condition and outward appearance shall be maintained, protecting it against excessive deterioration of its utility and technical efficiency, in particular in the scope connected with the requirements referred to in paragraph 1, subparagraphs 1 to 7.

Article 5a. 1. In the event of construction of roads or utilities whose routes have been determined in the local plan of spatial development and performance of other construction work concerning roads and utilities, when the number of parties to the proceedings exceeds 20, the provision of Article 49 of the Code of Administrative Procedure shall apply.

2. The provision of paragraph 1 shall not apply to the investor and owners, perpetual usufructuaries and administrators of real estate if work is or will be performed on the said real estate.

Article 6. In case of building plots or land which is designated for construction of building objects or functionally linked complexes of building objects, a proper land development design shall be designed, pursuant to the requirements of Article 5, completed prior to the consigning those objects (complexes of objects) for use and maintenance of the said development in a proper technical and utility condition shall be secured throughout the existence of the building objects (complexes of building objects).

Article 7. 1. The technical and building regulations shall comprise the following:

1) technical specifications for building objects and their location, taking into consideration the requirements referred to in Article 5;

2) technical specifications for using building objects.

2. The specifications referred to in paragraph 1, subparagraph 1 shall, by regulations, be defined by:

1) the minister competent for building industry, spatial economy and housing, for buildings and facilities connected thereto;

2) competent ministers, upon consultation with the minister competent for building industry, spatial economy and housing, for building objects, not mentioned in subparagraph 1.

3. The specifications mentioned in paragraph 1, subparagraph 2 may, by regulation, be determined by:

1) the minister competent for building industry, spatial economy and housing, for residential buildings;

2) competent ministers, upon consultation with the minister competent for building industry, spatial economy and housing – for other building objects.

Article 8. The Council of Ministers may, by regulation, determine additional technical specifications to be fulfilled by buildings serving the purpose of State defence or safety or define which of the provisions, issued pursuant to Article 7, paragraph 2, subparagraph 1 shall not apply to those buildings.

Article 9. 1. In particularly justified cases, the application of technical and building regulations, referred to in Article 7, may be renounced. Such renunciation may not endanger human life or safety of property, while in the case of buildings mentioned in Article 5, paragraph 1, subparagraph 4, it may not restrict the access of disabled people to those

buildings, nor shall it cause deterioration of health and sanitary conditions, utility requirements, as well as the state of the natural environment, after fulfilling certain substitutive requirements.

2. Upon receiving an authorisation from the minister, who set forth the technical and building regulations, the competent authority shall, by a decision, either refuse or grant the permit regarding the renunciation of the said regulations.

3. The application to the minister referred to in paragraph 2, regarding authorization to grant consent for the renunciation of regulations, shall be submitted by a competent authority prior to the issue of decision containing the building permit. The said application shall contain:

1) a description of the features of the object and, where necessary, the plot or land development design, and if the renunciation may affect the natural environment or the neighbouring real estate, also the project of this real estate development, taking into account the existing and projected housing development;

2) detailed justification of the necessity to renounce the application of the said regulations;

3) proposals of substitutive solutions;

4) a positive opinion of the voivodeship monument conservator with respect to building objects entered into the register of monuments and other building objects entered into the register of monuments and other building objects located within areas covered by monument conservation protection;

5) where necessary, a positive opinion of other authorities concerned.

4. The minister referred to in paragraph 2, may make the issue of permits for the said renunciation contingent upon the fulfilment of additional requirements.

Article 10. Products manufactured in order to be applied in a building object in a permanent manner, with such operating properties which enable properly designed and made building objects to meet the basic requirements defined in Article 5, paragraph 1, subparagraph 1, may be used when performing construction work only if such products have been introduced to trade pursuant to separate provisions.

Article 10a. Repealed.

Article 11. 1. The minister competent for health shall, by regulation, define the permissible concentration and intensity of harmful agents constituting a danger to health, said agents being emitted by building materials, facilities and equipment components in premises designated to accommodate people.

2. The minister competent for agriculture in consultation with the minister competent for health may, by regulation, determine the permissible concentration and intensity of harmful agents in premises designated for animals.

Chapter 4. Procedures Prior to Commencement of Construction Work

Article 28. 1. The construction work may be commenced only upon obtaining a final decision containing the building permit, subject to the provisions of Articles 29 to 31.

2. The parties in the proceedings for a building permit shall be: the investor and owners, perpetual usufructuaries or administrators of real estate located within the area affected by the object.

3. The provision of Article 31 of the Code of Administrative Procedure shall not apply in the proceedings for a building permit.

Article 29. 1. The construction of the following shall not require the building permit:

1) farm buildings connected with agricultural production, supplementing the existing farmstead building development within the existing habitation plot:

a) single-storey farm buildings of building area up to 35 square metres and the design span not exceeding 4.80 metres;

b) slabs for manure storage;

c) tight tanks for liquid manure or dung of capacity up to 25 cubic metres;

d) trench silos for loose materials of capacity less than 30 cubic metres and height less than 4.50 metres;

e) drying containers of building area up to 21 square metres;

2) free-standing non-residential buildings, umbrella roofs and summer-houses of building area up to 10 square metres; the total number of these objects may not exceed one per each 500 square metres of the plot area and the plot area may not be less than 500 square metres;

3) individual home water treatment facilities of throughput less than 7.50 cubic metres per day;

4) summer-houses and non-residential buildings on plots in employee allotment gardens of building area up to 25 square metres in towns and less than 35 square metres outside borders of towns and of height up to 5 metres with slant roofs and up to 4 metres with flat roofs;

5) umbrella roofs at bus stops and train platforms;

6) non-residential buildings of an area up to 20 square metres, used as support for regular maintenance of railway lines, located on areas owned by the State Treasury and administered by the railway management board;

7) free-standing telephone booths;

8) parking meters with their own energy supply;

9) school pitches and pitches, tennis courts, running tracks used for recreation;

10) parking lots for motorcars, up to 10 lots;

11) parking bays on voivodeship, powiat and gmina roads;

12) provisional building objects which are not permanently connected to the ground and are designated for dismantling or removing to another place within the date defined in the declaration referred to in Article 30, paragraph 1, but not later than 120 days from the commencement of construction defined in the declaration; this release shall not apply to objects which can significantly affect the environment within the meaning of the provisions on environmental protection;

13) non-residential building objects of an area not greater than 35 square metres, with design span not greater than 4.80 metres, designated exclusively for the purposes of forest management and located on forested areas owned by the State Treasury;

14) water dam up and sluice building objects of dam up height less than 1 metre which are not constructed on navigable rivers or within the area of national parks, nature reserves, landscape parks and their surroundings;

15) home swimming pools and small ponds of area up to 30 square metres;

16) decks of total length up to 25 metres and height, from the deck crown to the bottom of the water region, up to 2.50 metres, used for:

a) mooring small watercraft, such as boats, canoes, yachts;

b) angling;

c) recreation;

17) bank protection including artificial, surface or line protection of river banks and banks of mountain streams or seashores, or protection of the banks of internal sea waters which do not constitute resistance structures;

18) ramps designated for disabled persons;

19) installations for containers with liquid gas, with a single container of capacity up to 7 cubic metres, designated for supplying gas installations in single-family residential buildings;

20) terminals in buildings for: electricity, water supply, sewerage, gas, heating and telecommunication systems;

21) measuring devices, together with fences and internal roads, of the state hydrological and meteorological service and the state hydro-geological service:

a) posts: water-level indicators, meteorological posts, precipitation posts and underground water posts;

b) points for observing the level of underground waters and monitoring the quality of underground waters;

c) observation piezometers and lined sources;

22) small architectural objects;

23) fences;

24) objects designated for temporary use during the construction work, located at building sites, as well as placing mobile barracks used for construction purposes, geological surveys and surveying;

25) provisional building objects which are exhibition objects only, not serving any utility purposes, and which are located in areas especially designated for this purpose;

26) geodetic marks and triangulation objects outside the area of national parks and nature reserves.

2. The building permit shall not be required for carrying out construction work consisting in:

1) repair of the existing building objects, with the exception of objects entered into the register of monuments, if the said repair does not involve changing or replacing elements of the design a given object and gas installations, subject to subparagraph 2, or facilities devised for protection against the effects of a mining explosion or flood;

2) repair of gas installations in living accommodations and repair of liquid gas installations in single-family residential buildings;

3) rebuilding and repair of terminals in buildings for: electricity, water supply, sewerage, gas, heating and telecommunication systems;

4) additional thermal insulation of:

a) walls of buildings of height up to 12 metres;

b) roofs of buildings;

5) surface dressing of land within building plots;

6) installation and repair of advertisement boards and structures, with the exception of lighting advertising signs and advertising signs including lighting, located outside the built-up area within the meaning of the provisions on road traffic;

7) repair of the decks referred to in paragraph 1, subparagraph 16;

8) repair of the structures serving the purpose of river flood-control;

9) construction and repair of detailed land drainage equipment, except for:

a) soil ponds for breeding;

b) detailed land drainage equipment within national parks, nature reserves, landscape parks and their surroundings;

10) construction and repair of surface inland water intakes with the capacity of less than 50 cubic metres per hour and the linings of underground water intakes;

11) repair of telecommunication network, electric power network, water supply, sewerage and heating networks carried along the existing routes;

12) rebuilding and repair of roads, railway tracks and railway equipment;

13) execution of sub-cleaning scooping work consisting in removing of flattening of the bottom, occurring during use of harbour basins, waterways and water lanes, in relation to technical (exploitation) depth and an inclination of underwater slopes of water region, covered by previously received water law permit and permit for execution of scooping works;

14) installation of grids on building objects;

15) installation of facilities on building objects.

Article 30. 1. The competent authorities shall be notified of the following:

1) construction, referred to in Article 29, paragraph 1, subparagraphs 1 to 3 and subparagraphs 5 to 21;

2) carrying out the construction work as specified in Article 29, paragraph 2, subparagraphs 1 to 13;

3) construction of fences on the side of roads, streets, squares and other public places and fences higher than 2.20 metres and carrying out construction work consisting in the installation of:

a) grids on multi-family residential buildings, public utility buildings and collective residences and objects entered into the register of monuments;

b) facilities on building objects higher than 3 metres;

4) construction of small architectural objects in public places.

2. The notice shall specify the kind, scope and manner of carrying out the construction work and the date of its commencement. The declaration referred to in Article 32, paragraph 4, subparagraph 2 shall be attached to the notice and, if necessary, relevant sketches and drawings as well as permits, approvals and opinions required by virtue of separate provisions shall be attached thereto. If it is necessary to supplement the notice, the competent authority shall impose, by ruling, on the person who submits the notice, the obligation to supplement the missing documents in the specified time and in case of failure to supplement them, the authority shall raise an objection by a decision.

3. The notice of the construction referred to in Article 29, paragraph 1, items 19 and 20 shall additionally include a plot or area development design, together with a technical description of the installations prepared by a designer holding the relevant building licence. The plot or area development design, in the case of building the gas installation referred to in Article 29, paragraph 1, subparagraph 19, must be agreed with an entity competent in the field of fire protection.

4. The notice of the construction referred to in paragraph 1, subparagraph 4 shall additionally include a plan of development of the plot or land prepared by a designer holding the required building licence.

5. The notice mentioned in paragraph 1 shall be submitted prior to the intended date of commencement of construction work. The construction work may be commenced if the competent authority has not raised, by a decision, any objections within 30 days from the

date of delivery of the said notice and not later than after the lapse of 2 years from the date of commencement thereof, as specified in the notice.

6. The competent authority shall raise an objection if:

1) the notice concerns a construction or performance of construction work covered by the obligation to obtain a building permit;

2) the construction or performance of construction work covered by the notice is contrary to the conditions of the local plan of spatial development or other provisions of law;

3) the notice concerns the construction of a provisional building object referred to in Article 29, paragraph 1, subparagraph 12 in a place where such an object exists.

7. The competent authority may, by a decision referred to in paragraph 5, impose an obligation to obtain the permit for the construction of a certain object or for carrying out construction work, covered by the obligation of notice referred to in paragraph 1, if the performance thereof could be contrary to the conditions of the local plan of spatial development or cause:

1) a threat to safety of people or property;

2) deterioration of the state of natural environment or the state of preservation of monuments;

3) decline of health and sanitary conditions;

4) introduction, aggravation or increase in the constraints or arduousness suffered by the neighbouring area.

Article 31. 1. Demolition of the following shall not require a permit:

1) buildings and structures not entered into the register of monuments, if they are less than 8 metres high and if they are located within a distance of more than half of their height from the plot boundary;

2) objects and building facilities, the construction of which does not require a building permit, unless they are subject to protection as monuments.

2. Demolition of the building objects, mentioned in paragraph 1, subparagraph 1, shall be made upon a prior notification of the competent authority. The said notice shall specify the kind, scope and procedure of carrying out the demolition work. The provision of Article 30, paragraph 5 shall apply accordingly.

3. The competent authorities may impose the obligation to obtain a permit for demolition of the objects referred to in paragraph 1, subparagraph 1, if their demolition:

1) may impair water quality and circulation, sanitary conditions and the natural environment, or

2) requires fulfilment of certain prerequisites, whereupon the performance of demolition work may be conditional.

4. The competent authority may, with regard to the safety of people or property, demand submitting data concerning the building object or the demolition work in progress.

5. Protective work and demolition work may commence prior to obtaining the permit for demolition or prior to notifying competent authorities where their purpose is to remove a direct threat to the safety of people or property. Commencement of such works shall not be tantamount to an exemption from the obligation to immediately obtain a permit for the demolition or to notify the competent authorities of the intention to demolish a building object.

Article 32. 1. A building permit or permit for the demolition of a building object may be issued after:

1) having conducted environmental impact assessment proceedings required by the provisions on environmental protection;

2) having obtained by the investor all the necessary approvals, permits or opinions from other authorities, as provided for in special provisions of law.

2. Granting of approvals and issuing the permits or opinions referred to in paragraph 1, subparagraph 2 shall be made within 14 days from the day when the proposed design solutions were presented. Failure of the given authority to respond within the specified time limit shall be considered as acceptance of the proposed solutions.

3. The provision of paragraph 2 shall not apply in cases where the opinion of the given authority is to be expressed in a decision.

4. The building permit shall only be issued to a person who:

1) filed a relevant application within the period of validity of the decision on the prerequisites of the housing and land development; if required according to provisions on planning and spatial development,

1a) filed an application in this matter during the period of validity of the permit referred to in Articles 23 and 23a of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Sea Administration, if one is required;

2) has submitted a declaration, under pain of criminal liability, on holding the title to dispose of the real estate for construction purposes.

4a. No building permit shall be issued in the event of commencement of construction work infringing the provision of Article 28, paragraph 1.

5. The minister competent for building industry, spatial economy and housing shall, by regulation, define the standard form of: application for a building permit, declaration on holding the right to dispose of the real estate for building purposes and decision containing a building permit.

6. The standard forms of the application and declaration referred to in paragraph 5 shall include, in particular, personal data or name of the investor and other information necessary for taking a resolution in the conducted proceedings. The standard form of the decision containing the building permit shall include, in particular, a designation of the authority which issued the decision, personal data or name of the investor and other parties in the proceedings, and other information necessary for the investor to legally carry out the construction work.

Article 33. 1. The building permit shall cover the entire building project. In case of building project covering more than one object, the building permit may, upon request of the investor, concern specified objects or a complex of objects which can exist independently, according to their designation. If a building permit concerns specified objects or a complex of objects, the investor shall be obliged to submit the plot or land development design mentioned in Article 34, paragraph 3, subparagraph 1 for the whole building project.

2. An application for a building permit shall be submitted along with the following documents:

1) 4 copies of the building design together with the opinions, approvals, permits and other documents required by special provisions of law and the certificate referred to in

Article 12, paragraph 7, which certificate shall be up-to-date as of the day of design preparation;

2) the declaration on holding the right to dispose of the real estate for construction purposes;

3) the decision on the prerequisites of the housing and land development, if required by the provisions on planning and spatial development;

3a) the permit referred to in Articles 23 and 23a of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Sea Administration, if one is required;

4) in the case of objects of mining plants and objects situated within closed areas and the areas referred to in Article 82, paragraph 3, subparagraph 1, the ruling on approval by the architectural and building administration authority, referred to in Article 82, paragraph 2, of the designed solutions within the scope of:

a) building lines and facades of building objects designed to be seen from roads, streets, squares and other public places;

b) route tracks and technical characteristic of roads, communication lines and land technical infrastructure networks led outside the closed area, sea ports and harbours, as well as connecting the said objects to the public utility networks.

2a. The ruling referred to in paragraph 2, subparagraph 4 may not be complained against.

3. An application for a building permit for the construction of a building object which:

1) may, during its construction or use, pose a serious threat to its users, said object being such as: a nuclear power station, an oil refinery, a chemical plant, a water dam; or

2) incorporates in its building design new, untested in domestic practice, technical solutions, not provided for in the relevant provisions or Polish Standards;

shall be supplemented with an expert's opinion issued by a natural person or organizational entity indicated by a competent minister.

4. The application for demolition of an object shall contain:

1) the consent of its owner;

2) a diagram illustrating the localisation of the building object;

3) description of the scope and procedure of carrying out the demolition work;

4) description of measures undertaken to secure the protection of people and property;

5) permits, approvals, or opinions of other authorities and other documents which are necessary by virtue of special provisions of law;

6) if necessary, the demolition design of the given object.

5. The building design and other documents referred to in paragraphs 2 to 4, which contain non-public information, may be, upon consent of the competent authority, kept by the investor.

Article 34. 1. A building design shall comply with the requirements specified in the decision on the prerequisites of the housing and land development, if such a decision is required by the provisions on planning and spatial development, or the permit referred to in Articles 23 and 23a of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Sea Administration, if one is required.

2. The scope and the contents of a building design shall be adjusted to the specific functions of the object and the degree of complexity of the construction work.

3. The building design shall contain the following documents:

1) the plot or land development design, drawn on an up-to-date map containing: demarcation of the borderline of the plot or the area, location, contours and layout of the existing and planned building objects, land technical infrastructure network, sewage drainage or purification systems, transportation system and the green areas, and indication of characteristic elements, dimensions, ordinates and distances between the objects, in relation to the existing and planned housing development in the vicinity;

2) the architectural and building design describing the function, shape and structure of the building object, its characteristics as to energy consumption and environmental issues, proposals of necessary technical and materials solutions in order to illustrate the principles of adopting the building object to its environment; while in the case of building objects mentioned in Article 5, paragraph 1, subparagraph 4, also the description of access for disabled persons to the building object;

3) if so required, statements of competent organizational entities on the supply of energy, water, heat and gas, sewage effluent collection and the terms for linking the object to the water, sewage, electricity, heat energy, gas and electric power networks, as well as the telecommunication systems and the road network;

4) if so required, the findings of the geological and engineering surveys and geotechnic prerequisites for the foundation of the building objects.

3a. The provision of paragraph 3, subparagraph 1 shall not apply to the building design of rebuilding or assembly of a building object, if, according to the provisions on planning and spatial development, the setting of housing and land development prerequisites is not required.

3b. The provision of paragraph 3, subparagraph 2 shall not apply to the building design of construction or rebuilding of building facilities or underground land technical infrastructure networks, if the problems in their entirety may be presented in the project of development of the plot or land.

4. The building design shall be approved in the decision containing the building permit.

5. An investor who fulfils the conditions for obtaining a building permit may request the issue of a separate decision confirming approval of the building design prior to the issue of the decision containing a building permit. The said decision shall be valid for a period of time specified therein, but no longer than one year.

6. The minister competent for building industry, spatial economy and housing shall, by regulation, determine:

1) detailed scope and form of a building design;

2) detailed rules of fixing geotechnic conditions for the foundation of building objects.

Article 35. 1. Prior to issue of the decision containing a building permit or a separate decision confirming approval of the building design, the competent authority shall examine the following:

1) compliance of the building design with the conditions of the local spatial development plan or the decision on conditions of housing and area development, if there is no local plan, and with the requirements of environment protection,

2) compliance of the plot or land development design with provisions, including technical and building regulations;

3) completeness of the building design and holding of the required opinions, approvals, permits and certificates of inspections, as well as the information concerning safety

and health protection, as referred to in Article 20, paragraph 1, subparagraph 1b and the certificate referred to in Article 12, paragraph 7;

4) preparation – and in the case of an obligation to verify the design referred to in Article 20, paragraph 2, also verification of the design – by a person holding the required building licence and holding the certificate referred to in Article 12, paragraph 7, the said certificate being up-to-date as of the day of preparation of the design – or verification thereof .

2. Repealed.

3. If any infringement within the field specified in paragraph 1 is ascertained, the competent authority shall, by a ruling, impose an obligation to remove the indicated deficiencies, fixing a time limit for removing them, and upon the ineffective lapse thereof the authority shall issue a decision declining to approve the design and the building permit.

4. If the requirements specified in paragraph 1 and in Article 32, paragraph 4 are fulfilled, a competent authority may not decline to issue a decision containing the building permit.

5. The competent authority shall issue a negative opinion, declining to grant approval for the design and the building permit if, at the plot or land designated for development, there is a building object which is to be demolished upon the relevant order.

6. In the case when the competent authority has not issued a decision containing the building permit within 65 days from the day of submission of an application for the issue of such a decision, the authority of higher level shall impose on the said authority, by a ruling which may be complained against, a penalty of PLN 500 for each day of delay. The receipts from these penalties shall constitute income of the State budget.

7. The penalty shall be paid within 14 days from the day of service of the ruling referred to in paragraph 6. In the case of failure to pay the penalty referred to in paragraph 6, it shall be collected according to the procedure defined in provisions on execution proceedings in administration.

8. The time limit referred to in paragraph 6 shall not include the time limits envisaged in the provisions of law for making specified acts, periods of suspension of proceedings and periods of delay caused through the party's guilt or due to reasons beyond the authority's control.

Article 35a. 1. In case of submission of a complaint to an administrative court against a decision containing the building permit, the court may make the suspension of enforcement of the said decision upon the complainant's application conditional upon the complainant having paid a deposit securing the investor's claims with respect to suspension of enforcement of the decision.

2. If the complaint is considered just in whole or in part, the deposit shall be returned.

3. If the complaint is dismissed, the deposit shall be allocated for satisfaction of the investor's claims.

4. The provisions of the Code of Administrative Procedure on securing claims shall apply accordingly to the deposit.

Article 36. 1. Where necessary, the decision containing the building permit, issued by the competent authority, shall:

1) define special requirements regarding protective measures to be undertaken with respect to building site and construction work;

2) determine the time limit for using provisional building objects;

- 3) fix the time limit for the demolition of:
 - a) existing building objects, not designated for further use,
 - b) provisional building objects;
 - 4) specify the detailed requirements concerning building supervision;
 - 5) include information on the obligations and the conditions resulting from Article 54 or Article 55;
 - 6) repealed.
2. Repealed.

Article 36a. 1. Substantial departure from the approved building design or other conditions covered by the building permit shall be admissible only after obtaining the decision changing the building permit.

2. The competent authority shall annul the decision containing a building permit in the event of issue of the decision referred to in Article 51, paragraph 1, subparagraph 3.

3. In the provisions in the case of amendment of the decision containing a building permit, the provisions of Articles 32 to 35 shall apply accordingly to the scope of such an amendment.

4. The competent authority shall reply within 14 days from the day when the planned solutions were presented. Failure to provide any information within this time limit shall be tantamount to considering the planned departure as unimportant.

5. Insignificant departure from the approved building design or other conditions of the building permit shall not require obtaining a decision on amendment of the building permit and shall be admissible unless it concerns:

- 1) the scope covered by the plot or area development design;
- 2) characteristic parameters of the building object: cubic capacity, building area, height, length, width, number of storeys and facade;
- 3) geometry of the roof (slant angle, height of tie beam and layout of roof slopes);
- 4) necessary elements of building and installation equipment, ensuring the use of the object in accordance with its designation;
- 5) ensuring the conditions necessary for the object to be used by disabled persons;
- 6) change of the way in which the building object or its part is used;
- 7) conditions of the local spatial development plan or decision on the prerequisites of housing and land development

and if it does not require the obtaining of opinions, approvals, permits and other documents, required by special provisions.

6. The designer shall be obliged to include in the building design appropriate information (drawing and description) concerning the departure referred to in paragraph 5.

Article 37. 1. The decision containing the building permit shall expire if the construction work has not been commenced within 2 years from the day when the said decision became final, or upon suspending the construction work for a period exceeding 2 years.

2. In cases defined in paragraph 1 and in Article 36a, paragraph 2, the construction may be commenced or resumed after the issue of a new decision containing the building permit, as referred to in Article 28, or a decision containing the permit to resume construction work, as referred to in Article 51, paragraph 3.

Article 38. 1. The decision containing a building permit shall be immediately sent by the competent authority to the voivode, mayor, city president or the authority which issued the decision on the prerequisites of the housing and land development or the permit

referred to in Articles 23 and 23a of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Sea Administration.

2. The competent authority shall maintain a register of the decisions containing building permits and keep the approved building designs, as well as other documents covered by the building permit, at least for the time of existence of the building object subject to paragraph 3.

3. The competent authority in its decision containing the building permit to construct a building object within the closed area necessary for the purposes of the State defence or security may give its consent for retaining the approved building design and other documents, covered by the building permit, containing non-public information, by the user of the building object.

4. Provisions on environmental protection shall indicate cases where information about decisions containing building permits is to be published in lists accessible to the general public.

Article 39. 1. The performance of construction work concerning a building object entered in the register of monuments or within an area entered in the register of monuments shall be subject to obtaining, prior to issue of the decision containing the building permit, the permit for conducting the said work issued by the competent voivodeship conservator of monuments.

2. A permit to demolish a building object entered into the register of monuments may be issued after obtaining a decision of the Chief Conservator of Monuments, acting on behalf of the minister competent for culture and protection of national heritage, on removal of the said object from the register of monuments.

3. With regard to the objects not entered into the register of monuments, but covered by monument conservation protection on the basis of the local plan of spatial development, the building permit or the permit to demolish the building object shall be issued by the competent authority in consultation with the voivodeship conservator of monuments.

4. The voivodeship conservator of monuments shall be obliged to express his opinion regarding the application for a permit to build or demolish the building objects referred to in paragraph 3 within 30 days from the day when it was served. Failure to express an opinion within this time limit shall be considered as lack of objections as to the design solutions presented in the application.

Article 39a. A building object, provisional building object and a building facility to be constructed within the area of the Extermination Memorial or its protective zone within the meaning of the Act of 7 May 1999 on Protection of Former Nazi Extermination Camps (Dziennik Ustaw 1999, No. 41, item 412) shall require the consent of the competent voivode before the decision containing a building permit is issued.

Article 40. 1. The authority which issued the decision, referred to in Article 28, shall be obliged, upon consent of the party for which this decision has been issued, to transfer the said decision upon another subject, if that subject accepts all the conditions specified therein and files the declaration referred to in Article 32, paragraph 4, subparagraph 2.

2. The provision of paragraph 1 shall apply accordingly to decisions containing the permit to resume construction work, as referred to in Article 51, paragraph 3.

3. Parties in the proceedings for transfer of the decision containing the building permit or the permit to resume construction work shall be only the subjects between which the decision is to be transferred.

Article 40a. Whenever in the provisions of this Chapter there is a reference to a decision on the prerequisites of the housing and land development, this shall also include decision on determining the location of a railway line in the sense of the Act of 28 March 2003 on Railway Transport (Dziennik Ustaw 2003, No. 86, item 789 as amended).

Chapter 5. Building and Consigning the Building Objects for Use

Article 41. 1. Starting preparatory work at the building site shall be tantamount to the commencement of construction work.

2. Preparatory work shall consist of the following:

- 1) geodetic delineation of objects on the site;
- 2) levelling of the ground;
- 3) preparing background facilities for construction work, including the erection of provisional building objects;
- 4) preparation of junctions into the technical infrastructure networks for the purpose of construction work to be carried out.

3. The preparatory work may only be performed on an area for which the building permit has been issued or which has been notified to the competent authorities.

4. The investor shall be obliged to inform the competent authority and the designer who performs author's supervision over the conformity of the implementation of the construction with the design about the planned date of commencing the construction work, for which a permit is required, at least 7 days before its commencement, enclosing the following in writing:

1) statement of the construction manager (construction work manger) confirming the preparation of the plan of safety and health protection and the acceptance of the duty to manage the building site (the construction work), as well as the certificate referred to in Article 12, paragraph 7;

2) in case of establishment of the investor's supervision – statement of the inspector of investor's supervision confirming the acceptance of the duty to exercise investor's supervision over the given construction work, as well as the certificate referred to in Article 12, paragraph 7;

3) information containing the data included in the announcement referred to in Article 42, paragraph 2, subparagraph 2.

5. The supply of power, water, heat or gas for the construction requirements may be activated only upon submitting the required building permit or a notice.

Article 42. 1. The investor shall be obliged to ensure: the management of the construction (demolition) site or specified types of construction work, as well as the supervision of these works by a person having a building licence with the relevant professional specialization.

2. The construction manager (construction work manger) shall be obliged to:

- 1) keep a building or demolition log;
- 2) affix in a noticeable spot at the construction or demolition site a construction information board and an announcement containing the data regarding work safety and health protection; the above provision shall not apply to objects serving for the purpose of State defence or safety and line objects;
- 3) sufficiently secure the construction (demolition) site.

3. The provisions of paragraph 1 and 2 shall not apply to the construction or demolition of objects for which there is no requirement of obtaining the building permit, save for the construction referred to in Article 29, paragraph 1, subparagraph 19. The competent authority may, by a decision, exempt other objects from the application of these provisions, where this is justified by insignificant degree of complexity of the construction work or other important considerations.

3a. The announcement referred to in paragraph 2, subparagraph 2 shall apply to a construction or demolition site at which it is envisaged that construction work will be conducted for more than 30 working days and at least 20 employees will be employed at the same time or at which the planned scope of work exceeds 500 man-days.

4. In the case of construction work which requires professional qualifications in a technical and building specialization other than those of the construction manager, the investor shall appoint a construction work manager with the given specialization.

Article 43. 1. Building objects which require a building permit and the objects referred to in Article 29, paragraph 1, subparagraph 20 shall be geodetically laid out on the given land and, after having been erected, they shall be subject to post-construction geodetical survey, including their positioning on the land.

2. The competent authority may impose the obligation to apply the provision of paragraph 1 also upon the building objects which are subject to notification.

3. The objects or components of building objects which are to be covered and surveyed in accordance with paragraph 1, shall be surveyed before they are covered.

4. The minister competent for building industry, spatial economy and housing shall, by regulation, determine the kind and scope of geodetic and cartographic study and geodetic activities for building industry.

Article 44. 1. The investor shall notify forthwith the competent authority in case of change of:

- 1) the construction manager or construction work manager;
 - 2) the investor's supervision inspector;
 - 3) the designer responsible for author's supervision;
- also providing the date of the replacement.

2. The notice shall contain statements of persons, referred to in paragraph 1, on taking over the tasks.

Article 45. 1. The building log shall constitute an official document certifying the progress of construction work and events and circumstances occurring during the construction works. The building log shall be provided by the competent authority against consideration.

2. Prior to the commencement of construction works, the persons who are entrusted with the tasks of construction work management, supervision and technical control shall be entered into the building log. The said persons shall confirm the acceptance of their functions by affixing their signatures in the building log.

3. The provisions of paragraphs 1 and 2 shall apply accordingly to keeping erection/assembly work log and demolition log.

4. The minister competent for building industry, spatial economy and housing shall, by regulation, determine the manner of keeping the building, erection and demolition logs, as well as the persons authorised to make entries into the logs and the particulars to be

displayed on the construction information board and the announcement containing the data concerning safety and health protection.

5. The regulation referred to in paragraph 4 shall determine, in particular:

- 1) the shape and dimensions of the information board and the inscriptions placed thereon;
- 2) the form of the announcement;
- 3) places in which to locate the information board and the announcement;
- 4) the scope of personal data of participants of the construction process and functions performed by them in the field of work safety and health protection;
- 5) information concerning the decision on building permit;
- 6) information concerning the subjects performing the construction work, including forename(s) and surname or business name and address;
- 7) envisaged time limits for commencement and completion of the construction work and the maximum number of employees employed at the building site;
- 8) information concerning emergency phones.

Article 46. The construction manager (demolition work manager), and where his appointment is not required, the investor, shall keep, during the period in which construction work is performed, the documents constituting the basis for carrying out such work, and statements concerning building products which were unitarily applied in the building object, such statements being mentioned in Article 10, paragraph 1 of the Act of 16 April 2004 on Building Products, and make these documents available to the representatives of authorized authorities.

Article 47. 1. If the performance of preparatory work or construction work requires entering the neighbouring building, premises or the area of the neighbouring real estate, the investor shall be obliged to obtain the consent of the owner (lessee) of the neighbouring real estate, building or premises for the entry prior to the commencement of work, as well as agree upon the intended manner, scope and dates of using these neighbouring objects with their owner (lessee) and settle a possible compensatory payment for the above actions.

2. In the case of failure to reach the agreement, referred to in paragraph 1, upon the investor's request, the competent authority shall resolve, by a decision issued within 14 days from the date of filing the application, the issue regarding the necessity to enter the neighbouring building, premises or the area of the neighbouring real estate. If the competent authority confirms the necessity as requested in the investor's application, it shall define the limits of such necessity and the conditions of using the neighbouring building, premises or real estate.

3. Upon completion of the work referred to in paragraph 1, the investor shall be obliged to redress any damage caused in the course of using the neighbouring building, premises or real estate on terms specified in the provisions of the Civil Code.

4. A roadway or a part thereof may be occupied for the purpose of construction work upon fulfilment of conditions specified in separate provisions.

Article 48. 1. Subject to paragraph 2, the competent authority shall, by a decision, order the demolition of a building object, or a part thereof, which object or part thereof is under construction or has been built without the required building permit.

2. If the construction referred to in paragraph 1:

1) is consistent with the provisions on planning and spatial development, and in particular with:

a) the conditions of local spatial development plan in force; or

b) the conditions of the final, as of the day when proceedings were initiated, decision on the prerequisites of housing and land development, if there is no local spatial development plan in force;

2) does not infringe the provisions of law, including technical and building regulations, to the extent which would render impossible such adjustment of the building object or part thereof so that its state is consistent with the law

– the competent authority shall suspend, by a ruling, the conduct of construction work.

3. The ruling referred to in paragraph 2 shall set down the requirements concerning the necessary protection of the building site and impose the duty to present, within the fixed time limit:

1) a certificate from the voivode, mayor or city president on the conformity of the construction with the conditions of the local spatial development plan or the final, as of the day when proceedings were initiated, decision on the prerequisites of housing and land development, if there is no binding local spatial development plan;

2) the documents referred to in Article 33, paragraph 2, subparagraphs 1, 2 and 4 and paragraph 3; the provision of Article 20, paragraph 3, subparagraph 2 shall not apply to the architectural and building design.

4. In case of failure to fulfil the obligations referred to in paragraph 3 within the fixed time limit, the provision of paragraph 1 shall apply.

5. Submission within the prescribed time limit of the documents referred to in paragraph 3 shall be treated as an application for approval of the building design and permit to resume construction work, if the construction has not been completed.

Article 49. 1. Prior to issuing a decision on approval of the building design and granting a permit to resume construction work, the competent authority shall examine:

1) conformity of the project of development of the plot or land with the provisions on planning and spatial economy, and in particular with the conditions of the local plan of spatial development in force;

2) completeness of the building design and the possession of the required opinions, approvals, permits and checks;

3) preparation of the building design by a person holding the required building licence

– and, by a ruling, shall determine the amount of legalization fee. The ruling may be complained against.

2. The provisions on penalties referred to in Article 59f, paragraph 1 shall apply accordingly to the legalization fee, however, the rate of fee shall be multiplied by fifty.

3. If any infringements within the scope specified in paragraph 1 are ascertained, the competent authority shall impose, by a ruling, an obligation to remove the indicated deficiencies within the fixed time limit and after ineffective lapse thereof it shall issue the decision referred to in Article 48, paragraph 1. This decision shall also be issued in the event of failure to pay the legalization fee in due time.

4. In the event of compliance with the requirements set down in paragraph 1, the competent authority shall issue a decision:

- 1) on approval of the building design and containing a permit to resume work;
- 2) on approval of the building design if the construction has been completed.

5. The decision referred to in paragraph 4 shall impose the obligation to obtain a decision containing a permit to use.

Article 49a. 1. If the decision referred to in Article 49, paragraph 4 has been set aside in the appeal proceedings and the decision referred to in Article 48, paragraph 1 has been issued, the legalization fee shall be returned, subject to paragraph 2, within 30 days from the day when performance of the demolition was ascertained.

2. If the decision ordering the demolition of a building object is enforced according to the procedure of substitutive enforcement referred to in the provisions on execution proceedings in administration, the legalization fee shall be counted towards the costs of substitutive enforcement.

Article 49b. 1. Subject to paragraph 2, the competent authority shall order, by a decision, demolition of the building object or part thereof which is being or has been built without the required notice or despite the objection raised by the competent authority.

2. If the construction referred to in paragraph 1 is consistent with the provisions on planning and spatial development, and in particular with the conditions of the local spatial development plan in force, or, when there is no such plan, the final, as of the day when the proceedings were initiated, decision on the prerequisites of housing and land development and does not infringe the provisions of law, including technical and building regulations, the competent authority shall suspend, by a ruling – when the construction has not been completed – the conduct of construction work and impose on the investor the duty to present within 30 days:

1) the documents referred to in Article 30, paragraph 2 or Article 30, paragraphs 2 and 3 or Article 30, paragraphs 2 and 4;

2) the plot or area development design;

3) a certificate from the voivode, mayor or city president on conformity of the construction with the conditions of the local spatial development plan in force or the final, as of the day when the proceedings were initiated, decision on the prerequisites of housing and land development, if there is no local spatial development plan in force.

3. In case of failure to fulfil the duty referred to in paragraph 2, the provision of paragraph 1 shall apply.

4. If there occur circumstances referred to in paragraph 2, the competent authority shall fix, by a ruling, the amount of legalization fee. The ruling may be complained against.

5. The provisions on penalties referred to in Article 59g shall apply accordingly to the legalization fee, however, the amount of the fee shall be as follows in the case of the construction referred to in:

1) Article 29, paragraph 1, subparagraphs 7 to 11, 14, 15, 17 and 18 and in Article 30, paragraph 1, subparagraphs 3 and 4 – PLN 2,500;

2) Article 29, paragraph 1, subparagraphs 1 to 3, 5, 6, 12, 13, 16 and 19 to 21 – PLN 5,000.

6. If the construction has not been completed, the competent authority, after payment of the fee referred to in paragraph 5, shall permit, by a ruling, the construction to be completed.

7. In the event of failure to pay the legalization fee in due time, the competent authority shall issue the decision referred to in paragraph 1.

Article 50. 1. In cases other than those mentioned in Article 48, paragraph 1 or in Article 49b, paragraph 1, the competent authority shall suspend, by a ruling, the continuance of construction work which is performed:

- 1) without the necessary building permit or notice; or
- 2) in a manner which may pose a threat to safety of people of property or cause hazard to the natural environment; or
- 3) on the basis of a notice, with an infringement of Article 30, paragraph 1; or
- 4) in a manner materially different from regulations or conditions specified in the permit or the provisions of law.

2. The ruling on suspension of construction work shall:

- 1) specify the cause of the said suspension;
- 2) set the requirements concerning the necessary protective measures.

3. The ruling on the suspension of construction work may impose a duty to present, within 30 days from the day of serving the ruling, quantity survey of the performed construction work or appropriate technical evaluations or expert opinions.

4. The ruling on suspension of construction work shall become null and void upon the lapse of 2 months from the day when it was served, unless the decision mentioned in Article 50a, subparagraph 2 or in Article 51, paragraph 1 has been issued within this time limit.

5. The ruling on suspension of construction work may be complained against.

Article 50a. The competent authority, in case of performance of construction work, despite its suspension by the ruling:

- 1) referred to in Article 48, paragraph 2 and in Article 49b, paragraph 2 – shall order, by a decision, demolition of the building object or part thereof;
- 2) referred to in Article 50, paragraph 1 – shall order, by a decision, demolition of the part of the building object performed after service of the ruling or restoration of the previous state of the building object.

Article 51. 1. Before to the lapse of 2 months from the day of issue of the ruling referred to in Article 50, paragraph 1, the competent authority, by a decision, shall:

- 1) order the discontinuance of further construction work or the demolition of the building object or part thereof, or restoration of the previous state of the building object; or
- 2) impose an obligation to perform specified actions in order to bring the construction work in progress to compliance with the provisions of law, fixing the time limit for the performance thereof; or

3) in the case of a material departure from the approved building design or other conditions of the building permit – impose, fixing the time limit for performance thereof, an obligation to prepare and present a substitutive building design, taking into account the changes resulting from the construction work performed so far and – where necessary – perform specified acts or construction works in order to bring the construction work in progress to compliance with the provisions of law; the provisions concerning the building design shall apply accordingly to the scope of such changes.

2. In the case of issue of the order referred to in Article 50a, subparagraph 2, the decisions referred to in paragraph 1, subparagraph 2 or 3 shall be issued after performance of the obligation specified in the said order.

3. After the lapse of the time limit or upon the investor's application, the competent authority shall verify the of fulfilment of the obligation mentioned in paragraph 1, subparagraph 2 and issue a decision:

- 1) ascertaining that the obligation was fulfilled: or
- 2) in case of non-fulfilment of the obligation – impelling the discontinuance of further construction work or the demolition of the object or part thereof, or restoration of the previous state of the object.

4. After the lapse of the time limit or upon the investor's application, the competent authority shall verify the fulfilment of the obligations referred to in paragraph 1, subparagraph 3 and issue a decision on approval of the building design and permit to resume construction work or – if the construction has been completed – on approval of the substitutive building design. This decision shall impose the obligation to obtain a decision on the permit to use it.

5. In the case of failure to fulfil the obligations referred to in paragraph 1, subparagraphs 3 in due time, the competent authority shall issue a decision ordering the discontinuance of further construction work or the demolition of the object or part thereof, or restoration of the previous state of the object.

6. The provisions of paragraphs 4 and 5 concerning the permit to use shall not apply to other construction work than construction or reconstruction of a building object or part thereof.

7. The provisions of paragraph 1, subparagraphs 1 and 2 and paragraph 3 shall apply accordingly if the construction work, in other cases than those described in Article 48 or in Article 49b, was performed in the manner referred to in Article 50, paragraph 1.

Article 52. The investor, owner or administrator of the building object shall be obliged to perform the actions specified in the decision, referred to in Article 48, Article 49b, Article 50a and Article 51, at his own expense.

Article 53. The provision of Article 52 shall also apply to building objects which are subject to demolition within the time limits referred to in Article 36, paragraph 1, subparagraph 3.

Article 54. The building object the erection of which is subject to a building permit, may be consigned to use, subject to the provisions of Articles 55 and 57, after having notified the competent authority of the completion of the construction unless the said authority has raised, by a decision, objections within 21 days from the date of service of the notice.

Article 55. Prior to consigning a building object to use it shall be necessary to obtain a final decision containing a permit to use if:

- 1) the erection of the building object is subject to a building permit and it is included in categories V, IX to -XVII, XX, XXII, XXIV, XXVII, XXVIII and XXX, as referred to in the Schedule to the Act;
- 2) the circumstances referred to in Article 49, paragraph 5 or Article 51, paragraph 3 occur;
- 3) the building object is to be consigned for use prior to completion of all construction work.

Article 56. 1. The investor on whom the duty was imposed to obtain the permit to use the building object shall be obliged to notify, in accordance with the scope of competence, as provided for in special provisions, the following authorities:

- 1) the Inspectorate for Environmental Protection;
- 2) the State Sanitary Inspectorate;
- 3) the State Labour Inspectorate;
- 4) the State Fire Brigades;

– of the completion of the construction of a building object and the intention to use the object. The authorities shall express their opinion concerning the compliance of performance of the building object to the building design.

2. Failure to respond by the authorities, listed in paragraph 1, within 14 days from the date of delivery of the notice, shall be tantamount to their acceptance and lack of objections.

Article 57. 1. The investor shall enclose the following documents with the notice on the completion of the construction of a building object or the application for a permit to use the building object:

- 1) the original of the building log;
- 2) statement of the construction manager:
 - a) on compliance of the construction of the building object with the building design and the conditions specified in the building permit and relevant provisions;
 - b) on restoration of the proper state and order within the building site and, where applicable, within the street, neighbouring real estate, building or premises;
- 3) statement on the proper land development of the adjoining areas, if the use of the new building object is conditional upon their proper development;
- 4) records of examinations and inspections;
- 5) post-construction geodetic survey.

2. In case of changes implemented in the course of construction work, such changes not being substantial departure from the approved design or the conditions of building permit, the copies of drawings which are the components of approved building design together with plotted changes and, if required, additional description should be attached to the notice mentioned in paragraph 1. In this case the statement mentioned in paragraph 1, subparagraph 2, letter a, must be confirmed by the designer and the investor's supervision inspector, if appointed.

3. The investor shall be obliged to enclose a statement confirming lack of objections or comments from the authorities referred to in Article 56, with the application mentioned in paragraph 1.

4. The investor shall be obliged to complement the documents specified in paragraphs 1 to 3 if, during their examination by the competent authority, they are found to be incomplete, insufficient or inaccurate.

5. Repealed.

6. The application for granting the permit to use shall be the summons to the competent authority to conduct the mandatory control referred to in Article 59a.

7. [*With regard to building objects whose construction was completed before the day this Act enters into force this paragraph comes into force on 1 January 2005.*] If it is ascertained that the building object or part thereof was consigned for use at variance with the provisions of Articles 54 and 55, the competent authority shall impose a penalty for illegal use of the building object. The provisions concerning the penalties referred to in Article 59f, paragraph 1 shall apply accordingly to this penalty, however, the rate of the fee shall be multiplied by ten.

8. Following the completion of proceedings in the case of notification of completion of construction of the building object or grant of the permit to use it, the competent authority shall immediately return to the investor the documents referred to in paragraph 1, subparagraphs 1, 4 and 5.

Article 58. Repealed.

Article 59. 1. The competent authority shall issue a decision containing the permit to use a building object having conducted the mandatory control referred to in Article 59a.

2. In the permit to use a building object, the competent authority may define the conditions for using the said object or make the use of such building object conditional upon the completion, within a specified time limit, of certain construction work.

3. If the competent authority ascertains that, in spite of non-performance of a part of the finishing work or other construction work within the said object, the building object fulfils the conditions specified in paragraph 1, it may issue the permit and specify the time limit for the completion of these works in the permit to use the building object.

4. The provision of paragraph 3 shall not apply to installations and other facilities which serve the purpose of environmental protection.

4a. The investor shall be obliged to inform the competent authority about the completion of construction work carried on after consigning the building object to use, on the basis of the permit to use it.

5. Subject to the provisions of paragraphs 2 and 3, the competent authority shall decline to issue the permit to use a building object if the conditions specified in paragraph 1 and in Article 57, paragraphs 1 to 4 are not fulfilled. The provisions of Article 51 shall apply accordingly.

6. The competent authority shall immediately sent the decision containing the permit to use the building object to the authority which issued decision on the prerequisites of the housing and land development or the permit referred to in Articles 23 and 23a of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Sea Administration.

7. The sole party in the proceedings for a permit to use shall be the investor.

Article 59a. 1. The competent authority shall carry out, when summoned by the investor, the mandatory control of the construction in order to ascertain that it was conducted in compliance with the requirements and conditions specified in the building permit.

2. The control referred to in paragraph 1 shall include verification of:

1) compliance of the building object with the project of development of the plot or land;

2) compliance of the building object with the architectural and building design, within the scope of:

a) characteristic technical parameters: cubic capacity, building area, height, length, width and number of storeys;

b) construction of visible structural components of the constructional layout of the building object;

c) geometry of the roof (slant angle, height of tie beam and layout of roof slopes);

d) performance of building facilities;

e) basic elements of building and installation equipment, ensuring that the object is used in accordance with its designation;

f) ensuring the conditions necessary for the object to be used by disabled persons, in particular persons using wheelchairs – with respect to public utility objects and multi-family residential buildings;

3) building products of particular importance for safety of the construction and fire safety;

4) if the building permit imposed a duty to demolish the existing building objects, whose further use was not envisaged, or provisional building objects – the performance of this duty if the time limit for demolition specified in the permit has lapsed;

5) restoration of order at the building site.

Article 59b. Repealed.

Article 59c. 1. The competent authority shall conduct the mandatory control before the lapse of 21 days from the day of service of the investor's summons. The authority shall notify the investor of the date of the mandatory control within 7 days from the day of service of the summons.

2. The investor shall be obliged to participate in the mandatory control at the fixed date.

Article 59d. 1. The competent authority, having conducted the mandatory control, shall prepare a record in three copies. One copy of the record shall be served on the investor immediately after the control, the second copy shall be transferred to an authority of higher level, while the competent authority shall retain the third copy.

2. The record referred to in paragraph 1 shall be kept throughout the period of existence of the building object.

3. The minister competent for building industry, spatial economy and housing shall determine, by regulation, the standard form of a record of the mandatory control.

4. The standard form of a record shall include, in particular, information concerning personal data of the persons participating in the control and information necessary to determine the course and result of the conducted control, including: address and category of the building object, findings relating to compliance of performance of the building object with the approved building design and other conditions specified in the building permit.

Article 59e. The mandatory control of the construction or building object may be conducted, upon authorization from the competent authority of building supervision, exclusively by a person employed by the poviát or voivodeship inspectorate of building supervision and holding a building licence.

Article 59f. 1. If, during the mandatory control, irregularities are ascertained within the scope referred to in Article 59a, paragraph 2, a penalty shall be imposed, the said penalty constituting a product of the fee rate (s), building object category coefficient (k) and building object size coefficient (w).

2. The fee rate (s) shall be PLN 500.

3. Categories of objects, object category coefficient and object size coefficient are defined in the Schedule to this Act.

4. When a building object, save for a single-family residential building, consists of parts corresponding to various categories, the penalty shall be the sum total of penalties calculated for various categories.

5. In the case of ascertaining irregularities in the scope referred to in Article 59a, paragraph 2, a separate penalty shall be calculated for each irregularity ascertained. The penalty shall be the sum total of penalties calculated in this manner.

6. If the penalty is imposed, the competent authority, by a decision, shall refuse to issue a permit to use and shall conduct, within the relevant scope, the proceedings referred to in Article 51.

Article 59g. 1. The penalty referred to in Article 59f, paragraph 1 shall be imposed by the competent authority by a ruling which may be complained against. The receipts from penalties shall constitute income of the State budget.

2. The imposed penalty shall be paid within 7 days from the day of service of the ruling referred to in paragraph 1, at the cash desk of the competent voivodeship office or into the bank account of this office.

3. If the penalty is not paid in due time, subject to paragraph 2, it shall be collected pursuant to provisions on execution proceedings in administration.

4. The authority entitled to demand performance by means of administrative execution of the obligations referred to in paragraph 3 shall be the voivode.

5. The provisions of Section III of the Act of 29 August 1997 – Tax Ordinance (*Dziennik Ustaw 1997, No. 137, item 926 as amended*) shall apply accordingly to the penalties referred to in paragraph 1, however, the voivode shall enjoy the powers of the tax authority, except for that specified in paragraph 1.

6. The authority competent to issue, amend, annul or ascertain nullity of the ruling shall immediately send a copy of the issued ruling to the competent voivode.

Article 60. Upon consigning the building object to use, the investor shall pass over the construction documentation and the as built documentation to the owner or the administrator of the building object. Other documents and decisions pertaining to the said building object and, if necessary, the operating and servicing manuals of the object, installations and facilities connected therewith shall also be passed over to the owner or the administrator.

Chapter 8. Architectural and Building Administration Authorities and Building Supervision Authorities

Article 80. 1. The following authorities shall be responsible for architectural and building administration, subject to paragraphs 3 and 4:

- 1) the staroste;
- 2) the voivode;
- 3) the Chief Inspector of Building Supervision.

2. The following authorities shall be responsible for building supervision, subject to paragraphs 3 and 4:

- 1) the poviator inspector of building supervision;
 - 2) the voivode with the assistance of the voivodeship inspector of building supervision as the head of the voivodeship building supervision which is a part of the united voivodeship administration;
 - 3) the Chief Inspector of Building Supervision.
3. Repealed.

4. The authorities determined in separate provisions shall be responsible for the architectural and building administration and building supervision in the field of mining industry.

Article 81. 1. The basic duties of the architectural and building administration and building supervision shall include:

1) supervision and control of the observance of the building law provisions, and in particular:

- a) compliance of land development with the local spatial development plans and the environment protection requirements;
 - b) safety conditions for people and property in the solutions accepted in construction designs, during the construction work and maintenance of building objects;
 - c) compliance of the architectural and building solutions with technical and building regulations and the principles of technical knowledge;
 - d) proper performance of independent technical functions in building industry;
 - e) application of building products;
- 2) issuing administrative decisions in the cases specified by statutory law.
3) repealed.

2. The provisions of paragraph 1, subparagraph 1, letters b, c and e shall not apply to the experimental building executed within closed research areas.

3. The architectural and building administration and building supervision authorities shall control the possession of rights to perform independent technical functions in building industry by people performing such functions.

4. The architectural and building administration and building supervision authorities may perform control acts when fulfilling duties specified by the provisions of building law. The settlements made in the course of the control acts and recorded in protocol, shall become the grounds for issuing decisions and taking other measures envisaged in the provisions of building law.

Article 81a. 1. The building supervision authorities or people entitled by such authorities shall have the right to enter:

- 1) the building object;
- 2) the site of:
 - a) construction;
 - b) employing establishment;
 - c) repealed.

2. The control acts connected with exercising the rights of building supervision authorities shall be performed in the presence of the investor, construction manager or construction work manager, or the manager of the employing establishment or an appointed employee, or in the presence of persons authorised by them, or of the owner or administrator of the object and, in a living accommodation – in the presence of an adult member of the household and a representative of the administration or administrator of the building.

3. In the case of absence of the people referred to in paragraph 2, the control acts may be performed in the presence of a summoned adult witness, in substantiated cases.

4. The control acts relating to the building objects which are subject to foreign countries' administration or which are used by diplomatic or consular representatives of such countries or by other persons equal to them according to statutory law, international

agreements or commonly accepted international customs, may be performed upon consent of such persons.

Article 81b. Repealed.

Article 81c. 1. The architectural and building administration authorities and building supervision authorities, when performing the tasks specified by the provisions of building law, may demand, from the participants of the building process, the owner or administrator of the building object, the information or access to documents:

1) connected with carrying out the work, consigning the building object to use, maintenance and use of the building object;

2) proving that the building products were admitted for trade or unit application in the building object.

2. The architectural and building administration authorities and building supervision authorities, in the case of any substantiated doubts about the quality of building products or construction work or about the technical condition of the building object, by a ruling, may impose on the persons referred to in paragraph 1 the obligation to provide, within the specified time limit, the relevant technical appraisal certificates or experts' opinions. The cost of appraisal certificates and experts' opinions shall be borne by the person obliged to provide them.

3. The ruling, referred to in paragraph 2, may be complained against.

4. In the case of failure to provide, within the specified time limit, the requested appraisal certificates or expert's opinions or in the case of providing the appraisal certificates and expert's opinions which do not explain their subject matter sufficiently, the architectural and building administration or building supervision authority may order executing such appraisal certificates and opinions or executing additional appraisal certificates and expert' opinions at the cost of the person obliged to provide them.

Article 82. 1. The competence of the architectural and building administration authorities shall include the matters specified by statutory law and not reserved for the competence of other authorities.

2. The architectural and building administration authority of the first instance, subject to paragraphs 3 and 4, shall be the staroste.

3. The voivode shall be the architectural and building administration authority of a higher degree than the staroste and the first instance authority in the matters of the following building objects and construction work:

1) located within the area of technical hinterland, sea ports and harbours, internal sea waters, territorial sea and exclusive economic zone, as well as within other areas serving the purpose of maintenance of sea traffic and maritime transportation;

2) hydro-engineering structures for damming up water, flood gates, river regulation, basic land improvement, as well as channels and other objects which serve the purpose of water resources management and utilisation, together with accompanying objects;

3) national and voivodeship public roads together with objects and installations designated for maintenance of these roads and road transport, and land technical infrastructure networks located within the boundaries of the roadway – not being connected with the use of the road, and in relation to expressways and motorways – together with objects and installations for servicing travellers, vehicles and shipments;

3a) located on railway area;

4) civil airports – together with accompanying objects and installations;

5) located within closed areas.

6) repealed.

4. The Council of Ministers may, by regulation, also specify building objects and construction work other than those referred to in paragraph 3, in the matters for which the voivode shall be the first instance authority.

Article 82a. The staroste may not entrust, by agreement, the gminas with matters within his scope of competence as the architectural and building administration authority. The provision of Article 5, paragraph 2 of Act of 5 June 1998 on Poviats Self-government (Dziennik Ustaw 2001, No. 142, item 1592; 2002, No. 23, item 220, No. 62, item 558, No. 113, item 984, No. 153, item 1271, No. 200, item 1688, No. 214, item 1806) shall not apply.

Article 82b. 1. The architectural and building administration authorities shall:

1) keep a register of applications for building permits and a register of decisions containing building permits;

2) immediately hand over to building supervision authorities:

a) copies of final decisions containing building permits together with approved building designs;

b) copies of final separate decisions on approval of the building design together with the said designs;

c) copies of other decisions, rulings and notices resulting from the provisions of building law;

3) participate, when summoned by the building supervision authorities, in inspection and control acts and shall make available all the documents and information connected with such acts.

2. Certified copies of the registers referred to in paragraph 1, subparagraph 1, except for registers concerning closed areas, shall be transferred to the authority of higher level by the fifth day of each month or, if the said day is a holiday, on the first business day after this date.

3. In case of failure to transfer the certified copies within the time limit referred to in paragraph 2, the authority of higher degree shall control the registers in the office of the competent authority of architectural and building administration.

4. The minister competent for building industry, spatial economy and housing shall determine, by regulation, the standard forms of applications for building permits and decisions containing building permits.

5. The registers referred to in paragraph 1, subparagraph 1 shall contain, in particular, the data:

1) identifying the authority which prepared the register;

2) taken from the submitted applications and issued decisions, including the investor's personal data.

Article 83. 1. The competence of the poviat building supervision inspector, as the first instance authority, shall include the tasks and powers referred to in Article 36a, paragraph 4, Article 40, paragraph 2, Article 41, paragraph 4, Article 44, paragraph 1, Articles 48 to 51, Article 54, Article 55, Article 57, paragraphs 4, 7 and 8, Article 59, Article 59a, Article 59c, paragraph 1, Article 59d, paragraph 1, Article 59g, paragraph 1, Article 62, paragraph 3, Article 65, Article 66, Article 67, paragraphs 1 and 3, Article 68, Article 69, Article 70, paragraph 2, Article 71a, Article 74, Article 75, paragraph 1, subparagraph 3, letter a, Article 76, Article 78, and Article 97, paragraph 1.

2. The voivodeship building supervision inspector shall be an appellate authority in relation to the poviats building supervision inspector.

3. The competence of the voivodeship building supervision inspector, as the first instance authority, shall include the tasks and powers, determined in paragraph 1, in the matters referred to in Article 82, paragraphs 3 and 4.

Article 83a. Repealed.

Article 84. 1. The tasks of the building supervision authorities shall include:

- 1) control of observance and application of the provisions of building law;
- 2) control of activity of the architectural and building administration authorities;
- 3) study of reasons for the occurrence of construction disasters;
- 4) collaboration with the State control authorities.

2. The building supervision authorities shall be obliged to:

1) immediately send to authorities of architectural and building administration copies of decisions and rulings resulting from the provisions of building law;

2) keep the records of decisions, rulings and notices referred to in Article 82a, paragraph 1, subparagraph 2;

3) keep the records of commenced building objects and of ones consigned for use.

3. The Chairman of the Council of Ministers shall, by regulation, determine the qualifications to be required and rules for remunerating the Civil Service Corps members employed in the Central Office of Building Supervision and voivodeship and poviats Building Supervision Inspectorates.

4. The Council of Ministers shall, by regulation, determine the qualifications to be required and rules for remunerating the other employees of the Central Office of Building Supervision and the voivodeship and poviats Building Supervision Inspectorates.

5. The minister competent for building industry, spatial economy and housing shall determine, by regulation, the standard form and manner of keeping the records of commenced building objects and of ones consigned for use.

6. The records of commenced building objects and of ones consigned for use shall contain, in particular: designation of the authority keeping the records, personal data or name of the investor and other necessary data taken from the submitted notices and decisions.

Article 84a. 1. The control of observance and application of the building law provisions shall include:

1) control of compliance of the execution of construction work with the building law provisions, construction design and conditions determined in the decision containing the building permit;

2) verification of possession by the persons performing individual technical functions in building industry of proper licence to perform the said functions;

3) verification of admission of building products for use in building industry.

2. The building supervision authorities, when verifying the application of the provisions of building law:

1) shall examine the correctness of administrative proceedings before the architectural and building supervision authorities and of the decisions and rulings issued in the course of such proceedings;

2) shall verify the performance of duties resulting from decisions and rulings issued under the provisions of building law.

Article 84b. 1. The activity of the architectural and building administration authorities, shall be controlled by the Chief Inspector of Building Supervision and the voivodeship building supervision inspector that carries on that control in relation to the staroste.

2. The building supervision authorities, as a result of control of activity of the architectural and building administration authorities, may address the post-control recommendations, as well as fix the time limits for their execution. The said authorities shall immediately notify the competent building supervision authorities of execution of the recommendations and other activities undertaken in connection with the revealed inconsistencies.

3. In the case of establishing, by the building supervision authorities, that there occur circumstances justifying resumption of proceedings or stating invalidity of a decision issued by the architectural and building supervision authority, the competent architectural and building supervision authority shall resume or initiate the proceedings ex officio.

4. The minister competent for building industry, spatial economy and housing shall, by regulation, specify the detailed procedure for carrying on the control of activity of the architectural and building supervision authorities and the standard forms of the control records and the manner of drawing up such records.

Article 85. The collaboration of the building supervision authorities and architectural and building supervision authorities with State control authorities shall include, in particular:

- 1) agreeing, according to the needs, the control plans and performing joint control acts;
- 2) disclosure and exchange of information on results of the control.

Article 86. 1. The poviats building supervision inspector shall be appointed by the staroste from among at least three candidates, indicated by the voivodeship building supervision inspector. If the staroste does not appoint the poviats building supervision inspector within 30 days from the day of introducing the candidates, the voivodeship building supervision inspector shall indicate the candidate to be appointed by the staroste for the post of the poviats building supervision inspector.

2. The staroste shall remove the poviats building supervision inspector from the post:

- 1) in agreement with the voivodeship building supervision inspector; or
- 2) upon the request of the voivodeship building supervision inspector.

3. The poviats building supervision inspector shall execute his tasks with the assistance of the poviats building supervision inspectorate.

3a. In justified cases, the territorial scope of operation of the poviats building supervision inspector may include more than one poviat.

3b. The voivode may, at the request of competent starostes, broaden the scope of operation of the poviats building supervision inspector to include more than one poviat.

4. The internal organization and the detailed scope of tasks of the poviats building supervision inspectorate shall be determined by the poviats building supervision inspector by the organizational by-laws.

Article 87. 1. The voivodeship building supervision inspector shall be appointed by the voivode from among at least three candidates, indicated by the Chief Inspector of Building Supervision. If the voivode does not appoint the voivodeship building supervision inspector within 30 days from the day of introducing the candidates, the Chief Inspec-

tor of Building Supervision shall indicate one of the candidates to be appointed by the voivode for the post of the voivodeship building supervision inspector.

2. The voivode shall remove the voivodeship building supervision inspector:

- 1) in agreement with the Chief Inspector of Building Supervision; or
- 2) upon the request of the Chief Inspector of Building Supervision.

3. The voivodeship building supervision inspector shall perform his tasks with the assistance of the voivodeship building supervision inspectorate.

4. The organization of the voivodeship building supervision inspectorate shall be determined by the by-laws determined by the voivodeship building supervision inspector and approved by the voivode.

Article 88. 1. The Chief Inspector of Building Supervision shall be the central government administration authority for the matters of architectural and building administration and building supervision.

2. The Chief Inspector of Building Supervision shall be the competent authority for individual cases settled by the administrative proceedings, within the scope resulting from the provisions of building law.

3. The Chief Inspector of Building Supervision shall be appointed and removed by the Chairman of the Council of Ministers upon request of the minister competent for building industry, spatial economy and housing.

4. The term of office of the Chief Inspector of Building Supervision shall last 6 years.

5. After the lapse of his term of office, the Chief Inspector of Building Supervision shall carry out his duties until the new Chief Inspector of Building Supervision takes over the post.

6. The same person may be the Chief Inspector of Building Supervision for no more than two subsequent terms of office.

7. The term of office of the Chief Inspector of Building Supervision shall expire in the case of the Inspector's removal or death.

8. The Chairman of the Council of Ministers shall remove the Chief Inspector of Building Supervision if the latter:

- 1) renounced the post;
- 2) became permanently unable to carry out his duties as a result of an illness;
- 3) does not carry out or carries out improperly his duties specified in the statutory law;
- 4) was convicted by a valid court judgement for having committed an offence.

9. The Deputy Chief Inspectors of Building Supervision shall be appointed and removed by the minister competent for building industry, spatial economy and housing, upon the request of the Chief Inspector of Building Supervision.

Article 88a. 1. The Chief Inspector of Building Supervision shall perform the functions as specified in the building law provisions, in particular:

- 1) acting in the capacity of an authority of higher level within the meaning of the Code of Administrative Proceedings with regard to:
 - a) voivodes and the voivodeships building supervision inspectors and shall supervise their activity;
 - b) bodies of professional self-government as regards granting building licences and professional liability in building industry;

- 2) controlling the activity of the architectural and building administration authorities and building supervision authorities;
- 3) keeping the central registers of:
 - a) persons who have building licence;
 - b) building experts;
 - c) persons subject to penalty under professional liability.

2. The registers referred to in paragraph 1, subparagraph 3, shall contain in particular: forenames and surname, address, PESEL number – in respect of persons with Polish citizenship, or passport number or the number of another identity document – in respect of persons without Polish citizenship, as well as the information about education and academic titles.

3. The minister competent for building industry, spatial economy and housing shall determine, by a regulation, the standard forms and manner of keeping the registers referred to in paragraph 1, subparagraph 3, and in particular:

- 1) requirements to be met by registers;
- 2) documents to be attached to an application for entry in the registers, which constitute the grounds for making an entry.

Article 88b. 1. The Chief Inspector of Building Supervision shall perform his tasks with the assistance of the Central Office of Building Supervision.

2. The organization of the Central Office of Building Supervision shall be specified in a statute provided, by regulation, by the Chairman of the Council of Ministers.

3. The internal organization and the detailed scope of activity of the Central Office of Building Supervision shall be specified by the Chief Inspector of Building Supervision in the organizational by-laws.

Article 89. Repealed.

Article 89a. The competence of the architectural and building administration authorities and building supervision authorities in the field of mining industry shall include the matters and means of activity connected with them, as specified in the statutory law, relating to the building objects and construction work of mining plants.

Article 89b. The voivode, in the matters referred to in Article 82, paragraph 3, subparagraph 1 and 5, and the architectural and building administration authorities competent for mining industry, when issuing the building permit, shall be obliged to verify whether the investor possesses the ruling on approval referred to in Article 33, paragraph 2, subparagraph 4.

Article 89c. 1. In the cases of the direct threat to the life or health of people connected with the construction, maintenance or demolition of building objects, the staroste, voit, mayor or president may give the competent building supervision inspector an instruction to undertake measures aiming at removing the threat.

2. The staroste, voit, mayor or city president shall bear the exclusive liability for the contents of the instruction referred to in paragraph 1.

3. The instruction given in speech shall be confirmed in writing.

4. The instruction shall be immediately executed. The poviats building supervision inspector, if he is unable to execute the instruction or the instruction infringes the law, shall immediately submit the case to the voivodeship building supervision inspector.

5. The instruction infringing the law shall be invalid. The voivode shall decide on invalidity of the instruction.

Translated by *Joanna Miler and Anna Setkowicz-Ryszka*