

THE NATIONAL BUILDING CODE AND THE CONSTRUCTION INDUSTRY PROFESSIONALS IN NIGERIA

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ABSTRACT

This paper stressed the importance and need for a building code in Nigeria for the smooth operation of the construction industry professionals. The paper gives an insight into the evolution of the National Building Code (NBC, 2006) and relates its relevance to the practice of professionals in the construction industry in Nigeria. The various sections and sub-sections of the code are analyzed to showcase its bearing and relevance to the workings of the key professionals in the industry. Finally, it concludes by highlighting the thirteen (13) major sections and sub-sections of the code and their relevance to the practice of the various professionals in the construction industry in Nigeria. It pinpoints the basic areas directly concerning and related to the professionals and concludes that all the sections and sub-sections are relevant and primary to the successful practice of all the professionals in the Nigerian Construction Industry.

Key Words: National, Nigeria, Building, Code, Professionals, Practice, Construction, Builder

Introduction

According to the Webster Collegiate Dictionary (Tenth Edition, 2000) a code has the following meanings:

1. A systematic statement of body of law, especially, one giving statutory force,
2. A system of principles or rules (moral) and (ethical),
3. A system of signals or symbols for communication.

Analyzing these meanings of a code and taking a closer look at the revealing information highlighted will show that a code is a set of rules of conduct that are procedural and binding. It is a law, regulation or statute.

A code as a system of rules both moral and ethical suggests that it is a procedure to guide the moral and ethical behavior of the adherers to the system of rules, which must be judiciously,

meticulously and painstakingly followed to realize the objectives of the rules. Obviously, a code as a signal, symbol for communication can only be understood by the initiated. In a system or organization where signals and symbols are used for communication, workers or associates of such organization are initiates, taught, educated and trained on the various meanings and interpretations of such signals and symbols for efficient and effective communication amongst members of the initiated community. For example, Roger, Alpha, Omega, etc means different things to different users in different organizations.

If the arguments advanced above are tenable and acceptable, it is expedient to suggest that the new National Building Code (NBC,2006) is a body of laws, regulations, signals, symbols and statutes for the initiated (professionals) in the Construction Industry in Nigeria.

Discussion

The journey to the birth of the National Building Code started in 1987 (NBC, 2006). The defunct National Council of Works and Housing directed that a National Building Code be evolved for Nigeria. All the stakeholders in the building industry were duly contacted for their input. Thereafter, the defunct Federal Ministry of Works and Housing (FMW&H) organized a National Workshop at the Administrative Staff College (ASCON), Badagry, Lagos, 1998.

Another workshop was organized at the Gateway Hotel, Ijebu-Ode, Ogun State in 1990 to further fine tune the draft National Building Code generated from the first workshop in Badagry in 1998.

In 1991, the agreement reached on the draft code in Ijebu-Ode, was ratified by the National Council on Housing; unfortunately, this document was not approved by the Federal Executive Council for use in Nigeria. The 1991 ratified draft document was represented to the 2nd National Council on Housing and Urban Development held in Port-Harcourt, November, 2005 and the Council directed that the document be widely circulated among stakeholders to facilitate the production of a generally acceptable National building code.

According to the National Building code (NBC, 2006), the need for a building code is premised on the following reasons;

1. The absence of planning of our towns and cities,
2. Incessant collapse of buildings, fire infernos, built environment abuse and other disasters,
3. Dearth of referenced design standards for professionals,
4. Use of untested products and materials,
5. Lack of adequate regulations and sanctions against offenders.

There have been raging questions among professionals on the issue of whether the code as approved, is a law or until it is promulgated by the National Assembly of the Federation before it becomes a law? Referring to the earlier meaning given in this paper to a code, the fact that the

code has been signed by both the national Council of States and the National Executive Council (the highest executive arm of government in the land), it can therefore be deduced that, the National Building Code (NBC, 2006) is a body of laws that need no further signing by the National Assembly to be enforced, and binding in Nigeria. The only addition that will be made by this paper is that penalties for contravention of its sections and sub-sections should be more specific and issued as an addendum to the code.

The code is also a set of principles to guide professionals in their everyday professional actions, practice and decisions. Principles are comprehensive and fundamental laws, doctrine or assumptions. Principles are also rules or code of conduct spelling out the behavioral patterns of those guided by the principles in the course of their everyday undertakings/duties/activities.

Principles are also, habitual devotion to the right of others being served by the adherer to the set of principles. The laws of nature underlying the workings of an artificial device are also principles. Therefore, principles can be viewed at the angle of an ingredient that exhibits a characteristic quality on tangible and intangible services rendered by a person under a set of laid down rules. Therefore, a code can be seen from the arguments of this paper to exhibit all of these traits and more. The National Building Code (NBC, 2006) is a set of rules, and principles put in place to guide the professionals in the Nigerian Construction Industry subscribing to the set of rules and principles.

Since inception of time and language, man has devised and used codes for signals and symbols for the purpose of communication. Signals and symbols in communication can only be understood by the communicators using them because they are privy to their meanings. They use the signals and symbols to confuse or hide essential information from the enemy, public and to protect themselves and their profession.

When a doctor writes a prescription, it can only be deciphered by a nurse, pharmacist, and other medical professionals. This is a trade secret to protect their trade, profession and their livelihood. So, a code allows professionals to use his/her trade secret by using signals and symbols known only to the initiated and protect themselves from impostors and charlatans.

Anyone aspiring to be a professional must exhibit the following traits:

1. Be an expert in the specialized knowledge and mechanics of the field in which he practice,
2. Undergoes a formal training process, frequently academic in nature,
3. Build an inventory of practical skills based on experience, which assist him to navigate uncertain regions of performance not learned during formal training,
4. Engages in a continued learning process for the specialized knowledge in his field, which is dynamic,

5. He must be alert to events and information in the world beyond his area of specialized knowledge,
6. He must possess an understanding of the history of his profession's relation to society, which can both be inspiring and/or cautioning his conduct/behavior,
7. He must always remember the value of common sense,
8. He must have relationships with his colleagues and clients that are consensual and fiduciary (mutual and trust worthy),
9. He must protect the public from his own profession (be knowledgeable about all matters, undertakings, but know his limitations; have no conflict of interest and act with honesty, dignity and integrity in all matters) and;
10. He must exercise discretion, wisely.

In the words of Standen (1990) if you are a member of an organization having a code of ethics or a code of professional conduct, then you have ethics. Your conduct contrary to the code is unethical. In addition you have only your moral values to guide you in your professional practice. Both your ethics and your moral conducts are in addition to the legal codes imposed on you. If you are not a member of a professional organization, then you do not have ethics, you only have morals, which is for you to decide, and the law, and no one can say that something you do or omitted to do is unethical. It may have been questionable on moral grounds but not on ethical grounds.

Therein lays the difference between a profession and an occupation. Ethics are made for us by the profession (group), if we are in a group (profession). Morals are our own choice (Standen, 1990). The following factors differentiate a professional from others:

1. The constitution of the profession;
2. The code of conduct/ethics for the profession;
3. The decree/law establishing the profession;

There are other principles guiding a profession, these are:

1. Expertise- a profession possesses a systematic body of theory developed through education, training and experience. The process of building education, training and examination is structured to assure the public that a professional has attained acceptable standards enabling proper performance of service delivery. Professionals are generally expected to maintain the knowledge of their discipline, to respect the accomplishment of the body responsible for their profession and to contribute to its growth.
2. Autonomy – a professional provides expert advice to his employer (Client), independent of any self-interest; learned and uncompromised professional judgement should take precedence over other motive in the pursuit of the profession. Moreover, the social and environmental impact of a professional and his activities must be considered.

3. Competence – professionals bring a high level of selfless dedication to the work they do on behalf of their clients. Professionals are charged to serve their clients in a competent and professional manner and to exercise unprejudiced and unbiased judgment on their behalf.
4. Accountability – professionals accept responsibility for the unqualified, independent advice provided to their clients.

Professionals undertake to perform professional services only when they together with those whom they may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

Results

The relationship between the professionals and the National Building Code (NBC, 2006) are found in the following sections and sub-sections of the code:

Section 1.2.3 – SCOPE: the provisions of this section, stipulates that, subject to the adoption of the code by the states, the code shall apply to and control all matters concerning the design and specification, costing, construction, alteration, addition to, moving, demolition, location, repair and use of any building or structure, for existing or proposed building works within the Federal Republic of Nigeria.

The standards specified in this code constitute the minimum requirement from which other regulations may be derived. The scope specified by the code to cover all spheres of construction begins its relationship with the professionals on the building code advisory committee (BCAC) where all the seven professions in construction are equally represented at the National, State, and Local government levels.

Section 3: Sub-section 3.1- states that, a building code advisory committee (BCAC) referred to as ‘The Committee’ should be established and shall be answerable administratively and operationally to the Minister of Housing and Urban Development, called ‘The Minister’.

Subsection 3.1.1: the composition of members of the committee at various levels include all professionals in the construction industry of not less than ten years post-registration experience.

Other area germane to the professionals in the code is found in subsection 3.1.12, which states; the types of subcommittees required to be formed under the provisions of the code. It expresses that; four technical subcommittees shall be established with the composition including relevant professionals in the building industry, which shall be recommended by the committee and approved by the Minister. The subcommittees shall consist of the following technical areas;

1. Pre-design physical planning, health and environmental subcommittees.

2. Designs-architectural and engineering designs and specifications subcommittee.
3. Construction-materials, methods and construction subcommittee.
4. Post-Construction-occupancy and maintenance subcommittee.

This can be said to be the first chain in the link between the National Building Code and the professionals. Professionals at all levels and organizations must therefore, strive to ensure that they are well represented and not excluded under whatever guise from these important statutorily constituted technical committees.

Section 2 - Interpretations, definitions and abbreviations:

Subsection 2.19; defines a building as; any structure or enclosure of space with a roof and walls for protection of life and property. Meaning that, the erection of any structure that has wall, roof etc., for the protection of life and property must involve and require the professional input of a professional builder.

Subsection 2.21- Building Condition Survey Report:

This is interpreted in the code as a comprehensive report of the actual conditions of all the elements, components and installations of a building prepared by a consortium of registered architects, registered builders, registered engineers, and registered quantity surveyors.

This represents another involvement and relationship at the post-construction stage of a building project between the code and the professional builder.

Subsection 2.24 - Building Maintenance Manual:

This subsection defines a building maintenance manual as a comprehensive guide, which will include appropriate forms and log books for the maintenance of a building prepared by a consortium of registered architects, registered builders and registered engineers.

Subsection 2.26 - Building Works:

According to this subsection, building works is the erection, construction, alteration, extension, repair, demolition and removal of a building or structure and shall include work in connection with material change of use and/or improvement to a building.

Subsection 2.32 - Contract Documents:

This is a very important and relevant subsection to the professionals in the construction industry; a subsection that launches the construction professions into the limelight in Nigeria. The code defines contract documents as:

1. Contract drawings and specifications prepared by registered architects and registered engineers,
2. Priced bills of quantities prepared by a registered quantity surveyor,
3. Construction programme, project quality management plan, project health and safety plan prepared by a builder,
4. Conditions of Contract,

All risk insurance for the building works, personnel and equipment.

Note that the most important aspect to the professional builder in this subsection is item 3; where authority is statutorily given to him to prepare contract documents, namely; construction programme of works; project quality management plan and project health and safety plan.

Subsection 2.33 – Contractor:

This subsection clarifies the difference between a professional builder and a contractor. A misconception used against the profession of building by the general public. The subsection says; a contractor shall mean a person or firm who contracts with an owner or his authorized agent to undertake the execution of a project. Compare this definition to the definition of the professional builder, defined earlier in this text and you will see that the difference is crystal clear.

Subsection 2.37 - Demolition Works:

This subsection is also very relevant to the professional builder, in the sense that demolition work is part and parcel of his rudimentary training and services he is expected to render to the general public and it is in line with subsection 2.26 (Building Works). Other relevant areas in Section 2; to the professional builder, are found in subsections; 2.36, 2.46, 2.48, 2.49, 2.50, 2.51, 2.55, 2.56, 2.57, 2.58, 2.59, 2.60, 2.61, 2.62, 2.63 and 2.67 (see National Building Code, 2006).

Subsection 2.68 – Inspection (Special):

This subsection discusses the professional input of the professionals (including a professional builder) into the supervision of a unit of building and it says; professional supervision is required for the installation, fabrication, erection or placement of components and/or connections requiring special expertise to ensure adequacy (and good workmanship). Also, see subsections; 2.71, 2.72, 2.73, 2.74, 2.75, 2.76, 2.77, 2.78, 2.81, 2.82, 2.83, 2.84, 2.85, 2.86, 2.87, 2.88, 2.89, 2.90, 2.91, 2.92, 2.93, 2.94. These subsections are relevant and related to the services to be provided by the professional builder to his public.

Subsection 2.95 – Definition of a Professional:

The definition given by this subsection reads thus; a registered professional builder is a technically and legally qualified person who has a valid registration/license to practice the profession, issued by the relevant statutory regulatory bodies established for the control of that

profession in Nigeria. Therefore, one cannot be a professional builder in Nigeria unless he holds a valid license or registration issued by Council of Registered Builders of Nigeria (CORBON).

Section 4 – Building Design Classifications: This section is related to the professional builder educationally and as a result of the fact that he has to have a broad based knowledge of building classification as classified by the code at the design stage of the construction process. Also, in this section, various types of building and structures are classified according to use and functionality.

Section 5 – Building Construction Classifications: This section classifies construction into five main categories namely; type one construction, type two construction, type three construction, type four construction and type five construction (subsections 5.1, 5.7). Other subsections worthy of note in this section are; 5.8 5.9 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21 and 5.22 (see Section 5 for further reading).

Pre-design: Section 6 – Environmental and General Building Requirements: this section has three subsections that deal with environmental requirements for building construction (subsection 6.1). Subsection 6.2 relates to interior requirements of buildings. While subsection 6.3, discusses the general building limitations. Without much ado about nothing, the subsections have direct and indirect relevance to the professional builder concerning his professional services and conduct.

Section 7 – Architectural Design Requirements: A professional builder needs to understand this section as well as the other sections of the code for effective and smooth operation. This need is more paramount in relationship to his duties at the design stage of construction. At this stage, the professional builder is required (even though not by law for now) to prepare the Buildability/Maintainability Analysis Report; for him to be effective at this stage, he needs to understand the design criteria set by the code for the architect, which may be found in this section of code.

Section 8 – Civil/Structural/Geo-technical Design Requirements: It is very essential and important for the professional builder to acquaint and avail himself of the information and provisions contained in this section.

This is essential because the professional builder is the last-man-standing, the man-in-charge, the construction manager, the resident supervisor, the builder, the site manager, he is the man to be held responsible if any problem or fault should develop during and after the construction process. Therefore, it will be an understatement to suggest that he should be less concerned about the provisions of this section than the Civil/Structural/Geo-technical professionals in this salient and crucial aspect of construction/building. Also, for the purpose of Buildability/Maintainability Analysis Reporting at the design stage of the construction process, the professional builder needs

to understand the provisions contained in the various subsections of this important section for him to play and contribute his statutory quota to the design of a unit of building.

Section 9 – Service Engineering Design Requirements: as in section 8 above, the professional builder is required to have good knowledge and understanding of section 9 in all aspects and ramifications. The section has three hundred and eight (308) subsections directly or indirectly related to a professional builder at the different stages of building production management.

Section 10 – Building Materials and Components Requirements: this section discusses the various categories and classifications of building materials that may be employed in construction. The materials quality and standards required for good performance in use are adequately spelt out in the various subsections. The workmanship required for block wall can be found in subsection 10.3.15 for example. It is strongly advised that professional builders should endeavor to ingest and digest the cogent and useful information available in this section.

The Construction Stage: Section 11- Building Construction Requirements: this section of the code contains six (6) subsections divided into:

1. Subsection 11.1 – Special Building Design Requirements.
2. Subsection 11.2 – Prohibited Use.
3. Subsection 11.3 – Existing Building.
4. Subsection 11.4 – Building Materials and Components Requirements.
5. Subsection 11.5 – Post-Construction Requirements.
6. Subsection 11.6 – Precautions during Building Operations.

It is pertinent for the professionals in the built environment in Nigeria to learn and imbibe the requirements in this section for ease of service delivery to their public and clients.

Post-Construction Stage: Section 12 – Post Construction Requirements: Subsection 12.1 – Maintenance; stipulates the general conditions for all construction equipment and safeguards required during installation, operation and maintenance of buildings. It stresses the fact that it is unlawful to remove or render inoperative any structural, fire protection or sanitary safeguard or device required for any construction work except when necessary for the actual installation and execution of the work. This section also underlines the need for protection of public workers, erection of fences round any construction operation located 1.5m or less from the street plot line not less than 2.4m high to prevent entry of unauthorized persons (hoarding). This section I believe is also important and relates to the professional builder.

Section 13 – Control of Building Works: this section is all about how the Code Enforcement office at the Division/Section/Unit shall be established. Subsections 13.1.1.2 – Composition; mentions that all professionals in the construction industry (that includes the professional builder) shall be a member. Powers and duties of the code enforcement division/section/unit are

spelt out in subsections 13.1.1.3 and 13.1.1.33 of the National Building Code. The other subsections dwell on the powers of the enforcement officer to access premises where construction is on-going or is completed.

Enforcement officers are to take emergency measures by issuing notices or orders to remove illegal or unsafe conditions to require the necessary safeguards during constructions, to require adequate exit facilities in existing buildings, structures and to ensure compliance with all the code requirements for health, safety and general welfare of public (see section 13 of the code).

The most directly important and relevant subsection to the professional builder is found in subsection 13.2.4 – Post Construction Stage; subsection 13.2.4.1 – Requirements, which stipulates the following conditions:

1. Certificate of Fitness for Habitation, a statutory/regulatory requirement to be issued by the Code Enforcement Officer as a permit; in accordance with the provisions of the law (code) for the use and occupancy of the building in its several parts together with any special conditions of the permit.
2. As-Built Drawings; these are architectural, structural, mechanical and electrical and other specialist drawings showing the building as built , prepared by registered engineers and as-built survey prepared by registered surveyors.
3. Building Maintenance Manual; is a comprehensive guide, which will include appropriate forms and log books for the maintenance of a building prepared by a consortium of registered engineers, registered builders and registered architects.
4. Building Condition Survey Report; is also, a comprehensive report of the actual conditions of all the elements, components and installations of a building prepared by a consortium of registered architects, registered builders, registered engineers and registered quantity surveyors (National Building Code, 2006).

The remaining subsections of this section are as relevant and related to the professional builders as underscored in this paper, they must be studied, imbibed, ingested and digested as appropriate by all and sundry. The appeal to all professional builders is not to allow the lure of pittance (cheap money) to cause the loss of this statutory obligation on the altar of greed. The profession has come this far not on a platter of golden ride. Therefore, builders must collectively and jealously guard what has been given in the form of a National Building Code.

Conclusions

This paper viewed the relationship between the National Building Code and the Construction Professionals in the Nigerian built environment from an angle of statutory requirements and responsibilities pertaining to the professions, the professionals' regulatory services to be provided under the conditions stated in the code using the building profession as an example;

under various sections and subsections. The directly relevant and related aspects of the professionals' roles in accomplishing their professional input in a unit of building were highlighted. The germane sections and subsections providing relevance to the professional practices of builders were stressed.

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