

# Procedure in the event of a construction catastrophe

It should be first clarified when exactly we deal with a construction catastrophe because not every occurrence in a construction work that involves damage to the work's structure can be classified as a construction catastrophe. According to the statutory definition, the term construction catastrophe denotes an unintended, sudden destruction of a building work or a part thereof.

The following are not considered to be a construction catastrophe: damage to a built-in element of a work that may be repaired or replaced; damage to or destruction of building facilities attached to buildings; installation failure. It should be noted that not only a work or a part thereof can be subjected to a construction catastrophe as the catastrophe can also affect structural elements of scaffolding, forming equipment elements, sheet walls or the propping of excavations. Damage must be done in a manner that can be described as sudden, abrupt and unexpected. Therefore, gradual destruction of a construction work or its part may not be considered a construction catastrophe. In the event of a construction catastrophe, a procedure is instituted to investigate the causes of a construction catastrophe and identify entities responsible for causing the collapse. Identification of persons responsible for a construction catastrophe can be highly relevant in the context of criminal liability of the offender or offenders under Art. 163 of the Criminal Code. The procedure is instituted by the competent building control authority, that is, basically, the county building control inspector with territorial jurisdiction for the proceedings.

In the event of a construction catastrophe of a work that is being constructed, demolished or occupied, the site manager, owner, administrator or user is required by law to arrange for immediate aid to the casualties and prevent the escalation of construction catastrophe's effects. Furthermore, the entities referred to in the preceding sentence are required to protect the site of a construction catastrophe against any modifications which could obstruct the investigation procedure and immediately notify the following entities of the construction catastrophe: the competent building control authority; the pub-

lic prosecutor and the Police; the investor, the investor's building control inspector and the work's designer if the work collapsed while construction work was in progress; and other bodies or organisational units that may be interested in the causes or effects of the collapse pursuant to special regulations (e.g. the State Fire Service). In the event of failure to comply with the above obligations, the site manager, owner, administrator or user might be punished with a penalty of custody, restriction of liberty or a fine.

Following the receipt of the notification of a construction catastrophe, the authority conducting the investigation procedure is required to immediately appoint a committee to investigate the causes and circumstances of the construction catastrophe and define the scope of work required to remove the threats to the safety of people or property, and to immediately notify the competent superior-level building control authority and the General Inspector of Building Control of the construction catastrophe. The committee appointed to investigate the circumstances of the construction catastrophe should consist of a representative of the competent building control authority (acting as the chairperson), representatives of other interested bodies of government administration or bodies of government administration having competent subject matter jurisdiction, as well as representatives of the local authorities, and also, as the case may be, a building surveyor or other individuals possessing the required professional qualifications. Moreover, the following persons may be requested to take part in the proceedings of the committee: the investor, owner, administrator or user of the construction work, the designer, a representative of the contractor or of the manufacturer of building materials and persons in charge of the control of construction works.

Following the conclusion of the committee's proceedings, the competent authority will immediately issue a decision specifying the scope and time for performing the work required to sort out the collapse site and secure the construction work until the restoration of the structure to its proper condition has been completed. The authority conducting the investigation procedure may request the owner or administrator, by way of decision, to protect the construction catastrophe site and the construction work, restore order on site, or take any other action and carry out any other construction works as may be required. The decision is immediately enforceable and may be announced orally. If the decision is not enforced or its enforcement is unreasonably delayed by the owner or administrator of the work, the competent authority shall ensure enforcement of the decision at the expense and risk of the party concerned. After the commission's proceedings investigating the causes of the collapse are completed, i.e. upon issuing the decision concerning the performance of works necessary to restore order on the site of a construction catastrophe and to protect the work, the investor, owner or administrator of the work is required to immediately take action necessary to completely remove the results of the construction catastrophe. Likewise, any entity failing to comply with the above obligations might be punished with a penalty of custody, restriction of liberty or a fine.

In brief, if a construction catastrophe occurs, one should closely follow the procedure defined in the Act on Construction Law which provides for minimising the effects of the catastrophe and notifying the competent authorities responsible for determination of its causes.

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