

# BUILDING CONTROL ACT INCORPORATING THE BUILDING CONTROL (AMENDMENT) ACT 2007

## Notes:

- 1) Amendments introduced in the Building Control (Amendment) Act 2007 are shown in **red/bold**.
- 2) This is not the official copy of the Act. For a definitive copy of the Building Control Act and the Building Control (Amendment) Act 2007, please refer to the gazetted documents which is available at: [http://www.bca.gov.sg/Publications/BuildingControlAct/building\\_control\\_act.html](http://www.bca.gov.sg/Publications/BuildingControlAct/building_control_act.html)

## PART I

### PRELIMINARY

#### Short title

- 1 This Act may be cited as the Building Control Act.

#### Interpretation

- 2 (1) In this Act, unless the context otherwise requires –

"accredited checker" means a person who is registered as an accredited checker under section 16, whether acting on his own behalf or on behalf of an accredited checking organisation;

"accredited checking organisation" means an accredited checking organisation registered as such under section **16**;

"amendment plans" means the plans showing any deviation from, or any amendment or addition to, any plan of building works approved by the Commissioner of Building Control under section **5(3)**;

"analyst" means an analyst approved by the Commissioner of Building Control;

"builder" means any person who undertakes, whether exclusively or in conjunction with any other business, to carry out any building works for his own account or for or on behalf of another person (referred to in this definition as A), but does not include any person who contracts with a builder for the execution by that person of the whole or any part of any building works undertaken by the builder for or on behalf of A under a contract entered into by the builder with A;

**"builder's licence" means a general builder's licence or a specialist builder's licence granted under Part VA;**

"building" means any permanent or temporary building or structure and includes —

(a) a hut, shed or roofed enclosure;

**(b) an earth retaining or stabilising structure, whether permanent or temporary;**

**(c) a dock, wharf or jetty;**

**(ca) a floating structure, not being a boat or vessel, constructed or to be constructed on a flotation system that —**

**(i) is or is to be supported by water;**

**(ii) is not intended for or useable in navigation; and  
(iii) is or is to be permanently moored;**

- (d) a culvert, crossing, bridge, underpass or tunnel;
- (e) a sewage treatment plant, sewer, drain, swimming pool or any non-proprietary type of concrete tank for the storage of any solid, liquid or gaseous product;
- (f) a shelter provided under the Civil Defence Shelter Act (Cap. 42A); and
- (g) such other erection or structure (whether permanent or temporary) as the Minister may, by order published in the Gazette, declare to be a building;

"Building and Construction Authority" means the Building and Construction Authority established under section 3 of the Building and Construction Authority Act 1999 (Act 4 of 1999);

"building regulations" means any regulations made under section 49;

"building works" means —

- (a) the erection, extension or demolition of a building;
- (b) the alteration, addition or repair of a building;
- (c) the provision, extension or alteration of any air-conditioning service or ventilating system in or in connection with a building,

and includes site formation works **and any other kind of building operation** connected with or carried out for the purpose of paragraph (a), (b) or (c);

"certificate of statutory completion" means a certificate of statutory completion issued under section 12;

"Commissioner of Building Control", in relation to this Act or any Part or provision of this Act, means any Commissioner of Building Control appointed under section 3 (1) to be responsible for the operation of this Act or that Part or provision, as the case may be;

"common property" has the same meaning as in the Building Maintenance and Strata Management Act 2004;

"competent authority" means the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the development of land;

**“developer”, in relation to any building works, means the person for whom or on whose behalf the building works are carried out;**

**“earth retaining structure” means any structure, structural system or other means used to maintain the shape of excavation during construction, earth filling or cutting;**

"exterior feature", in relation to any building, means any of the following features that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of the building:

- (a) any air-conditioning unit, including any window air-conditioning unit and any condensing equipment of an air-conditioning unit;
- (b) any window, with or without movable parts;
- (c) any grille or shutter, with or without movable parts;

- (d) any tile, cladding, curtain wall, siding, plaster, bracket or cornice;
- (e) any gutter, rainwater down-pipe, or part of the roof;
- (f) any awning or sun-shading device;
- (g) such other feature that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of any building as the Minister may, by notification in the Gazette, declare to be an exterior feature for the purposes of this Act;

"flat" has the same meaning as in the Land Titles (Strata) Act (Cap. 158);

**“general building works” means any building works other than specialist building works;**

**“geotechnical aspects”, in relation to any underground building works, means**

- (a) an analysis of the geological structure and earth materials of the site of the underground building works and its influence on the underground building works;**
- (b) an analysis of the groundwater regime and its influence on the wall stability and integrity of the underground building works over time; and**
- (c) such other applications of earth sciences to and engineering aspects of the underground building works as may be prescribed;**

**“geotechnical engineer” means a professional engineer who is registered under the Professional Engineers Act (Cap. 253) as a specialist professional engineer in the specialised branch of geotechnical engineering;**

"immediate supervision", in relation to any building works or part thereof, means personally and directly exercising oversight, control and inspection of the carrying out of the building works or part thereof;

**“insignificant building works” means such building works as are prescribed under section 4(d);**

"key structural elements" means the foundations, columns, beams, shear cores, **structural walls, struts, ground anchors** and such other parts of a building which are essential for its support and overall structural stability;

**“large building works” means such building works as are prescribed for the purposes of section 7(1)(b);**

"limited common property" has the same meaning as in the Building Maintenance and Strata Management Act 2004;

**“limited liability partnership” has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);**

**“major building works” means building works other than minor building works;**

**“minor building works” means building works (not being underground building works) that are prescribed in the building regulations as building**

**works the plans of which do not require a certification from an accredited checker for the purposes of section 5 or 5A;**

"occupier", in relation to any building, means the person in occupation of the building or having the charge, management or control thereof, either on his own account or as agent of another, but does not include any lodger within the building;

"owner", in relation to —

(a) any premises or building, means the person for the time being receiving the rent of the premises or building, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises or building were let to a tenant and includes a mortgagee in possession;

~~(b) premises to which the Control of Rent Act (Cap. 58) applies, includes the tenant of the premises;~~

(c) the common property of any subdivided building, includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131);

(ca) the limited common property of any subdivided building, includes the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the limited common property, or the person receiving any rent or charge for the maintenance of that limited common property;

(d) the common property of residential and commercial property in any housing estate of the Housing and Development Board, means that Board; and

(e) the common property of any building which is not subdivided, includes any person receiving any rent or charge for the maintenance and management of that common property;

**“person responsible”, in relation to an exterior feature of a building, means —**

**(a) the owner of the building which the exterior feature is installed on, forms part of or projects outwards from, unless otherwise provided by paragraph (b), (c) or (d);**

**(b) subject to paragraph (c), where the exterior feature is part of —**

**(i) the common property of any housing estate of the Housing and Development Board — either that Board or the Town Council established under the Town Councils Act (Cap. 329A) for that housing estate, as the Minister shall designate for that exterior feature; or**

**(ii) the common property or limited common property of any other land (whether or not comprised in a strata title plan) — the owner thereof, unless otherwise provided by paragraph (d);**

**(c) where the exterior feature is a window, grille or shutter that is part of a flat —**

**(i) in the case of a flat in any housing estate of the Housing and Development Board — the owner of the flat as defined in the Housing and Development Act (Cap. 129); or**

- (ii) in the case of any other flat — the owner of that flat; or**  
**(d) such other person as may be prescribed under section 22C as the person responsible for the exterior feature;**

"plans", in relation to any building works —

- (a) includes drawings, details, diagrams, structural details and calculations showing or relating to the building works; and
- (b) if prepared in electronic form, includes the medium in which the plans of building works have been stored;

"premises" includes buildings, lands, easements and hereditaments of any tenure;

"qualified person" means a person who is registered as —

- (a) an architect under the Architects Act (Cap. 12) and has in force a practising certificate issued under that Act; or
- (b) a professional engineer under the Professional Engineers Act (Cap. 253) and has in force a practising certificate issued under that Act;

"repealed Act" means the Building Control Act (Cap. 29, 1985 Ed.) in force immediately before 1st May 1989;

"retrofit", in relation to an exterior feature, means to modify or re-install the exterior feature as if installing the exterior feature for the first time;

"short-lived materials" means any building materials which are, in the absence of special care, liable to rapid deterioration or are otherwise unsuitable for use in the construction of permanent buildings;

**“site supervisor” means a person appointed (whether alone or as a member of a team of site supervisors) under section 10 to be a site supervisor in respect of any small-scale or large building works;**

**“small-scale building works” means such building works as are prescribed for the purposes of section 7(1)(c);**

**“specialist accredited checker” means an accredited checker who is registered under section 16 to undertake the work of an accredited checker as regards the geotechnical aspects of any underground building works;**

**“specialist builder” means any person who is licensed under Part VA as a specialist builder;**

**“specialist building works” means the following types of building works:**

- (a) piling works comprising installation and testing of pre-cast reinforced concrete or pre-stressed concrete piles, steel piles, bored cast-in-place reinforced concrete piles, caissons and special pile types like micro-piles, barrettes piles and composite piles, embedded retaining wall piles like diaphragm walls, contiguous bored piles or secant piles;**
- (b) ground support and stabilisation works, including installation and testing of ground anchors, soil nails, rock bolts, ground treatment like chemical grouting and jet-grouting, reinforced-earth, shotcreting and tunnel**

- supports;**
- (c) site investigation work comprising field investigations, exploratory drilling or boring, logging, sampling, coring, in-situ plate-loading tests, pressure meter tests, penetration tests, vane shear tests, probing tests, permeability tests, geological mapping and geophysical surveys, and installation and monitoring of instruments measuring forces, deformation, displacements, pore and earth pressures, and ground-water levels;**
  - (d) structural steelwork comprising —**
    - (i) fabrication of structural elements;**
    - (ii) erection work like site cutting, site welding and site bolting; and**
    - (iii) installation of steel supports for underground building works;**
  - (e) pre-cast concrete work comprising fabrication of pre-cast structural elements;**
  - (f) in-situ post-tensioning work comprising setting out of tendon profiles, laying of conduits, anchorages and bursting reinforcement, pulling or stressing of cables, pressure grouting of conduits; and**
  - (g) such other building works as the Minister may, by order published in the Gazette, declare to be specialist building works;**

"structural elements" means those parts or elements of a building which resist forces and moments, and includes foundations, beams, columns, shear cores, **structural walls, struts, ground anchors, slabs, trusses**, staircases, load bearing walls and all other elements designed to resist forces and moments but does not include doors, windows and non-load bearing walls;

"structural works" means works in relation to the structural elements of the building works;

**“temporary building” means —**

- (a) any building or structure constructed of short-lived materials; or**
- (b) any other building or structure permitted to be used by the competent authority or Commissioner of Building Control for a period not exceeding 36 months, or such other period as may be prescribed (if prescribed) in the building regulations,**

"temporary occupation licence" means a temporary occupation licence issued under section 8 (1) of the repealed Act;

"temporary occupation permit" means a temporary occupation permit granted under section **12(3)**;

"unauthorised", in relation to a building or building works, means any building erected, or any building works commenced or carried out, in contravention of any provision of this Act or the building regulations;

**“underground building works” means any of the following building works, the carrying out of which starts on or after the date to be specified by the Minister by order in the Gazette:**

- (a) any excavation or other building works to make —**
  - (i) a tunnel with a diameter, width or height of more than 2 metres;**
  - (ii) a caisson, cofferdam, trench, ditch, shaft or well with a depth of more**

than 6 metres;

- (b) any building works for constructing, altering or repairing any earth retaining structure in or for a trench, ditch, shaft or well with a depth or height of more than 6 metres; or
- (c) such type of foundation works as the Minister may prescribe in the building regulations for buildings of 30 or more storeys;

“value”, in relation to any building works, means —

- (a) for any underground building works, the total cost to be expended in carrying out those building works estimated at the time of, and contained in, the application under section 5 for approval of the plans of those building works, including any goods and services tax payable in relation to the supply of the work; or
- (b) for any other building works, the total cost to be expended in carrying out the building works (including the foundations, basements, structural frame, finishes and the installation of building services) estimated at the time of, and contained in, the application under section 5 for approval of the plans of the building works, including any goods and services tax payable in relation to the supply of the work;

"ventilating system" means a mechanical system for introducing or exhausting air.

- (2) In this Act, unless the context otherwise requires, any reference to a building includes a reference to a part of a building.
- (3) The Minister may, by notification published in the Gazette, vary any of the following referred to in the definition of “underground building works” in subsection (1):
  - (a) the diameter, width or height of any tunnel;
  - (b) the depth of any caisson, cofferdam, trench, ditch, shaft or well;
  - (c) the depth or height of any earth retaining structure in or for a trench, ditch, shaft or well; or
  - (d) the number of storeys in a building.
- (4) Any reference in this Act to a person being an associate of a developer or builder of building works shall be a reference to any of the following persons:
  - (a) any partner of the developer or builder;
  - (b) any body corporate in which the developer or builder is a substantial shareholder as defined in section 81 of the Companies Act (Cap. 50);
  - (c) if the developer or builder is a body corporate —
    - (i) a person who is a substantial shareholder of that body corporate as defined in section 81 of the Companies Act; or
    - (ii) a director, secretary or similar executive officer of the body corporate;
  - (d) any body corporate of which the developer or builder is a director, secretary or similar executive officer;
  - (e) where the developer or builder is a trustee — a beneficiary or an object of the discretionary trust;
  - (f) any employer or employee of the developer or builder.

**(5) Where —**

- (a) by or under any provision of this Act or any subsidiary legislation made thereunder an act or thing is required or directed to be done within a particular period or before a particular time;**
- (b) failure to do that act or thing within the period or before the time referred to in paragraph (a) constitutes an offence; and**
- (c) that act or thing is not done within the period or before the time referred to in paragraph (a),**  
**the obligation to do that act or thing shall continue, notwithstanding that that period has expired or that time has passed, until that act or thing is done; and if the failure to do that act or thing within the period or before the time referred to in paragraph (a) is an offence, a person shall be guilty of a separate offence in respect of each day (including the day of a conviction for any such offence or any later day) or part thereof during which the person continues to refuse or fail to comply with that requirement or direction.**

**Authorised officers**

- 3 (1) The Minister may, by notification in the Gazette, appoint such person or persons as he thinks fit to be the Commissioner of Building Control responsible for the operation of this Act, either generally or for any particular Part or provision of this Act or for any particular regulations made under this Act, and may in the notification specify the extent of and manner in which that responsibility is to be exercised.
- (2) Subject to the directions of the Commissioner of Building Control, the powers conferred and the duties imposed on the Commissioner of Building Control under this Act and the building regulations may be exercised and carried out by —
- (a) any public officer; and
  - (b) any qualified person who is in the employment of —
    - (i) the Housing and Development Board;
    - (ii) the Land Transport Authority of Singapore; or
    - (iii) such other public authority constituted by any written law as the Minister may approve for the purpose,generally or specially authorised by name or office by the Commissioner of Building Control.
- (3) Any qualified person who is generally or specially authorised under subsection (2) to exercise the powers or to carry out the duties of the Commissioner of Building Control under this Act shall —
- (a) be deemed to be public officers for the purposes of this Act; and
  - (b) be public servants within the meaning of the Penal Code (Cap. 224).

**PART II is repealed and re-enacted.**

**PART II**

**CONTROL OF BUILDING WORKS**

***Division 1 – Application***

**Application to building works**



- 4** Except as otherwise expressly provided, this Part shall apply to all building works except —
- (a)** building works for a temporary building or the occupation of any such building;
  - (b)** retrofitting of exterior features referred to in Part III;
  - (c)** building works that are exempted under section 30, or are in relation to a building that is so exempted; and
  - (d)** building works that are prescribed in the building regulations to be insignificant building works.

*Division 2 - Building plan approvals and permits*

**Application for approval of plans of building works**

- 5** (1) An application for approval of the plans of any building works shall be made to the Commissioner of Building Control by the developer of those building works.
- (2) An application for approval of the plans of any building works shall be accompanied by —
- (a)** the application fee prescribed (if any);
  - (b)** the names and particulars of —
    - (i)** the appropriate qualified person whom the developer or builder of the building works has appointed to prepare the plans of those building works; and
    - (ii)** where the building works comprise wholly or partly of any underground building works, the geotechnical engineer whom the developer or builder of the building works has appointed to prepare the plans relating to the geotechnical aspects of those underground building works;
  - (c)** the plans of the building works prepared in accordance with the building regulations;
  - (d)** in the case of major building works, a certificate from the following accredited checkers:
    - (i)** a certificate by an accredited checker stating that he has checked the plans relating to those building works and that, to the best of the accredited checker's knowledge and belief, the plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those building works; and
    - (ii)** where the building works comprise wholly or partly of any underground building works, another certificate by a specialist accredited checker (who may or may not be the same accredited checker in sub-paragraph (i)) stating that the specialist accredited checker has checked the geotechnical aspects of those underground building works and that, to the best of his knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those underground building works;
  - (e)** the certificate (in the form prescribed) signed by the qualified person appointed to prepare the plans of those building works, certifying that he prepared those plans; and
  - (f)** such other documents as may be prescribed in the building regulations.

- (3) Upon receiving an application under subsection (1) for the approval of plans of any building works, the Commissioner of Building Control shall consider the application and may —**
- (a) approve any one or more of the plans submitted to him, with or without conditions;**
  - (b) direct the developer (in writing) to comply with such requirements as the Commissioner of Building Control may specify for the purpose of ensuring that all or any of the plans submitted to him comply with the provisions of this Act and the building regulations and to re-submit those plans for his approval, within such period as may be specified in the direction; or**
  - (c) disapprove any one or more of the plans submitted to him.**
- (4) If the direction given by the Commissioner of Building Control under subsection (3)(b) is not complied with within the period specified in that direction, or such further period as may be extended by the Commissioner of Building Control, the application for approval of those plans shall, at the end of that period, be deemed to be disapproved by the Commissioner of Building Control.**
- (5) The Commissioner of Building Control may, without checking the plans and design calculations of any building works, approve those plans on the basis of —**
- (a) where the plans relate to any major building works or underground building works, the certificate of an accredited checker or specialist accredited checker or both, as the case may be, certifying that —**
    - (i) the accredited checker has checked the plans relating to the major building works and that, to the best of his knowledge and belief, the plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those major building works; and**
    - (ii) where the building works comprise wholly or partly of any underground building works, the specialist accredited checker has checked the geotechnical aspects of the underground building works and that, to the best of his knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those underground building works; or**
  - (b) in any other case, the certificate (in the form prescribed) signed by the qualified person appointed to prepare the plans of those building works, certifying that he prepared those plans.**
- (6) Notwithstanding subsection (5), the Commissioner of Building Control may, in his discretion, carry out random checks on any of the detailed structural plans, design calculations or geotechnical aspects of any building works before approving those plans under that subsection.**

#### **Deviations from approved building plans**

- 5A (1) Where the plans of any building works or proposed building works have been approved by the Commissioner of Building Control under section 5(3)(a) and the developer of the building works intends to depart or deviate from the plans**

approved, the developer shall apply to the Commissioner of Building Control for his approval of the amended plans showing the proposed departure or deviation.

- (2) An application under subsection (1) shall be accompanied by —
- (a) the amended plans of the building works prepared in accordance with the building regulations by the appropriate qualified person referred to in section 5(2)(b)(i) or (ii) or both, as the case may be;
  - (b) in the case of major building works, a certificate from the following accredited checkers:
    - (i) a certificate by an accredited checker stating that he has checked the amended plans relating to those building works and that, to the best of the accredited checker's knowledge and belief, the amended plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those building works; and
    - (ii) where the building works comprise wholly or partly of any underground building works, a certificate by a specialist accredited checker (who may or may not be the same accredited checker under sub-paragraph (i)) stating that the specialist accredited checker has checked the amended geotechnical aspects of the underground building works and that, to the best of his knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those underground building works; and
  - (c) the certificate (in the form prescribed) signed by the qualified person appointed to prepare the amended plans of those building works, certifying that he prepared those amended plans.
- (3) The first approval granted under section 5 of any plans of building works shall end and be superseded to the extent that the amended plans relating to those same building works are approved under this section (whether or not the approval also relates to other building works).

#### **Lapsing or revocation of building plans approval**

- 5B (1) Any approval granted under section 5 or 5A in respect of any building works shall automatically lapse —**
- (a) when any written permission referred to in section 12 of the Planning Act (Cap. 232) that has been granted in respect of any development of land involving the building works lapses pursuant to section 20 of that Act;
  - (b) if no such written permission has been granted in respect of those building works, at the end of a continuous period of 6 months during which the building works are suspended; or
  - (c) if the building works do not start within the period prescribed in the building regulations.
- (2) The Commissioner of Building Control may, at any time, revoke any approval granted in respect of any building works under section 5 or 5A if he is satisfied that any information given in the application for approval or any document submitted to the Commissioner of Building Control in connection with the application for approval is false in a material particular.

- (3) Where the Commissioner of Building Control has under subsection (2) revoked any approval granted under section 5 or 5A in respect of any plans of building works, any permit, certificate of statutory completion and temporary occupation permit granted in respect of those building works shall also automatically lapse.**

**Permit to carry out structural works**

- 6 (1) Subject to the provisions of this Act, an application for a permit to carry out structural works in any building works may be made at any time to the Commissioner of Building Control by —**
- (a) the developer of those building works;**
  - (b) the builder whom the developer has appointed in respect of those building works; and**
  - (c) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise those building works.**
- (2) An application for a permit to carry out structural works in any building works shall be accompanied by —**
- (a) a notification, signed by the developer of the building works, stating the date on which those building works are to start;**
  - (b) the names and particulars of —**
    - (i) the qualified person appointed under section 8 or 11 to supervise the carrying out of those building works; and**
    - (ii) where the building works comprise wholly or partly of any underground building works, the geotechnical engineer who is appointed under section 8 or 11 to supervise the geotechnical aspects of those underground building works;**
  - (c) the following documents signed by the builder:**
    - (i) an acceptance of his appointment in respect of the structural works; and**
    - (ii) an undertaking of responsibility for strict compliance with the provisions of this Act and the building regulations;**
  - (d) the following documents signed by the qualified person or persons referred to in paragraph (b):**
    - (i) a confirmation of his appointment in respect of the building works; and**
    - (ii) a notice of the names and particulars of the site supervisor, or all members of the team of site supervisors, he has appointed in respect of the structural works in accordance with section 10(1) or (2); and**
  - (e) such other documents as the Commissioner of Building Control may require.**
- (3) The Commissioner of Building Control may, on an application made under subsection (1), grant a permit to carry out structural works in any building works jointly to —**
- (a) the developer of those building works;**
  - (b) the builder whom the developer has appointed in respect of those building works; and**
  - (c) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise those building works,**

subject to such terms and conditions as he thinks fit to impose.

- (4) The Commissioner of Building Control may revoke a permit to carry out any structural works if the structural works, if started, are suspended for a continuous period of more than 3 months.**
- (5) Any permit to carry out structural works in any building works granted under this section shall not be transferable, and shall automatically lapse if any of following permit holders ceases to be —**
  - (a) the developer of those building works;**
  - (b) the builder whom the developer has appointed in respect of the building works; or**
  - (c) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise the building works.**

#### **Modification or waiver of building regulations**

**6A (1) The Commissioner of Building Control may, on receipt of an application in relation to any particular building works, advertisements, signboards or skysigns, modify or waive, subject to such terms and conditions as he may impose, any of the requirements of the building regulations.**

- (2) Every application under subsection (1) shall —**
  - (a) be made to the Commissioner of Building Control by or on behalf of the developer of the building works, advertisements, signboards or skysigns;**
  - (b) be in such form as may be required by the Commissioner of Building Control;**
  - (c) state the nature and extent of and the reasons for the proposed modification or waiver of those requirements; and**
  - (d) be accompanied by such plans and other particulars as may be prescribed in the building regulations.**

#### ***Division 3 - Building works***

##### **Supervision of building works**

- 7 (1) Except as otherwise provided in this Act or the building regulations —**
- (a) all building works shall be carried out under the supervision of an appropriate qualified person;**
  - (b) the structural elements of all such building works as are prescribed in the building regulations (referred to in this Act as large building works) shall be carried out under the full-time supervision of a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction; and**
  - (c) concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of all such building works as are prescribed in the building regulations (referred to in this Act as small-scale building works) shall be carried out under the immediate supervision of —**
    - (i) an appropriate qualified person; or**
    - (ii) a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction.**

- (2) Except as otherwise provided in this Act or the building regulations, no person shall commence or carry out the geotechnical aspects of any underground building works except —**
- (a) under the supervision of the qualified person appointed under section 8(1)(d)(ii) or 11(1)(d)(ii) or (iii)(B); or**
  - (b) under the full-time supervision of a site supervisor or a team of site supervisors appointed under section 10 by the qualified person in paragraph (a) and working under his control and direction.**
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —**
- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and**
  - (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the contravention continues, and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**

**Tests of and in connection with building works**

- 7A (1) Subject to subsection (3), the qualified person appointed to supervise the carrying out of any building works shall carry out or cause to be carried out such tests of or in connection with the building works as may be prescribed in the building regulations or required by the Commissioner of Building Control.**
- (2) Any tests prescribed, or required to be carried out, under subsection (1) shall be carried out in such manner and at such places and times as may be prescribed in the building regulations.**
- (3) The Commissioner of Building Control may, on an application in relation to any particular building works, give a direction waiving the operation of subsection (1) in relation to those building works if he is satisfied that the operation of subsection (1) in relation to that particular case would be unreasonable.**
- (4) An application under subsection (3) shall be accompanied by such particulars as may be prescribed in the building regulations.**
- (5) If a qualified person fails to comply with subsection (1), the Commissioner of Building Control may, by order in writing served on the qualified person, every site supervisor, and the builder and specialist builder (if any) of the building works and the developer, require the building works to cease until the order is withdrawn.**
- (6) Without prejudice to the right of the Commissioner of Building Control to exercise his power under subsection (5), any qualified person who fails to comply with any requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction —**
- (a) to a fine not exceeding \$50,000 or to imprisonment for a term not**

exceeding 12 months or to both; and  
(b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the qualified person fails to comply with the requirement,  
and if the failure to comply continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the failure to comply continues after conviction.

(7) If any person on whom an order made under subsection (5) is served fails to comply with the order, he shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof the qualified person fails to comply with the requirement,

and if the failure to comply continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the failure to comply continues after conviction.

#### *Division 4 — Duties of developers, qualified persons, site supervisors and builders*

##### **Duties of developer**

**8 (1) Subject to the provisions of this Act, every developer of building works shall appoint —**

(a) an appropriate qualified person to prepare the plans of the building works in accordance with this Act if no such person is appointed by the builder in paragraph (c);

(b) an appropriate qualified person to supervise the carrying out of those building works if no such person is appointed by the builder in paragraph (c);

(c) a builder to carry out those building works;

(d) where the building works comprise wholly or partly of any underground building works and if the builder in paragraph (c) does not appoint any of the following —

(i) a qualified person who is a geotechnical engineer to prepare the plans relating to the geotechnical aspects of the building works, who may or may not be the same qualified person referred to in paragraph (a);  
and

(ii) a qualified person who is a geotechnical engineer to supervise the geotechnical aspects of those building works, who may or may not be the same qualified person referred to in paragraph (b); and

(iii) in addition to appointing a builder under paragraph (c), a specialist builder to monitor instruments measuring pore pressures for saturated and unsaturated levels, groundwater levels, ground movements or building movements and to measure forces, deformations or displacements;

(e) in respect of the detailed structural plans and design calculations of the

**major building works —**

- (i) an accredited checker who is either a director, partner, member or employee of an accredited checking organisation, if the value of the building works exceeds the prescribed limit in the building regulations; or**
  - (ii) an accredited checker (whether or not a director, partner, member or employee of an accredited checking organization), if the value of the building works does not exceed the prescribed limit referred to sub-paragraph (i); and**
- (f) where the building works comprise wholly or partly of any underground building works -**
- (i) a specialist accredited checker in respect of the geotechnical aspects of those building works; and**
  - (ii) in addition to appointing a builder under paragraph (c), a specialist builder to monitor instruments measuring pore pressures for saturated and unsaturated levels, groundwater levels, ground movements or building movements and to measure forces, deformations or displacements.**
- (2) If any qualified person, builder, specialist builder, accredited checker or specialist accredited checker appointed under subsection (1) in respect of building works becomes unwilling to act or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his respective duties under this Act, the developer shall —**
- (a) without delay appoint under subsection (1) another qualified person, builder, specialist builder, accredited checker or specialist accredited checker, as the case may be, in his place; and**
  - (b) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.**
- (3) The developer of any building works shall notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those building works of which the developer knows or ought reasonably to know.**
- (4) Any developer of building works who, without reasonable excuse, fails to comply with subsection (2)(b) shall be guilty of an offence.**
- (5) Any developer who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.**
- (6) It shall be a defence in any prosecution for a contravention of subsection (3) for the person charged to prove to the satisfaction of the court that he did not know and could not reasonably have discovered the contravention referred to in the charge.**

#### **Duties of qualified persons**

- 9 (1) Every qualified person who is appointed under section 8 or 11 to prepare the plans of any building works shall —**





- may be, to ensure that those building works are being carried out in accordance with —
- (i) the provisions of this Act;
  - (ii) subject to section 6A, the building regulations;
  - (iii) the relevant plans approved by the Commissioner of Building Control; and
  - (iv) any terms and conditions imposed by the Commissioner of Building Control;
- (b) in the absence of a site supervisor, take all reasonable steps and exercise due diligence in giving immediate supervision to the carrying out of concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of the building works to ensure that such critical structural works of the building works are being carried out in accordance with —
- (i) the provisions of this Act;
  - (ii) subject to section 6A, the building regulations;
  - (iii) the relevant plans approved by the Commissioner of Building Control; and
  - (iv) any terms and conditions imposed by the Commissioner of Building Control;
- (c) notify the Commissioner of Building Control of any contravention of this Act or the building regulations in relation to those building works of which the qualified person knows or ought reasonably to know;
- (d) keep and maintain at the premises on which building works are carried out such documents, books and records as may be prescribed in the building regulations;
- (e) submit to the Commissioner of Building Control at the prescribed times such reports and certificates as may be prescribed in the building regulations; and
- (f) notify the Commissioner of Building Control if the building works have been suspended for a period of more than 3 months.
- (5) If any qualified person who is appointed under section 8 or 11 —
- (a) to prepare the plans of any building works; or
  - (b) to supervise the carrying out of any building works, or the geotechnical aspects of any underground building works,
- becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under this Act, the qualified person shall, within 14 days of his ceasing to carry out his duties, notify the Commissioner of Building Control and the builder of those building works of that fact.
- (6) If any site supervisor appointed under section 10 in respect of any building works becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under section 10(5), the qualified person appointed under section 8 or 11 to supervise the carrying out of the building works shall —
- (a) appoint another site supervisor in his place; and
  - (b) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.

- (7) A qualified person who is appointed under section 8 or 11 to supervise the carrying out of any building works, or the geotechnical aspects of any underground building works, shall not supervise —**
- (a) any works relating to the structural elements of any major building works; or**
  - (b) the geotechnical aspects of the underground building works, if he, or any nominee of his, is a partner, an officer or an employee of —**
    - (i) the developer of those building works;**
    - (ii) the builder of those building works; or**
    - (iii) an associate of the developer or builder referred to in paragraph (i) or (ii).**
- (8) If any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (1)(a) or (2)(b) or (3), he shall be guilty of an offence and shall be liable on conviction —**
- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and**
  - (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the qualified person fails to comply with the requirement,**
- and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**
- (9) If any qualified person appointed under section 8 or 11 contravenes subsection (4)(a) or (b), he shall be guilty of an offence and shall be liable on conviction —**
- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and**
  - (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the qualified person fails to comply with the requirement,**
- and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**
- (10) If —**
- (a) any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (1)(b); or**
  - (b) any qualified person appointed under section 8 or 11 contravenes subsection (4)(c), (d) or (e) or subsection (7),**
- the qualified person shall be guilty of an offence and shall be liable on conviction —**
- (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and**
  - (ii) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the qualified person contravenes subsection (1)(b), subsection (4)(c), (d) or (e), as the case may**

be,  
and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

**(11) If —**

- (a) any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (5); or**
- (b) any qualified person appointed under section 8 or 11 contravenes subsection (4)(f) or (5),**  
the qualified person shall be guilty of an offence.

**(12) It shall be a defence in any prosecution for a contravention of subsection (1)(b) or (4)(c) for the person charged to prove to the satisfaction of the court that he did not know and could not reasonably have discovered the contravention referred to in the charge.**

#### **Duties of site supervisors**

- 10 (1) The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any large building works shall appoint the following site supervisors in respect of the structural elements of the large building works:**
- (a) a team of site supervisors comprising not less than such number of persons as may be prescribed in relation to the value of those large building works; or**
  - (b) at least one site supervisor, in any other case.**
- (2) The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any small-scale building works shall appoint at least one site supervisor, in respect of the critical structural elements of the small-scale building works.**
- (3) No person shall be appointed under this section as a site supervisor in respect of any building works for the purposes of this Act unless —**
- (a) he possesses the initial practical experience and qualifications prescribed; and**
  - (b) he remains accredited with the Building and Construction Authority or a prescribed organisation.**
- (4) No site supervisor shall supervise any structural works of any major building works if he, or any nominee of his, is a partner, an officer or an employee of —**
- (a) the developer or builder of those building works; or**
  - (b) any associate of the developer or builder of those building works.**
- (5) Every site supervisor appointed under this section in respect of any building works shall take all reasonable steps and exercise due diligence in giving —**
- (a) in the case of large building works — full-time supervision to the carrying out of the structural elements of the building work; and**
  - (b) in the case of small-scale building works — immediate supervision to the carrying out of the critical structural elements of the building works,**

to ensure that the structural elements or critical structural elements, as the case may be, of the building works in question are carried out in accordance with the plans of the building works supplied to him in accordance with section 9(1)(c) by a qualified person, and with any terms and conditions imposed by the Commissioner of Building Control.

- (6) If a site supervisor appointed in respect of any building works becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under subsection (5), the site supervisor shall, within 7 days of his ceasing to carry out such duties, notify the Commissioner of Building Control of that fact.
- (7) Any site supervisor who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.
- (8) Any site supervisor who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
  - (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the site supervisor fails to comply with the requirement,
- and if the contravention continues after the conviction, the site supervisor shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.
- (9) Any site supervisor or qualified person who, without reasonable excuse, contravenes subsection (6) shall be guilty of an offence.

#### **Duties of builders**

- 11 (1) A builder undertaking any building works shall —
- (a) ensure that the building works are carried out in accordance with —
    - (i) the provisions of this Act;
    - (ii) subject to section 6A, the building regulations;
    - (iii) the relevant plans approved by the Commissioner of Building Control and supplied to him by a qualified person under section 9(1)(c); and
    - (iv) any terms and conditions imposed by the Commissioner of Building Control in accordance with the provisions of this Act and, subject to section 6A, the building regulations;
  - (b) notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those building works of which the builder knows or ought reasonably to know;
  - (c) keep at the premises on which the building works are carried out, and make available on request (at a reasonable time) by any specialist builder appointed in respect of specialist building works comprised in those same building works, all plans of those building works approved by the Commissioner of Building Control and supplied to him by a qualified person under section 9(1)(c);

- (d) where no such qualified person has been appointed by the developer in respect of those building works, appoint —**

    - (i) an appropriate qualified person to prepare the plans of the building works;**
    - (ii) an appropriate qualified person to supervise the carrying out of those building works; and**
    - (iii) where the building works comprise wholly or partly of any underground building works —**
      - (A) a geotechnical engineer (who may or may not be the same person referred to in sub-paragraph (i)) to prepare the plans relating to the geotechnical aspects of the underground building works; and**
      - (B) a geotechnical engineer (who may or may not be the same person referred to in sub-paragraph (ii)) to supervise the geotechnical aspects of the underground building works;**
  - (e) have an adequate number of construction supervisors working under his direction to assist the builder to ensure that paragraph (a) is complied with;**
  - (f) within 7 days of the completion of the building works, certify that the new building has been erected or the building works have been carried out in accordance with the provisions of this Act and, subject to section 6A, the building regulations and deliver that certificate to the Commissioner of Building Control;**
  - (g) notify the Commissioner of Building Control of the appointment and termination of appointment of any specialist builder appointed by the builder in respect of specialist building works comprised in those same building works; and**
  - (h) comply with such other duties as may be prescribed in the building regulations.**
- (2) A specialist builder undertaking any specialist building works shall —**
- (a) ensure that the specialist building works are carried out in accordance with —**

    - (i) the provisions of this Act;**
    - (ii) subject to section 6A, the building regulations;**
    - (iii) the relevant plans approved by the Commissioner of Building Control; and**
    - (iv) any terms and conditions imposed by the Commissioner of Building Control in accordance with the provisions of this Act and, subject to section 6A, the building regulations;**
  - (b) notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those specialist building works, being a contravention which the specialist builder knows or ought reasonably to know; and**
  - (c) comply with such other duties as may be prescribed in the building regulations.**
- (3) Without prejudice to subsection (2), a specialist builder who is appointed by the developer under section 8(1)(f)(ii) in respect of any building works shall not carry out any work monitoring instruments measuring pore pressures for saturated and unsaturated levels, groundwater levels, ground movements or**

**building movements and to measure forces, deformations or displacements in connection with those building works if he, or any nominee of his, is a partner, an officer or an employee of -**

- (a) the developer or builder of those building works; or**
- (b) any associate of the developer or builder of those building works.**

- (4) If any builder or specialist builder appointed under section 8 or 11 in respect of building works becomes unwilling to act or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under subsection (1) or (2), the builder or specialist builder, as the case may be, shall, within 14 days of his ceasing to carry out his duties, notify the Commissioner of Building Control of that fact.**
- (5) If any qualified person who is appointed under section 8 or this section —**
- (a) to prepare the plans of any building works; or**
  - (b) to supervise any building works,**
- becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under this Act, the builder and specialist builder of those building works shall cease or shall not commence carrying out the building works until the developer or the builder appoints another appropriate qualified person in respect of those building works.**
- (6) Any builder or specialist builder who contravenes subsection (1)(a), (2)(a) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.**
- (7) If —**
- (a) a builder contravenes subsection (1)(b) or (c); or**
  - (b) a specialist builder contravenes subsection (2)(b),**
- the builder or specialist builder, as the case may be, shall be guilty of an offence and shall be liable on conviction —**
- (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and**
  - (ii) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the builder or specialist builder contravenes subsection (1)(b) or (c) or subsection (2)(b),**
- and if the contravention continues after the conviction, the builder or specialist builder, as the case may be, shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**
- (8) It shall be a defence in any prosecution for a contravention of subsection (1)(b) or (2)(b) for the builder or specialist builder charged to prove to the satisfaction of the court that he did not know nor could reasonably have discovered the contravention or non-compliance referred to in the charge.**

- (9) If —**
- (a) a builder, without reasonable excuse, contravenes subsection (1)(d), (e), (f), (g) or (h) or ~~(3)~~ (4); or**
  - (b) a specialist builder, without reasonable excuse, contravenes subsection (2)(c) or (4),**
- the builder or specialist builder, as the case may be, shall be guilty of an offence.**
- (10) Any builder or specialist builder who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —**
- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and**
  - (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the contravention continues, and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**

***Division 5 – Building occupancy***

**Occupation of buildings**

- 12 (1) Except as otherwise provided in this Act, no person shall occupy, or permit or cause to be occupied, any building or any part thereof where any building works have been carried out unless the Commissioner of Building Control has issued a certificate of statutory completion in respect of that building or that part of the building.**
- (2) Nothing in subsection (1) shall prohibit —**
- (a) the occupation by any person of any building or part thereof for the sole purpose of preventing any damage to the building or part thereof or any theft of any property therein; or**
  - (b) the occupation by any person of any building in respect of which a temporary occupation permit has been granted.**
- (3) The Commissioner of Building Control may, on an application in the prescribed manner in relation to any building, grant a temporary occupation permit in respect of the building subject to such written directions as the Commissioner of Building Control may specify and, in particular, those written directions may —**
- (a) limit the period for which the temporary occupation permit is granted;**
  - (b) require such work or alteration to the building to be carried out as may be specified to the satisfaction of the Commissioner of Building Control; and**
  - (c) provide for the completion of the work or alteration before the expiration of a specified period.**
- (4) A temporary occupation permit shall only be prima facie evidence that a building is suitable for occupation and is and shall not be taken to be evidence of compliance with the provisions of this Act, the building regulations or any other written law.**



- (5) The Commissioner of Building Control may amend, suspend or, in the event of failure to comply with any written direction issued under subsection (3), revoke any temporary occupation permit.
- (6) Any person who contravenes subsection (1) or fails to comply with any written direction issued under subsection (3) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both; and
  - (b) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding \$1,000 for each day or part thereof the contravention or failure to comply continues,
- and if the contravention or failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

*Division 6 — Accredited checkers*

**Unlawful undertaking work as accredited checker, etc.**

**13 (1) Any person who —**

- (a) undertakes work which is required by this Act or the building regulations to be performed by an accredited checker when he is not an accredited checker under this Division or when his registration as such is suspended; or
  - (b) undertakes work which is required by this Act or the building regulations to be performed by a specialist accredited checker when he is not a specialist accredited checker under this Division or when his registration as such is suspended,
- shall be guilty of an offence.
- (2) Any person who undertakes any work on behalf of an organisation, being work which is required by this Act or the building regulations to be undertaken by an accredited checker who is either a director, partner, member or employee of an accredited checking organisation when—
- (a) it is not registered as an accredited checking organisation under this Division; or
  - (b) its registration as such is suspended,
- shall be guilty of an offence.
- (3) Any person who undertakes any work on behalf of an organisation, being work which is required by this Act or the building regulations to be undertaken by an accredited checker who is either a director, partner, member or employee of an accredited checking organisation, when -
- (a) the organisation is not registered as an accredited checking organisation under this Division; or
  - (b) the organisation's registration as an accredited checking organisation is suspended,

shall be guilty of an offence.

(4) If —

- (a) an accredited checker undertakes work on his own behalf as an accredited checker in relation to building works the value of which is more than —
    - (i) \$10 million, if no other sum is prescribed under paragraph (b); or
    - (ii) such sum as the Minister may, by notification in the *Gazette*, specify;or
  - (b) a specialist accredited checker undertakes work on his own behalf as a specialist accredited checker in relation to building works the value of which is more than such sum as is specified by the Minister by notification in the *Gazette*,
- the accredited checker or specialist accredited checker, as the case may be, shall be guilty of an offence.

(5) If an organisation which is not registered as an accredited checking organisation under this Division advertises or holds itself out or describes itself in any way to be an accredited checking organisation, that organisation shall be guilty of an offence.

**Register of accredited checkers, etc.**

14 (1) The Commissioner of Building Control shall keep and maintain the following registers:

- (a) a register of accredited checkers registered under section 16;
- (b) a register of specialist accredited checkers registered under section 16; and
- (c) a register of accredited checking organisations registered under section 16, in which shall be entered the names and prescribed particulars of the persons and organisations registered.

(2) The absence of the name of any person or organisation from the registers kept under subsection (1) shall be prima facie evidence that —

- (a) in the case of the register of accredited checkers, that the person is not so registered or that his registration has been suspended or cancelled;
- (b) in the case of the register of specialist accredited checkers, that the person is not so registered or that his registration has been suspended or cancelled; and
- (c) in the case of the register of accredited checking organisations, that the organisation is not so registered or that its registration has been suspended or cancelled.

(3) The registers referred to in subsection (1) shall be kept and maintained at the office of the Commissioner of Building Control and shall be available for inspection by any person without charge during office hours.

**Who may be registered as accredited checker, etc., or accredited checking organisation**

15 (1) Subject to the provisions of this Act, a person who applies to be registered, or to renew his registration, as an accredited checker or as a specialist accredited checker, as the case may be, shall be eligible to be so registered or have his registration so renewed if, and only if —

- (a) he has paid the prescribed fees for such registration or renewal; and
  - (b) he satisfies the Commissioner of Building Control that he has the qualifications and the practical experience (whether in Singapore or elsewhere) prescribed for an accredited checker, or the specialist qualifications and the specialist practical experience (whether in Singapore or elsewhere) prescribed for a specialist accredited checker, as the case may be; and
  - (c) he satisfies such other requirements as may be prescribed for such registration or renewal.
  
- (2) Without prejudice to subsection (1), the Commissioner of Building Control may refuse to register, or to renew the registration of, a person as an accredited checker or as a specialist accredited checker if, in the opinion of the Commissioner of Building Control —
  - (a) the person is not of good character and reputation; or
  - (b) there are reasonable grounds for believing that the person will not carry out the duties of an accredited checker or specialist accredited checker, as the case may be, in accordance with the Act or the building regulations.
  
- (3) Subject to the provisions of this Act, a partnership or corporation which applies to be registered, or to renew its registration, as an accredited checker organisation shall be eligible to be so registered or have its registration so renewed if, and only if —
  - (a) it is —
    - (i) a partnership consisting wholly of professional engineers registered under the Professional Engineers Act (Cap. 253) or which is licensed under that Act to supply professional engineering services in Singapore; or
    - (ii) a corporation licensed under the Professional Engineers Act to supply professional engineering services in Singapore; and
  - (b) it satisfies the Commissioner of Building Control that it meets such requirements as may be prescribed.

**Registration of accredited checkers, etc., or accredited checking organisations**

- 16** (1) An application for registration, or to renew any registration, as —
  - (a) an accredited checker;
  - (b) a specialist accredited checker; or
  - (c) an accredited checking organisation,shall be made in such manner and shall be accompanied by such documents and particulars as the Commissioner of Building Control may determine.
- (2) Upon receiving an application under subsection (1), or an application to renew such registration, the Commissioner of Building Control shall consider the application and may —
  - (a) register or renew the registration of, as the case may be, the applicant as an accredited checker, a specialist accredited checker or an accredited checking organization, with or without conditions; or
  - (b) refuse the registration or renewal
- (3) Where the Commissioner of Building Control has registered a person, or

renewed the person's registration, as an accredited checker, a specialist accredited checker or an accredited checking organisation, he shall issue to that person a certificate of such accreditation.

- (4) Every registration as an accredited checker, a specialist accredited checker or an accredited checking organisation shall, unless earlier cancelled under section 17, be valid for such period as may be specified therein (being not longer than 12 months), and upon its expiry, that registration may be renewed for such period as may be specified (being also not longer than 12 months).
- (5) The Commissioner of Building Control may appoint a committee of persons to assist him in considering applications for registration, or renewal of registration, as an accredited checker, a specialist accredited checker or an accredited checking organisation.

#### **Cancellation, etc., of registration**

- 17 (1)** Subject to section 22, the Commissioner of Building Control may by order cancel, or suspend for a period not exceeding 6 months, the registration of an accredited checker or a specialist accredited checker if the Commissioner of Building Control is satisfied that the accredited checker or specialist accredited checker, as the case may be —
- (a) obtained his registration or renewed registration by fraud or misrepresentation;
  - (b) no longer satisfies any of the requirements in section 15(1) by virtue of which he was registered under that section;
  - (c) is convicted of an offence involving fraud or dishonesty or an offence under this Act or the building regulations;
  - (d) is for any medical or any other reason no longer in a position to carry out the duties of an accredited checker or a specialist accredited checker, as the case may be, effectively under this Act or the building regulations;
  - (e) has contravened or failed to comply with section 18(4) or (5);
  - (f) has for any reason been censured or ordered to pay a financial penalty by a Disciplinary Committee under the Professional Engineers Act (Cap. 253) or has had his registration as professional engineer under that Act revoked or suspended; or
  - (g) has failed to meet such standards of performance as may be prescribed in the building regulations.
- (2)** The Commissioner of Building Control may by order cancel, or suspend for a period not exceeding 6 months, the registration of an accredited checking organisation if he is satisfied that —
- (a) it obtained its registration or renewal of registration by fraud or misrepresentation;
  - (b) it has contravened or failed to comply with section 18(4) or (5);
  - (c) it has been convicted of an offence under this Act or the building regulations;
  - (d) any accredited checker who is —
    - (i) a partner or an employee of the accredited checking organisation which is a partnership; or
    - (ii) a director, manager or an employee of the accredited checking

- organisation which is a corporation,  
has been convicted of an offence under this Act or the building  
regulations;**
- (e) it is no longer in a position to carry out the duties of an accredited  
checking organisation under this Act;**
  - (f) it no longer satisfies any of the prescribed requirements by virtue of which  
it was registered; or**
  - (g) its performance as an accredited checking organisation, or the  
performance of any accredited checker who is a director, partner, member  
or employee of the accredited checking organisation and acting on its  
behalf, fails to meet such standards of performance as may be prescribed  
in the building regulations.**
- (3) The Commissioner of Building Control shall not exercise his powers under  
subsection (1) or (2) unless an opportunity of being heard has been given to the  
accredited checker, specialist accredited checker or the accredited checking  
organisation against whom the Commissioner of Building Control intends to  
exercise his powers.**
- (4) The Commissioner of Building Control may appoint —**
- (a) a committee of persons; and**
  - (b) an advocate and solicitor,**
- to assist the Commissioner of Building Control in considering any  
representation that may be made to him under subsection (3).**
- (5) The Commissioner of Building Control may, in addition to any order made  
under subsection (1) or (2), order the accredited checker, specialist accredited  
checker or accredited checking organisation that is the subject of the order to  
pay to him such sums as he thinks fit, not exceeding \$10,000, in respect of costs  
and expenses of and incidental to any proceedings before the committee  
appointed under subsection (4)(a).**
- (6) The costs and expenses referred to in subsection (5) shall include —**
- (a) the costs and expenses of any advocate and solicitor appointed under  
subsection (4)(b);**
  - (b) such reasonable expenses as the Commissioner of Building Control may  
pay to witnesses; and**
  - (c) such reasonable expenses as are necessary for the conduct of proceedings  
before the committee appointed under subsection (4)(a) to assist the  
Commissioner of Building Control for the purposes of subsection (1) or  
(2).**
- (7) Where the Commissioner of Building Control suspends or cancels the  
registration of an accredited checker, a specialist accredited checker or the  
accredited checking organisation under this section, he shall —**
- (a) cancel any certificate of accreditation issued to the person or organization  
concerned under section 16(3); and**
  - (b) remove the name and particulars of that person or organization from the  
register of accredited checkers, register of specialist accredited checkers or  
register of accredited checking organizations, as the case may be.**

- (8) If the registration of an accredited checker, a specialist accredited checker or an accredited checking organisation is suspended under this section for any period, then at the end of the period of suspension, his or its name and particulars shall be reinstated on the respective register under section 14, and his or its certificate of accreditation shall be restored.**
- (9) The person whose registration as an accredited checker, a specialist accredited checker or an accredited checking organisation is suspended or cancelled under this section shall, within 14 days of being notified of the suspension or cancellation of registration, surrender to the Commissioner of Building Control the certificate of accreditation issued under section 16(3), failing which the person shall be guilty of an offence.**
- (10) The Commissioner of Building Control shall cancel the registration of an accredited checker or a specialist accredited checker who has died or whose registration has been cancelled under subsection (11).**
- (11) If the Commissioner of Building Control has cancelled the registration of a person as an accredited checker under subsection (1), he shall also cancel the registration of the person as a specialist accredited checker.**

**Duties and independence of accredited checkers, etc., and accredited checking organisations**

- 18 (1) An accredited checker who —**
- (a) is appointed in respect of any major building works; or**
  - (b) is acting on behalf of an accredited checking organisation,**
- shall check the detailed structural plans and design calculations of the building works in accordance with the building regulations and shall carry out such other duties as may be prescribed by those regulations.**
- (2) The specialist accredited checker appointed under section 8(1) in respect of any underground building works shall check the geotechnical aspects of those building works in accordance with the building regulations and shall carry out such other duties as may be prescribed by those regulations.**
- (3) An accredited checker or specialist accredited checker who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.**
- (4) An accredited checker shall not issue a certificate under section 5(2)(d) or 5A in respect of the plans of any building works if —**
- (a) if the accredited checker has any professional or financial interest in the building works shown in the plans described in his certificate; and**
  - (b) in the case where the accredited checker is a director, partner, member or employee of an accredited checking organisation and acting on behalf of the accredited checking organisation —**
    - (i) if the accredited checking organisation that is a corporation and any of its directors; and**

- (ii) if any partner of the accredited checking organisation that is a partnership, has a professional or financial interest in the building works shown in the plans described in the certificate by the accredited checking organisation under section 5(2)(d) or 5A.
- (5) A specialist accredited checker shall not issue a certificate under section 5(2)(d) or 5A in respect of the geotechnical aspects of any underground building works if the specialist accredited checker has any professional or financial interest in the underground building works shown in the plans described in his certificate.
- (6) An accredited checker shall be regarded as having a professional or financial interest in any building works if —
  - (a) he is or has been responsible for the design or construction of the building or any of the building works in any capacity except building works relating to the alterations of the building which —
    - (i) do not affect any key structural element; or
    - (ii) affect any structural element but the effects are localised in nature and do not require any strengthening of any key structural element;
  - (b) he or any nominee of his is a member, officer or employee of a company or other body which has a professional or financial interest in the building works; or
  - (c) he is a partner or is in the employment of a person who has a professional or financial interest in the building works.
- (7) An accredited checking organisation shall be regarded as having a professional or financial interest in any building works if –
  - (a) any of its directors, partners, members or employees is or has been responsible for the design or construction of the building or any of the building works in any capacity except building works relating to the alterations of the building which -
    - (i) do not affect any key structural element; or
    - (ii) affect any structural element but the effects are localised in nature and do not require any strengthening of any key structural element;
  - (b) any nominee of the organisation is a member, officer or employee of a company or other body which has a professional or financial interest in the building works; or
  - (c) the organization or any of its directors or partners is a partner or is in the employment of a person who has a professional or financial interest in the building works.
- (8) For the purposes of this Act —
  - (a) involvement in the building works as an accredited checker or a specialist accredited checker; and
  - (b) entitlement to any fee paid for his function as an accredited checker or a specialist accredited checker,
 shall not be regarded as constituting a professional or financial interest.
- (9) If a person who is —

- (a) an accredited checker;**
  - (b) a specialist accredited checker;**
  - (c) an accredited checking organisation that is a corporation; or**
  - (d) a partner of an accredited checking organisation that is a partnership, or a director of an accredited checking organisation that is a corporation,**
- contravenes subsection (4) or (5), as the case may be, the person shall be guilty of an offence and shall be liable on conviction to —**
- (i) where the person is a corporation, a fine not exceeding \$100,000; and**
  - (ii) in any other case, a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.**

***Division 7 — Enforcement and administration***

**Demolition, etc., of unauthorised building works**

- 19 (1) Where, in the opinion of the Commissioner of Building Control, any building has been erected, or any building works are or have been carried out, in contravention of the provisions of this Act or the building regulations, the Commissioner of Building Control may by order in writing require —**
- (a) the cessation of the building works until the order is withdrawn;**
  - (b) the demolition of the building; or**
  - (c) such work or alteration to the building or building works to be carried out as may be necessary to cause the same to comply with the provisions of this Act and the building regulations or otherwise to put an end to the contravention thereof.**
- (2) An order made under subsection (1) shall specify all or any of the following:**
- (a) the manner in which the demolition, work or alteration specified in the order is to be carried out;**
  - (b) the time within which the demolition, work or alteration shall commence;**
  - (c) the time within which the demolition, work or alteration shall be completed; and**
  - (d) that the demolition, work or alteration shall be carried out with due diligence to the satisfaction of the Commissioner of Building Control.**
- (3) An order made under subsection (1) shall be served —**
- (a) where a building has been erected, on the owner or occupier of the building;**
  - (b) where building works are being carried out, on the developer of the building works or the builder carrying out the building works.**
- (4) If an order made under subsection (1) is not complied with, the Commissioner of Building Control may —**
- (a) demolish, remove or alter, or cause to be demolished, removed or altered, such building or building works or take such other steps as appear to the Commissioner of Building Control to be necessary, including ordering the closure of the building; and**
  - (b) recover all expenses reasonably incurred by him in the exercise of his powers under this section from the person in default.**
- (5) Without prejudice to the right of the Commissioner of Building Control to**



exercise his powers under subsection (4), if any person on whom an order made under subsection (1) is served fails to comply with the order, that person shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in respect of a continuing failure to comply, to an additional fine not exceeding \$500 for each day or part thereof the failure to comply continues,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the failure to comply continues after conviction.

(6) The Commissioner of Building Control may seize any materials resulting from the carrying out of any work under subsection (4).

(7) This section shall apply to any building works, whether or not for or connected with any temporary building.

#### **Building offences**

**20 (1)** Any person who commences or carries out, or permits or authorises the commencement or carrying out of —

(a) any building works (including underground building works) the plans of which have not been approved by the Commissioner of Building Control under section 5 or 5A; or

(b) any building works (including underground building works) for which there is no permit under section 6 in force,

shall be guilty of an offence and shall be liable on conviction —

(i) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(ii) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

(2) Any person who contravenes any term or condition of —

(a) an approval of plans of any building works under section 5 or 5A; or

(b) a permit to carry out any building works under section 6,

shall be guilty of an offence and shall be liable on conviction —

(i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(ii) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

- (3) Any developer of any building works and any qualified person, site supervisor or builder directly concerned with the building works who, in carrying out the building works deviates, or permits or authorises the building works to deviate, in any material way from any plans of the building works approved by the Commissioner of Building Control under this Part shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.
- (4) Any person who, being required by or by virtue of this Act or the building regulations to make or produce to the Commissioner of Building Control any plan, declaration, certificate, report, record, notice or other document, or who, for the purpose of obtaining any licence, permit, waiver or approval from the Commissioner of Building Control under this Act or the building regulations or for the purpose of establishing any fact relevant to the administration of this Act or the building regulations —
- (a) makes or produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular;
- (b) produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular, or has not been made by the person by whom it purports to have been made, or has been in any way altered or tampered with,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

#### **Pecuniary penalty**

- 21 (1) Whether or not proceedings have been instituted against any person for an offence under section 20, the Commissioner of Building Control may require the person to pay such sum not exceeding 10 times the prescribed fees for the approval of plans of the building works in respect of which there appears to the Commissioner of Building Control that such an offence has been committed.
- (2) Any person who is aggrieved by a decision of the Commissioner of Building Control under subsection (1) may, within 14 days of being notified of the decision, appeal to the Minister against the decision.
- (3) Where an appeal is made to the Minister under subsection (2), the Minister may confirm, vary or reverse the decision of the Commissioner of Building Control, or give such directions in the matter as he thinks fit, and the decision of the Minister shall be final.
- (4) Every pecuniary penalty or part thereof outstanding shall be recoverable as a debt due to the Building and Construction Authority.
- (5) On acceptance by the Commissioner of Building Control of the pecuniary penalty imposed under this section, the unauthorised building works in respect of which the penalty is paid shall be deemed to have been carried out without contravening section 20.

## **Appeals**

- 22 (1) Where an application made under —**
- (a) section 5 or 5A for approval of plans of any building works;**
  - (b) section 6 for a permit to carry out any structural works;**
  - (c) section 6A for any modification or waiver of the requirements of the building regulations in relation to any particular building works;**
  - (d) section 7A(3) for a waiver of the operation of section 7(1) in relation to any building works; or**
  - (e) section 15 for registration, or for the renewal of registration, as an accredited checker, specialist accredited checker or an accredited checking organisation,**
- is refused, or is granted by the Commissioner of Building Control subject to terms and conditions, the applicant may, if aggrieved by the decision of the Commissioner of Building Control, appeal to the Minister against the decision within 14 days after being served with the notice of the decision.**
- (2) If the Commissioner of Building Control has made an order under section 17 in respect of an accredited checker, a specialist accredited checker or an accredited checking organisation, the accredited checker, specialist accredited checker or accredited checking organisation concerned may appeal to the Minister against the order within 14 days after being served with the notice of the order.**
- (3) In any appeal under this section in relation to the conviction of an accredited checker, specialist accredited checker or accredited checking organisation for a criminal offence, the Minister on appeal from any order of the Commissioner of Building Control shall accept the conviction as final and conclusive.**
- (4) Where an appeal is brought under this section from a decision of the Commissioner of Building Control, the Minister may, after giving the aggrieved appellant an opportunity to make representations in writing, dismiss or allow the appeal, unconditionally or subject to such conditions as he thinks fit.**
- (5) The decision of the Minister on any appeal referred to him under this section shall be final.**

## **PART III**

### **RETROFITTING OF EXTERIOR FEATURES**

#### **Application and interpretation of this Part**

- 22A(1) This Part shall apply to all exterior features on any building except —**
- (a) exterior features on any detached house, semi-detached house, terrace house or linked house, none of which are comprised in any strata title plan; and**
  - (b) exterior features located on the lowest level of any building.**
- (2) In this Part, unless the context otherwise requires —**
- "applicable date" , in relation to an exterior feature, means such date as is**

prescribed under section 22C to be the applicable date for that exterior feature;

"grace period" , in relation to an exterior feature, means such period starting from the applicable date for the exterior feature and ending after such time as is prescribed under section 22C for that exterior feature;

"prescribed age" , in relation to an exterior feature, means such age as is prescribed under section 22C to be the prescribed age for that exterior feature.

#### **Duty to retrofit exterior feature**

- 22B(1) Where an exterior feature of a prescribed building has been installed on, forms part of, or projects outwards from the building at any time before the applicable date prescribed for the exterior feature, the person responsible for the exterior feature shall carry out or cause to be carried out retrofitting of that exterior feature in such manner, by such person and using such material as may be prescribed in relation to that exterior feature —
- (a) where there is no prescribed age for that exterior feature, or the exterior feature is, on that applicable date, of the prescribed age or older — within the grace period prescribed for that exterior feature; or
  - (b) where the exterior feature is, on that applicable date, less than the prescribed age — within the grace period prescribed for that exterior feature or within the period before the exterior feature attains the prescribed age, whichever period is the longer.
- (2) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.
- (3) If a person is charged with an offence under subsection (2), it shall be a defence for him to prove that he was not the person responsible for the exterior feature at any time during that grace period or before the exterior feature attained that prescribed age, as the case may be.
- (4) For the purposes of this Act, the age of an exterior feature of a building shall be reckoned from the date of its first installation on that building as determined in accordance with such date as is prescribed under section 22C for that exterior feature.
- (5) Nothing in this section shall be construed as —
- (a) prohibiting or preventing the Commissioner of Building Control from exercising any of his powers under any other provision of this Act or the building regulations; or
  - (b) derogating from the effect of any other provision of this Act or the building regulations or any other written law for the time being in force.

#### **Retrofitting orders**

- 22C(1) The Minister may, by order published in the Gazette, prescribe any matter which is required or permitted to be prescribed by this Part.

- (2) Without prejudice to the generality of subsection (1), the Minister may, in an order made under that subsection, prescribe —
- (a) the duties and responsibilities of any person authorised to carry out retrofitting of an exterior feature, including providing that any failure or neglect to comply with any such duty or responsibility shall be an offence;
  - (b) different applicable dates, prescribed ages, grace periods and persons responsible for an exterior feature in relation to different exterior features;
  - (c) different qualifications and training for persons authorised to carry out retrofitting in relation to different exterior features; and
  - (d) that any contravention of any provision of the order shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 6 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.
- (3) All orders made under this section shall be presented to Parliament as soon as possible after publication in the Gazette.

**PART IIIA  
DISABILITY AND OTHER PERFORMANCE  
REQUIREMENTS FOR BUILDINGS**

**Definitions**

**22D(1) In this Part, unless the context otherwise requires —  
“building” does not include a temporary building;**

**“performance requirement” means a performance requirement in the building regulations that —**

- (a) is to facilitate the access to, and use of, a building and its facilities by persons with disabilities; or**
- (b) is prescribed in the building regulations for the purposes of this Part;**

**“person with disability” means an individual who has an impairment of hearing or sight, or an impairment which limits his ability to walk, or which restricts him to using a wheelchair;**

**“physical feature”, in relation to a building, includes the following physical features (permanent or temporary):**

- (a) any feature arising from the design or construction of the building;**
- (b) any feature of any approach to, exit from or access to such a building;**
- (c) any fixtures, fittings or facility in or on the premises of the building; or**
- (d) any other physical element or quality of the land on which the building stands.**

- (2) A physical feature of a building satisfies the relevant performance requirement for the purposes of this Part where the physical feature is constructed or installed in or in connection with the building in accordance with the performance requirement that —**
- (a) is relevant in relation to that physical feature; and**
  - (b) is in effect at the following time:**

- (i) the day upon which the works to construct or install the physical feature started; or
  - (ii) in the case of a physical feature provided as part of building works to which Part II applies, the day a certificate of statutory completion issued in respect of the building on the completion of those building works.
- (3) For the avoidance of doubt, this Part shall apply to the physical features of any building, whether constructed before, on or after the commencement of section 4 of the Building Control (Amendment) Act 2007.

**Duty of building owner, etc., not to alter**

- 22E (1) Every owner or occupier of a building shall not remove, alter or obstruct, or cause the removal, alteration or obstruction of, any physical feature of the building where —**
- (a) the physical feature satisfies the relevant performance requirement for the purposes of this Part; and
    - (b) the removal, alteration or obstruction will cause the physical feature to cease to satisfy the relevant performance requirement.
  - (2) Where, in the opinion of the Commissioner of Building Control, any physical feature of a building referred to in subsection (1)(a) has been removed, altered or obstructed so as to cease to satisfy the relevant performance requirement, the Commissioner of Building Control may, by notice in writing, require such repairs, work or alteration to the physical feature or the building or other remedial action as he thinks fit to be carried out to reinstate the physical feature so as to satisfy the relevant performance requirement.
  - (3) A notice to reinstate under subsection (2) shall specify —
    - (a) the manner in which the repairs, work, alteration or remedial action specified in the notice is to be carried out;
    - (b) the time within which the repairs, work, alteration or remedial action shall commence;
    - (c) the time within which the repairs, work, alteration or remedial action shall be completed; and
    - (d) that the repairs, work, alteration or remedial action shall be carried out with due diligence to the satisfaction of the Commissioner of Building Control.
  - (4) A notice to reinstate under subsection (2) shall be made in respect of any building or any physical feature thereof and shall be served —
    - (a) on the owner of the building;
    - (b) where that owner is not known or cannot be found by reasonable inquiry, on the occupier of the building;
    - (c) in the case of a physical feature comprised in any common property or limited common property of any subdivided building, on the owner thereof; or
    - (d) in the case of a physical feature comprised in any common property of residential or commercial property in any housing estate of the Housing and Development Board, on —

- (i) on the Town Council receiving any rent or charge for the maintenance of that common property; or
  - (ii) where there is no Town Council with the function and duty to maintain that common property, on the Housing and Development Board.
- (5) If any person on whom a notice under subsection (2) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both;
  - (b) to a further fine not exceeding \$250 for each day or part thereof the person fails, without reasonable excuse, to comply with the requirements of that notice; and
  - (c) in the case of a continuing offence after conviction, to a further fine not exceeding \$500 for every day or part thereof during which the failure to comply continues after conviction.

#### **Appeal against notice to reinstate**

- 22F (1) Any person on whom a notice to reinstate under section 22E(2) is served may, within 21 days after the date of receipt of the notice, appeal in writing to the Minister against the notice in the prescribed manner.
- (2) Notwithstanding that an appeal is lodged under subsection (1), the notice appealed against shall take effect and be complied with unless otherwise ordered by the Minister.
  - (3) The Minister may determine an appeal under this section by confirming, varying or cancelling the notice of the Commissioner of Building Control under section 22E(2).
  - (4) The decision of the Minister in any appeal under this section shall be final.

### ***PART IV DANGEROUS BUILDINGS AND OCCURRENCES***

#### ***Division 1 — Dangerous buildings and building works***

##### **Dangerous building works**

- 23 (1) If the Commissioner of Building Control is of the opinion that any building works are being carried out in such a manner as —
- (a) will cause, or will be likely to cause, a risk of injury to any person or damage to any property;
  - (b) will cause, or will be likely to cause, or may have caused a total or partial collapse of the building in respect of which the building works are or have been carried or any building, street or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works, or any part of any such building, street or land; or
  - (c) will render, or will be likely to render, or may have rendered the building in respect of which the building works are or have been carried or any building, street or natural formation opposite, parallel, adjacent or in

**otherwise close proximity to those building works, or any part of any such building, street or land, so unstable or so dangerous that it will collapse or be likely to collapse (whether totally or partially),**

**the Commissioner of Building Control may do either or both of the following:**

- (i) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise him on all matters relating to the safety of the building in respect of which the building works are or have been carried out or the building, street or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works, as the case may be, the reasons for its collapse (if applicable) and the measures that should be taken to obviate any possible danger that might arise from the condition of the building;**
- (ii) make all or any of the orders in subsection (2).**

- (2) The Commissioner of Building Control may, for the purpose of obviating any danger or preventing any situation referred to in subsection (1)(a), (b) or (c) from happening, order the developer of those building works —**
  - (a) to immediately stop the building works;**
  - (b) to carry out or cause to be carried out (at the developer's cost) such inspection as the Commissioner of Building Control may specify of either or both of the following:**
    - (i) the building in respect of which the building works are or have been carried out; or**
    - (ii) the building, street or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works;**
  - (c) to execute or cause to be executed (at the developer's cost) such building works as the Commissioner of Building Control may specify (which may include retrofitting under Part III); or**
  - (d) to demolish or cause to be demolished (at the developer's cost) the building in respect of which the building works are or have been carried out or any part thereof, and remove any rubbish resulting from the demolition.**
- (3) Where the building works referred to in subsection (1) comprise structural works, the Commissioner of Building Control may, in lieu of or in addition to any engagement or order in subsection (1)(i) or (2), revoke any permit granted under section 6 to carry out those structural works.**
- (4) If the person to whom an order in subsection (2) is given fails to comply with the order within the time specified, the Commissioner of Building Control may execute the order in such manner as he thinks fit and recover in a court of competent jurisdiction as a debt due to him all expenses reasonably incurred by him in doing so from the person in default.**
- (5) Without prejudice to the right of the Commissioner of Building Control to exercise his powers under subsection (4), any person who, without reasonable excuse, fails to comply with any order in subsection (2) that the person is given shall be guilty of an offence and shall be liable on conviction to —**
  - (a) where the order is to immediately stop the building works —**
    - (i) a fine not exceeding \$500,000 or imprisonment for a term not exceeding 2 years or both; and**



- (ii) in respect of a continuing failure to comply, an additional fine not exceeding \$10,000 for each day or part thereof the person fails to comply with the order; or
  - (b) in the case of any other order in subsection (2) —
    - (i) a fine not exceeding \$100,000 or imprisonment for a term not exceeding 12 months or both; and
    - (ii) in respect of a continuing failure to comply, an additional fine not exceeding \$2,500 for each day or part thereof the person fails to comply with the order,and if the failure to comply continues after the conviction, the person shall be guilty of another offence and shall be liable on conviction of this other offence to a further fine not exceeding —
  - (c) where the order is to immediately stop the building works — \$20,000 for each day or part thereof the person fails to comply with the order after conviction; or
  - (d) in the case of any other order in subsection (2) — \$5,000 for each day or part thereof the person fails to comply with the order after conviction.
- (6) Any person to whom any order in subsection (2) is given shall, while the order is in force, display a copy of the order at every entrance to the building to which the order relates, and such copy shall be displayed in a way that it can be easily read by people outside the building.
- (7) Any person who contravenes subsection (6) shall be guilty of an offence.
- (8) The Commissioner of Building Control may also order the developer of the building works concerned to pay or reimburse the Commissioner of Building Control, all or a specified part of the expenses he has incurred in engaging a qualified person or a specialist under subsection (1)(i).
- (9) The Commissioner of Building Control may recover in a court of competent jurisdiction as a debt due to him so much of the amount payable under an order made under subsection (8) as is not paid in accordance with that order.
- (10) Any person on whom an order under subsection (8) is served may, within 14 days after the date of receipt of the order, appeal in writing to the Minister against the notice in the prescribed manner.
- (11) The Minister may determine an appeal under subsection (10) by confirming, varying or cancelling the order of the Commissioner of Building Control under subsection (8); and the decision of the Minister in any such appeal shall be final.

#### **Dangerous buildings**

- 24** (1) If the Commissioner of Building Control is of the opinion that a building is in such a condition, or is used to carry such loads, as to be or likely to be dangerous, the Commissioner of Building Control may, for the purpose of obviating any danger, order the owner of the building to do all or any of the following:
- (a) to carry out or cause to be carried out (at the owner's cost) such inspection

- of the building as the Commissioner of Building Control may specify;
- (b) to execute or cause to be executed (at the owner's cost) such building works as the Commissioner of Building Control may specify (which may include retrofitting under Part III);
  - (c) to demolish or cause to be demolished (at the owner's cost) the building or any part thereof, and remove any rubbish resulting from the demolition;
  - (d) to cause (at the owner's cost) the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, or arranging for the building to be watched.
- (2) The Commissioner of Building Control may, in lieu of or in addition to any order under subsection (1), make —
- (a) an order (referred to in this Part as an occupancy order) directing the owner or occupier of the building to not allow more than the number of people stated in the occupancy order to be in the building at any time or to otherwise restrict the use of the building, until he, being satisfied that any inspection or building works referred to in subsection (1) are completed, withdraws the order; or
  - (b) an order (referred to in this Part as a closure order) directing the closure of the building, and that every owner and occupier of the building must quit the building and must not allow anyone else to occupy the building except as permitted under this Part.
- (3) Before exercising any of his powers under subsection (2), the Commissioner of Building Control shall, if it is reasonably practicable to do so, give notice of his intention to make an occupancy order or closure order, as the case may be.
- (4) If the person to whom an order in subsection (1) is given fails to comply with the order within the time specified, the Commissioner of Building Control may execute the order in such manner as he thinks fit and recover in a court of competent jurisdiction as a debt due to him all expenses reasonably incurred by him in doing so from the person in default, except that so far as the expenses incurred under this section consist of expenses of fencing off the building, or arranging for it to be watched, the expenses shall not be recoverable in respect of any period after the danger has been removed by other steps under this section.
- (5) Without prejudice to the right of the Commissioner of Building Control to exercise his powers under subsection (4), any person who, without reasonable excuse, fails to comply with any order in subsection (1) that the person is given shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
  - (b) in respect of a continuing failure to comply, to an additional fine not exceeding \$2,500 for each day or part thereof the person fails to comply with the order,
- and if the failure to comply continues after the conviction, the person shall be guilty of another offence and shall be liable on conviction of this other offence to a further fine not exceeding \$5,000 for each day or part thereof the person fails to comply with the order after conviction.

**(6) Any person to whom any occupancy order or closure order under subsection (2) is given shall, while the order is in force, display a copy of the order at every entrance to the building to which the order relates, and such copy shall be displayed in a way that it can be easily read by people outside the building.**

**(7) Any person who contravenes subsection (6) shall be guilty of an offence.**

### **Closure orders**

- 25 (1) Where the Commissioner of Building Control makes any **closure order, the order** shall be served on the owner and every occupier of the building.
- (2) A closure order may require the owner or occupier of the building to which the order relates to cease to inhabit the building and to remove all goods, furniture and effects from the building before the order comes into force.
- (3) Except with the permission in writing of the Commissioner of Building Control, no person, other than a public officer in the course of his duty, shall enter or be in a building at any time while a closure order is in force in respect of the building.
- (3A) Any person who contravenes or fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding **12** months or to both and, in the case of a continuing offence, to a further fine not exceeding \$200 for every day during which the offence continues after conviction.
- (4) Where the Commissioner of Building Control thinks fit, he may, subject to such conditions as he may impose, by notice in writing permit any person to enter and be in a building while a closure order is in force in respect of the building.
- (5) Any permission granted under subsection (4) may be cancelled by the Commissioner of Building Control at any time and for any reason.
- (6) Where a closure order is in force in respect of a building —
- (a) any police officer may, with such force or assistance as may be necessary, remove therefrom any person who is in the building in contravention of subsection (3);
  - (b) the Commissioner of Building Control may seal or cause to be sealed, all or any of the entrances to or exits from the building; and
  - (c) the Commissioner of Building Control or any police officer may remove all goods, furniture and effects from the building.
- (7) A closure order shall remain in force in respect of a building until the Commissioner of Building Control had served a notice of expiry of the order on the owner of the building by causing the notice to be posted upon a conspicuous part of the building to which it relates and by serving a copy of the notice upon the owner.
- (8) Every notice of expiry of a closure order shall specify the building to which it relates and the date upon which the order expires.

### **Investigations into dangerous occurrences**

- 25A(1) Where the Commissioner of Building Control becomes aware of any dangerous occurrence in any premises at which building works are carried out or in any other premises, the Commissioner of Building Control may direct any person authorised on his behalf to investigate the circumstances of the dangerous occurrence.**
- (2) No person shall, without the prior consent of the Commissioner of Building Control —**
- (a) alter, replace, remove or add to any building element, machinery, equipment, plant or article at any premises in respect of which the Commissioner of Building Control has made any direction under subsection (1); or**
  - (b) modify any premises in respect of which the Commissioner of Building Control has made any direction under subsection (1).**
- (3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.**
- (4) Nothing in subsection (2) shall operate to interfere with rescue work or work necessary for the general safety of life and property.**
- (5) In this section, “dangerous occurrence” means**
- (a) the collapse or structural failure of any building (completed or otherwise); or**
  - (b) any structural distress that is likely to lead to the instability of any building (completed or otherwise),**
- whether or not the collapse, structural failure or structural distress results in any death, bodily injury or injury to health.**

## **PART V**

### **INSPECTION OF BUILDINGS**

#### **Periodic inspection of buildings**

- 28 (1) Subject to subsection (2), the Commissioner of Building Control may, by notice served on the owner of a building to which this Part applies, require the building to be inspected.
- (2) In relation to any building to which this Part applies, a notice under subsection (1) may be made —
- (a) where the building (other than a special building) is used other than solely for residential purposes — after the fifth year commencing from the date the first temporary occupation permit or first certificate of statutory completion was issued in respect of the building, whichever was issued earlier, and thereafter at intervals of not less than 5 years from the date of the last notice under this section; or
  - (b) where the building is a special building or is used solely for residential

purposes — after the tenth year commencing from the date the first temporary occupation permit or first certificate of statutory completion was issued in respect of the building, whichever was issued earlier, and thereafter at intervals of not less than 10 years from the date of the last notice under this section.

- (3) Every owner of a building to which this Part applies shall, on receipt of a notice under subsection (1), cause the building to be inspected within the period specified in the notice and in the prescribed manner by a structural engineer appointed by the owner.
- (4) Where a building comprising 2 or more flats is not subdivided and there are subsisting leases for those flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157), the owners of those flats shall, on receipt of a notice under subsection (1), jointly appoint a structural engineer to inspect the building within such time as may be specified in the notice and in the prescribed manner.
- (5) The structural engineer who is appointed by the owner of a building to carry out an inspection of a building under this section shall be entitled at all reasonable times to full and free access to the building and any part thereof he is required to inspect.
- (5A) Any person who hinders, obstructs or delays the structural engineer in the performance of his duty under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding **\$5000** and, in the case of a continuing offence, to a further fine not exceeding **\$500** for every day during which the offence continues after conviction.
- (6) A structural engineer appointed to carry out an inspection of a building under this section shall —
  - (a) carry out the inspection in the prescribed manner;
  - (b) on completion of the inspection, prepare and sign a report of the result of the inspection; and
  - (c) serve a copy of the report on the Commissioner of Building Control within such period as the Commissioner of Building Control may specify in the notice under subsection (1).
- (7) Where the report of the result of the inspection of a building prepared under subsection (6) (b) contains any measure or other building works recommended by the structural engineer to be carried out to ensure the structural stability or integrity of the building, the owner of the building shall, within such period and subject to such conditions as may be specified by the Commissioner of Building Control, carry out such measure or building works as is recommended by the structural engineer in the report.
- (8) Any owner of a building who contravenes or fails to comply with a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding **\$20,000**.
- (9) Any owner of a building who fails to comply with subsection (3), (4) or (7) within the period specified in the notice under subsection (1) or within the period specified under subsection (7), as the case may be, shall be guilty of an offence and shall be

liable on conviction to a fine not exceeding **\$20,000 or to imprisonment for a term not exceeding 12 months or to both, and in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof the contravention continues, and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.**

(10) Any structural engineer who contravenes or fails to comply with subsection (6) (a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding **\$20,000**.

(11) The Minister may, by order, provide for the application of this section with such adaptations or modifications as may be specified therein to buildings in respect of which no certificate of fitness for occupation has been issued under regulations made under the repealed Act.

## **PART VA LICENSING OF BUILDERS**

### **Interpretation of this Part**

**29A(1) In this Part, unless the context otherwise requires —**

**“builder” means a general builder or a specialist builder;**

**“building works” means any building works to which Part II applies;**

**“Commissioner” means the Commissioner of Building Control and includes such other person as the Commissioner generally or specially authorises under section 3(2);**

**“corporation” shall not include a limited liability partnership;**

**“minor specialist building works” means the following specialist building works:**

- (a) all specialist building works associated with minor building works;**
- (b) structural steelwork comprising fabrication and erection work for structures with a cantilever length of not more than 3 metres, a clear span of less than 6 metres and a plan area not exceeding 150 square metres;**
- (c) pre-cast concrete work comprising casting of pre-cast reinforced concrete slabs or planks on site; and**
- (c) such other specialist building work as the Minister may, by notification in the Gazette, declare to be minor specialist building works, but does not include all specialist building works associated with major building works;**

**“partnership” includes a limited liability partnership;**

**“prescribed” means prescribed in the regulations made under section 29L.**

- (2) For the purposes of this Part —**
- (a) a person carries on the business of a general builder if the person carries out, or undertakes to carry out, (whether exclusively or in conjunction with any other business) general building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, or reward other than wages, but not if the person carries out, or undertakes to carry out, general building works only as a sub-contractor;**
  - (b) a person carries on the business of a specialist builder if the person carries out, or undertakes to carry out, (whether exclusively or in conjunction with any other business) any specialist building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, or reward other than wages;**
  - (c) a person carries out general building works or specialist building works whether that person carries it out personally, or directly or indirectly causes it to be carried out;**
  - (d) a person shall be deemed to carry on the business of a general builder or specialist builder if he carries out general building works or specialist building works, as the case may be, on or in respect of a building for himself; and**
  - (e) a person undertakes to carry out general building works or specialist building works if that person enters into a contract to carry it out or submits a tender or makes an offer to carry it out.**
- (3) For the avoidance of doubt, nothing in this Part shall prohibit or prevent —**
- (a) any person not licensed under this Part from carrying out any building works to which Part II does not apply;**
  - (b) any site supervisor or team of site supervisors appointed under section 10 from carrying on any activity solely for the purpose of that section; or**
  - (c) a qualified person, or any person under the direction or supervision of such a qualified person, from carrying on any activity within the practice of architecture or professional engineering which the qualified person he is authorised to carry on under any written law other than this Act.**

**Prohibition against unlicensed builders**

**29B(1) Subject to the provisions of this Act, no person shall —**

- (a) advertise or hold himself out or conduct himself in any way or by any means as a person who is authorised to carry on the business of a general builder or a specialist builder in Singapore; or**
  - (b) assume, take or use (either alone or in combination with any other word, letter or device) the name or title of “licensed general builder” or, as the case may be, “licensed specialist builder”, or any name, title or description calculated to lead others to believe he is so licensed, or by words or conduct hold himself out as being so licensed,**  
**unless he is in possession of a general builder’s licence and a specialist builder’s licence, respectively.**
- (2) Subject to the provisions of this Act, no person shall —**
- (a) carry on the business of a general builder in Singapore unless he is in possession of a general builder’s licence;**
  - (b) carry on a business carrying out, or undertaking to carry out, (whether**

exclusively or in conjunction with any other business) general building works and minor specialist building works or minor specialist building works only, unless he is in possession of a general builder's licence; or

(c) carry on the business of a specialist builder in Singapore unless he is in possession of a specialist builder's licence.

- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to —
- (a) a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both;
- (b) a further fine not exceeding \$500 for each day or part thereof the person fails, without reasonable excuse, to comply with the requirements of that notice; and
- (c) in the case of a continuing offence after conviction, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.
- (4) Subject to the provisions of this Act, a person who carries out any general building works or specialist building works in contravention of subsection (2) shall not be entitled to recover in any court any charge, fee or remuneration for the general building works or specialist building works so carried out.
- (5) Nothing in this section shall apply to prevent a corporation or limited liability partnership that ceases to have in force a builder's licence from carrying on any activity necessary to the winding up of the corporation or limited liability partnership.

#### **Classes of builder's licences**

**29C(1)** A licence may be granted under this Part to a builder authorising the builder

- 
- (a) to carry on the business of a general builder generally, known as a Class 1 general builder's licence;
- (b) to carry on the business of a general builder restricted to contracts or engagements for an estimated final price each of not more than \$3 million, known as a Class 2 general builder's licence; or
- (c) to carry on the business of a specialist builder specified therein, known as a specialist builder's licence of that class.
- (2) In this section, any reference to the estimated final price in relation to any building works shall be a reference to the total fee chargeable at practical completion for the building works, including any goods and services tax payable in relation to the supply of the work, and —
- (a) where a number of distinct contracts or engagements to perform building works are entered into in connection with the same building by the same person, the estimated final price shall be the moneys payable in respect of the performance of all the contracts or engagements in the aggregate, notwithstanding that some or all of such contracts or engagements taken severally do not exceed the sum specified in subsection (1)(b); and
- (b) in any case where the Commissioner is satisfied that the contracts or engagements are substantially in respect of the same undertaking or that



they were entered into with a view to evading the provisions of this Act, the estimated final price shall be the moneys payable in respect of the performance of such of the contracts or engagements in the aggregate as the Commissioner shall determine.

#### **Register of licensed builders**

- 29D(1)** The Commissioner shall keep a register of builders in which shall be entered the names of all persons licensed under this Part as general builders or specialist builders, and such other particulars in relation thereto as may from time to time be prescribed.
- (2) A person may, on payment of the prescribed fee, if any —
- (a) inspect the register of builders during the ordinary hours of business of the Commissioner; or
  - (b) obtain from the Commissioner a certificate as to the licence or non-licence of a named person on a specified date or during a specified period.
- (3) A certificate purporting to be signed by the Commissioner certifying that a person was or was not licensed under this Part on a specified date or during a specified period is admissible in any proceedings as evidence of the matters stated in the certificate.

#### **Application for builder's licence**

- 29E(1)** An application for a builder's licence shall be made to the Commissioner in the prescribed manner and accompanied by the appropriate application fee as may be prescribed.
- (2) An applicant for a builder's licence shall, at the request of the Commissioner, provide any further information or evidence that the Commissioner may require to decide the application.
- (3) Subject to sections 29F and 29G, upon receiving an application for a builder's licence under subsection (1), the Commissioner shall consider the application and may —
- (a) where the application is for a general builder's licence —
    - (i) grant a Class 1 or Class 2 builder's licence, with or without conditions; or
    - (ii) refuse to grant any such licence; or
  - (b) where the application is for a specialist builder's licence —
    - (i) grant a specialist builder's licence-for the appropriate class of specialist building works, with or without conditions; or
    - (ii) refuse to grant any such licence.
- (4) In deciding whether to grant a licence, the Commissioner may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to —
- (a) the good character of the applicant or, if the applicant is a corporation or partnership, the general character of the management of the corporation or of the partners, as the case may be;
  - (b) the financial condition of the applicant; and
  - (c) whether the public interest will be served by the granting of the licence,

**including —**

- (i) seeking confirmation about the experience of applicants through site inspections and referee checks; and**
  - (ii) carrying out checks with the Commissioner for Workplace Safety and Health appointed under section 7 of the Workplace Safety and Health Act 2006 (Act 7 of 2006) and the Official Assignee.**
- (5) The Commissioner may refuse to grant a licence under this section to any corporation or partnership if, in the opinion of the Commissioner, the past conduct of any director, manager or employee of the corporation or any partner, manager or employee of the partnership affords reasonable grounds for believing that the corporation or partnership, as the case may be, will not carry on the business of a general builder or specialist builder in accordance with any written law and with honesty and integrity.**
- (6) Every builder's licence shall, unless earlier revoked, be valid for such period as may be specified therein (being not longer than 3 years), and upon its expiry, a licence may be renewed.**

**Who may be licensed as general builder**

- 29F (1) Subject to subsections (2), (4) and (5), a natural person who applies for a general builder's licence shall be eligible to be granted such a licence if, and only if —**
- (a) he has paid the prescribed fees for such licence;**
  - (b) he satisfies the Commissioner that he is a person of good character, and that he intends to carry on business on his own account;**
  - (c) he —**
    - (i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; or**
    - (ii) although not having complied with the requirements of subparagraph (i), satisfies the Commissioner that he has nevertheless had such practical experience in the work of a general builder or as a supervisor of general building works, as to render him, in the opinion of the Commissioner, competent to carry on the business of a general builder in Singapore; and**
  - (d) he satisfies the Commissioner that the execution and performance of any general building works in Singapore that he undertakes shall be under —**
    - (i) his personal supervision; or**
    - (ii) the personal supervision of at least one of his employees, being an employee who satisfies the Commissioner that the employee meets the requirements of subsection (1)(c)(i).**
- (2) Where a natural person applies for a general builder's licence in partnership with another natural person or other natural persons, the partnership shall, subject to subsections (4) and (5), be eligible to be granted such a licence if, and only if —**
- (a) at least one partner satisfies the Commissioner that he meets the requirements of subsection (1);**

- (b) the applicant satisfies the Commissioner that the management of the business of the partnership in so far it relates to general building works in Singapore shall at all times be under the charge and direction of a partner of the partnership who —

  - (i) has the prescribed qualifications and prescribed practical experience; or
  - (ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he has nevertheless had such practical experience as to render him, in the opinion of the Commissioner, competent to manage the business of a general builder in Singapore; and
- (c) the applicant satisfies the Commissioner that the execution and performance of any general building works in Singapore undertaken by the partnership shall be under the personal supervision of —

  - (i) at least one partner of the partnership; or
  - (ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a partner, who satisfies the Commissioner that he meets the requirements of subsection (1)(c)(i).
- (3) Subject to subsection (4), a corporation which applies for a general builder's licence, shall be eligible to be granted such a licence if, and only if —

  - (a) it has paid the prescribed fees for such licence;
  - (b) it is neither a company limited by guarantee nor a corporation sole;
  - (c) the paid-up capital of the corporation is —
    - (i) not less than \$25,000 (or its equivalent in a foreign currency) where it is applying for a Class 2 general builder's licence; or
    - (ii) not less than \$300,000 (or its equivalent in a foreign currency) where it is applying for a Class 1 general builder's licence;
  - (d) it satisfies the Commissioner that it is duly authorised to carry on the business of a general builder;
  - (e) it further satisfies the Commissioner that the management of the business of the corporation in so far it relates to general building works in Singapore shall at all times be under the charge and direction of a director of the corporation, or a member of the board of management of the corporation, or an employee (being a person employed in such a manner and with such similar duties and responsibilities of a director or member of its board of management) who —
    - (i) has the prescribed qualifications and prescribed practical experience; or
    - (ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he has nevertheless had such practical experience as to render him, in the opinion of the Commissioner, competent to manage the business of a general builder in Singapore; and
  - (f) the applicant satisfies the Commissioner that the execution and performance of any general building works in Singapore undertaken by the corporation shall be under the personal supervision of —
    - (i) at least one director of the corporation or a member of its board of management; or

- (ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management, who satisfies the Commissioner that he meets the requirements of subsection (1)(c)(i).
- (4) Notwithstanding subsection (1), (2) or (3), the Commissioner may require an applicant under that subsection to satisfy him that the applicant has sufficient material and financial resources available to enable the applicant to meet his or its financial obligations as and when they become due, and may refuse to grant a licence to an applicant who fails to so satisfy him.
- (5) No natural person and no partnership shall be eligible for a Class 1 general builder's licence.

#### **Who may be licensed as specialist builder**

- 29G(1)** Any natural person who applies for a licence to be a specialist builders for any class of specialist building works shall, subject to subsection (4), be eligible to be granted such a specialist builder's licence if, and only if —
- (a) he has paid the prescribed fees for such licence;
  - (b) he satisfies the Commissioner that he is a person of good character, and that he intends to carry on business on his own account;
  - (c) he —
    - (i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a specialist builder for that class of specialist building works or as a supervisor of such specialist building works for a specialist builder's licence of that class; or
    - (ii) although not having complied with the requirements of subparagraph (i), satisfies the Commissioner that he has nevertheless had such practical experience in the work of a specialist builder for that class of specialist building works or as a supervisor of such specialist building works as to render him, in the opinion of the Commissioner, competent to carry on the business of a specialist builder of that class in Singapore; and
  - (d) he satisfies the Commissioner that the execution and performance of any specialist building works in Singapore that he undertakes shall be under —
    - (i) his personal supervision; or
    - (ii) the personal supervision of at least one of his employees, being an employee who satisfies the Commissioner that the employee meets the requirements of subsection (1)(c)(i).
- (2) Where a natural person applies in partnership with another natural person or other natural persons for a specialist builder's licence for any class of specialist building works, the partnership shall, subject to subsections (4) and (5), be eligible to be granted such a specialist builder's licence if, and only if —
- (a) at least one partner satisfies the Commissioner that he meets the requirements of subsection (1);
  - (b) the applicant satisfies the Commissioner that the management of the

**business of the partnership in so far it relates to specialist building works of that class in Singapore shall at all times be under the charge and direction of a partner of the partnership who —**

- (i) has the prescribed qualifications and prescribed practical experience; or**
  - (ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he has nevertheless had such practical experience for that class of specialist building works as to render him, in the opinion of the Commissioner, competent to manage the business of a specialist builder in Singapore for that class of specialist building works; and**
- (c) the applicant satisfies the Commissioner that the execution and performance of that class of specialist building works in Singapore undertaken by the partnership shall be under the personal supervision of —**
- (i) at least one partner of the partnership; or**
  - (ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a partner, who satisfies the Commissioner that he meets the requirements of subsection (1)(c)(i).**

**(3) Subject to subsection (4), a corporation which applies for a specialist builder's licence for any class of specialist building works, shall be eligible to be granted such a licence if, and only if —**

- (a) it has paid the prescribed fees for such licence;**
- (b) it is neither a company limited by guarantee nor a corporation sole;**
- (c) the paid-up capital of the corporation is not less than \$25,000 (or its equivalent in a foreign currency);**
- (d) it satisfies the Commissioner that it is duly authorised to carry on the business of a specialist builder;**
- (e) it further satisfies the Commissioner that the management of the business of the corporation in so far it relates to specialist building works of that class in Singapore shall at all times be under the charge and direction of a director of the corporation, or a member of the board of management of the corporation, or an employee (being a person employed in such a manner and with such similar duties and responsibilities of a director or member of its board of management) who —**
  - (i) has the prescribed qualifications and prescribed practical experience; or**
  - (ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he has nevertheless had such practical experience for that class of specialist building works as to render him, in the opinion of the Commissioner, competent to manage the business of a specialist builder in Singapore for that class of specialist building works; and**
- (f) the applicant satisfies the Commissioner that the execution and performance of that class of specialist building works in Singapore undertaken by the corporation shall be under the personal supervision of —**
  - (i) at least one director of the corporation or a member of its board of**

management; or  
(ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management, who satisfies the Commissioner that he meets the requirements of subsection (1)(c)(i).

(4) Notwithstanding subsection (1), (2) or (3), the Commissioner may require an applicant under that subsection to satisfy him that the applicant has sufficient material and financial resources available to enable the applicant to meet his or its financial obligations as and when they become due, and may refuse to grant a licence to an applicant who fails to so satisfy him.

#### **Conditions of builder's licence relating to construction personnel**

**29H(1)** From the appointed day, it shall be a condition of every Class 1 general builder's licence (whether granted before the appointed day or otherwise) that the builder holding that licence —

- (a) shall lodge with the Commissioner a manpower programme that satisfies the requirements in subsection (2) in respect of each significant general building work project to be undertaken in Singapore by the builder on or after that appointed day; and
- (b) shall, at all times when carrying on the general building works in connection with that significant general building work project, take all practicable steps to ensure that the registered construction personnel employed by or on the licensed general builder's behalf or engaged in connection with that significant general building work project comply with the manpower programme lodged under paragraph (a) in respect of that significant general building work project.

(2) A manpower programme in respect of any particular significant general building work project shall be a program or scheme specifying all or any of the following:

- (a) the number (which shall not be less than the number prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project;
- (b) the proportion (which shall not be less than the proportion prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project.

(3) If there is any change in the number or proportion of registered construction personnel —

- (a) specified in a manpower programme lodged by a licensed general builder under subsection (1)(a) in respect of any particular significant building work project; or
- (b) employed by or on behalf of the licensed general builder or to be engaged in connection with that particular significant building work project, the licensed general builder shall notify the Commissioner of the change within 7 days after that change.

**(4) In this section, “take all practicable steps”, in relation to any result in any circumstances, means taking all steps to achieve the result that it is reasonably practicable to take in the circumstances; and for the avoidance of doubt, a person required by this section to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.**

**(5) In this section, unless the context otherwise requires —**

**“appointed day” means such day as the Minister may, by notification in the Gazette, specify to be the appointed day for the purposes of this section;**

**“construction foreman” means a natural person who carries out, or undertakes to carry out, for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, the supervision and co-ordination of construction tradesmen or other workman in any prescribed class of work connected with any building works, and a construction foreman shall be classified according to the class of work he so supervises for reward;**

**“construction personnel” means any natural person who is —**

- (a) a construction foreman of any class;**
- (b) a construction supervisor of any class; or**
- (c) a construction tradesman of any class;**

**“construction supervisor” means a natural person, not being a builder, who oversees the execution or performance of building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, but does not include a construction foreman or other person employed in a like or less responsible capacity;**

**“construction tradesman” means a natural person, not being a builder, who carries out, or undertakes to carry out, for or on behalf of another person, for a fixed sum, percentage, or valuable consideration, wages or other reward, any prescribed class of work connected with any building works, and a construction tradesman shall be classified according to the class of work he so carries out for reward;**

**“engaged” means engaged under a contract of service or a contract for services;**

**“registered” means registered with the Building and Construction Authority;**

**“significant general building work project” means any building works the value of which is \$10 million or more.**

#### **Other conditions of builder’s licence**

**29I (1) It shall be a condition of every Class 2 builder’s licence that the licensed builder holding such a licence shall not enter into any contract or engagement**

**to carry out general building works for an estimated final price which exceeds the amount specified under section 29C(1)(b).**

- (2) Where any general building works or specialist building works are carried out by a licensed builder who is a natural person, that person shall ensure that —**
  - (a) the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised —**
    - (i) by himself; or**
    - (ii) by at least one of his employees, who is employed to manage and supervise those building works undertaken and who meets the requirements of section 29F(1)(c)(i) or section 29G(1)(c)(i), as the case may be; and**
  - (b) the name of that licensed builder or employee shall appear in any sign affixed or erected on the site where the general building works or specialist building works are carried out.**
- (3) Where any general building works or specialist building works are carried out by a licensed builder which is a partnership, the partners thereof shall ensure that the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised by —**
  - (a) at least one partner of the partnership; or**
  - (b) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a partner, who meets the requirements of section 29F(1)(c)(i) or section 29G(1)(c)(i), as the case may be.**
- (4) Where any general building works or specialist building works are carried out by a licensed builder which is a corporation, the corporation shall ensure that the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised by —**
  - (a) at least one director of the corporation or a member of its board of management; or**
  - (b) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management, who meets the requirements of section 29F(1)(c)(i) or section 29G(1)(c)(i), as the case may be.**
- (5) It shall be a condition of every builder's licence granted to a partnership or a corporation that the management of the business of the partnership or corporation in so far it relates to general building works or specialist building works, as the case may be, shall at all times be under the charge and direction of —**
  - (a) a partner in the case of the partnership; or**
  - (b) in the case of a corporation, a director or a member of the board of management of the corporation or an employee of the corporation who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management, who satisfies the Commissioner that he meets the requirements of section**



**29F(2)(b) or (3)(e) or section 29G(2)(b) or (3)(e), as the case may be.**

- (6) Without prejudice to subsections (1) to (5), the Commissioner may grant a builder's licence subject to such other conditions as the Commissioner thinks fit and may at any time vary any existing conditions (other than those specified in subsections (1) to (5)) of such a licence or impose additional conditions thereto.**
- (7) Before making any modification to the conditions of a builder's licence under this section, the Commissioner shall give notice to the licensed builder concerned —**
  - (a) stating that he proposes to make the modification in the manner specified in the notice; and**
  - (b) specifying the time (being not less than 14 days from the date of service of notice on the licensed builder concerned) within which written representations with respect to the proposed modification may be made.**
- (8) Upon receipt of any written representation referred to in subsection (7)(b), the Commissioner shall consider the representation and may reject the representation or amend the proposed modification in accordance with the representation, or otherwise and, in either event, shall thereupon issue a direction in writing to the licensed builder concerned requiring that effect be given to the proposed modification specified in the notice or to such modification as subsequently amended by the Commissioner within a reasonable time.**

**Revocation of licences, etc.**

- 29J (1) Subject to subsection (3), the Commissioner may by order revoke any general builder's licence or specialist builder's licence if he is satisfied that —**
- (a) the licensed builder fails to comply with any of the relevant requirements of section 29H(1) or (3) or section 29I(1) or (5), as the case may be;**
  - (b) the licensed builder has failed to comply with any condition imposed by the Commissioner under section 29I(6);**
  - (c) for a period exceeding 28 days —**
    - (i) the licensed builder ceases to, or ceases to have any employee thereof referred to in section 29I(2), personally supervise the execution and performance of any general building works or specialist building works in Singapore undertaken by the licensed builder; or**
    - (ii) where the licensed builder is a partnership or a corporation, it ceases, to have any director, manager or employee of the corporation, or any partner or employee of the partnership, as the case may be, referred to in section 29I(3) or (4) personally supervise the execution and performance of any general building works or specialist building works in Singapore undertaken by the licensed builder;**
  - (d) the licence had been obtained by fraud or misrepresentation;**
  - (e) the licensed builder has ceased to carry on business as a general builder or specialist builder, as the case may be, in Singapore;**
  - (f) the licensed builder has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;**

- (g) the licensed builder has been convicted of an offence under this Act;
  - (h) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership, that is a licensed builder affords grounds for believing that the corporation or partnership, as the case may be, will not carry on the business of a general builder or specialist builder, as the case may be, in Singapore in accordance with any written law and with honesty and integrity;
  - (i) the public interest or national security of Singapore so requires; or
  - (j) the licensed builder has refused or failed to comply with an order of the Commissioner made under subsection (2)(b) or (d).
- (2) The Commissioner may, in any case in which he considers that no cause of sufficient gravity for revoking any general builder's licence or specialist builder's licence exists, by order —
  - (a) suspend the licence for a period not exceeding 6 months;
  - (b) impose on the builder concerned a financial penalty not exceeding \$20,000;
  - (c) censure the builder concerned; or
  - (d) impose such other direction or restriction as the Commissioner considers appropriate on the builder's business as general builder or specialist builder, as the case may be.
- (3) The Commissioner shall not exercise its powers under subsection (1) or (2) unless an opportunity of being heard by a representative in writing or by counsel had been given to the licensed builder against which the Commissioner intends to exercise its powers, being a period of not more than 14 days.
- (4) Where the Commissioner has revoked a builder's licence under this section, he shall serve on the builder concerned a notice of his order made under this section.
- (5) Any order by the Commissioner revoking or suspending a licence, or imposing a financial penalty, direction or restriction shall not take effect until the expiration of 14 days after the Commissioner has served the order on the builder concerned.
- (6) Where the builder concerned has appealed under section 29K to the Minister against an order by the Commissioner under this section, the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or withdrawn.
- (7) Where an order of revocation becomes effective —
  - (a) the Commissioner shall cause notice of the revocation to be published in the Gazette; and
  - (b) the builder concerned shall, as from the date of the notice, cease to carry on business as a general builder or specialist builder, as the case may be, in Singapore except as may be approved by the Commissioner.
- (8) Subsection (7)(b) shall not prejudice the enforcement by any person of any right or claim against the corporation, partnership or limited liability

partnership or by the corporation, partnership or limited liability partnership of any right or claim against any person.

- (9) In any proceedings under this section in relation to the conviction of licensed builder for a criminal offence, the Commissioner shall accept the builder's conviction as final and conclusive.

#### **Appeal to Minister**

**29K(1)** Any person whose application for a builder's licence or for the renewal of a builder's licence has been refused by the Commissioner may, within 14 days after being notified of such refusal, appeal in the prescribed manner to the Minister whose decision shall be final.

- (2) Where a builder's licence is granted by the Commissioner subject to conditions (other than those specified in section 29I or 29H), the builder concerned may, within 14 days after being notified of such conditions, appeal in the prescribed manner to the Minister whose decision shall be final.

- (3) If the Commissioner has made —

- (a) an order of revocation or suspension of a licence under section 29J; or
- (b) an order imposing any pecuniary penalty on, or direction or restriction on the business of a licensed corporation, partnership or limited liability partnership under section 29J(2),

the person whose licence is revoked or suspended, on whom such a penalty, direction or restriction is imposed, as the case may be, may, within 14 days after being served with the notice of the order, appeal to the Minister against the order, and the decision of the Minister shall be final.

- (4) In any appeal under this section in relation to the conviction of licensed builder for a criminal offence, the Minister on appeal from any order of the Commissioner shall accept the builder's conviction as final and conclusive.

#### **Power of Minister to make regulations**

**29L** The Minister may make regulations for giving effect to the provisions of this Part and for the due administration thereof, and, in particular, for or with respect to all or any of the following matters:

- (a) prescribing the form and procedure for applications for builder's licences;
- (b) varying the minimum paid-up capital of a corporation specified in section 29F(3)(c) or section 29G(3)(c) in connection with applications for a general builder's licence or specialist builder's licence;
- (c) prescribing the different classes of construction tradesmen and construction foremen for the purposes of section 29H;
- (d) prescribing offences in respect of the contravention of any regulations made under this section, and prescribing fines, not exceeding \$10,000 or imprisonment which may not exceed 12 months or both, that may, on conviction, be imposed in respect of any such offence;
- (e) prescribing any matter which is required under this Part to be prescribed.

#### **Savings and transitional provisions**

**29M** Notwithstanding the provisions of this Part, any person who, immediately before the commencement of section 9 of the Building Control (Amendment)

**Act 2007, is carrying on the business of a general builder or specialist builder in Singapore shall be entitled to continue doing so for a period of 6 months from that date, and if before the expiry of that period a licence is applied for under this Part, that person shall be entitled to continue carrying on the business of a general builder or specialist builder, as the case may be, until the date on which a general builder's licence or specialist builder's licence under this Part is issued or the application for a licence under this Part is refused or withdrawn.**

## **PART VI**

### **MISCELLANEOUS**

#### **Exemption**

**30** The Minister may by order, either generally or in any particular case, and subject to such conditions as he may impose, exempt any **person**, premises or building or any building works from all or any of the provisions of this Act or the building regulations.

#### **Offences by bodies corporate, etc.**

- 31 (1)** Where an offence under this Act or the building regulations has been committed by a body corporate, every officer of the body corporate shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the officer proves that —
- (a)** the offence was committed without the consent or connivance of the officer; and
  - (b)** the offence was not attributable to any neglect on his part.
- (2)** Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3)** Where an offence under this Act or the building regulations has been committed by a partnership, each partner of the partnership shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the partner proves that —
- (a)** the offence was committed without the consent or connivance of the partner; and
  - (b)** the offence was not attributable to any neglect on his part.
- (4)** Where an offence under this Act or the building regulations has been committed by an unincorporated association (other than a partnership), every officer of the unincorporated association and every member of its governing body shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the officer or member, as the case may be, proves that —
- (a)** the offence was committed without the consent or connivance of the officer of the unincorporated association or member of its governing body, as the case may be; and
  - (b)** the offence was not attributable to any neglect on the part of that officer or

**member.**

**(5) In this section —**

**“body corporate” includes a limited liability partnership;**

**“officer” —**

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, Chief Executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or**
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;**

**“partner” includes a person purporting to act as a partner.**

**(6) The Minister may make regulations providing for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.**

#### **Protection from liability**

- 32 (1) No liability shall lie against the Government or any public officer by reason of the fact that any building works are carried out in accordance with the provisions of this Act or that such building works or plans of the building works are subject to inspection or approval by the Commissioner of Building Control or the public officer.
- (2) Nothing in this Act shall make it obligatory for the Commissioner of Building Control to inspect any building or building works or the site of any proposed building to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, notices or other documents submitted to him are accurate.
- (3) No matter or thing done by the Commissioner of Building Control or by any public officer shall, if it were done bona fide for the purpose of carrying out the provisions of this Act, subject the Commissioner of Building Control or the public officer personally to any action, liability, claim or demand.
- (4) Where the Commissioner of Building Control provides any information to any person in respect of any building or building works by electronic or other means, neither the Government, the Commissioner of Building Control nor any public officer shall be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the electronic equipment used for providing the information, if such error or omission is made in good faith and in the ordinary course of duties of the Commissioner of Building Control or public officer.

### **Power to enter premises**

- 33 (1) The Commissioner of Building Control **or any person appointed by him for this purpose** may enter any premises at all reasonable hours for the purpose of —
- (a) ascertaining whether there is, or has been, on or in connection with the premises, a contravention of this Act or the building regulations;
  - (b) ascertaining whether circumstances exist that would authorise the Commissioner of Building Control to take any action or execute any work under this Act or the building regulations;
  - (c) taking any action or carrying out any work, authorised or required by this Act or the building regulations; or
  - (d) inspecting the documents, books or records kept and maintained by a qualified person or builder under section 9 (3C) (d) or 11 (4) (c), respectively.

(1A) For the purposes of subsection (1), the Commissioner of Building Control **or a person appointed under subsection (1)** may take such steps as he may consider necessary, including the making of openings and the taking without payment of reasonable samples of building materials for analysis.

- (2) The results of any analysis of a sample of building materials taken under subsection (1A) shall not be admissible as evidence in any proceedings under this Act or the building regulations unless the samples were taken in the prescribed manner.
- (3) A certificate of the results of an analysis of a part of a sample taken under subsection (1A) shall be signed by the analyst but the analysis may be made by a person acting under the direction of the analyst.
- (4) For the purposes of any inspection under subsection (1) (d), the qualified person or builder concerned shall afford the Commissioner of Building Control **or a person appointed under subsection (1)** access to and shall produce the documents, books or records and shall give such information and facilities as may be required by the Commissioner of Building Control.
- (4A) Any qualified person or builder, as the case may be, who contravenes or fails to comply with subsection (4) shall be guilty of an offence.
- (5) The documents, books or records referred to in subsection (4) shall not be required to be produced at such times or at such places as would interfere with the proper execution of the building works.
- (6) Any person who wilfully obstructs the Commissioner of Building Control **or a**

**person appointed under subsection (1)** in the performance of any matter or thing which he is authorised to do by this section shall be guilty of an offence.

### **Presumptions and defences**

- 34 (1) In any proceedings instituted under this Act for the commencement or carrying out of any building works on any premises in contravention of the provisions of this Act or the building regulations, the owner of the premises at the time the building works were commenced or carried out shall be presumed, until the contrary is proved, to be the person commencing or carrying out the building works.
- (2) Where anything is required under this Act to be done by the owner of a building, and there is more than one owner of such building, it shall be a defence to any prosecution for failing to do that thing —
- (a) that such thing was done by another owner of the building; or
  - (b) that any notice or order in respect of such thing required under this Act to be served on the owner was served on another owner of the building and not on the person charged.

### **Occupier may execute work in default of owner**

- 35 (1) Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of the premises may, with the approval of the Commissioner of Building Control, cause the work to be executed.
- (2) The costs and expenses thereof shall be recoverable by the occupier from the owner or the amount may be deducted out of the rent from time to time becoming due from him to the owner.
- (3) The occupier may, in the absence of any special agreement to the contrary, retain possession of the premises until the costs and expenses incurred by him have been fully reimbursed.

### **Proceedings if occupier opposes execution of works**

- 36 (1) Where —
- (a) the owner of any premises is required under any provision of this Act or the building regulations to carry out any work or make any provision in respect of the premises;
  - (b) the owner has given written notice to the occupier of the premises of his intention to carry out the work or make such provision; and
  - (c) the occupier prevents the owner from carrying out the work or making such provision in respect of the premises,
- a Magistrate's Court, upon proof thereof and upon application by the owner, may make an order in writing requiring the occupier to permit the owner to execute all such work or to make such provision with respect to the premises as may be required by the provisions of this Act or the building regulations and may also, if the Court thinks fit, order the occupier to pay to the owner the costs relating to the application or order.
- (2) If, after the expiration of 8 days from the date of the order, the occupier continues to refuse to permit the owner to execute such work or make such provision as may be required by the provisions of this Act or the building regulations, the occupier

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding **\$2,000** for every day during which he so continues to refuse.

- (3) Every such owner shall, during the continuance of such refusal, be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing the work or making provision in respect of the premises or building.

#### **Recovery of costs and expenses payable by owners**

37 (1) All expenses incurred by the Commissioner of Building Control in or about the execution of any work pursuant to any provision of this Act, together with interest accruing in accordance with subsection (3), shall be recoverable from the person who is the owner of the premises on the date on which the works are completed.

(1A) As from the date of the completion of the work, the expenses and interest accrued due thereon shall be, until recovered, a first charge on the premises and on all estates and interests therein, exercisable against the premises and the estates and interests therein and all movable property or crops for the time being found thereon, notwithstanding any change in the ownership or occupation of the premises subsequent to that date.

(2) The Commissioner of Building Control may certify under his hand the expenses due and the names of the persons liable therefor and may by such certificate apportion the expenses among those persons.

(2A) A copy of the certificate shall be served upon each of those persons referred to in subsection (2), but where no such persons may be found, the certificate shall be deemed to have been duly served if a copy thereof is posted at the office of the Commissioner of Building Control and another copy thereof is affixed to some conspicuous part of the premises in respect of which the expenses have been incurred.

(3) Interest at the rate of 9% per annum from the expiry of one month from the date of service of a certificate under subsection (2A) shall be recoverable as part of the expenses incurred by the Commissioner of Building Control.

(4) A certificate purporting to be under the hand of the Commissioner of Building Control and to be made under subsection (2) and setting forth the amount claimed as due to the Commissioner of Building Control and the persons as liable for the payment thereof shall be prima facie evidence of the facts certified therein and of the signature of the Commissioner of Building Control thereto.

(5) If any sum or any part thereof due to the Commissioner of Building Control under this Act remains unpaid at the expiration of one month commencing from the date of service of the certificate under subsection (2A), or such further period as the Commissioner of Building Control may allow, it shall be deemed to be arrears.

#### **Recovery of costs and expenses by instalments**

38 (1) Where the Commissioner of Building Control has incurred expenses in or about the execution of any work which are recoverable from any person, the Commissioner of Building Control may either recover such expenses in the manner provided in



section 37 or, if he thinks fit, may obtain an undertaking from the person for the payment of such instalments as will be sufficient to defray the whole amount of such expenses with interest thereon at a rate not exceeding 9% per annum within a period of 10 years.

- (2) Upon default in payment of any instalment upon the date appointed for payment thereof by any such undertaking, the whole of the balance then outstanding of such amount shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises since the date of the undertaking, may be recovered by the same means and in the like manner as provided in section 37.

#### **Power to vary interest rates**

39 The Minister may, at any time by notification in the Gazette, vary the rates of interest specified in sections 37 (3) and 38 (1).

#### **Liability of transferor of property in respect of expenses incurred by Commissioner of Building Control**

- 40 (1) Where a person sells or transfers any premises in respect of which expenses have been incurred by the Commissioner of Building Control in or about the execution of any work required to be done under this Act which are recoverable from the owner thereof, the person shall continue to be liable for the payment of all such expenses payable in respect of the premises and for the performance of all other obligations imposed by this Act upon the owner of those premises which became payable or were required to be performed prior to the transfer.
- (2) Nothing in subsection (1) shall affect the liability of the purchaser or transferee to pay such expenses in respect of the premises or affect the right of the Commissioner of Building Control to recover such expenses or to enforce any obligation under this Act.

#### **Property and materials seized or removed by Commissioner of Building Control**

- 41 (1) Any property or materials seized or removed by the Commissioner of Building Control, in the exercise of his powers under this Act, may be forfeited to the Government and sold or otherwise disposed of by the Commissioner of Building Control unless a claim is made by the person to whom the property or materials belong within 2 weeks of the seizure or removal in which case the property or materials may be returned to the person on such terms and conditions as the Commissioner of Building Control may impose.
- (2) Where the Commissioner of Building Control sells any property or materials under subsection (1), the Commissioner of Building Control shall pay on demand the proceeds of the sale to the owner to whom the property or materials belonged after deducting the amount of any expenses recoverable by the Commissioner of Building Control from him.
  - (3) Any proceeds of the sale of property or materials under this section not claimed within 2 years of the sale shall be paid into the Consolidated Fund.

#### **Service of documents**

42 (1) Any notice, order or document required or authorised to be served under this Act

shall be deemed to be sufficiently served —

- (a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of abode of the person on whom the notice is to be served;
  - (b) by leaving it at the usual or last known place of abode or business of the person on whom the notice is to be served in a cover addressed to that person or by posting it upon a conspicuous part of those premises;
  - (c) by sending it by registered post addressed to the person on whom the notice is to be served at his usual or last known place of abode or business **or** ;
  - (d) in the case of an incorporated company, a partnership or a body of persons —**
    - (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or**
    - (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.**
- (2) Any notice, order or document required or authorised to be served under this Act on the owner or occupier of any premises or building shall also be deemed to be sufficiently served by delivering a copy thereof personally to some adult person on the premises or building or, if there is no such person to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises or building.
- (3) Any notice, order or document required or authorised by this Act to be served on the owner or the occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.
- (4) Any notice, order or document to be issued by the Commissioner of Building Control under this Act or the building regulations may be issued in such form as the Commissioner of Building Control may determine and every such notice, order or document shall be valid if the signature of the Commissioner of Building Control or any officer authorised under this Act is duly printed or written thereon.
- (5) Any notice, order or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order or document, as the case may be, would in the ordinary course of post be delivered and, in proving service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.**

#### **Furnishing of information**

- 43 (1) The Commissioner of Building Control may by notice require any person who appears to the Commissioner of Building Control to be acquainted with the circumstances of any case which is under investigation to furnish him within such time as may be specified in the notice with information relating to that case in the possession of that person.
- (2) Any person who fails to comply with any notice under subsection (1) or who

furnishes any information which he knows or has reason to believe is false shall be guilty of an offence.

### **Powers of arrest**

- 44 (1) A police officer may arrest without warrant any person who has committed, or whom he reasonably suspects to have committed, an offence under this Act or the building regulations —
- (a) if the person declines to give his name and address; or
  - (b) if there is reason to doubt the accuracy of the name and address, if given.
- (2) A person arrested under this section may be detained until his name and address are correctly ascertained except that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

### **Evidence**

- 45 (1) Subject to this section, the contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act or the building regulations shall until the contrary is proved be presumed to be correct.
- (1A) The production of any document purporting to contain any apportionment made under section 37 (2) shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned therein.
- (2) In any proceedings under this Act or the building regulations, a certificate of analysis under section 33 purporting to be signed by an analyst shall, on its production by the prosecution without proof of the signature of the analyst, be sufficient evidence of the facts stated therein unless the defendant requires the analyst to be called as a witness, in which case he shall give notice thereof to the prosecution not less than 3 clear days before the day fixed for the hearing of the summons.
- (3) All records and other documents required by this Act or the building regulations to be kept by the Commissioner of Building Control shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by that officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts.
- (4) Where any information in respect of any building or building works is provided by the Commissioner of Building Control by electronic means, the production of any document under the hand of a public officer responsible for providing such information purporting to be a hard-copy transcript of all or any such information shall, in all courts and in all proceedings, be sufficient evidence of the information provided electronically and all courts shall in all proceedings take judicial notice of the signature of the public officer.

### **Jurisdiction of Courts**

- 46 Notwithstanding the provisions of the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate's Court shall have power to impose the maximum penalties provided for an offence under this Act.

#### General penalty

47 Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding **\$10,000** or to imprisonment for a term not exceeding **6** months or to both.

#### Composition of offences

**48 (1) The Commissioner of Building Control may, in his discretion, compound any offence under this Act or any subsidiary legislation made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —**

**(a) one half of the amount of the maximum fine that is prescribed for the offence; or**

**(b) \$5,000,  
whichever is the lower.**

**(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.**

**(3) The Minister may make regulations to prescribe the offences which may be compounded.**

**(4) All sums collected under this section shall be paid to the Building and Construction Authority.**

#### Regulations

49 (1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

(a) the regulation or prohibition of the exhibition of advertising signs, skysigns, aerial signs and projected advertisement in or on any premises and the regulation of the size and construction of those signs and advertisements;

(b) the submission of plans of building works, the authorisation of persons qualified to submit the same and their duties and responsibilities, and the nature or classification of plans which each person may submit;

(c) the manner of making applications for and granting of approval of plans of building works and permits to carry out building works;

(ca) the establishing of objectives and performance requirements for the design and construction of buildings;

(d) the structural strength and stability of buildings or proposed buildings, including —

(i) precautions against overloading;

(ii) measures to safeguard adjacent buildings;

(iii) underpinning;

(e) the design and construction of buildings, including —

(i) the preparation of sites for building works;

(ii) exterior features;

(iii) Deleted by Act 18/2003, wef 01/01/2004.

(iv) Deleted by Act 18/2003, wef 01/01/2004.

- (v) the natural lighting and ventilation of buildings;
- (vi) the headroom of rooms, cubicles and staircases and other spaces within buildings;
- (vii) the suitability and use of materials and components;

**(viii) environmental sustainability measures that improve the total quality of life and minimises adverse effects to the environment, both now and in the future;**

- (f) the demolition of buildings and the safety precautions to be taken in respect thereof;

**(fa) the reporting of dangerous occurrences (as defined in section 25A) in premises at which building works are carried out;**

- (g) prohibiting or regulating the occupation of buildings;
- (h) the control and regulation of measures for energy conservation in buildings;
- (i) the provision of embankments and retaining walls;
- (j) measures to improve efficiency and standardisation in the construction industry relating to design, processes, construction techniques, products and materials;
- (k) the regulation of persons authorised to carry out installation or retrofitting of any exterior feature, including prescribing the qualifications and training of such persons, and their duties and responsibilities in connection with installing or retrofitting the exterior feature;
- (l) measures for the construction, installation and inspection of lifts and escalators;
- (m) the control, regulation and supervision by registration, licensing, inspection or otherwise of places to which the public has access;
- (n) the prescribing of documents, books or records to be kept and reports or certificates to be made under this Act;
- (o) the time and manner of making, and the information and documents to be furnished in respect of, an application for a temporary occupation permit and a certificate of statutory completion;
- (p) the manner in which the duties and responsibilities of accredited checkers **and specialist accredited checkers** are to be discharged;
- (q) the manner in which appeals may be made to and determined by the Minister under this Act and the information to be supplied by the Commissioner of Building Control in connection therewith;
- (r) the granting of permits for the erection, demolition and occupation and the control of buildings required for a limited time or constructed of short-lived materials;
- (s) the procedure for the sampling of building materials under section 33;
- (t) the prescribing of forms necessary for the administration of this Act; and
- (u) the prescribing of fees and charges for the purposes of this Act.

(2A) Regulations made under this section may provide that —

- (a) any particular objective and performance requirement for the design and construction of any building shall be deemed to be complied with if the building is constructed with such specifications, materials, designs or methods of construction as may be specified by the Commissioner of Building Control;

and

- (b) the Commissioner of Building Control may issue in such form as he thinks fit, and from time to time amend, one or more Approved Documents setting out the specifications, materials, designs or methods of construction which shall, without prejudice to any alternative means of achieving compliance, be deemed to comply with the relevant objective and performance requirement for the design and construction of buildings prescribed in those regulations.
- (3) The Minister may, in making any building regulations under this section, provide that any contravention of or failure to comply with any provision thereof shall be an offence and may prescribe punishment by a fine not exceeding **\$10,000 or imprisonment for a term not exceeding 12 months or with both.**

#### **Adoption of codes and standards**

- 50 (1) Any building regulations made under section 49 may adopt wholly or partially or as amended by the regulations or by reference any code, standard, rule, specification or provision which relates to any matter with which the building regulations deal and which is —
- (a) recommended, issued or adopted by the Singapore Productivity and Standards Board;
  - (b) recommended, issued or adopted by —
    - (i) the British Standards Institution; or
    - (ii) any other standards organisation or body of any place outside Singapore being an organisation or body approved by the Commissioner of Building Control; or
  - (c) included in any document issued by any Government department or issued by any public authority constituted by any written law.
- (2) The Commissioner of Building Control shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Singapore Productivity and Standards Board) to be made available for inspection by members of the public without charge at the office of the Commissioner of Building Control during normal office hours.
- (3) In any proceedings under the building regulations, a copy certified by the Commissioner of Building Control as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Singapore Productivity and Standards Board) shall be evidence of the code, standard, rule, specification or provision so adopted.

#### **Amendment of Schedule**

51 The Minister may by order amend the Schedule.

#### **Presentation of order, notification and regulation to Parliament**

52 Any order, notification or building regulations made under this Act shall be presented to Parliament as soon as possible after publication in the Gazette.

#### **Application of Act to Government**

**52A(1) Except as provided in subsection (2), this Act shall bind the Government and**

**shall apply to —**

- (a) any premises wholly or partly owned or occupied by the Government; and**
- (b) any premises in which any building operation or any work of engineering construction is carried on by or on behalf of the Government.**

- (2) Nothing in this Act shall render the Government liable to prosecution for an offence.**
- (3) For the avoidance of doubt, no person shall be immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.**

### **Transitional provisions**

- 53 (1) Any licence, permission, approval or other document prepared, made or granted under the repealed Act and valid immediately prior to 1st May 1989 shall be deemed to have been prepared, made or granted under the corresponding provision of this Act.
- (2) A valid and subsisting certificate of fitness for occupation issued under regulations made under the repealed Act or a valid and subsisting temporary occupation licence shall have the same force and effect as a certificate of statutory completion or temporary occupation permit, respectively, granted under this Act.
- (3) Any temporary permit, permission or other similar document issued in respect of a temporary building under any written law relating to building control in force before 1st February 1960 shall be presumed, until the contrary is proved, to have lapsed or expired.
- (4) The powers conferred on the Commissioner of Building Control by this Act may be exercised in respect of —
- (a) any building erected in contravention of, or deemed to be unauthorised under, any written law relating to building control in force before 1st May 1989; and
  - (b) any temporary building in respect of which no temporary permit, permission or other similar document issued under any such written law relating to building control or this Act is in force,
- and such building shall be deemed unauthorised for the purposes of this Act.
- (5) Where any written law or document refers expressly or by implication to a temporary occupation licence or to a certificate of fitness for occupation, the reference shall (except where the context otherwise requires) be construed as a reference to a temporary occupation permit or a certificate of statutory completion, respectively.
- (6) For the purposes of this section, “temporary building” means a building which is required for a limited time or constructed of short-lived materials.

### **Savings and transitional provisions**

- 20 (1) Any certificate of statutory completion or temporary occupation permit issued under section 21 of the principal Act before the appointed day shall continue and be deemed to have been issued under the principal Act as amended by section 3 of this Act.**

- (2) Any application or other document lodged for approval under the provisions of the principal Act before the appointed day and whose application was not approved before that day shall, where applicable, be deemed to be an application or a document lodged for approval under the principal Act as amended by section 3 of this Act.**
- (3) Where any appeal has been made to the Minister under the Part II of the principal Act before the appointed day and the appeal has not been dealt with or disposed of immediately before that day, the appeal may be dealt with in accordance with the principal Act as if this Act had not been enacted.**
- (4) Any person who, immediately before the appointed day, is registered as an accredited checker or accredited checking organisation shall be deemed to be registered under the provisions of the principal Act as amended by section 3 of this Act, and any register of accredited checkers or register of accredited checking organisations kept and maintained under the provisions of the principal Act shall continue and be deemed to be kept and maintained under the provisions of the principal Act as amended by section 3 of this Act.**
- (5) Every person who, immediately before the appointed day, is appointed under the provisions of the principal Act as a qualified person, builder or site supervisor shall continue in such appointments as if he is appointed as such under the principal Act as amended by section 3 of this Act, and their respective appointments shall expire on the day their appointments would have expired if this Act had not been enacted.**
- (6) Every committee established before the appointed day under the provisions of Part II of the principal Act —**

  - (a) to assist the Commissioner of Building Control in considering applications for registration as accredited checkers or accredited checking organisations; or**
  - (b) to assist the Commissioner of Building Control in considering any representation that may be made against his exercising any power to suspend or cancel the registration of an accredited checker or accredited checking organisation,**

**shall be deemed to be a committee established under the principal Act as amended by this Act.**
- (7) Where any period of time is specified in any provision in Part II of the principal Act in force immediately before the appointed day, any period of time so specified and current shall be deemed for the purposes of the principal Act as amended by this Act —**

  - (a) to run from the date or event from which it was running immediately before that day; and**
  - (b) to expire (subject to any provision of the principal Act as amended by this Act for its extension) whenever it would have expired if this Act had not been enacted.**
- (8) This Act shall not affect —**



- (a) the continued operation or force of any order, direction or decision of the Commissioner of Building Control or the Minister made under Part II of the principal Act before the appointed day, and any right of appeal accrued before the appointed day in respect of any such order, direction or decision; and
- (b) the continued operation or force of any order, direction or decision of the Commissioner of Building Control or the Minister made under any provision of Part IV of the principal Act before the commencement of section 6 of this Act.

(9) In this section, “appointed day” means the date of commencement of section 3 of this Act.

#### **THE SCHEDULE**

##### **Section 4**

#### **~~BUILDING WORKS WHICH DO NOT REQUIRE APPROVAL OF PLANS OF BUILDING WORKS OR A PERMIT TO CARRY OUT BUILDING WORKS~~**

## CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

### (1) Building and Construction Authority Act (Chapter 30A, 2001 Ed.)

Amendments to be made in Building and Construction Authority Act
<p><b>Powers of Authority</b></p> <p>10 The Authority shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and, in particular, may —</p> <p><b>(ea) register construction tradesmen, construction foremen and construction supervisors of suitable qualifications and experience with a view to raising standards of performance in construction services in Singapore;</b></p>

### (2) Building Maintenance and Strata Management Act 2004 (Act 47 of 2004)

Amendments to be made in Building Maintenance and Strata Management Act
<p><b>Interpretation</b></p> <p>2 (1) In this Act, unless the context otherwise requires —</p> <p><b>“person responsible”, in relation to an exterior feature of a building, means —</b></p> <ul style="list-style-type: none"><li><b>(a) except as otherwise provided by paragraph (b), (c) or (d), the owner of the premises or building which the exterior feature is installed on, forms part of or projects outwards from, or such other person who has charge and control of the management and maintenance of the exterior feature;</b></li><li><b>(b) subject to paragraph (c), where the exterior feature is part of any common property or limited common property —</b><ul style="list-style-type: none"><li><b>(i) in the case of common property of any housing estate of the Housing and Development Board — the Town Council established under the Town Councils Act (Cap. 329A) for that housing estate or the contractor (if any) engaged by the Town Council and who has charge and control of the management and maintenance of the common property; or</b></li><li><b>(ii) in the case of common property or limited common property of any other land (whether or not comprised in a strata title plan) — the owner thereof or the managing agent (if any) appointed by the owner and who has charge and control of the management and maintenance of the common property or limited common property, unless otherwise provided by paragraph (d);</b></li></ul></li><li><b>(c) where the exterior feature is a window, grille or shutter that is part of a flat — the owner of that flat or other person who ordinarily has daily charge and control over the maintenance and use of such window, grille or shutter; or</b></li><li><b>(d) such other person as may be prescribed as the person responsible for the exterior feature;</b></li></ul>

## Amendments to be made in Building Maintenance and Strata Management Act

### Unsafe exterior feature

- 9 (2) In any proceedings for an offence under this section, it shall be presumed, in the absence of proof to the contrary, that the person responsible for an exterior feature of a building has failed to **keep or** maintain the exterior feature in such manner as to be securely fixed to the building and as will prevent any collapse, partly or wholly, of such exterior feature or its support, if it is proved —
- (a) that the exterior feature or part thereof has collapsed or fallen; and
  - (b) that there is damage to, deterioration or other disrepair of the exterior feature or its support not caused by accident or acts of nature, including but not limited to fire, explosion, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake or landslide.
- (3) If a person is charged with an offence under subsection (1), it shall be a defence for him to prove —**
- (a) that there was a defect in any part or the whole of such exterior feature or its support caused by materials or work supplied by a person other than the person responsible or agent acting on the latter's behalf; or**
  - (b) that he relied, in good faith and after making proper inquiry if the circumstances indicated the need for inquiry of the advice or services, on professional or expert advice or services given or rendered by a professional or expert person in relation to the exterior feature concerned which the person responsible believes on reasonable grounds to be within the professional or expert person's competence.**
- (2) Without prejudice to subsection (3), a person responsible for an exterior feature shall not, by virtue of subsection (1), be guilty of an offence under that subsection if –**
- (a) within 7 days after service on him of any notice alleging that he has been guilty of such offence, he furnishes by statutory declaration to the Commissioner, the name and address of the contractor, managing agent or other person appointed by the person responsible to manage and maintain the exterior feature at all relevant times relating to the offence concerned; and**
  - (b) he satisfies the court that he relied, in good faith and after making proper inquiry (if the circumstances indicated the need for inquiry of the advice or services), on professional or expert advice or other services given or rendered by the contractor, managing agent or other person in relation to the exterior feature concerned.**
- (5) A statutory declaration made under subsection (4) if produced in any proceedings against the person named therein and in respect of the offence concerned shall be prima facie evidence that the person had charge and control of the management and maintenance of the exterior feature at all relevant times relating to that offence.**

### Appointment of managing agent of management corporation

- 66 (3) The fees and expenses of a managing agent shall be fixed —

## Amendments to be made in Building Maintenance and Strata Management Act

- (a) where the managing agent is appointed under subsection (1) (a) — by the management corporation at a general meeting or, if so authorised by the subsidiary proprietors at the last preceding general meeting, by the council of the management corporation;
- (b) where the managing agent is appointed under subsection **(1) (b)** — by the council of the management corporation without a general meeting.

### Prohibited activity for managing agent

68 (4) In this section, unless the context otherwise requires —

"for the purposes of any candidate's election" means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at an election of members of the council of a management corporation or (as the case may be) the executive committee of a subsidiary management corporation, and includes prejudicing the electoral prospects of another candidate at that election;

"material benefit" includes, but shall not be limited to, the following:

- (a) an extension of the term or an additional term of appointment of the proxy as managing agent;
- (b) an increase in the remuneration of the proxy;
- (c) a decision of the **management corporation** not to proceed with, to withdraw, to delay, to compromise or to settle litigation or other legal proceedings relating to the proxy; or
- (d) any other decision of the management corporation that affects litigation or other legal proceedings relating to the proxy.

### Transitional and savings provisions

139 (1) Except as otherwise expressly provided in the Fourth Schedule to this Act ~~or in regulations made under this section~~ —

- (a) the provisions of this Act shall apply to buildings comprised in any strata title plan registered under the Land Titles (Strata) Act before the commencement of section 138; and
- (b) nothing in that Schedule shall affect any saving provided by the Interpretation Act (Cap. 1).