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**No. S 274**

**BUILDING CONTROL ACT  
(CHAPTER 29)**

**BUILDING CONTROL  
(LICENSING OF BUILDERS) (AMENDMENT)  
REGULATIONS 2009**

In exercise of the powers conferred by section 29L of the Building Control Act, the Minister for National Development hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Building Control (Licensing of Builders) (Amendment) Regulations 2009 and shall come into operation on 16th June 2009.

**Amendment of regulation 7**

**2.** Regulation 7 of the Building Control (Licensing of Builders) Regulations 2008 (G.N. No. S 641/2008) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting sub-paragraphs (a) and (c)(iv) of paragraph (2);  
and
- (b) by deleting sub-paragraphs (a) and (d)(viii) of paragraph (3).

**Amendment of regulation 8**

**3.** Regulation 8 of the principal Regulations is amended —

- (a) by deleting sub-paragraphs (a) and (c)(iv) of paragraph (2);  
and
- (b) by deleting sub-paragraphs (a) and (d)(viii) of paragraph (3).

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**New regulations 20A to 20E**

4. Part V of the principal Regulations is amended by inserting, immediately after regulation 20, the following regulations:

**“Lodgment of manpower programme**

**20A.**—(1) Subject to regulation 20B(3), the builder holding a Class 1 general builder’s licence shall, in respect of each significant general building work project to be undertaken in Singapore by that builder on or after 16th June 2009, lodge with the Commissioner a manpower programme that satisfies the requirements in regulation 20 no later than the 30th day after the grant of the permit under section 6 of the Act to carry out structural works in that significant general building work project.

(2) Every manpower programme lodged under paragraph (1) by a builder holding a Class 1 general builder’s licence must —

- (a) specify the significant general building work project to which it relates;
- (b) contain the following details and particulars about the registered construction personnel to be employed by or on behalf of the builder, or to be engaged, in connection with the significant general building work project:
  - (i) the class or classes of registered construction personnel and the class or classes of work according to their registration under the Building and Construction Authority (Registration of Construction Personnel) Regulations 2008 (G.N. No. S 642/2008);
  - (ii) the number or proportion of the registered construction personnel in each such class of work;
  - (iii) the period each registered construction personnel is to be so employed or so engaged in connection with the significant general building work project; and
  - (iv) such other details and particulars relating to the contents of the particular manpower programme as the Commissioner may require.

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(3) Every manpower programme lodged under paragraph (1) must be in the form that —

- (a) is provided by the Authority and obtainable from the Building and Construction Authority Academy at 200, Braddell Road, Singapore 579700 during such hours as that office is open for business; or
- (b) is set out on the Authority's Internet website <http://www.bca.gov.sg/coretrade/submission>.

(4) The Commissioner may permit manpower programmes to be lodged by any means, including electronic means, that he thinks fit.

(5) Where the Commissioner accepts the lodgment of a manpower programme by a builder (including any fresh manpower programme referred to in regulation 20B(3)), he must as soon as practicable give notice of his acceptance in writing to the builder.

(6) A manpower programme in respect of any significant general building work project may be regarded as lodged only when accepted by the Commissioner in the manner set out in paragraph (5).

### **Refusal of lodgment**

**20B.**—(1) The Commissioner may refuse to accept the lodgment of any manpower programme that —

- (a) is incomplete;
- (b) is not in the form approved by the Commissioner; or
- (c) is apparent does not comply with or was not lodged in accordance with the provisions of these Regulations.

(2) Upon refusing to accept the lodgment of any manpower programme (including any fresh manpower programme referred to in paragraph (3)), the Commissioner must by notice in writing as soon as practicable inform the builder concerned of his refusal and give his reasons for refusing the lodgment.

(3) A builder whose lodgment of a manpower programme in respect of a significant general building work project to be undertaken in Singapore by the builder is refused under this regulation must, no later than the 7th day after receiving the notice of refusal under paragraph (2), or within such further period as the Commissioner allows in any particular case, re-lodge a fresh

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manpower programme that is in respect of the same significant general building work project and that satisfies the requirements in regulations 20 and 20A(2) and (3).

### **Updates and changes in lodged manpower programme**

**20C.**—(1) After a manpower programme is lodged by a builder under regulation 20A(1) in respect of any particular significant general building work project, the builder must, at any time before deploying any registered construction personnel (whether employed by or on behalf of the builder or engaged) to work in connection with the significant general building work project, lodge with the Commissioner an update by way of a notice containing the following:

- (a) the names of each of the registered construction personnel; and
- (b) the number and other particulars of the certificate of registration issued to each of the registered construction personnel under the Building and Construction Authority (Registration of Construction Personnel) Regulations 2008 (G.N. No. S 642/2008).

(2) For the purposes of section 29H(3) of the Act, if any of the following changes occur after a manpower programme is lodged by a builder under regulation 20A(1) in respect of any particular significant general building work project, the builder must, within a period of 7 days after that change, lodge with the Commissioner a notice describing the change:

- (a) a change in the number or proportion of registered construction personnel specified in the manpower programme, whether the change occurs with respect to any class of registered construction personnel or in any class of work of such registered construction personnel;
- (b) a change in any particular registered construction personnel whose name and particulars are specified in the update notice under paragraph (1);
- (c) a change in the period specified in the manpower programme that any registered construction personnel is to be employed by or on behalf of the builder, or to be engaged, in connection with that particular significant building work project;

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- (d) a change in the value of the significant general building work project, or in its expected date of completion, as specified in the manpower programme;
  - (e) a change in any other details or particulars in the manpower programme referred to in regulation 20A(2)(b)(iv).
- (3) Every notice to the Commissioner under paragraph (1) or (2) must be in the form that —
- (a) is provided by the Authority and obtainable from the Building and Construction Authority Academy at 200, Braddell Road, Singapore 579700 during such hours as that office is open for business; or
  - (b) is set out on the Authority's Internet website <http://www.bca.gov.sg/coretrade/submission>.
- (4) The Commissioner may permit any notice under paragraph (1) or (2) to be lodged by any means, including electronic means, that he thinks fit.

### **Steps to ensure compliance with manpower programme**

**20D.** For the purposes of section 29H(1)(b) and (4) of the Act, if a builder who undertakes a significant general building work project in Singapore fails to keep and maintain at every site of the significant general building work project —

- (a) a copy of the manpower programme lodged in respect of that project, as updated by any notice lodged under regulation 20C(1) or (2), in connection with that significant general building work project;
- (b) a record of daily attendance for all registered construction personnel employed by or on the builder's behalf or engaged in connection with that significant general building work project (including the times of arrival and departure of each registered construction personnel at the site) in the form approved by the Commissioner; and
- (c) a record of the grounds of excuse or other causes for every occasion that any of those registered construction personnel fail to attend work at the site (including the days of leave he may be entitled to and sick leave),

he shall not be regarded as taking all practicable steps to ensure that those registered construction personnel are in compliance with

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the manpower programme lodged in respect of that significant general building work project.

**Furnishing information, etc.**

**20E.**—(1) The Commissioner, or a person appointed by him for this purpose, may by written notice require any builder holding a Class 1 general builder's licence and undertaking a significant general building work project in Singapore to furnish, within a reasonable period specified in the notice (being not less than 3 days), and in such form and manner as may be specified in the notice —

- (a) the record of daily attendance referred to in regulation 20D(b);
- (b) the record of the grounds of excuse or other causes for non-attendance referred to in regulation 20D(c); and
- (c) such other documents and information relating to any matter which the Commissioner considers necessary to administer this Part and section 29H of the Act, which are within the knowledge of that builder or in his custody or under his control.

(2) The power to require a person to furnish any document or information under paragraph (1) includes the power —

- (a) to require that person, or any person who is or was an officer or employee of his, to provide an explanation of the document or information; and
- (b) if the information is recorded otherwise than in legible form, to require the information to be made available to the Commissioner or authorised officer in legible form.

(3) Any person who, without reasonable excuse, fails to do anything required of him by notice under paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) Any person who —

- (a) intentionally alters, suppresses or destroys any document or information which he has been required by a notice under paragraph (1) to furnish; or
- (b) in furnishing any document or information required under paragraph (1), makes any statement which he

knows to be false in a material particular or recklessly makes such a statement, 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.”.

Made this 12th day of June 2009.

TAN TEE HOW  
*Permanent Secretary,*  
*Ministry of National Development,*  
*Singapore.*

[eReg; AG/LEG/SL/29/2002/3 Vol. 2]