

THE STATUTES OF THE REPUBLIC OF SINGAPORE

BUILDING CONTROL ACT
(CHAPTER 29)

Act
59 of 1973
Amended by
32 of 1986

REVISED EDITION 1985

Building Control Act

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An Act relating to building control and for matters connected therewith.

[1st April 1974]

PART I

PRELIMINARY

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires —
 “arcade” includes verandah and covered passageway or footway;

“building” includes the whole or any part of any house, hut, shed, enclosure roofed or otherwise or any other structure whether used for the purpose of human habitation or otherwise, and also any wall, shoring, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure, support or foundation connected to the foregoing;

“Building Authority” means the Deputy Director-General, Development and Building Control Division of the Public Works Department;

“building regulations” means the regulations made under section 27;

“building works” includes any kind of building construction, site formation, repairs, demolition, alteration, addition and every kind of building operation;

“holding” means any piece or parcel of land held or possessed under an instrument of title, capable of being registered under the Registration of Deeds Act, or where applicable under the Land Titles Act, relating exclusively thereto; Cap. 269.
Cap. 157.

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

“owner”, in relation to any premises, means the person for the time being receiving the rent of the premises whether on his own account or as agent or trustee for any other person or as receiver or who would receive the rent if the premises were let to a tenant and includes the person whose name is entered in the Valuation List authenticated under section 15 of the Property Tax Act; Cap. 254.

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

“street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public have a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of the street;

“unauthorised”, in relation to any building or works, means any building or works erected or carried out in contravention of any provision of this Act or the building regulations.

3. The Minister may by order either generally or in any particular case exempt any premises or building works from all or any of the provisions of this Act. Exemption.

Authorised
officers.

4. The powers conferred and the duties imposed on the Building Authority under this Act may be exercised and carried out by any officer of the Development and Building Control Division of the Public Works Department, authorised by the Building Authority either generally or specially and subject to his instructions.

PART II

BUILDING OPERATIONS

Permission to
commence
or carry
out building
works.

5.—(1) No person shall commence or carry out any building works without the written permission of the Building Authority, who may in granting such permission impose such terms and conditions as he thinks fit.

(2) Every person intending to commence any building works shall submit to the Building Authority plans and specifications prepared in accordance with the building regulations for the approval of the Building Authority.

Cap. 166.

(3) The Building Authority may approve or disapprove any plans or specifications submitted to him under subsection (2) but no plans for the erection of a building shall be approved if the building is to be erected on any holding abutting on or having access to any new street or proposed new street unless a deposit, required to be made under section 24 (5) of the Local Government Integration Act, has been made or a certificate has been issued by the Director-General of Public Works under section 24 (3) of that Act that a deposit is not required to be made for the execution of street works.

(4) The Building Authority may give written directions to a person submitting plans and specifications for the erection of a building requiring that person to provide and construct an arcade or paved footway along any portion of the building lot which abuts on a street and for the purpose of ensuring compliance with this or any other written law.

(5) The person to whom any written directions are given under subsection (4) shall within such period as may be specified by the Building Authority amend and re-submit the plans and specifications accordingly. Any plans and specifications not re-submitted as so amended within the specified period shall be deemed to have been disapproved by the Building Authority.

(6) No person shall commence any building works unless —

(a) the works are commenced within 6 months from the date on which the plans and specifications relating thereto were approved by the Building Authority who may in granting the permission impose such terms and conditions as he thinks fit; and

(b) he or his agent has given the Building Authority 7 days' notice in writing of his intention to commence the works.

(7) Where any building works which have been commenced are suspended for a continuous period of more than 3 months the permission of the Building Authority shall be deemed to be revoked, but that permission may be renewed by the Building Authority on such terms and conditions as he thinks fit.

(8) Any person who —

(a) contravenes or fails to comply with this section;

(b) deviates from any plan or specification approved by the Building Authority without his consent;

(c) erects or causes or permits to be erected a building in contravention of any of the provisions of this Act or of any of the building regulations; or

(d) fails to comply with any order or written direction of the Building Authority or with any term or condition imposed by the Building Authority,

shall be guilty of an offence.

(9) Whether or not proceedings have been instituted against any person for an offence under this section, the Building Authority may require an applicant to pay such sum not exceeding 50 times the prescribed fees as the Building Authority may determine for the approval of plans and specifications relating to the building works in respect of which there appears to the Building Authority that such an offence has been committed.

(10) Notwithstanding subsection (9), the Building Authority may, with the approval of the Minister, in any particular case increase the sum required to be paid under that subsection to an amount not exceeding the cost of the

unauthorised building works as determined by the Building Authority.

(11) Notwithstanding any proceedings that may be instituted under this Act against a person (not being the owner) who actually commenced or carried out any building works in or on any premises, those works shall be deemed to have been commenced or carried out by the owner of the premises until the contrary is proved.

Demolition
of
unauthorised
building
and building
works.

6.—(1) Where the Building Authority is satisfied that any building has been erected or any building works are being or have been carried out in any premises in contravention of the provisions of this Act or the building regulations, the Building Authority may by order —

- (a) prohibit the owner of the building or premises or the person carrying out the building works from proceeding with those works; or
- (b) require the owner or that person to take such steps in relation to the building or premises as the Building Authority thinks fit.

(2) In lieu of or in addition to making an order under subsection (1) the Building Authority may enter upon the premises where any unauthorised building has been erected or any unauthorised building works are being or have been carried out and demolish the unauthorised building or works or take such other steps as appear to the Building Authority to be necessary.

(3) If any person against whom an order under subsection (1) has been made fails to comply with the requirements of the order he shall be guilty of an offence.

(4) The costs and expenses incurred in demolishing any building or in executing any work under this section shall be paid by the owner or the person in default as the Building Authority may determine.

(5) Where an unauthorised building is demolished under subsection (2), the materials thereof and any other building materials found on the site of the unauthorised building may be seized and confiscated by the Building Authority.

7. Notwithstanding the provisions of any other written law, where the Building Authority is satisfied that a building has been converted, whether before or after the commencement of this Act, to any purpose or use other than the purpose or use for which the building has been approved under this Act or any other written law, he may enter the building and seize all movable property found therein.

Power to seize movable property in building converted to unauthorised use.

8.—(1) Notwithstanding the provisions of this Act or any other written law, the Building Authority may issue a licence for the temporary occupation of any unauthorised building.

Temporary occupation of unauthorised building.

(2) The licence may be issued subject to such terms and conditions as the Building Authority may determine and on payment of the prescribed fees.

(3) The Building Authority may, without assigning any reason, amend, renew, suspend, terminate or revoke any licence issued under this section.

9.—(1) Any person who sells, conveys, transfers, assigns, mortgages, or charges an unauthorised building or any part thereof or enters into an agreement for any such purpose shall be guilty of an offence.

Penalty for letting out and sale of unauthorised building.

(2) Any person who lets or enters into an agreement to let an unauthorised building or any part thereof for rent or any other consideration shall be guilty of an offence.

(3) The court before which a person is convicted for an offence under subsection (1) may also order him to refund the purchase money for the building to the purchaser together with such compensation as the court considers fit and section 403 of the Criminal Procedure Code shall be applicable to an order under this subsection.

Cap. 68.

10.—(1) The Building Authority may on receipt of an application in relation to any particular building or part of a building and on payment of the prescribed fees modify or waive, subject to such terms and conditions as he thinks fit, any of the requirements of the building regulations.

Modification or waiver of building regulations.

(2) Every such application shall be made in writing to the Building Authority by or on behalf of the owner of the building or of the part of the building to which the

application relates and shall state the nature and extent of and reasons for the proposed modification or waiver of those requirements and shall be accompanied by such plans and other particulars as may be prescribed.

(3) If it appears to the Building Authority on receipt of any such application that the rights or interests of the owner of any premises adjoining the premises in respect of which the application is made would be affected by the modification or waiver desired by the applicant the Building Authority shall serve upon the owner of the adjoining premises a notice of the application at least 7 days before the date on which the application is to be considered stating therein the date of such consideration and informing him of his right to make representations to the Building Authority in accordance with subsection (4).

(4) The owner of an adjoining premises on whom a notice has been served under subsection (3) may before the date stated in the notice as that on which the application is to be considered make representations in writing to the Building Authority with respect to the application and the Building Authority shall have regard to any such representations in considering the application.

(5) The applicant or the owner of an adjoining premises dissatisfied with the decision of the Building Authority to grant or refuse any application under this section (other than a refusal to modify or waive the requirements of any regulations relating to the stability of a building or structure) or dissatisfied with any condition attached by the Building Authority may appeal to the Minister whose decision shall be final.

Removal
of roofs
and walls
made of
inflammable
materials.

11.—(1) Any person who, being the owner of any building which is situated not more than $7\frac{1}{2}$ metres from any other building separately occupied or from any street and has the external roof or walls made of grass, leaves, mats, attap or other such inflammable materials, fails to remove the roof or walls, as the case may be, within 3 months or lesser period after notice in writing has been given to him by the Building Authority to do so shall be guilty of an offence.

(2) Any person who after the notice referred to in subsection (1) makes, renews or repairs any building with

any such inflammable materials as are mentioned or referred to in subsection (1) or causes that building to be so made, renewed or repaired shall be guilty of an offence.

12.—(1) Any person who erects or causes or permits to be erected in any building or arcade any partition, compartment, gallery, stall, loft, roof, ceiling, attic, mezzanine floor, or other structure without having previously obtained the consent in writing of the Building Authority shall be guilty of an offence.

Erection of compartments, galleries, lofts, etc., in buildings or arcades.

(2) In every such case the owner of the premises shall be deemed to have permitted the erection until the contrary is proved.

(3) The Building Authority may remove or cause to be removed any partition, compartment, gallery, stall, loft, roof, ceiling, attic, mezzanine floor or other structure which has been erected, whether before or after the commencement of this Act, without the consent in writing of the appropriate authority at the time of the erection.

PART III

DANGEROUS BUILDINGS

13.—(1) Where in the opinion of the Building Authority any building has been rendered dangerous or liable to become dangerous by fire, wind, rain, dilapidation, use, lack of fire escapes or any other cause, the Building Authority may by order served on the owner declare that building to be dangerous or liable to become dangerous.

Dangerous buildings.

(2) An order made under subsection (1) may —

- (a) require the demolition of the whole or part of the building;
- (b) require that the building be made safe generally;
- (c) specify work that must be done to make the building safe;
- (d) require that shoring shall be erected and may specify the manner and location thereof;
- (e) require a fence or hoarding for the protection of the public;
- (f) require the closure of the building; and

- (g) specify the time within which the demolition, shoring, erection of fencing or hoarding, closure or other work or thing required by that order shall be commenced and the time within which the same shall be completed.

(3) Where the owner of a building which in the opinion of the Building Authority has been rendered dangerous or liable to become dangerous by fire, wind, rain, dilapidation, use, lack of fire escapes or any other cause, cannot be found or fails to comply with the requirements of an order served under this section, the Building Authority may carry out or cause to be carried out the work specified in the order or such other work as he considers to be necessary and the costs and expenses thereof shall be recoverable from the owner.

(4) In cases of emergency the Building Authority may carry out or cause to be carried out such investigation or work as may appear to him to be necessary either without notice to the owner, or before or after that notice, and so far as it is in the opinion of the Building Authority attributable to that emergency the cost thereof shall be recoverable from the owner. The decision of the Building Authority that the particular case is one of emergency shall be final and binding on all persons.

(5) Any person who fails to comply with the provisions of an order issued under this section shall be guilty of an offence.

PART IV

PREMISES USED FOR DANGEROUS TRADES OR PURPOSES

14.—(1) No premises shall, except in accordance with a licence from the Building Authority, be used by any person for any of the following trades or purposes:

- (a) tallow-melting and candle making;
- (b) making or storing matches, fireworks, carbide or any industrial gas;
- (c) making or storing charcoal;
- (d) a sawmill or place for depositing or storing coal, wood, timber, attap, kajang, thatching, grass, hay, straw or other flammable materials otherwise than for domestic use in that place;

Dangerous trades not to be carried on without licence.

- (e) a foundry or smithy;
- (f) the manufacture, storage, treatment, smoking or preparation of rubber, gutta percha, jelutong and any other form of getah;
- (g) the manufacture, storage or treatment of cinematograph or other films;
- (h) a garage or place kept or used for repairing, painting, washing, storing, housing or parking motor vehicles or a place where a pump is maintained from which petrol or oil is supplied to motor vehicles, except a garage or place used in connection with a private dwelling-house and kept for private use only; and
- (i) such other trades or purposes as the Minister may, by notification in the *Gazette*, specify.

(2) The Building Authority may at any time suspend or revoke any licence under subsection (1) without assigning any reason therefor.

(3) Any person who uses or permits to be used any premises without a licence for any of the trades or purposes specified in subsection (1) shall be guilty of an offence.

(4) Where the Building Authority is satisfied that any premises have been or are being used in contravention of this section he may enter the premises and seize all movable property found therein.

PART V

MISCELLANEOUS

15.—(1) Any person who is guilty of an offence under this Act 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 and in the case of a continuing offence to a further fine not exceeding \$100 for every day during which the offence continues after conviction. Penalty.

(2) Where an offence under this Act has been committed by a body corporate, a partnership or association of persons unincorporated, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer thereof, or was purporting

to act in any such capacity, shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Protection from personal liability.

16. No action shall lie against the Building Authority or any officer authorised by the Building Authority in respect of any matter or thing done bona fide for the purpose of carrying out the provisions of this Act.

Power of entry.

17.—(1) The Building Authority or any officer authorised by him may at all reasonable times enter any premises for the purposes of —

(a) inspection to determine whether any powers under this Act should be exercised; and

(b) carrying out any work required to be carried out by the Building Authority under this Act.

(2) Any person who obstructs the Building Authority in the performance of any matter or thing which he is authorised to do by this section shall be guilty of an offence.

Occupier may execute work in default of owner.

18. 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 Building Authority, cause the work to be executed and the costs and expenses thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to the owner and 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.

Recovery of money, etc.
Cap. 166.

19. Sections 64 to 75 of the Local Government Integration Act shall have effect in relation to the recovery of any expenses, costs and arrears by the Building Authority under this Act.

20.—(1) Any property or thing seized or removed by the Building Authority in the exercise of his powers under this Act may be confiscated by the Building Authority or may, on application by the owner within two weeks of the seizure or removal, be returned to him on such terms and conditions as the Building Authority thinks fit.

Property and things seized or removed by Building Authority.

(2) Any property or thing which has been confiscated by the Building Authority under subsection (1) may be disposed of in such manner as the Minister may direct.

21.—(1) Any notice, order or document required or authorised to be served under this Act may be served —

Service of documents.

(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; or

(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.

(2) A 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.

22.—(1) The Building Authority may by notice require any person who appears to the Building Authority 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 that person’s possession.

Furnishing of information.

(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.

23.—(1) A police officer or an officer authorised by the Building Authority may arrest without warrant any person

Powers of arrest.

who has committed or whom he reasonably suspects to have committed an offence under this Act or any regulations made thereunder —

- (a) if that 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:

Provided 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.

Inaccuracies
in
documents.

24. No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act or any regulations made thereunder shall in any way affect the operation of this Act or any such regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under or by virtue of this Act or any such regulations shall be invalid for want of form.

Evidence.

25.—(1) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act or any regulations made thereunder shall until the contrary is proved be presumed to be correct and the production of any book purporting to contain any apportionment made under or by virtue of this Act shall, without any other evidence whatever, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

(2) All records and other documents required by this Act or any regulations made thereunder to be kept by the Building Authority 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 thereof.

(3) A certificate purporting to be under the hand of the Building Authority and specifying the costs and expenses or arrears as due and payable by any person shall be prima facie evidence of the facts certified therein and of the signature of the Building Authority.

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

Magistrate's and District Courts may impose full penalty. Cap. 68.

26A.—(1) The Building Authority may, in his discretion, compound any offence under this Act or any regulations 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 \$200.

Compounding of offences. 32/86.

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

27.—(1) The Minister may make such regulations for carrying out the purposes and provisions of this Act as he considers necessary and for the prescribing of any matter which is required under this Act to be prescribed and without prejudice to the generality of the foregoing for or in respect of all or any of the following matters:

Regulations.

- (a) the regulation, restriction, prevention and licensing of the exhibition of advertisements, sky-signs, aerial signs and projected advertisements in or on any premises;
- (b) the submission of plans and specifications of works, the authorisation of persons qualified to submit the same and their duties and responsibilities, and the nature or classification of plans or specifications which each such person may submit;
- (c) the construction, alteration and demolition of buildings and the methods and materials to be used in connection therewith;
- (d) the frontage of, air space about, lighting, air-conditioning, ventilation and height of and approaches and entrances to, the provision of

- parking places for vehicles in or for and exits from, buildings;
- (e) the dimensions of rooms, cubicles, staircases and other parts of buildings and the provision of light and air thereto;
 - (f) the provision for the paving, width and level of arcades and footways;
 - (g) the provision in any building or any premises of water supply, sanitary accommodation, sink accommodation, bathing and washing accommodation, and accommodation for the storage, preparation and cooking of food;
 - (h) the provision of embankments and retaining walls;
 - (i) the provision of cesspools, privies, septic tanks, sewage purification plant and other matters relating to the reception or disposal of sewage and the provision of ash pits, dust-bins and like receptacles;
 - (j) the provision of wells, tanks and cisterns;
 - (k) the construction, maintenance and repair of drains and their connection to sewers;
 - (l) measures for securing the prevention of fire and the provision, construction, maintenance and repair of means of escape from buildings in case of fire and of appliances for the prevention and extinguishment of fire;
 - (m) the control, regulation and supervision by registration, licensing or otherwise of premises used for any trade or purpose specified in section 14;
 - (n) measures for the construction, installation and inspection of lifts and escalators;
 - (o) the provision for air and open spaces within or between buildings;
 - (p) the control, regulation and supervision by registration, licensing, inspection or otherwise of places to which the public has access;
 - (q) the issuing of certificates of fitness for occupation and the prohibition of occupation of any building until such a certificate has been issued in respect thereof;

- (r) the prescribing of forms for licences and for other purposes for use in connection with this Act;
- (s) the prescribing of fees and charges for the purposes of this Act;
- (t) the provision of the collection, storage and use of rainwater run-off from roofs.

(2) The Minister may, in making any regulations under subsection (1), provide that any contravention of or failure to comply with any provisions thereof shall be an offence and may prescribe the penalty for the offence but the penalty shall not exceed the penalty for an offence under this Act.

28.—(1) Any licence, permission, approval or other document prepared, made or granted under the Local Government Integration Act shall be deemed to have been prepared, made or granted under this Act.

Transitional provisions.
Cap. 166.

(2) The powers conferred on the Building Authority by this Act may be exercised in respect of any building or structure erected in contravention of any written law before the commencement of this Act, and the building or structure shall be deemed to be unauthorised for the purposes of this Act.

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