

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT
(CHAPTER 51)**

**Act
3 of 1984**

REVISED EDITION 1985

Construction Industry Development Board Act

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An Act to establish the Construction Industry Development Board and to provide for its functions and for matters connected therewith.

[2nd March 1984]

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Construction Industry Development Board Act.
- Inter-pretation. 2. In this Act, unless the context otherwise requires —
- “Board” means the Construction Industry Development Board established by section 3;
 - “Chairman” means the Chairman of the Board;
 - “chief executive officer” means the chief executive officer of the Board;
 - “construction industry” means the industry concerning the carrying out of construction works;
 - “construction works” means the construction, extension, installation, carrying out, repair, maintenance, renewal, removal, alteration, dismantling, or demolition of —
 - (a) any building, erection, edifice, structure, wall, fence or chimney, whether

constructed wholly or partly above or below ground level;

- (b) any road, motorway, harbour works, railway, cableway, canal or aerodrome;
- (c) any drainage, irrigation or river control work;
- (d) any electrical, water, gas or telecommunication works;
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation,

and includes any works which form an integral part of, or are preparatory to the works described in paragraphs (a) to (e), including site clearance, earth-moving, excavation, laying of foundation, site restoration and landscaping;

“Deputy Chairman” means the Deputy Chairman of the Board;

“member” means a member of the Board.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

3. There is hereby established a body to be known as the Construction Industry Development Board which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

Establishment and incorporation of Construction Industry Development Board.

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

4.—(1) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board and all instruments to which the common seal is affixed shall be signed by any two members generally or specially authorised by the Board for the purpose or by one member and the chief executive officer.

Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

Membership of Board.

5. The Board shall consist of the following members, all of whom shall be appointed by the Minister:

- (a) a member to be appointed as Chairman;
- (b) a member to be appointed as Deputy Chairman; and
- (c) not less than 5 nor more than 12 other members.

Term of office.

6.—(1) A member of the Board shall hold office for such term as the Minister shall specify in his appointment, being a term not exceeding 3 years, and may from time to time be reappointed.

(2) Any member of the Board may at any time by notice in writing to the Minister resign his office.

(3) If the Minister is satisfied that a member —

- (a) is a bankrupt or has made an arrangement with his creditors;
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge his duties,
- the Minister may terminate his appointment as a member and shall notify the fact in such manner as he thinks fit.

(4) If a member dies or resigns or has his appointment terminated, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Board shall pay to the Chairman, the Deputy Chairman and other members of the Board such salaries, fees and allowances as the Minister may from time to time determine.

Meetings and proceedings of Board.

7.—(1) At all meetings of the Board 4 members shall form a quorum.

(2) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Board and in their absence the members present shall elect one of their number to preside.

(3) Meetings of the Board shall be held at such times and places as the Board may determine.

(4) All questions arising at any meeting shall be decided by a majority of the votes of the members present and voting.

(5) At any meeting of the Board the Chairman or in his absence the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act the Board may regulate its own proceedings.

8. A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation of the Board with respect to that transaction or project.

Disclosure
of interest
of members.

9.—(1) The Board may from time to time appoint, alter and discharge committees, consisting of one or more persons (whether members of the Board or not), and define and vary the terms of reference of those committees.

Committees.

(2) Subject to this Act and any rules made thereunder and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

10.—(1) The Board shall, with the approval of the Minister, appoint a chief executive officer on such terms and conditions as the Board may determine.

Staff.

(2) The chief executive officer shall be known by such designation as the Board may determine and shall be responsible to the Board for the proper administration and management of its functions and affairs in accordance with the policy laid down by the Board.

(3) The Board may from time to time appoint such other officers and employees as it thinks fit for the effective performance of its functions.

PART III

FUNCTIONS AND POWERS OF BOARD

Functions of
Board.**11.—(1)** The functions of the Board are —

- (a) to promote the development, improvement and expansion of the construction industry;
- (b) to facilitate and assist in the mechanisation of the construction industry;
- (c) to advise and make recommendations to the Government on matters affecting or connected with the construction industry;
- (d) to promote proper standards and efficiency in the construction industry by encouraging the standardisation and improvement of construction techniques and materials;
- (e) to provide consultancy and advisory services with respect to construction works;
- (f) to keep under review the training requirements of the construction industry and assist in providing training facilities;
- (g) to promote the advancement of the skills and expertise of persons engaged in the construction industry; and
- (h) to promote or undertake research into any matter relating to the construction industry.

(2) The Minister may, after consultation with the Board or otherwise, give such directions, not inconsistent with the provisions of this Act, as to the performance of its functions and the exercise of its powers and the Board shall give effect to any such directions.

Powers of
Board.

12. The Board 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, but without prejudice to the generality of the foregoing, may —

- (a) provide financial assistance in the form of grants, loans or otherwise to persons engaged in the construction industry and provide any guarantees on their behalf;

- (b) promote and assist in the export of services to carry out construction works overseas;
- (c) organise courses and award diplomas and certificates of proficiency;
- (d) form or participate in the formation of a company;
- (e) enter into a partnership or an arrangement for the sharing of profits;
- (f) charge fees or commissions for services rendered by the Board;
- (g) promote or undertake publicity in any form; and
- (h) do anything incidental to any of its powers.

13.—(1) The Board may from time to time, in respect of a specified matter or class of matters, by writing delegate any of its powers to a member, officer or committee of the Board. Delegation of powers.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

PART IV

FINANCIAL PROVISIONS

14. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year. Board's financial year.

15.—(1) The Board shall in every year prepare and adopt annual estimates of income and expenditure of the Board for the ensuing year. Estimates.

(2) Supplementary estimates of expenditure may be adopted by the Board.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Board, be sent forthwith to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return

the estimates as amended by him to the Board, and the Board shall be bound thereby.

Grants.

16. For the purpose of enabling the Board to carry out its functions under this Act, the Minister may from time to time make grants-in-aid to the Board of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

Loans.

17. The Board may from time to time for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

Bank
accounts and
application
of moneys.

18.—(1) The Board shall open and maintain an account or accounts with such bank or banks as the Board thinks fit; and every such account shall be operated upon by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

(2) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

(3) Moneys belonging to the Board may from time to time be invested in securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested.

Accounts and
financial
statements.

19.—(1) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

(2) The Board shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Board.

Audit of
accounts.

20.—(1) The accounts of the Board shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act.

Cap. 50.

(3) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Board.

(4) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;

(b) whether proper accounting and other records have been kept, including records of all assets of the Board whether purchased, donated or otherwise;

(c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the financial year were in accordance with the provisions of this Act; and

(d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Board.

(6) The auditor shall submit such periodical and special reports to the Minister and to the Board as may appear to him to be necessary or as the Minister or the Board may require.

21.—(1) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

Failure to
furnish
information
to auditor.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation
of financial
statements
and auditor's
report to
Parliament.

22.—(1) The Board shall, as soon as the accounts of the Board and the financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Board, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART V GENERAL

Annual
report.

23.—(1) The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding financial year and containing such information relating to the proceedings and policy of the Board as the Minister may from time to time direct.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

Board's
symbol.

24.—(1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the Board's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

25. No member, officer or employee of the Board and no member of a committee of the Board shall be personally liable for any act done in good faith by him or any omission committed in good faith by him in the course of the operation of the Board or of the committee.

Protection from personal liability.

26.—(1) Any person who obtains payment of any grant or loan or any other form of financial assistance from the Board by means of any false or misleading statement or any document that is false or misleading in any particular 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 one year or to both.

Penalty for obtaining grants, loans or financial assistance by false or misleading statements.

(2) Where an offence under subsection (1) committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

27.—(1) Where a person is convicted of an offence under section 26 the court may, in addition to imposing a penalty under that section, order the person to make repayment of the amount of any money wrongfully obtained.

Repayment.

(2) Where an order has been made under subsection (1) a certified copy of the order may be filed in a court having civil jurisdiction to the extent of the amount ordered to be repaid and the order is thereupon enforceable in all respects as the final judgment of that court.

28. The members, officers and employees of the Board shall be deemed to be public servants within the meaning of the Penal Code.

Public servants for the purposes of Penal Code. Cap. 224.

29. The Board may, with the approval of the Minister, make rules for all or any of the following purposes:

Rules.

(a) regulating the proceedings of the Board or of the committees of the Board;

- (b) prescribing duties of the employees of the Board;
- (c) providing for the circumstances in which applications may be made to the Board for financial assistance and the manner of such applications and determination thereof; and
- (d) prescribing any matters which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.