

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**BUILDING CONTROL ACT  
(CHAPTER 29)**

**Act  
9 of 1989**

**REVISED EDITION 1990**

# Building Control Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title and commencement.
2. Interpretation.
3. Authorised officers.

### PART II

#### CONTROL OF BUILDING WORKS

4. Application to temporary buildings, etc.
5. Prohibition of building works without approval of plans and permit.
6. Approval of plans.
7. Permit to carry out building works.
8. Supervision of building works.
9. Appointment and duties of qualified persons.
10. Appointment and duties of site supervisor.
11. Appointment and duties of builders.
12. Tests of or in connection with building works.
13. Order for demolition, removal, etc., of unauthorised building or building works.
14. Modification or waiver of building regulations.
15. Register of accredited checkers.
16. Registration of accredited checkers.
17. Independence of accredited checker.
18. Building offences.
19. Pecuniary penalty.
20. Occupation of building.
21. Appeals.

### PART III

#### DANGEROUS BUILDINGS

22. Entrances, exits, etc., to be required in case of fire.
23. Dangerous building.

## Section

- 24. Dangerous building — emergency measures.
- 25. Closure order.

## PART IV

## INSPECTION OF BUILDINGS

- 26. Interpretation of this Part.
- 27. Application.
- 28. Periodical inspection of buildings.
- 29. Independence of structural engineer.

## PART V

PREMISES USED FOR  
DANGEROUS TRADES OR PURPOSES

- 30. Dangerous trades not to be carried on without licence.

## PART VI

## MISCELLANEOUS

- 31. Exemption.
  - 32. Corporate offenders.
  - 33. Protection from liability.
  - 34. Power to enter premises.
  - 35. Presumptions and defences.
  - 36. Occupier may execute work in default of owner.
  - 37. Proceedings if any occupier opposes the execution of works.
  - 38. Recovery of costs and expenses payable by owners.
  - 39. Recovery of costs and expenses by instalments.
  - 40. Power to vary interest rates.
  - 41. Liability of transferor of property in respect of expenses incurred by Building Authority.
  - 42. Property and things seized or removed by Building Authority.
  - 43. Service of documents.
  - 44. Furnishing of information.
  - 45. Powers of arrest.
  - 46. Evidence.
  - 47. Magistrate's and District Courts may impose full penalty.
  - 48. General penalty.
  - 49. Compounding of offences.
  - 50. Regulations.
  - 51. Adoption of codes and standards.
  - 52. Amendment of Schedule.
  - 53. Presentation to Parliament.
  - 54. Transitional provisions.  
The Schedule.
-

An Act to consolidate and amend and to make further provision concerning the law relating to buildings, and for matters connected therewith.

[1st May 1989\*]

## PART I

### PRELIMINARY

1.—(1) This Act may be cited as the Building Control Act 1989 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint. Short title and commencement.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

2.—(1) In this Act, unless the context otherwise requires — Interpretation.

“accredited checker” means a person who is registered as an accredited checker under section 16;

“analyst” means an analyst approved by the Minister;

“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;

“building” means any permanent or temporary building and includes any structure or erection of whatever kind or nature (whether permanent or temporary) and in particular —

- (a) a wall (including a retaining wall), partition, gate, fence, paling, platform, staging, post, pillar, shoring, hoarding or frame;
- (b) a slip, dock, wharf, pier, jetty, landing stage or landing bridge;
- (c) a culvert, crossing, bridge, underpass or tunnel; or

---

\*Section 10 (3) has not been brought into operation.

(d) a sewage treatment plant, sewer, drain, swimming pool or tank for the storage of any solid, liquid or gaseous matter;

“Building Authority” means the Director-General of Public Works;

“building regulations” means any regulations made under section 50;

“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, ventilating system or fire protection 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 20;

Cap. 30.

“common property” has the same meaning as in the Buildings and Common Property (Maintenance and Management) Act;

Cap. 232,  
1990 Ed.

“competent authority” means the competent authority appointed under section 3 of the Planning Act;

“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;

“key structural elements” means the foundations, columns, beams, shear cores and such other parts of a building which are essential for its support and overall structural stability;

“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” —

- (a) in relation to 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;
- (b) in relation to premises to which the Control of Rent Act applies, includes the tenant of the premises; and Cap. 58.
- (c) in relation to the common property of any subdivided building, includes the management corporation established under the Land Titles (Strata) Act having control of the building or the person receiving any rent or charge for the maintenance of that common property; Cap. 158,  
1988 Ed.

“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; or Cap. 12.
- (b) a professional engineer under the Professional Engineers Act; Cap. 253.

“repealed Act” means the Building Control Act repealed by this Act; Cap. 29,  
1985 Ed.

“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 site supervisor of building works appointed under section 10;

“temporary occupation licence” means a temporary occupation licence issued pursuant to section 8 (1) of the repealed Act;

“temporary occupation permit” means a temporary occupation permit issued under section 20;

“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;

“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.

Authorised  
officers.

3.—(1) The powers conferred and the duties imposed on the Building Authority under this Act and the building regulations may be exercised and carried out by any of the following persons generally or specially authorised by name or office by the Building Authority and subject to his directions:

- (a) any officer of the Public Works Department; and
- (b) a qualified person in the employment of the Government.

(2) Subject to the directions of the Building Authority, the powers conferred and the duties imposed on the Building Authority under the provisions of Part II relating to the approving of plans of building works and granting of permits to carry out building works, and under any building regulations necessary for carrying out or giving effect to those provisions may also be exercised and carried out by any qualified person who is —

- (a) in the employment of the Housing and Development Board, the Jurong Town Corporation or such other public authority constituted by any written law as the Minister may approve for the purpose; and
- (b) generally or specially authorised by name or office by the Building Authority.

(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 Building Authority 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

### CONTROL OF BUILDING WORKS

4. This Part shall not apply to —

- (a) any building works for or connected with buildings which are required for a limited time or constructed of short-lived materials, or to the occupation of any such buildings; or
- (b) any building works specified in the Schedule.

Application to temporary buildings, etc.

5.—(1) Except as otherwise provided in this Act, no person shall commence or carry out, or permit or authorise the commencement or carrying out of, any building works unless —

Prohibition of building works without approval of plans and permit.

- (a) the Building Authority has approved all the plans of the building works under section 6; and
- (b) there is in force a permit granted by the Building Authority under section 7 to carry out the building works shown in the approved plans of the building works.

(2) Notwithstanding subsection (1), a person may commence or carry out, or permit or authorise the commencement or carrying out of, building works if —

- (a) the Building Authority has approved the plans relating to the structural elements of those building works under section 6; and
- (b) there is in force a permit to carry out those building works granted under section 7.

(3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

6.—(1) Subject to the provisions of this Act, the person for whom any proposed building works are to be commenced or carried out may apply to the Building Authority

Approval of plans.

for approval of the plans of the building works and such application shall be accompanied by —

- (a) the prescribed fee;
  - (b) the plans of the building works prepared in accordance with the building regulations;
  - (c) unless otherwise prescribed, a certificate by an accredited checker in respect of the plans relating to the structural elements of the building works stating 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 building works carried out in accordance with those plans; and
  - (d) such other documents as may be prescribed in the building regulations.
- (2) The Building Authority may —
- (a) approve, subject to such terms and conditions as he may impose, any one or more of the plans submitted to him under subsection (1); or
  - (b) in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Building Authority may specify for the purpose of ensuring compliance with the provisions of this Act and the building regulations.

(3) If the person to whom any written direction is given under subsection (2) fails to comply with the requirements specified in the direction within the time specified therein, the Building Authority may disapprove the plans.

(4) Where the plans of any building works or proposed building works have been approved by the Building Authority under subsection (2) (a) and the person for whom the building works are or are to be carried out intends to depart or deviate from the plans approved, that person shall apply to the Building Authority for his approval of the plans showing the proposed departure or deviation and such application shall be accompanied by the latter plans and, unless otherwise prescribed, by a certificate by an accredited checker in respect of such of the latter plans relating to the structural elements of the building works or proposed

building works stating that, to the best of the knowledge and belief of the accredited checker, those plans do not show any inadequacy in the key structural elements of the building to be erected or affected by building works carried out in accordance with those plans.

(5) Any approval granted in respect of building works under this section shall automatically lapse —

- (a) in cases where written permission has been granted by the competent authority under the Planning Act in respect of any development of land involving the building works, if the written permission lapses pursuant to section 10 (7) of that Act; Cap. 232,  
1990 Ed.
- (b) if the building works are not commenced within the prescribed period; or
- (c) in cases where no written permission is granted under section 9 of the Planning Act in respect of those building works, if the building works are suspended for a continuous period of more than 6 months.

7.—(1) An application for a permit to carry out building works shall be made by the person for whom the building works are to be commenced or carried out, the qualified person and the builder appointed in respect of the building works, and shall be accompanied by — Permit to  
carry out  
building  
works.

- (a) a notification, signed by the person for whom the building works are to be commenced or carried out, of the date upon which the building works are to be commenced;
- (b) a confirmation signed by the qualified person of his appointment in respect of the building works under section 9;
- (c) where appropriate, a notification signed by the qualified person of the appointment of a site supervisor in respect of the building works and a confirmation of the appointment signed by the site supervisor;
- (d) an acceptance of his appointment in respect of the building works under section 11 and an undertaking of responsibility for strict compliance with the provisions of this Act and the building

regulations, both of which shall be signed by the builder; and

(e) such other documents as the Building Authority may require.

(2) The Building Authority may, on an application made under subsection (1), grant, subject to such terms and conditions as he may impose, a permit to carry out any building works.

(3) The Building Authority may revoke a permit to carry out any building works if —

(a) the building works, if commenced, are suspended for a continuous period of more than 3 months; or

(b) the building works have been or are being carried out in such a manner as, in the opinion of the Building Authority —

(i) will cause, or will be likely to cause, a risk of injury to any person or damage to any property;

(ii) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building, street or natural, formed or man-made land; or

(iii) will render, or will be likely to render, any adjoining or other building, street or natural, formed or man-made land so dangerous that it will collapse or be likely to collapse either totally or partially.

(4) Any permit granted under this section to any persons to carry out any building works shall automatically lapse if any of the persons, for any reason, ceases to be —

(a) the person for whom the building works are to be commenced or carried out;

(b) the qualified person appointed in respect of the building works; or

(c) the builder of those building works.

Supervision  
of building  
works.

**8.**—(1) Except as otherwise provided in this Act or the building regulations, no person shall commence or carry out —

- (a) any building works except under the supervision of an appropriate qualified person;
- (b) the structural elements of a prescribed class of building works except under the full-time supervision of a site supervisor; or
- (c) concreting, piling, prestressing, tightening of high-friction grip bolts or other critical structural works of a prescribed class of building works except under the immediate supervision of a site supervisor or qualified person.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

9.—(1) Subject to the provisions of this Act, every person for whom any building works are or are to be carried out shall appoint an appropriate qualified person in respect of those works.

Appointment and duties of qualified persons.

(2) If any qualified person appointed under subsection (1) 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 (4) —

- (a) the qualified person shall, within 14 days of his ceasing to carry out his duties, notify the Building Authority and the builder of the building works of the fact; and
- (b) the builder shall cease or shall not commence the building works until the person for whom the building works are being or are to be carried out appoints another appropriate qualified person in respect of those building works.

(3) Where the person for whom any building works are or are to be carried out appoints a qualified person pursuant to subsection (2) (b), he shall, within 7 days, notify the Building Authority of the appointment.

(4) Every qualified person appointed under this section in respect of building works shall —

- (a) take all reasonable steps and exercise due diligence in supervising and inspecting the building works to ensure that the building works are being carried out in accordance with the provisions of this Act and, subject to section 14, the building regulations, with the plans approved in respect thereof by the Building Authority and with any terms and conditions imposed by the Building Authority;
- (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, prestressing, tightening of high-friction grip bolts or other critical structural works of any building works to which section 8 (1) (c) applies to ensure that such critical structural works of the building works are being carried out in accordance with the provisions of this Act and, subject to section 14, the building regulations, with the plans approved in respect thereof by the Building Authority and with any terms and conditions imposed by the Building Authority;
- (c) notify the Building Authority of any contravention of the provisions of this Act or the building regulations in connection with those building works;
- (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 Building Authority at the prescribed times such reports and certificates as may be prescribed in the building regulations;
- (f) notify the Building Authority if the building works have been suspended for a period of more than 3 months; and
- (g) supply to the site supervisor and builder of building works a copy of every plan of those building works approved by the Building Authority.

(5) If any person contravenes or fails to comply with subsection (2) (b), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

(6) Any qualified person who contravenes or fails to comply with subsection (4) (a), (b), (c), (d) or (e) 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 6 months or to both 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:

Provided that it shall be a defence in any prosecution for a contravention or non-compliance with subsection (4) (c) for the person 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.

(7) Any qualified person or person for whom building works are or are to be carried out, as the case may be, who, without reasonable excuse, contravenes or fails to comply with subsection (2) (a), (3) or (4) (f) or (g) shall be guilty of an offence.

10.—(1) Where the structural elements of any building works are required by section 8 (1) (b) to be carried out under the full-time supervision of a site supervisor, the qualified person appointed under section 9 in respect of those building works shall appoint not less than one site supervisor in respect of the structural elements of those building works.

Appointment and duties of site supervisor.

(2) Where the critical structural works of any building works are required by section 8 (1) (c) to be carried out under the immediate supervision of a site supervisor or qualified person, the qualified person appointed under section 9 in respect of the building works may appoint one or more site supervisors in respect of the critical structural works of those building works.

\*<sup>(3)</sup> No person shall be appointed as a site supervisor in respect of any building works for the purposes of this Act unless he possesses the prescribed practical experience and qualifications.

(4) 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) —

- (a) the site supervisor shall, within 7 days of his ceasing to carry out such duties, notify the Building Authority of that fact; and
- (b) the qualified person appointed under section 9 in respect of those building works shall —
  - (i) appoint another site supervisor in his stead; and
  - (ii) notify the Building Authority of such appointment within 7 days thereof.

(5) Every site supervisor of building works shall take all reasonable steps and exercise due diligence in giving —

- (a) in relation to building works to which section 8 (1) (b) applies — full-time supervision to the carrying out of the structural elements of the building works; or
- (b) in relation to building works to which section 8 (1) (c) applies — immediate supervision to the carrying out of the critical structural works of the building works,

to ensure that the structural elements or critical structural works, as the case may be, of the building works are carried out in accordance with the plans of the building works supplied to him in accordance with section 9 (4) (g) by a qualified person and with any terms and conditions imposed by the Building Authority.

(6) If any site supervisor contravenes or fails to comply with subsection (5), he 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 6 months or to both 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.

---

\*Section 10 (3) has not been brought into operation.

(7) Any site supervisor or qualified person who, without reasonable excuse, contravenes or fails to comply with subsection (4) (a) or (4) (b) (ii), respectively, shall be guilty of an offence.

**11.—**(1) Every person for whom building works are to be carried out shall appoint a builder in respect thereof.

Appointment  
and duties of  
builders.

(2) If any builder appointed 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 (4) —

(a) the builder shall, within 14 days of his ceasing to carry out his duties, notify the Building Authority of the fact; and

(b) the person for whom buildings are to be or are being carried out shall appoint another builder in his stead.

(3) Where the person for whom building works are to be or are being carried out appoints another builder under subsection (2) (b), he shall within 7 days thereafter notify the Building Authority of the appointment.

(4) A builder undertaking any building works shall —

(a) ensure that the building works are carried out in accordance with the plans of the building works supplied to him in accordance with section 9 (4) (g) by a qualified person and with any terms and conditions imposed by the Building Authority and, subject to section 14, in accordance with the provisions of this Act and the building regulations;

(b) notify the Building Authority of any contravention of the provisions of this Act or the building regulations in connection with those building works;

(c) keep at the premises on which the building works are carried out all plans of those building works supplied to him in accordance with section 9 (4) (g) by a qualified person; and

(d) 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 14, the building regulations and shall, within the said period deliver such certificate to the Building Authority.

(5) Any person who contravenes or fails to comply with subsection (4) (a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both.

(6) Any person who contravenes or fails to comply with subsection (4) (b) or (c) 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 6 months or to both 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:

Provided that it shall be a defence in any prosecution for a contravention of or non-compliance with subsection (4) (b) for the person 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.

(7) Any person who without reasonable excuse contravenes or fails to comply with subsection (2) (a), (3) or (4) (d) shall be guilty of an offence.

Tests of or in connection with building works.

12.—(1) Subject to subsection (3), the qualified person appointed under section 9 in respect of the structural elements 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 or required by the Building Authority.

(2) Any tests that may be 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 Building Authority 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.

(5) If a qualified person fails to comply with subsection (1), the Building Authority may, by order in writing served on the qualified person, site supervisor and builder of the building works and the person for whom the building works are carried out, require the building works to cease until the order is withdrawn.

(6) Without prejudice to the right of the Building Authority 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 to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence 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 to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

**13.—**(1) Where in the opinion of the Building Authority 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 Building Authority 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, and, in every case, the order shall specify —
  - (i) the manner in which the demolition, work or alteration specified in the order is to be carried out;

Order for demolition, removal, etc., of unauthorised building or building works.

- (ii) the time within which the demolition, work or alteration shall commence;
  - (iii) the time within which the demolition, work or alteration shall be completed; and
  - (iv) that the demolition, work or alteration shall be carried out with due diligence to the satisfaction of the Building Authority.
- (2) An order made under subsection (1) shall be served —
- (a) where a building has been erected, on the owner of the building; or
  - (b) where building works are being carried out, on the person for whom the works are carried out or the builder carrying out the building works.
- (3) If an order made under subsection (1) is not complied with, the Building Authority may 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 Building Authority to be necessary and may recover all expenses reasonably incurred by him in the exercise of his powers under this section from the person in default.
- (4) Without prejudice to the right of the Building Authority to exercise his powers under subsection (3), 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 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 \$500 for every day during which the offence continues after conviction.
- (5) The Building Authority may seize any materials resulting from the carrying out of any work under subsection (3).

Modification  
or waiver of  
building  
regulations.

**14.—**(1) The Building Authority may on receipt of an application in relation to any particular building works 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 be made to the Building Authority by or on behalf of the person for whom building works are being or are to be carried out and shall be in such form as may be required by the Building Authority 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.

**15.—**(1) The Building Authority shall keep and maintain a register (referred to in this section and section 16 as the register of accredited checkers) in which shall be entered the names and prescribed particulars of all persons registered in accordance with section 16 as accredited checkers and the absence of the name of any person from the register shall be prima facie evidence that that person is not so registered.

Register of accredited checkers.

(2) The register of accredited checkers shall be kept and maintained at the office of the Building Authority and shall be available for inspection by any person without charge at such time as that office is open for business.

**16.—**(1) An application for registration as an accredited checker shall be made in such manner and shall be accompanied by such documents and particulars as may be prescribed.

Registration of accredited checkers.

(2) No person shall be registered as an accredited checker unless he can satisfy the Building Authority that he possesses the prescribed qualifications and practical experience.

(3) Without prejudice to subsection (2), the Building Authority may refuse to register as an accredited checker an applicant who is, in his opinion, not of good character and reputation or unable to carry out the duties of an accredited checker under this Act.

(4) The Building Authority may appoint a committee of persons to assist him in considering applications for registration as accredited checkers.

(5) Where the Building Authority has registered a person as an accredited checker, the Building Authority shall issue to the person a certificate of accreditation.

(6) The Building Authority may cancel the registration of an accredited checker —

- (a) who is deceased;
- (b) who has contravened or failed to comply with section 17 (1);
- (c) who is convicted of an offence involving fraud or dishonesty or an offence under this Act or the building regulations;
- (d) who, in the opinion of the Building Authority, is no longer in a position to carry out the duties of an accredited checker under this Act; or
- (e) whose name has been included in the register by fraud or misrepresentation,

except that the Building Authority shall not exercise his powers under paragraph (b), (c), (d) or (e) unless an opportunity of being heard has been given to the accredited checker against whom the Building Authority intends to exercise his powers.

(7) Where the Building Authority cancels the registration of an accredited checker under subsection (6), he shall remove the name and particulars of the person from the register of accredited checkers and cancel any certificate of accreditation issued to the person pursuant to subsection (5) and the person shall, within 14 days of being notified of the removal, surrender to the Building Authority the certificate of accreditation and, if the person fails to do so, he shall be guilty of an offence.

(8) Any person whose application for registration as an accredited checker is refused, or who is dissatisfied with the decision of the Building Authority under subsection (6), may, within 14 days of being notified in writing of the refusal or the decision, appeal to the Minister whose decision shall be final.

(9) Any person whose name has been removed from the register of accredited checkers under subsection (6) (b), (c), (d) or (e) shall, if his appeal to the Minister is allowed, be forthwith reinstated.

17.—(1) At the time of the making by an accredited checker of a certificate under section 6 (1) (c) or (4), the accredited checker shall have no professional or financial

interest in the building works shown in the plans described in his certificate.

(2) 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 any of the building works in any capacity;
- (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.

(3) For the purposes of this Act —

- (a) a person shall be treated as having a professional or financial interest in the building works even if he has that interest only as trustee for the benefit of some other person; and
- (b) in the case of married people living together, the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other.

(4) For the purposes of this Act —

- (a) involvement in the building works as an accredited checker; and
- (b) entitlement to any fee paid for his function as an accredited checker,

shall not be regarded as constituting a professional or financial interest.

**18.—**(1) Any person who contravenes or fails to comply with any term or condition of an approval of plans of any building works, or any term or condition of a permit to carry out any building works, granted to him under this Part 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 6 months 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.

Building offences.

(2) Any person for whom any building works are carried out 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 Building Authority under this Part shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both.

(3) Any person who, being required by or by virtue of this Act or the building regulations to make or produce to the Building Authority 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 Building Authority 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; or
- (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 \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Pecuniary  
penalty.

**19.—(1)** Whether or not proceedings have been instituted against any person for an offence under section 5 (3), the Building Authority may require the person to pay such sum not exceeding 50 times the prescribed fees for the approval of plans of the building works in respect of which there appears to the Building Authority that such an offence has been committed.

(2) Notwithstanding subsection (1), the Building Authority may, with the approval of the Minister, in any particular case increase the sum required to be paid under

subsection (1) to an amount not exceeding the cost of the unauthorised building works as determined by the Building Authority.

**20.**—(1) Except as otherwise provided in this Act, no building or part of a building where any building works have been carried out, shall be occupied in any way unless the Building Authority has issued a certificate of statutory completion in respect of that building or that part of the building: Occupation  
of building.

Provided that nothing in this subsection 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.

(2) The Building Authority 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 Building Authority 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 Building Authority; and
- (c) provide for the completion of the work or alteration before the expiration of a specified period.

(3) 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.

(4) The Building Authority may amend, suspend or, in the event of failure to comply with any written direction issued under subsection (2), revoke any temporary occupation permit.

(5) Any person who contravenes or fails to comply with subsection (1) or any written direction issued under subsection (2) 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 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

Appeals.

**21.—**(1) Where an application made under —

- (a) section 6 for approval of plans of any building works;
- (b) section 7 for a permit to carry out any building works;
- (c) section 12 (3) for a waiver of the operation of section 12 (1) in relation to any building works; or
- (d) section 14 for any modification or waiver of the requirements of the building regulations in relation to any particular building works,

is refused, or is granted by the Building Authority subject to terms and conditions, the applicant may, if aggrieved by the decision of the Building Authority, appeal in the prescribed form and manner to the Minister within 28 days of the date of the notification of the decision.

(2) Where an appeal is brought under this section from a decision of the Building Authority, the Minister may, after giving the aggrieved applicant an opportunity to make representations in writing, dismiss or allow the appeal, unconditionally or subject to such conditions as he thinks fit.

(3) The decision of the Minister on any appeal referred to him under this section shall be final.

### PART III

#### DANGEROUS BUILDINGS

Entrances,  
exits, etc., to  
be required  
in case  
of fire.

**22.—**(1) If it appears to the Building Authority that a building is not provided with such means of escape in case of fire as the Building Authority considers satisfactory, regard being had to the purposes for which the building is used and the number of persons likely to resort to the building at any

one time, the Building Authority may by order require the owner of the building to execute such work and make such provision as may be necessary to remedy the defect and if the owner fails to comply with the order, the Building Authority may execute the order in such manner as he thinks fit and may recover all expenses reasonably incurred by him in doing so from the owner in default.

(2) If the Building Authority is satisfied that the safety of the public requires that immediate action should be taken in the case of any building as respects which he has given an order under subsection (1), he may by further order in writing served on the owner of the building require the closure of the building to, or restricting its use by, the public and if the owner fails to comply with the order, the Building Authority may execute the order in such manner as he thinks fit and recover all expenses reasonably incurred by him in doing so from the owner in default.

(3) Without prejudice to the right of the Building Authority to exercise his powers under subsection (1) or (2), any person who, without reasonable excuse, fails to comply with an order served on him under subsection (1) or (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 6 months or to both 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.

(4) The owner of any building shall take steps to secure that the means of escape in case of fire within the building are kept free and unobstructed and if he fails to do so, he 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 6 months or to both.

**23.**—(1) If it appears to the Building Authority that a building is in such a condition, or is used to carry such loads, as to be or likely to be dangerous, the Building Authority may —

Dangerous building.

(a) where danger arises or is likely to arise from the condition of the building, make an order requiring the owner thereof to do all or any of

the following within such time as may be specified:

- (i) to carry out or cause to be carried out such inspection of the building as he may specify;
  - (ii) to execute such building works as may be necessary to obviate the danger;
  - (iii) to demolish the building or any part thereof, and remove any rubbish resulting from the demolition; or
- (b) where danger arises or is likely to arise from overloading of the building, make an order requiring the owner thereof to restrict its use until the Building Authority, being satisfied that any necessary building works have been executed, withdraws or modifies the restriction.

(2) If the person on whom an order made under subsection (1) is served fails to comply with the order within the time specified, the Building Authority may —

- (a) execute the order in such manner as he thinks fit; and
- (b) recover all expenses reasonably incurred by him in doing so from the person in default.

(3) Without prejudice to the right of the Building Authority to exercise his powers under subsection (2), any person who, without reasonable excuse, fails to comply with an order served on him under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

Dangerous building — emergency measures.

- 24.—**(1) If it appears to the Building Authority that —
- (a) a building is in such a state or situation, or is used to carry such loads, as to be dangerous; and
  - (b) immediate action should be taken to remove the danger,

he may, if he considers it necessary, take such steps as may be necessary for that purpose, including ordering the closure of the building.

(2) Before exercising his powers under this section, the Building Authority shall, if it is reasonably practicable to do so, give notice of his intention to the owner and every occupier of the building.

(3) Subject to this section, the Building Authority may recover from the owner of the building all expenses reasonably incurred by him under this section.

(4) So far as expenses incurred by the Building Authority 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 —

- (a) after the danger has been removed by other steps under this section; or
- (b) after an order made under section 23 for the purpose of its removal has been complied with or has been executed as mentioned in section 23 (2).

(5) In any proceedings to recover expenses under this section, the court shall inquire whether the Building Authority might reasonably have proceeded instead under section 23.

25.—(1) Where the Building Authority makes any order under this Act requiring the closure of any building, the order (referred to in this section as a closure order) shall be served on the owner and every occupier of the building.

Closure  
order.

(2) Except with the permission in writing of the Building Authority, 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 and any person who contravenes or fails to comply with this subsection 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 6 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.

(3) Where the Building Authority 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.

(4) Any permission granted under subsection (3) may be cancelled by the Building Authority at any time and for any reason.

(5) 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 (1); and

(b) the Building Authority may seal, or cause to be sealed, all or any of the entrances to or exits from the building.

(6) A closure order shall remain in force in respect of a building until the Building Authority has served a notice of expiry of a closure 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.

(7) Every notice of expiry of a closure order shall specify the building to which it relates and the date upon which the closure order expires.

#### PART IV

##### INSPECTION OF BUILDINGS

26.—(1) In this Part —

“building” shall not include part of a building;

“owner”, in relation to a subdivided building comprising two or more flats, means —

(a) the management corporation established under the Land Titles (Strata) Act having control of the building; or

(b) the person receiving any rent or charge for the maintenance of the common property of the subdivided building;

“special building” means any building of which not less than 90% of its floor area is used solely for residential purposes, and in this definition, “floor area” means the total area of floor space within the building measured between party walls including the thickness of external walls;

Interpretation of this Part.

Cap. 158,  
1988 Ed.

“structural engineer” means a person who is registered as a professional engineer under the Professional Engineers Act in the civil or structural engineering discipline. Cap. 253.

(2) For the purposes of this Part, a building which is physically connected with another building —

- (a) shall, although so connected, be treated as a separate building if it is so constructed as to be capable of remaining in position and being used independently of the other building or as to require only minor modification as to render it so capable; and
- (b) shall not be treated as other than a separate building merely because it is so connected with the other building at or below ground level or by means of a bridge or similar structure (whether affording access or accommodation to both).

**27.** This Part shall apply to buildings other than — Application.

- (a) detached houses, semi-detached houses, terraced or linked houses which are used solely by the owners or occupiers thereof solely as their residence; and
- (b) buildings which are required for a limited time or constructed of short-lived materials.

**28.—**(1) Subject to subsection (2), the Building Authority may, by notice served on the owner of a building to which this Part applies, require the building to be inspected. Periodical inspection of buildings.

(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 certificate of statutory completion was issued in respect of the building and thereafter at intervals of not less than 5 years from the completion of the last inspection of the building 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 certificate of statutory completion was issued in respect of the building and thereafter at intervals of not less than 10 years from the date of the completion of the last inspection of the building 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 in the prescribed manner by a structural engineer appointed by the owner and if the notice is not complied with, the Building Authority may inspect the building or cause the building to be so inspected by a structural engineer appointed by him and may recover all expenses reasonably incurred by the Building Authority in the exercise of his powers under this subsection from the owner of the building.

(4) The structural engineer who is appointed by the owner of a building or the Building Authority under subsection (3) 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 and any person who hinders, obstructs or delays the structural engineer in the performance of his duty shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 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.

(5) A structural engineer appointed under subsection (3) to carry out an inspection of a building under this section shall —

- (a) carry out the inspection in a 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 Building Authority within such period as the Building Authority may specify in the notice under subsection (1).

(6) Without prejudice to the right of the Building Authority to exercise his powers under subsection (3), 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 \$10,000.

(7) Any structural engineer who contravenes or fails to comply with subsection (5) (a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(8) 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.

**29.—**(1) A structural engineer shall not be appointed by the Building Authority or owner of a building for the purpose of carrying out an inspection of a building under section 28 if the structural engineer has any professional or financial interest in the building.

Independence of structural engineer.

(2) A structural engineer shall be regarded as having a professional or financial interest in any building if —

- (a) he has been responsible for the design or construction of the building or any part thereof in any capacity;
- (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 or any part thereof;
- (c) he is a partner or is in the employment of a person who has a professional or financial interest in the building or any part thereof; or
- (d) he holds any interest in the building or any part thereof.

(3) For the purposes of this section —

- (a) a person shall be treated as having a professional or financial interest in the building even if he has that interest only as trustee for the benefit of some other person; and
- (b) in the case of married people living together, the interest of one spouse shall, if known to the other be deemed to be also an interest of the other.

(4) For the purposes of this section —

- (a) involvement in the inspection of a building under section 28; and
- (b) entitlement to any fee paid for carrying out any inspection under section 28,

shall not be regarded as constituting a professional or financial interest.

## PART V

### PREMISES USED FOR DANGEROUS TRADES OR PURPOSES

Dangerous trades not to be carried on without licence.

**30.**—(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 or other combustible materials otherwise than for domestic use in that place;
- (e) a foundry or smithy;
- (f) the manufacture, storage, treatment, smoking or preparation of rubber in any form;
- (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.

(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 and 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 \$500 for every day during which the offence continues after conviction.

(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 any movable property by means of or in respect of which an offence under this section has been or is being committed or which contains evidence of such an offence and which is found therein.

## PART VI

### MISCELLANEOUS

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

**32.** Where an offence under this Act or the building regulations has been committed by a body corporate, a partnership or unincorporated association of persons, 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 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. Corporate offenders.

**33.—(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 Building Authority or the public officer, nor shall anything in this Act Protection from liability.

make it obligatory for the Building Authority 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.

(2) No matter or thing done by the Building Authority or by any public officer shall if it were done bona fide for the purpose of carrying out the provisions of this Act subject him or such person personally to any action, liability, claim or demand whatsoever.

Power to  
enter  
premises.

**34.**—(1) The Building Authority 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 Building Authority 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 (4) (d) or 11 (4) (c), respectively,

and, for the purposes of this subsection, the Building Authority 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 (1) 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 (1) 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 Building Authority access to and shall produce the documents, books or records and shall give such information and facilities as may be required by the Building Authority and any qualified person or builder, as the case may be, who contravenes or fails to comply with this subsection shall be guilty of an offence:

Provided that those documents, books or records 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.

(5) Any person who wilfully 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.

**35.—**(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. Presumptions and defences.

(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.

**36.** 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 recoverable by the occupier from the owner or the amount may be deducted out of the rent from time to time becoming Occupier may execute work in default of owner.

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.

Proceedings if any occupier opposes the execution of works.

**37.—(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 \$1,000 for every day during which he so continues to refuse and 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.

**38.—(1) All expenses incurred by the Building Authority 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 and, 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 Building Authority 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 and a copy of the certificate shall be served upon each of those persons, 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 Building Authority 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 (2) shall be recoverable as part of the expenses incurred by the Building Authority.

(4) A certificate purporting to be under the hand of the Building Authority and to be made under subsection (2) and setting forth the amount claimed as due to the Building Authority 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 Building Authority thereto.

(5) If any sum or any part thereof due to the Building Authority under this Act remains unpaid at the expiration of one month commencing from the date of service of the certificate under subsection (2), or such further period as the Building Authority may allow, it shall be deemed to be arrears and the provisions of sections 67 to 74 of the Local Government Integration Act shall, mutatis mutandis, apply to its recovery by the Building Authority.

Cap. 166.

**39.**—(1) Where the Building Authority has incurred expenses in or about the execution of any work which are recoverable from any person, the Building Authority may either recover such expenses in the manner provided in section 38 or, if he thinks fit, may obtain an undertaking from the person for the payment of such instalments as will

Recovery of costs and expenses by instalments.

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 38.

Power to vary interest rates.

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

Liability of transferor of property in respect of expenses incurred by Building Authority.

**41.—**(1) Where a person sells or transfers any premises in respect of which expenses have been incurred by the Building Authority 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 Building Authority to recover such expenses or to enforce any obligation under this Act.

Property and things seized or removed by Building Authority.

**42.—**(1) Any property or materials seized by the Building Authority in the exercise of his powers under this Act may be forfeited to the Government and sold or otherwise disposed of by the Building Authority unless a claim is made by the person to whom the property or materials belong within two weeks of the seizure in which case the property or materials may be returned to the person on such terms and conditions as the Building Authority may impose.

(2) Where the Building Authority sells any property or materials under subsection (1) (other than property or

materials seized under section 30), the Building Authority shall pay 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 Building Authority from him.

**43.—**(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.

**44.—**(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 the possession of that person. 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.

**45.—**(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 — Powers of arrest.

- (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.

**46.**—(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 and the production of any document purporting to contain any apportionment made under section 38 (1) shall, without any other evidence whatever, 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 34 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 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.

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

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

General penalty.

**48.** 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 \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

**49.**—(1) The Building Authority may, in his discretion, compound any offence under this Act or the building regulations which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$400. Compound-  
ing of  
offences.

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

**50.**—(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. Regulations.

(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, sky-signs, 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 such 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;
- (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 planning, design and construction of buildings, including —
  - (i) the preparation of sites for building works;
  - (ii) arcades and footways adjacent to the buildings;

- (iii) projections;
- (iv) sanitation and drainage;
- (v) standards of artificial lighting, ventilation systems and air-conditioning;
- (vi) open space about buildings and the natural lighting and ventilation of buildings;
- (vii) the headroom of rooms, cubicles and staircases and other spaces within buildings;
- (viii) the suitability and use of materials and components;
- (f) the demolition of buildings and the safety precautions to be taken in respect thereof;
- (g) prohibiting or regulating the use or occupation of buildings;
- (h) the control and regulation of measures for energy conservation in buildings;
- (i) the provision of embankments and retaining walls;
- (j) fire precautions within buildings or proposed buildings, including —
  - (i) structural measures to resist the outbreak and spread of fire and to mitigate its effects;
  - (ii) services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire fighting;
  - (iii) means of escape in case of fire;
- (k) the control, regulation and supervision by registration, licensing or otherwise of premises used for any trade or purpose specified in section 30;
- (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 an application for temporary occupation permits and certificates of statutory completion;
- (p) the manner in which the duties and responsibilities of 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 Building Authority 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 34;
- (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.

(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 \$5,000 or imprisonment for a term not exceeding 6 months or both.

**51.—(1)** Any building regulations made under section 50 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 —

Adoption of codes and standards.

- (a) recommended, issued or adopted by the Singapore Institute of Standards and Industrial Research;
- (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 Building Authority;
- (c) included in any document issued by any Government department or issued by any public authority constituted by any written law.

(2) The Building Authority shall cause a copy of every code, standard, rule, specification or provision adopted pursuant to subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Singapore Institute of Standards and Industrial Research) to be made available for inspection by members of the public without charge at the office of the Building Authority during normal office hours.

(3) In any proceedings under the building regulations, a copy certified by the Building Authority as a true copy of a code, standard, rule, specification or provision adopted pursuant to subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Singapore Institute of Standards and Industrial Research) shall be evidence of the code, standard, rule, specification or provision so adopted.

Amendment  
of Schedule.

**52.** The Minister may by order amend the Schedule.

Presentation  
to  
Parliament.

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

Transitional  
provisions.

**54.—(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) The powers conferred on the Building Authority by this Act may be exercised in respect of any building or structure erected in contravention of, or deemed to be unauthorised under, any written law relating to building control in force before 1st May 1989, and such building or structure shall be deemed to be unauthorised for the purposes of this Act.

(4) 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.

## THE SCHEDULE

Section 4

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

1. In this Schedule —

“compartment wall” and “compartment floor” mean a wall and a floor, respectively, which is provided for the purpose of dividing a building into compartments to limit the spread of fire or to contain a fire;

“non-load bearing wall” means a wall which supports no load other than its own weight;

“partition” means a temporary or easily removable vertical structure made of panel work, covered with metal, wood or plaster sheets or other material for the subdivision of spaces within a building;

“protected shaft” means a stairway, exit passageway, duct or other shaft which enables persons, things or air to pass between different compartments.

2. Any building works carried out for or in connection with —

(a) any retaining wall or any earth retaining structure with a visible height of not more than one metre;

(b) any windowhood of less than 1.2 metres projection erected within the boundaries of any non-residential building lot;

(c) any boundary wall or fence not exceeding 1.8 metres in height provided that the wall or fence —

(i) is not erected on top of any retaining wall having a visible height of more than one metre; and

(ii) if the boundary wall fronts any street or road, has a planting strip not less than 0.3 metre wide;

(d) any simple awning, windowhood, open shed of lightweight construction (to the side and rear boundaries of a lot only) forming part of a bungalow, semi-detached, terraced or linked house used solely for residential purposes where —

(i) a boundary clearance of not less than 1.6 metres is maintained; and

THE SCHEDULE — *continued*

- (ii) the supporting columns, posts, pillars or piers are set not less than 2.3 metres away from the boundary;
  - (e) pergolas forming part of a building used solely for residential purposes;
  - (f) any dog kennel not exceeding an area of 5 square metres forming part of any premises used solely for residential purposes;
  - (g) any aviary or aquarium not exceeding an area of 10 square metres forming part of any premises used solely for residential purposes;
  - (h) any pre-fabricated portable swimming or wading pool on the ground situated within the curtilage of a dwelling house and having an area not exceeding 10 square metres and which is above ground;
  - (i) any barbecue pit forming part of any premises used solely for residential purposes;
  - (j) any simple proprietary type playground equipment comprising standard section or modules situated on premises which are used solely for residential purposes; or
  - (k) any stall or shed of lightweight construction within any premises for the purpose of holding a trade fair, fun fair or any exhibition.
3. Replacement of fixed or adjustable louvres with sliding or casement windows which will occupy an area not exceeding the aggregate area occupied by the fixed or adjustable louvres.
4. Replacement of any existing floor and wall finishes.
5. Replacement of any false ceiling with lightweight and non-combustible materials without affecting any existing fire-protection system and the ceiling height.
6. Changing of roof covering using materials similar to those of the original roof covering or materials which are lighter in weight than the original.
7. Erection of internal lightweight partitions in any building used solely for residential purposes where the size, lighting and ventilation of the resulting rooms comply with the building regulations or the demolition of such lightweight partitions.
8. Construction of any raised floor with lightweight materials on any premises used solely for residential purposes.
9. Erection of internal lightweight partitions of non-combustible materials within the tenancy areas which do not obstruct or impede or hinder the use of any means of escape or fire fighting or protection equipment or the demolition of such internal lightweight partitions.

THE SCHEDULE — *continued*

10. Installation of any roller shutter or grilled door in the front of any shop or warehouse unit which is not air-conditioned provided the roller shutter or grilled door is not installed at exits or protected staircases in the shop or warehouse unit.

11. Alterations to any lightweight demountable partitions of units within any commercial complex provided they do not form the building envelope or part of any compartment wall or part thereof, or affect any means of escape or fire fighting or protection system.

12. Air-conditioning works where the cooling capacity of any individual equipment does not exceed 30kW and the works do not affect any compartment wall, compartment floor, protected shaft, any fire protection equipment and the structural integrity of the building.

13. One to one replacement of air-conditioning equipment or ductwork not affecting any compartment wall, compartment floor, protected shaft, fire protection equipment or the structural integrity of the building.

14. Alterations to ductwork which do not affect any compartment wall and floor or any fire protection equipment.

15. Installation of any mechanical ventilation system not affecting —

- (a) any compartment wall other than for or in connection with a car park or kitchen; or
- (b) any smoke control system.