



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**BUILDING AND CONSTRUCTION
AUTHORITY ACT 1999**

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Building and Construction Authority Act 1999

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An Act to establish the Building and Construction Authority, to provide for its functions and powers, and for matters connected therewith.

[1 April 1999]

PART 1
PRELIMINARY

Short title

1. This Act is the Building and Construction Authority Act 1999.

Interpretation

2. In this Act, unless the context otherwise requires —

“Authority” means the Building and Construction Authority established under section 3;

“Board” means the Construction Industry Development Board established under section 3 of the repealed Construction Industry Development Board Act (Cap. 51, 1985 Revised Edition);

“Chairperson” means the Chairperson of the Authority and includes any acting Chairperson of the Authority;

“Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;

“construction industry” means the industry concerning the carrying out of construction works and services;

“construction works and services” includes all aspects of architectural, engineering, development and construction works and services including such other related production, design and consultancy works and services which result in the construction, maintenance, retrofitting, repair or removal of all types of buildings and infrastructure;

“Deputy Chairperson” means the Deputy Chairperson of the Authority;

“member” means a member of the Authority.

[5/2018]

PART 2**ESTABLISHMENT, INCORPORATION AND
CONSTITUTION OF AUTHORITY****Establishment and incorporation of Authority**

3. A body called the Building and Construction Authority is established, which is a body corporate with perpetual succession and a common seal and is, by that name, capable of —

- (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.

Common seal

4.—(1) All deeds and other documents requiring the seal of the Authority must be sealed with the common seal of the Authority and all instruments to which the common seal is affixed must be signed by any 2 members generally or specially authorised by the Authority for the purpose or by one member and the Chief Executive.

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

Membership of Authority

5.—(1) The Authority consists of —

- (a) a Chairperson;
- (b) a Deputy Chairperson; and
- (c) not less than 5 but not more than 12 other members,

all of whom must be appointed by the Minister.

(2) The Minister may appoint the Chief Executive to be a member of the Authority.

Term of office of members

6.—(1) A member of the Authority holds office for the term not exceeding 3 years that the Minister specifies in the appointment, and may be re-appointed.

(2) Any member of the Authority may at any time by written notice to the Minister resign his or her office.

(3) The Minister may, at any time, revoke the appointment of any member without giving any reason.

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

(5) The Authority must pay to the Chairperson, the Deputy Chairperson and other members of the Authority such salaries, fees and allowances as the Minister may determine.

Meetings and proceedings of Authority

7.—(1) The quorum at every meeting of the Authority is the higher of the following:

- (a) one-third of the total number of members;
- (b) 3 members.

[25/2009]

(2) The Chairperson or, in his or her absence, the Deputy Chairperson presides at all meetings of the Authority and, in their absence, the members present must elect one of their number to preside.

(3) Meetings of the Authority must be held at such times and places as the Chairperson may determine.

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

(5) At any meeting of the Authority, the Chairperson or, in his or her absence, the Deputy Chairperson has a deliberative vote and, in the case of an equality of votes, he or she also has a casting vote.

(6) The validity of any proceedings of the Authority is not affected by any vacancy among its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Authority may regulate its own proceedings.

[5/2018]

PART 3

FUNCTIONS AND POWERS OF AUTHORITY

Functions of Authority

8.—(1) Subject to the provisions of this Act, the functions and duties of the Authority are —

- (a) to promote the development, improvement and expansion of the construction industry including the use of advanced technology in the construction industry;
- (b) to advise and make recommendations to the Government on matters affecting or connected with the construction industry and on the control of building works and the safety of buildings;
- (c) to raise standards and efficiency in the construction industry by encouraging the standardisation and improvement of construction processes, techniques, products and materials;
- (d) to promote good procurement methods and practices in the construction industry and advise and assist the Government in the procurement of construction works and services;
- (e) to provide consultancy and advisory services related to the construction industry;
- (f) to promote the advancement of skills and expertise of persons in the construction industry;

- (g) to raise the professionalism and capabilities of firms in the construction industry;
- (h) to promote the adoption of internationally recognised quality management systems in the construction industry;
- (i) to facilitate the supply of essential construction materials and secure and manage land and facilities related to their import and production;
- (j) to promote and carry out research for the development and improvement of the construction industry and in respect of the building control system, building codes and regulations, building maintenance and management, energy usage in buildings and other matters related to or incidental to the functions of the Authority;
- (k) to promote the efficient use of energy in buildings and to advise the Government on the measures and regulations to be implemented;
- (l) to provide a search service for searches on building records and plans; and
- (m) to carry out any other functions imposed upon the Authority by or under this Act or any other written law.

(2) In addition to the functions and duties imposed by subsection (1), the Authority may undertake such other functions and duties as the Minister may in writing assign to the Authority and, in so doing, the Authority is deemed to be fulfilling the purposes of this Act and the provisions of this Act apply to the Authority in respect of such functions and duties.

(3) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.

[9
[5/2018]

Powers of Authority

9. The Authority has power to do anything for the purpose of discharging its functions under this Act, or which is incidental or

conducive to the discharge of those functions and, in particular, may —

- (a) prescribe standards for the construction industry in relation to design, processes, construction techniques, products and materials;
- (b) promote and assist in the export of construction works and services;
- (c) own, lease, manage, let or sell lands, buildings and other property as the Authority may consider necessary for the discharge of its duties and functions;
- (d) collect, analyse, compile, publish and disseminate information of a statistical nature relating to the construction industry and on all matters relating to building control, maintenance and management of buildings or such other subject matters as may be necessary for the performance of the functions of the Authority;
- (e) prescribe training requirements for the construction industry, provide training, conduct tests and award diplomas and certificates of proficiency;
- (f) register construction tradesmen, construction foremen and construction supervisors of suitable qualifications and experience with a view to raising standards of performance in construction services in Singapore;
- (g) collaborate with other companies or institutions to organise seminars, workshops, conferences, courses or other training programmes and share profits;
- (h) provide technical advice or assistance, including training facilities, to personnel of related organisations in other countries;
- (i) provide financial assistance in the form of grants, loans or otherwise to persons, firms or companies in the construction industry and provide any guarantee on their behalf;

- (j) enter into a partnership or an arrangement for the sharing of profits;
- (k) charge fees or commissions for services rendered by the Authority;
- (l) carry out publicity in any form;
- (m) form or participate in the formation of a company to perform or carry out any of the functions of the Authority;
- (n) receive donations and contributions from any source and raise funds by all lawful means;
- (o) provide training for officers or employees of the Authority and award scholarships or otherwise pay for such training;
- (p) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the Authority and members of their families;
- (q) grant loans to officers or employees of the Authority for any purpose specifically approved by the Authority as are likely to increase the efficiency of officers or employees; and
- (r) do anything incidental to any of its powers.

[10]

Committees

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

(2) Subject to this Act and any regulations made under this Act, the Public Sector (Governance) Act 2018 and to the control of the Authority, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

[11
[5/2018]

Delegation of powers

11.—(1) The Authority may, 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 Authority.

[5/2018]

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

(3) A delegation under this section is revocable at will.

[12

[5/2018]

PART 4**PROVISIONS RELATING TO STAFF****Chief Executive, officers and employees, etc.**

12.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

[5/2018]

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

[13

[5/2018]

Protection from personal liability

13. No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

[14]

PART 5

FINANCIAL PROVISIONS

Financial year

14. The financial year of the Authority begins on 1 April of each year and ends on 31 March of the succeeding year.

[16]

Minister's approval of estimates

15.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Authority, be sent without delay to the Minister.

[5/2018]

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

[5/2018]

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Authority, and the Authority is bound by the Minister's decision.

[17]

[5/2018]

Grants-in-aid

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

[18]

Loans

17. The Authority may for the purposes of this Act raise loans from the Government or, with the Minister's consent, from any other source.

[19

Issue of shares, etc.

18. As a consequence of —

- (a) the vesting of any property, rights or liabilities of the Government in the Authority under this Act; or
- (b) any capital injection or other investment by the Government in the Authority in accordance with any written law,

the Authority must issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[19A

Bank accounts and application of moneys

19.—(1) The Authority must open and maintain an account or accounts with such bank or banks as the Authority thinks fit and every such account must be operated by such person or persons authorised to do so by the Authority.

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

(3) The Authority may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

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PART 6

TRANSFER OF PROPERTY,
LIABILITIES AND EMPLOYEES**Transfer to Authority of property, assets and liabilities**

20.—(1) As from 1 April 1999, any movable and immovable property vested in the Board, or in the Government that are determined by the Minister for Finance and used or managed by the Building Control Division of the Public Works Department and all assets, interests, rights, privileges, liabilities and obligations of the Board or of the Government relating to the Building Control Division of the Public Works Department are transferred to and vest in the Authority without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance is conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) is to be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

[25

Transfer of employees

21.—(1) As from 1 April 1999, all persons employed immediately before that date by the Board and in the Building Control Division of the Public Works Department are transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Authority, the scheme and terms and conditions of service in the Board or the Government (as the case may be) continue to apply to every person transferred to the service of the Authority under

subsection (1) as if he or she were still in the employment of the Board or the Government.

[26

Pension rights, etc., of Government employees to be preserved

22.—(1) The terms and conditions to be drawn up by the Authority must take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Authority under section 21 while in the employment of the Board or the Government.

(2) Any term or condition relating to the length of service with the Authority must recognise the length of service of the persons so transferred while in the employment of the Board or the Government to be service with the Authority.

(3) Nothing in the terms and conditions to be drawn up by the Authority is to adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act 1956.

(4) In every case, where a person has been transferred to the service of the Authority under section 21, the Government is liable to pay to the Authority such portion of any pension, gratuity or allowance payable to such person on his or her retirement as the same bears to the proportion which the aggregate amount of the person's pensionable emoluments during his or her service with the Government bears to the aggregate amount of his or her pensionable emoluments during his or her service under both the Government and the Authority.

(5) Where any person in the service of the Authority, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to the person or to such other person or persons wholly or partly dependent on the person, as the Authority thinks fit, such allowance or gratuity as the Authority may determine.

[27

No benefits in respect of abolition or reorganisation of office

23. Despite the provisions of the Pensions Act 1956, no person who is transferred to the service of the Authority under section 21 is entitled to claim any benefit under that Act on the ground that he or she has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Authority.

[28]

Existing contracts

24. All deeds, bonds, agreements, instruments and arrangements, subsisting immediately before 1 April 1999 to which the Board or the Government is a party and relating to the Building Control Division of the Public Works Department or to any person transferred to the service of the Authority under section 21 continue in force on and after that date and are enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Board or the Government.

[29]

Continuation and completion of disciplinary proceedings

25.—(1) Where on 1 April 1999 any disciplinary proceedings were pending against any employee of the Board or the Government transferred to the service of the Authority, the proceedings are to be carried on and completed by the Authority; but where on 1 April 1999 any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order or decision had been rendered thereon, the committee is to complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date.

(2) Any order, ruling or direction made or given by a committee pursuant to this section must be treated as an order, a ruling or a direction of the Authority and have the same force or effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

[30]

Misconduct or neglect of duty by employee before transfer

26. The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, while the person was in the employment of the Board or the Government, been guilty of any misconduct or neglect of duty which would have rendered the person liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if the person had continued to be in the employment of the Board or the Government (as the case may be) and if this Act had not been enacted.

[31]

PART 7**SUPPLY OF ESSENTIAL CONSTRUCTION MATERIALS***Division 1 — General***Interpretation of this Part**

27. In this Part, unless the context otherwise requires —

“assisting officer” means a public officer or an employee of a public authority who is not a police officer, an officer of customs or an immigration officer, but who has been authorised by the Authority by name to assist an enforcement officer;

“authorised analyst” means any person (who is not an employee of the Authority) or body of persons designated by the Authority under section 39 as authorised to carry out any inspection, examination and certification of any essential construction material under this Part and includes any enforcement officer;

“building works” has the meaning given by the Building Control Act 1989;

“consignment”, in relation to any essential construction material, means essential construction material of a particular kind that comprises a single lot imported by the same owner at the same time;

“container” includes —

- (a) a case, box, bag, wrapper or material of any kind used or intended to be used to cover, contain or package something, whether or not designed for that purpose; and
- (b) a bulk container, or any means of bulk transport, used or intended to be used to cover, contain or package something;

“conveyance” means any vessel, vehicle or aircraft;

“enforcement officer” means —

- (a) the Chief Executive; or
- (b) an employee of the Authority appointed by the Chief Executive to be an enforcement officer for the purposes of this Part;

“essential construction material” means any of the following materials which are suitable for use in any building works, street works or railway works in Singapore and the domestic supply of which is short:

- (a) granite;
- (b) sand;
- (c) such rocks, minerals or other construction materials (whether manufactured or otherwise) as the Minister may, by notification in the *Gazette*, declare to be essential construction material;

“granite” means —

- (a) granite slabs or blocks extracted or won from naturally occurring mineral deposits and suitable (if crushed) for use as primary aggregate in any building works, street works or railway works in Singapore; or
- (b) granite aggregate, gravel, stones or overburden of such prescribed dimensions that are extracted or won from mineral sources, which have been subject to nothing more than crushing and sizing or other

physical processing, and suitable for use, either on their own or with the addition of cement or other binder, in any building works, street works or railway works in Singapore;

“immigration officer” means any person appointed under section 3 of the Immigration Act 1959;

“import” means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore, but does not include the bringing into Singapore of essential construction material which is to be taken out of Singapore on the same conveyance on which it was brought into Singapore without any landing or transshipment within Singapore;

“import permit” means an import permit granted under section 34 to import a particular consignment of essential construction material;

“isolation order” means an order issued or deemed to be issued under section 36 in respect of a consignment of essential construction material;

“licence” means a licence granted under section 31 to carry on the business of importing essential construction material specified in the licence;

“licensee” means a person who holds a valid licence;

“occupier” means —

(a) in relation to any premises or conveyance — the person in occupation of the premises or conveyance or having the charge, management or control of the premises or conveyance; and

(b) in relation to any part of any premises, different parts of which are occupied by different persons — the person in occupation or having the charge, management or control of that part;

“officer of customs” has the meaning given by the Customs Act 1960;

“procure” means to acquire (by purchase or exchange) and to import essential construction materials;

“railway works” means any works for the construction, reconstruction or realignment, or the permanent improvement of a railway;

“sand” means any sand or gravel that is suitable for use as fine aggregate in any building works, street works or railway works in Singapore, but excludes any unwashed or unprocessed marine-dredged sand or gravel;

“site”, in relation to any essential construction material, means any land or land underwater outside Singapore —

- (a) from which granite is extracted or won by blasting, sorting, breaking, loading and transporting, whether the processes are executed by manual labour or mechanical means;
- (b) on which persons are employed in any process for or incidental to the getting, dressing or preparation for the sale or otherwise of sand; or
- (c) from which any other essential construction material is extracted or won;

“storage permit” means any storage permit granted under section 35 in respect of such premises as may be specified in the storage permit;

“street works” has the meaning given by the Street Works Act 1995;

“supply”, in relation to any essential construction material, means to transfer possession of the essential construction material by any means whether or not for reward, and includes —

- (a) to sell the essential construction material, whether by retail, wholesale or auction;
- (b) to transfer possession of the essential construction material by exchange, gift, lease or loan;

(c) to supply the essential construction material in connection with a contract for the provision of any goods or the performance of any service; and

(d) to offer, agree or attempt to supply the essential construction material in any of the ways described in paragraph (a), (b) or (c) or to cause or permit the essential construction material to be so supplied;

“vehicle” means a conveyance that is designed to be propelled or drawn by any means (whether or not capable of being so propelled or drawn) and includes —

(a) any aircraft, trailer, bicycle or other pedal-powered vehicle; and

(b) any train, railway locomotive, wagon or carriage,

and includes a part of any of the above;

“vessel” means any kind of craft used in navigation by sea or water, however propelled or moved, and includes —

(a) a barge, lighter or other floating vessel; or

(b) a vessel engaged in a towing operation or in any dredging, surveying or underwater operations,

and includes a part of any of the above.

[31A

Licence required for importing essential construction materials

28.—(1) Subject to the provisions of this Part, a person must not carry on any business of importing any essential construction material unless the person is authorised to do so under a valid licence.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a fine not exceeding \$10,000 for every day or part of a day during which the offence continues after conviction.

(3) This section does not prevent a corporation or limited liability partnership that ceases to have in force a licence from carrying on any activity necessary to the winding up of the corporation or limited liability partnership.

[31B

Import permit required for every consignment

29.—(1) Subject to the provisions of this Part, a licensee must not import any essential construction material unless —

- (a) the import of each consignment of essential construction material by the licensee is authorised by an import permit and is carried out in accordance with the conditions of the import permit; and
- (b) the whole consignment conforms to the description in the import permit.

(2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused to prove —

- (a) that the commission of the offence was due to the act or default of another person or to some other cause beyond the accused's control; and
- (b) that the accused took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by the accused or by any person under the accused's control.

(4) If in any case the defence provided by subsection (3) involves the allegation that the commission of the offence was due to the act or default of another person, the accused is not, without the leave of the court, entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, the accused has served on the prosecutor a written notice giving such information as was then in the

accused's possession identifying or assisting in the identification of that other person.

[31C

Isolation and storage of imported essential construction material

30.—(1) Any licensee who imports any consignment of essential construction material (whether or not under an import permit) must not —

- (a) use or permit to be used the essential construction material or any part thereof in any building works, street works or railway works in Singapore; or
- (b) supply or permit to be supplied to another person the essential construction material, knowing or having reasonable cause to believe that the essential construction material is to be used in any building works, street works or railway works in Singapore,

for so long as the consignment is subject to an isolation order.

(2) Any licensee must not use any premises to store any consignment of essential construction material that he or she imports and is subject to an isolation order except —

- (a) in or on premises that are authorised for such use under a storage permit granted by the Authority;
- (b) in such quantities (if any) and in such manner and subject to such conditions as may be prescribed in relation to such essential construction material; and
- (c) in accordance with every condition of that storage permit granted.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[31D

*Division 2 — Applications for licences, import permits
and storage permits*

Application for licence

31.—(1) Every application for a licence or for a renewal of a licence must be made to the Authority in the prescribed manner and accompanied by the appropriate application fee prescribed.

(2) An applicant for a licence or for a renewal of a licence must, at the request of the Authority, provide any further information or evidence that the Authority may require to decide the application.

(3) Upon receiving an application for a licence or for a renewal of a licence under subsection (1), the Authority must consider the application and, subject to section 40(7)(c), may —

(a) grant a licence or a renewal of a licence, with or without conditions; or

(b) refuse to grant any such licence or renewal of such licence.

(4) To avoid doubt, a licence does not authorise its holder —

(a) to use in any building works, street works or railway works in Singapore; or

(b) to supply to any other person,

any essential construction material imported by the holder.

(5) Every licence is, unless earlier revoked, valid for such period as may be specified in the licence (being not longer than 24 months) and, upon its expiry, the licence may be renewed.

(6) Any person who, in making an application for a licence —

(a) makes any statement or provides any document which the person knows to be false or does not believe to be true; or

(b) by the intentional suppression of any material fact, provides information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Who may be licensed

32.—(1) A person who applies for a licence is eligible to be granted a licence if, and only if —

- (a) the person is not a company limited by guarantee or a corporation sole;
- (b) the Authority is satisfied that the person is duly authorised to carry on the business of an importer of essential construction materials; and
- (c) the person provides a procurement plan regarding the import of essential construction materials, stating —
 - (i) the types of essential construction materials proposed to be procured by that person;
 - (ii) the respective sites from which the essential construction materials are to be extracted or won;
 - (iii) the methods or practices to be applied by that person in procurement;
 - (iv) the risks (including assessments of the risks) of any disruption occurring to the import of the relevant essential construction materials from the markets from which the relevant essential construction materials are to be procured; and
 - (v) any plan of action (including preventive strategies) for the purpose of ensuring, so far as is reasonably practicable, that the person can still provide a secure and reliable supply in Singapore of the relevant essential construction materials of acceptable quality or of otherwise reducing or mitigating the effect of any disruption to the supply of the relevant essential construction materials from any such market from which the relevant essential construction materials are to be procured.

(2) In deciding whether to grant a licence, the Authority may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to —

- (a) the general character of the management of the applicant;
- (b) the financial condition of the applicant;
- (c) the experience and resources of the applicant in providing a secure and reliable supply in Singapore of essential construction materials of acceptable quality; and
- (d) whether the public interest will be served by the granting of the licence.

(3) The Authority may require an applicant for a licence to satisfy the Authority that the applicant has sufficient material and financial resources available to enable the applicant to meet the applicant's financial obligations as and when they become due, and may refuse to grant a licence to an applicant who fails to so satisfy it.

[31F

Conditions of licence

33.—(1) The Authority may —

- (a) grant a licence subject to such conditions as the Authority thinks fit, including but not limited to the conditions necessary or related to ensuring a secure and reliable supply in Singapore of essential construction materials of acceptable quality; and
- (b) at any time modify any existing conditions of such a licence or impose additional conditions.

(2) Before modifying the conditions of a licence under this section, the Authority must give notice to the licensee concerned —

- (a) stating that the Authority proposes to make the modification in the manner specified in the notice; and
- (b) specifying the time (being at least 14 days from the date the notice is served on the licensee concerned) within which written representations with respect to the proposed modification may be made.

(3) Upon receipt of any written representation mentioned in subsection (2)(b), the Authority must —

- (a) consider the representation and may reject the representation or amend the proposed modification in accordance with the representation, or otherwise; and
- (b) in either event mentioned in paragraph (a), thereupon issue a written direction to the licensee concerned requiring that effect be given to the proposed modification specified in the notice or to such modification as subsequently amended by the Authority within a reasonable time.

[31G

Application for import permit

34.—(1) Every application for an import permit to import any consignment of essential construction material must —

- (a) be made to the Authority in the prescribed manner;
- (b) be accompanied by the appropriate application fee prescribed; and
- (c) be accompanied by the following unless the Authority waives the requirement:
 - (i) such maps, particulars and other information as to the site from which the essential construction material is or is to be extracted or won;
 - (ii) a statutory declaration by or on behalf of the licensee verifying any information contained in or relating to the application;
 - (iii) such samples of the essential construction material to be imported and such other documents relating thereto as may be prescribed.

(2) The licensee applying for an import permit to import a consignment of essential construction material must, at the request of the Authority —

- (a) arrange, at the licensee's own cost, for samples of the essential construction material to be evaluated for the purposes of this Part; and

- (b) provide any further information or evidence that the Authority may require to decide the application.
- (3) The evaluation mentioned in subsection (2)(a) may be carried out by —
- (a) an authorised analyst in Singapore; or
 - (b) a body or an organisation outside Singapore that is recognised by the Authority.
- (4) Upon receiving an application for an import permit under subsection (1), the Authority must consider the application and the report of the evaluation mentioned in subsection (2)(a) relating to the essential construction material to be imported, and may —
- (a) grant an import permit, with or without conditions, in respect of that consignment; or
 - (b) refuse to grant any such import permit.
- (5) Despite subsection (4), the Authority must refuse to grant an import permit to any licensee whose licence is suspended or who is the subject of any proceedings under section 40.
- (6) Every import permit is, unless earlier cancelled, valid for such period as may be specified in the import permit (being not longer than 14 days) and may be extended.
- (7) To avoid doubt, an import permit to import any consignment of essential construction material does not authorise the holder of the import permit —
- (a) to use in any building works, street works or railway works in Singapore; or
 - (b) to supply to another person,
- the essential construction material imported under that import permit, except in accordance with this Part.
- (8) Any person who, in making an application for an import permit —
- (a) makes any statement or provides any document which the person knows to be false or does not believe to be true; or

(b) by the intentional suppression of any material fact, provides information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[31H

Application for storage permit

35.—(1) Every application by a licensee for a storage permit in respect of any premises for storing essential construction material that is subject to an isolation order must be made to the Authority in the prescribed manner.

(2) An applicant for a storage permit must, at the request of the Authority, provide any further information or evidence that the Authority may require to decide the application.

(3) Upon receiving an application for a storage permit in respect of any premises under subsection (1), the Authority must consider the application and may —

- (a) grant a storage permit, with or without conditions; or
- (b) refuse to grant any such storage permit.

(4) Before granting a licensee any storage permit in respect of any premises, the Authority may —

- (a) inspect the premises, or cause such premises to be inspected by an enforcement officer with a view to its suitability to be authorised for use to store essential construction material that is subject to an isolation order;
- (b) require the licensee to make, at the licensee's own expense, such alterations or improvements to the premises, or to provide, fix or install such facilities in the premises, as the Authority may specify; and
- (c) require the licensee to furnish a cash security deposit or a bank guarantee not exceeding the prescribed amount to secure the performance or due observance by the licensee of any condition of the storage permit.

(5) Every storage permit is, unless earlier cancelled, valid for such period as may be specified in the storage permit (being not longer than 3 months) except that such period may be extended by the Authority before the expiry of the storage permit in any particular case.

(6) Any person who, in making an application for any storage permit —

- (a) makes any statement or provides any document which the person knows to be false or does not believe to be true; or
- (b) by the intentional suppression of any material fact, provides information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[31I]

*Division 3 — Isolation and evaluation of
imported essential construction materials*

Isolation of imported essential construction material upon entry

36.—(1) The Authority may issue an isolation order in respect of any imported consignment of essential construction material upon its entry into Singapore.

(2) Except as provided in subsection (3), every consignment of essential construction material imported (whether or not under an import permit) is, upon its entry into Singapore, deemed subject to an isolation order until the Authority lifts the isolation order in accordance with section 38.

(3) Despite subsection (2), the Authority or an enforcement officer may, before the entry into Singapore of a consignment of essential construction material, by written notice to the licensee importing the consignment waive the application of subsection (2) in respect of that consignment.

(4) Upon the entry into Singapore of the consignment of essential construction material that is subject to an isolation order, the licensee importing that consignment must, before doing any of the following:

- (a) use or permit to be used the essential construction material or any part thereof in any building works, street works or railway works in Singapore;
- (b) supply or permit to be supplied to another person the essential construction material, knowing or having reasonable cause to believe that the essential construction material is to be used in any building works, street works or railway works in Singapore,

isolate the consignment of the essential construction material at premises in respect of which a storage permit is granted, and arrange for a sample to be taken as soon as practicable from that consignment by any person acting by or under the authority of the Authority and for the sample to be evaluated by an authorised analyst for the purposes of this Part.

(5) Where a licensee who has imported any essential construction material fails to comply with subsection (4), the licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) An enforcement officer or assisting officer or any other person acting by or under the authority of the Authority may at any time take, without payment, sufficient samples of any essential construction material from a consignment thereof imported by a licensee (whether in any premises or in any conveyance that is being used to transport the consignment) for the purpose of evaluation by an authorised analyst for the purposes of this Part, regardless of whether that consignment is subject to an isolation order.

(7) All samples of any material taken in accordance with subsection (4) or (6) must be taken and dealt with as prescribed.

(8) The costs of and incidental to the evaluation of any essential construction material required by this section must be borne by the Authority.

[31J

Evaluation of essential construction material

37.—(1) The evaluation of any essential construction material for the purposes of this Part must include such analysis, test or examination of the essential construction material as may be prescribed to determine the following matters:

- (a) the acid soluble sulphate content, the chloride content and the alkali-silica reactivity of the essential construction material;
- (b) whether the essential construction material is otherwise unsuitable, given its composition, for producing concrete for use in building works, street works or railway works in Singapore;
- (c) whether the essential construction material complies with such other requirements as may have been prescribed in relation thereto.

(2) An evaluation of any essential construction material for the purposes of this Part may be carried out only by an authorised analyst.

(3) An authorised analyst must, on completing an evaluation of any essential construction material for the purposes of this Part, issue to the Authority a certificate stating the authorised analyst's findings, and submit a copy of that certificate to the Authority within the prescribed time.

(4) Upon receiving any certificate of an authorised analyst under subsection (3) relating to any consignment of essential construction material imported by a licensee, the Authority must without delay consider the findings of the authorised analyst to determine whether the essential construction material is of acceptable quality for use in any building works, street works or railway works in Singapore.

(5) Any quantity of any essential construction material found in any premises or in or on any conveyance at the time when a sample

thereof is taken pursuant to the provisions of this Part is, until the contrary is proved, presumed to possess the same properties as the sample.

[31K

Failed construction materials

38.—(1) This section applies to any essential construction material the quality of which the Authority determines is not acceptable for use in any building works, street works or railway works in Singapore (called hereafter failed construction material).

(2) Where the Authority, after considering the findings of an authorised analyst in relation to any consignment of essential construction material imported by a licensee, is satisfied that the essential construction material is of acceptable quality for use in any building works, street works or railway works in Singapore, the Authority must by written notice to the licensee concerned immediately lift the isolation order (if any) to which the consignment of essential construction material is subject.

(3) Where the Authority, after considering the findings of an authorised analyst, is of the view that a consignment of essential construction material imported by a licensee is failed construction material, the Authority may by written notice —

- (a) refuse to lift any isolation order in respect of the consignment; and
- (b) require the licensee to comply with subsection (4) or (5), as the case may be.

(4) Where the failed construction material is a sample taken for evaluation under section 36(4), the licensee to whom a notice in subsection (3)(b) is given must —

- (a) at the licensee's own expense and within the prescribed time, remove from Singapore any remaining failed construction material in the licensee's possession, and any other essential construction material (whether or not from the same consignment) extracted or won from the same site as that from which the failed construction

material was extracted or won, or destroy or otherwise dispose of it in the prescribed manner; and

- (b) immediately cease to further import, supply or use in any building works, street works or railway works in Singapore the essential construction material extracted or won from the same site as that from which the failed construction material was extracted or won, except under such circumstances, in such manner and within such time as the Authority may approve.

(5) Where the failed construction material is a sample taken for evaluation under section 36(6), the licensee to whom a notice in subsection (3)(b) is given must, in addition to complying with the requirements of subsection (4)(a) and (b), at the licensee's own expense and within the prescribed time, notify in the prescribed manner —

- (a) every person to whom the licensee has supplied essential construction material between the day the consignment of failed construction material enters into Singapore and the seventh day after the Authority receives the authorised analyst's certificate relating to that consignment (both days inclusive); and
- (b) the Authority of the identity and business address of every such person in paragraph (a) so notified.

(6) Where a licensee to whom subsection (4) or (5) applies fails to remove the failed construction material and other essential construction material from Singapore or destroy or otherwise dispose of it in accordance with the manner prescribed —

- (a) an enforcement officer or assisting officer may take such steps as he or she thinks fit to secure the removal, destruction or disposal of the failed construction material and other essential construction material; and
- (b) the Authority may recover from that licensee (as a debt due to the Authority) any costs and expenses reasonably incurred by the enforcement officer or assisting officer in doing so.

(7) Subsection (4)(b) does not prejudice the enforcement by any person of any right or claim against a licensee on whom a direction under that subsection is served or by such a licensee of any right or claim against any person.

(8) The licensee concerned must bear the costs of and incidental to any evaluation of any essential construction material required in connection with the licensee seeking the approval of the Authority under subsection (4)(b).

[31L

Authorised analysts and evidence

39.—(1) The Authority shall, by regulations, establish a scheme under which persons (who are not employees of the Authority) or bodies of persons may be designated as authorised analysts to carry out any evaluation of any essential construction material for the purposes of this Part, making provision for or with respect to the following:

- (a) the qualifications, skills, knowledge and experience required for such designation under this Part;
- (b) a code of conduct for authorised analysts; and
- (c) the grounds and circumstances for and under which such designation may be refused, suspended or revoked.

(2) The Authority may, in accordance with the scheme established under subsection (1), designate any person (who is not an employee of the Authority) or body of persons in Singapore as authorised to carry out any evaluation of any essential construction material for the purposes of this Part.

(3) A person must not exercise the functions of an authorised analyst under this Part or hold himself or herself out as one unless the person is designated by the Authority in accordance with the scheme established under subsection (1).

(4) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) Subject to subsection (6), in any proceedings for an offence under this Part, a certificate of an authorised analyst stating, in respect of any sample from a consignment of essential construction material, all or any of the following matters:

- (a) that the authorised analyst signing the certificate is designated by the Authority in accordance with the scheme established under subsection (1);
- (b) when and from whom the sample was received;
- (c) when the sample was analysed, tested or examined;
- (d) a description of the method of analysis, test or examination;
- (e) the results of the authorised analyst's analysis, test or examination,

is admissible as prima facie evidence of the matters stated in the certificate and of the correctness of the results of the analysis, test or examination.

(6) A certificate mentioned in subsection (5) shall not be received in evidence under that subsection unless the person charged has been given —

- (a) a copy of the certificate; and
- (b) notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

at least 10 clear days before the proceedings start.

(7) Where an authorised analyst's certificate is admitted in evidence under subsection (5), the person charged may require the authorised analyst to be called as a witness for the prosecution and the authorised analyst may be cross-examined as if the authorised analyst had given evidence of the matters stated in the certificate.

[31M

*Division 4 — Enforcement and monitoring powers***Revocation of licences, etc.**

40.—(1) Subject to subsection (3), the Authority may, by order, revoke any licence if it is satisfied that —

- (a) the licensee has failed to comply with any condition imposed by the Authority under section 33;
- (b) the licence had been obtained by fraud or misrepresentation;
- (c) the licensee has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (d) the licensee has been convicted of an offence under this Part;
- (e) the licensee has, without reasonable excuse, failed to comply with section 38(4) or (5), as the case may be;
- (f) the public interest or national security of Singapore so requires; or
- (g) the licensee has refused or failed to comply with an order of the Authority made under subsection (2)(b) or (d).

(2) The Authority may, in any case in which it considers that no cause of sufficient gravity for revoking any licence exists, by order do all or any of the following:

- (a) suspend the licence for a period not exceeding 6 months;
- (b) impose on the licensee concerned a financial penalty not exceeding \$500,000;
- (c) censure the licensee concerned;
- (d) impose any other direction or restriction that the Authority considers appropriate on the licensee's business as an importer of essential construction materials.

(3) The Authority must not exercise its powers under subsection (1) or (2) unless an opportunity of being heard by a representative in writing or by counsel had been given to the licensee against which the

Authority intends to exercise its powers, being a period of at least 7 and not more than 14 days.

(4) Where the Authority has made an order under subsection (1) or (2) in respect of any licensee, the Authority must serve on the licensee concerned a notice of its order made under this section.

(5) Subject to subsection (6), any order made by the Authority under subsection (1) or (2) takes effect on the expiry of 7 days after the Authority has served the order on the licensee concerned.

(6) Where the licensee concerned has appealed under section 42 to the Minister against an order made by the Authority under subsection (2)(b), the order does not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or withdrawn.

(7) Where an order of revocation takes effect —

- (a) the Authority must cause notice of the revocation to be published in the *Gazette*;
- (b) the importer concerned must, as from the date of the notice, cease to import any essential construction material except as may be approved by the Authority; and
- (c) the importer concerned is debarred from applying for or holding a licence for a period of 12 months after that revocation.

(8) Subsection (7)(b) does not prejudice the enforcement by any person of any right or claim against the corporation or limited liability partnership formerly licensed, or by the corporation or limited liability partnership formerly licensed, of any right or claim against any person.

(9) In any proceedings under this section in relation to the conviction of a licensee for a criminal offence, the Authority is to accept the licensee's conviction as final and conclusive.

Cancellation of import permits and storage permits

41.—(1) The Authority may, after calling upon the licensee concerned to show cause within such reasonable time as the Authority may allow as to why the import permit granted in respect of any consignment of essential construction material to be imported should not be cancelled, by order cancel the import permit if the Authority has reasonable grounds to believe that —

- (a) the import permit had been obtained by fraud or misrepresentation;
- (b) the essential construction material is extracted or won from the same site from which any failed construction material is extracted or won;
- (c) the licensee's licence is suspended or the licensee is the subject of any proceedings under section 40;
- (d) the essential construction material no longer complies with a prescribed requirement mentioned in section 37(1)(c); or
- (e) it is in the public interest to do so.

(2) Without affecting subsection (1), every import permit granted to any person is deemed cancelled upon the revocation of any licence granted to the same person.

(3) The Authority may, after calling upon the licensee concerned to show cause within such reasonable time as the Authority may allow as to why the storage permit granted in respect of any premises should not be cancelled, by order cancel the storage permit if the Authority has reasonable grounds to believe that —

- (a) the storage permit had been obtained by fraud or misrepresentation;
- (b) any condition of the storage permit has been breached; or
- (c) any essential construction material subject to an isolation order is not stored at those premises in accordance with this Part or any regulations made under this Act.

[31O

Appeal to Minister

42.—(1) Any person whose application for a licence, an import permit or a storage permit, or for the renewal of a licence, has been refused by the Authority may, within 14 days after being notified of such refusal, appeal in the prescribed manner to the Minister, whose decision is final.

(2) Where a licence, an import permit or a storage permit granted by the Authority is subject to conditions, the licensee or holder of the permit concerned may, within 14 days after being notified of such conditions, appeal in the prescribed manner to the Minister, whose decision is final.

(3) If the Authority has made any order —

(a) under section 40 in respect of a licence or licensee; or

(b) cancelling any import permit or storage permit under section 41(1) or (3),

the person against whom such an order is made may, within 14 days after being served with the notice of the order, appeal to the Minister against the order, and the decision of the Minister is final.

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

[31P

Monitoring and enforcement powers

43.—(1) For the purpose of the administration and enforcement of this Part, any enforcement officer, officer of customs or immigration officer or, subject to subsection (12), any assisting officer may —

(a) at any time and without warrant enter, inspect and search any premises that are being used, or that the officer concerned has reason to suspect are being used, for or in connection with any purpose that is in contravention of this Part;

- (b) at any time and without warrant stop, board, inspect and search any conveyance that is being used, or that the officer concerned has reason to suspect is being used, for or in connection with any purpose that is in contravention of this Part;
- (c) in accordance with such procedure as may be prescribed and without payment, take for evaluation a sample of any essential construction material that is found pursuant to an inspection or a search under paragraph (a) or (b);
- (d) seize any other substance or article which the officer concerned has reasonable cause to believe to be a substance or an article in relation to which, or by means of which, an offence under this Part is being or has been committed;
- (e) require any person —
 - (i) to provide any information within the person's knowledge; and
 - (ii) to produce for inspection any shipping bill, bill of lading or other document or record within the person's possession,that the officer concerned believes on reasonable grounds to be connected with any suspected contravention of this Part or to be otherwise relevant to the administration or enforcement of this Part;
- (f) retain the original copy of any shipping bill, bill of lading or other document or record that the officer concerned believes on reasonable grounds to be connected with any suspected contravention of this Part or to be otherwise relevant to the administration or enforcement of this Part, or make or cause to be made, without payment, copies of or extracts from such document or record; and
- (g) by written notice require any person having in the person's possession any essential construction material that is imported or intended for use or supply to submit, at the Authority's own expense, a sample of such essential

construction material to an authorised analyst for evaluation for the purposes of this Part.

(2) In exercising his or her power under subsection (1)(a) or (b), an enforcement officer, officer of customs, immigration officer or any assisting officer may —

- (a) require the owner or occupier of any premises or conveyance being inspected to provide all reasonable assistance to the officer concerned for the purpose of the inspection; and
- (b) if the circumstances so warrant, with such assistance as he or she thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container or any other thing,

and any person who fails to comply with any requirement of an enforcement officer, officer of customs, immigration officer or assisting officer under paragraph (a) 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.

(3) The Authority may, by written notice, require any licensee who imports or supplies any essential construction material to cease (whether immediately or within such time as the Authority may specify) the import or supply of such material if —

- (a) a sample of the essential construction material has been taken or obtained under subsection (1)(c) for evaluation or has been required to be submitted under subsection (1)(g) for evaluation; and
- (b) pending the result of that evaluation, the Authority is of the opinion that it is necessary to prevent any more of such essential construction material from further being imported or supplied.

(4) Where any item has been seized under subsection (1)(d) —

- (a) the enforcement officer, officer of customs, immigration officer or assisting officer who seized the item must immediately give written notice of the seizure to the person

from whom the item was seized, if the name and address of that person are known;

- (b) any person claiming the item seized may within 48 hours after the seizure complain of the seizure to a Magistrate, and the Magistrate may hear and determine the complaint and may —
 - (i) confirm the seizure wholly or in part;
 - (ii) disallow the seizure wholly or in part;
 - (iii) order that the item seized be restored to its owner, subject to any condition the Magistrate may think fit to impose to ensure that the item is preserved for any purpose for which it may subsequently be required; or
 - (iv) order payment to be made to the owner of the item seized of such amount as the Magistrate considers will compensate the owner for any loss or depreciation resulting from the seizure;
- (c) in the absence of any claim under paragraph (b) or pending the determination of any such claim, the item may be kept or stored in the premises or conveyance where it was seized or may, at the direction of the enforcement officer, officer of customs, immigration officer or assisting officer, be removed to any other place to be kept or stored thereat; and
- (d) the enforcement officer, officer of customs, immigration officer or assisting officer (as the case may be) may mark, seal or label the item in such manner as he or she thinks fit for the purpose of indicating that the item is under detention, and lock or seal the premises or conveyance in which the item is being detained.

(5) Any person who, without the authority of an enforcement officer, officer of customs, immigration officer or assisting officer —

- (a) interferes, tampers with, removes, distributes, sells or otherwise disposes of any item seized under subsection (1)(d);
- (b) alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the enforcement officer, officer of customs, immigration officer or assisting officer on the item under subsection (4)(d); or
- (c) opens, breaks or otherwise tampers with the lock or seal placed by the enforcement officer, officer of customs, immigration officer or assisting officer on any premises or conveyance or part thereof under subsection (4)(d),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) For the purposes of subsection (1)(e), where any document or record required by an enforcement officer, officer of customs, immigration officer or assisting officer is kept in electronic form, then —

- (a) the power of the officer concerned to require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form (and subsection (1)(f) applies accordingly in relation to any copy so made available); and
- (b) the power of the officer concerned to inspect such document or record includes the power to require any person on the premises in question to give the officer concerned such assistance as the officer may reasonably require to enable him or her to inspect and make copies of the document or record in legible form or to make records of the information contained therein.

(7) Any copy of or extract from any document or record made under subsection (1)(f) and certified as such by the enforcement officer, officer of customs, immigration officer or assisting officer is admissible as evidence in any proceedings under this Part.

(8) Any person who, when required by an enforcement officer, officer of customs, immigration officer or assisting officer under subsection (1)(e) to provide any information or produce for inspection any document or record, refuses or fails, without reasonable excuse, to provide the information or to produce the document or record within the time allowed by the officer concerned 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.

(9) Any person who, when required by an enforcement officer, officer of customs, immigration officer or assisting officer under subsection (1)(e) to provide any information or produce any document or record, in compliance or purported compliance with such requirement, provides the officer concerned any information, document or record which the person knows is false or misleading shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(10) Any person who fails, without reasonable excuse, to comply with any written notice given to the person —

(a) by an enforcement officer, officer of customs, immigration officer or assisting officer under subsection (1)(g); or

(b) by the Authority under subsection (3),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(11) All samples of any material taken in accordance with subsection (1)(c) or (g) are to be dealt with as prescribed.

(12) Despite anything in this section, an assisting officer who is not a police officer, an officer of customs or an immigration officer is not authorised by this section to assist in searching or arresting any person.

[31Q

Forfeiture

44.—(1) The court before which any person is tried for an offence under this Part may make an order for the forfeiture of any item which has been seized under the provisions of this Part if the court is satisfied that —

- (a) an offence under this Part has been committed; and
- (b) the item seized was the subject matter, or was used in the commission, of the offence.

(2) Where no party raises the question of forfeiture under subsection (1), the court may consider the question on its own motion.

(3) The court may make an order under subsection (1) for the forfeiture of any item which has been seized under the provisions of this Part even though no person has been convicted of an offence.

(4) If the court, having regard to the circumstances of the case, does not think it fit to order the forfeiture of any item which has been seized under the provisions of this Part, the court must order that the item be released to the owner of the item or the person entitled to the item.

(5) If no prosecution is instituted with regard to any item which has been seized under the provisions of this Part, and no claim is made for the item under section 43(4)(b), the item to which the notice relates is deemed to be forfeited.

(6) Where the owner of any item seized under the provisions of this Part consents to its disposal, the item is upon such consent deemed to be forfeited.

(7) Any item forfeited or deemed to be forfeited under this section must be delivered to the Authority or an officer of the Authority and be disposed of in such manner as the Authority thinks fit.

(8) The costs of the disposal of any item under subsection (7) are to be borne by the owner of that item.

*Division 5 — Miscellaneous***Register of licensees**

45.—(1) The Authority must keep a register of licensees containing —

- (a) the names of all persons licensed under this Part;
- (b) the date the licence is granted to the person and the date of its expiry; and
- (c) such other particulars in relation thereto as may from time to time be prescribed.

(2) A person may, on payment of the prescribed fee, if any —

- (a) inspect the register of licensees during the ordinary business hours of the Authority; or
- (b) obtain from the Authority a certificate as to whether a named person was a licensee on a specified date or during a specified period.

(3) A certificate purporting to be signed by the Authority certifying that a person was or was not licensed under this Part on a specified date or during a specified period is admissible in any proceedings as evidence of the matters stated in the certificate.

[31S

Exemption

46.—(1) The Minister may, by order in the *Gazette*, exempt any person or class of persons, any premises or class of premises, or any essential construction material from all or any of the requirements of any provision in this Part.

(2) Without affecting subsection (1), nothing in this Part prohibits or prevents any person not licensed under this Part from importing —

- (a) worked monumental granite, granite sculptures or statues;
- or

- (b) millstones, grindstones, grinding wheels made of granite and the like, for grinding, sharpening, polishing, trueing or cutting, hand sharpening or polishing stones or metal.

[31T

Power to make regulations under this Part

47.—(1) The Authority may, with the approval of the Minister, make regulations for carrying out the provisions of this Part and for the due administration thereof and, in particular, for or with respect to all or any of the following matters:

- (a) the form and procedure for applications for licences, import permits and storage permits;
- (b) the keeping of records and provision of returns by licensees in relation to the import, storage and supply of essential construction materials by licensees;
- (c) the duties of any person to whom any licence, import permit or storage permit is granted under this Part, and the duties of such a person upon the suspension, revocation or cancellation of such licence or permit;
- (d) the requirements in accordance with which the import, storage or supply of essential construction materials by licensees are to be carried out;
- (e) the procedures to be followed by any enforcement officer or authorised analyst in the sampling or evaluation of essential construction materials under this Part, including the periods within which any such evaluations are to be completed;
- (f) the conduct by an enforcement officer or assisting officer of routine inspections of premises that are being used for the supply or storage of essential construction materials;
- (g) the fees to be paid in respect of any matter or anything done, or any services rendered, by the Authority under or by virtue of this Part, and the waiver or refund, in whole or in part, by such officers of the Authority of any such fees in the circumstances of any particular case;

- (h) the scheme mentioned in section 39 for the designation of authorised analysts;
- (i) the prescribing of offences in respect of the contravention of any regulations made under this section, and prescribing of fines, not exceeding \$20,000 and imprisonment which may not exceed 2 years or both, that may, on conviction, be imposed in respect of any such offence;
- (j) the prescribing of anything that may be prescribed.

(2) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[31U

PART 8

MISCELLANEOUS

Authority's symbol

48.—(1) The Authority has 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 to that of the Authority, or which so resembles the Authority'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 \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

[33

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

49.—(1) Any person who obtains payment of any grant or loan or any other form of financial assistance from the Authority 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 \$25,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where a person is convicted of an offence under this section, the court may, in addition to imposing a penalty under this section, order the person to repay the amount of any money wrongfully obtained.

(3) Where an order has been made under subsection (2), 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.

[34]

Obstructing officers in execution of their duties, etc.

50.—(1) Any person who obstructs, hinders or impedes any enforcement officer or assisting officer within the meaning of Part 7 or any other person acting under the direction of the Authority in the performance or execution of his or her duty or anything which he or she is authorised, empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Any person who alters, suppresses, conceals or destroys any document which the person is or is liable to be required, by or under this Act, to produce to an enforcement officer or assisting officer within the meaning of Part 7 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Every police officer, officer of customs or immigration officer, and every enforcement officer and assisting officer within the meaning of Part 7 when exercising any powers under that Part or other provisions of this Act must —

- (a) if not in uniform, declare his or her office; and
- (b) on demand, produce to any person affected by the exercise of those powers such identification card as the Commissioner of Police, the Director-General of Customs, the Controller of Immigration or the Chief Executive, respectively, may direct to be carried by the

police officer, officer of customs, immigration officer, enforcement officer and assisting officer.

(4) It is not an offence for any person to refuse to comply with any request, demand or order made or given by —

- (a) any police officer, officer of customs or immigration officer not in uniform who fails to declare his or her office and refuses to produce his or her identification card on demand by that person; or
- (b) any enforcement officer and assisting officer within the meaning of Part 7 who fails to declare his or her office and refuses to produce his or her identification card on demand by that person.

[34A

Offences by bodies corporate, etc.

51.—(1) Where an offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of —

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of any partner of the partnership; or

- (b) to be attributable to any neglect on the part of any partner of the partnership,

he or she, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly; and a fine imposed on a partnership in such proceedings are to be paid out of the partnership assets.

(4) Where an offence committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of any officer of the unincorporated association or any member of its governing body, as the case may be; or

- (b) to be attributable to any neglect on the part of any such officer or member,

he or she, as well as the unincorporated association, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership (which has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005);

“offence” means an offence under this Act or any regulations made under this Act;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

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

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

[34B

Composition of offences

52.—(1) The Chief Executive or any officer of the Authority duly authorised by the Chief Executive to do so may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

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

(3) All sums collected under this section must be paid to the Authority.

[34C

Jurisdiction of court

53. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under

this Act and has power to impose the full penalty or punishment in respect of the offence.

[34D

Service of documents, etc.

54.—(1) Subject to subsection (3), any document required or authorised to be served under this Act may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of residence;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of business;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the individual's residence or business;
- (v) by sending it by fax to the fax number used at the usual or last known address of the individual's place of residence or business, or the last fax number given to the Authority or an authorised officer by the individual as the fax number for the service of documents on the individual; or
- (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Authority or an authorised officer by the individual as the email address for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership —

- (i) by delivering it to any partner or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the partnership's principal or last known place of business in Singapore;
 - (iii) by sending it by fax to the fax number used at the partnership's principal or last known place of business in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Authority or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager of the limited liability partnership;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iii) by sending it by fax to the fax number used at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Authority or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) Where any notice or other document required or authorised to be served under this Act is sent —

- (a) by fax to the fax number used at the last known place of residence or business or registered office or principal office in accordance with subsection (1) — it is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending fax machine of a notification (by electronic or other means) of successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- (b) by electronic communication to an email address in accordance with subsection (1) — it is deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and
- (c) by prepaid registered post — it is deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3) Service of any document under this Act on a person by electronic communication may be effected only if the person gives an email address as part of the person's address for service.

(4) This section does not apply to notices and documents to be served in proceedings in court.

[34E

Regulations

55. The Authority may, with the approval of the Minister, make regulations for all or any of the following purposes:

- (a) regulating the proceedings of the Authority or of the committees of the Authority, to the extent not inconsistent with the Public Sector (Governance) Act 2018;

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

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[5/2018]

Saving and transitional provisions

56.—(1) Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed Construction Industry Development Board Act (Cap. 51, 1985 Revised Edition), so far as it is not inconsistent with the provisions of this Act, continues and is deemed to have been prepared, made, granted or approved under this Act.

(2) Any subsidiary legislation made under the repealed Construction Industry Development Board Act (Cap. 51, 1985 Revised Edition) and in force immediately before 1 April 1999, so far as it is not inconsistent with the provisions of this Act, continues in force as if made under this Act until it is revoked by subsidiary legislation made under this Act.

(3) Where in any written law reference is made to —

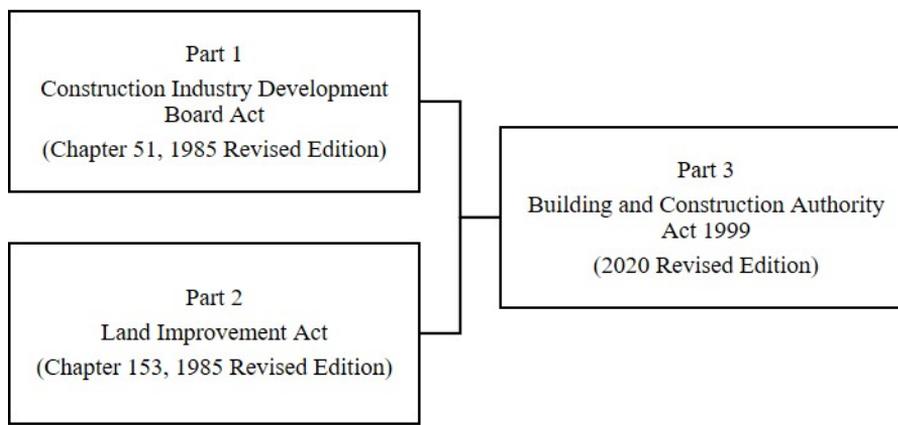
- (a) the Construction Industry Development Board, such reference is a reference to the Building and Construction Authority; and
- (b) the Building Authority, such reference is a reference to the Commissioner of Building Control.

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LEGISLATIVE HISTORY
BUILDING AND CONSTRUCTION
AUTHORITY ACT 1999

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT
(CHAPTER 51, 1985 REVISED EDITION)

1. Act 3 of 1984 — Construction Industry Development Board Act 1984

Bill	:	17/1983
First Reading	:	20 December 1983
Second and Third Readings	:	17 January 1984
Commencement	:	2 March 1984

2. 1985 Revised Edition — The Construction Industry Development Board Act (Chapter 51)

Operation	:	30 March 1987
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PART 2
LAND IMPROVEMENT ACT
(CHAPTER 153, 1985 REVISED EDITION)

3. Ordinance II of 1901 — The Land Improvement Ordinance 1901

Bill	:	G.N. No. 1443/1900
First Reading	:	8 January 1901
Second Reading	:	15 January 1901
Notice of Amendments	:	5 February 1901
Third Reading	:	5 February 1901
Commencement	:	5 February 1901

**4. Ordinance VI of 1908 — The Land Improvement Ordinance 1901
Amendment Ordinance 1908**

Bill	:	G.N. No. 436/1908
First Reading	:	1 May 1908
Second Reading	:	22 May 1908
Third Reading	:	7 August 1908
Commencement	:	19 August 1908

**5. Ordinance I of 1901 — The Land Improvement Ordinance 1901
Amendment Ordinance 1910**

Bill	:	G.N. No. 823/1909
First Reading	:	6 August 1909
Second Reading	:	13 August 1909
Notice of Amendments	:	11 March 1910
Third Reading	:	18 March 1910
Commencement	:	31 March 1910

6. 1920 Revised Edition — Ordinance No. 70 (Land Improvement)

Operation	:	28 November 1921
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7. 1926 Revised Edition — Ordinance No. 70 (Land Improvement)

Operation	:	1 August 1926
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8. 1936 Revised Edition — Land Improvement Ordinance (Chapter 123)

Operation	:	1 September 1936
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9. Ordinance 8 of 1955 — Revised Edition of the Laws (Miscellaneous Amendments) Ordinance, 1955

(Amendments made by section 2 read with item 11 of the Schedule to the above Ordinance)

Bill	:	45/1954
First Reading	:	14 December 1954
Second and Third Readings	:	28 January 1955
Commencement	:	4 February 1955 (section 2 read with item 11 of the Schedule)

10. G.N. No. S 265/1955 — Singapore Colony Order in Council, 1955 (Consequential Provisions) (Miscellaneous) Order, 1955

Commencement	:	17 September 1955
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11. 1955 Revised Edition — Land Improvement Ordinance (Chapter 249)

Operation	:	1 July 1956
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12. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959

Commencement	:	3 June 1959
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13. G.N. Sp. No. S 47/1963 — State Laws (Modification) (No. 3) Order, 1963

Commencement	:	16 September 1963
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14. 1970 Revised Edition — Land Improvement Act (Chapter 273)

Operation	:	31 August 1971
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15. 1985 Revised Edition — Land Improvement Act (Chapter 153)

Operation	:	30 March 1987
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PART 3

BUILDING AND CONSTRUCTION AUTHORITY ACT 1993
(2020 REVISED EDITION)

16. Act 4 of 1999 — Building and Construction Authority Act 1999

Bill	:	51/1998
First Reading	:	23 November 1998
Second and Third Readings	:	20 January 1999
Commencement	:	1 April 1999

**17. 2000 Revised Edition — Building and Construction Authority Act
(Chapter 30A)**

Operation : 30 December 2000

18. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002
(Amendments made by section 3 read with item (2) of the Schedule to the above Act)

Bill : 7/2002
 First Reading : 3 May 2002
 Second and Third Readings : 24 May 2002
 Commencement : 15 July 2002 (section 3 read with item (2) of the Schedule)

19. Act 45 of 2004 — Trustees (Amendment) Act 2004
(Amendments made by section 25(4) read with item (6) of the Schedule to the above Act)

Bill : 43/2004
 First Reading : 21 September 2004
 Second and Third Readings : 19 October 2004
 Commencement : 15 December 2004 (section 25(4) read with item (6) of the Schedule)

20. Act 47 of 2007 — Building Control (Amendment) Act 2007
(Amendments made by section 19 read with item (1) of the Second Schedule to the above Act)

Bill : 34/2007
 First Reading : 27 August 2007
 Second and Third Readings : 20 September 2007
 Commencement : 15 February 2008 (section 19 read with item (1) of the Second Schedule)

21. Act 25 of 2009 — Quorums of Statutory Boards (Miscellaneous Amendments) Act 2009

(Amendments made by section 2 read with item 2 of the Schedule to the above Act)

Bill : 19/2009
 First Reading : 14 September 2009
 Second and Third Readings : 19 October 2009

Commencement : 15 January 2010 (section 2 read with item 2 of the Schedule)

22. Act 12 of 2009 — Building and Construction Authority (Amendment) Act 2009

Bill : 2/2009
First Reading : 19 January 2009
Second and Third Readings : 23 March 2009
Commencement : 28 February 2011

23. 2012 Revised Edition — Building and Construction Authority Act (Chapter 30A)

Operation : 30 November 2012

24. Act 5 of 2018 — Public Sector (Governance) Act 2018
(Amendments made by section 51 of the above Act)

Bill : 45/2017
First Reading : 6 November 2017
Second Reading : 8 January 2018
Notice of Amendments : 8 January 2018
Third Reading : 8 January 2018
Commencement : 1 April 2018 (section 51)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
BUILDING AND CONSTRUCTION
AUTHORITY ACT 1999

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2012 Ed.
—	8 [<i>Repealed by Act 5 of 2018</i>]
8	9
(2)	(1A)
(3)	(2)
9	10
10	11
11	12
12	13
13	14
—	15 [<i>Repealed by Act 5 of 2018</i>]
14	16
15	17
16	18
17	19
18	19A
19	20
—	21 [<i>Repealed by Act 5 of 2018</i>]
—	22 [<i>Repealed by Act 5 of 2018</i>]
—	23 [<i>Repealed by Act 5 of 2018</i>]
—	24 [<i>Repealed by Act 5 of 2018</i>]
20	25
21	26
22	27

2020 Ed.	2012 Ed.
23	28
24	29
25	30
26	31
27	31A
28	31B
29	31C
30	31D
31	31E
32	31F
33	31G
34	31H
35	31I
36	31J
37	31K
38	31L
39	31M
40	31N
41	31O
42	31P
43	31Q
44	31R
45	31S
46	31T
47	31U
<i>[Omitted as spent]</i>	31V
—	32 <i>[Repealed by Act 5 of 2018]</i>
48	33

2020 Ed.	2012 Ed.
49	34
—	(2) [<i>Deleted by Act 12 of 2009</i>]
(2)	(3)
(3)	(4)
50	34A
51	34B
52	34C
53	34D
54	34E
55	35
56	36