THE STATUTES OF THE REPUBLIC OF SINGAPORE

BUILDING CONTROL ACT 1989

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Building Control Act 1989

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

[1 May 1989: Except section 10(3) ;
4 December 1992: Section 10(3)]

PART 1

PRELIMINARY

Short title

1. This Act is the Building Control Act 1989.

Interpretation

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

"accredited checker" means a person who is registered as an accredited checker under section 16, whether acting on his or her own behalf or on behalf of an accredited checking organisation;

"accredited checking organisation" means an accredited checking organisation registered as such under section 16;

"amendment plans" means the plans showing any deviation from, or any amendment or addition to, any plan of building works approved by the Commissioner of Building Control under section 5(3);

"analyst" means an analyst approved by the Commissioner of Building Control;

"builder" means any person who undertakes, whether exclusively or in conjunction with any other business, to carry out any building works for the person's own account or for or on behalf of another person (referred to in this definition as A), but does not include any person who contracts with a builder for the execution by that person of the whole or any part of any building works undertaken by the builder for or on behalf of A under a contract entered into by the builder with A;

"builder's licence" means a general builder's licence or a specialist builder's licence granted under Part 5A;

"building" means any permanent or temporary building or structure and includes —

(*a*) a hut, shed or roofed enclosure;

(*b*) an earth retaining or stabilising structure, whether permanent or temporary;

(*c*) a dock, wharf or jetty;

(*ca*) a floating structure, not being a boat or vessel, constructed or to be constructed on a flotation system that —

(i) is or is to be supported by water;

(ii) is not intended for or useable in navigation; and

(iii) is or is to be permanently moored;

(*d*) a culvert, crossing, bridge, underpass or tunnel;

(*e*) a sewage treatment plant, sewer, drain, swimming pool or any non-proprietary type of concrete tank for the storage of any solid, liquid or gaseous product;

(*f*) a shelter provided under the Civil Defence Shelter Act 1997; and

(*g*) such other erection or structure (whether permanent or temporary) as the Minister may, by order in the *Gazette*, declare to be a building;

"Building and Construction Authority" means the Building and Construction Authority established under section 3 of the Building and Construction Authority Act 1999;

"building regulations" means any regulations made under section 49;

"building works" means —

(*a*) the erection, extension or demolition of a building;

(*b*) the alteration, addition or repair of a building;

(*c*) the provision, extension or alteration of any air conditioning service or ventilating system in or in connection with a building,

and includes site formation works connected with or carried out for the purpose of paragraph (*a*), (*b*) or (*c*);

"certificate of statutory completion" means a certificate of statutory completion issued under section 12;

"Commissioner of Building Control", in relation to this Act or any Part or provision of this Act, means any Commissioner of Building Control appointed under section 3(1) to be responsible for the operation of this Act or that Part or provision, as the case may be;

"common property" has the meaning given by the Building Maintenance and Strata Management Act 2004;

"competent authority" means the competent authority appointed under section 5 of the Planning Act 1998 in respect of the development of land;

"developer", in relation to any building works, means the person for whom or on whose behalf the building works are carried out;

"earth retaining structure" means any structure, structural system or other means used to maintain the shape of excavation during construction, earth filling or cutting;

"exterior feature", in relation to any building, means any of the following features that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of the building:

(*a*) any air conditioning unit, including any window air conditioning unit and any condensing equipment of an air conditioning unit;

(*b*) any window, with or without movable parts;

(*c*) any grille or shutter, with or without movable parts;

(*d*) any tile, cladding, curtain wall, siding, plaster, bracket or cornice;

(*e*) any gutter, rainwater down-pipe, or part of the roof;

(*f*) any awning or sun-shading device;

(*g*) such other feature that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of any building as the Minister may, by notification in the *Gazette*, declare to be an exterior feature for the purposes of this Act;

"flat" has the meaning given by the Land Titles (Strata) Act 1967;

"general building works" means any building works other than specialist building works;

"geotechnical aspects", in relation to any geotechnical building works, means —

(*a*) an analysis of the geological structure and earth materials of the site of the geotechnical building works and its influence on the geotechnical building works;

(*b*) an analysis of the ground water regime and its influence on the wall stability and integrity of the geotechnical building works over time; and

(*c*) such other applications of earth sciences to and engineering aspects of the geotechnical building works as may be prescribed;

"geotechnical building works" means any of the following building works:

(*a*) any excavation or other building works to make —

(i) a tunnel with a diameter, width or height of more than 2 metres; or

(ii) a caisson, cofferdam, trench, ditch, shaft or well with a depth of more than 6 metres;

(*b*) any building works for constructing, altering or repairing any earth retaining structure in or for a trench, ditch, shaft or well with a depth or height of more than 6 metres;

(*c*) any earthworks or other building works for constructing or stabilising a slope with a height of more than 6 metres (measured as the vertical distance between the highest level and lowest level of the slope);

(*d*) any type of foundation works that the Minister may prescribe in the building regulations for buildings of 30 storeys or more;

"geotechnical engineer" means a professional engineer who is registered under the Professional Engineers Act 1991 as a specialist professional engineer in the specialised branch of geotechnical engineering;

"Housing and Development Board" means the Housing and Development Board established under section 3 of the Housing and Development Act 1959;

"immediate supervision", in relation to any building works or part thereof, means personally and directly exercising oversight, control and inspection of the carrying out of the building works or part thereof;

"insignificant building works" means any building works that are prescribed under section 4(*d*);

"key structural elements" means the foundations, columns, beams, shear cores, structural walls, struts, ground anchors and any other parts of a building which are essential for its support and overall structural stability;

"large building works" means any building works that are prescribed for the purposes of section 7(1)(*b*);

"limited common property" has the meaning given by the Building Maintenance and Strata Management Act 2004;

"limited liability partnership" has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

"major building works" means building works other than minor building works;

"minor building works" means building works (not being geotechnical building works) that are prescribed in the building regulations as building works the plans of which do not require a certification from an accredited checker for the purposes of section 5 or 5A;

"occupier", in relation to any building, means the person in occupation of the building or having the charge, management or control thereof, either on the person's own account or as agent of another, but does not include any lodger within the building;

"owner" —

(*a*) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), means —

(i) in relation to a lot — any person who is the registered subsidiary proprietor of the lot under that Act;

(ii) in relation to the common property — the management corporation having control of the common property, or the person receiving any rent or charge for the maintenance and management of that common property; and

(iii) in relation to any limited common property — the subsidiary management corporation established under the Building Maintenance and Strata Management Act (Cap. 30C) having control of the limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;

(*b*) in relation to any building in a housing estate of the Housing and Development Board, means —

(i) in relation to a flat — any owner of the flat as defined under the Housing and Development Act 1959; and

(ii) in relation to the common property of residential and commercial property in any housing estate of the Housing and Development Board — that Board;

(*c*) in relation to any subdivided building other than a subdivided building referred to in paragraph (*a*) or (*b*), means —

(i) in relation to a lot — any person who is the registered proprietor in the land-register under the Land Titles Act 1993 of the fee simple, estate in perpetuity or leasehold estate of that lot; and

(ii) in relation to the common property — every person who is a registered proprietor in the land-register under the Land Titles Act 1993 of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance and management of the common property;

(*d*) in relation to any premises which are not subdivided — means any person who is the registered proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises in the land-register under the Land Titles Act 1993; and

(*e*) where paragraphs (*a*) to (*d*) do not apply — means the person for the time being receiving the rent of the premises or building, whether on the person's own account or as agent or trustee or as receiver, or who would receive the same if the premises or building

were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960 as the owner of the premises or building, or a mortgagee in possession;

"person responsible", in relation to an exterior feature of a building, means —

(*a*) the owner of the building which the exterior feature is installed on, forms part of or projects outwards from, unless otherwise provided by paragraph (*b*), (*c*) or (*d*);

(*b*) subject to paragraph (*c*), where the exterior feature is part of —

(i) the common property of any housing estate of the Housing and Development Board — either that Board or the Town Council established under the Town Councils Act 1988 for that housing estate, as the Minister shall designate for that exterior feature; or

(ii) the common property or limited common property of any other land (whether or not comprised in a strata title plan) — the owner thereof, unless otherwise provided by paragraph (*d*);

(*c*) where the exterior feature is a window, grille or shutter that is part of a flat —

(i) in the case of a flat in any housing estate of the Housing and Development Board — the owner of the flat as defined in the Housing and Development Act 1959; or

(ii) in the case of any other flat — the owner of that flat; or

(*d*) any other person that may be prescribed under section 22C as the person responsible for the exterior feature;

"plans", in relation to any building works —

(*a*) includes drawings, details, diagrams, digital representations generated from building information modelling, structural details and calculations showing or relating to the building works; and

(*b*) if prepared in electronic form, includes the medium in which the plans of building works have been stored;

"premises" includes buildings, lands, easements and hereditaments of any tenure;

"qualified person" means a person who is registered as —

(*a*) an architect under the Architects Act 1991 and has in force a practising certificate issued under that Act; or

(*b*) a professional engineer under the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act;

"repealed Act" means the Building Control Act (Cap. 29, 1985 Revised Edition) in force immediately before 1 May 1989;

"retrofit", in relation to an exterior feature, means to modify or re-install the exterior feature as if installing the exterior feature for the first time;

"short-lived materials" means any building materials which are, in the absence of special care, liable to rapid deterioration or are otherwise unsuitable for use in the construction of permanent buildings;

"site supervisor" means a person appointed (whether alone or as a member of a team of site supervisors) under section 10 to be a site supervisor in respect of any small-scale or large building works;

"small-scale building works" means any building works that are prescribed for the purposes of section 7(1)(*c*);

"specialist accredited checker" means an accredited checker who is registered under section 16 to undertake the work of an accredited checker as regards the geotechnical aspects of any geotechnical building works;

"specialist builder" means any person who is licensed under Part 5A as a specialist builder;

"specialist building works" means the following types of building works:

(*a*) piling works comprising installation and testing of pre-cast reinforced concrete or pre-stressed concrete piles, steel piles, bored cast-in-place reinforced concrete piles, caissons and special pile types like micro-piles, barrettes piles and composite piles, embedded retaining wall piles like diaphragm walls, contiguous bored piles or secant piles;

(*b*) ground support and stabilisation works, including installation and testing of ground anchors, soil nails, rock bolts, ground treatment like chemical grouting and jet-grouting, reinforced-earth, shotcreting and tunnel supports;

(*c*) site investigation work comprising field investigations, exploratory drilling or boring, logging, sampling, coring, in-situ plate-loading tests, pressure meter tests, penetration tests, vane shear tests, probing tests, permeability tests, geological mapping and geophysical surveys, and installation and monitoring of instruments measuring forces, deformation, displacements, pore and earth pressures, and ground water levels;

(*d*) structural steelwork comprising —

(i) fabrication of structural elements;

(ii) erection work like site cutting, site welding and site bolting; and

(iii) installation of steel supports for geotechnical building works;

(*e*) pre-cast concrete work comprising fabrication of pre-cast structural elements;

(*f*) in-situ post-tensioning work comprising setting out of tendon profiles, laying of conduits, anchorages and bursting reinforcement, pulling or stressing of cables, pressure grouting of conduits; and

(*g*) such other building works as the Minister may, by order in the *Gazette*, declare to be specialist building works;

"structural elements" means those parts or elements of a building which resist forces and moments, and includes foundations, beams, columns, shear cores, structural walls, struts, ground anchors, slabs, trusses, staircases, load-bearing walls and all other elements designed to resist forces and moments but does not include doors, windows and non-load bearing walls;

"structural works" means works in relation to the structural elements of the building works;

"temporary building" means —

(*a*) any building or structure not more than 2 storeys high constructed of short-lived materials;

(*b*) any other building or structure not more than 2 storeys high permitted to be used by the competent authority or Commissioner of Building Control for a period not exceeding 36 months, or any other period that may be prescribed (if prescribed) in the building regulations;

(*c*) any building used as workers' quarters, a site office, a show-flat or show-house, a builder's shed, store or

other shed required in connection with any building works for a permanent building; or

(*d*) any structure used only for the outdoor display of an advertisement or signboard,

but does not include any bridge, any decking for a bridge, or any earth retaining structure;

"temporary occupation licence" means a temporary occupation licence issued under section 8(1) of the repealed Act;

"temporary occupation permit" means a temporary occupation permit granted under section 12(3);

"unauthorised", in relation to a building or building works, means any building erected, or any building works commenced or carried out, in contravention of any provision of this Act or the building regulations;

"value", in relation to any building works, means —

(*a*) for any geotechnical building works — the total cost to be expended in carrying out those building works estimated at the time of, and contained in, the application under section 5 for approval of the plans of those building works, including any goods and services tax payable in relation to the supply of the work; or

(*b*) for any other building works — the total cost to be expended in carrying out the building works (including the foundations, basements, structural frame, finishes and the installation of building services) estimated at the time of, and contained in, the application under section 5 for approval of the plans of the building works, including any goods and services tax payable in relation to the supply of the work;

"ventilating system" means a mechanical system for introducing or exhausting air.

[26/2000; 18/2003; 34/2004; 47/2004; 47/2007; 22/2012; 4/2021]

(2) In this Act, unless the context otherwise requires, any reference to a building includes a reference to a part of a building.

(3) The Minister may, by notification in the *Gazette*, vary any of the following referred to in the definition of "geotechnical building works" in subsection (1):

(*a*) the diameter, width or height of any tunnel;

(*b*) the depth of any caisson, cofferdam, trench, ditch, shaft or well;

(*c*) the depth or height of any earth retaining structure in or for a trench, ditch, shaft or well;

(*ca*) the height of any slope;

(*d*) the number of storeys in a building.

[47/2007; 22/2012]

(4) Any reference in this Act to a person being an associate of a developer or builder of building works is a reference to any of the following persons:

(*a*) any partner of the developer or builder;

(*b*) any body corporate in which the developer or builder is a substantial shareholder as defined in section 81 of the Companies Act 1967;

(*c*) if the developer or builder is a body corporate —

(i) a person who is a substantial shareholder of that body corporate as defined in section 81 of the Companies Act 1967; or

(ii) a director, secretary or similar executive officer of the body corporate;

(*d*) any body corporate of which the developer or builder is a director, secretary or similar executive officer;

(*e*) where the developer or builder is a trustee — a beneficiary or an object of the discretionary trust;

(*f*) any employer or employee of the developer or builder.

[47/2007]

(4A) For the purposes of subsection (4)(*b*) and (*c*)(i) —

(*a*) section 7(5) of the Companies Act 1967 does not apply with respect to the determination of whether a person is a substantial shareholder as defined in section 81 of that Act; and

(*b*) in applying section 7(4A) of the Companies Act 1967 to determine whether a person is a substantial shareholder as defined in section 81 of that Act, a person is an associate of another person if the firstmentioned person is —

(i) a corporation that, by virtue of section 6 of that Act, is deemed to be related to that other person;

(ii) a person in accordance with whose directions, instructions or wishes that other person is accustomed or is under an obligation (whether formal or informal) to act in relation to the share mentioned in section 7(4) of that Act;

(iii) a person who is accustomed or is under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of that other person in relation to that share;

(iv) a body corporate that is, or a majority of the directors of which are, accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of that other person in relation to that share; or

(v) a body corporate in accordance with the directions, instructions or wishes of which, or of a majority of the directors of which, that other person is under an obligation (whether formal or informal) to act in relation to that share.

[35/2014]

(5) Where —

(*a*) by or under any provision of this Act or any subsidiary legislation made under this Act an act or thing is required

or directed to be done within a particular period or before a particular time;

(*b*) failure to do that act or thing within the period or before the time mentioned in paragraph (*a*) constitutes an offence; and

(*c*) that act or thing is not done within the period or before the time mentioned in paragraph (*a*),

the obligation to do that act or thing continues, even though that period has expired or that time has passed, until that act or thing is done; and if the failure to do that act or thing within the period or before the time mentioned in paragraph (*a*) is an offence, a person shall be guilty of a separate offence in respect of each day (including the day of a conviction for any such offence or any later day) or part of a day during which the person continues to refuse or fail to comply with that requirement or direction.

[47/2007]

Authorised officers

3.—(1) The Minister may, by notification in the *Gazette*, appoint any person or persons that the Minister thinks fit to be the Commissioner of Building Control responsible for the operation of this Act, either generally or for any particular Part or provision of this Act or for any particular regulations made under this Act, and may in the notification specify the extent of and manner in which that responsibility is to be exercised.

(2) The Commissioner of Building Control may generally or specially authorise, by name or office, any of the following persons to exercise or carry out, subject to such conditions or limitations as the Commissioner of Building Control may specify by directions, all or any of the powers conferred or duties imposed on the Commissioner of Building Control under this Act:

(*a*) any public officer;

(*b*) any officer of the Building and Construction Authority;

(*c*) any officer of such other public authority constituted by any written law as the Minister may approve for this purpose.

[2/2012]

(3) Any person who is authorised under subsection (2) to exercise any power or carry out any duty of the Commissioner of Building Control under this Act —

(*a*) must, when exercising that power or carrying out that duty, comply with the directions of the Commissioner of Building Control;

(*b*) is deemed to be a public servant for the purposes of the Penal Code 1871; and

(*c*) if the person is an officer mentioned in subsection (2)(*b*) or (*c*), is deemed to be a public officer for the purposes of this Act.

[2/2012]

PART 2

CONTROL OF BUILDING WORKS

Division 1 — Application

Application to building works

4. Except as otherwise expressly provided, this Part applies to all building works except —

(*a*) building works for a temporary building or the occupation of any such building;

(*b*) retrofitting of exterior features referred to in Part 3;

(*c*) building works that are exempted under section 30, or are in relation to a building that is so exempted; and

(*d*) building works that are prescribed in the building regulations to be insignificant building works.

[47/2007]

Division 2 — Building plan approvals and permits

Application for approval of plans of building works

5.—(1) An application for approval of the plans of any building works must be made to the Commissioner of Building Control by the developer of those building works.

[47/2007]

(2) An application for approval of the plans of any building works must be accompanied by —

(*a*) the application fee prescribed, if any;

(*b*) the names and particulars of —

(i) the appropriate qualified person whom the developer or builder of the building works has appointed to prepare the plans of those building works; and

(ii) where the building works comprise wholly or partly of any geotechnical building works, the geotechnical engineer whom the developer or builder of the building works has appointed to prepare the plans relating to the geotechnical aspects of those geotechnical building works;

(*c*) the plans of the building works prepared in accordance with the building regulations;

(*d*) in the case of major building works, a certificate from the following accredited checkers:

(i) a certificate by an accredited checker stating that he or she has checked the plans relating to those building works and that, to the best of his or her knowledge and belief, the plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those building works; and

(ii) where the building works comprise wholly or partly of any geotechnical building works, another certificate by a specialist accredited checker (who may or may not be the same accredited checker

mentioned in sub-paragraph (i)) stating that the specialist accredited checker has checked the geotechnical aspects of those geotechnical building works and that, to the best of his or her knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those geotechnical building works;

(*e*) the certificate (in the form prescribed) signed by the qualified person appointed to prepare the plans of those building works, certifying that he prepared those plans; and

(*f*) any other documents that may be prescribed in the building regulations.

[47/2007; 22/2012]

(3) Upon receiving an application under subsection (1) for the approval of plans of any building works, the Commissioner of Building Control must consider the application and may —

(*a*) approve any one or more of the plans submitted to the Commissioner of Building Control, with or without conditions;

(*b*) direct the developer (in writing) to comply with any requirements that the Commissioner of Building Control may specify for the purpose of ensuring that all or any of the plans submitted to him or her comply with the provisions of this Act and the building regulations and to re-submit those plans for his or her approval, within the period specified in the direction; or

(*c*) disapprove any one or more of the plans submitted to him or her.

[47/2007]

(4) If the direction given by the Commissioner of Building Control under subsection (3)(*b*) is not complied with within the period specified in that direction, or such further period as may be extended by the Commissioner of Building Control, the application for approval of those plans is, at the end of that period, deemed to be disapproved by the Commissioner of Building Control.

[47/2007]

(5) The Commissioner of Building Control may, without checking the plans and design calculations of any building works, approve those plans on the basis of —

(*a*) where the plans relate to any major building works or geotechnical building works, the certificate of an accredited checker or specialist accredited checker or both (as the case may be) certifying that —

(i) the accredited checker has checked the plans relating to the major building works and that, to the best of the accredited checker's knowledge and belief, the plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those major building works; and

(ii) where the building works comprise wholly or partly of any geotechnical building works, the specialist accredited checker has checked the geotechnical aspects of the geotechnical building works and that, to the best of the specialist accredited checker's knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those geotechnical building works; or

(*b*) in any other case, the certificate (in the form prescribed) signed by the qualified person appointed to prepare the plans of those building works, certifying that the qualified person prepared those plans.

[47/2007; 22/2012]

(6) Despite subsection (5), the Commissioner of Building Control may carry out random checks on any of the detailed structural plans, design calculations or geotechnical aspects of any building works before approving those plans under that subsection.

[47/2007]

Deviations from approved building plans

5A.—(1) Where the plans of any building works or proposed building works have been approved by the Commissioner of Building Control under section 5(3)(*a*) and the developer of the building works

intends to depart or deviate from the plans approved, the developer must apply to the Commissioner of Building Control for his or her approval of the amended plans showing the proposed departure or deviation.

[47/2007]

(2) An application under subsection (1) must be accompanied by —

(*a*) the amended plans of the building works prepared in accordance with the building regulations by the appropriate qualified person mentioned in section 5(2)(*b*)(i) or (ii) or both, as the case may be;

(*b*) in the case of major building works, a certificate from the following accredited checkers:

(i) a certificate by an accredited checker stating that he or she has checked the amended plans relating to those building works and that, to the best of the accredited checker's knowledge and belief, the amended plans so checked do not show any inadequacy in the key structural elements of the building to be erected or affected by those building works; and

(ii) where the building works comprise wholly or partly of any geotechnical building works, a certificate by a specialist accredited checker (who may or may not be the same accredited checker mentioned in sub-paragraph (i)) stating that the specialist accredited checker has checked the amended geotechnical aspects of the geotechnical building works and that, to the best of the specialist accredited checker's knowledge and belief, there is no inadequacy in the geotechnical aspects relating to those geotechnical building works; and

(*c*) the certificate (in the form prescribed) signed by the qualified person appointed to prepare the amended plans of those building works, certifying that the qualified person prepared those amended plans.

[47/2007; 22/2012]

(3) The first approval granted under section 5 of any plans of building works ends and is superseded to the extent that the amended plans relating to those same building works are approved under this section (whether or not the approval also relates to other building works).

[47/2007]

Lapsing or revocation of building plans approval

5B.—(1) Any approval granted under section 5 or 5A in respect of any building works automatically lapses —

(*a*) when any written permission mentioned in section 12 of the Planning Act 1998 that has been granted in respect of any development of land involving the building works lapses pursuant to section 20 of that Act;

(*b*) if no such written permission has been granted in respect of those building works, at the end of a continuous period of 6 months during which the building works are suspended; or

(*c*) if the building works do not start within the period prescribed in the building regulations.

[47/2007]

(2) The Commissioner of Building Control may, at any time, revoke any approval granted in respect of any building works under section 5 or 5A if he or she is satisfied that any information given in the application for approval or any document submitted to the Commissioner of Building Control in connection with the application for approval is false in a material particular.

[47/2007]

(3) Where the Commissioner of Building Control has under subsection (2) revoked any approval granted under section 5 or 5A in respect of any plans of building works, any permit, certificate of statutory completion and temporary occupation permit granted in respect of those building works also automatically lapses.

[47/2007]

Permit to carry out structural works

6.—(1) Subject to the provisions of this Act, an application for a permit to carry out structural works in any building works may be made at any time to the Commissioner of Building Control by —

(*a*) the developer of those building works;

(*b*) the builder whom the developer has appointed in respect of those building works; and

(*c*) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise those building works.

[47/2007]

(2) An application for a permit to carry out structural works in any building works must be accompanied by —

(*a*) a notification, signed by the developer of the building works, stating the date on which those building works are to start;

(*b*) the names and particulars of —

(i) the qualified person appointed under section 8 or 11 to supervise the carrying out of those building works; and

(ii) where the building works comprise wholly or partly of any geotechnical building works, the geotechnical engineer who is appointed under section 8 or 11 to supervise the geotechnical aspects of those geotechnical building works;

(*c*) the following documents signed by the builder:

(i) an acceptance of the builder's appointment in respect of the structural works; and

(ii) an undertaking of responsibility for strict compliance with the provisions of this Act and the building regulations;

(*d*) the following documents signed by the qualified person or persons mentioned in paragraph (*b*):

(i) a confirmation of his or her appointment in respect of the building works; and

(ii) a notice of the names and particulars of the site supervisor, or all members of the team of site supervisors, he or she has appointed in respect of the structural works in accordance with section 10(1) or (2); and

(*e*) any other documents that the Commissioner of Building Control may require.

[47/2007; 22/2012]

(3) The Commissioner of Building Control may, on an application made under subsection (1), grant a permit to carry out structural works in any building works jointly to —

(*a*) the developer of those building works;

(*b*) the builder whom the developer has appointed in respect of those building works; and

(*c*) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise those building works,

subject to any terms and conditions that the Commissioner of Building Control thinks fit to impose.

[47/2007]

(4) The Commissioner of Building Control may revoke a permit to carry out any structural works if the structural works, if started, are suspended for a continuous period of more than 3 months.

[47/2007]

(5) Any permit to carry out structural works in any building works granted under this section is not transferable, and automatically lapses if any of the following permit holders ceases to be:

(*a*) the developer of those building works;

(*b*) the builder whom the developer has appointed in respect of those building works; or

(*c*) the qualified person whom the developer or builder has appointed under section 8 or 11 to supervise those building works.

[47/2007]

Modification or waiver of building regulations

6A.—(1) The Commissioner of Building Control may, on receipt of an application in relation to any particular building works, advertisements, signboards or skysigns, modify or waive, subject to any terms and conditions that he or she may impose, any of the requirements of the building regulations.

[47/2007]

(2) Every application under subsection (1) must —

(*a*) be made to the Commissioner of Building Control by or on behalf of the developer of the building works, advertisements, signboards or skysigns;

(*b*) be in such form as the Commissioner of Building Control may require;

(*c*) state the nature and extent of and the reasons for the proposed modification or waiver of those requirements; and

(*d*) be accompanied by any plans and other particulars that may be prescribed in the building regulations.

[47/2007]

Division 3 — Building works

Supervision of building works

7.—(1) Except as otherwise provided in this Act or the building regulations —

(*a*) all building works must be carried out under the supervision of an appropriate qualified person;

(*b*) the structural elements of all such building works as are prescribed in the building regulations (called in this Act large building works) must be carried out under the full-time supervision of a site supervisor, or a team of site

supervisors, working under an appropriate qualified person's control and direction; and

(*c*) concreting, piling, pre-stressing, tightening of high-friction grip bolts, the construction of earth retaining and stabilising structures, or other critical structural works of all such building works as are prescribed in the building regulations (called in this Act small-scale building works) must be carried out under the immediate supervision of —

(i) an appropriate qualified person; or

(ii) a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction.

[47/2007; 22/2012]

(2) Except as otherwise provided in this Act or the building regulations, a person must not commence or carry out the geotechnical aspects of any geotechnical building works except —

(*a*) under the supervision of the qualified person appointed under section 8(1)(*d*)(ii) or 11(1)(*d*)(ii) or (iii)(B); or

(*b*) under the full-time supervision of a site supervisor or a team of site supervisors appointed under section 10 by the qualified person in paragraph (*a*) and working under his or her control and direction.

[47/2007; 22/2012]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every

day or part of a day during which the contravention continues after conviction.

[47/2007]

Tests of and in connection with building works

7A.—(1) Subject to subsection (3), the qualified person appointed to supervise the carrying out of any building works must carry out or cause to be carried out any tests of or in connection with the building works that may be prescribed in the building regulations or required by the Commissioner of Building Control.

[47/2007]

(2) Any tests prescribed, or required to be carried out, under subsection (1) must be carried out in the manner and at the places and times that may be prescribed in the building regulations.

[47/2007]

(3) The Commissioner of Building Control may, on an application in relation to any particular building works, give a direction waiving the operation of subsection (1) in relation to those building works if the Commissioner of Building Control is satisfied that the operation of that subsection in relation to that particular case would be unreasonable.

[47/2007]

(4) An application under subsection (3) must be accompanied by any particulars that may be prescribed in the building regulations.

[47/2007]

(5) If a qualified person fails to comply with subsection (1), the Commissioner of Building Control may, by written order served on the qualified person, every site supervisor, and the builder and specialist builder (if any) of the building works and the developer, require the building works to cease until the order is withdrawn.

[47/2007]

(6) Without affecting the right of the Commissioner of Building Control to exercise his or her power under subsection (5), any qualified person who fails to comply with any requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $50,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the qualified person fails to comply with the requirement,

and if the failure to comply continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the failure to comply continues after conviction.

[47/2007]

(7) If any person on whom an order made under subsection (5) is served fails to comply with the order, the person shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $50,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $500 for each day or part of a day the person fails to comply with the requirement,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $1,000 for every day or part of a day during which the failure to comply continues after conviction.

[47/2007]

Division 4 — Duties of developers, qualified persons, site supervisors and builders

Duties of developers

8.—(1) Subject to the provisions of this Act, every developer of building works must appoint —

(*a*) an appropriate qualified person to prepare the plans of the building works in accordance with this Act if no such person is appointed by the builder in paragraph (*c*);

(*b*) an appropriate qualified person to supervise the carrying out of those building works if no such person is appointed by the builder in paragraph (*c*);

(*c*) a builder to carry out those building works;

(*d*) where the building works comprise wholly or partly of any geotechnical building works and if the builder in paragraph (*c*) does not appoint any of the following:

(i) a qualified person who is a geotechnical engineer to prepare the plans relating to the geotechnical aspects of the building works, who may or may not be the same qualified person mentioned in paragraph (*a*); and

(ii) a qualified person who is a geotechnical engineer to supervise the geotechnical aspects of those building works, who may or may not be the same qualified person mentioned in paragraph (*b*);

(*e*) in respect of the detailed structural plans and design calculations of major building works —

(i) an accredited checker who is either a director, partner, member or an employee of an accredited checking organisation, if the value of the building works exceeds the prescribed limit in the building regulations; or

(ii) an accredited checker (whether or not a director, partner, member or an employee of an accredited checking organisation), if the value of the building works does not exceed the prescribed limit mentioned in sub-paragraph (i); and

(*f*) where the building works comprise wholly or partly of any geotechnical building works —

(i) a specialist accredited checker in respect of the geotechnical aspects of those building works; and

(ii) in addition to appointing a builder under paragraph (*c*), a specialist builder to monitor

instruments measuring pore pressures for saturated and unsaturated levels, ground water levels, ground movements or building movements and to measure forces, deformations or displacements.

[47/2007; 22/2012]

(2) If any qualified person, builder, specialist builder, accredited checker or specialist accredited checker appointed under subsection (1) in respect of building works becomes unwilling to act or unable, whether by reason of the termination of his, her or its appointment or for any other reason, to carry out his, her or its respective duties under this Act, the developer must —

(*a*) without delay appoint under subsection (1) another qualified person, builder, specialist builder, accredited checker or specialist accredited checker (as the case may be) in his, her or its place; and

(*b*) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.

[47/2007]

(3) The developer of any building works must notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those building works of which the developer knows or ought reasonably to know.

[47/2007]

(4) Any developer of building works who, without reasonable excuse, fails to comply with subsection (2)(*b*) shall be guilty of an offence.

[47/2007]

(5) Any developer 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.

[47/2007]

(6) It is a defence in any prosecution for a contravention of subsection (3) for the person charged to prove to the satisfaction of the court that the person did not know and could not reasonably have discovered the contravention mentioned in the charge.

[47/2007]

Duties of qualified persons and specialists

9.—(1) Every qualified person who is appointed under section 8 or 11 to prepare the plans of any building works must —

(*a*) take all reasonable steps and exercise due diligence to ensure that the building works are designed in accordance with —

(i) the provisions of this Act; and

(ii) subject to section 6A, the requirements prescribed in the building regulations;

(*b*) notify the Commissioner of Building Control of any contravention of this Act or the building regulations in relation to those building works of which the qualified person knows or ought reasonably to know; and

(*c*) supply a copy of every plan of the building works approved by the Commissioner of Building Control to —

(i) the site supervisor or the team of site supervisors (as the case may be) appointed under section 10;

(ii) the builder of those building works; and

(iii) the qualified person appointed under section 8 or 11 to supervise those building works.

[47/2007; 22/2012]

(2) For the purpose of subsection (1)(*a*) —

(*a*) the plans of any building works that are prepared in accordance with the acceptable solutions as set out in the Approved Document issued by the Commissioner of Building Control in respect of such building works are deemed to comply with the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; and

(*b*) where the qualified person appointed to prepare the plans of any building works intends to utilise any alternative solution (that is to say, a solution that entails the use of any design, material or construction method that differs

completely or partially from those in the acceptable solution), the qualified person must —

(i) take all reasonable steps and exercise due diligence to ensure that the alternative solution satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; or

(ii) obtain the certification of another person who has such requisite specialist knowledge or qualification in the application of the alternative solution as the Commissioner of Building Control may approve (called in this section a specialist in the alternative solution), that the alternative solution satisfies the objectives and performance requirements prescribed by the building regulations in respect of such building works.

[47/2007; 2/2012; 22/2012]

(3) A specialist in the alternative solution must not issue any certification for the purposes of subsection (2)(*b*)(ii) unless the specialist in the alternative solution has taken all reasonable steps and exercised due diligence to ensure that the alternative solution in respect of which his or her certification is being sought satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of the building works for which the alternative solution is to be applied.

[47/2007; 22/2012]

(4) Every qualified person who is appointed under section 8 or 11 to supervise the carrying out of any building works, or the geotechnical aspects of any geotechnical building works, must —

(*a*) take all reasonable steps and exercise due diligence in supervising and inspecting the building works or geotechnical building works (as the case may be) to ensure that those building works are being carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 6A, the building regulations;

(iii) the relevant plans approved by the Commissioner of Building Control; and

(iv) any terms and conditions imposed by the Commissioner of Building Control;

(*b*) in the absence of a site supervisor, take all reasonable steps and exercise due diligence in giving immediate supervision to the carrying out of concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of the building works to ensure that those critical structural works of the building works are being carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 6A, the building regulations;

(iii) the relevant plans approved by the Commissioner of Building Control; and

(iv) any terms and conditions imposed by the Commissioner of Building Control;

(*c*) notify the Commissioner of Building Control of any contravention of this Act or the building regulations in relation to those building works of which the qualified person knows or ought reasonably to know;

(*d*) keep and maintain at the premises on which building works are carried out such documents, books and records as may be prescribed in the building regulations;

(*e*) submit to the Commissioner of Building Control at the prescribed times such reports and certificates as may be prescribed in the building regulations; and

(*f*) notify the Commissioner of Building Control if the building works have been suspended for a period of more than 3 months.

[47/2007; 22/2012]

(5) If any qualified person who is appointed under section 8 or 11 —

(*a*) to prepare the plans of any building works; or

(*b*) to supervise the carrying out of any building works, or the geotechnical aspects of any geotechnical building works,

becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under this Act, the qualified person must, within 14 days of ceasing to carry out his or her duties, notify the Commissioner of Building Control and the builder of those building works of that fact.

[47/2007; 22/2012]

(6) If any site supervisor appointed under section 10 in respect of any building works becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under section 10(5), the qualified person appointed under section 8 or 11 to supervise the carrying out of the building works must —

(*a*) appoint another site supervisor in his or her place; and

(*b*) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.

[47/2007]

(7) A qualified person who is appointed under section 8 or 11 to supervise the carrying out of any building works, or the geotechnical aspects of any geotechnical building works, must not supervise —

(*a*) any works relating to the structural elements of any major building works; or

(*b*) the geotechnical aspects of the geotechnical building works,

if the qualified person, or any nominee of the qualified person, is a partner, an officer or an employee of —

(*c*) the developer of those building works;

(*d*) the builder of those building works; or

(*e*) an associate of the developer or builder mentioned in paragraph (*c*) or (*d*).

[47/2007; 22/2012]

(8) If any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (1)(*a*)

or (2)(*b*), the qualified person shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the qualified person fails to comply with the requirement,

and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007; 22/2012]

(8A) If any specialist in the alternative solution mentioned in subsection (2)(*b*)(ii) contravenes subsection (3), the specialist in the alternative solution shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both.

[22/2012]

(9) If any qualified person appointed under section 8 or 11 contravenes subsection (4)(*a*) or (*b*), the qualified person shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 2 years or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the qualified person fails to comply with the requirement,

and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(10) If —

(*a*) any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (1)(*b*); or

(*b*) any qualified person appointed under section 8 or 11 contravenes subsection (4)(*c*), (*d*) or (*e*) or (7),

the qualified person shall be guilty of an offence and shall be liable on conviction —

(*c*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*d*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the qualified person contravenes subsection (1)(*b*) or (4)(*c*), (*d*) or (*e*), as the case may be,

and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(11) If —

(*a*) any qualified person appointed under section 8 or 11 to prepare the plans of any building works contravenes subsection (5); or

(*b*) any qualified person appointed under section 8 or 11 contravenes subsection (4)(*f*) or (5),

the qualified person shall be guilty of an offence.

[47/2007]

(12) It is a defence in any prosecution for a contravention of subsection (1)(*b*) or (4)(*c*) for the person charged to prove to the satisfaction of the court that the person did not know and could not reasonably have discovered the contravention mentioned in the charge.

[47/2007]

Duties of site supervisors

10.—(1) The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any large building works must appoint the following site supervisors in respect of the structural elements of the large building works:

(*a*) a team of site supervisors comprising not less than any number of persons that may be prescribed in relation to the value of those large building works; or

(*b*) at least one site supervisor, in any other case.

[47/2007]

(2) The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any small-scale building works must appoint at least one site supervisor, in respect of the critical structural elements of the small-scale building works.

[47/2007]

(3) A person must not be appointed under this section as a site supervisor in respect of any building works for the purposes of this Act unless —

(*a*) he or she possesses the initial practical experience and qualifications prescribed; and

(*b*) he or she remains accredited with the Building and Construction Authority or a prescribed organisation.

[47/2007]

(4) A site supervisor must not supervise any structural works of any major building works if the site supervisor, or any nominee of the site supervisor, is a partner, an officer or an employee of —

(*a*) the developer or builder of those building works; or

(*b*) any associate of the developer or builder of those building works.

[47/2007]

(5) Every site supervisor appointed under this section in respect of any building works must take all reasonable steps and exercise due diligence in giving —

(*a*) in the case of large building works — full-time supervision to the carrying out of the structural elements of the building works; and

(*b*) in the case of small-scale building works — immediate supervision to the carrying out of the critical structural elements of the building works,

to ensure that the structural elements or critical structural elements (as the case may be) of the building works in question are carried out in accordance with the plans of the building works supplied to him or her in accordance with section 9(1)(*c*) by a qualified person, and with any terms and conditions imposed by the Commissioner of Building Control.

[47/2007]

(6) If a site supervisor appointed in respect of any building works becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under subsection (5), the site supervisor must, within 7 days of ceasing to carry out those duties, notify the Commissioner of Building Control of that fact.

[47/2007]

(7) Any site supervisor who contravenes subsection (4) 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 2 years or to both.

[47/2007]

(8) Any site supervisor who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the site supervisor fails to comply with the requirement,

and if the contravention continues after the conviction, the site supervisor shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding

$2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(9) Any site supervisor or qualified person who, without reasonable excuse, contravenes subsection (6) shall be guilty of an offence.

[47/2007]

Duties of builders

11.—(1) A builder undertaking any building works must —

(*a*) ensure that the building works are carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 6A, the building regulations;

(iii) the relevant plans approved by the Commissioner of Building Control and supplied to the builder by a qualified person under section 9(1)(*c*); and

(iv) any terms and conditions imposed by the Commissioner of Building Control in accordance with the provisions of this Act and, subject to section 6A, the building regulations;

(*b*) notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those building works of which the builder knows or ought reasonably to know;

(*c*) keep at the premises on which the building works are carried out, and make available on request (at a reasonable time) by any specialist builder appointed in respect of specialist building works comprised in those same building works, all plans of those building works approved by the Commissioner of Building Control and supplied to the builder by a qualified person under section 9(1)(*c*);

(*d*) where no such qualified person has been appointed by the developer in respect of those building works, appoint —

(i) an appropriate qualified person to prepare the plans of the building works;

(ii) an appropriate qualified person to supervise the carrying out of those building works; and

(iii) where the building works comprise wholly or partly of any geotechnical building works —

(A) a geotechnical engineer (who may or may not be the same person mentioned in sub-paragraph (i)) to prepare the plans relating to the geotechnical aspects of the geotechnical building works; and

(B) a geotechnical engineer (who may or may not be the same person mentioned in sub-paragraph (ii)) to supervise the geotechnical aspects of the geotechnical building works;

(*e*) have an adequate number of construction supervisors working under the builder's direction to assist the builder to ensure that paragraph (*a*) is complied with;

(*f*) within 7 days of the completion of the building works, certify that the new building has been erected or the building works have been carried out in accordance with the provisions of this Act and, subject to section 6A, the building regulations and deliver that certificate to the Commissioner of Building Control;

(*g*) notify the Commissioner of Building Control of the appointment and termination of appointment of any specialist builder appointed by the builder in respect of specialist building works comprised in those same building works; and

(*h*) comply with any other duties that may be prescribed in the building regulations.

[47/2007; 22/2012]

(2) A specialist builder undertaking any specialist building works must —

(*a*) ensure that the specialist building works are carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 6A, the building regulations;

(iii) the relevant plans approved by the Commissioner of Building Control; and

(iv) any terms and conditions imposed by the Commissioner of Building Control in accordance with the provisions of this Act and, subject to section 6A, the building regulations;

(*b*) notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those specialist building works, being a contravention which the specialist builder knows or ought reasonably to know; and

(*c*) comply with any other duties that may be prescribed in the building regulations.

[47/2007]

(3) Without limiting subsection (2), a specialist builder who is appointed by the developer under section 8(1)(*f*)(ii) in respect of any building works must not carry out any work monitoring instruments measuring pore pressures for saturated and unsaturated levels, ground water levels, ground movements or building movements and to measure forces, deformations or displacements in connection with those building works if the specialist builder, or any nominee of the specialist builder, is a partner, an officer or an employee of —

(*a*) the developer or builder of those building works; or

(*b*) any associate of the developer or builder of those building works.

[47/2007]

(4) If any builder or specialist builder appointed under this section or section 8 in respect of building works becomes unwilling to act or unable, whether by reason of the termination of the builder's or specialist builder's appointment or for any other reason, to carry out the builder's or specialist builder's duties under subsection (1) or (2),

the builder or specialist builder (as the case may be) must, within 14 days of ceasing to carry out the builder's or specialist builder's duties, notify the Commissioner of Building Control of that fact.

[47/2007]

(5) If any qualified person who is appointed under section 8 or this section —

(*a*) to prepare the plans of any building works; or

(*b*) to supervise any building works,

becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under this Act, the builder and specialist builder of those building works must cease or must not commence carrying out the building works until the developer or the builder appoints another appropriate qualified person in respect of those building works.

[47/2007]

(6) Any builder or specialist builder who contravenes subsection (1)(*a*), (2)(*a*) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both.

[47/2007]

(7) If —

(*a*) a builder contravenes subsection (1)(*b*) or (*c*); or

(*b*) a specialist builder contravenes subsection (2)(*b*),

the builder or specialist builder (as the case may be) shall be guilty of an offence and shall be liable on conviction —

(*c*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*d*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the builder or specialist builder contravenes subsection (1)(*b*) or (*c*) or (2)(*b*),

and if the contravention continues after the conviction, the builder or specialist builder (as the case may be) shall be guilty of a further offence and shall be liable on conviction of this further offence to a

further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(8) It is a defence in any prosecution for a contravention of subsection (1)(*b*) or (2)(*b*) for the builder or specialist builder to prove to the satisfaction of the court that the builder or specialist builder did not know nor could reasonably have discovered the contravention or non-compliance mentioned in the charge.

[47/2007]

(9) If —

(*a*) a builder, without reasonable excuse, contravenes subsection (1)(*d*), (*e*), (*f*), (*g*) or (*h*) or (4); or

(*b*) a specialist builder, without reasonable excuse, contravenes subsection (2)(*c*) or (4),

the builder or specialist builder (as the case may be) shall be guilty of an offence.

[47/2007]

(10) Any builder or specialist builder who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(*b*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the builder or specialist builder (as the case may be) shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

Division 5 — Building occupancy

Occupation of buildings

12.—(1) Except as otherwise provided in this Act, a person must not occupy, or permit or cause to be occupied, any building where any building works have been carried out unless the Commissioner of Building Control has issued a certificate of statutory completion in respect of that building.

[47/2007; 22/2012]

(1A) An application for a certificate of statutory completion in respect of any building must be made to the Commissioner of Building Control in the prescribed manner and accompanied by any certificates or written approvals required to be obtained in respect of the building that may be prescribed.

[22/2012]

(2) Nothing in subsection (1) prohibits —

(*a*) the occupation by any person of any building for the sole purpose of preventing any damage to the building or any theft of any property therein; or

(*b*) the occupation by any person of any building in respect of which a temporary occupation permit has been granted.

[47/2007; 22/2012]

(2A) An application for a temporary occupation permit in respect of any building must be made to the Commissioner of Building Control in the prescribed manner and accompanied by any certificates or written approvals required to be obtained in respect of the building that may be prescribed.

[22/2012]

(3) The Commissioner of Building Control may, on an application in the prescribed manner in relation to any building, grant a temporary occupation permit in respect of the building subject to any written directions that the Commissioner of Building Control may specify and, in particular, those written directions may —

(*a*) limit the period for which the temporary occupation permit is granted;

(*b*) require any work or alteration to the building to be carried out that may be specified to the satisfaction of the Commissioner of Building Control; and

(*c*) provide for the completion of the work or alteration before the expiration of a specified period.

[47/2007]

(4) A temporary occupation permit is only prima facie evidence that a building is suitable for occupation and is not to be taken to be evidence of compliance with the provisions of this Act, the building regulations or any other written law.

[47/2007]

(5) The Commissioner of Building Control may amend, suspend or, in the event of failure to comply with any written direction issued under subsection (3), revoke any temporary occupation permit.

[47/2007]

(6) Any person who contravenes subsection (1) or fails to comply with any written direction issued under subsection (3) shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 6 months or to both; and

(*b*) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding $1,000 for each day or part of a day the contravention or failure to comply continues,

and if the contravention or failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention or failure to comply continues after conviction.

[47/2007]

Division 6 — Accredited checkers

Unlawful undertaking work as accredited checker, etc.

13.—(1) Any person who —

(*a*) undertakes work which is required by this Act or the building regulations to be performed by an accredited checker when the person is not an accredited checker under this Division or when the person's registration as such is suspended; or

(*b*) undertakes work which is required by this Act or the building regulations to be performed by a specialist accredited checker when the person is not a specialist accredited checker under this Division or when the person's registration as such is suspended,

shall be guilty of an offence.

[47/2007]

(2) Any person who undertakes any work on behalf of an organisation, being work which is required by this Act or the building regulations to be undertaken by an accredited checker who is either a director, partner, member or an employee of an accredited checking organisation when —

(*a*) it is not registered as an accredited checking organisation under this Division; or

(*b*) its registration as such is suspended,

shall be guilty of an offence.

[47/2007]

(3) If —

(*a*) an accredited checker undertakes work on the accredited checker's own behalf as an accredited checker in relation to building works the value of which is more than —

(i) $10 million, if no other sum is prescribed under paragraph (*b*); or

(ii) any other sum that the Minister may, by notification in the *Gazette*, specify; or

(*b*) a specialist accredited checker undertakes work on the specialist accredited checker's own behalf as a specialist accredited checker in relation to building works the value of which is more than the sum specified by the Minister by notification in the *Gazette*,

the accredited checker or specialist accredited checker (as the case may be) shall be guilty of an offence.

[47/2007]

(4) If an organisation which is not registered as an accredited checking organisation under this Division advertises or holds itself out or describes itself in any way to be an accredited checking organisation, that organisation shall be guilty of an offence.

[47/2007]

Register of accredited checkers, etc.

14.—(1) The Commissioner of Building Control must keep and maintain the following registers:

(*a*) a register of accredited checkers registered under section 16;

(*b*) a register of specialist accredited checkers registered under section 16; and

(*c*) a register of accredited checking organisations registered under section 16,

in which must be entered the names and prescribed particulars of the persons and organisations so registered.

[47/2007]

(2) The absence of the name of any person or organisation from the registers kept under subsection (1) is prima facie evidence that —

(*a*) in the case of the register of accredited checkers, that the person is not so registered or that the person's registration has been suspended or cancelled;

(*b*) in the case of the register of specialist accredited checkers, that the person is not so registered or that the person's registration has been suspended or cancelled; and

(*c*) in the case of the register of accredited checking organisations, that the organisation is not so registered or that its registration has been suspended or cancelled.

[47/2007]

(3) The registers mentioned in subsection (1) must be kept and maintained at the office of the Commissioner of Building Control and must be available for inspection by any person without charge during office hours.

[47/2007]

Who may be registered as accredited checker, etc., or accredited checking organisation

15.—(1) Subject to the provisions of this Act, a person who applies to be registered, or to renew the person's registration, as an accredited checker or as a specialist accredited checker (as the case may be) is eligible to be so registered or have the person's registration so renewed if, and only if the person —

(*a*) has paid the prescribed fee for the registration or renewal;

(*b*) satisfies the Commissioner of Building Control that the person has the qualifications and the practical experience (whether in Singapore or elsewhere) prescribed for an accredited checker, or the specialist qualifications and the specialist practical experience (whether in Singapore or elsewhere) prescribed for a specialist accredited checker, as the case may be; and

(*c*) satisfies any other requirements that may be prescribed for such registration or renewal.

[47/2007]

(2) Without limiting subsection (1), the Commissioner of Building Control may refuse to register, or to renew the registration of, a person as an accredited checker or as a specialist accredited checker if, in the opinion of the Commissioner of Building Control —

(*a*) the person is not of good character and reputation; or

(*b*) there are reasonable grounds for believing that the person will not carry out the duties of an accredited checker or a

specialist accredited checker (as the case may be) in accordance with this Act or the building regulations.

[47/2007]

(3) Subject to the provisions of this Act, a partnership or corporation which applies to be registered, or to renew its registration, as an accredited checking organisation is eligible to be so registered or have its registration so renewed if, and only if —

(*a*) it is —

(i) a partnership consisting wholly of professional engineers registered under the Professional Engineers Act 1991 or which is licensed under that Act to supply professional engineering services in Singapore; or

(ii) a corporation licensed under the Professional Engineers Act 1991 to supply professional engineering services in Singapore; and

(*b*) it satisfies the Commissioner of Building Control that it meets any requirements that may be prescribed for such registration or renewal.

[47/2007]

Registration of accredited checkers, etc., or accredited checking organisations

16.—(1) An application for registration, or to renew any registration, as —

(*a*) an accredited checker;

(*b*) a specialist accredited checker; or

(*c*) an accredited checking organisation,

must be made in such manner and must be accompanied by such documents and particulars as the Commissioner of Building Control may determine.

[47/2007]

(2) Upon receiving an application under subsection (1), or an application to renew such registration, the Commissioner of Building Control must consider the application and may —

(*a*) register or renew the registration of (as the case may be) the applicant as an accredited checker, a specialist accredited checker or an accredited checking organisation, with or without conditions; or

(*b*) refuse the registration or renewal.

[47/2007]

(3) Where the Commissioner of Building Control has registered a person, or renewed the person's registration, as an accredited checker, a specialist accredited checker or an accredited checking organisation, he or she must issue to that person a certificate of such accreditation.

[47/2007]

(4) Every registration as an accredited checker, a specialist accredited checker or an accredited checking organisation is, unless earlier cancelled under section 17, valid for the period specified therein (being not longer than 12 months), and upon its expiry, that registration may be renewed for the period specified (being also not longer than 12 months).

[47/2007]

(5) The Commissioner of Building Control may appoint a committee of persons to assist him or her in considering applications for registration, or renewal of registration, as an accredited checker, a specialist accredited checker or an accredited checking organisation.

[47/2007]

Cancellation, etc., of registration

17.—(1) Subject to section 22, the Commissioner of Building Control may by order cancel, or suspend for a period not exceeding 6 months, the registration of an accredited checker or a specialist accredited checker if the Commissioner of Building Control is satisfied that the accredited checker or specialist accredited checker, as the case may be —

(*a*) obtained his or her registration or renewed registration by fraud or misrepresentation;

(*b*) no longer satisfies any of the requirements in section 15(1) by virtue of which he or she was so registered;

(*c*) is convicted of an offence involving fraud or dishonesty or an offence under this Act or the building regulations;

(*d*) is for any medical reason or any other reason no longer in a position to carry out the duties of an accredited checker or a specialist accredited checker (as the case may be) effectively under this Act or the building regulations;

(*e*) has contravened or failed to comply with section 18(4) or (5);

(*f*) has for any reason been censured or ordered to pay a financial penalty by a Disciplinary Committee under the Professional Engineers Act 1991 or has had his or her registration as a professional engineer under that Act revoked or suspended; or

(*g*) has failed to meet any standards of performance that may be prescribed in the building regulations.

[47/2007]

(2) The Commissioner of Building Control may by order cancel, or suspend for a period not exceeding 6 months, the registration of an accredited checking organisation if the Commissioner of Building Control is satisfied that —

(*a*) it obtained its registration or renewal of registration by fraud or misrepresentation;

(*b*) it has contravened or failed to comply with section 18(4) or (5);

(*c*) it has been convicted of an offence under this Act or the building regulations;

(*d*) any accredited checker who is —

(i) a partner or an employee of the accredited checking organisation which is a partnership; or

(ii) a director or manager or an employee of the accredited checking organisation which is a corporation,

has been convicted of an offence under this Act or the building regulations;

(*e*) it is no longer in a position to carry out the duties of an accredited checking organisation under this Act or the building regulations;

(*f*) it no longer satisfies any of the prescribed requirements by virtue of which it was so registered; or

(*g*) its performance as an accredited checking organisation, or the performance of any accredited checker who is a director, partner, member or an employee of the accredited checking organisation and acting on its behalf, fails to meet any standards of performance that may be prescribed in the building regulations.

[47/2007]

(3) The Commissioner of Building Control must not exercise his or her powers under subsection (1) or (2) unless an opportunity of being heard has been given to the accredited checker, specialist accredited checker or accredited checking organisation against whom the Commissioner of Building Control intends to exercise his or her powers.

[47/2007]

(4) The Commissioner of Building Control may appoint —

(*a*) a committee of persons; and

(*b*) an advocate and solicitor,

to assist the Commissioner of Building Control in considering any representation that may be made to him or her under subsection (3).

[47/2007]

(5) The Commissioner of Building Control may, in addition to any order made under subsection (1) or (2), order the accredited checker, specialist accredited checker or accredited checking organisation that is the subject of the order to pay to the Commissioner of Building Control any sum that he or she thinks fit, not exceeding $10,000, in respect of costs and expenses of and incidental to any proceedings before the committee appointed under subsection (4)(*a*).

[47/2007]

(6) The costs and expenses mentioned in subsection (5) include —

(*a*) the costs and expenses of any advocate and solicitor appointed under subsection (4)(*b*);

(*b*) any reasonable expenses that the Commissioner of Building Control may pay to witnesses; and

(*c*) any reasonable expenses that are necessary for the conduct of proceedings before the committee appointed under subsection (4)(*a*).

[47/2007]

(7) Where the Commissioner of Building Control suspends or cancels the registration of an accredited checker, a specialist accredited checker or an accredited checking organisation under this section, the Commissioner of Building Control must —

(*a*) cancel any certificate of accreditation issued to the person or organisation concerned under section 16(3); and

(*b*) remove the name and particulars of that person or organisation from the register of accredited checkers, the register of specialist accredited checkers or the register of accredited checking organisations, as the case may be.

[47/2007]

(8) If the registration of an accredited checker, a specialist accredited checker or an accredited checking organisation is suspended under this section for any period, then at the end of the period of suspension, his, her or its name and particulars are to be reinstated on the respective register under section 14, and his, her or its certificate of accreditation is to be restored.

[47/2007]

(9) The person whose registration as an accredited checker, a specialist accredited checker or an accredited checking organisation is suspended or cancelled under this section must, within 14 days of being notified of the suspension or cancellation of registration, surrender to the Commissioner of Building Control the certificate of accreditation issued under section 16(3), failing which the person or organisation shall be guilty of an offence.

[47/2007]

(10) The Commissioner of Building Control must cancel the registration of an accredited checker or a specialist accredited checker who has died or whose registration has been cancelled under subsection (11).

[47/2007]

(11) If the Commissioner of Building Control has cancelled the registration of a person as an accredited checker under subsection (1), he or she must also cancel the registration of the person as a specialist accredited checker.

[47/2007]

Duties and independence of accredited checkers, etc., and accredited checking organisations

18.—(1) An accredited checker who —

(*a*) is appointed in respect of any major building works; or

(*b*) is acting on behalf of an accredited checking organisation,

must check the detailed structural plans and design calculations of the building works in accordance with the building regulations and must carry out any other duties that may be prescribed by those regulations.

[47/2007]

(2) The specialist accredited checker appointed under section 8(1) in respect of any geotechnical building works must check the geotechnical aspects of those building works in accordance with the building regulations and must carry out any other duties that may be prescribed by those regulations.

[47/2007; 22/2012]

(3) An accredited checker or a specialist accredited checker who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 2 years or to both.

[47/2007]

(4) An accredited checker must not issue a certificate under section 5(2)(*d*) or 5A in respect of the plans of any building works —

(*a*) if the accredited checker has any professional or financial interest in the building works shown in the plans described in the certificate; or

(*b*) in the case where the accredited checker is a director, partner, member or an employee of an accredited checking organisation and acting on behalf of the accredited checking organisation —

(i) if the accredited checking organisation that is a corporation and any of its directors; or

(ii) if any partner of the accredited checking organisation that is a partnership,

has a professional or financial interest in the building works shown in the plans described in the certificate by the accredited checking organisation under section 5(2)(*d*) or 5A.

[47/2007]

(5) A specialist accredited checker must not issue a certificate under section 5(2)(*d*) or 5A in respect of the geotechnical aspects of any geotechnical building works if the specialist accredited checker has any professional or financial interest in the geotechnical building works shown in the plans described in the certificate.

[47/2007; 22/2012]

(6) An accredited checker is regarded as having a professional or financial interest in any building works if —

(*a*) he or she is or has been responsible for the design or construction of the building or any of the building works in any capacity except building works relating to the alterations of the building which —

(i) do not affect any key structural element; or

(ii) affect any structural element but the effects are localised in nature and do not require any strengthening of any key structural element;

(*b*) he or she or any nominee of his or hers is a member or an officer or employee of a company or other body which has a professional or financial interest in the building works; or

(*c*) he or she is a partner or is in the employment of a person who has a professional or financial interest in the building works.

[47/2007]

(7) An accredited checking organisation is regarded as having a professional or financial interest in any building works if —

(*a*) any of its directors, partners, members or employees is or has been responsible for the design or construction of the building or any of the building works in any capacity except building works relating to the alterations of the building which —

(i) do not affect any key structural element; or

(ii) affect any structural element but the effects are localised in nature and do not require any strengthening of any key structural element;

(*b*) any nominee of the organisation is a member or an officer or employee of a company or other body which has a professional or financial interest in the building works; or

(*c*) the organisation or any of its directors or partners is a partner or is in the employment of a person who has a professional or financial interest in the building works.

[47/2007]

(8) For the purposes of this Act —

(*a*) a person is treated as having a professional or financial interest in the building works even if the person has that interest only as trustee for the benefit of some other person; and

(*b*) in the case of married people living together, the interest of one spouse is, if known to the other, deemed to be also an interest of the other.

[47/2007]

(9) For the purposes of this Act —

(*a*) involvement in the building works as an accredited checker or a specialist accredited checker; and

(*b*) entitlement to any fee paid for his or her function as an accredited checker or a specialist accredited checker,

is not regarded as constituting a professional or financial interest.
[47/2007]

(10) If a person who is —

(*a*) an accredited checker;

(*b*) a specialist accredited checker;

(*c*) an accredited checking organisation that is a corporation; or

(*d*) a partner of an accredited checking organisation that is a partnership, or a director of an accredited checking organisation that is a corporation,

contravenes subsection (4) or (5) (as the case may be), the person shall be guilty of an offence and shall be liable on conviction to —

(*e*) where the person is a corporation — a fine not exceeding $100,000; and

(*f*) in any other case — a fine not exceeding $50,000 or to imprisonment for a term not exceeding 2 years or to both.
[47/2007]

Division 7 — Enforcement and administration

Demolition, etc., of unauthorised building works

19.—(1) Where, in the opinion of the Commissioner of Building Control, any building has been erected, or any building works are or have been carried out, in contravention of the provisions of this Act or the building regulations, the Commissioner of Building Control may by written order require —

(*a*) the cessation of the building works until the order is withdrawn;

(*b*) the demolition of the building; or

(*c*) any work or alteration to the building or building works to be carried out that may be necessary to cause the same to comply with the provisions of this Act and the building

regulations or otherwise to put an end to the contravention thereof.

[47/2007]

(2) An order made under subsection (1) must specify all or any of the following:

(*a*) the manner in which the demolition, work or alteration specified in the order is to be carried out;

(*b*) the time within which the demolition, work or alteration must commence;

(*c*) the time within which the demolition, work or alteration must be completed;

(*d*) that the demolition, work or alteration must be carried out with due diligence to the satisfaction of the Commissioner of Building Control.

[47/2007]

(3) An order made under subsection (1) must be served —

(*a*) where a building has been erected — on the owner or occupier of the building; and

(*b*) where building works are being carried out — on the developer of the building works or the builder carrying out the building works.

[47/2007]

(4) If an order made under subsection (1) is not complied with, the Commissioner of Building Control may —

(*a*) demolish, remove or alter, or cause to be demolished, removed or altered, any building or building works or take any other steps that appear to the Commissioner of Building Control to be necessary, including ordering the closure of the building; and

(*b*) recover all expenses reasonably incurred by the Commissioner of Building Control in the exercise of his or her powers under this section from the person in default.

[47/2007]

(5) Without affecting the right of the Commissioner of Building Control to exercise his or her powers under subsection (4), if any

person on whom an order made under subsection (1) is served fails to comply with the order, that person shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 6 months or to both; and

(*b*) in respect of a continuing failure to comply, to an additional fine not exceeding $500 for each day or part of a day the failure to comply continues,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $1,000 for every day or part of a day during which the failure to comply continues after conviction.

[47/2007]

(6) The Commissioner of Building Control may seize any materials resulting from the carrying out of any work under subsection (4).

[47/2007]

(7) This section applies to any building works, whether or not for or connected with any temporary building.

[47/2007]

Building offences

20.—(1) Any person who commences or carries out, or permits or authorises the commencement or carrying out of —

(*a*) any building works (including geotechnical building works) the plans of which have not been approved by the Commissioner of Building Control under section 5 or 5A; or

(*b*) any building works (including geotechnical building works) for which there is no permit under section 6 in force,

shall be guilty of an offence and shall be liable on conviction —

(*c*) to a fine not exceeding $200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(*d*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007; 22/2012]

(2) Any person who contravenes any term or condition of —

(*a*) an approval of plans of any building works under section 5 or 5A; or

(*b*) a permit to carry out any building works under section 6,

shall be guilty of an offence and shall be liable on conviction —

(*c*) to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*d*) in respect of a continuing contravention, to an additional fine not exceeding $1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(3) Any developer of any building works and any qualified person, site supervisor or builder directly concerned with the building works who, in carrying out the building works deviates, or permits or authorises the building works to deviate, in any material way from any plans of the building works approved by the Commissioner of Building Control under this Part shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 2 years or to both.

[47/2007]

(4) [*Deleted by Act 22 of 2012*]

Pecuniary penalty

21.—(1) Whether or not proceedings have been instituted against any person for an offence under section 20 in respect of any building works, the Commissioner of Building Control may require the person to pay a sum not exceeding 10 times the prescribed fees for the approval of plans of the building works or which would have been payable had each approval been obtained, for those building works, where it appears to the Commissioner of Building Control that such an offence has been committed.

[47/2007]

(2) Any person who is aggrieved by a decision of the Commissioner of Building Control under subsection (1) may, within 14 days of being notified of the decision, appeal to the Minister against the decision.

[47/2007]

(3) Where an appeal is made to the Minister under subsection (2), the Minister may confirm, vary or reverse the decision of the Commissioner of Building Control, or give any directions in the matter that he or she thinks fit, and the decision of the Minister is final.

[47/2007]

(4) Every pecuniary penalty or part thereof outstanding is recoverable as a debt due to the Building and Construction Authority.

[47/2007]

(5) On acceptance by the Commissioner of Building Control of the pecuniary penalty imposed under this section, the unauthorised building works in respect of which the penalty is paid are deemed to have been carried out without contravening section 20.

[47/2007]

Appeals

22.—(1) Where an application made under —

(*a*) section 5 or 5A for approval of plans of any building works;

(*b*) section 6 for a permit to carry out any structural works;

(*c*) section 6A for any modification or waiver of the requirements of the building regulations in relation to any particular building works;

(*d*) section 7A(3) for a waiver of the operation of section 7(1) in relation to any building works;

(*e*) section 15 for registration, or for the renewal of registration, as an accredited checker, a specialist accredited checker or an accredited checking organisation; or

(*f*) section 22FG for registration, or for the renewal of registration, as an energy auditor,

is refused, or is granted by the Commissioner of Building Control subject to terms and conditions, the applicant may, if aggrieved by the decision of the Commissioner of Building Control, appeal to the Minister against the decision within 14 days after being served with the notice of the decision.

[47/2007; 22/2012]

(2) If the Commissioner of Building Control has made an order under section 17 in respect of an accredited checker, a specialist accredited checker or an accredited checking organisation, the accredited checker, specialist accredited checker or accredited checking organisation concerned may appeal to the Minister against the order within 14 days after being served with the notice of the order.

[47/2007]

(2A) If the Commissioner of Building Control has cancelled or suspended the registration of an energy auditor under section 22FI, the energy auditor concerned may appeal to the Minister against the cancellation or suspension within 14 days after being served with the notice of the cancellation or suspension.

[22/2012]

(3) In any appeal under this section in relation to the conviction of an accredited checker, a specialist accredited checker, an accredited checking organisation or an energy auditor for a criminal offence, the

Minister on appeal from any order or decision of the Commissioner of Building Control is to accept the conviction as final and conclusive.

[47/2007; 22/2012]

(4) Where an appeal is brought under this section from a decision of the Commissioner of Building Control, the Minister may, after giving the aggrieved appellant an opportunity to make written representations, dismiss or allow the appeal, unconditionally or subject to any conditions that he or she thinks fit.

[47/2007]

(5) The decision of the Minister in any appeal under this section is final.

[47/2007]

PART 3

RETROFITTING OF EXTERIOR FEATURES

Application and interpretation of this Part

22A.—(1) This Part applies to all exterior features on any building except —

(*a*) exterior features on any detached house, semi-detached house, terrace house or linked house, none of which are comprised in any strata title plan; and

(*b*) exterior features located on the lowest level of any building.

[34/2004]

(2) In this Part, unless the context otherwise requires —

"applicable date", in relation to an exterior feature, means the date that is prescribed under section 22C to be the applicable date for that exterior feature;

"grace period", in relation to an exterior feature, means the period starting from the applicable date for the exterior feature and ending after the time that is prescribed under section 22C for that exterior feature;

"prescribed age", in relation to an exterior feature, means the age that is prescribed under section 22C to be the prescribed age for that exterior feature.

[34/2004]

Duty to retrofit exterior feature

22B.—(1) Where an exterior feature of a prescribed building has been installed on, forms part of, or projects outwards from the building at any time before the applicable date prescribed for the exterior feature, the person responsible for the exterior feature must carry out or cause to be carried out retrofitting of that exterior feature in such manner, by such person and using such material as may be prescribed in relation to that exterior feature —

(*a*) where there is no prescribed age for that exterior feature, or the exterior feature is, on that applicable date, of the prescribed age or older — within the grace period prescribed for that exterior feature; or

(*b*) where the exterior feature is, on that applicable date, less than the prescribed age — within the grace period prescribed for that exterior feature or within the period before the exterior feature attains the prescribed age, whichever period is the longer.

[34/2004]

(2) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding $500 for every day or part of a day during which the offence continues after conviction.

[34/2004]

(3) If a person is charged with an offence under subsection (2), it is a defence for the person to prove that the person was not the person responsible for the exterior feature at any time during that grace period or before the exterior feature attained that prescribed age, as the case may be.

[34/2004]

(4) For the purposes of this Act, the age of an exterior feature of a building is to be reckoned from the date of its first installation on that building as determined in accordance with the date that is prescribed under section 22C for that exterior feature.

[34/2004]

(5) Nothing in this section is to be construed as —

(*a*) prohibiting or preventing the Commissioner of Building Control from exercising any of his or her powers under any other provision of this Act or the building regulations; or

(*b*) derogating from the effect of any other provision of this Act or the building regulations or any other written law for the time being in force.

[34/2004]

Retrofitting orders

22C.—(1) The Minister may, by order in the *Gazette*, prescribe any matter which is required or permitted to be prescribed by this Part.

[34/2004]

(2) Without limiting subsection (1), the Minister may, in an order made under that subsection, prescribe —

(*a*) the duties and responsibilities of any person authorised to carry out retrofitting of an exterior feature, including providing that any failure or neglect to comply with any such duty or responsibility shall be an offence;

(*b*) different applicable dates, prescribed ages, grace periods and persons responsible for an exterior feature in relation to different exterior features;

(*c*) different qualifications and training for persons authorised to carry out retrofitting in relation to different exterior features; and

(*d*) that any contravention of any provision of the order shall be an offence punishable with a fine not exceeding $5,000 or with imprisonment for a term not exceeding 6 months or with both and, in the case of a continuing offence, with a

further fine not exceeding $500 for every day or part of a day during which the offence continues after conviction.

[34/2004]

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

[34/2004]

PART 3A

DISABILITY AND OTHER PERFORMANCE REQUIREMENTS FOR BUILDINGS

Interpretation of this Part

22D.—(1) In this Part, unless the context otherwise requires —

"building" does not include a temporary building;

"performance requirement" means a performance requirement in the building regulations that —

(*a*) is to facilitate the access to, and use of, a building and its facilities by persons with disabilities; or

(*b*) is prescribed in the building regulations for the purposes of this Part;

"person with disability" means an individual who has an impairment of hearing or sight, or an impairment which limits his ability to walk, or which restricts him or her to using a wheelchair;

"physical feature", in relation to a building, includes the following physical features (permanent or temporary):

(*a*) any feature arising from the design or construction of the building;

(*b*) any feature of any approach to, exit from or access to such a building;

(*c*) any fixtures, fittings or facility in or on the premises of the building; or

(*d*) any other physical element or quality of the land on which the building stands.

[47/2007]

(2) A physical feature of a building satisfies the relevant performance requirement for the purposes of this Part where the physical feature is constructed or installed in or in connection with the building in accordance with the performance requirement that —

(*a*) is relevant in relation to that physical feature; and

(*b*) is in effect at the following time:

(i) the day upon which the works to construct or install the physical feature started; or

(ii) in the case of a physical feature provided as part of building works to which Part 2 applies, the day a certificate of statutory completion is issued in respect of the building on the completion of those building works.

[47/2007]

(3) To avoid doubt, this Part applies to the physical features of any building, whether constructed before, on or after 15 February 2008.

[47/2007]

Duty of building owner, etc., not to alter

22E.—(1) Every owner or occupier of a building must not remove, alter or obstruct, or cause the removal, alteration or obstruction of, any physical feature of the building where —

(*a*) the physical feature satisfies the relevant performance requirement for the purposes of this Part; and

(*b*) the removal, alteration or obstruction will cause the physical feature to cease to satisfy the relevant performance requirement.

[47/2007]

(2) Where, in the opinion of the Commissioner of Building Control, any physical feature of a building mentioned in subsection (1)(*a*) has been removed, altered or obstructed so as to cease to satisfy the relevant performance requirement, the Commissioner of Building Control may, by written notice, require such repairs, work or

alteration to the physical feature or the building or other remedial action as he or she thinks fit to be carried out to reinstate the physical feature so as to satisfy the relevant performance requirement.

[47/2007]

(3) A notice to reinstate under subsection (2) must specify —

(*a*) the manner in which the repairs, work, alteration or remedial action specified in the notice is to be carried out;

(*b*) the time within which the repairs, work, alteration or remedial action must commence;

(*c*) the time within which the repairs, work, alteration or remedial action must be completed; and

(*d*) that the repairs, work, alteration or remedial action must be carried out with due diligence to the satisfaction of the Commissioner of Building Control.

[47/2007]

(4) A notice to reinstate under subsection (2) must be made in respect of any building or any physical feature thereof and must be served —

(*a*) on the owner of the building;

(*b*) where that owner is not known or cannot be found by reasonable inquiry, on the occupier of the building;

(*c*) in the case of a physical feature comprised in any common property or limited common property of any subdivided building, on the owner thereof; or

(*d*) in the case of a physical feature comprised in any common property of residential or commercial property in any housing estate of the Housing and Development Board —

(i) on the Town Council receiving any rent or charge for the maintenance of that common property; or

(ii) where there is no Town Council with the function and duty to maintain that common property, on the Housing and Development Board.

[47/2007]

(5) If any person on whom a notice under subsection (2) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 months or to both;

(*b*) to a further fine not exceeding $250 for each day or part of a day the person fails, without reasonable excuse, to comply with the requirements of that notice; and

(*c*) in the case of a continuing offence after conviction, to a further fine not exceeding $500 for every day or part of a day during which the failure to comply continues after conviction.

[47/2007]

Appeal against notice to reinstate

22F.—(1) Any person on whom a notice to reinstate under section 22E(2) is served may, within 21 days after the date of receipt of the notice, appeal in writing to the Minister against the notice in the prescribed manner.

[47/2007]

(2) Even though an appeal is lodged under subsection (1), the notice appealed against takes effect and must be complied with unless otherwise ordered by the Minister.

[47/2007]

(3) The Minister may determine an appeal under this section by confirming, varying or cancelling the notice of the Commissioner of Building Control under section 22E(2).

[47/2007]

(4) The decision of the Minister in any appeal under this section is final.

[47/2007]

PART 3B

ENVIRONMENTAL SUSTAINABILITY MEASURES FOR EXISTING BUILDINGS

Interpretation of this Part

22FA. In this Part, unless the context otherwise requires —

"as-built score", in relation to an existing building which has undergone a major energy-use change, means the Green Mark score awarded to that building upon the completion of the major energy-use change;

"design score", in relation to an existing building for which a major energy-use change is proposed, means the Green Mark score projected for that building upon the completion of the major energy-use change, assessed based on the design of the proposed major energy-use change;

"energy auditor" means a person registered as an energy auditor under section 22FG;

"existing building" means any building in respect of which a certificate of statutory completion or a temporary occupation permit is issued;

"Green Mark score" means a numerical score to assess the environmental sustainability of a building, calculated using the prescribed scoring methodology;

"major energy-use change", in relation to an existing building, means —

(*a*) the installation, substantial alteration or replacement of a prescribed cooling system of the building; or

(*b*) any other change to the energy requirements of the building that may be prescribed;

"mechanical engineer" means a professional engineer registered under the Professional Engineers Act 1991 in the branch of mechanical engineering who has in force a practising certificate issued under that Act;

"minimum environmental sustainability standard", in relation to any building, means the prescribed minimum standard of environmental sustainability applicable to that building, or to a building of that type or class, expressed in terms of a Green Mark score and other specified requirements;

"prescribed building" means an existing building in any class or type of buildings for the time being prescribed for the purposes of this Part.

[22/2012]

Submission of design score for building undergoing major energy-use change

22FB.—(1) An owner of any prescribed building must not carry out, or permit or authorise the carrying out of, any major energy-use change to that building, unless the owner has first —

(*a*) appointed a mechanical engineer to assess the design score for the major energy-use change to the building;

(*b*) submitted the design score assessed by the mechanical engineer appointed under paragraph (*a*) to the Commissioner of Building Control for approval, in the prescribed form and manner and accompanied by such documents and fee as may be prescribed; and

(*c*) obtained the approval of the Commissioner of Building Control for the design score, which approval has not lapsed at the time of commencement of the major energy-use change.

[22/2012]

(2) Subject to subsection (5), the Commissioner of Building Control must not approve the design score in relation to a prescribed building unless the design score meets the prevailing minimum environmental sustainability standard for that building or a building of that class or type.

[22/2012]

(3) Upon receiving the submission of a design score relating to a prescribed building for approval under subsection (1), the

Commissioner of Building Control may direct the owner of the building in writing —

(*a*) to comply with any requirements in relation to the major energy-use change that the Commissioner of Building Control may specify so that the design score meets the minimum environmental sustainability standard applicable to the building; and

(*b*) to re-submit the design score for the approval of the Commissioner of Building Control within the period specified in the direction.

[22/2012]

(4) If the direction given by the Commissioner of Building Control under subsection (3) is not complied with within the period specified in that direction, or such further period as may be extended by the Commissioner of Building Control, the application for approval of the design score is, at the end of that period, deemed to be disapproved by the Commissioner of Building Control.

[22/2012]

(5) The Commissioner of Building Control may, on the application of an owner of a prescribed building in any particular case, modify or waive any requirement in relation to the minimum environmental sustainability standard applicable to the building, subject to any conditions that the Commissioner of Building Control may impose.

[22/2012]

(6) The Commissioner of Building Control may approve the design score on the basis of a declaration by the mechanical engineer who assessed the score certifying the correctness of the design score.

[22/2012]

(7) A mechanical engineer appointed under subsection (1)(*a*) in relation to a prescribed building must —

(*a*) design the proposed major energy-use change to the building so that the design score meets the minimum environmental sustainability standard applicable to the building;

(*b*) assess the design score for the major energy-use change to the building in the manner prescribed; and

(*c*) provide to the owner of the building —

(i) the design score and the documents on which the design score was assessed;

(ii) a declaration as to whether the design score meets the minimum environmental sustainability standard applicable to the building; and

(iii) any other documents that the Commissioner of Building Control may require.

[22/2012]

(8) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $100,000 and, in the case of a continuing offence, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues after conviction.

[22/2012]

(9) Any mechanical engineer who —

(*a*) without reasonable excuse, contravenes subsection (7); or

(*b*) provides any information or makes any statement in relation to the design score, or in any other document required under subsection (7)(*c*), which the mechanical engineer knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

[22/2012]

Deviation from approved design score

22FC. Where the design score in relation to any major energy-use change to a prescribed building has been approved by the Commissioner of Building Control under section 22FB and the owner of the building, in carrying out the major energy-use change, intends to depart or deviate from the design on which the approved design score was assessed, the mechanical engineer appointed under section 22FB(1)(*a*) —

(*a*) must ensure that the design score for the major energy-use change with such departure or deviation still meets the minimum environmental sustainability standard, subject to any modification or waiver under section 22FB(5); but

(*b*) need not re-submit the design score to the Commissioner of Building Control for approval.

[22/2012]

Lapsing or revocation of approval of design score

22FD.—(1) Unless earlier revoked under subsection (2), any approval granted under section 22FB in respect of a design score for a major energy-use change lapses if no works in respect of that major energy-use change have started within the prescribed period after the approval is granted.

[22/2012]

(2) The Commissioner of Building Control may, at any time, revoke any approval granted in respect of a design score if he or she is satisfied that any information or document submitted to him or her in connection with the design score is false in a material particular.

[22/2012]

(3) Where the approval of a design score is revoked under subsection (2), the owner of the prescribed building must not carry out or continue the major energy-use change to which the revoked approval relates unless the owner has first re-submitted the design score to the Commissioner of Building Control and obtained the approval of the Commissioner of Building Control therefor.

[22/2012]

(4) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

[22/2012]

Completion of major energy-use change and submission of as-built score

22FE.—(1) The owner of a prescribed building must, not later than 3 years after the approval of the design score for a major energy-use change to that building by the Commissioner of Building Control —

(*a*) complete the major energy-use change in accordance with the design score approved by the Commissioner of Building Control, subject to any departure or deviation which complies with section 22FC; and

(*b*) submit to the Commissioner of Building Control in the form and manner and within the time that may be prescribed —

(i) the as-built score of the building assessed by the mechanical engineer appointed under section 22FB(1)(*a*) or, if that mechanical engineer has vacated his or her appointment, another mechanical engineer appointed under subsection (5), for approval by the Commissioner of Building Control;

(ii) a declaration by the mechanical engineer who assessed the as-built score certifying the correctness of the as-built score; and

(iii) any other documents that may be prescribed.

[22/2012]

(2) The Commissioner of Building Control may approve the as-built score on the basis of a declaration by the mechanical engineer who assessed the score certifying the correctness of the as-built score.

[22/2012]

(3) A mechanical engineer appointed to assess the as-built score in relation to a prescribed building must, within 7 days after the completion of the major energy-use change —

(*a*) assess the as-built score of the building in the manner prescribed; and

(*b*) provide to the owner of the building —

(i) the as-built score and the documents on which the as-built score was assessed;

(ii) a declaration as to whether the as-built score meets the minimum environmental sustainability standard applicable to the building;

(iii) any document certifying the completion of the major energy-use change that the Commissioner of Building Control may specify; and

(iv) any other documents that the Commissioner of Building Control may require.

[22/2012]

(4) If the owner of the prescribed building ceases to be the owner thereof before the submission of the as-built score under subsection (1)(*b*), the owner must notify the Commissioner of Building Control of that fact not later than 7 days after the owner ceases to be the owner thereof.

[22/2012]

(5) If any mechanical engineer appointed under section 22FB(1)(*a*) in relation to a prescribed building vacates his or her appointment before the submission of the as-built score under subsection (1)(*b*) for that building, the owner of the building must —

(*a*) appoint another mechanical engineer to assess the as-built score; and

(*b*) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.

[22/2012]

(6) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $100,000 and, in the case of a continuing offence, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues after conviction.

[22/2012]

(7) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

[22/2012]

(8) Any mechanical engineer who —

(*a*) without reasonable excuse, contravenes subsection (3); or

(*b*) provides any information or makes any statement in relation to the as-built score, or in any other document

required under subsection (3)(*b*), which the mechanical engineer knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

[22/2012]

Periodic audit of energy efficiency of building cooling system

22FF.—(1) Subject to subsection (2), the Commissioner of Building Control may, by notice served on the owner of any of the following buildings, require an audit to be carried out as to whether the cooling system of the building meets the prescribed energy efficiency standard applicable to such cooling system (called in this Part an energy audit):

(*a*) any building in respect of which an application for planning permission is submitted to the competent authority under the Planning Act 1998 on or after 1 December 2010;

(*b*) any prescribed building which has undergone a major energy-use change under this Part.

[22/2012]

(2) A notice under subsection (1) may be issued —

(*a*) to the owner of any building in respect of which the application for planning permission is submitted to the competent authority under the Planning Act 1998 on or after 1 December 2010 —

(i) at any time after the temporary occupation permit or, if no temporary occupation permit is issued, the certificate of statutory completion is issued in respect of that building; and

(ii) thereafter at intervals of not less than 3 years after the date of the last notice under this section; and

(*b*) to the owner of any prescribed building which has undergone a major energy-use change —

(i) at any time on or after the third anniversary of the date of the approval of the as-built score mentioned in section 22FE(1)(*b*)(i); and

(ii) thereafter at intervals of not less than 3 years after the date of the last notice under this section.

[22/2012]

(3) The owner of a building on whom a notice is served under subsection (1) must, within the period specified in the notice under that subsection or such longer period as the Commissioner of Building Control may allow in any particular case —

(*a*) appoint a person mentioned in section 22FG to carry out the energy audit;

(*b*) if the cooling system does not meet the applicable prescribed energy efficiency standard, carry out any maintenance work or take any other measures in relation to the cooling system to ensure that it meets the applicable prescribed energy efficiency standard; and

(*c*) submit the report of the energy audit to the Commissioner of Building Control in such form and manner as the Commissioner of Building Control may specify.

[22/2012]

(4) Any owner of a building who, without reasonable excuse, contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000 and, in the case of a continuing offence, to a further fine not exceeding $500 for every day or part of a day during which the offence continues after conviction.

[22/2012]

(5) The Commissioner of Building Control may, on the application of an owner of a building in any particular case, modify any requirement in relation to the prescribed energy efficiency standard for the cooling system of the building, subject to any conditions that the Commissioner of Building Control may impose.

[22/2012]

Persons who may carry out energy audit

22FG.—(1) The following persons may be appointed to carry out an energy audit under section 22FF:

(*a*) a mechanical engineer;

(*b*) an energy auditor registered under this section;

(*c*) any other class or classes of persons that may be prescribed.

[22/2012]

(2) An application to be registered as an energy auditor must be made to the Commissioner of Building Control in the prescribed manner and must be accompanied by such other documents or information and such application fee as may be prescribed.

[22/2012]

(3) An individual is eligible to be registered as an energy auditor if the individual has the prescribed qualifications or experience in relation to assessing the energy efficiency of cooling systems of buildings.

[22/2012]

(4) The Commissioner of Building Control must consider the application and may register the applicant if he or she is satisfied that the applicant has the requisite qualifications and is capable of carrying out the duties of an energy auditor under this Act and the building regulations.

[22/2012]

(5) The registration of an energy auditor is valid for the period prescribed, being at least one year.

[22/2012]

(6) The Commissioner of Building Control may appoint a committee of persons to assist him or her in considering applications for registration, or renewal of registration, as an energy auditor.

[22/2012]

(7) The Commissioner of Building Control must keep a register of energy auditors in which must be entered the names of all persons registered under this section as energy auditors.

[22/2012]

Duties of person carrying out energy audit

22FH.—(1) Any person appointed to carry out an energy audit under section 22FF of a cooling system of a building —

(*a*) must carry out the energy audit in the prescribed manner;

(*b*) may, if the cooling system of the building fails to attain the prescribed energy efficiency standard applicable to such a cooling system, recommend to the owner of the building any measures that may be necessary to attain the prescribed energy efficiency standard; and

(*c*) must, on completion of the energy audit of the cooling system (including of any maintenance work or other measures taken to meet the prescribed energy efficiency standard), prepare and sign a report of the result of the energy audit in the form that the Commissioner of Building Control may specify.

[22/2012]

(2) Any person appointed to carry out an energy audit who —

(*a*) without reasonable excuse, contravenes subsection (1); or

(*b*) provides any information or makes any statement in relation to the energy audit report required under subsection (1)(*c*), which the person knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

[22/2012]

Cancellation or suspension of registration of energy auditor

22FI.—(1) Subject to section 22, the Commissioner of Building Control may cancel, or suspend for a period not exceeding 6 months, the registration of an energy auditor if the Commissioner of Building Control is satisfied that —

(*a*) the person obtained the person's registration or renewal of registration by fraud or misrepresentation;

(*b*) the person has been convicted of an offence which, in the opinion of the Commissioner of Building Control, renders the person unfit to remain registered as an energy auditor;

(*c*) the person is no longer capable of carrying out the duties of an energy auditor;

(*d*) the person no longer satisfies the prescribed requirements by virtue of which the person was so registered; or

(*e*) for prescribed reasons, the person is no longer suitable to be registered as an energy auditor.

[22/2012]

(2) The Commissioner of Building Control must not cancel or suspend the registration of any energy auditor under subsection (1) without giving the energy auditor an opportunity to be heard.

[22/2012]

(3) Where the Commissioner of Building Control cancels or suspends the registration of an energy auditor under this section, the Commissioner of Building Control must remove the name and particulars of that person from the register of energy auditors.

[22/2012]

(4) If the registration of an energy auditor is suspended under this section for any period, then at the end of the period of suspension, the name and particulars of the energy auditor must be reinstated in the register of energy auditors.

[22/2012]

Power to obtain energy consumption and other information

22FJ.—(1) For the purpose of monitoring the energy efficiency and environmental sustainability of any building, the Commissioner of Building Control may do all or any of the following:

(*a*) by written notice to the owner of the building require the owner to provide the Commissioner of Building Control with all or any of the following information in respect of the building:

(i) the electricity consumption by users of the building as a whole or any part of the building or by different users in the building;

(ii) the consumption of other types of energy by users of the building as a whole or any part of the building or by different users in the building;

(iii) the consumption of chilled water supplied to the cooling system of the building;

(iv) such other information relating to the building, the users of the building and their energy usage as the Commissioner of Building Control may specify in the notice;

(*b*) by written notice to a supplier of electricity, gas or any other type of energy (called in this section an energy supplier), require the energy supplier to provide the Commissioner of Building Control with information in the possession of the energy supplier relating to the energy consumption of any building or buildings specified in the notice;

(*c*) by written notice to a supplier of any cooling system to buildings, require that person to provide the Commissioner of Building Control with information specified in the notice relating to the supply of cooling systems by that person to any building or buildings.

[22/2012]

(2) The person to whom a notice is directed under subsection (1) must provide the data required in the form and manner and within the time specified in the notice.

[22/2012]

(3) Any person who, without reasonable excuse, fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

[22/2012]

PART 4

DANGEROUS BUILDINGS AND OCCURRENCES

[47/2007]

Interpretation of this Part

22G. In this Part, "building" includes a building or any part thereof in respect of which building works are being carried out.

[18/2003]

Dangerous building works

23.—(1) If the Commissioner of Building Control is of the opinion that any building works are being carried out in such a manner as —

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

(*b*) will cause, or will be likely to cause, or may have caused a total or partial collapse of —

(i) the building in respect of which the building works are or have been carried out; or

(ii) any building, street, slope or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works, or any part of any such building, street or land; or

(*c*) will render, or will be likely to render, or may have rendered the building in respect of which the building works are or have been carried out or any building, street, slope or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works, or any part of any such building, street or land, so unstable or so dangerous that it will collapse or be likely to collapse (whether totally or partially),

the Commissioner of Building Control may do either or both of the following:

(*d*) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise the Commissioner of Building Control on all matters relating to the safety of the building in respect of which the building works are or have been carried out or the building, street, slope or natural formation opposite, parallel, adjacent or in otherwise close proximity to those

building works (as the case may be), the reasons for its collapse (if applicable) and the measures that should be taken to obviate any possible danger that might arise from the condition of the building;

(*e*) make all or any of the orders in subsection (2).

[47/2007; 22/2012]

(2) The Commissioner of Building Control may, for the purpose of obviating any danger or preventing any situation mentioned in subsection (1)(*a*), (*b*) or (*c*) from happening, order the developer of those building works —

(*a*) to immediately stop the building works;

(*b*) to carry out or cause to be carried out (at the developer's cost) any inspection that the Commissioner of Building Control may specify of either or both of the following:

(i) the building in respect of which the building works are or have been carried out;

(ii) the building, street, slope or natural formation opposite, parallel, adjacent or in otherwise close proximity to those building works;

(*c*) to execute or cause to be executed (at the developer's cost) any building works that the Commissioner of Building Control may specify (which may include retrofitting under Part 3); or

(*d*) to demolish or cause to be demolished (at the developer's cost) the building in respect of which the building works are or have been carried out or any part thereof, and remove any rubbish resulting from the demolition.

[47/2007; 22/2012]

(3) Where the building works mentioned in subsection (1) comprise structural works, the Commissioner of Building Control may, in lieu of or in addition to any engagement or order in subsection (1) or (2), revoke any permit granted under section 6 to carry out those structural works.

[47/2007]

(4) If the person to whom an order in subsection (2) is given fails to comply with the order within the time specified, the Commissioner of Building Control may execute the order in any manner that he or she thinks fit and recover in a court of competent jurisdiction as a debt due to him or her all expenses reasonably incurred by him or her in doing so from the person in default.

[47/2007]

(5) Without affecting the right of the Commissioner of Building Control to exercise his or her powers under subsection (4), any person who, without reasonable excuse, fails to comply with any order in subsection (2) that the person is given shall be guilty of an offence and shall be liable on conviction to —

(*a*) where the order is to immediately stop the building works —

(i) a fine not exceeding $500,000 or imprisonment for a term not exceeding 2 years or both; and

(ii) in respect of a continuing failure to comply, an additional fine not exceeding $10,000 for each day or part of a day the person fails to comply with the order; or

(*b*) in the case of any other order in subsection (2) —

(i) a fine not exceeding $100,000 or imprisonment for a term not exceeding 12 months or both; and

(ii) in respect of a continuing failure to comply, an additional fine not exceeding $2,500 for each day or part of a day the person fails to comply with the order,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding —

(*c*) where the order is to immediately stop the building works — $20,000 for each day or part of a day the person fails to comply with the order after conviction; or

(*d*) in the case of any other order in subsection (2) — $5,000 for each day or part of a day the person fails to comply with the order after conviction.

[47/2007]

(6) Any person to whom any order in subsection (2) is given must, while the order is in force, display a copy of the order at every entrance to the building to which the order relates, and that copy must be displayed in a way that it can be easily read by people outside the building.

[47/2007]

(7) Any person who contravenes subsection (6) shall be guilty of an offence.

[47/2007]

(8) The Commissioner of Building Control may also order the developer of the building works concerned to pay or reimburse the Commissioner of Building Control, all or a specified part of the expenses he or she has incurred in engaging a qualified person or a specialist under subsection (1)(*d*).

[47/2007]

(9) The Commissioner of Building Control may recover in a court of competent jurisdiction as a debt due to him or her so much of the amount payable under an order made under subsection (8) as is not paid in accordance with that order.

[47/2007]

(10) Any person on whom an order under subsection (8) is served may, within 14 days after the date of receipt of the order, appeal in writing to the Minister against the order in the prescribed manner.

[47/2007]

(11) The Minister may determine an appeal under subsection (10) by confirming, varying or cancelling the order of the Commissioner of Building Control under subsection (8); and the decision of the Minister in any such appeal is final.

[47/2007]

Dangerous buildings

24.—(1) If the Commissioner of Building Control is of the opinion that a building is in such a condition, or is used to carry such loads, as to be or likely to be dangerous, the Commissioner of Building Control

may, for the purpose of obviating any danger, order the owner of the building to do all or any of the following:

(*a*) to appoint an appropriate qualified person to carry out (at the owner's cost) any inspection of the building that the Commissioner of Building Control may specify;

(*b*) to execute or cause to be executed (at the owner's cost) any building works that the Commissioner of Building Control may specify (which may include retrofitting under Part 3);

(*c*) to demolish or cause to be demolished (at the owner's cost) the building or any part thereof, and remove any rubbish resulting from the demolition;

(*d*) to cause (at the owner's cost) the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, or arranging for the building to be watched.

[47/2007; 22/2012]

(2) The Commissioner of Building Control may, in lieu of or in addition to any order under subsection (1), make —

(*a*) an order (called in this Part an occupancy order) directing the owner or occupier of the building to not allow more than the number of people stated in the occupancy order to be in the building at any time or to otherwise restrict the use of the building, until the Commissioner of Building Control, being satisfied that any inspection or building works mentioned in subsection (1) are completed, withdraws the order; or

(*b*) an order (called in this Part a closure order) directing the closure of the building, and that every owner and occupier of the building must quit the building and must not allow anyone else to occupy the building except as permitted under this Part.

[47/2007]

(3) Before exercising any of his or her powers under subsection (2), the Commissioner of Building Control must, if it is reasonably

practicable to do so, give notice of his or her intention to make an occupancy order or a closure order, as the case may be.

[47/2007]

(4) If the person to whom an order in subsection (1) is given fails to comply with the order within the time specified, the Commissioner of Building Control may —

(*a*) execute the order in any manner that he or she thinks fit; and

(*b*) recover in a court of competent jurisdiction as a debt due to him or her all expenses reasonably incurred by him or her in doing so from the person in default,

except that so far as the expenses incurred under this section consist of expenses of fencing off the building, or arranging for it to be watched, the expenses are not recoverable in respect of any period after the danger has been removed by other steps under this section.

[47/2007]

(5) Without affecting the right of the Commissioner of Building Control to exercise his or her powers under subsection (4), any person who, without reasonable excuse, fails to comply with any order in subsection (1) that the person is given shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*b*) in respect of a continuing failure to comply, to an additional fine not exceeding $2,500 for each day or part of a day the person fails to comply with the order,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $5,000 for each day or part of a day the person fails to comply with the order after conviction.

[47/2007]

(6) Any person to whom any occupancy order or closure order under subsection (2) is given must, while the order is in force, display a copy of the order at every entrance to the building to which the order

relates, and that copy must be displayed in a way that it can be easily read by people outside the building.

[47/2007]

(7) Any person who contravenes subsection (6) shall be guilty of an offence.

[47/2007]

Dangerous slopes

24A.—(1) If the Commissioner of Building Control is of the opinion that any natural, formed or man-made land or slope which abuts or is in close proximity to any building is in such a condition as to be dangerous or likely to be dangerous to the building, the Commissioner of Building Control may, for the purpose of obviating any danger, order the owner of the land or slope to do all or any of the following:

(*a*) to appoint an appropriate qualified person to carry out (at the owner's cost) any investigation in relation to the land or slope that the Commissioner of Building Control may specify;

(*b*) to submit to the Commissioner of Building Control the findings of the investigation by the qualified person under paragraph (*a*);

(*c*) to execute or cause to be executed (at the owner's cost) any building works or other works that the Commissioner of Building Control may specify to obviate the danger.

[22/2012]

(2) The Commissioner of Building Control may, in lieu of or in addition to any order under subsection (1), make a closure order in relation to either or both of the following:

(*a*) the building that is endangered by the land or slope;

(*b*) the land or slope.

[22/2012]

(3) Before exercising any of his or her powers under subsection (2), the Commissioner of Building Control must, if it is reasonably

practicable to do so, give notice of his or her intention to make the closure order.

[22/2012]

(4) Any person to whom a closure order under subsection (2) is given must, while the order is in force, display a copy of the order in a way that it can be easily read by people —

(*a*) at every entrance to any building to which the order relates; and

(*b*) on any hoarding, fence, cordon, barricade or other physical barrier to entry upon any land or slope to which the order relates.

[22/2012]

(5) If the person to whom an order in subsection (1) is given fails to comply with the order within the time specified, the Commissioner of Building Control may —

(*a*) execute the order in any manner that he or she thinks fit; and

(*b*) recover in a court of competent jurisdiction as a debt due to him or her all expenses reasonably incurred by him or her in doing so from the person in default.

[22/2012]

(6) Without affecting the right of the Commissioner of Building Control to exercise his or her powers under subsection (5), any person who, without reasonable excuse, fails to comply with any order in subsection (1) that the person is given shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(*b*) in respect of a continuing failure to comply, to an additional fine not exceeding $2,500 for each day or part of a day the person fails to comply with the order,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $5,000 for each day

or part of a day the person fails to comply with the order after conviction.

[22/2012]

Closure orders

25.—(1) Where the Commissioner of Building Control makes any closure order, the order must be served on the owner and every occupier of the building or the land or slope, as the case may be.

[47/2007; 22/2012]

(2) A closure order in respect of a building may require the owner or occupier of the building to which the order relates to cease to inhabit the building and to remove all goods, furniture and effects from the building before the order comes into force.

[22/2012]

(2A) A closure order in respect of land or a slope may do one or more of the following:

(*a*) require the owner or occupier of the land or slope to which the order relates to secure the area within or around the land or slope to prevent access into the area;

(*b*) specify the means by which the area is to be secured, including the installation of any hoarding, fence, cordon, barricade or other physical barrier to entry;

(*c*) require the installation of safety features within or around the land or slope, including adequate lighting and warning signs or lights.

[22/2012]

(3) Except with the written permission of the Commissioner of Building Control, a person, other than a public officer in the course of his or her duty, must not —

(*a*) enter or be in a building at any time while a closure order is in force in respect of the building; or

(*b*) enter or be on any land or slope at any time while a closure order is in force in respect of the land or slope.

[22/2012]

(3A) Any person who contravenes or fails to comply with 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 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $200 for every day during which the offence continues after conviction.

[47/2007]

(4) Where the Commissioner of Building Control thinks fit, he or she may, subject to such conditions as he or she may impose, by written notice permit any person to enter and be in a building or on any land or slope while a closure order is in force in respect of the building or land or slope, as the case may be.

[22/2012]

(5) Any permission granted under subsection (4) may be cancelled by the Commissioner of Building Control at any time and for any reason.

(6) Where a closure order is in force in respect of a building or any land or slope —

(*a*) any police officer may, with such force or assistance as may be necessary, remove any person who is in the building or on the land or slope in contravention of subsection (3);

(*b*) the Commissioner of Building Control may seal or cause to be sealed, all or any of the entrances to or exits from the building or the means of access to or egress from the land or slope, as the case may be; and

(*c*) the Commissioner of Building Control or any police officer may remove all goods, furniture and effects from the building.

[22/2012]

(7) A closure order remains in force in respect of a building until the Commissioner of Building Control has served a notice of expiry of the order on the owner of the building by causing the notice to be posted upon a conspicuous part of the building to which it relates and by serving a copy of the notice upon the owner.

(7A) A closure order remains in force in respect of any land or slope until the Commissioner of Building Control has served a notice of expiry of the order on the owner of the land or slope.

[22/2012]

(8) Every notice of expiry of a closure order must specify the building or the land or slope to which it relates and the date upon which the order expires.

[22/2012]

Investigations into dangerous occurrences

25A.—(1) Where the Commissioner of Building Control becomes aware of any dangerous occurrence in any premises at which building works are carried out or in any other premises, the Commissioner of Building Control may direct any person authorised on his or her behalf to investigate the circumstances of the dangerous occurrence.

[47/2007]

(2) A person must not, without the prior consent of the Commissioner of Building Control —

(*a*) alter, replace, remove or add to any building element, machinery, equipment, plant or article at any premises in respect of which the Commissioner of Building Control has made any direction under subsection (1); or

(*b*) modify any premises in respect of which the Commissioner of Building Control has made any direction under subsection (1).

[47/2007]

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

[47/2007]

(4) Nothing in subsection (2) operates to interfere with rescue work or work necessary for the general safety of life and property.

[47/2007]

(5) In this section, "dangerous occurrence" means —

(*a*) the collapse or structural failure of any building (completed or otherwise);

(*b*) any structural distress that is likely to lead to the instability of any building (completed or otherwise); or

(*c*) the instability or failure of any land or slope which abuts or is in close proximity to a building,

whether or not the collapse, structural failure or structural distress of the building or the instability or failure of the land or slope results in any death, bodily injury or injury to health.

[47/2007; 22/2012]

PART 5

INSPECTION OF BUILDINGS

Interpretation of this Part

26.—(1) In this Part —

"owner" —

(*a*) in relation to a subdivided building comprised in a strata title plan under the Land Titles (Strata) Act, means —

(i) the management corporation having control of the common property of the building, or the person receiving any rent or charge for the maintenance and management of that common property; and

(ii) in relation to any limited common property of the building, the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;

(*b*) in relation to any subdivided building which is not comprised in a strata title plan under the Land Titles (Strata) Act, means —

(i) in relation to the common property of residential and commercial property in any housing estate of the Housing and Development Board, that Board; and

(ii) in relation to the common property of any other subdivided building, every person who is a registered proprietor in the land-register under the Land Titles Act 1993 of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance and management of the common property of the building;

(*c*) in relation to any premises which are not subdivided, means any person who is the registered proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises in the land-register under the Land Titles Act 1993; and

(*d*) where paragraphs (*a*), (*b*) and (*c*) do not apply, means the person for the time being receiving the rent of the premises or building, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises or building were let to a tenant and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960 as the owner of the premises or building, or a mortgagee in possession;

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

"structural engineer" means a person who is registered under the Professional Engineers Act 1991 in the civil or structural engineering discipline and who has in force a practising

certificate issued under that Act authorising him or her to engage in civil or structural engineering work.

[34/2004; 47/2004; 22/2012; 4/2021]

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

(*a*) must although so connected, be treated as a separate building if it is so constructed as to be capable of remaining in position and being used independently of the other building or as to require only minor modification as to render it so capable; and

(*b*) must not be treated as other than a separate building merely because it is so connected with the other building at or below ground level or by means of a bridge or similar structure (whether affording access or accommodation to both).

Application of this Part

27. This Part applies to buildings other than —

(*a*) detached houses, semi-detached houses, terraced or linked houses which are used solely by the owners or occupiers thereof solely as their residence; and

(*b*) temporary buildings.

Periodic inspection of buildings

28.—(1) Subject to subsections (2) and (2A), the Commissioner of Building Control may, by notice served on the owner of a building to which this Part applies, require the building to be inspected.

[34/2004; 22/2012]

(2) In relation to any building to which this Part applies, a notice under subsection (1) may be made —

(*a*) where the building (other than a special building) is used other than solely for residential purposes — after the 5th year commencing from the date the first temporary occupation permit or first certificate of statutory completion was issued in respect of the building,

whichever was issued earlier, and thereafter at intervals of not less than 5 years from the date of the last notice under this section; or

(*b*) where the building is a special building or is used solely for residential purposes — after the 10th year commencing from the date the first temporary occupation permit or first certificate of statutory completion was issued in respect of the building, whichever was issued earlier, and thereafter at intervals of not less than 10 years from the date of the last notice under this section.

[34/2004]

(2A) In relation to any building to which this Part applies and in respect of which no temporary occupation permit or certificate of statutory completion has been issued, a notice under subsection (1) may be served at any time that the Commissioner of Building Control considers appropriate, and thereafter —

(*a*) at intervals of not less than 5 years from the date of the last notice under this section for a building (other than a special building) used other than solely for residential purposes; or

(*b*) at intervals of not less than 10 years from the date of the last notice under this section for a building which is a special building or used solely for residential purposes.

[22/2012]

(3) Every owner of a building to which this Part applies must, on receipt of a notice under subsection (1), cause the building to be inspected within the period specified in the notice and in the prescribed manner by a structural engineer appointed by the owner.

(4) Where a building comprising 2 or more flats is not subdivided and there are subsisting leases for those flats registered under the Registration of Deeds Act 1988 or the Land Titles Act 1993, the owners of those flats must, on receipt of a notice under subsection (1), jointly appoint a structural engineer to inspect the building within the time specified in the notice and in the prescribed manner.

(5) The structural engineer who is appointed by the owner of a building to carry out an inspection of a building under this section is

entitled at all reasonable times to full and free access to the building and any part thereof he or she is required to inspect.

(5A) Any person who hinders, obstructs or delays the structural engineer in the performance of his or her duty under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 and, in the case of a continuing offence, to a further fine not exceeding $500 for every day during which the offence continues after conviction.

[47/2007]

(6) A structural engineer appointed to carry out an inspection of a building under this section must —

(*a*) carry out the inspection in the prescribed manner;

(*b*) on completion of the inspection, prepare and sign a report of the result of the inspection; and

(*c*) serve a copy of the report on the Commissioner of Building Control within the period specified by the Commissioner of Building Control in the notice under subsection (1).

(7) Where the report of the result of the inspection of a building prepared under subsection (6)(*b*) contains any measure or other building works recommended by the structural engineer to be carried out to ensure the structural stability or integrity of the building, the owner of the building must, within such period and subject to such conditions as may be specified by the Commissioner of Building Control, carry out or cause to be carried out such measure or building works as is recommended by the structural engineer in the report.

[34/2004; 22/2012]

(8) Any owner of a building who contravenes or fails to comply with a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

[47/2007]

(9) Any owner of a building who fails to comply with subsection (3), (4) or (7) within the period specified in the notice under subsection (1) or within the period specified under subsection (7), as the case may be, 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, and in

respect of a continuing contravention, to an additional fine not exceeding $500 for each day or part of a day during which the contravention continues, and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding $2,000 for every day or part of a day during which the contravention continues after conviction.

[47/2007]

(10) Any structural engineer who contravenes or fails to comply with subsection (6)(*a*), (*b*) or (*c*) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

[47/2007]

(11) The Minister may, by order, provide for the application of this section with such adaptations or modifications as may be specified therein to buildings in respect of which no certificate of fitness for occupation has been issued under regulations made under the repealed Act.

Independence of structural engineers

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

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

(*a*) he or she is or has been responsible for the design or construction of the building or any of the building works in any capacity except building works relating to the alterations of the building which —

(i) do not affect any key structural element; or

(ii) affect any structural element but the effects are localised in nature and do not require any strengthening of any key structural element;

(*b*) he or she or any nominee of his or hers is a member, officer or employee of a company or other body which has a

professional or financial interest in the building or any part thereof;

(*c*) he or she is a partner or is in the employment of a person who has a professional or financial interest in the building or any part thereof; or

(*d*) he or she holds any interest in the building or any part thereof.

(3) For the purposes of this section —

(*a*) a person is to be treated as having a professional or financial interest in the building even if he or she has that interest only as trustee for the benefit of some other person; and

(*b*) in the case of married people living together, the interest of one spouse is, if known to the other, deemed to be also an interest of the other.

(4) For the purposes of this section —

(*a*) involvement in the inspection of a building under section 28; and

(*b*) entitlement to any fee paid for carrying out any inspection under section 28,

is not to be regarded as constituting a professional or financial interest.

(5) The Minister may, by notification in the *Gazette*, exempt from subsection (1) any building owned by any public authority constituted by any public Act.

[22/2012]

PART 5A

LICENSING OF BUILDERS

[47/2007]

Interpretation of this Part

29A.—(1) In this Part, unless the context otherwise requires —

"builder" means a general builder or a specialist builder;

"building works" means any building works to which Part 2 applies;

"Commissioner" means the Commissioner of Building Control and includes any other person that the Commissioner generally or specially authorises under section 3(2);

"corporation" excludes a limited liability partnership;

"minor specialist building works" means the following specialist building works:

(*a*) all specialist building works associated with minor building works;

(*b*) structural steelwork comprising fabrication and erection work for structures with a cantilever length of not more than 3 metres, a clear span of less than 6 metres and a plan area not exceeding 150 square metres;

(*c*) pre-cast concrete work comprising casting of pre-cast reinforced concrete slabs or planks on site; and

(*d*) any other specialist building works that the Minister may, by notification in the *Gazette*, declare to be minor specialist building works;

"partnership" includes a limited liability partnership;

"prescribed" means prescribed in the regulations made under section 29L.

[47/2007; 30/2008]

(2) For the purposes of this Part —

(*a*) a person carries on the business of a general builder if the person carries out or undertakes to carry out (whether exclusively or in conjunction with any other business) general building works for or on behalf of another person

for a fixed sum, percentage, or valuable consideration, or reward other than wages, but not if the person carries out, or undertakes to carry out, general building works only as a sub-contractor;

(*b*) a person carries on the business of a specialist builder if the person carries out or undertakes to carry out (whether exclusively or in conjunction with any other business) any specialist building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, or reward other than wages;

(*c*) a person carries out general building works or specialist building works whether that person carries it out personally, or directly or indirectly causes it to be carried out; and

(*d*) a person is deemed to carry on the business of a general builder or specialist builder if the person carries out general building works or specialist building works (as the case may be) on or in respect of a building for himself, herself or itself.

[47/2007; 22/2012]

(3) To avoid doubt, nothing in this Part prohibits or prevents —

(*a*) any person not licensed under this Part from carrying out any building works to which Part 2 does not apply;

(*b*) any site supervisor or team of site supervisors appointed under section 10 from carrying on any activity solely for the purpose of that section; or

(*c*) a qualified person, or any person under the direction or supervision of such a qualified person, from carrying on any activity within the practice of architecture or professional engineering which the qualified person is authorised to carry on under any written law other than this Act.

[47/2007]

Prohibition against unlicensed builders

29B.—(1) Subject to the provisions of this Act, a person must not —

(*a*) advertise or hold himself, herself or itself out or conduct himself, herself or itself in any way or by any means as a person who is authorised to carry on the business of a general builder or a specialist builder in Singapore; or

(*b*) assume, take or use (either alone or in combination with any other word, letter or device) the name or title of "licensed general builder" or "licensed specialist builder" (as the case may be), or any name, title or description calculated to lead others to believe the person is so licensed, or by words or conduct hold himself, herself or itself out as being so licensed,

unless the person is in possession of a general builder's licence or a specialist builder's licence, respectively.

[47/2007]

(2) Subject to the provisions of this Act, a person must not —

(*a*) carry on the business of a general builder in Singapore unless the person is in possession of a general builder's licence;

(*b*) carry on a business carrying out or undertaking to carry out (whether exclusively or in conjunction with any other business) general building works and minor specialist building works or minor specialist building works only, unless the person is in possession of a general builder's licence; or

(*c*) carry on the business of a specialist builder in Singapore unless the person is in possession of a specialist builder's licence.

[47/2007]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to —

(*a*) a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both;

(*b*) a further fine not exceeding $500 for each day or part of a day the person fails, without reasonable excuse, to comply with the requirements of that subsection; and

(*c*) in the case of a continuing offence after conviction, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues after conviction.

[47/2007]

(4) Subject to the provisions of this Act, a person who carries out any general building works or specialist building works in contravention of subsection (2) is not entitled to recover in any court any charge, fee or remuneration for the general building works or specialist building works so carried out.

[47/2007]

(5) Nothing in this section applies to prevent a corporation or limited liability partnership that ceases to have in force a builder's licence from carrying on any activity necessary to the winding up of the corporation or limited liability partnership.

[47/2007]

Classes of builder's licences

29C.—(1) A licence may be granted under this Part to a builder authorising the builder —

(*a*) to carry on the business of a general builder generally, known as a Class 1 general builder's licence;

(*b*) to carry on the business of a general builder restricted to contracts or engagements for an estimated final price each of not more than $3 million, or any other amount that the Minister may by order in the *Gazette* specify in lieu thereof, known as a Class 2 general builder's licence; or

(*c*) to carry on the business of a specialist builder specified therein, known as a specialist builder's licence of that class.

[47/2007; 30/2008]

(2) In this section, any reference to the estimated final price in relation to any building works is a reference to the total fee chargeable at practical completion for the building works, including

any goods and services tax payable in relation to the supply of the work, and —

(*a*) where a number of distinct contracts or engagements to perform building works are entered into in connection with the same building by the same person, the estimated final price is the moneys payable in respect of the performance of all the contracts or engagements in the aggregate, even though some or all of such contracts or engagements taken severally do not exceed the sum specified in subsection (1)(*b*); and

(*b*) in any case where the Commissioner is satisfied that the contracts or engagements are substantially in respect of the same undertaking or that they were entered into with a view to evading the provisions of this Act, the estimated final price is the moneys payable in respect of the performance of such of the contracts or engagements in the aggregate as the Commissioner determines.

[47/2007]

Register of licensed builders

29D.—(1) The Commissioner must keep a register of builders in which must be entered the names of all persons licensed under this Part as general builders or specialist builders, and any other particulars in relation thereto that may be prescribed.

[47/2007]

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

(*a*) inspect the register of builders during the ordinary hours of business of the Commissioner; or

(*b*) obtain from the Commissioner a certificate as to the licence or non-licence of a named person on a specified date or during a specified period.

[47/2007]

(3) A certificate purporting to be signed by the Commissioner 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.

[47/2007]

Application for builder's licence

29E.—(1) An application for a builder's licence must be made to the Commissioner in the prescribed manner and accompanied by the appropriate application fee that may be prescribed.

[47/2007]

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

[47/2007]

(3) Subject to sections 29F and 29G, upon receiving an application for a builder's licence under subsection (1), the Commissioner must consider the application and may —

(*a*) where the application is for a general builder's licence —

(i) grant a Class 1 or Class 2 builder's licence, with or without conditions; or

(ii) refuse to grant any such licence; or

(*b*) where the application is for a specialist builder's licence —

(i) grant a specialist builder's licence for the appropriate class of specialist building works, with or without conditions; or

(ii) refuse to grant any such licence.

[47/2007]

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

(*a*) the good character of the applicant or, if the applicant is a corporation or partnership, the general character of the management of the corporation or of the partners, as the case may be;

(*b*) the financial condition of the applicant; and

(*c*) whether the public interest will be served by the granting of the licence,

including —

(*d*) seeking confirmation about the experience of applicants through site inspections and referee checks; and

(*e*) carrying out checks with the Commissioner for Workplace Safety and Health appointed under section 7 of the Workplace Safety and Health Act 2006 and the Official Assignee.

[47/2007]

(5) The Commissioner may refuse to grant a licence under this section to any corporation or partnership if, in the opinion of the Commissioner, the past conduct of any director, manager or employee of the corporation or any partner, manager or employee of the partnership provides reasonable grounds for believing that the corporation or partnership (as the case may be) will not carry on the business of a general builder or specialist builder in accordance with any written law and with honesty and integrity.

[47/2007]

(6) Every builder's licence is, unless earlier revoked, valid for the period specified therein (being not longer than 3 years), and upon its expiry, the licence may be renewed.

[47/2007]

Who may be licensed as general builder

29F.—(1) Subject to subsections (2), (4) and (5), a natural person who applies for a general builder's licence is eligible to be granted such a licence if, and only if —

(*a*) he or she has paid the prescribed fees for such licence;

(*b*) he or she satisfies the Commissioner that he or she is a person of good character, and that he or she intends to carry on business on his or her own account;

(*c*) he or she —

(i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; or

(ii) although not having complied with the requirements of sub-paragraph (i), satisfies the Commissioner that he or she has nevertheless had such practical experience in the work of a general builder or as a supervisor of general building works, as to render him or her, in the opinion of the Commissioner, competent to carry on the business of a general builder in Singapore; and

(*d*) he or she satisfies the Commissioner that the execution and performance of any general building works in Singapore that he or she undertakes is under —

(i) his or her personal supervision; or

(ii) the personal supervision of at least one of his or her employees, being an employee who satisfies the Commissioner that the employee has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008]

(2) Where a natural person applies for a general builder's licence in partnership with another natural person or other natural persons, the partnership is, subject to subsections (4) and (5), eligible to be granted such a licence if, and only if —

(*a*) at least one partner satisfies the Commissioner that he or she meets the requirements of subsection (1);

(*b*) the applicant satisfies the Commissioner that the management of the business of the partnership insofar it relates to general building works in Singapore is at all times under the charge and direction of a partner of the partnership who —

(i) has the prescribed qualifications and prescribed practical experience; or

(ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he or she has nevertheless had such practical experience as to render him or her, in the opinion of the Commissioner, competent to

manage the business of a general builder in Singapore; and

(*c*) the applicant satisfies the Commissioner that the execution and performance of any general building works in Singapore undertaken by the partnership is under the personal supervision of —

(i) at least one partner of the partnership; or

(ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a partner,

who satisfies the Commissioner that he or she has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008]

(3) Subject to subsection (4), a corporation which applies for a general builder's licence is eligible to be granted such a licence if, and only if —

(*a*) it has paid the prescribed fees for such licence;

(*b*) it is neither a company limited by guarantee nor a corporation sole;

(*c*) the paid-up capital of the corporation is —

(i) not less than $25,000 (or its equivalent in a foreign currency) where it is applying for a Class 2 general builder's licence; or

(ii) not less than $300,000 (or its equivalent in a foreign currency) where it is applying for a Class 1 general builder's licence;

(*d*) it satisfies the Commissioner that it is duly authorised to carry on the business of a general builder;

(*da*) the corporation is accredited or registered with a prescribed professional or technical body or organisation;

(*e*) it further satisfies the Commissioner that the management of the business of the corporation insofar it relates to

general building works in Singapore is at all times under the charge and direction of a director of the corporation, or a member of the board of management of the corporation, or an employee (being a person employed in such a manner and with such similar duties and responsibilities of a director or member of its board of management) who —

(i) has the prescribed qualifications and prescribed practical experience; or

(ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he or she has nevertheless had such practical experience as to render him or her, in the opinion of the Commissioner, competent to manage the business of a general builder in Singapore; and

(*f*) the applicant satisfies the Commissioner that the execution and performance of any general building works in Singapore undertaken by the corporation is under the personal supervision of —

(i) at least one director of the corporation or a member of its board of management; or

(ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management,

who satisfies the Commissioner that he or she has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008; 22/2012]

(4) Notwithstanding subsection (1), (2) or (3), the Commissioner may require an applicant under that subsection to satisfy him or her 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 the Commissioner of Building Control.

[47/2007]

(5) No natural person and no partnership is eligible for a Class 1 general builder's licence.

[47/2007]

Who may be licensed as specialist builder

29G.—(1) Any natural person who applies for a licence to be a specialist builder for any class of specialist building works is, subject to subsection (4), eligible to be granted such a specialist builder's licence if, and only if —

(*a*) he or she has paid the prescribed fees for such licence;

(*b*) he or she satisfies the Commissioner that he or she is a person of good character, and that he or she intends to carry on business on his or her own account;

(*c*) he or she —

(i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a specialist builder for that class of specialist building works or as a supervisor of such specialist building works for a specialist builder's licence of that class; or

(ii) although not having complied with the requirements of sub-paragraph (i), satisfies the Commissioner that he or she has nevertheless had such practical experience in the work of a specialist builder for that class of specialist building works or as a supervisor of such specialist building works as to render him or her, in the opinion of the Commissioner, competent to carry on the business of a specialist builder of that class in Singapore; and

(*d*) he or she satisfies the Commissioner that the execution and performance of any specialist building works in Singapore that he or she undertakes is under —

(i) his or her personal supervision; or

(ii) the personal supervision of at least one of his or her employees, being an employee who satisfies the Commissioner that the employee has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008]

(2) Where a natural person applies in partnership with another natural person or other natural persons for a specialist builder's licence for any class of specialist building works, the partnership is, subject to subsection (4), eligible to be granted such a specialist builder's licence if, and only if —

(*a*) at least one partner satisfies the Commissioner that he or she meets the requirements of subsection (1);

(*b*) the applicant satisfies the Commissioner that the management of the business of the partnership insofar it relates to specialist building works of that class in Singapore is at all times under the charge and direction of a partner of the partnership who —

(i) has the prescribed qualifications and prescribed practical experience; or

(ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he or she has nevertheless had such practical experience for that class of specialist building works as to render him or her, in the opinion of the Commissioner, competent to manage the business of a specialist builder in Singapore for that class of specialist building works; and

(*c*) the applicant satisfies the Commissioner that the execution and performance of that class of specialist building works in Singapore undertaken by the partnership is under the personal supervision of —

(i) at least one partner of the partnership; or

(ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a partner,

who satisfies the Commissioner that he or she has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008]

(3) Subject to subsection (4), a corporation which applies for a specialist builder's licence for any class of specialist building works is eligible to be granted such a licence if, and only if —

(*a*) it has paid the prescribed fees for such licence;

(*b*) it is neither a company limited by guarantee nor a corporation sole;

(*c*) the paid-up capital of the corporation is not less than $25,000 (or its equivalent in a foreign currency);

(*d*) it satisfies the Commissioner that it is duly authorised to carry on the business of a specialist builder;

(*da*) the corporation is accredited or registered with a prescribed professional or technical body or organisation;

(*e*) it further satisfies the Commissioner that the management of the business of the corporation insofar it relates to specialist building works of that class in Singapore is at all times under the charge and direction of a director of the corporation, or a member of the board of management of the corporation, or an employee (being a person employed in such a manner and with such similar duties and responsibilities of a director or member of its board of management) who —

(i) has the prescribed qualifications and prescribed practical experience; or

(ii) although not having the prescribed qualifications and prescribed practical experience, satisfies the Commissioner that he or she has nevertheless had such practical experience for that class of specialist

building works as to render him or her, in the opinion of the Commissioner, competent to manage the business of a specialist builder in Singapore for that class of specialist building works; and

(*f*) the applicant satisfies the Commissioner that the execution and performance of that class of specialist building works in Singapore undertaken by the corporation is under the personal supervision of —

(i) at least one director of the corporation or a member of its board of management; or

(ii) at least one of its employees, being a person employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management,

who satisfies the Commissioner that he or she has the prescribed qualifications and prescribed practical experience.

[47/2007; 30/2008; 22/2012]

(4) Notwithstanding subsection (1), (2) or (3), the Commissioner may require an applicant under that subsection to satisfy him or her 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 the Commissioner.

[47/2007]

Conditions of builder's licence relating to construction personnel

29H.—(1) From 16 June 2009, it is a condition of every Class 1 general builder's licence (whether granted before the appointed day or otherwise) that the builder holding that licence —

(*a*) must lodge with the Commissioner a manpower programme that satisfies the requirements in subsection (2) in respect of each significant general building work project to be undertaken in Singapore by the builder on or after that date; and

(*b*) must at all times when carrying on the general building works in connection with that significant general building work project, take all practicable steps to ensure that the registered construction personnel employed by or on the licensed general builder's behalf or engaged in connection with that significant general building work project comply with the manpower programme lodged under paragraph (*a*) in respect of that significant general building work project.

[47/2007]

(2) A manpower programme in respect of any particular significant general building work project is a programme or scheme specifying all or any of the following:

(*a*) the number (which must not be less than the number prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project;

(*b*) the proportion (which must not be less than the proportion prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project.

[47/2007]

(3) If there is any change in the number or proportion of registered construction personnel —

(*a*) specified in a manpower programme lodged by a licensed general builder under subsection (1)(*a*) in respect of any particular significant building work project; or

(*b*) employed by or on behalf of the licensed general builder or to be engaged in connection with that particular significant building work project,

the licensed general builder must notify the Commissioner of the change within 7 days after that change.

[47/2007]

(4) In this section, "take all practicable steps", in relation to any result in any circumstances, means taking all steps to achieve the

result that it is reasonably practicable to take in the circumstances; and to avoid doubt, a person required by this section to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.

[47/2007]

(5) In this section, unless the context otherwise requires —

"construction foreman" means a natural person who carries out, or undertakes to carry out, for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, the supervision and coordination of construction tradesmen or other workmen in any prescribed class of work connected with any building works, and a construction foreman is to be classified according to the class of work he or she so supervises for reward;

"construction personnel" means any natural person who is —

(*a*) a construction foreman of any class;

(*b*) a construction supervisor of any class; or

(*c*) a construction tradesman of any class;

"construction supervisor" means a natural person, not being a builder, who oversees the execution or performance of building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, but does not include a construction foreman or other person employed in a like or less responsible capacity;

"construction tradesman" means a natural person, not being a builder, who carries out, or undertakes to carry out, for or on behalf of another person, for a fixed sum, percentage, or valuable consideration, wages or other reward, any prescribed class of work connected with any building works, and a construction tradesman is to be classified according to the class of work he so carries out for reward;

"engaged" means engaged under a contract of service or a contract for services;

"registered" means registered with the Building and Construction Authority;

"significant general building work project" means any building works the value of which is $10 million or any other amount that the Minister may, by order in the *Gazette*, specify in lieu thereof, or more.

[47/2007; 30/2008]

Other conditions of builder's licence

29I.—(1) It is a condition of every Class 2 builder's licence that the licensed builder holding such a licence must not enter into any contract or engagement to carry out general building works for an estimated final price which exceeds the amount specified under section 29C(1)(*b*).

[47/2007]

(2) Where any general building works or specialist building works are carried out by a licensed builder who is a natural person, that person must ensure that —

(*a*) the execution and performance of the general building works or specialist building works (as the case may be) are personally supervised —

(i) by himself or herself; or

(ii) by at least one of his or her employees who is employed to manage and supervise those building works undertaken and who has the prescribed qualifications and prescribed practical experience referred to in section 29F(1)(*d*)(ii) or 29G(1)(*d*)(ii), as the case may be; and

(*b*) the name of that licensed builder or employee appears in any sign affixed or erected on the site where the general building works or specialist building works are carried out.

[47/2007; 2/2012]

(3) Where any general building works or specialist building works are carried out by a licensed builder which is a partnership, the partners thereof must ensure that the execution and performance of

the general building works or specialist building works (as the case may be) are personally supervised by —

(*a*) at least one partner of the partnership; or

(*b*) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a partner,

who has the prescribed qualifications and prescribed practical experience referred to in section 29F(2)(*c*) or 29G(2)(*c*), as the case may be.

[47/2007; 2/2012]

(4) Where any general building works or specialist building works are carried out by a licensed builder which is a corporation, the corporation must ensure that the execution and performance of the general building works or specialist building works (as the case may be) are personally supervised by —

(*a*) at least one director of the corporation or a member of its board of management; or

(*b*) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management,

who has the prescribed qualifications and prescribed practical experience referred to in section 29F(3)(*f*) or 29G(3)(*f*), as the case may be.

[47/2007; 2/2012]

(5) It is a condition of every builder's licence granted to a partnership or a corporation that the management of the business of the partnership or corporation insofar it relates to general building works or specialist building works (as the case may be) must at all times be under the charge and direction of —

(*a*) a partner in the case of the partnership; or

(*b*) in the case of a corporation, a director or a member of the board of management of the corporation or an employee of the corporation who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management,

who satisfies the Commissioner that he or she meets the requirements of section 29F(2)(*b*) or (3)(*e*) or 29G(2)(*b*) or (3)(*e*), as the case may be.

[47/2007]

(6) Without limiting subsections (1) to (5), the Commissioner may grant a builder's licence subject to such other conditions as the Commissioner thinks fit and may at any time vary any existing conditions (other than those specified in subsections (1) to (5)) of such a licence or impose additional conditions thereto.

[47/2007]

(7) Before making any modification to the conditions of a builder's licence under this section, the Commissioner must give notice to the licensed builder concerned —

(*a*) stating that he or she proposes to make the modification in the manner specified in the notice; and

(*b*) specifying the time (being not less than 14 days from the date of service of notice on the licensed builder concerned) within which written representations with respect to the proposed modification may be made.

[47/2007]

(8) Upon receipt of any written representation mentioned in subsection (7)(*b*), the Commissioner must consider the representation and may reject the representation or amend the proposed modification in accordance with the representation, or otherwise and, in either event, must thereupon issue a written direction to the licensed builder concerned requiring that effect be given to the proposed modification specified in the notice or to any modification as subsequently amended by the Commissioner within a reasonable time.

[47/2007]

Revocation of licences, etc.

29J.—(1) Subject to subsection (3), the Commissioner may by order revoke any general builder's licence or specialist builder's licence if he or she is satisfied that —

(*a*) the licensed builder fails to comply with any of the relevant requirements of section 29H(1) or (3) or 29I(1) or (5), as the case may be;

(*b*) the licensed builder has failed to comply with any condition imposed by the Commissioner under section 29I(6);

(*c*) for a period exceeding 28 days —

(i) the licensed builder ceases to, or ceases to have any employee thereof referred to in section 29I(2), personally supervise the execution and performance of any general building works or specialist building works in Singapore undertaken by the licensed builder; or

(ii) where the licensed builder is a partnership or a corporation, it ceases to have any director, manager or employee of the corporation, or any partner or employee of the partnership, as the case may be, referred to in section 29I(3) or (4) personally supervise the execution and performance of any general building works or specialist building works in Singapore undertaken by the licensed builder;

(*d*) the licence had been obtained by fraud or misrepresentation;

(*e*) the licensed builder has ceased to carry on business as a general builder or specialist builder (as the case may be) in Singapore;

(*f*) the licensed builder has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;

(*g*) the licensed builder has been convicted of an offence under this Act;

(*h*) the conduct of any director, manager or employee of the corporation, or any partner or employee of the partnership, that is a licensed builder provides grounds for believing

that the corporation or partnership (as the case may be) will not carry on the business of a general builder or specialist builder (as the case may be) in Singapore in accordance with any written law and with honesty and integrity;

(*i*) the public interest or national security of Singapore so requires; or

(*j*) the licensed builder has refused or failed to comply with an order of the Commissioner made under subsection (2)(*b*) or (*d*).

[47/2007]

(2) The Commissioner may, in any case in which he or she considers that no cause of sufficient gravity for revoking any general builder's licence or specialist builder's licence exists, by order —

(*a*) suspend the licence for a period not exceeding 6 months;

(*b*) impose on the builder concerned a financial penalty not exceeding $20,000;

(*c*) censure the builder concerned; or

(*d*) impose any other direction or restriction that the Commissioner considers appropriate on the builder's business as a general builder or specialist builder, as the case may be.

[47/2007]

(3) The Commissioner must not exercise his or her 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 licensed builder against which the Commissioner intends to exercise its powers, being a period of not more than 14 days.

[47/2007]

(4) Where the Commissioner has revoked a builder's licence under this section, he shall serve on the builder concerned a notice of the order made under this section.

[47/2007]

(5) Any order by the Commissioner revoking or suspending a licence, or imposing a financial penalty, direction or restriction does

not take effect until the expiry of 14 days after the Commissioner has served the order on the builder concerned.

[47/2007]

(6) Where the builder concerned has appealed under section 29K to the Minister against an order by the Commissioner under this section, 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.

[47/2007]

(7) Where an order of revocation becomes effective —

(*a*) the Commissioner must cause notice of the revocation to be published in the *Gazette*; and

(*b*) the builder concerned must, as from the date of the notice, cease to carry on business as a general builder or specialist builder (as the case may be) in Singapore except as the Commissioner may approve.

[47/2007]

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

[47/2007]

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

[47/2007]

Appeal to Minister

29K.—(1) Any person whose application for a builder's licence or for the renewal of a builder's licence has been refused by the Commissioner may, within 14 days after being notified of such refusal, appeal in the prescribed manner to the Minister whose decision is final.

[47/2007]

(2) Where a builder's licence is granted by the Commissioner subject to conditions (other than those specified in section 29H or

29I), the builder concerned may, within 14 days after being notified of such conditions, appeal in the prescribed manner to the Minister whose decision is final.

[47/2007]

(3) If the Commissioner has made —

(*a*) an order of revocation or suspension of a licence under section 29J; or

(*b*) an order imposing any pecuniary penalty on, or a direction or restriction on the business of a licensed corporation, partnership or limited liability partnership under section 29J(2),

the person whose licence is revoked or suspended, on whom such a penalty, direction or restriction is imposed (as the case may be) 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.

[47/2007]

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

[47/2007]

Power of Minister to make regulations

29L. The Minister may make regulations for giving effect to 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*) prescribing the form and procedure for applications for builder's licences;

(*b*) varying the minimum paid-up capital of a corporation specified in section 29F(3)(*c*) or 29G(3)(*c*) in connection with applications for a general builder's licence or specialist builder's licence;

(*c*) prescribing the different classes of construction tradesmen and construction foremen for the purposes of section 29H;

(*d*) prescribing offences in respect of the contravention of any regulations made under this section, and prescribing fines, not exceeding $10,000 or imprisonment which may not exceed 12 months or both, that may, on conviction, be imposed in respect of any such offence;

(*e*) prescribing any matter which is required under this Part to be prescribed.

[47/2007]

Saving and transitional provision

29M. Despite the provisions of this Part, any person who, immediately before 16 December 2008, is carrying on the business of a general builder or specialist builder in Singapore is entitled to continue doing so for a period of 6 months from that date, and if before the expiry of that period a licence is applied for under this Part, that person is entitled to continue carrying on the business of a general builder or specialist builder, as the case may be, until —

(*a*) the date on which a general builder's licence or specialist builder's licence under this Part is issued; or

(*b*) the application for a licence under this Part is refused or withdrawn.

[47/2007]

PART 6

MISCELLANEOUS

Exemption

30. The Minister may by order, either generally or in any particular case, and subject to any conditions that the Minister may impose, exempt any person, premises or building or any building works from all or any of the provisions of this Act or any subsidiary legislation made under this Act.

[47/2007; 22/2012]

Offences by bodies corporate, etc.

31.—(1) Where an offence under this Act or any subsidiary legislation made under this Act has been committed by a body

corporate, every officer of the body corporate shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the officer proves that —

(*a*) the offence was committed without the consent or connivance of the officer; and

(*b*) the offence was not attributable to any neglect on the officer's part.

[47/2007; 22/2012]

(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.

[47/2007]

(3) Where an offence under this Act or any subsidiary legislation made under this Act has been committed by a partnership, each partner of the partnership shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the partner proves that —

(*a*) the offence was committed without the consent or connivance of the partner; and

(*b*) the offence was not attributable to any neglect on the partner's part.

[47/2007; 22/2012]

(4) Where an offence under this Act or any subsidiary legislation made under this Act has been committed by an unincorporated association (other than a partnership), every officer of the unincorporated association and every member of its governing body shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the officer or member (as the case may be) proves that —

(*a*) the offence was committed without the consent or connivance of the officer of the unincorporated association or member of its governing body, as the case may be; and

(*b*) the offence was not attributable to any neglect on the part of that officer or member.

[47/2007; 22/2012]

(5) In this section —

"body corporate" includes a limited liability partnership;

"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 a committee and includes any person purporting to act in any such capacity;

"partner" includes a person purporting to act as a partner.

[47/2007]

(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.

[47/2007]

Protection from liability

32.—(1) No liability shall lie against any public officer by reason of the fact that any building works are carried out in accordance with the provisions of this Act or that such building works or plans of the building works are subject to inspection or approval by the Commissioner of Building Control or the public officer.

[2/2012]

(2) Nothing in this Act makes it obligatory for the Commissioner of Building Control to inspect any building or building works or the site

of any proposed building to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, notices or other documents submitted to him or her are accurate.

(3) No matter or thing done by the Commissioner of Building Control or by any public officer, if it were done in good faith for the purpose of carrying out the provisions of this Act, subjects the Commissioner of Building Control or the public officer personally to any action, liability, claim or demand.

(4) Where the Commissioner of Building Control provides any information to any person in respect of any building or building works by electronic or other means, the Government, the Commissioner of Building Control and any public officer are not liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the electronic equipment used for providing the information, if the error or omission is made in good faith and in the ordinary course of duties of the Commissioner of Building Control or public officer.

Power to enter premises

33.—(1) The Commissioner of Building Control or any person appointed by him for this purpose may enter any premises at all reasonable hours for the purpose of —

(*a*) ascertaining whether there is, or has been, on or in connection with the premises, a contravention of this Act or any subsidiary legislation made under this Act;

(*b*) ascertaining whether circumstances exist that would authorise the Commissioner of Building Control or any person appointed by him or her for this purpose to take any action or execute any work under this Act or any subsidiary legislation made under this Act;

(*c*) taking any action or carrying out any work, authorised or required by this Act or any subsidiary legislation made under this Act; or

(*d*) inspecting the documents, books or records kept and maintained by a qualified person or builder under section 9(4) or 11(1)(*c*), respectively.

[18/2003; 47/2007; 22/2012]

(1A) For the purposes of subsection (1), the Commissioner of Building Control or a person appointed under subsection (1) may take any steps that he or she may consider necessary, including the making of openings and the taking without payment of reasonable samples of building materials for analysis.

[47/2007]

(2) The results of any analysis of a sample of building materials taken under subsection (1A) are not admissible as evidence in any proceedings under this Act or the building regulations unless the samples were taken in the prescribed manner.

(3) A certificate of the results of an analysis of a part of a sample taken under subsection (1A) must be signed by the analyst but the analysis may be made by a person acting under the direction of the analyst.

(4) For the purposes of any inspection under subsection (1)(*d*), the qualified person or builder concerned must afford the Commissioner of Building Control or a person appointed under subsection (1) access to and must produce the documents, books or records and must give any information and facilities that may be required by the Commissioner of Building Control or a person appointed under subsection (1).

[47/2007]

(4A) Any qualified person or builder, as the case may be, who contravenes or fails to comply with subsection (4) shall be guilty of an offence.

(5) The documents, books or records mentioned in subsection (4) are not required to be produced at any time or at any place that would interfere with the proper execution of the building works.

(6) Any person who wilfully obstructs the Commissioner of Building Control or a person appointed under subsection (1) in the

performance of any matter or thing which he or she is authorised to do by this section shall be guilty of an offence.

[47/2007]

Presumptions and defences

34.—(1) In any proceedings instituted under this Act for the commencement or carrying out of any building works on any premises in contravention of the provisions of this Act or the building regulations, the owner of the premises at the time the building works were commenced or carried out is presumed, until the contrary is proved, to be the person commencing or carrying out the building works.

(2) Where anything is required under this Act to be done by the owner of a building, and there is more than one owner of the building, it is a defence to any prosecution for failing to do that thing —

(*a*) that the thing was done by another owner of the building; or

(*b*) that any notice or order in respect of the thing required under this Act to be served on the owner was served on another owner of the building and not on the person charged.

Occupier may execute work in default of owner

35.—(1) Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by the owner, an occupier of the premises may, with the approval of the Commissioner of Building Control, cause the work to be executed.

(2) The costs and expenses thereof are recoverable by the occupier from the owner or the amount may be deducted out of the rent from time to time becoming due from the occupier to the owner.

(3) The occupier may, in the absence of any special agreement to the contrary, retain possession of the premises until the costs and expenses incurred by the occupier have been fully reimbursed.

Proceedings if occupier opposes execution of works

36.—(1) Where —

(*a*) the owner of any premises is required under any provision of this Act or the building regulations to carry out any work or make any provision in respect of the premises;

(*b*) the owner has given written notice to the occupier of the premises of the owner's intention to carry out the work or make such provision; and

(*c*) the occupier prevents the owner from carrying out the work or making such provision in respect of the premises,

a Magistrate's Court, upon proof thereof and upon application by the owner, may make a written order requiring the occupier to permit the owner to execute all such work or to make any provision with respect to the premises that may be required by the provisions of this Act or the building regulations and may also, if the Court thinks fit, order the occupier to pay to the owner the costs relating to the application or order.

(2) If, after the expiry of 8 days from the date of the order, the occupier continues to refuse to permit the owner to execute such work or make any provision that may be required by the provisions of this Act or the building regulations, the occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $2,000 for every day during which he so continues to refuse.

[47/2007]

(3) Every such owner is, during the continuance of such refusal, discharged from any penalties to which the owner might otherwise have become liable by reason of the owner's default in executing the work or making provision in respect of the premises or building.

Recovery of costs and expenses payable by owners

37.—(1) All expenses incurred by the Commissioner of Building Control in or about the execution of any work pursuant to any provision of this Act, together with interest accruing in accordance with subsection (3), are recoverable from the person who is the owner of the premises on the date on which the works are completed.

(1A) As from the date of the completion of the work, the expenses and interest accrued due thereon are, until recovered, a first charge on the premises and on all estates and interests therein, exercisable against the premises and the estates and interests therein and all movable property or crops for the time being found thereon, despite any change in the ownership or occupation of the premises subsequent to that date.

(2) The Commissioner of Building Control may certify under his or her hand the expenses due and the names of the persons liable therefor and may by that certificate apportion the expenses among those persons.

(2A) A copy of the certificate must be served upon each of those persons mentioned in subsection (2), but where no such persons may be found, the certificate is deemed to have been duly served if a copy thereof is posted at the office of the Commissioner of Building Control and another copy is affixed to some conspicuous part of the premises in respect of which the expenses have been incurred.

(3) Interest at the rate of 9% per annum from the expiry of one month from the date of service of a certificate under subsection (2A) is recoverable as part of the expenses incurred by the Commissioner of Building Control.

(4) A certificate purporting to be under the hand of the Commissioner of Building Control and to be made under subsection (2) and setting forth the amount claimed as due to the Commissioner of Building Control and the persons as liable for the payment thereof is prima facie evidence of the facts certified therein and of the signature of the Commissioner of Building Control thereto.

(5) If any sum or any part thereof due to the Commissioner of Building Control under this Act remains unpaid at the expiry of one month commencing from the date of service of the certificate under subsection (2A), or any further period as the Commissioner of Building Control may allow, it is deemed to be arrears.

Recovery of costs and expenses by instalments

38.—(1) Where the Commissioner of Building Control has incurred expenses in or about the execution of any work which are

recoverable from any person, the Commissioner of Building Control may either recover such expenses in the manner provided in section 37 or, if he or she thinks fit, obtain an undertaking from the person for the payment of such instalments as will be sufficient to defray the whole amount of such expenses with interest thereon at a rate not exceeding 9% per annum within a period of 10 years.

(2) Upon default in payment of any instalment upon the date appointed for payment thereof by any such undertaking, the whole of the balance then outstanding of such amount immediately becomes due and payable and, despite any change in the ownership or occupation of the premises since the date of the undertaking, may be recovered by the same means and in the like manner as provided in section 37.

Power to vary interest rates

39. The Minister may, at any time by notification in the *Gazette*, vary the rates of interest specified in sections 37(3) and 38(1).

Liability of transferor of property in respect of expenses incurred by Commissioner of Building Control

40.—(1) Where a person sells or transfers any premises in respect of which expenses have been incurred by the Commissioner of Building Control in or about the execution of any work required to be done under this Act which are recoverable from the owner thereof, the person continues to be liable for the payment of all such expenses payable in respect of the premises and for the performance of all other obligations imposed by this Act upon the owner of those premises which became payable or were required to be performed prior to the transfer.

(2) Nothing in subsection (1) affects the liability of the purchaser or transferee to pay such expenses in respect of the premises or affects the right of the Commissioner of Building Control to recover such expenses or to enforce any obligation under this Act.

Property and materials seized or removed by Commissioner of Building Control

41.—(1) Any property or materials seized or removed by the Commissioner of Building Control, in the exercise of his or her powers under this Act, may be forfeited to the Government and sold or otherwise disposed of by the Commissioner of Building Control unless a claim is made by the person to whom the property or materials belong within 2 weeks of the seizure or removal in which case the property or materials may be returned to the person on any terms and conditions that the Commissioner of Building Control may impose.

(2) Where the Commissioner of Building Control sells any property or materials under subsection (1), the Commissioner of Building Control must pay on demand the proceeds of the sale to the owner to whom the property or materials belonged after deducting the amount of any expenses recoverable by the Commissioner of Building Control from the owner.

(3) Any proceeds of the sale of property or materials under this section not claimed within 2 years of the sale must be paid into the Consolidated Fund.

Service of documents

42.—(1) Any notice, order or document required or authorised to be served under this Act (including any subsidiary legislation made under this Act) is deemed to be sufficiently served —

(*a*) by delivering a copy thereof personally or by leaving it with any adult person at the last known place of abode of the person on whom the notice, order or document is to be served;

(*b*) by leaving it at the usual or last known place of abode or business of the person on whom the notice, order or document is to be served in a cover addressed to that person or by posting it upon a conspicuous part of those premises;

(*c*) by sending it by registered post addressed to the person on whom the notice, order or document is to be served at that person's usual or last known place of abode or business;

(*ca*) by sending it by fax to the fax number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Commissioner of Building Control by the individual as the fax number for the service of documents on the individual; or

(*d*) in the case of an incorporated company, a partnership or a body of persons —

(i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business;

(ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business; or

(iii) by sending it by fax to the fax number operated at the registered office or principal place of business of the company, partnership or body of persons.

[47/2007; 22/2012]

(1A) Any notice or document (other than an order) required or authorised to be served under this Act (including any subsidiary legislation made under this Act) is, in addition to any mode of service under subsection (1), deemed to be sufficiently served —

(*a*) by sending it by ordinary post addressed to the person on whom the notice or document is to be served at the person's usual or last known place of abode or business;

(*b*) by electronic communication, by sending an electronic communication of the notice or document to the last email address given to the Commissioner of Building Control by the individual as the email address for the service of documents on the individual; or

(*c*) in the case of an incorporated company, a partnership or a body of persons —

(i) by sending it by ordinary post addressed to the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by electronic communication, by sending an electronic communication of the notice or document to the last email address given to the Commissioner of Building Control by the company, partnership or body of persons as the email address for the service of documents on it.

[22/2012]

(2) Any notice, order or document required or authorised to be served under this Act on the owner or occupier of any premises or building is also deemed to be sufficiently served by delivering a copy thereof personally to any adult person on the premises or building or, if there is no such person to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to a conspicuous part of the premises or building.

(3) Any notice, order or document required or authorised by this Act to be served on the owner or the occupier of any premises is deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises without further name or description.

(4) Any notice, order or document to be issued by the Commissioner of Building Control under this Act or any subsidiary legislation made under this Act may be issued in any form that the Commissioner of Building Control may determine and every such notice, order or document is valid if the signature of the Commissioner of Building Control or any officer authorised under this Act is duly printed or written thereon.

[22/2012]

(5) Where any notice, order or other document to be served on any person is —

(*a*) sent by fax to the fax number operated at the last known place of residence or business or registered office or principal place of business in accordance with subsection (1) — it is deemed to be 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 a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be;

(*b*) sent by registered post to any person in accordance with subsection (1) — it is deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered, and in proving service of the notice, order or document, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post;

(*c*) sent by ordinary post to any person in accordance with subsection (1A) — it is deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered; and

(*d*) sent by electronic communication to an email address in accordance with subsection (1A) — it is deemed to be duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.

[22/2012]

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

[22/2012]

(7) This section does not apply to notices, orders or documents to be served in proceedings in court.

[22/2012]

Inaccuracies in notices, etc.

42A.—(1) No misnomer or inaccurate description of any person, premises, building or building works or any other thing named or described in any notice or order issued or served under or for the

purposes of this Act or any subsidiary legislation made under this Act renders invalid the notice or order or affect the operation of this Act or its subsidiary legislation if the person, premises, building or building works or other thing named or described in the notice or order is so designated or described as to be identifiable.

[22/2012]

(2) No proceedings taken under or by virtue of this Act or any subsidiary legislation made under this Act are rendered invalid merely by reason of want of form, which otherwise would be valid.

[22/2012]

Providing of information

43.—(1) The Commissioner of Building Control may by notice require any person who appears to the Commissioner of Building Control to be acquainted with the circumstances of any case which is under investigation to provide the Commissioner of Building Control within the time specified in the notice with information relating to that case in the possession of that person.

(2) Any person who fails to comply with any notice under subsection (1) or who provides any information which the person knows or has reason to believe is false shall be guilty of an offence.

Providing documents false in a material particular

43A. Any person who, being required by or by virtue of this Act or any subsidiary legislation made under this Act to make or produce to the Commissioner of Building Control any plan, declaration, certificate, report, record, notice or other document, or who, for the purpose of obtaining any licence, permit, waiver or approval from the Commissioner of Building Control under this Act or its subsidiary legislation or for the purpose of establishing any fact relevant to the administration of this Act or its subsidiary legislation —

(*a*) makes or produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular; or

(*b*) produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular, or has not been made by the person by whom it

purports to have been made, or has been in any way altered or tampered with,

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

[22/2012]

Powers of arrest

44.—(1) A police officer may arrest without warrant any person who has committed, or whom the police officer reasonably suspects to have committed, an offence under this Act or any subsidiary legislation made under this Act —

(*a*) if the person declines to give the person's name and address; or

(*b*) if there is reason to doubt the accuracy of the name and address, if given.

[22/2012]

(2) A person arrested under this section may be detained until the person's name and address are correctly ascertained except that no person so arrested is to be detained longer than is necessary for bringing the person before a court unless the order of a court for the person's detention is obtained.

Evidence

45.—(1) Subject to this section, the contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act or any subsidiary legislation made under this Act is until the contrary is proved presumed to be correct.

[22/2012]

(1A) The production of any document purporting to contain any apportionment made under section 37(2) shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

(2) In any proceedings under this Act or the building regulations, a certificate of analysis under section 33 purporting to be signed by an analyst is, on its production by the prosecution without proof of the

signature of the analyst, sufficient evidence of the facts stated therein unless the defendant requires the analyst to be called as a witness, in which case the defendant must give notice thereof to the prosecution not less than 3 clear days before the day fixed for the hearing of the summons.

(3) All records and other documents required by this Act or any subsidiary legislation made under this Act to be kept by the Commissioner of Building Control are deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts (as the case may be) subscribed by that officer with his or her name and official title are admissible in evidence as proof of the contents of the documents or extracts.

[22/2012]

(4) Where any information in respect of any building or building works is provided by the Commissioner of Building Control by electronic means, the production of any document under the hand of a public officer responsible for providing such information purporting to be a hard copy transcript of all or any such information is, in all courts and in all proceedings, sufficient evidence of the information provided electronically and all courts are in all proceedings to take judicial notice of the signature of the public officer.

Jurisdiction of Courts

46. Despite the provisions of the Criminal Procedure Code 2010, a District Court or a Magistrate's Court has power to impose the maximum penalties provided for an offence under this Act.

General penalty

47. Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 6 months or to both.

[47/2007]

Composition of offences

48.—(1) The Commissioner of Building Control may compound any offence under this Act or any subsidiary legislation made 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.

[47/2007]

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

[47/2007]

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

[47/2007]

(4) All sums collected under this section must be paid to the Building and Construction Authority.

[47/2007]

Regulations

49.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without limiting subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

(*a*) the regulation or prohibition of the exhibition of advertising signs, skysigns, aerial signs and projected advertisement in or on any premises and the regulation of the size and construction of those signs and advertisements;

(*b*) the submission of plans of building works, the authorisation of persons qualified to submit the same and their duties and responsibilities, and the nature or classification of plans which each person may submit;

(*c*) the manner of making applications for and granting of approval of plans of building works and permits to carry out building works;

(*ca*) the establishing of objectives and performance requirements for the design and construction of buildings;

(*d*) the structural strength and stability of buildings or proposed buildings, including —

(i) precautions against overloading;

(ii) measures to safeguard adjacent buildings;

(iii) underpinning;

(*e*) the design and construction of buildings, including —

(i) the preparation of sites for building works;

(ii) exterior features;

(iii) [*Deleted by Act 18 of 2003*]

(iv) the natural lighting and ventilation of buildings;

(v) the headroom of rooms, cubicles and staircases and other spaces within buildings;

(vi) the suitability and use of materials and components;

(vii) environmental sustainability measures that improve the total quality of life and minimises adverse effects to the environment, both now and in the future;

(*ea*) the minimum standards of environmental sustainability for buildings or classes or types of buildings, and the method by which such standards may be assessed;

(*eb*) the manner in which an assessment of environmental sustainability of a building or an audit of the energy efficiency of a cooling system of a building is to be carried out;

(*ec*) the qualifications required, and the application process, to be registered as an energy auditor and the grounds on which such registration may be cancelled or suspended;

(*ed*) the preparation and submission of reports, certifications or other documents in relation to a design score, an as-built score or an energy audit under Part 3B;

(*f*) the demolition of buildings and the safety precautions to be taken in respect thereof;

(*fa*) the reporting of dangerous occurrences (as defined in section 25A) in premises at which building works are carried out;

(*g*) prohibiting or regulating the occupation of buildings;

(*h*) the control and regulation of measures for energy conservation in buildings;

(*i*) the provision of embankments and retaining walls;

(*j*) measures to improve efficiency and standardisation in the construction industry relating to design, processes, construction techniques, products and materials;

(*k*) the regulation of persons authorised to carry out installation or retrofitting of any exterior feature, including prescribing the qualifications and training of such persons, and their duties and responsibilities in connection with installing or retrofitting the exterior feature;

(*l*) measures for the construction, installation and inspection of lifts and escalators;

(*m*) the control, regulation and supervision by registration, licensing, inspection or otherwise of places to which the public has access;

(*n*) the prescribing of documents, books or records to be kept and reports or certificates to be made under this Act;

(*o*) the time and manner of making, and the information and documents to be provided in respect of, an application for a temporary occupation permit and a certificate of statutory completion;

(*p*) the manner in which the duties and responsibilities of accredited checkers and specialist accredited checkers are to be discharged;

(*q*) the manner in which appeals may be made to and determined by the Minister under this Act and the information to be supplied by the Commissioner of Building Control in connection therewith;

(*r*) the granting of permits for the erection, demolition and occupation and the control of buildings required for a limited time or constructed of short-lived materials;

(*s*) the procedure for the sampling of building materials under section 33;

(*t*) the prescribing of forms necessary for the administration of this Act; and

(*u*) the prescribing of fees and charges for the purposes of this Act.

[18/2003; 34/2004; 47/2007; 22/2012]

(2A) Regulations made under this section may provide that —

(*a*) any particular objective and performance requirement for the design and construction of any building is deemed to be complied with if the building is constructed with such specifications, materials, designs or methods of construction as may be specified by the Commissioner of Building Control; and

(*b*) the Commissioner of Building Control may issue in any form that he or she thinks fit, and from time to time amend, one or more Approved Documents setting out the specifications, materials, designs or methods of construction which are, without affecting any alternative means of achieving compliance, deemed to comply with the relevant objective and performance requirement for the design and construction of buildings prescribed in those regulations.

[18/2003]

(3) The Minister may, in making any building regulations under this section, provide that any contravention of or failure to comply with any provision thereof shall be an offence and may prescribe punishment by a fine not exceeding $20,000 or imprisonment for a term not exceeding 12 months or with both.

[47/2007; 22/2012]

Adoption of codes and standards

50.—(1) Any building regulations made under section 49 may adopt wholly or partially or as amended by the regulations or by reference any code, standard, rule, specification or provision which relates to any matter with which the building regulations deal and which is —

(*a*) recommended, issued or adopted by the Enterprise Singapore Board;

(*b*) recommended, issued or adopted by —

(i) the British Standards Institution; or

(ii) any other standards organisation or body of any place outside Singapore being an organisation or body approved by the Commissioner of Building Control; or

(*c*) included in any document issued by any Government department or issued by any public authority constituted by any written law.

[18/2002; 10/2018]

(2) The Commissioner of Building Control must cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Enterprise Singapore Board) to be made available for inspection by members of the public without charge at the office of the Commissioner of Building Control during normal office hours.

[18/2002; 10/2018]

(3) In any proceedings under the building regulations, a copy certified by the Commissioner of Building Control as a true copy of a code, standard, rule, specification or provision adopted under

subsection (1) (other than a code, standard, rule, specification or provision recommended, issued or adopted by the Enterprise Singapore Board) is evidence of the code, standard, rule, specification or provision so adopted.

[18/2002; 10/2018]

Application of Act to Government

51.—(1) Except as provided in subsection (2), this Act binds the Government and applies to —

(*a*) any premises wholly or partly owned or occupied by the Government; and

(*b*) any premises in which any building operation or any work of engineering construction is carried on by or on behalf of the Government.

[47/2007]

(2) Nothing in this Act renders the Government liable to prosecution for an offence.

[47/2007]

(3) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.

[47/2007]

Presentation of order, notification and regulation to Parliament

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

Transitional provisions

53.—(1) Any licence, permission, approval or other document prepared, made or granted under the repealed Act and valid immediately prior to 1 May 1989 is deemed to have been prepared, made or granted under the corresponding provision of this Act.

(2) A valid and subsisting certificate of fitness for occupation issued under regulations made under the repealed Act or a valid and subsisting temporary occupation licence has the same force and effect

as a certificate of statutory completion or temporary occupation permit, respectively, granted under this Act.

(3) Any temporary permit, permission or other similar document issued in respect of a temporary building under any written law relating to building control in force before 1 February 1960 is presumed, until the contrary is proved, to have lapsed or expired.

(4) The powers conferred on the Commissioner of Building Control by this Act may be exercised in respect of —

(*a*) any building erected in contravention of, or deemed to be unauthorised under, any written law relating to building control in force before 1 May 1989; and

(*b*) any temporary building in respect of which no temporary permit, permission or other similar document issued under any such written law relating to building control or this Act is in force,

and such building is deemed unauthorised for the purposes of this Act.

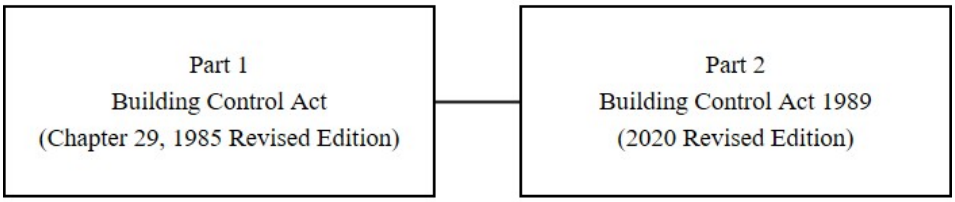
(5) Where any written law or document refers expressly or by implication to a temporary occupation licence or to a certificate of fitness for occupation, the reference is (except where the context otherwise requires) to be construed as a reference to a temporary occupation permit or a certificate of statutory completion, respectively.

(6) In this section, "temporary building" means a building which is required for a limited time or constructed of short-lived materials.

LEGISLATIVE HISTORY
BUILDING CONTROL ACT 1989

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
BUILDING CONTROL ACT
(CHAPTER 29, 1985 REVISED EDITION)

1. Act 59 of 1973 — Building Control Act, 1973

Bill	:	51/1973
First Reading	:	28 August 1973
Second Reading	:	30 November 1973
Notice of Amendments	:	30 November 1973
Third Reading	:	30 November 1973
Commencement	:	1 April 1974

Note: This Act repealed Part III of the Local Government Integration Act (Chapter 210, 1970 Revised Edition).

2. Act 32 of 1986 — Statutes (Miscellaneous Amendments) Act 1986
(Amendments made by section 2 read with item (6) of the Schedule to the above Act)

Bill	:	24/1986
First Reading	:	27 October 1986
Second and Third Readings	:	9 December 1986
Commencement	:	23 January 1987 (section 2 read with item (6) of the Schedule)

3. 1985 Revised Edition — Building Control Act (Chapter 29)

Operation	:	30 March 1987

PART 2
BUILDING CONTROL ACT 1989
(2020 REVISED EDITION)

4. Act 9 of 1989 — Building Control Act 1989

Bill	:	5/1989
First Reading	:	16 January 1989
Second and Third Readings	:	16 February 1989
Commencement	:	1 May 1989 (except section 10(3)) 4 December 1992 (section 10(3))

5. 1990 Revised Edition — Building Control Act (Chapter 29)

Operation	:	15 March 1990

6. Act 2 of 1991 — Building Control (Amendment) Act 1990

Bill	:	31/1990
First Reading	:	9 November 1990
Second and Third Readings	:	20 December 1990
Commencement	:	25 January 1991

7. Act 22 of 1991 — Architects Act 1991
(Amendments made by section 47(1) of the above Act)

Bill	:	9/1991
First Reading	:	26 February 1991
Second Reading	:	22 March 1991
Select Committee Report	:	Parl. 3 of 1991
Third Reading	:	28 June 1991
Commencement	:	30 August 1991 (section 47(1))

8. Act 23 of 1991 — Professional Engineers Act 1991
(Amendments made by section 47(1) read with the Second Schedule to the above Act)

Bill	:	10/1991
First Reading	:	26 February 1991

Second Reading	:	22 March 1991
Select Committee Report	:	Parl. 3 of 1991
Third Reading	:	28 June 1991
Commencement	:	30 August 1991 (section 47(1) read with the Second Schedule)

9. Act 18 of 1995 — Building Control (Amendment) Act 1995

Bill	:	10/1995
First Reading	:	1 March 1995
Second and Third Readings	:	25 May 1995
Commencement	:	1 September 1995

10. Act 1 of 1996 — Singapore Productivity and Standards Board Act 1995
(Amendments made by section 44 read with item 1 of the Third Schedule to the above Act)

Bill	:	39/1995
First Reading	:	1 November 1995
Second Reading	:	5 December 1995
Notice of Amendments	:	5 December 1995
Third Reading	:	5 December 1995
Commencement	:	1 April 1996 (section 44 read with item 1 of the Third Schedule)

11. G.N. No. S 310/1997 — Building Control Act (Amendment of Schedule) Order 1997

Commencement	:	7 July 1997

12. G.N. No. S 96/1998 — Building Control Act (Amendment of Schedule) Order 1998

Commencement	:	13 March 1998

13. Act 3 of 1998 — Planning Act 1998
(Amendments made by section 65 read with item (2) of the Second Schedule to the above Act)

Bill	:	18/1997
First Reading	:	19 November 1997
Second Reading	:	14 January 1998
Notice of Amendments	:	14 January 1998

Third Reading	:	14 January 1998
Commencement	:	1 April 1998 (section 65 read with item (2) of the Second Schedule)

14. Act 12 of 1997 — Civil Defence Shelter Act 1997
(Amendments made by section 29 of the above Act)

Bill	:	12/1997
First Reading	:	25 August 1997
Second and Third Readings	:	7 October 1997
Commencement	:	1 May 1998 (section 29)

15. Act 4 of 1999 — Building and Construction Authority Act 1999
(Amendments made by section 37 read with item (1) of the Schedule to the above Act)

Bill	:	51/1998
First Reading	:	23 November 1998
Second and Third Readings	:	20 January 1999
Commencement	:	1 April 1999 (section 37 read with item (1) of the Schedule)

16. Act 36 of 1999 — Building Control (Amendment) Act 1999

Bill	:	30/1999
First Reading	:	3 August 1999
Second and Third Readings	:	18 August 1999
Commencement	:	1 October 1999

17. 1999 Revised Edition — Building Control Act (Chapter 29)

Operation	:	30 December 1999

18. Act 26 of 2000 — Building Control (Amendment) Act 2000

Bill	:	21/2000
First Reading	:	30 June 2000
Second and Third Readings	:	25 August 2000
Commencement	:	15 October 2000 (sections 3, 4 and 5) 1 September 2001 (except sections 3, 4 and 5)

19. Act 18 of 2003 — Building Control (Amendment) Act 2003

Bill	:	17/2003
First Reading	:	14 August 2003
Second and Third Readings	:	2 September 2003
Commencement	:	1 January 2004

20. Act 34 of 2004 — Building Control (Amendment) Act 2004

Bill	:	32/2004
First Reading	:	20 July 2004
Second and Third Readings	:	1 September 2004
Commencement	:	1 October 2004

21. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

(Amendments made by section 140 read with item (1) of the Fifth Schedule to the above Act)

Bill	:	6/2004
First Reading	:	6 February 2004
Second Reading	:	19 April 2004
Select Committee Report	:	Parl. 5 of 2004
Third Reading	:	19 October 2004
Commencement	:	1 April 2005 (section 140 read with item (1) of the Fifth Schedule)

22. Act 47 of 2007 — Building Control (Amendment) Act 2007

Bill	:	34/2007
First Reading	:	27 August 2007
Second and Third Readings	:	20 September 2007
Commencement	:	15 February 2008 (except sections 2(*r*) and 9) 1 October 2008 (section 2(*r*)) 16 December 2008 (section 9)

23. Act 30 of 2008 — Statutes (Miscellaneous Amendments) (No. 2) Act 2008

(Amendments made by section 4 of the above Act)

Bill	:	27/2008
First Reading	:	15 September 2008

Second and Third Readings	:	17 November 2008
Commencement	:	17 December 2008 (section 4)

24. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012
(Amendments made by section 14 of the above Act)

Bill	:	22/2011
First Reading	:	21 November 2011
Second Reading	:	18 January 2012
Notice of Amendments	:	18 January 2012
Third Reading	:	18 January 2012
Commencement	:	1 March 2012 (section 14)

25. Act 22 of 2012 — Building Control (Amendment) Act 2012

Bill	:	20/2012
First Reading	:	13 August 2012
Second and Third Readings	:	10 September 2012
Commencement	:	1 December 2012 (except sections 2(*i*), (*j*) and (*k*), 4, 5, 14, 15 and 16) 28 October 2013 (section 5) 1 April 2014 (section 4) 28 July 2017 (sections 14, 15(*a*), (*b*) and (*f*) and 16) 1 March 2019 (section 2(*i*), (*j*) and (*k*))

26. Act 35 of 2014 — Statutes (Miscellaneous Amendments) (No. 2) Act 2014
(Amendments made by section 4 of the above Act)

Bill	:	24/2014
First Reading	:	8 September 2014
Second and Third Readings	:	7 October 2014
Commencement	:	1 July 2015 (section 4)

27. Act 10 of 2018 — Enterprise Singapore Board Act 2018
(Amendments made by section 78(3) of the above Act)

Bill	:	3/2018
First Reading	:	8 January 2018
Second and Third Readings	:	5 February 2018

Commencement	:	1 April 2018 (section 78(3))

28. Act 4 of 2021 — Statute Law Reform Act 2021
(Amendments made by section 22(2) of the above Act)

Bill	:	45/2020
First Reading	:	3 November 2020
Second and Third Readings	:	5 January 2021
Commencement	:	1 March 2021 (section 22(2))

29. 2020 Revised Edition — Building Control Act 1989

Operation	:	31 December 2021

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 CONTROL ACT 1989

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.	1999 Ed.
—	**20**—(4) [*Deleted by Act 22 of 2012*]
—	**THE SCHEDULE** [*Repealed by Act 47 of 2007*]