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BUILDING AND CONSTRUCTION AUTHORITY ACT (CHAPTER 30A)

BUILDING AND CONSTRUCTION AUTHORITY (IMPORTERS' LICENSING) REGULATIONS 2011

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In exercise of the powers conferred by section 31U of the Building and Construction Authority Act, the Building and Construction Authority, with the approval of the Minister for National Development, hereby makes the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Building and Construction Authority (Importers' Licensing) Regulations 2011 and shall come into operation on 15th April 2011.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicant”, in relation to an application for a licence, an import permit or a storage permit, means the person who will be the holder of the licence, import permit or storage permit, as the case may be, if the application is granted;

“disposal plan”, in relation to a licensee, means a disposal plan regarding the removal from Singapore, destruction or disposal, of any remaining failed construction material in the licensee's possession;

“failed construction material” means essential construction material the quality of which the Authority determines under section 31L of the Act is not acceptable for use in

any building works, street works or railway works in Singapore;

“isolation plan” means an isolation plan regarding the isolation of a consignment of essential construction material subject to, or deemed to be subject to, an isolation order under section 31J(1) of the Act;

“procurement plan” means a procurement plan regarding the import of essential construction materials in accordance with section 31F(1)(c) of the Act;

“register” means the register of licensees required to be kept under section 31S of the Act;

“remaining failed construction material”, in relation to a licensee, means any or both of the following in the licensee’s possession:

- (a) any failed construction material;
- (b) any other essential construction material extracted or won from the same site as that from which the failed construction material was extracted or won;

“sampling officer” means an assisting officer or enforcement officer, or any other person authorised in writing by the Authority to collect a sample of essential construction material.

Application

3. These Regulations shall apply to a person who is carrying on any business of importing essential construction material of the following types:

- (a) granite aggregate, gravel, stone or overburden which size shall not be more than 75 millimetres at its widest part; and
- (b) sand.

PART II

FORMS AND REGISTER OF LICENSED IMPORTERS

Forms

4.—(1) In these Regulations, “appropriate form”, in relation to any purpose for which a specific form is required to be used (other than an application under regulation 12), means the relevant form that —

- (a) is provided by the Authority and obtainable from its office at 5 Maxwell Road #16-00 Tower Block MND Complex, Singapore 069110 during such hours as that office is open for business; and
- (b) is set out on the Authority’s Internet website <http://www.bca.gov.sg>, and any reference in these Regulations to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is displayed at that website.

(2) All forms used for the purposes of these Regulations shall be completed in the English language and in accordance with such directions as may be specified in the form or by the Authority.

(3) The Authority may refuse to accept any form if —

- (a) it is not completed or lodged in accordance with this regulation; or
- (b) it is not accompanied by the relevant fee referred to in regulation 9 or 14, as the case may be.

(4) Where strict compliance with any form is not possible, the Authority may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Authority thinks fit.

Register of licensed importers

5. The Authority shall maintain a register of licensed importers, in which shall be entered the following particulars in respect of every licensee:

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- (a) the licensee's full name, the business telephone and fax numbers and email address, and every address at which the licensee carries on the business of an importer of essential construction material;
 - (b) the date the licence is granted to the licensee and the date of its expiry;
 - (c) in the case of a licensee whose licence is or has been suspended by the Authority under section 31N(2) of the Act, the dates between which the suspension has or has had effect; and
 - (d) in the case of a licensee whose licence has been revoked under section 31N(1) of the Act or has otherwise ceased to have effect, the date on which the licence was revoked or ceased to have effect, as the case requires.

Inspection fee for register

6.—(1) For the purposes of section 31S of the Act, the fee payable to obtain from the Authority a certificate as to the licence or non-licence of a named person on a specified date or during a specified period shall be the relevant fee specified in the First Schedule.

(2) The fee payable under paragraph (1) shall be non-refundable.

PART III

APPLICATION FOR LICENCE

Application form for issue and renewal of licence: general

7.—(1) Every application for the issue or renewal of a licence shall be made to the Authority in the appropriate form.

(2) Every applicant for the issue or renewal of a licence shall, if so required by the Authority —

- (a) attend personally before the Authority; and
- (b) provide clarification to the Authority as to such additional particulars, information and documents as may be required.

(3) Where an applicant for the issue or renewal of a licence fails, without reasonable excuse, to comply with any requirement by the Authority under paragraph (2), the Authority may reject the application.

Licence application must be accompanied by procurement plan

8. Every application for a licence must be accompanied by a procurement plan.

Licence application fee

9.—(1) The application fee for a licence shall be the relevant licence fee specified in the First Schedule, and be payable in advance.

(2) The application fee payable under paragraph (1) shall be non-refundable.

Application for renewal of licence

10.—(1) Subject to paragraph (3), an application to renew a licence shall be submitted to the Authority not later than 14 days before the date of expiry of the licence.

(2) Every application for a renewal of a licence shall be accompanied by —

(a) the relevant fee for renewal specified in the First Schedule;
and

(b) a procurement plan.

(3) The Authority may refuse to renew any licence the application for which is less than 14 days before the date of expiry of the licence.

(4) The fee payable under paragraph (2)(a) shall be non-refundable.

Incomplete, etc., procurement plans

11.—(1) The Authority may refuse to accept an application for a licence or an application for the renewal of a licence, as the case may be, if the procurement plan accompanying the application —

(a) does not comply with any requirement of the Act or these Regulations; or

(b) is incomplete or not in accordance with any other requirement of the Authority.

(2) Where the Authority has refused to accept an application for a licence or an application for the renewal of a licence pursuant to paragraph (1), the Authority shall as soon as practicable notify the applicant concerned in writing of that refusal, and notwithstanding regulations 9 and 10(2), the applicant may, within such period as the Authority may specify in the notice of refusal, re-submit his application together with an amended procurement plan without payment of any additional fee.

PART IV

APPLICATION FOR IMPORT PERMIT

Application form for import permit

12.—(1) Every application to the Authority for the issue of an import permit in respect of a consignment of essential construction material shall be an application for the approval of a competent authority for the purposes of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1), and every such application may be made through the Director-General of Customs appointed under section 4(1) of the Customs Act (Cap. 70) together with the application for an import permit under those Regulations in respect of the import of that same consignment.

(2) Every applicant for the issue of an import permit shall, if so required by the Authority —

(a) attend personally before the Authority; and

(b) provide clarification to the Authority as to such additional particulars, information and documents as may be required.

(3) Where an applicant for the issue of an import permit fails, without reasonable excuse, to comply with any requirement by the Authority under paragraph (2), the Authority may reject the application.

Other documents accompanying application for import permit

13. For the purposes of section 31H(1)(c)(iii) of the Act, an application for an import permit shall be accompanied by —

- (a) a detailed map showing the geographical location of the site and, where available, a geologist report on the site;
- (b) a copy of the letter of authorisation issued by the owner or authorised operator of the site to the licensee authorising the licensee to obtain a supply of the essential construction material from that site for import to Singapore; and
- (c) a valid report on the evaluation relating to the essential construction material to be imported issued under section 31H(2) of the Act.

Fee

14. The application fee for an import permit shall be the relevant fee specified in the First Schedule.

PART V**APPLICATION FOR STORAGE PERMIT****Application form for storage permit**

15.—(1) Every application for the issue of a storage permit shall be made to the Authority in the appropriate form.

(2) Every applicant for the issue of a storage permit shall, if so required by the Authority —

- (a) attend personally before the Authority; and
- (b) provide clarification to the Authority as to such additional particulars, information and documents as may be required.

(3) Where an applicant for the issue of a storage permit fails, without reasonable excuse, to comply with any requirement by the Authority under paragraph (2), the Authority may reject the application.

Documents accompanying application for storage permit

16.—(1) An application for a storage permit shall be accompanied by —

- (a) a location plan of the premises to be used for the storage of essential construction material that is subject to, or deemed to be subject to, an isolation order; and
- (b) an isolation plan regarding the isolation of a consignment of essential construction material detailing —
 - (i) the methods to ensure the effective physical isolation of the whole of the consignment; and
 - (ii) the measures to prevent any person who is not authorised by the Authority from tampering with or removing any portion of the consignment.

(2) For the purposes of section 31I(4)(c) of the Act, the maximum amount of cash security deposit or bank guarantee the Authority may require a licensee to secure the performance or due observance by the licensee of any condition of a storage permit issued to that licensee shall be an amount not exceeding \$10,000.

(3) The licensee shall bear all costs associated with the drawing up and implementation of an isolation proposal.

Non-acceptance of isolation plan

17.—(1) The Authority may refuse to accept an application for a storage permit if —

- (a) the isolation plan does not comply with any requirement of the Act or these Regulations; or
- (b) the isolation plan is incomplete or not in accordance with any other requirement of the Authority.

(2) Where the Authority has refused to accept the application for a storage permit pursuant to paragraph (1), the Authority shall as soon as practicable notify the applicant concerned in writing of that refusal, and the applicant may, not later than 7 days after receiving the notice of refusal, re-submit his application together with an amended isolation plan.

Application for extension of storage permit

18. An application for extension of a storage permit shall be submitted to the Authority not later than 5 days before the date of expiry of the storage permit.

PART VI**SAMPLING AND EVALUATION OF ESSENTIAL
CONSTRUCTION MATERIAL****Taking of samples from imported consignment**

19.—(1) For the purpose of section 31J(7) of the Act, where a sample of essential construction material is to be taken from a consignment of essential construction material under section 31J(4) or (6) of the Act, the sampling officer doing so must —

- (a) give notice in writing to the licensee who imported that consignment of essential construction material, or to the employee or agent of the licensee in charge of the consignment, of his intention to do so;
- (b) in the presence of such licensee, employee or agent as attend —
 - (i) divide the sample into 2 parts; and
 - (ii) label and seal each part in such a manner as its nature permits;
- (c) submit as soon as practicable one part to the Authority for retention for a future comparison, but in no case shall the Authority retain that part of the sample for a period exceeding —
 - (i) where that sample of essential construction material is to be taken under section 31J(4) or (6) of the Act from a consignment of essential construction material that is subject to an isolation order — a period of 2 months after the date the sample is taken; or
 - (ii) where that sample of essential construction material is to be taken under section 31J(6) of the Act from a

consignment of essential construction material that is not subject to an isolation order — a period of one month after the date the sample is taken; and

(d) submit the other part to an authorised analyst for evaluation.

(2) Only the licensee who imported the consignment of essential construction materials from which a sample is to be taken, or the employee or agent of the licensee in charge of the consignment, and no other persons except with the sanction of the sampling officer, may be present at the taking of a sample of essential construction material from that consignment under section 31J(4) or (6) of the Act.

(3) If the licensee who imported the consignment of essential construction materials from which a sample is to be taken, or the employee or agent of the licensee in charge of the consignment, refuses to give access to, or wilfully obstructs, hinders or delays the sampling officer in the performance and execution of any matter or thing which he is authorised to do by this regulation, the licensee or the employee or agent of the licensee, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Taking of samples for enforcement

20.—(1) For the purposes of section 31Q(11) of the Act, where a sample of essential construction material is to be taken under section 31Q(1)(c) of the Act by an enforcement officer, an officer of customs or immigration officer, or an assisting officer, the enforcement officer, officer of customs, immigration officer or assisting officer concerned must —

(a) give notice in writing to the person in charge of the premises or conveyance in or on which the essential construction material is found of his intention to do so;

(b) in the presence of such person as attend —

(i) divide the sample into 2 parts; and

(ii) label and seal each part in such a manner as its nature permits;

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- (c) submit as soon as practicable one part to the Authority for retention for a future comparison, but in no case shall the Authority retain that part of the sample for a period exceeding one month after the date the sample is taken; and
 - (d) submit the other part to an authorised analyst for evaluation.
- (2) Where a sample of essential construction material is required under section 31Q(1)(g) of the Act to be taken, the person having in his possession the essential construction material from which the sample is to be taken must —
- (a) in the presence, and in accordance with the direction, of a sampling officer, take the sample and divide the sample into 2 parts;
 - (b) hand each part of the sample taken to the sampling officer to label and seal in such manner as its nature permits;
 - (c) in accordance with the direction of a sampling officer, submit one part to the Authority for retention for a future comparison, but in no case shall the Authority retain that part of the sample for a period exceeding one month after the date the sample is taken; and
 - (d) in accordance with the direction of a sampling officer, submit the other part to an authorised analyst for evaluation.

Re-test of samples from consignment under isolation order

21.—(1) Where —

- (a) a sample of essential construction material is taken under section 31J(4) or (6) of the Act from a consignment that is subject to an isolation order;
- (b) the part of the sample referred to in regulation 19(1)(d) is evaluated by an authorised analyst; and
- (c) the Authority, after considering the certificate stating the findings of the authorised analyst in relation to that sample, is not satisfied that the sample of essential construction material is of acceptable quality for use in any building works, street works or railway works in Singapore,

the Authority shall, as soon as practicable, in writing, notify the licensee who imported the consignment of the essential construction material from which the sample was taken —

- (i) of the Authority's preliminary determination as to the quality of the consignment of the imported essential construction material from which the sample was taken;
- (ii) that the licensee may, within a period of 2 weeks after receiving the notice, request the Authority to submit the other part of the sample referred to in regulation 19(1)(c)(i) for evaluation by the same authorised analyst or, where that is not practicable, another authorised analyst; and
- (iii) of the cost of such an evaluation by the authorised analyst, if requested, and that the licensee must pay that cost.

(2) The licensee concerned may, not later than 2 weeks after receiving the notice under paragraph (1), request the Authority in writing to submit the other part of the sample referred to in regulation 19(1)(c)(i) to the same authorised analyst for evaluation or, where that is not practicable, to another authorised analyst, and that request must be accompanied by a cheque or other form of payment of the cost of such evaluation.

(3) Upon receipt of such a request under paragraph (2) and payment of the cost of such evaluation, the Authority shall, as soon as practicable, submit the other part of the sample referred to in regulation 19(1)(c)(i) to the same authorised analyst or, where that is not practicable, to another authorised analyst, for evaluation.

(4) Upon receiving the certificate of the authorised analyst stating his findings relating to the other part of the sample of essential construction material submitted for evaluation under paragraph (3), the Authority shall, as soon as practicable —

- (a) consider the findings of the authorised analyst and make its final determination whether the quality of the consignment of essential construction material from which that sample was taken is of acceptable quality for use in any building works, street works or railway works in Singapore; and

(b) issue to the licensee concerned one of the following, whichever is applicable:

- (i) a notice of failed construction materials in respect of that consignment and a notice under section 31L(3)(b) of the Act requiring the licensee to comply with section 31L(4) of the Act; or
- (ii) a notice in writing lifting the isolation order relating to that consignment.

(5) If a licensee who imported a consignment of essential construction material from which a sample was taken —

- (a) does not, within 2 weeks after receiving the notice under paragraph (1) in respect of a part of the sample referred to in regulation 19(1)(d), request the Authority in writing to submit the other part of the sample referred to in regulation 19(1)(c)(i) to the same authorised analyst or, where that is not practicable, another authorised analyst, for evaluation;
- (b) makes such a request without a cheque or other form of payment of the cost of such evaluation; or
- (c) before the expiry of that period of 2 weeks informs the Authority that the licensee accepts the Authority's preliminary determination referred to in paragraph (1)(i),

the Authority's preliminary determination referred to in paragraph (1)(i) shall, at the end of that period of 2 weeks, be deemed to be the Authority's final determination as to the quality of the consignment of the imported essential construction material, and paragraph (4)(b)(i) shall apply in respect of that consignment.

Re-test of other samples

22.—(1) Where —

- (a) a sample of essential construction material is taken under section 31J(6) of the Act from a consignment that is not subject to an isolation order, or under section 31Q(1)(c) or (g) of the Act;

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- (b) the part of the sample referred to in regulation 19(1)(d) or 20(1)(d) or (2)(d), as the case may be, is evaluated by an authorised analyst;
 - (c) the Authority, after considering the certificate stating the findings of the authorised analyst in relation to that sample, is not satisfied that the sample of essential construction material is of acceptable quality for use in any building works, street works or railway works in Singapore,

the Authority shall, as soon as practicable, in writing, notify the licensee or person from whose essential construction material the sample was taken —

- (i) of the Authority's preliminary determination as to the quality of the essential construction material from which the sample was taken;
- (ii) that the licensee or person may, within a period of 48 hours after receiving the notice, request the Authority to submit the other part of the sample referred to in regulation 19(1)(c)(ii) or 20(1)(c) or (2)(c), as the case may be, for evaluation by the same authorised analyst or, where that is not practicable, another authorised analyst; and
- (iii) of the cost of such an evaluation by the authorised analyst, if requested, and that the licensee or person must pay that cost.

(2) The licensee or person concerned may, not later than 48 hours after receiving the notice under paragraph (1), request the Authority in writing to submit the other part of the sample referred to in regulation 19(1)(c)(ii) or 20(1)(c) or (2)(c), as the case may be, to the same authorised analyst for evaluation or, where that is not practicable, to another authorised analyst, and that request must be accompanied by a cheque or other form of payment of the cost of such evaluation.

(3) Upon receipt of such a request under paragraph (2) and payment of the cost of such evaluation, the Authority shall, as soon as practicable, submit the other part of the sample referred to in regulation 19(1)(c)(ii) or 20(1)(c) or (2)(c), as the case may be, to the

same authorised analyst or, where that is not practicable, to another authorised analyst, for evaluation.

(4) Upon receiving the certificate of the authorised analyst stating his findings relating to the other part of the sample of essential construction material submitted for evaluation under paragraph (3), the Authority shall, as soon as practicable —

- (a) consider the findings of the authorised analyst and make its final determination whether the quality of the essential construction material from which that sample was taken is of acceptable quality for use in any building works, street works or railway works in Singapore; and
- (b) issue to the licensee or person concerned one of the following, whichever is applicable:
 - (i) a notice in writing stating that the quality of the essential construction material from which that sample was taken is of acceptable quality for use in any building works, street works or railway works in Singapore;
 - (ii) in the case of a sample of essential construction material taken under section 31J(6) of the Act from a consignment that is not subject to an isolation order —
 - (A) a notice of failed construction materials in respect of the essential construction material; and
 - (B) a notice under section 31L(3)(b) of the Act requiring the licensee concerned to comply with section 31L(4) and (5) of the Act;
 - (iii) in the case of a sample of essential construction material taken under section 31Q(1)(c) or (g) of the Act —
 - (A) a notice of failed construction material in respect of the essential construction material; and
 - (B) a notice requiring the person concerned, at his own expense, to notify —

(BA) not later than 5 days after receiving the notice of failed construction materials, every person to whom the person has supplied essential construction material between the date of entry into Singapore of the consignment of failed construction material and the 7th day after the authorised analyst's certificate relating to that consignment is received by the Authority (both days inclusive), the information prescribed in paragraph (5); and

(BB) not later than 5 days after serving the information prescribed in paragraph (5) on any person referred to in sub-paragraph (BA), the Authority the identity and business address of the person.

(5) For the purposes of paragraph (4)(b)(iii)(B), the information that must be notified shall be —

- (a) the determination of the Authority with respect to the sample taken from that consignment; and
- (b) such other information as the Authority may direct in relation to that particular consignment.

(6) If the person from whose essential construction material a sample was taken —

- (a) does not, within 48 hours after receiving the notice under paragraph (1) in respect of a part of the sample referred to in regulation 19(1)(d) or 20(1)(d) or (2)(d), as the case may be, request the Authority in writing to submit the other part of the sample referred to in regulation 19(1)(c)(ii) or 20(1)(c) or (2)(c), as the case may be, to the same authorised analyst or, where that is not practicable, to another authorised analyst, for evaluation;

- (b) makes such a request without a cheque or other form of payment of the cost of such evaluation; or
- (c) before the expiry of that period of 48 hours informs the Authority that the licensee accepts the Authority's preliminary determination referred to in paragraph (1)(i),

the Authority's preliminary determination referred to in paragraph (1)(i) shall, at the end of that period of 48 hours, be deemed to be the Authority's final determination as to the quality of the essential construction material, and paragraph (4)(b)(i) or (ii) shall apply in respect of those materials.

(7) If a licensee or person from whose essential construction material the sample was taken fails to comply with any notice issued to him by the Authority under paragraph (4)(b)(iii)(B), the licensee or person, 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 6 months or to both.

Acceptable quality of essential construction material

23. For the purposes of section 31K(1) of the Act, the tests, analysis or examination for an acceptable level of acid soluble content, the chloride content and the alkali-silica reactivity of the essential construction material shall be the following, respectively:

<i>Description</i>	<i>Test Method</i>	<i>Standard</i>
1. Alkali-Silica Reactivity (ASR)		
(a) Petrographic examination	ASTM C295	ASTM C33
(b) Mortar Bar Method	ASTM C1260	ASTM C33
2. Chloride content	EN1744 - 1:1998 Clause 7	SS EN 12620
3. Sulphate content	EN1744 - 1:1998 Clause 12	SS EN 12620.

PART VII

FAILED CONSTRUCTION MATERIAL

Removal, etc., of failed construction material

24.—(1) For the purposes of section 31L(4)(a) of the Act, a licensee who imported the consignment of essential construction material from which a sample of failed construction material was taken for evaluation under section 31J(4) or (6) of the Act —

- (a) must remove from Singapore, or destroy or otherwise dispose of, any remaining failed construction material in the possession of the licensee within a period of 3 months (or such longer period as the Authority may specify in any particular case) starting from the date the licensee received a notice under section 31L(3) of the Act in respect of that sample of essential construction material; and
- (b) must remove from Singapore, or destroy or otherwise dispose of, any remaining failed construction material in the possession of the licensee in accordance with a disposal plan lodged in accordance with regulation 26, showing how the licensee intends to remove from Singapore, or destroy or otherwise dispose of, the remaining failed construction material in the possession of the licensee.

(2) After removing from Singapore by export any remaining failed construction material pursuant to a notice from the Authority under section 31L(3) of the Act, the licensee concerned shall, within 7 days after the departure of such vessel carrying the remaining failed construction material, submit to the Authority, in such manner as the Authority may require

- (a) the export permit relating to the remaining failed construction material so exported;
- (b) the manifest of the owner of the vessel or its agent showing the export of those materials on that vessel; and
- (c) such documents or other evidence showing the secure transport of the remaining failed construction material to that vessel for export.

(3) After destroying or disposing of any remaining failed construction material pursuant to a notice from the Authority under section 31L(3) of the Act, the licensee concerned shall, within 7 days after the destruction or disposal of the remaining failed construction material, submit to the Authority, in such manner as the Authority may require, documentary proof of the destruction or disposal thereof.

Notifying purchasers, etc., of failed construction material

25.—(1) For the purposes of section 31L(5) of the Act, the licensee who imported the consignment of essential construction material from which a sample of failed construction material was taken for evaluation under section 31J(6) of the Act —

- (a) must notify every person to whom the licensee has supplied essential construction material of the following information not later than 5 days after the end of the supply period relating to that consignment:
 - (i) the determination of the Authority with respect to the sample taken from that consignment;
 - (ii) the type, quantity and date of import of that consignment; and
 - (iii) such other information as the Authority may direct in relation to that particular consignment; and
- (b) must, within a period of 5 days after the licensee serves on every such person a notice under section 31L(5)(a) of the Act, notify the Authority of the identity and business address of that person.

(2) In this regulation, “supply period”, in relation to a licensee who receives a notice under section 31L(3) of the Act in respect of a consignment of essential construction material that the licensee imported, means the period between (both days inclusive) —

- (a) the date of entry into Singapore of the consignment; and
- (b) the 7th day after the authorised analyst’s certificate relating to that consignment upon testing or re-testing, if any, is received by the Authority,

and the period specified by the Authority as the supply period in its notice to the licensee under section 31L(3) of the Act shall be prima facie proof of those dates.

Disposal plan

26.—(1) A disposal plan regarding the removal from Singapore, destruction or disposal of remaining failed construction material in the possession of a licensee must be lodged with the Authority for its approval at least 14 days before the start of such removal, destruction or disposal and no later than 7 days after the licensee received the notice under section 31L(3) of the Act in respect of the consignment of essential construction material from which a sample of the failed construction material was taken.

(2) Every disposal plan must contain the following particulars:

- (a) the expected date on which the removal, destruction or disposal is to start;
- (b) the period during which the removal, destruction or disposal is to be carried out, which must not exceed a total period of 3 months, or such longer period as the Authority may specify in any particular case;
- (c) the total quantity of remaining failed construction material to be removed, destroyed or otherwise disposed of;
- (d) the country of origin and site of the remaining failed construction material to be removed, destroyed or otherwise disposed of;
- (e) the permit number of the consignment of essential construction material from which the sample of failed construction material was taken;
- (f) the address of the location where the remaining failed construction material is or is to be stored pending its removal, destruction or disposal;
- (g) the name, address and contact particulars of the person whom the licensee has engaged to transport the remaining failed construction material from the location where it is stored pending its removal, destruction or disposal; and

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- (h) a statement as to whether the remaining failed construction material is to be removed from Singapore, destroyed or otherwise disposed of, accompanied by a brief description of how this is to be done.

(3) In addition, where the remaining failed construction material is to be removed from Singapore, the disposal plan must contain the following information:

- (a) the name and address of every shipping agent, freight forwarder and carrier engaged by the licensee to remove the remaining failed construction material from Singapore;
- (b) the country to which the failed construction material is to be exported; and
- (c) the bill of lading or any other document in the nature of a bill of lading in respect of the failed construction material to be exported and the export permit, if any, relating thereto.

(4) In addition, where the failed construction material is to be destroyed or otherwise disposed of, the disposal plan must contain the following information:

- (a) either —
- (i) the expected place and manner of destruction of the failed construction material; or
- (ii) the sale or supply of the failed construction material for such use in construction works (other than works using cement, such as the preparation of concrete) as is specified in the disposal plan;
- (b) the address of every site to which the failed construction material is to be transported for disposal in accordance with sub-paragraph (a) and the owner or occupier thereof; and
- (c) the name and address of the person to whom the failed construction material is to be sold or supplied for the purpose specified under sub-paragraph (a)(ii).

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- (5) The Authority may disapprove any disposal plan lodged if —
- (a) it is not satisfied that the disposal plan provides for the removal from Singapore, destruction or disposal of remaining failed construction material in the possession of a licensee in accordance with the Act and these Regulations; or
 - (b) the disposal plan is in the opinion of the Authority incomplete.
- (6) No amendment to a lodged disposal plan shall be approved by the Authority.

Application to further import essential construction material from same site

27.—(1) For the purposes of section 31L(4)(b) of the Act, a licensee who imported the consignment of essential construction material from which a sample of failed construction material was taken for evaluation under section 31J(6) of the Act, may apply to the Authority to further import, supply, or use essential construction material from the same site as that from which the failed construction material was extracted or won.

- (2) Every application under paragraph (1) shall —
- (a) be made in writing to the Authority not later than 9 months after the date of the notice under section 31L(3) of the Act in respect of that consignment was given to the licensee; and
 - (b) contain the following particulars:
 - (i) the number of consignments and estimated quantity of essential construction material proposed to be further imported; and
 - (ii) a description of the steps the licensee will take or arrange to be taken to ensure that the essential construction material proposed to be further imported are of acceptable quality for use in any building works, street works or railway works in Singapore.

PART VIII

AUTHORISED ANALYST SCHEME

Qualifications, etc., for designation as authorised analyst

28.—(1) Subject to the provisions of the Act, an individual who applies to be designated, or to renew his designation, as an authorised analyst to carry out any analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be, shall be eligible to be so designated or have his designation so renewed if, and only if —

- (a) he has the qualifications and practical experience specified in the second column of the Second Schedule opposite the characteristic or content specified in the first column of that Schedule;
- (b) where the applicant seeks designation to carry out the Mortar Bar method of evaluation for the alkali-silica reactivity of essential construction material, he satisfies the Authority that he can meet the performance requirement for 2 completed tests in the same laboratory on parts of a sample of essential construction material in accordance with a standard deemed acceptable to the Authority;
- (c) where the applicant is not an employee of a body of persons designated as an authorised analyst —
 - (i) he satisfies the Authority that he uses or has the use of a laboratory to carry out the analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be, being a laboratory which has the ISO/IEC 17025 certification for the test, analysis or examination specified in regulation 23 for the relevant content; and
 - (ii) that laboratory declares in writing that he is competent to carry out the petrographic examination (but not the Mortar Bar method of evaluation) for the alkali-silica reactivity of essential construction material or the test,

analysis or examination specified in regulation 23 for the evaluation of the acid soluble content or the chloride content, as the case may be;

- (d) he has not had his designation as an authorised analyst revoked in the 2 years preceding the date of his application to be so designated or to renew his designation, as the case may be;
- (e) he is not an employee of the Authority; and
- (f) he is ordinarily resident in Singapore.

(2) Where an individual seeks to renew his designation as an authorised analyst for the Mortar Bar method of evaluation for the alkali-silica reactivity of essential construction material, he may, in lieu of paragraph (1)(b), satisfy the Authority that he has performed the Mortar Bar method of evaluation at least once while designated as an authorised analyst.

(3) Subject to the provisions of the Act, a body of persons which applies to be designated, or to renew its designation, as an authorised analyst to carry out any analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of any essential construction material, as the case may be, shall be eligible to be so designated or have its designation so renewed if, and only if —

- (a) it is either a partnership or a corporation;
- (b) it consists of, or has in its employ, at least one individual who is designated as an authorised analyst in respect of the analysis, test or examination that is the subject of its application;
- (c) it owns or manages a laboratory to carry out that analysis, test or examination, being a laboratory which has the ISO/IEC 17025 certification; and
- (d) its principal place of business is in Singapore.

(4) Every applicant for designation or renewal of designation, as the case may be, as an authorised analyst shall, if so required by the Authority —

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- (a) attend personally before the Authority; and
 - (b) provide clarification to the Authority as to such additional particulars, information and documents as may be required.

(5) Where such an applicant fails, without reasonable excuse, to comply with any requirement by the Authority under paragraph (4), the Authority may reject his or its application.

(6) In deciding whether to designate an applicant as an authorised analyst or to renew his or its designation, the Authority may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to —

- (a) the good character and reputation of the applicant or, in the case of an applicant that is a body of persons, the good character and reputation of each of the partners, directors or other officers of that body having charge and direction over the conduct by that body of any analysis, test or examination for the evaluation of any essential construction material;
- (b) the financial condition of the applicant; and
- (c) the ability of the applicant to carry out his or its duties as an authorised analyst effectively and with honesty and integrity.

(7) The Authority may refuse to designate an applicant as an authorised analyst or renew his or its designation as an authorised analyst, as the case may be, if —

- (a) the applicant is an undischarged bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (b) the Authority is of the opinion that —
 - (i) in the case of an individual, the applicant is not of good character and reputation; or
 - (ii) in the case of a body of persons, any of the partners, directors or other officers of that body having charge and direction over the conduct by that body of any analysis, test or examination for the evaluation of any essential construction material is not of good character and reputation; or

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- (c) the Authority is of the opinion that the applicant is not able to carry out the duties of an authorised analyst effectively and with honesty and integrity.

(8) Every designation as an authorised analyst shall, unless earlier cancelled under regulation 31, be valid for such period as may be specified therein (being not longer than 12 months), and upon its expiry, that designation may be renewed for such period as may be specified (being also not longer than 12 months).

Duties of authorised analyst

29. It shall be the duty of an authorised analyst —

- (a) to analyse, test and examine the quality of essential construction material with a view to evaluating the essential construction material for the purposes of section 31K(1) of the Act according to the relevant standard set by the Authority for that analysis, test or examination;
- (b) to only use equipment or facilities in a laboratory that is calibrated to ISO/IEC 17025 certification;
- (c) to ensure that his or its findings upon analysis, testing or examination are reliable and complete; and
- (d) in the case of an individual, to notify the Authority without delay if —
- (i) he ceases to hold any qualifications specified in the Second Schedule by which he obtained his designation as an authorised analyst;
 - (ii) the laboratory which has the ISO/IEC 17025 certification for the test, analysis or examination specified in regulation 23 withdraws any declaration of competency that it has given under regulation 28(1)(c)(ii) in respect of the individual or refuses or fails to renew that declaration of competency on the anniversary of the first such declaration; or

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- (iii) he ceases to use or have the use of a laboratory to carry out the analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be, being a laboratory which has the ISO/IEC 17025 certification for the test, analysis or examination specified in regulation 23 for the relevant content.

Certificate of authorised analyst

30. An authorised analyst shall submit to the Authority a copy of his certificate stating the findings of his evaluation relating to a consignment of essential construction material within a period of 5 days (including any Sunday and public holiday) after he completes the analysis, test or examination, as the case may be, of the sample from that consignment.

Revocation, etc., of designation of authorised analyst

31.—(1) The Authority may revoke or suspend (for a period of not more than 6 months) the designation of an authorised analyst to carry out any analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be, and remove his or its name from the list of authorised analysts if —

- (a) the authorised analyst becomes a bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (b) the authorised analyst fails to comply with the code of conduct in the Third Schedule in connection with any analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be;
- (c) there is reasonable cause to believe that his or its designation or renewed designation, as the case may be, as an authorised

analyst has been obtained by means of any false statement or any statement that is false in a material particular;

- (d) the authorised analyst has contravened or failed to comply with regulation 29;
- (e) the authorised analyst no longer satisfies any of the requirements in regulation 28(1), (2) or (3) by virtue of which he or it was designated as an authorised analyst or renewed of his or its designation;
- (f) in the opinion of the Authority, the authorised analyst is unable to effectively carry out his duties under these Regulations as an authorised analyst; or
- (g) the authorised analyst has ceased to carry out in Singapore any analysis, test or examination for the evaluation of the acid soluble content, the chloride content or the alkali-silica reactivity of essential construction material, as the case may be.

(2) The Authority shall not exercise its powers under paragraph (1) unless an opportunity of being heard has been given to the authorised analyst against whom the Authority intends to exercise its powers, being a period of not less than 7 days and not more than 14 days.

(3) The Authority may, upon application made by an authorised analyst in such form and manner as the Authority may require, cancel the designation of the authorised analyst and remove his name from the list of authorised analysts.

(4) Where the Authority has exercised any of its powers under paragraph (1) or cancelled the designation under paragraph (3), the Authority shall give a notice in writing to the authorised analyst concerned.

PART IX
APPEALS TO MINISTER

Definitions of this Part

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

“appeal” means an appeal under section 31P of the Act;

“appealable decision” means —

- (a) any decision of the Authority under section 31E(3)(b) of the Act refusing to grant a licence or a renewal thereof;
- (b) any decision of the Authority under section 31H(4)(b) or 31I(3)(b) of the Act refusing to grant an import permit or a storage permit, as the case may be;
- (c) any decision of the Authority under section 31E(3)(a), 31H(4)(a) or 31I(3)(a) of the Act granting a licence, an import permit or a storage permit subject to conditions;
- (d) any order of the Authority under section 31N of the Act; or
- (e) any order of the Authority under section 31O(1) or (3) of the Act cancelling any import permit or storage permit;

“parties”, in relation to any appeal against an appealable decision, means the appellant against the appealable decision and the Authority, and “party” means either one of them.

Procedure for appeals

33.—(1) An appeal to the Minister shall be made by lodging a notice of appeal addressed to the Minister and delivered to the Permanent Secretary, Ministry of National Development within the time delimited by section 31P(1), (2) or (3) of the Act, whichever is applicable.

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- (2) Every notice of appeal —
- (a) must state —
 - (i) the name and address of the appellant;
 - (ii) the name and address of the appellant's authorised representative or legal representative; and
 - (iii) an address in Singapore for the service of documents;
 - (b) must contain —
 - (i) a concise statement of the circumstances under which the appeal arises, the facts and the issues in the appeal;
 - (ii) a summary of the grounds for appealing against the appealable decision of the Authority, identifying, in particular —
 - (A) the statutory provision under which the appeal is brought and the statutory provision under which the appealable decision was made;
 - (B) the extent (if any) to which the appellant contends that the appealable decision was based on an error of fact or was wrong in law; and
 - (C) the extent (if any) to which the appellant is appealing against the Authority's exercise of discretion in making the appealable decision;
 - (iii) a succinct presentation of the arguments of fact or law supporting each ground of appeal; and
 - (iv) the relief or directions (if any) sought by the appellant;
 - (c) must be signed and dated by the appellant, or on his behalf by his authorised representative or legal representative; and
 - (d) must be accompanied by —
 - (i) a copy of the appealable decision; and
 - (ii) any documents supporting the arguments of fact or law.

(3) An appellant cannot raise or rely on any ground of appeal which is not stated in the notice of appeal during the hearing of the appeal.

PART X

MISCELLANEOUS

Non-transferable licences and permits

34.—(1) No licence, import permit and storage permit shall be transferred, and the benefit of a licence, an import permit or a storage permit shall not be assigned, by the holder of the licence or permit to any other person.

(2) Any purported transfer or assignment of a licence, an import permit or a storage permit in contravention of paragraph (1) shall be void and of no effect.

Offence of falsifying, etc., licences and permits

35.—(1) If a person, without reasonable excuse, damages or destroys a licence, an import permit or a storage permit, the person 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.

(2) Any person who —

- (a) uses a false licence, false import permit or false storage permit which he knows, or ought reasonably to have known, to be a false licence, false import permit or false storage permit, as the case may be; or
- (b) uses a copy of a document which he knows, or ought reasonably to have known, to be a copy of a false licence, false import permit or false storage permit,

with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or

(iii) influences the exercise of a public duty,

the person 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.

(3) If a person —

- (a) alters a licence, an import permit or a storage permit so as to make it false in any respect (whether or not it was already a false document before the alteration or is false in some other respect apart from that alteration); or
- (b) makes a copy of a document which he knows, or ought reasonably to know, to be a false licence, false import permit or false storage permit,

with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or
- (iii) influences the exercise of a public duty,

the person 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.

(4) A reference in this regulation to a false licence, a false import permit or a false storage permit shall be a reference —

- (a) to a document that is not a licence, an import permit or a storage permit but purports to be a licence, an import permit or a storage permit, as the case may be; or
- (b) to a document that is a licence, an import permit or a storage permit that has been altered by a person who is not authorised to alter that document, or that purports to have been altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered.

(5) In this regulation, unless the context otherwise requires —

“gain” means —

- (a) a gain in property or a supply of services (whether temporary or permanent); or
- (b) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration;

“loss” means —

- (a) a loss of property or a supply of services (whether temporary or permanent); or
- (b) any deprivation of an opportunity to earn remuneration or greater remuneration or an opportunity to gain a financial advantage otherwise than by way of remuneration;

“public duty” means a function that is given to —

- (a) a public officer;
- (b) an employee or a member of a public authority, board or tribunal established by or under written law for the purposes of a public function; or
- (c) a contractor who exercises a function or performs work for the Government or public authority referred to in paragraph (b),

as such, and includes every person who is in actual possession of the situation of a person referred to paragraph (a), (b) or (c), whatever legal defect there may be in his right to hold that situation.

FIRST SCHEDULE

Regulations 6(1), 9(1), 10(2) and 14

FEES

<i>First column</i>	<i>Second column</i>
<i>Type of application</i>	<i>Fee</i>

FIRST SCHEDULE — *continued*

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| 1. Application for licence or for renewal of licence | \$120 |
| 2. Application for import permit | \$0.12 per tonne or part thereof of the consignment to which the import permit is to relate or \$10, whichever is the higher |
| 3. Application for certificate certifying whether a person is a licensee | \$30 per certificate. |

SECOND SCHEDULE

Regulations 28(1) and 29

QUALIFICATIONS FOR AUTHORISED ANALYSTS

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
Type of analysis, test or examination	Qualifications	Practical experience
1. Petrographic examination	<p>(a) GCE “N”, “O” or “A” Level or equivalent</p> <p>(b) Polytechnic diploma or equivalent from a recognised polytechnic in a field other than a related field</p> <p>(c) Bachelor degree or equivalent from a</p>	<p>At least 8 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) of which at least one year must be in carrying out petrographic examinations.</p> <p>At least 4 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) of which at least one year must be in carrying out petrographic examinations.</p> <p>At least 3 years in total of working experience</p>

SECOND SCHEDULE — *continued*

		recognised institution in a field other than a related field	in carrying out tests in laboratories (whether in Singapore or elsewhere) of which at least one year must be in carrying out petrographic examinations.
		(d) Polytechnic diploma or equivalent from a recognised polytechnic in a related field	At least 3 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) of which at least one year must be in carrying out petrographic examinations.
		(e) Bachelor degree or equivalent from a recognised institution in a related field	At least 2 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) of which at least one year must be in carrying out petrographic examinations.
2. Mortar Method	Bar	(a) GCE “N”, “O” or “A” Level or equivalent	(a) At least 8 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out the mortar bar method; and

SECOND SCHEDULE — *continued*

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|---|--|
| | (b) able to meet the performance test required by the Authority. |
| (b) Polytechnic diploma or equivalent from a recognised polytechnic in a field other than a related field | (a) At least 4 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out the mortar bar method; and

(b) able to meet the performance test required by the Authority. |
| (c) Bachelor degree or equivalent from a recognised institution in a field other than a related field | (a) At least 3 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out the mortar bar method; and

(b) able to meet the performance test required by the Authority. |
| (d) Polytechnic diploma or equivalent from a recognised polytechnic in a related field | (a) At least 3 years in total of working experience in carrying out tests in laboratories (whether in |

SECOND SCHEDULE — *continued*

		Singapore or elsewhere) in carrying out the mortar bar method; and
		(b) able to meet the performance test required by the Authority.
	(e) Bachelor degree or equivalent from a recognised institution in a related field	(a) At least 2 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out the mortar bar method; and (b) able to meet the performance test required by the Authority.
3. Chloride or Sulphate content tests	(a) GCE “N”, “O” or “A” Level or equivalent	At least 8 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out chloride or sulphate tests.
	(b) Polytechnic diploma or equivalent from a recognised polytechnic in a field other than a related field	At least 4 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out chloride or sulphate tests.

SECOND SCHEDULE — *continued*

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|---|---|
| (c) Bachelor degree or equivalent from a recognised institution in a field other than a related field | At least 3 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out chloride or sulphate tests. |
| (d) Polytechnic diploma or equivalent from a recognised polytechnic in a related field | At least 3 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out chloride or sulphate tests. |
| (e) Bachelor degree or equivalent from a recognised institution in a related field | At least 2 years in total of working experience in carrying out tests in laboratories (whether in Singapore or elsewhere) in carrying out chloride or sulphate tests. |

4. In this Schedule, unless the context otherwise requires —

“performance test” means 2 tests conducted in accordance with ASTM C1260 on a sample of aggregate at the same laboratory, with results that do not differ by more than 8.3% of the mean expansion;

“recognised institution” means —

- (a) the National University of Singapore;
- (b) the Nanyang Technological University;
- (c) the Singapore Management University;
- (d) the Singapore Institute of Management; or
- (e) any other institution outside Singapore which qualification is —
 - (i) recognised for the purposes of registration under the Professional Engineers Act (Cap. 253) as a professional engineer in the civil or structural engineering discipline; or

SECOND SCHEDULE — *continued*

- (ii) referred to in the definition of “resident engineer” in regulation 24(4) of the Building Control Regulations 2003 (G.N. No. S 666/2003);

“recognised polytechnic” means —

- (a) the Nanyang Polytechnic;
- (b) the Ngee Ann Polytechnic;
- (c) the Republic Polytechnic;
- (d) the Singapore Polytechnic; or
- (e) the Temasek Polytechnic;

“related field” —

- (a) in relation to petrographic examinations or the mortar bar method, means the field of civil engineering, structural engineering, building science or material science; and
- (b) in relation to chloride or sulphate content tests, means —
 - (i) in the case of a diploma, the field of chemical science, biomedical science building science, civil engineering, structural engineering, building science or material science; or
 - (ii) in the case of a degree, the field of chemical engineering, bio-engineering, civil engineering, structural engineering, building science or material science.

THIRD SCHEDULE

Regulation 31(1)(b)

CODE OF CONDUCT FOR AUTHORISED ANALYSTS

1. An authorised analyst shall discharge, with complete fidelity, his duties —
 - (a) to his employer; and
 - (b) to any person who, whether on his own behalf or on behalf of another person, retains or otherwise uses the services of, or otherwise engages or employs, the authorised analyst (referred to in this Schedule as his client).

THIRD SCHEDULE — *continued*

2. An authorised analyst shall not accept remuneration for authorised analyst's services he renders from a person other than his employer or client except with the knowledge and approval of his employer or client.

3. An authorised analyst shall not, without disclosing the fact to the Authority and his employer in writing, be a director of or have a substantial financial interest in, or be an employee or agent for, any company, firm or person carrying on any business as a licensed importer of essential construction material.

4. An authorised analyst shall not accept any trade commission, discount, allowance or indirect payment or other consideration in connection with any authorised analyst's work in which he is engaged.

5. An authorised analyst shall not hold, assume or intentionally accept a position in which his interest is in conflict with his duty to his client or employer.

6. An authorised analyst shall not disclose confidential information concerning the business affairs or technical processes of his client or employer without the consent of the client or employer.

7. An authorised analyst shall not use information which is obtained confidentially in the course of his assignment for the purpose of making personal profit.

8. An authorised analyst shall not give advice which does not fully reflect his best professional judgment.

9. Notwithstanding the responsibility to his employer and to his profession, an authorised analyst shall act with prime regard to the public interest.

Made this 28th day of February 2011.

QUEK SEE TIAT
Chairman,
Building and Construction Authority,
Singapore.

[ND202/1-7 Vol. 18; AG/LEG/SL/30A/2005/3 Vol. 1]

(To be presented to Parliament under section 31U(2) of the Building and Construction Authority Act).