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BUILDING CONTROL ACT (CHAPTER 29)

BUILDING CONTROL (INSPECTION OF BUILDINGS) (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by section 49 of the Building Control Act, the Minister for National Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Building Control (Inspection of Buildings) (Amendment) Regulations 2017 and come into operation on 12 December 2017.

Amendment of regulation 2

2. Regulation 2 of the Building Control (Inspection of Buildings) Regulations (Rg 4) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) In these Regulations, unless the context otherwise requires —

“appointed structural engineer” means a structural engineer appointed by the owner of a building under section 28 of the Act, and includes a substitute structural engineer appointed under regulation 6;

“owner” has the same meaning as in section 26(1) of the Act.”; and

(b) by deleting the word “shall” in paragraph (2) and substituting the word “does”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —
- (a) by deleting the word “shall” in paragraphs (1) and (2) and substituting in each case the word “must”;
 - (b) by deleting the words “21 days of” in paragraph (1)(a) and substituting the words “2 months after”; and
 - (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Any owner of a building who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.”.

New regulation 3A

4. The principal Regulations are amended by inserting, immediately after regulation 3, the following regulation:

“Extension of period for inspection of building

3A.—(1) The Commissioner of Building Control may, on the request of the owner of a building on whom a notice under section 28(1) of the Act was served, or on the Commissioner’s own motion, extend the period specified in that notice for causing that building to be inspected under section 28(3) of the Act.

(2) Where the Commissioner of Building Control extends the period specified in a notice under section 28(1) of the Act —

- (a) the Commissioner must serve, on the owner of the building required by that notice to be inspected, an amended notice under section 28(1) of the Act specifying the extended period within which that owner must cause that building to be inspected; and
- (b) the amended notice mentioned in sub-paragraph (a), when served on the owner of the building, supersedes any previous notice served on that owner under

section 28(1) of the Act requiring that building to be inspected.”.

Deletion and substitution of regulation 4

5. Regulation 4 of the principal Regulations is deleted and the following regulation substituted therefor:

“Inspection of building

4.—(1) The appointed structural engineer is to carry out an inspection of the building in the manner set out in this regulation.

(2) First, the appointed structural engineer must with reasonable diligence carry out a visual inspection of the building, which includes a visual survey of —

- (a) the condition of the building;
- (b) the loading on the structure of the building; and
- (c) any addition or alteration to the structure of the building.

(3) After a visual inspection under paragraph (2), the appointed structural engineer must, within the period specified in the notice under section 28(1) of the Act, prepare and submit to the Commissioner of Building Control —

- (a) a report of the results of the visual inspection in accordance with regulation 5; or
- (b) an interim report containing a detailed description of the visual inspection, and a request for approval from the Commissioner for a full structural investigation of the building to be carried out.

(4) The report mentioned in paragraph (3)(a) is to be prepared and submitted if, having regard to the results of a visual inspection under paragraph (2) —

- (a) the appointed structural engineer is of the opinion that there is no sign of any defect, deformation or deterioration in the structure of the building that will

or will be likely to endanger or reduce the structural stability or integrity of any part of the building; or

- (b) the appointed structural engineer —
- (i) reasonably suspects or is of the opinion that there is any defect, deformation or deterioration in the structure of the building that will or will be likely to endanger or reduce the structural stability or integrity of any part of the building; but
 - (ii) is of the opinion that it is not necessary to carry out a full structural investigation of the building for the purposes of preparing the report mentioned in section 28(6)(b) of the Act.

(5) The interim report and request mentioned in paragraph (3)(b) are to be prepared and submitted if, having regard to the results of a visual inspection under paragraph (2), the appointed structural engineer —

- (a) reasonably suspects or is of the opinion that there is any defect, deformation or deterioration in the structure of the building that will or will be likely to endanger or reduce the structural stability or integrity of any part of the building; and
- (b) is of the opinion that it is necessary to carry out a full structural investigation of the building for the purposes of preparing the report mentioned in section 28(6)(b) of the Act.

(6) If the Commissioner of Building Control rejects the request mentioned in paragraph (3)(b), the appointed structural engineer must, within the period specified by the Commissioner in the notification of the rejection of the request, prepare and submit to the Commissioner a report of the results of the visual inspection in accordance with regulation 5.

(7) If the Commissioner of Building Control grants the approval mentioned in paragraph (3)(b), the appointed

structural engineer must carry out a full structural investigation of the building, which includes —

- (a) taking all reasonable steps to obtain information relating to the design, construction, maintenance and history of the building;
- (b) doing either of the following with a view to determining any inadequacy in the structural elements of the building:
 - (i) checking with reasonable diligence the structural plans of the building and the calculations contained in the plans;
 - (ii) if the plans cannot be obtained, reconstructing with reasonable diligence such structural plans where the Commissioner so requires;
- (c) carrying out or causing to be carried out tests on the structural elements of the building without damaging any part of the structural elements of the building;
- (d) carrying out or causing to be carried out tests on the materials used in the construction of the building; and
- (e) carrying out or causing to be carried out load testing of such parts of the building as the appointed structural engineer considers necessary.

(8) Upon completing the full structural investigation mentioned in paragraph (7), the appointed structural engineer must, within the period specified by the Commissioner of Building Control in the approval mentioned in paragraph (3)(b), prepare and submit to the Commissioner a report of the results of the inspection (including the full structural investigation) in accordance with regulation 5.

(9) Upon receiving the report mentioned in paragraph (3)(a), (6) or (8), the Commissioner of Building Control may direct the appointed structural engineer in writing —

- (a) to carry out, within the period specified in the written direction or any extension of that period by the

Commissioner, such further steps for the purposes of ensuring that the visual inspection or full structural investigation (as the case may be), and the assessment of the condition of the building, are complete;

- (b) to amend the report mentioned in paragraph (3)(a), (6) or (8), as the case may be, to include the results of the further steps mentioned in sub-paragraph (a); and
- (c) to provide such further information or documents, as the Commissioner may require, for the purposes of clarifying any part of the report mentioned in paragraph (3)(a), (6) or (8), as the case may be.

(10) An appointed structural engineer who fails, without reasonable excuse, to comply with a written direction issued by the Commissioner of Building Control under paragraph (9) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.”.

Amendment of regulation 5

6. Regulation 5 of the principal Regulation is amended —

- (a) by deleting the word “shall” and substituting the word “must”;
- (b) by inserting, immediately before the words “structural engineer” in paragraphs (a) and (c), the word “appointed”;
- and
- (c) by inserting, immediately after the word “integrity” in paragraph (c), the words “of any part”.

New regulation 6

7. The principal Regulations are amended by inserting, immediately after regulation 5, the following regulation:

“Replacement of appointed structural engineer

6.—(1) If any appointed structural engineer becomes unwilling or unable, whether by reason of the termination of the appointed structural engineer’s appointment or for any other reason, to

carry out the appointed structural engineer's duties under the Act or these Regulations, the owner of the building must —

- (a) not later than the relevant time mentioned in paragraph (4), appoint another structural engineer to carry out those duties; and
- (b) notify the Commissioner of Building Control of that substitute appointment not later than 7 days after the appointment.

(2) Every notification under paragraph (1)(b) must be accompanied by a confirmation, signed by the substitute structural engineer, of that structural engineer's appointment to inspect the building.

(3) Any owner of a building who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(4) The relevant time mentioned in paragraph (1)(a) is —

- (a) in any case where the owner became aware, before 12 December 2017, of the appointed structural engineer's unwillingness or inability to carry out the appointed structural engineer's duties under the Act or these Regulations — 2 months after that date; or
- (b) in any other case — 2 months after the date the owner became aware of the appointed structural engineer's unwillingness or inability to carry out those duties.”.

Saving and transitional provision

8. Regulation 5 does not apply to any inspection of a building pursuant to a notice under section 28(1) of the Act that is received by the owner of the building before 12 December 2017, and regulation 4 of the principal Regulations as in force immediately before that date continues to apply to any such inspection as if regulation 5 had not been enacted.

Made on 8 September 2017.

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Ministry of National Development,
Singapore.*

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