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See **Distribution**

Dear Sir/Madam

INTRODUCTION OF THE NEW BUILDING CONTROL (LICENSING OF BUILDERS) REGULATIONS 2008

A new Building Control (Licensing of Builders) Regulations 2008 will be introduced to accommodate changes in the Building Control (Amendment) Act 2007 on licensing of builders. A draft of the new Regulations is shown in Annex A. The new Regulations is expected to be introduced on 1 Apr 2008 and the implementation of licensing of builders is targeted for full implementation on 1 Oct 2008. The Building and Construction Authority invites you to comment on the draft Regulations.

2 Please return your response as soon as possible and in any event not later than Tue, 26 Feb 2008, either:

by post to:

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3 I would appreciate it if you could bring the contents of this circular to your members' attention. Thank you.

Yours faithfully,



ONG SEE HO
COMMISSIONER OF BUILDING CONTROL

**PROPOSED BUILDING CONTROL (LICENSING OF BUILDERS)
REGULATIONS 2008**

**PART I
PRELIMINARY**

Citation

1. These Regulations may be cited as the Building Control (Licensing of Builders) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires –
“approved person” means a person who is appointed to take charge of and direct the management of the business of the builder in so far as it relates to the building works in Singapore;

“man-year” means a period of 52 weeks, each of 5 working days.

“technical controller” means any person who is appointed to supervise the execution and performance of any building works undertaken by the builder.

**PART II
LICENSED BUILDERS**

Registers of licensed builder

3. (1) The register of licensed builders shall contain sub-registers of –
 - (a) Class 1 general builders who are holding a licence granted under section 29C (1)(a) of the Act;
 - (b) Class 2 general builders who are holding a licence granted under section 29C (1)(b) of the Act; and
 - (c) specialist builders who are holding a licence granted under section 29C (1)(c) and listed according to their licensed classes of specialist building works,
- (2) Each sub-register shall contain the following particulars –
 - (a) the full name and address of the licensed builder;
 - (b) the date of grant and expiry of licence;
 - (c) any previous record of cancellation, suspension or renewal refusal of the licence; and
 - (d) such other particulars as the Commissioner of Building Control thinks fit.
- (3) Every application for a certificate issued by the Commissioner of Building Control certifying whether a person was or was not licensed under Part VA of the Act on a specified date or during a specified period shall be accompanied by the appropriate fee specified in the First Schedule; and such fee shall not be refundable.

Application for builder's licence

4. (1) For the purposes of Part VA of the Act, an application for a Class 2 General Builder's licence or a specialist builder's licence by a natural person shall be accompanied by the following:
 - (a) the appropriate fee specified in the First Schedule; and such fee shall not be refundable;
 - (b) the name and particulars of at least one of his employees, with the signed acceptance of his appointment, to be a technical controller if the natural person is not acting in the capacity as the technical controller;
 - (c) a certified copy for every document relating to educational qualifications and experience of the approved person and technical controller;
 - (d) such other documents as the Commissioner of Building Control may require.

- (2) For the purposes of Part VA of the Act, an application for a builder's licence or a specialist builder's licence by a corporation or a partnership shall be accompanied by the following:
 - (a) the appropriate fee specified in the First Schedule; and such fee shall not be refundable;
 - (b) a copy of resolution by the board of directors in the case of a corporation, or by all the partners in the case of a partnership, stating the name and address of the approved person;
 - (c) the name and particulars of at least one of its employees, with the signed acceptance of his appointment, to be a technical controller unless a director or a partner, as the case may be, is acting in the capacity as the technical controller;
 - (d) a certified copy of every document relating to educational qualifications and experience of the approved person and technical controller;
 - (e) in the case of an application as a specialist builder in the class of specialist work set out in the second column of the Second Schedule, a certificate of accreditation as described in the first column of the same Schedule;
 - (f) in the case of an application as a Class 1 general builder, a certified copy of ISO 9002 certification in building and construction activity; and
 - (g) such other documents as the Commissioner of Building Control may require.

- (3) The Commissioner may refuse to grant any licence to any builder or specialist builder before the expiration of not less than 12 months from the date of revocation of the builder's licence under section 29J of the Act.

Requirement for renewal of registration as builder or specialist builder

5. (1) An application for the renewal of a licence shall be submitted to the Commissioner of Building Control not later than one month prior to the date of expiry of the licence.
- (2) The Commissioner of Building Control may refuse to renew any registration as builder or specialist builder which has previously been cancelled or where monies owed by the applicant to the Commissioner of Building Control are outstanding.

Who may be appointed as approved person

6. (1) No person shall be eligible to become an approved person unless –
 - (a) in the case of a builder who is a natural person, he is carrying on the business of the builder on his own account;
 - (b) in the case of a builder who is a partnership, he is appointed by all the partners in a partnership and satisfies the requirements of section 29F(2)(b) or 29G(2)(b) of the Act; or
 - (c) in the case of a builder who is a corporation, he is appointed through a resolution by the board of directors in a corporation and satisfies the requirements of section 29F(3)(e) or 29G(3)(e) of the Act, and he possesses the qualifications and practical experience described in the second column of the table in Part I of the Third Schedule for the class of license described in the first column.
- (2) A person who has been appointed as the approved person of a licensed builder shall not at any time of his current appointment be appointed as an approved person of another licensed builder in the same class of licence or be appointed as a technical controller of another licensed builder in any class of licence.
- (3) Where an approved person ceases to take charge of and direct the management of the business of the builder, he shall notify the Commissioner of Building Control within 28 days of his ceasing of carrying out such duties.

Who may be appointed as technical controller

7. (1) No person shall be eligible to be appointed as a technical controller unless –
 - (a) in the case of a builder who is a natural person, he provides his personal supervision or he is an employee of the builder;
 - (b) he is appointed by all the partners in a partnership and satisfies the requirements of section 29F(2)(c) or 29G(2)(c) of the Act; or
 - (c) he is appointed through a resolution by the board of directors in a corporation and satisfies the requirements of section 29F(3)(f) or 29G(3)(f) of the Act,and he possesses the qualifications and practical experience described in the second column of the table in Part II of the Third Schedule for the class of license described in the first column.

- (2) A person who has been appointed as a technical controller of a licensed builder shall not at any time of his current appointment be appointed as a technical controller of another licensed builder in any class of licence.
- (3) Where a technical controller ceases to supervise the execution and performance of any building works undertaken by the builder, he shall notify the Commissioner of Building Control within 28 days of his ceasing of carrying out such duties.

PART III CONSTRUCTION PERSONNEL

Application

8. Except as otherwise expressly provided, the conditions of builder's licence relating to construction personnel for the purpose of section 29H of the Act shall not apply to licensed builders who undertakes the following building works:
 - (a) insignificant building works;
 - (b) building works where the estimated final price is less than S\$10 million; or
 - (c) building works for construction of petrochemical, pharmaceutical or wafer fabrication plants and facilities.

Classes of work

9. For the purposes of this Part, the classes of work described in the first column in Part I of the Fourth Schedule shall be defined by the scope of works described in the second column.
10. The deployment of each class of registered construction personnel described in the first column in Part II of the Fourth Schedule shall be limited to those from any one of the classes of work connected with any building works described in the second column.

Deployment of registered construction personnel

11. Every Class 1 general builder shall ensure that-
 - (a) the minimum number of each class of registered construction personnel described in the first column in Part III of the Fourth Schedule to be provided in respect of each significant general building works project involving a new building to be undertaken in Singapore shall not be less than the requirement in the second column; or
 - (b) the minimum number of each class of registered construction personnel described in the first column in Part IV of the Fourth Schedule to be provided in respect of each significant general building works project involving addition, alteration and repair works to an existing building to be undertaken in Singapore shall not be less than the requirement in the second column.

Submission of manpower programme

12. For each significant general building work project, the Class 1 general builder shall, within 30 days from the date of grant of the permit to carry out building works for the project, submit a manpower programme, in such form and

manner as determined by the Commissioner of Building Control.

Particulars to be shown on manpower programme

13. All manpower programme shall –
- (a) be in accordance with the provisions of the Act and these Regulations and any other requirement of the Commissioner of Building Control;
 - (b) be signed by the technical controller declaring that deployment requirements in the Fourth Schedule will be complied with and all information provided in the programme is accurate;
 - (c) show the number of each class of registered construction personnel and the classes of work who will be deployed in the project, and the schedule of their deployment;
 - (d) indicate the total number of man-years for each class of registered construction personnel that will be deployed in accordance to the manpower programme.

Non-acceptance of manpower programme

14. The Commissioner of Building Control may refuse to accept a manpower programme if –
- (a) the manpower programme does not comply with any requirement of the Act or these Regulations; or
 - (b) the manpower programme is not complete.
15. The Commissioner of Building Control shall notify the Class 1 general builder if the manpower programme is not acceptable and the reasons thereof.
16. Where a manpower programme is not accepted, the Class 1 general builder shall be required to re-submit a revised manpower programme.

Approval of manpower programme

17. Where the Commissioner of Building Control approves the manpower programme under section 29H of the Act, the Commissioner of Building Control shall notify the Class 1 general builder of the approval and the terms and conditions, if any, on which the approval has been granted.

Changes to manpower programme

18. If there is any change to the approved manpower programme, the Class 1 general builder shall, within 7 days of the change, submit the updated manpower programme to the Commissioner of Building Control, in such form or manner as the Commissioner of Building Control may determine.

Keeping of site records

19. The Class 1 general builder shall keep and maintain at the premises of every significant general building work project on which the building works are carried out the following documents, books and records:
- (a) a copy of the approved manpower programme;
 - (b) an official site attendance record for all registered construction personnel deployed, in the form and manner as the Commissioner of Building Control may determine;
 - (c) a quarterly update of the actual deployment of registered construction personnel on site; and

- (d) a record of all documents accounting for the absence of each registered construction personnel during scheduled period of his deployment.

Power to enter premise for audit of manpower programme

- 20. The Commissioner of Building Control, or any person appointed by him for this purpose, may enter any premises at reasonable hours for the purpose to audit the accuracy of the manpower programme submitted by the Class 1 general builder.

Inspection of site attendance record

- 21. All documents listed in regulation 19 shall be made available during site inspections by the Commissioner of Building Control, or any person appointed by him for this purpose of the audit.

Submission of documents

- 22. The site attendance records and any other documents deemed necessary for the auditing of the deployment of registered construction personnel shall be submitted to the Commissioner of Building Control within 7 working days of receipt of written request by the Commissioner of Building Control.

PART IV

MISCELLANEOUS

Revocation and suspension of licence

- 23. (1) Every approved person or technical controller of a builder whose licence has been revoked under section 29J shall not be eligible to act as an approved person or technical controller of another licensed builder within a period of not less than one year from the date of the revocation.
- (2) Every approved person or technical controller of a builder whose licence has been suspended under section 29J shall not be eligible to act as an approved person or technical controller of another licensed builder while the suspension order is in force.
- (3) No compensation shall be paid by the Commissioner of Building Control to the builder whose licence is cancelled or suspended and no fee or part thereof shall be refunded by Commissioner of Building Control to the builder in respect of the unexpired period of the licence.

Appeals to Minister

- 24. Any appeal under section 29K of the Act shall —
 - (a) be in writing and addressed to the Minister;
 - (b) state the decision of the Commissioner of Building Control in respect of which the appeal is brought;
 - (c) specify the grounds on which the appeal is brought; and
 - (d) be accompanied by such documentary evidence as the Minister considers necessary.

Penalty

25 Any person who contravenes regulations 6(2), 6(3), 6(4), 7(2), 7(3), 7(4), 11, 12, 18, 19, 21 and 22 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.

FIRST SCHEDULE

Regulations 3(2) & (3), 4(1) & (2), 9(3)

FEES

Fees as set out in hereunder are prescribed for the purposes of the Act and regulations.

1	Application for a certificate certifying whether a person was or was not licensed under section 29C of the Act on a specified date or during a specified period. [Regulation 3(4)]	\$ 100
2	For each application for registration or renewal as Class 1 General Builder [Regulation 4(2)]	\$ 1,800 for 3 years
3	For each application for registration or renewal as Class 2 General Builder [Regulation 4(1)]	\$ 1,200 for 3 years
4	For each application for registration or renewal as Specialist Builder [Regulation 4(5)]	\$ 1,500 for 3 years
5	For each application for addition or change in key personnel [Regulation 6(4) or 7(4)]	\$ 100

SECOND SCHEDULE

Regulation 4(2)(e)

REQUIREMENTS ON SPECIALIST BUILDERS FOR ACCREDITATION WITH PROFESSIONAL BODIES

<i>First column</i>	<i>Second column</i>
<i>Class of specialist work</i>	<i>Certificate of accreditation</i>
Structural Steelwork.	Accreditation in any one of the categories S1 to S3 by the Singapore Structural Steel Society.
Pre-cast concrete work comprising fabrication of pre-cast structural elements.	Accreditation under the Precaster Accreditation Scheme by the Singapore Concrete Institute.

THIRD SCHEDULE

Regulation 6(1) and 7(1)

REQUIREMENTS FOR APPROVED PERSON AND TECHNICAL CONTROLLER

In this Schedule, unless the context otherwise requires –

“construction-related field” means the field of architecture, civil or structural engineering, mechanical or electrical engineering, construction or project management, quantity surveying or building science;

“recognised” means a degree which is –

- (a) awarded by a local university which is constituted under an Act of Parliament or equivalent; or
- (b) awarded by any other universities or institutions of higher learning and which has been justified by an appropriate public organisation or professional institution for academic accreditation.

PART I

QUALIFICATIONS AND PRACTICAL EXPERIENCE OF APPROVED PERSON

<i>First column</i>	<i>Second column</i>
<i>Class of license</i>	<i>Qualifications and practical experience</i>
Class 1	<p>The approved person is required to satisfy any one of the following sets of conditions:</p> <p><u>Set (A)</u></p> <ul style="list-style-type: none">(i) he has a recognised Bachelor or higher degree in any field; and(ii) he has obtained at least 3 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i); or <p><u>Set (B)</u></p> <ul style="list-style-type: none">(i) he has a diploma in a construction-related field; and(ii) he has obtained at least 5 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i); or <p><u>Set (C)</u></p> <ul style="list-style-type: none">(i) he has any other qualifications; and(ii) he has obtained at least 10 years of practical experience in the execution of construction projects in Singapore.(iii) he has attended the prescribed course at the BCA Academy.

Class 2	<p>The approved person is required to satisfy any one of the following sets of conditions:</p> <p><u>Set (A)</u></p> <p>(i) he has a diploma in a construction-related field or any Bachelor or higher degree in any field; and</p> <p>(ii) he has obtained at least 3 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i); or</p> <p><u>Set (B)</u></p> <p>(i) he has any other qualifications;</p> <p>(ii) he has obtained at least 8 years of practical experience in the execution of construction projects in Singapore; and</p> <p>(iii) he has attended the prescribed course at the BCA Academy.</p>
Specialist Builder	<p>The approved person is required to satisfy any one of the following sets of conditions:</p> <p><u>Set (A)</u></p> <p>(i) he has a diploma in a construction-related field or any Bachelor or higher degree in any field; and</p> <p>(ii) he has obtained at least 3 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i); or</p> <p><u>Set (B)</u></p> <p>(i) he has any other qualifications;</p> <p>(ii) he has obtained at least 8 years of practical experience in the execution of construction projects in Singapore; and</p> <p>(iii) he has attended the prescribed course at the BCA Academy.</p>

PART II
QUALIFICATIONS AND PRACTICAL EXPERIENCE OF TECHNICAL CONTROLLER

<i>First column</i>	<i>Second column</i>
<i>Class of license</i>	<i>Qualifications and practical experience</i>
Class 1	<p>The technical controller is required to satisfy the following conditions:</p> <p>(i) he has a recognised Bachelor or higher degree in a construction-related field; and</p> <p>(ii) he has obtained at least 5 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i).</p>

Class 2	The approved person is required to satisfy the following conditions: (i) he has a diploma in a construction-related field or any Bachelor or higher degree in a construction-related field; and (ii) he has obtained at least 5 years of practical experience in the execution of construction projects after attaining the qualifications referred to in paragraph (i).
Specialist Builder	The approved person is required to satisfy the following conditions: (i) he has a recognised Bachelor or higher degree in the field of civil/ structural engineering; and (ii) he has obtained at least 5 years of practical experience in the execution of the appropriate class of specialist works after attaining the qualifications referred to in paragraph (i).

FOURTH SCHEDULE

Regulation 9, 10 & 11

REQUIREMENTS ON DEPLOYMENT OF REGISTERED CONSTRUCTION PERSONNEL

PART I DEFINITION OF CLASSES OF WORK

<i>First column</i>	<i>Second column</i>
<i>Class of work</i>	<i>Scope of work</i>
Construction Plant Operation	Operation of any of the following construction plant: (i) Crane (Saddle Jib) (ii) Crane (Luffing Jib) (iii) Crane (Mobile) (iv) Crane (Crawler) (v) Hydraulic Excavator (vi) Telescopic Handler (vii) Bulldozer (viii) Track Shovel (ix) Excavator Loader (x) Piling Rig
Electrical Wiring Installation	Electrical wiring work
Plumbing & Pipefitting	Sanitary plumbing work, water supply plumbing work or sanitary drainage work
Tiling & Stone Laying	Tiling or stone laying for building interiors or exteriors

Waterproofing installation	Application of waterproofing treatment
Reinforced Concrete Works	Structural work involving reinforced concrete
Structural Steel Works	Structural steel fitting, erection and welding work

**PART II
CLASSES OF WORK OF CONSTRUCTION PERSONNEL**

<i>First column</i>	<i>Second column</i>
<i>Class of construction personnel</i>	<i>Classes of work</i>
Construction Tradesmen	Construction Plant Operation
Construction Foremen	Electrical Wiring Installation Plumbing & Pipefitting Tiling & Stone Laying Waterproofing installation Reinforced Concrete Works Structural Steel Works

**PART III
REQUIREMENTS OF SITE DEPLOYMENT OF REGISTERED CONSTRUCTION PERSONNEL FOR A NEW BUILDING**

<i>First column</i>	<i>Second column</i>
<i>Class of registered construction personnel</i>	<i>Requirements</i>
Construction Tradesmen registered in Construction Plant Operation; and	1 man-year per \$10 million value of building works
Construction Foremen registered in any of the trades specified in second column of Part II	1 man-year per \$10 million value of building works

**PART IV
REQUIREMENTS OF SITE DEPLOYMENT OF REGISTERED CONSTRUCTION PERSONNEL FOR ADDITION, ALTERATION AND REPAIR WORKS TO AN EXISTING BUILDING**

<i>First column</i>	<i>Second column</i>
<i>Class of registered construction personnel</i>	<i>Requirements</i>
Any class of registered construction personnel	2 man-years per \$10 million value of building works

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