

An MND Statutory Board

Our ref : **APPBCA-2024-09**

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Building Engineering Group (#12-01)
Tel: 1800 3425 222 (1800-DIAL-BCA)
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29 May 2024

See **Distribution list**

Dear Sir/Madam

IMPLEMENTATION OF CHANGES TO

(A) THE BUILDING CONTROL ACT 1989

(B) THE BUILDING CONTROL REGULATIONS 2003

(C) BUILDING CONTROL (LICENSING OF BUILDERS) REGULATIONS 2008 AND

(D) THE BUILDING CONTROL (COMPOSITION OF OFFENCES) 2012

Objective

1. This circular is to remind the industry on the upcoming amendments to the following legislations in respect of the licensing of builders and other related matters: -
 - (a) The Building Control Act 1989;
 - (b) The Building Control Regulations 2003;
 - (c) The Building Control (Licensing of Builders) Regulations 2008; and
 - (d) The Building Control (Composition of Offences) Regulations 2012.

In our circular dated 05 Jan 2024, we had informed the industry on the amendments in respect of the licensing of builders and related matters under the Building Control (Amendment) Act 2020 and the amendments described in paragraphs 1(b) to 1(d). These amendments will come into effect on 15 June 2024. Please see **Annex A to D** for a summary of the key changes.

For Clarification

2. We would appreciate if you could convey the contents of this circular to your members. For a more detailed information of the amendments, you may refer to our circular issued on 05 Jan 2024.
3. If you need clarifications, please submit your enquiry through BCA's Online Feedback Form at <https://www.bca.gov.sg/feedbackform/> or call us at 1800 342 5222.
4. Thank you.

Yours faithfully



CHANG BEK MEI
DIRECTOR
BUILDING ENGINEERING GROUP
for COMMISSIONER OF BUILDING CONTROL
BUILDING AND CONSTRUCTION AUTHORITY

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ANNEX A

SUMMARY OF KEY AMENDMENTS UNDER THE BUILDING CONTROL (AMENDMENT) ACT 2020

	Amendment
a	<p><u>Specialist building works where the “site investigation work” category is replaced by a new category “instrumentation and monitoring work”</u></p> <p>Limb (c) of the definition of “specialist building works” in section 2 of the BC Act will be amended to replace “site investigation work” with “instrumentation and monitoring work”. Instrumentation and monitoring work comprises the installation and monitoring of instruments measuring forces, deformation, displacements, tilt, convergence, pore and earth pressures or ground-water levels.</p>
b	<p><u>A permit to carry out structural works automatically lapses if the builder’s licence ceases to be in force</u></p> <p>A new sub-section (6) is added to section 6 of the BC Act to clarify that the permit to carry out structural works automatically lapses if the licence of the builder to whom the permit is issued ceases to be in force.</p>
c	<p><u>Duty of developer to inform the Commissioner of Building Control (“CBC”) on the appointments of builders</u></p> <p>A new subsection (1A) to section 8 of the BC Act requires the developer of any building works to notify the CBC of every appointment of a builder or a specialist builder within 14 days after making that appointment. Failing to do so, without reasonable excuse, will be an offence under new sub-section (4).</p>
d	<p><u>Specialist builder to submit certification of completion for specialist building works</u></p> <p>A new paragraph (aa) is added to section 11(2) of the BC Act to include the requirement for a specialist builder to certify the completion of the specialist building works in accordance with the BC Act, the building regulations, approved plans and any terms and condition imposed by the CBC no later than 7 days after the completion of the specialist building works, and to submit the certificate to the CBC. Failure to do so, without reasonable excuse, will be an offence under section 11(9)(b) of the BC Act.</p>
e	<p><u>Revision of the definition of “minor specialist building works”</u></p> <p>To align with the examples of minor building works listed in the Fourth Schedule of the Building Control Regulations 2003, limb (b) of the definition of “minor specialist building works” in section 29A(1) of the BC Act will include structural steelwork comprising fabrication and erection work for structures with a cantilever length of not more than 6 metres (formerly 3 metres), a clear span of not more than 15 metres (formerly 6 metres) and a plan area not exceeding 150 square metres (no change).</p>

f	<p><u>Persons carrying on business as sole proprietors and limited liability partnerships may register as licensed general builder or licensed specialist builder</u></p> <p>Sections 29F and 29G of the BC Act are amended to allow sole-proprietorships, partnerships or limited liability partnerships owned by or comprised of corporations to be licensed general builders or licensed specialist builders.</p>
g	<p><u>Change to requirements for the technical controller of a licensed builder</u></p> <p>The requirement in the current sections 29F(2)(c)(ii), 29F(3)(f)(ii), 29G(2)(c)(ii), 29G(3)(f)(ii) of the BC Act that the employee of a licensed builder who personally supervises the execution and performance of building works undertaken by a licensed builder must be “<i>employed in such a manner and with such similar duties and responsibilities as a partner (in the case of a partnership) or a director or member of the board of management (in the case of a corporation)</i>”, is removed. Under the amended sections 29F and 29G, there is no requirement that such employee must be employed in such manner and with such similar duties and responsibilities as a partner, director or member of the board of management.</p>
h	<p><u>Requirements for the approved person of a licensed builder</u></p> <p>Under the amendments to sections 29F(3) and 29G(3) of the BC Act, the “Approved Person”, who has the charge and direction of a corporation who applies for a general builder’s licence or specialist builder’s licence, must not be an employee of the said corporation, and must be a director or member of the board of management of the corporation. This new requirement will apply to corporations applying for or renewing a general builder’s licence and specialist builder’s licence after these amendments come into force.</p>
i	<p><u>Additional restriction measures may be imposed on an errant builder in lieu of revocation of licence.</u></p> <p>Where there is no cause of sufficient gravity to revoke a builder’s licence, new limb (d) of section 29J(2) of the BC Act allows the CBC to order that the builder be prohibited from taking on new engagements for a certain period of time, or from undertaking new projects of a certain value. This is in addition to the CBC’s power to order the suspension of the builder’s license, to impose a financial penalty on the builder and to censure the builder.</p>

ANNEX B

SUMMARY OF KEY AMENDMENTS UNDER THE BUILDING CONTROL (AMENDMENT NO. 2) REGULATIONS 2023

	Amendment
a	<p><u>Certificate of statutory completion</u></p> <p>New paragraph (ca) is inserted into Regulation 42(2) of the BC Regulations, to require the specialist builder's certificate (in the new section 11(2)(aa) of the amended BC Act) be submitted to the CBC in order for the CBC to issue a certificate of statutory completion.</p>
b	<p><u>Temporary occupation permit</u></p> <p>New paragraph (ba) is inserted into Regulation 43(3) of the BC Regulations, to require the specialist builder's certificate (in the new section 11((2)(aa) of the amended BC Act) to be submitted to the CBC in order for the CBC to grant a temporary occupation permit.</p>

ANNEX C

SUMMARY OF KEY AMENDMENTS UNDER THE BUILDING CONTROL (LICENSING OF BUILDERS) (AMENDMENT) REGULATIONS 2023

	Amendment
a	<p><u>Requirements for the application of general builder's licence and specialist builder's licence</u></p> <p>Amendments to Regulations 4, 7, 8 of the Licensing Regulations are consequential amendments to give effect to the amendments to the BC Act mentioned in item (f), (g), and (h) in Annex A above pertaining to the requirements for the application of general builder's licence and specialist builder's licence. The headings of Regulations 12, 13, 14 and 15 of the Licensing Regulations are amended to correspond with the description of the persons referred to in the relevant sections of the BC Act.</p>

ANNEX D

SUMMARY OF KEY AMENDMENTS UNDER THE BUILDING CONTROL (COMPOSITION OF OFFENCES) (AMENDMENT NO. 2) REGULATIONS 2023

	Amendment
a	<u>Compoundable offences</u> Regulation 2(e) of the Composition Regulations is amended to include the contravention of the new section 11(2)(aa) of the BC Act (refer to item (d) in Annex A above), which is an offence under section 11(9) of the BC Act, as a compoundable offence.