



THE STATUTES OF THE REPUBLIC OF SINGAPORE

BUILDING AND CONSTRUCTION AUTHORITY ACT

(CHAPTER 30A)

**Act
4 of 1999**

REVISED EDITION 2000

(30th December 2000)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Building and Construction Authority Act

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An Act to establish the Building and Construction Authority, to provide for its functions and powers, and for matters connected therewith.

[1st April 1999]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Building and Construction Authority Act.

Interpretation

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

“Authority” means the Building and Construction Authority established under section 3;

“Board” means the Construction Industry Development Board established under section 3 of the repealed Construction Industry Development Board Act (Cap. 51, 1985 Ed.);

“Chairman” means the Chairman of the Authority and includes any acting Chairman of the Authority;

“Chief Executive” means the Chief Executive of the Authority appointed under section 13 and includes any person acting in that capacity;

“construction industry” means the industry concerning the carrying out of construction works and services;

“construction works and services” includes all aspects of architectural, engineering, development and construction works and services including such other related production, design and consultancy works and services which result in the construction, maintenance, retrofitting, repair or removal of all types of buildings and infrastructure;

“Deputy Chairman” means the Deputy Chairman of the Authority;

“member” means a member of the Authority.

PART II**ESTABLISHMENT, INCORPORATION
AND CONSTITUTION OF AUTHORITY****Establishment and incorporation of Authority**

3. There is hereby established a body to be known as the Building and Construction Authority which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

4.—(1) All deeds and other documents requiring the seal of the Authority shall be sealed with the common seal of the Authority and all instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Authority for the purpose or by one member and the Chief Executive.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

Membership of Authority

5.—(1) The Authority shall consist of —

- (a) a Chairman;
 - (b) a Deputy Chairman; and
 - (c) not less than 5 and not more than 12 other members,
- all of whom shall be appointed by the Minister.

(2) The Minister may appoint the Chief Executive to be a member of the Authority.

Term of office of members

6.—(1) A member of the Authority shall hold office for such term not exceeding 3 years as the Minister shall specify in his appointment, and may from time to time be re-appointed.

(2) Any member of the Authority may at any time by notice in writing to the Minister resign his office.

(3) The Minister may, at any time, revoke the appointment of any member without assigning any reason.

(4) If a member dies or resigns or has his appointment terminated, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Authority shall pay to the Chairman, the Deputy Chairman and other members of the Authority such salaries, fees and allowances as the Minister may, from time to time, determine.

Meetings and proceedings of Authority

7.—(1) At all meetings of the Authority, 4 members shall form a quorum.

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Authority and, in their absence, the members present shall elect one of their number to preside.

(3) Meetings of the Authority shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Authority, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Authority may regulate its own proceedings.

Disclosure of interest of members

8.—(1) A member of the Authority who is in any way, directly or indirectly, interested in a transaction or project of the Authority shall disclose the nature of his interest at a meeting of the Authority.

(2) The disclosure by a member shall be recorded in the minutes of the Authority and the member shall not take part in any deliberation of the Authority with respect to the transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

PART III**FUNCTIONS AND POWERS OF AUTHORITY****Functions of Authority**

9.—(1) Subject to the provisions of this Act, the functions and duties of the Authority shall be —

- (a) to promote the development, improvement and expansion of the construction industry including the use of advanced technology in the construction industry;
- (b) to advise and make recommendations to the Government on matters affecting or connected with the construction industry and on the control of building works and the safety of buildings;
- (c) to raise standards and efficiency in the construction industry by encouraging the standardisation and improvement of construction processes, techniques, products and materials;
- (d) to promote good procurement methods and practices in the construction industry and advise and assist the Government in the procurement of construction works and services;
- (e) to provide consultancy and advisory services related to the construction industry;
- (f) to promote the advancement of skills and expertise of persons in the construction industry;

- (g) to raise the professionalism and capabilities of firms in the construction industry;
- (h) to promote the adoption of internationally recognised quality management systems in the construction industry;
- (i) to facilitate the supply of essential construction materials and secure and manage land and facilities related to their import and production;
- (j) to promote and carry out research for the development and improvement of the construction industry and in respect of the building control system, building codes and regulations, building maintenance and management, energy usage in buildings and other matters related to or incidental to the functions of the Authority;
- (k) to promote the efficient use of energy in buildings and to advise the Government on the measures and regulations to be implemented;
- (l) to provide a search service for searches on building records and plans; and
- (m) to carry out such other functions as are imposed upon the Authority by or under this Act or any other written law.

(2) The Minister may, after consultation with the Authority or otherwise, give such directions, not inconsistent with the provisions of this Act, as to the performance of its functions and the exercise of its powers and the Authority shall give effect to any such directions.

Powers of Authority

10. The Authority shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and, in particular, may —

- (a) prescribe standards for the construction industry in relation to design, processes, construction techniques, products and materials;
- (b) promote and assist in the export of construction works and services;
- (c) own, lease, manage, let or sell lands, buildings and other property as the Authority may consider necessary for the discharge of its duties and functions;

- (d) collect, analyse, compile, publish and disseminate information of a statistical nature relating to the construction industry and on all matters relating to building control, maintenance and management of buildings or such other subject matters as may be necessary for the performance of the functions of the Authority;
- (e) prescribe training requirements for the construction industry, provide training, conduct tests and award diplomas and certificates of proficiency;
- (f) collaborate with other companies or institutions to organise seminars, workshops, conferences, courses or other training programmes and share profits;
- (g) provide technical advice or assistance, including training facilities, to personnel of related organisations in other countries;
- (h) provide financial assistance in the form of grants, loans or otherwise to persons, firms or companies in the construction industry and provide any guarantee on their behalf;
- (i) enter into a partnership or an arrangement for the sharing of profits;
- (j) charge fees or commissions for services rendered by the Authority;
- (k) carry out publicity in any form;
- (l) form or participate in the formation of a company to perform or carry out any of the functions of the Authority;
- (m) receive donations and contributions from any source and raise funds by all lawful means;
- (n) provide training for officers or employees of the Authority and award scholarships or otherwise pay for such training;
- (o) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the Authority and members of their families;
- (p) grant loans to officers or employees of the Authority for any purpose specifically approved by the Authority as are likely to increase the efficiency of officers or employees; and
- (q) do anything incidental to any of its powers.

Committees

11.—(1) The Authority may, from time to time, appoint, alter and discharge committees, consisting of one or more persons (whether members of the Authority or not), and define and vary the terms of reference of those committees.

(2) Subject to this Act and any regulations made thereunder and to the control of the Authority, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Delegation of powers

12.—(1) The Authority may, from time to time, in respect of a specified matter or class of matters, by writing, delegate any of its powers to a member, officer or committee of the Authority.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power, function or duty by the Authority.

PART IV**PROVISIONS RELATING TO STAFF****Appointment of Chief Executive and other staff**

13.—(1) The Authority shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Authority may determine.

(2) The Chief Executive shall be —

(a) known by such designation as the Authority may determine; and

(b) responsible to the Authority for the proper administration and management of its functions and affairs in accordance with the policy laid down by the Authority.

(3) The Authority may, from time to time, appoint such other officers, employees, consultants and agents as it thinks fit for the effective performance of its functions.

(4) If the Chief Executive is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Authority, with the approval of the Minister, to act in the place of the Chief Executive during any such period of absence from duty.

Protection from personal liability

14. No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

Public servants for purposes of Penal Code

15. The members, officers and employees of the Authority shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

PART V

FINANCIAL PROVISIONS

Financial year

16. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year.

Estimates

17.—(1) The Authority shall, in every year, prepare and adopt annual estimates of income and expenditure of the Authority for the ensuing year.

(2) Supplementary estimates of expenditure may be adopted by the Authority.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Authority, be sent to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Authority, and the Authority shall be bound thereby.

Grants-in-aid

18. For the purpose of enabling the Authority to carry out its functions under this Act, the Minister may, from time to time, make grants-in-aid to the Authority of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Loans

19. The Authority may, from time to time, for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

Bank accounts and application of moneys

20.—(1) The Authority shall open and maintain an account or accounts with such bank or banks as the Authority thinks fit and every such account shall be operated by such person or persons as may, from time to time, be authorised in that behalf by the Authority.

(2) The moneys of the Authority shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority and in making any payments that the Authority is authorised or required to make.

(3) Moneys belonging to the Authority may, from time to time, be invested in securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested.

Accounts and financial statements

21.—(1) The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

(2) The Authority shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Authority.

Audit of accounts

22.—(1) The accounts of the Authority shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The auditor or any person authorised by him is entitled, at all reasonable times, to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Authority.

(6) The auditor shall submit such periodical and special reports to the Minister and to the Authority as may appear to him to be necessary or as the Minister or the Authority may require.

Failure to furnish information to auditor

23.—(1) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(2) Any person who fails, without reasonable excuse, to comply with any requirement of the auditor under subsection (1) shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation of financial statements and auditor's report to Parliament

24.—(1) The Authority shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Authority, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Authority.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, LIABILITIES AND EMPLOYEES

Transfer to Authority of property, assets and liabilities

25.—(1) As from 1st April 1999, such movable and immovable property vested in the Board, or in the Government as may be determined by the Minister for Finance and used or managed by the Building Control Division of the Public Works Department and all assets, interests, rights, privileges, liabilities and obligations of the Board or of the Government relating to the Building Control Division of the Public Works Department shall be transferred to and shall vest in the Authority without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) shall be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

Transfer of employees

26.—(1) As from 1st April 1999, all persons employed immediately before that date by the Board and in the Building Control Division of the Public Works Department shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Authority, the scheme and terms and conditions of service in the Board or the Government, as the case may be, shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if he were still in the employment of the Board or the Government.

Pension rights, etc., of Government employees to be preserved

27.—(1) The terms and conditions to be drawn up by the Authority shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Authority under section 26 while in the employment of the Board or the Government.

(2) Any term or condition relating to the length of service with the Authority shall recognise the length of service of the persons so transferred while in the employment of the Board or the Government to be service with the Authority.

(3) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) In every case, where a person has been transferred to the service of the Authority under section 26, the Government shall be liable to pay to the Authority such portion of any gratuity, pension or allowance payable to such person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the

aggregate amount of his pensionable emoluments during his service under both the Government and the Authority.

(5) Where any person in the service of the Authority, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority thinks fit, such allowance or gratuity as the Authority may determine.

No benefits in respect of abolition or reorganisation of office

28. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Authority under section 26 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Authority.

Existing contracts

29. All deeds, bonds, agreements, instruments and arrangements, subsisting immediately before 1st April 1999 to which the Board or the Government is a party and relating to the Building Control Division of the Public Works Department or to any person transferred to the service of the Authority under section 26 shall continue in force on and after that date and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Board or the Government.

Continuation and completion of disciplinary proceedings

30.—(1) Where on 1st April 1999 any disciplinary proceedings were pending against any employee of the Board or the Government transferred to the service of the Authority, the proceedings shall be carried on and completed by the Authority; but where on 1st April 1999 any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, a ruling or a direction as it could have made under the authority vested in it before that date.

(2) Any order, ruling or direction made or given by a committee pursuant to this section shall be treated as an order, ruling or direction of the Authority and have the same force or effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

Misconduct or neglect of duty by employee before transfer

31. The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Board or the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Board or the Government, as the case may be, and if this Act had not been enacted.

PART VII

MISCELLANEOUS

Annual report

32.—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Authority's symbol

33.—(1) The Authority shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Authority, or which so resembles the Authority's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, 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.

Penalty for obtaining grants, loans or financial assistance by false or misleading statements

34.—(1) Any person who obtains payment of any grant or loan or any other form of financial assistance from the Authority by means of any false or misleading statement or any document that is false or misleading in any particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where an offence under subsection (1) committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where a person is convicted of an offence under this section, the court may, in addition to imposing a penalty under this section, order the person to make repayment of the amount of any money wrongfully obtained.

(4) Where an order has been made under subsection (3), a certified copy of the order may be filed in a court having civil jurisdiction to the extent of the amount ordered to be repaid and the order is thereupon enforceable in all respects as the final judgment of that court.

Regulations

35. The Authority may, with the approval of the Minister, make regulations for all or any of the following purposes:

- (a) regulating the proceedings of the Authority or of the committees of the Authority;
- (b) providing for the circumstances in which applications may be made to the Authority for financial assistance and the manner of such applications and determination thereof; and
- (c) prescribing any matters which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Transitional and saving provisions

36.—(1) Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed Construction Industry Development Board Act (Cap. 51, 1985 Ed.) shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under this Act.

(2) Any subsidiary legislation made under the repealed Construction Industry Development Board Act and in force immediately before 1st April 1999 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked by subsidiary legislation made under this Act.

(3) Where in any written law reference is made to —

- (a) the Construction Industry Development Board, such reference shall be read as a reference to the Building and Construction Authority; and
- (b) the Building Authority, such reference shall be read as a reference to the Commissioner of Building Control.

LEGISLATIVE HISTORY
BUILDING AND CONSTRUCTION AUTHORITY ACT
(CHAPTER 30A)

Act 4 of 1999 — Building and Construction Authority Act 1999

Date of First Reading	:	23.11.98 (Bill No. 51/98 published on 24.11.98)
Date of Second and Third Readings	:	20.1.99
Date of commencement	:	1.4.99

COMPARATIVE TABLE

BUILDING AND CONSTRUCTION AUTHORITY ACT (CHAPTER 30A)

The following provisions in the Building and Construction Authority Act 1999 (Act 4 of 1999) have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Building and Construction Authority Act.

2000 Ed.	Act 4 of 1999
<i>Omitted</i>	36—(1)
36—(1), (2) and (3)	36—(2), (3) and (4)
<i>Omitted</i>	37
<i>Omitted</i>	The Schedule (Consequential amendments)