



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 13]

FRIDAY, JUNE 11

[2021

First published in the *Government Gazette*, Electronic Edition, on 9 June 2021 at 5 pm.

The following Act was passed by Parliament on 11 May 2021 and assented to by the President on 31 May 2021:—

REPUBLIC OF SINGAPORE

No. 14 of 2021.

I assent.



HALIMAH YACOB,
President.
31 May 2021.

An Act to amend the COVID-19 (Temporary Measures) Act 2020.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the COVID-19 (Temporary Measures) (Amendment No. 3) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the COVID-19 (Temporary Measures) Act 2020 is amended by deleting the words “and 8C” in paragraph (d) of the definition of “Minister” and substituting the words “, 8C and 10A”.

New Part 10A

3. The COVID-19 (Temporary Measures) Act 2020 is amended by inserting, immediately after section 79, the following Part:

“PART 10A

RELIEFS FOR CONSTRUCTION CONTRACTS
AFFECTED BY INCREASE IN FOREIGN MANPOWER
SALARY COSTS

Division 1 — General

Interpretation of this Part

79A. In this Part, unless the context otherwise requires —

“assignee”, in relation to a person, includes a successor in title of that person;

“construction works”, in relation to a construction contract, means the construction works (within the meaning given by section 3(1) of SOPA) to be carried out under the construction contract;

“contract sum” means the total sum payable for the construction works to which the construction contract relates, as at the time the construction contract was entered into, and includes such sum as adjusted by a determination under section 79G or a subsequent determination under section 79H;

“foreign manpower salary costs” means the remuneration (including bonuses, allowances and overtime payments)

payable to individuals who are neither citizens nor permanent residents of Singapore and who hold a work permit, but excludes such matters as may be prescribed by regulations made under section 79K;

“Part 10A assessor” means a person appointed to the panel of Part 10A assessors under section 79E;

“Part 10A Registrar” means the Part 10A Registrar appointed under section 79D(1), and includes any Part 10A Deputy Registrar exercising the functions of the Part 10A Registrar;

“SOPA” means the Building and Construction Industry Security of Payment Act (Cap. 30B);

“work permit” means a work pass known as a work permit issued under the Employment of Foreign Manpower (Work Passes) Regulations 2012 (G.N. No. S 569/2012), and includes a training work permit issued under those Regulations.

Application of this Part

79B.—(1) This Part applies to a case where —

- (a) parties entered into a construction contract (including one to which the Government is a party) before 1 October 2020, but not if the construction contract was renewed (other than automatically) on or after that date; and
- (b) as at 10 May 2021, any construction works to be performed under the construction contract have not been certified in accordance with the construction contract as completed.

(2) The reference to a construction contract in subsection (1) excludes —

- (a) any construction contract for the carrying out of construction works at or on any residential property (within the meaning of the Residential Property Act (Cap. 274)) that do not require the approval of the

Commissioner of Building Control under the Building Control Act (Cap. 29);

- (b) any construction contract terminated before 10 May 2021, or where a notice for the termination of the construction contract was given in accordance with the construction contract before 10 May 2021, even if the period of the notice expires on or after that date; and
- (c) any other construction contract that is prescribed by regulations made under section 79K.

(3) This Part does not apply to a case that comes within such circumstances as may be prescribed by regulations made under section 79K.

Relief under this Part

79C.—(1) A party to a construction contract who undertakes to carry out any construction works under that contract (called in this Part *A*) may apply, in accordance with section 79F, to the Part 10A Registrar to appoint a Part 10A assessor to adjust the contract sum for the purpose in subsection (2).

(2) The purpose of the adjustment is to take into account an increase in the amount of foreign manpower salary costs incurred by *A* at any time between 1 October 2020 and 30 September 2021 or such later date as may be prescribed by regulations made under section 79K (both dates inclusive), over what *A* would otherwise have incurred, because of a COVID-19 event.

(3) Subsection (1) only applies if *A* had made a reasonable attempt to negotiate with the other party to the construction contract (called in this Part *B*) for such adjustment.

(4) A reference in this Part to an increase in the amount of foreign manpower salary costs incurred by *A* in a period, over an amount which *A* would otherwise have incurred, because of a COVID-19 event, includes an increase in an amount paid by *A* to another person (called in this section *AI*) in that period under

any contract or other arrangement between *A* and *A1* in relation to the carrying out of the construction works, being payment for any foreign manpower salary costs incurred or paid for in that period (whether by *A1* or another person) in relation to the carrying out of those works, over an amount which would otherwise have been payable by *A* to *A1*, because of the COVID-19 event.

Illustration

The contract sum for a construction contract between *A* and *B* includes the following components (whether set out expressly in the contract or otherwise):

- (a) an amount of foreign manpower salary costs to be incurred by *A* for work permit holders employed by *A* to carry out the construction works;
- (b) cost for a part of the construction works to be carried out by a contractor engaged by *A* (*A1*) under a construction contract between *A* and *A1*, which includes (whether set out expressly in the contract or otherwise) —
 - (i) an amount of foreign manpower salary costs to be incurred by *A1* for work permit holders employed by *A1* to carry out that part of the works; and
 - (ii) an amount of foreign manpower salary costs to be incurred by a contractor engaged by *A1* (*A2*) and payable by *A1* to *A2* under a contract between *A1* and *A2* for construction works to be carried out by work permit holders employed by *A2*.

Each of these amounts of foreign manpower salary costs may be included for determining the amount of foreign manpower salary costs incurred or which would otherwise have been incurred by *A*.

Division 2 — Part 10A assessor's determination

Part 10A Registrar

79D.—(1) The Minister is to appoint a Part 10A Registrar for the purposes of this Part.

(2) The Minister may in addition appoint Part 10A Deputy Registrars.