

Building Control (Amendment) Bill

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Bill No: 32/2004

Read the first time: 20th July 2004

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Expenditure of Public Money

Building Control (Amendment) Bill

Bill No. 32/2004

Read the first time on 20th July 2004.

An Act to amend the Building Control Act (Chapter 29 of the 1999 Revised Edition).

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 may be cited as the Building Control (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Building Control Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “air-conditioning unit”;
- (b) by inserting, immediately after the definition of “competent authority”, the following definitions:

“ “exterior feature”, in relation to any building, means any of the following features that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of the building:

- (a) any air-conditioning unit, including any window air-conditioning unit and any condensing equipment of an air-conditioning unit;
- (b) any window, with or without movable parts;
- (c) any grille or shutter, with or without movable parts;
- (d) any tile, cladding, curtain wall, siding, plaster, bracket or cornice;
- (e) any gutter, rainwater down-pipe, or part of the

roof;

- (f) any awning or sun-shading device;
- (g) such other feature that is permanent and is installed on, forms part of or projects outwards from the roof or exterior of any building as the Minister may, by notification in the *Gazette*, declare to be an exterior feature for the purposes of this Act;

“flat” has the same meaning as in the Land Titles (Strata) Act (Cap. 158);”;

- (c) by inserting, immediately after the definition of “owner”, the following definition:

““person responsible”, in relation to an exterior feature of a building, means —

- (a) the owner of the premises or building which the exterior feature is installed on, forms part of or projects outwards from, except as otherwise provided by paragraph (b), (c), (d) or (e);
- (b) where the exterior feature (other than any window, grille or shutter) is part of the common property of any housing estate of the Housing and Development Board, either that Board or the Town Council established under the Town Councils Act (Cap. 329A) for that housing estate, as the Minister shall designate for that exterior feature;
- (c) where the exterior feature (other than any window, grille or shutter) is part of the common property of any other land (whether or not comprised in a strata title plan) not referred to in paragraph (b), the person who has charge of the maintenance of such common property, unless otherwise provided by paragraph (e);

- (d) where the exterior feature is a window, grille or shutter —
 - (i) if the window, grille or shutter is part of a flat in any housing estate of the Housing and Development Board (whether or not it is common property), the owner of that flat as defined in the Housing and Development Act (Cap. 129);
 - (ii) if the window, grille or shutter is part of any flat other than a flat under subparagraph (i) (whether or not it is common property), the owner of that flat; and
 - (iii) in any other case, such person who ordinarily has daily charge or control over the maintenance and use of such window, grille or shutter; or
- (e) such other person as may be prescribed under section 22C as the person responsible for the exterior feature;”;
- (d) by inserting, immediately after the definition of “repealed Act”, the following definition:
 - “ “retrofit”, in relation to an exterior feature, means to modify or re-install the exterior feature as if installing the exterior feature for the first time;”;
- (e) by inserting, immediately after the definition of “site supervisor”, the following definition:
 - “ “structural elements” means those parts or elements of a building which resist forces and moments, and includes foundations, beams, columns, shear cores, slabs, roof trusses, staircases, load bearing walls and all other elements designed to resist forces and moments but does not include doors, windows and non-load bearing walls;”;
- (f) by deleting the definition of “trained worker”.

Amendment of section 4

3. Section 4 of the principal Act is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) any retrofitting of exterior features referred to in Part III.”.

Amendment of section 9

4. Section 9(1) of the principal Act is amended by inserting, immediately after the words “those building works” in paragraph (b), the words “and this other qualified person shall be deemed to be appointed under section 6(3)”.

Amendment of section 20

5. Section 20 of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(3) Any person who is aggrieved by a decision of the Commissioner of Building Control under subsection (1) or (2) may, within 28 days of being notified of the decision, appeal to the Minister against the decision.

(4) Where an appeal is made to the Minister under subsection (3), the Minister may confirm, vary or reverse the decision of the Commissioner of Building Control, or give such directions in the matter as he thinks fit, and the decision of the Minister shall be final.

(5) Every pecuniary penalty or part thereof outstanding shall be recoverable as a debt due to the Building and Construction Authority.

(6) On acceptance by the Commissioner of Building Control of the pecuniary penalty imposed under this section, the unauthorised building works in respect of which the penalty is paid shall be deemed to have been carried out in accordance with section 5(1).”.

Repeal and re-enactment of Part III

6. Part III of the principal Act is repealed and the following Part substituted therefor:

“PART III

RETROFITTING OF EXTERIOR FEATURES

Application and interpretation of this Part

22A.—(1) This Part shall apply to all exterior features on any building