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BUILDING CONTROL ACT (CHAPTER 29)

BUILDING CONTROL (INSPECTION OF BUILDINGS) (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by section 49 of the Building Control Act, the Minister for National Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Building Control (Inspection of Buildings) (Amendment) Regulations 2017 and come into operation on 12 December 2017.

Amendment of regulation 2

2. Regulation 2 of the Building Control (Inspection of Buildings) Regulations (Rg 4) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) In these Regulations, unless the context otherwise requires —

“appointed structural engineer” means a structural engineer appointed by the owner of a building under section 28 of the Act, and includes a substitute structural engineer appointed under regulation 6;

“owner” has the same meaning as in section 26(1) of the Act.”; and

(b) by deleting the word “shall” in paragraph (2) and substituting the word “does”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —
- (a) by deleting the word “shall” in paragraphs (1) and (2) and substituting in each case the word “must”;
 - (b) by deleting the words “21 days of” in paragraph (1)(a) and substituting the words “2 months after”; and
 - (c) by inserting, immediately after paragraph (2), the following paragraph:
 - “(3) Any owner of a building who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.”.

New regulation 3A

4. The principal Regulations are amended by inserting, immediately after regulation 3, the following regulation:

“Extension of period for inspection of building

3A.—(1) The Commissioner of Building Control may, on the request of the owner of a building on whom a notice under section 28(1) of the Act was served, or on the Commissioner’s own motion, extend the period specified in that notice for causing that building to be inspected under section 28(3) of the Act.

(2) Where the Commissioner of Building Control extends the period specified in a notice under section 28(1) of the Act —

- (a) the Commissioner must serve, on the owner of the building required by that notice to be inspected, an amended notice under section 28(1) of the Act specifying the extended period within which that owner must cause that building to be inspected; and
- (b) the amended notice mentioned in sub-paragraph (a), when served on the owner of the building, supersedes any previous notice served on that owner under

section 28(1) of the Act requiring that building to be inspected.”.

Deletion and substitution of regulation 4

5. Regulation 4 of the principal Regulations is deleted and the following regulation substituted therefor:

“Inspection of building

4.—(1) The appointed structural engineer is to carry out an inspection of the building in the manner set out in this regulation.

(2) First, the appointed structural engineer must with reasonable diligence carry out a visual inspection of the building, which includes a visual survey of —

- (a) the condition of the building;
- (b) the loading on the structure of the building; and
- (c) any addition or alteration to the structure of the building.

(3) After a visual inspection under paragraph (2), the appointed structural engineer must, within the period specified in the notice under section 28(1) of the Act, prepare and submit to the Commissioner of Building Control —

- (a) a report of the results of the visual inspection in accordance with regulation 5; or
- (b) an interim report containing a detailed description of the visual inspection, and a request for approval from the Commissioner for a full structural investigation of the building to be carried out.

(4) The report mentioned in paragraph (3)(a) is to be prepared and submitted if, having regard to the results of a visual inspection under paragraph (2) —

- (a) the appointed structural engineer is of the opinion that there is no sign of any defect, deformation or deterioration in the structure of the building that will

or will be likely to endanger or reduce the structural stability or integrity of any part of the building; or

- (b) the appointed structural engineer —
- (i) reasonably suspects or is of the opinion that there is any defect, deformation or deterioration in the structure of the building that will or will be likely to endanger or reduce the structural stability or integrity of any part of the building; but
 - (ii) is of the opinion that it is not necessary to carry out a full structural investigation of the building for the purposes of preparing the report mentioned in section 28(6)(b) of the Act.

(5) The interim report and request mentioned in paragraph (3)(b) are to be prepared and submitted if, having regard to the results of a visual inspection under paragraph (2), the appointed structural engineer —

- (a) reasonably suspects or is of the opinion that there is any defect, deformation or deterioration in the structure of the building that will or will be likely to endanger or reduce the structural stability or integrity of any part of the building; and
- (b) is of the opinion that it is necessary to carry out a full structural investigation of the building for the purposes of preparing the report mentioned in section 28(6)(b) of the Act.

(6) If the Commissioner of Building Control rejects the request mentioned in paragraph (3)(b), the appointed structural engineer must, within the period specified by the Commissioner in the notification of the rejection of the request, prepare and submit to the Commissioner a report of the results of the visual inspection in accordance with regulation 5.

(7) If the Commissioner of Building Control grants the approval mentioned in paragraph (3)(b), the appointed