

Conditions of Builder's Licence

Conditions of builder's licence relating to construction personnel

29H. —(1) From the appointed day, it shall be a condition of every Class 1 general builder's licence (whether granted before the appointed day or otherwise) that the builder holding that licence —

(a) shall lodge with the Commissioner a manpower programme that satisfies the requirements in subsection (2) in respect of each significant general building work project to be undertaken in Singapore by the builder on or after that appointed day; and

(b) shall, at all times when carrying on the general building works in connection with that significant general building work project, take all practicable steps to ensure that the registered construction personnel employed by or on the licensed general builder's behalf or engaged in connection with that significant general building work project comply with the manpower programme lodged under paragraph (a) in respect of that significant general building work project.

(2) A manpower programme in respect of any particular significant general building work project shall be a program or scheme specifying all or any of the following:

(a) the number (which shall not be less than the number prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project;

(b) the proportion (which shall not be less than the proportion prescribed) of different classes of registered construction personnel to be employed by or on behalf of the licensed general builder or to be engaged in connection with that significant general building work project.

(3) If there is any change in the number or proportion of registered construction personnel —

(a) specified in a manpower programme lodged by a licensed general builder under subsection (1) (a) in respect of any particular significant building work project; or

(b) employed by or on behalf of the licensed general builder or to be engaged in connection with that particular significant building work project, the licensed general builder shall notify the Commissioner of the change within 7 days after that change.

(4) In this section, "take all practicable steps", in relation to any result in any circumstances, means taking all steps to achieve the result that it is reasonably practicable to take in the circumstances; and for the avoidance of doubt, a person required by this section to take all practicable steps is required to take

those steps only in respect of circumstances that the person knows or ought reasonably to know about.

(5) In this section, unless the context otherwise requires —

"appointed day" means such day as the Minister may, by notification in the *Gazette*, specify to be the appointed day for the purposes of this section;

"construction foreman" means a natural person who carries out, or undertakes to carry out, for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, the supervision and co-ordination of construction tradesmen or other workman in any prescribed class of work connected with any building works, and a construction foreman shall be classified according to the class of work he so supervises for reward;

"construction personnel" means any natural person who is —

- (a) a construction foreman of any class;
- (b) a construction supervisor of any class; or
- (c) a construction tradesman of any class;

"construction supervisor" means a natural person, not being a builder, who oversees the execution or performance of building works for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, but does not include a construction foreman or other person employed in a like or less responsible capacity;

"construction tradesman" means a natural person, not being a builder, who carries out, or undertakes to carry out, for or on behalf of another person, for a fixed sum, percentage, or valuable consideration, wages or other reward, any prescribed class of work connected with any building works, and a construction tradesman shall be classified according to the class of work he so carries out for reward;

"engaged" means engaged under a contract of service or a contract for services;

"registered" means registered with the Building and Construction Authority;

"significant general building work project" means any building works the value of which is \$10 million or such other amount as the Minister may, by order in the *Gazette*, specify in lieu thereof, or more.

Other conditions of builder's licence

29I. —(1) It shall be a condition of every Class 2 builder's licence that the licensed builder holding such a licence shall not enter into any contract or engagement to carry out general building works for an estimated final price which exceeds the amount specified under section 29C (1) (b).

(2) Where any general building works or specialist building works are carried out by a licensed builder who is a natural person, that person shall ensure that —

(a) the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised —

(i) by himself; or

(ii) by at least one of his employees who is employed to manage and supervise those building works undertaken and who meets the requirements of section 29F (1) (c) (i) or 29G (1) (c) (i), as the case may be; and

(b) the name of that licensed builder or employee shall appear in any sign affixed or erected on the site where the general building works or specialist building works are carried out.

(3) Where any general building works or specialist building works are carried out by a licensed builder which is a partnership, the partners thereof shall ensure that the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised by —

(a) at least one partner of the partnership; or

(b) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a partner, who meets the requirements of section 29F (1) (c) (i) or 29G (1) (c) (i), as the case may be.

(4) Where any general building works or specialist building works are carried out by a licensed builder which is a corporation, the corporation shall ensure that the execution and performance of the general building works or specialist building works, as the case may be, shall be personally supervised by —

(a) at least one director of the corporation or a member of its board of management; or

(b) at least one of its employees who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management, who meets the requirements of section 29F (1) (c) (i) or 29G (1) (c) (i), as the case may be.

(5) It shall be a condition of every builder's licence granted to a partnership or a corporation that the management of the business of the partnership or corporation in so far it relates to general building works or specialist building works, as the case may be, shall at all times be under the charge and direction of —

(a) a partner in the case of the partnership; or

(b) in the case of a corporation, a director or a member of the board of management of the corporation or an employee of the corporation who is employed in such a manner and with such similar duties and responsibilities as a director or member of its board of management,

who satisfies the Commissioner that he meets the requirements of section 29F (2) (b) or (3) (e) or 29G (2) (b) or (3) (e), as the case may be.

(6) Without prejudice to subsections (1) to (5), the Commissioner may grant a builder's licence subject to such other conditions as the Commissioner thinks fit and may at any time vary any existing conditions (other than those specified in subsections (1) to (5)) of such a licence or impose additional conditions thereto.

(7) Before making any modification to the conditions of a builder's licence under this section, the Commissioner shall give notice to the licensed builder concerned

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(a) stating that he proposes to make the modification in the manner specified in the notice; and

(b) specifying the time (being not less than 14 days from the date of service of notice on the licensed builder concerned) within which written representations with respect to the proposed modification may be made.

(8) Upon receipt of any written representation referred to in subsection (7) (b), the Commissioner shall consider the representation and may reject the representation or amend the proposed modification in accordance with the representation, or otherwise and, in either event, shall thereupon issue a direction in writing to the licensed builder concerned requiring that effect be given to the proposed modification specified in the notice or to such modification as subsequently amended by the Commissioner within a reasonable time.

Building Control (Licensing of Builders) Regulations Conditions Relating to Construction Personnel

Definitions of this Part

17.—(1) For the purposes of this Part, unless the context otherwise requires —
“construction personnel” means a natural person who is —

- (a) a construction foreman of any class; or
- (b) a construction tradesman of any class;

“construction plant operation work” means operating any of the following plant or machinery:

- (a) a saddle jib tower crane;
- (b) a luffing jib tower crane;
- (c) a mobile crane (trick mounted);
- (d) a crawler crane;
- (e) a hydraulic excavator;
- (f) a telescopic handler;
- (g) a bulldozer;
- (h) a track shovel;
- (i) an excavator loader;
- (j) a piling rig;

“electrical works” means installing any wiring, cable, conduit, trunking, isolators, switch socket outlets, power switches or any other fittings for transmission of electricity for lighting, heating, cooling or other similar purposes in a building;

“man-year” means a period worked by a construction tradesman or construction foreman comprising 260 working days;

“plumbing and piping works” means installing any gas, water and sanitary piping, or any associated fittings for the conveyance of gas, water distribution, soil or waste water disposal in a building;

“reinforced concrete works” means fabrication and installation of formwork and steel reinforcement for reinforced concrete work, and installation of pre-cast concrete components;

“structural steel works” means fabrication, fitting, welding and erection of steel members or components to form an integral part of any structural system of a building;

“tiling and stone laying work” means the laying of tiles, marble or stone finishes to the interior or exterior walls or the floors of a building;

“waterproofing works” means applying or laying of material to waterproof any basement, foundation, roof, wet area or wall in the interior or on the exterior of a building.

(2) Any reference in this Part to a class of registered construction personnel shall be a reference to the class in which the construction personnel is registered by the Authority under the Building and Construction Authority (Registration of Construction Personnel) Regulations 2008 (G.N. No. S 642/2008).

Classes of construction tradesman

18. For the purposes of section 29H(5) of the Act, a “construction tradesman” means a natural person (other than a builder) who carries out, or undertakes to carry out, for or on behalf of another person, for a fixed sum, percentage, or valuable consideration, wages or other reward, one or more of the following classes of work, and classified accordingly:

- (a) construction plant operation work;
- (b) electrical works;
- (c) plumbing and piping work;
- (d) tiling and stone laying work.

Classes of construction foreman

19. For the purposes of section 29H(5) of the Act, a “construction foreman” means a natural person who carries out, or undertakes to carry out, for or on behalf of another person for a fixed sum, percentage, or valuable consideration, wages or other reward, the supervision and co-ordination of construction tradesmen or other workmen undertaking the same class of work, and classified accordingly:

- (a) electrical works;
- (b) plumbing and piping work;
- (c) tiling and stone laying work;
- (d) waterproofing works;
- (e) reinforced concrete work;
- (f) structural steel work.

Manpower programme

20.—(1) For the purposes of section 29H(2) of the Act, the manpower programme for each significant general building work project in Singapore shall provide for registered construction personnel of such class and number as specified in paragraphs (2) to (5) to be employed by or on behalf of the licensed general builder or engaged in connection with the significant general building work project.

(2) Where the significant general building work project involves addition, alteration or repair works to an existing building not described in paragraphs (3) and (4) —

(a) in the case of reinforced concrete work or structural steel work or both, the number of construction foremen in any of these classes of work shall be that number necessary to carry out —

- (i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and
- (ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof;

(b) in the case of electrical works, plumbing and piping work, tiling and stone laying work or waterproofing works or any combination thereof, the number of construction foremen in any of these classes of work shall be that number necessary to carry out —

- (i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and
- (ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof; and

(c) in the case of construction plant operation work, electrical works, plumbing and piping work, or tiling and stone laying work or any combination thereof, the number of construction tradesmen in any of these classes shall be that number necessary to carry out —

- (i) for the first \$100 million in value of the project, 1 man-year of work for every \$10 million in value of the project or part thereof; and
- (ii) for any value of the project in excess of \$100 million, 1 man-year of work for every \$20 million in value of the project or part thereof.

(3) Subject to paragraph (4), where the significant general building work project involves erecting, or any addition, alteration or repair works to, any flyover, bridge, tunnel or other structure similar thereto —

(a) in the case of reinforced concrete work or structural steel work or both, the number of construction foremen in any of these classes of work shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof; and

(b) the number of construction tradesmen in the construction plant operation class shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof.

(4) Where the significant general building work project involves erecting, or any addition, alteration or repair works to any flyover, bridge, tunnel or other structure similar thereto but no construction plant operation work is applicable, the number of construction foremen in the reinforced concrete work or structural steel work or both shall be that number necessary to carry out —

(a) for the first \$100 million in value of the project, 1 man-year of work for every \$10 million in value of the project or part thereof; and

(b) for any value of the project in excess of \$100 million, 1 man-year of work for every \$20 million in value of the project or part thereof.

(5) In the case of any other significant general building work project not specified in paragraph (2), (3) or (4) —

(a) in the case of reinforced concrete work or structural steel work or both, the number of construction foremen in any of these classes of work shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof;

(b) in the case of electrical works, plumbing and piping work, tiling and stone laying work or waterproofing works or any combination thereof, the

number of construction foremen in any of these classes of work shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof;

(c) in the case of construction plant operation work, the number of construction tradesmen in the construction plant operation class shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof; and

(d) in the case of electrical works, plumbing and piping work, or tiling and stone laying work or any combination thereof, the number of construction tradesmen in any of these classes shall be that number necessary to carry out —

(i) for the first \$100 million in value of the project, 0.5 man-year of work for every \$10 million in value of the project or part thereof; and

(ii) for any value of the project in excess of \$100 million, 0.5 man-year of work for every \$20 million in value of the project or part thereof.