

No. S 71

BUILDING CONTROL ORDER, 2014

BUILDING CONTROL (TEMPORARY BUILDINGS) REGULATIONS, 2014

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BUILDING CONTROL ORDER, 2014

BUILDING CONTROL (TEMPORARY BUILDINGS) REGULATIONS, 2014

In exercise of the powers conferred by section 74 of the Building Control Order, 2014, the Minister of Development, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Building Control (Temporary Buildings) Regulations, 2014 and shall commence on the same date as the Building Control Order, 2014.

Application.

2. These Regulations shall apply to any temporary building except for a temporary building specified in the Schedule.

Erection and occupation of temporary buildings.

3. (1) No person shall —

(a) erect, or cause or permit to be erected, any temporary building to which these Regulations apply without a permit granted under regulation 4; or

(b) occupy, or cause to be occupied or permit the occupation of, any such temporary building which he knows or ought reasonably to know is erected in contravention of paragraph *(a)*.

(2) Sub-regulation (1) shall not apply to the following temporary buildings —

(a) any worker's quarters, site office, store, builder's shed or other shed required in connection with any building works relating to permanent buildings; and

(b) any show-flat or show-house.

(3) Any person who contravenes or fails to comply with sub-regulation (1) is guilty of an offence.

Permit.

4. (1) An application for a permit to erect a temporary building to which these Regulations apply shall be —

- (a)* in such form as the Authority may determine; and
- (b)* accompanied by —
 - (i) a fee of \$10 for every month the proposed temporary building is required;
 - (ii) two sets of the plans of the proposed temporary building comprising a key or location plan, a site plan, floor plan and other relevant details;
 - (iii) where applicable, one set of structural details and calculations prepared and signed by a qualified person; and
 - (iv) such other documents, particulars or information as the Authority may require.

(2) An application for a permit to erect a temporary building —

- (a)* which is intended for occupation; or
- (b)* the erection of which may affect the safety of the public,

shall be furnished on behalf of the applicant by a qualified person engaged by the applicant under regulation 5.

(3) The Authority may grant a permit subject to such conditions as he may consider necessary.

(4) A permit granted under this regulation shall be valid for the period specified therein for which the temporary building may exist.

Requirements in respect of special temporary buildings.

5. (1) An applicant for a permit to erect a temporary building —

- (a)* which is intended for occupation; or
- (b)* the erection of which may affect the safety of the public,

shall engage a qualified person to design, supervise and inspect the erection of the temporary building.

(2) The qualified person engaged by the applicant under sub-regulation (1) shall —

(a) take all reasonable steps and exercise due diligence in supervising and inspecting the erection of the temporary building to ensure that the building works are carried out in accordance with –

- (i) these Regulations;
- (ii) the plans and structural details approved by the Authority; and
- (iii) any condition imposed by the Authority;

(b) on completion of the temporary building, submit immediately to the Authority a certificate of supervision in such form as the Authority may require; and

(c) notify the Authority of any contravention of the provisions of the Order or the building regulations in connection with the temporary building.

(3) Any person who contravenes this regulation is guilty of an offence.

Requirements in respect of temporary buildings.

6. (1) A builder who intends to erect any worker's quarters, site office, store, builder's shed or other similar type of temporary building comprising two storeys or more and required in connection with any building works relating to permanent buildings shall engage a qualified person to design and supervise the erection of the temporary building.

(2) An owner who intends to erect any show-flat or show-house comprising two storeys or more shall engage a qualified person to design and supervise the erection of the show-flat or show-house.

(3) On completion of the temporary building, the qualified person engaged under sub-regulation (1) or (2) shall furnish the builder or the owner, as the case may be, with all the plans, designs and calculations of the building together with a certificate of inspection and completion in such form as the Authority may require.

(4) The builder or the owner, as the case may be, shall not permit any of the temporary buildings referred to in sub-regulations (1) and (2) to be occupied unless sub-regulation (3) has been complied with.

(5) The builder or the owner shall –

(a) at all times maintain records of the documents referred to in sub-regulation (3) at the site of such temporary buildings;

(b) produce the records referred to in paragraph *(a)* for inspection when required to do so by the Authority; and

(c) forthwith demolish such building on completion of the permanent building or building works in connection with which such building was erected or at any time required by the Authority.

(6) Any person who contravenes this regulation is guilty of an offence.

Requirements in respect of workers' quarters.

7. (1) The person who erects, or causes or permits the erection of, the workers' quarters required in connection with any building works relating to permanent buildings shall ensure that the workers' quarters comply with the following —

(a) the height of each storey shall not be less than 2,600 millimetres;

(b) every room shall be provided with windows or openings having an aggregate area of not less than 10 percent of the floor area of the room for natural ventilation;

(c) the clear width of any staircase shall be not less than 1,200 millimetre; and

(d) proper lightning conductors shall be installed.

(2) An owner who intends to erect any show-flat or show-house shall ensure that it is —

(a) completely separated from the construction site by means of robust hoardings or fencing and safety netting to ensure public safety; and

(b) installed with proper lightning conductors.

(3) Any person who contravenes this regulation is guilty of an offence.

Protective hoardings, scaffolding etc.

8. All protective hoardings, catch platforms, fences and other temporary structures erected for the safety and convenience of persons in any public place or on any public road shall be —

(a) be painted in white or other light colour;

(b) be provided with proper and illuminated paths or footways for the use of such persons; and

(c) between 6 p.m. and 6 a.m., illuminated with such warning signs and warning lights as may be approved by the Authority.

Revocation of permit.

9. The Authority may, by notice in writing, revoke any permit granted under regulation 4 in respect of any temporary building if the person to whom the permit is granted —

(a) fails to comply with regulation 8;

(b) erects, or causes or permits the erection of, the temporary building other than in accordance with the plans in respect thereof approved by the Authority;

(c) fails to comply with any condition of the permit; or

(d) fails to maintain the temporary building in a satisfactory manner.

Refund of fees.

10. Where a permit granted under regulation 4 in respect of any temporary building has lapsed, or has been revoked under regulation 9 or has not been utilised, there shall be no refund of any fees paid to the Authority in respect thereof.

Demolition of temporary building.

11. (1) Where a permit granted under regulation 4 in respect of any temporary building has lapsed or expired, or has been revoked under regulation 9, the person to whom the permit was granted shall forthwith demolish the temporary building.

(2) Any person who fails to comply with sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 months or both.

General penalty.

12. Any person who is guilty of an offence under these Regulations for which no penalty is expressly provided is liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

SCHEDULE
(regulation 2)

TEMPORARY BUILDINGS TO WHICH THESE REGULATIONS DO NOT APPLY

1. A shed or a stage for or in connection with the holding of any wedding, entertainment, funeral or religious ceremony, not exceeding 7 days in duration.
2. A stall or shed situated in any open space and required for or in connection with a trade fair, fun fair or other exhibition, not exceeding 35 days in duration.
3. A hoarding or frame less than 4 metres in height used for the display of signboards during celebrations of a national event and required for a period not exceeding 35 days in duration.
4. A protective hoarding or catch platform required for or in connection with any building works but not erected on a street or footway.

Made this 6th. day of Safar, 1436 Hijriah corresponding to the 29th. day of November, 2014.

PEHIN ORANG KAYA INDERA PAHLAWAN DATO SERI SETIA
AWANG HAJI SUYOI BIN HAJI OSMAN
Minister of Development,
Brunei Darussalam.