

Sewerage and Drainage (Protection of Public Sewerage System) Regulations 2017

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No. S 338

**SEWERAGE AND DRAINAGE ACT
(CHAPTER 294)**

**SEWERAGE AND DRAINAGE (PROTECTION OF PUBLIC
SEWERAGE SYSTEM) REGULATIONS 2017**

In exercise of the powers conferred by section 74(1) of the Sewerage and Drainage Act, the Public Utilities Board, with the approval of the Minister for the Environment and Water Resources, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Sewerage and Drainage (Protection of Public Sewerage

System) Regulations 2017 and come into operation on 30 June 2017.

General definitions

2. In these Regulations, unless the context otherwise requires —

“approved plan”, in relation to a specified activity, means a plan for the activity —

(a) that is approved by the Board pursuant to an application under regulation 5, as may be amended with the permission of the Board under regulation 6; and

(b) that has not ceased to be an approved plan under regulation 7;

“commencement window period”, in relation to a specified activity, means the period mentioned in regulation 8 during which the activity must commence;

“construction survey” means a survey of —

(a) the part of the public sewer corridor in which a specified activity is proposed to be or has been carried out; and

(b) such other part of the public sewer corridor as the Board considers may be affected by the carrying out of the specified activity,

for the purpose of establishing the location, depth and structural condition of the public sewerage system in that part of the public sewer corridor;

“contractor”, in relation to a specified activity, means a person who carries out the activity for the person’s own account, or for another person (whether or not for any reward), but does not include a person who carries out the activity under a contract of service;

“plan”, in relation to any specified activity, includes any drawing, detail, diagram, calculation, and structural detail and calculation, showing or relating to the activity;

“public sewer corridor” means the land and space bounded by 2 vertical planes as illustrated in the First Schedule, through which any sewer, main or pipe of a public sewerage system runs (whether under, on or above ground);

“qualified person” has the same meaning as in section 2(1) of the Building Control Act (Cap. 29);

“registered professional engineer” means a person who is registered under the Professional Engineers Act (Cap. 253) as a professional engineer in respect of one or more of the following:

- (a) civil engineering;
- (b) structural engineering;
- (c) geotechnical engineering;

“responsible person”, in relation to any specified activity, means any of the following:

- (a) the contractor of the activity;
- (b) the qualified person or registered professional engineer appointed for the purpose of preparing and submitting the application for the approval of the plan for the activity under regulation 5;

“supervisor” means the person appointed as such under regulation 9(2);

“the Commissioner’s approval”, in relation to any plan for any specified activity, means the approval of the Commissioner of Building Control for the plan under section 5 of the Building Control Act.

Meaning of “specified activity”

3. In these Regulations, “specified activity” means one or more of the following activities:

- (a) the carrying out of any earthwork for site formation, whether by excavation, filling or backfilling;
- (b) the excavation of any trench, well, pond or pool, or excavation for any underground structure which is more than 0.5 metre in depth;
- (c) the excavation of earth, rock or other material by means of explosives;
- (d) the carrying out of any ground exploratory or testing work, including through soil boreholes and geological surveys;
- (e) the installation of any foundation, sheet pile, piled foundation, earth retaining or stabilising structure, ground anchor, horizontal tie-back, or any other similar installation;
- (f) the carrying out of any ground stabilising work, including jet grouting, soil compacting and ground freezing;
- (g) the carrying out of any tunnelling, excavation work or jacking work;
- (h) the erection of any temporary or permanent structure, including any site office or showflat;

- (i) the installation of any heavy construction machine or plant, including the stacking and installation of any concrete block for pile testing;
- (j) the installation of any container box.

PART 2

OBLIGATIONS RELATING TO SPECIFIED ACTIVITY

Obligations relating to specified activity

4.—(1) A contractor who is engaged in or is to carry out any specified activity within a part of a public sewer corridor must ensure that the activity is carried out in accordance with an approved plan (including any amendment permitted to the plan) for the activity.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Application for approval of plan for specified activity

5.—(1) An application to the Board for the approval of the plan for any specified activity within a public sewer corridor must —

- (a) be made by the contractor of the activity;
- (b) be prepared and submitted —
 - (i) if the plan requires the Commissioner's approval, by a qualified person appointed for the purposes of this regulation; or
 - (ii) if the plan does not require the Commissioner's approval —
 - (A) by a registered professional engineer appointed for the purposes of this regulation; or
 - (B) if the Board permits in any particular case, by the contractor;
- (c) be accompanied by the plan; and
- (d) unless the Board otherwise permits in any particular case for a plan that does not require the Commissioner's approval, be accompanied by one or more of the following documents as the Board may require:
 - (i) a report of a construction survey;
 - (ii) a method statement detailing how the activity is proposed to be

carried out;

- (iii) an impact assessment report on the public sewerage system running through the public sewer corridor;
- (iv) such other plan, information, technical report, certificate and document as the Board may require.

(2) The documents mentioned in paragraph (1)(c) and (d) must —

- (a) if they relate to a plan that requires the Commissioner's approval, be prepared by the qualified person that prepared the application; or
- (b) if they relate to a plan that does not require the Commissioner's approval, be verified by —
 - (i) the registered professional engineer that prepared the application; or
 - (ii) if the Board permits in any particular case, the contractor.

(3) The Board may, in granting any permission under paragraph (1)(b)(ii)(B) or (d) or (2)(b)(ii), impose such conditions (including conditions subsequent) on the contractor as the Board thinks fit.

Amendments to approved plan

6.—(1) The contractor of any specified activity with an approved plan may apply to the Board for permission to amend the approved plan.

(2) An application under paragraph (1) must —

- (a) be made by the contractor;
- (b) be prepared by the person who prepared the application for approval for the plan; and
- (c) be accompanied by the approved plan with the amendment sought indicated on it, which —
 - (i) if the plan requires the Commissioner's approval, is prepared by the person mentioned in sub-paragraph (b); or
 - (ii) if the plan does not require the Commissioner's approval, is verified by the person mentioned in sub-paragraph (b).

(3) Where the Board permits an amendment to an approved plan under this regulation and the contractor fails to comply with any condition imposed under regulation 15(2)(a) in relation to the amendment, then, upon the non-compliance, the permission for amendment lapses and the contractor may continue carrying out the specified activity only in accordance with the plan without the amendment.

(4) Any person who contravenes paragraph (3) shall be guilty of an offence.

Cessation of approval for plan

7.—(1) A plan for any specified activity ceases to be an approved plan —

- (a) if the activity does not start before the end of the commencement window period for that activity;
- (b) upon the failure of the contractor to comply with any condition or requirement imposed by the Board under regulation 5(3), 12(1)(a) or 15(2)(a) in relation to the approved plan;
- (c) in accordance with regulation 10; or
- (d) upon the revocation by the Board of the approval for the plan.

(2) For the purpose of paragraph (1)(d), the Board may revoke the approval for any plan upon being satisfied of any of the following:

- (a) any information or document submitted to the Board in connection with any of the following is false or misleading:
 - (i) the application for approval of the plan under regulation 5;
 - (ii) any application for permission to amend the plan under regulation 6;
 - (iii) any application for an extension of the commencement window period for the activity under regulation 8;
- (b) any measure imposed by the Board under regulation 12(1)(b) has not been complied with.

(3) The Board must, before revoking the approval for any plan, give the contractor concerned notice in writing of the Board's intention to do so specifying a date, not less than 7 days after the date of the notice, on which such revocation is to be made and calling on the contractor to show cause to the Board why the approval should not be revoked.

Time for commencement of specified activity

8.—(1) The contractor for any specified activity with an approved plan must ensure that the activity is commenced before the end of the period of 12 months after the date on which the Board approves the plan, including any extension of that period under this regulation.

(2) The contractor may apply to the Board for an extension of the commencement window period not later than 14 days before the expiry of the commencement window period.

(3) If the contractor of the specified activity fails to comply with any condition imposed under regulation 15(2)(a) in relation to the extension of a commencement window period applicable to the activity, then —

- (a) if the non-compliance occurs before the commencement window period (without the extension) expires, the extension ceases to apply; and
- (b) if the non-compliance occurs during the extension, the commencement window period expires upon the non-compliance.

Supervision of specified activities

9.—(1) This regulation does not apply to any specified activity with an approved plan, if the plan —

- (a) does not require the Commissioner's approval; and
- (b) is prepared and submitted in accordance with regulation 5(1)(b)(ii)(B).

(2) A contractor of any specified activity to be carried out in a public sewer corridor must —

- (a) appoint the following person as a supervisor to supervise the carrying out of the activity:
 - (i) if the plan for the activity requires the Commissioner's approval, the qualified person who prepared the application for the approval of the plan;
 - (ii) if the plan for the activity does not require the Commissioner's approval, the registered professional engineer who prepared the application for the approval of the plan; and
- (b) ensure at all times when the activity is carried out, that it is supervised by the supervisor appointed under sub-paragraph (a).

(3) A contractor who contravenes paragraph (2) shall be guilty of an offence.

(4) The supervisor must —

- (a) exercise due diligence in supervising and inspecting the carrying out of the activity;
- (b) take all reasonable steps when supervising and inspecting the carrying out of the activity, to ensure that the activity is carried out in accordance with —
 - (i) the Act;
 - (ii) these Regulations;
 - (iii) the approved plan for the activity; and
 - (iv) any condition or requirement imposed by the Board under regulation 5(3), 12(1)(a) or 15(2)(a);
- (c) notify the Board of any contravention of —
 - (i) the Act;
 - (ii) these Regulations; or
 - (iii) any condition or requirement imposed by the Board under regulation 5(3), 12(1)(a) or 15(2)(a);
- (d) keep and maintain at the premises at which the activity is carried out, such document, book or record as the Board may require;
- (e) carry out the inspection of the activity in such manner as the Board may require;
- (f) submit to the Board a declaration and certificate of completion of works relating to the activity in such form and at such time as the Board specifies; and
- (g) submit such other document to the Board at such time as the Board may specify.

(5) Any supervisor who contravenes paragraph (4) shall be guilty of an offence.

(6) In any prosecution against a person for failing to comply with paragraph (4)(c), it is a defence for the person to prove to the satisfaction of the court that he or she could not reasonably have discovered the contravention mentioned in the charge.

Resignation or termination of appointment of supervisor, etc.

10.—(1) This regulation does not apply to any specified activity with an approved plan, if the plan —

- (a) does not require the Commissioner’s approval; and
- (b) is prepared and submitted in accordance with regulation 5(1)(b)(ii)(B).

(2) Where, at any time after the plan for a specified activity is approved, an event specified in the first column of the Second Schedule occurs, the person specified opposite in the second column of that Schedule for the event must notify the Board in writing of that event within 14 days after the date specified opposite in the third column of that Schedule for the event.

(3) Where at any time after the plan for a specified activity is approved, an event specified in the first column of the Second Schedule occurs —

- (a) subject to paragraph (5), the approved plan for the specified activity ceases to be an approved plan at the end of the period of 14 days after the date specified opposite in the third column of that Schedule for the event; and
- (b) if the contractor wishes to continue with the specified activity, the contractor must ensure that another qualified person or registered professional engineer is appointed as a supervisor to carry out the duties in regulation 9(4), and make an application under regulation 5 (as modified under paragraph (4)) to the Board for approval of the plan for the activity.

(4) For the purpose of paragraph (3)(b), the application must (in addition to the requirements of regulation 5) include the following:

- (a) the details of the part of the specified activity carried out under the supervision of the previous supervisor;
- (b) the details of the part of the specified activity to be carried out under the supervision of the supervisor appointed under paragraph (3)(b).

(5) Despite paragraph (3)(a), if the application mentioned in paragraph (3)(b) is made before the expiry of the period mentioned in paragraph (3)(a), the approved plan for the specified activity mentioned in paragraph (3)(a) ceases to be an approved plan on the day the Board grants or refuses to grant the application, as the case may be.

Construction survey following completion of specified activity

11.—(1) Upon the completion of any specified activity in a part of a public sewer corridor, the contractor of the activity must —

- (a) carry out or cause to be carried out a construction survey to establish whether the public sewerage system which runs through that part of the public sewer corridor is damaged or adversely affected by the activity; and
 - (b) submit a copy of the report of the construction survey to the Board within the time specified in paragraph (2).
- (2) For the purposes of paragraph (1), the time is —
 - (a) such time as may be specified by the Board; or
 - (b) where the Board does not specify any time —
 - (i) in the case of a specified activity with a plan requiring the Commissioner’s approval and in respect of which an application is made for the issue of a compliance certificate under section 33(8) of the Act, when the application is made; and
 - (ii) in any other case, when the declaration and certificate of completion of works is submitted under regulation 9(4)(f).
- (3) A contractor who contravenes paragraph (1) shall be guilty of an offence.

PART 3

POWERS OF BOARD

Power to impose additional conditions, etc.

12.—(1) Where the carrying out in a part of a public sewer corridor of any specified activity with an approved plan is, in the opinion of the Board, likely to damage any part of the public sewerage system which runs through that corridor, the Board may, by notice in writing, require a responsible person of the activity to —

- (a) comply with such requirements as the Board thinks fit to impose; and
- (b) take such measures as may be necessary,

to prevent, stop or remedy any damage to the public sewerage system.

(2) Any person who fails to comply with a notice given by the Board under paragraph (1) shall be guilty of an offence.

Power to require stoppage of specified activity

13.—(1) Without prejudice to regulation 12, where the carrying out in a part of a

public sewer corridor of any specified activity has caused damage or, in the opinion of the Board, is likely to cause damage to any part of the public sewerage system which runs through that corridor, the Board may, by notice in writing, require the responsible person of the activity to stop carrying out, or causing or permitting to be carried out, the activity indefinitely or for such period as the Board may specify.

(2) Any person who fails to comply with a notice given under paragraph (1) shall be guilty of an offence.

Power to require information, etc., on specified activity

14.—(1) The Board may at any time, by notice in writing, require any person mentioned in paragraph (2) to furnish such information and documents as the Board may specify in respect of any specified activity mentioned in paragraph (3) in such form and manner and within such time as the Board may specify.

(2) For the purposes of paragraph (1), the persons are —

- (a) the owner or occupier of the premises at which the specified activity is carried out; or
- (b) a responsible person of the specified activity.

(3) For the purpose of paragraph (1), the specified activity is —

- (a) any specified activity carried out outside any public sewer corridor which appears to the Board to adversely affect or is likely to adversely affect any public sewerage system, directly or indirectly; or
- (b) any specified activity carried out in a part of a public sewer corridor.

(4) Any person who, without reasonable excuse, fails to comply with the Board's requirement under paragraph (1) shall be guilty of an offence.

PART 4

MISCELLANEOUS

Applications to Board

15.—(1) An application made to the Board under these Regulations must be in such form and manner as the Board may specify.

(2) The Board must consider every application received by it, and may do any of the following:

- (a) grant the application, with or without conditions (including conditions

subsequent);

- (b) direct the contractor to comply with such requirements as the Board may specify with respect to the subject matter of the application and resubmit the application within such period as may be specified in the direction;
- (c) refuse to grant the application.

(3) Where the application mentioned in paragraph (2)(a) is an application to extend a commencement window period, the Board must, in granting the application, also fix the period of the extension.

False or misleading information, etc.

16.—(1) Where any application made under these Regulations, or any document accompanying the application —

- (a) is false or misleading;
- (b) was not made, prepared or verified by the person by whom it purports to have been made; or
- (c) was altered or tampered with,

then the contractor, and any qualified person or registered professional engineer involved with the application who knows or has reason to believe that the application is false or misleading, was not made, prepared or verified by the person by whom it purports to have been made, or was altered or tampered with, shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Where any person provides to the Board under regulation 14 any information or document which —

- (a) in the case of any information or document, is false or misleading; and
- (b) in the case of any document —
 - (i) was not made by the person by whom it purports to have been made; or
 - (ii) was altered or tampered with,

and the person knows or has reason to believe that the information or document is false or misleading, or the document was not made by the person mentioned in sub-paragraph (b)(i), or was altered or tampered with, then the firstmentioned person

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalty

17.—(1) Any person who is guilty of an offence under any of the following provisions shall be liable on conviction to a fine not exceeding \$15,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction:

- (a) regulation 4(2), 6(4), 12(2), 13(2) or 14(4);
- (b) regulation 9(3) in respect of a contravention of regulation 9(2)(a).

(2) Any person who is guilty of an offence under any of the following provisions shall be liable on conviction to a fine not exceeding \$15,000:

- (a) regulation 9(3) in respect of a contravention of regulation 9(2)(b);
- (b) regulation 9(5) or 11(3).

Other requirements not affected

18. To avoid doubt, nothing in these Regulations operates to relieve any person from a requirement of the Act to obtain a clearance certificate or an approval of the Board under section 33 of the Act in respect of any works to be carried out in or outside a public sewer corridor.

FIRST SCHEDULE

Regulation 2

PUBLIC SEWER CORRIDOR

	person or a registered professional engineer (as the case may be)		
3.	Cancellation of the appointment of <i>S</i> by the contractor	The contractor	The date on which the cancellation becomes effective
4.	Death of <i>S</i>	The contractor	The date on which the contractor first learnt of <i>S</i> 's death
5.	<i>S</i> becomes unable to carry out the duties of a supervisor for any other reason	The contractor	The date on which the contractor first learnt of <i>S</i> 's inability to carry out the duties of a supervisor

Made on 27 June 2017.

CHANG CHIE FOO
*Chairman,
Public Utilities Board,
Singapore.*

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(To be presented to Parliament under section 74(2) of the Sewerage and Drainage Act).