



# **LAWS OF MALAYSIA**

**Act A1407**

**LEMBAGA PEMBANGUNAN INDUSTRI  
PEMBINAAN MALAYSIA (AMENDMENT)  
ACT 2011**

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**LAWS OF MALAYSIA****Act A1407****LEMBAGA PEMBANGUNAN INDUSTRI  
PEMBINAAN MALAYSIA (AMENDMENT)  
ACT 2011**

An Act to amend the Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Lembaga Pembangunan Industri Pembinaan Malaysia (Amendment) Act 2011.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

**Amendment of section 2**

**2.** The Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994 [*Act 520*], which is referred to as the “principal Act” in this Act, is amended by substituting for section 2 the following section:

“**2.** (1) In this Act, unless the context otherwise requires—

“accreditation” means a procedure by which the Lembaga or any person authorized by it gives formal recognition that a body or person is competent to carry out a specific task relating to the construction industry;

“this Act” includes any subsidiary legislation made under this Act;

“member” means a member of the Lembaga including the Chairman;

“construction material” means any type, size and nature of material, initial, temporary, intermediate or finished, whether manufactured locally or imported used for the purposes of construction industry;

“building” means any permanent or temporary building or structure including any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, roof, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage, road or bridge, or any structure support or foundation connected to the foregoing and any other erection, as the Minister may, by order published in the *Gazette*, declare to be a building;

“deal” means to handle, use, manufacture, supply, market, transfer, sell or buy, whether wholesale or retail, import or export;

“construction industry” means the industry related to construction works, including design, manufacturing, technology, material and workmanship and services for purposes of construction;

“training institution” means an institute, a place or premise providing training and other related activity for construction personnel;

“construction works” means the construction, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling, or demolition of—

- (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;
- (b) any road, harbour works, railway, cableway, canal or aerodrome;

- (c) any drainage, irrigation or river control works;
- (d) any electrical, mechanical, water, gas, petrochemical or telecommunication works; or
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation works,

and includes—

- (A) any works which form an important and integral part of or are preparatory to or temporary for the works described in paragraphs (a) to (e), including site clearance, soil investigation and improvement, earth-moving, excavation, laying of foundation, site restoration and landscaping; or
- (B) procurement of construction materials, equipment or workers, necessarily required for any work described in paragraphs (a) to (e);

“Chief Executive” means the Chief Executive appointed under section 11;

“codes of practice” means any code, guideline, standard, rule, specification or approved practice of the Lembaga;

“contractor” means a person who carries out or completes or undertakes to carry out or complete any construction works;

“registered contractor” means a contractor registered in accordance with this Act;

“Fund” means the fund established under section 15;

“training” includes preparing or undergoing certain process to upgrade a person’s skill and knowledge in relation to construction industry;

“Lembaga” means the Lembaga Pembangunan Industri Pembinaan Malaysia established under section 3;

“Minister” means the Minister for the time being charged with the responsibility for matters relating to works;

“construction workmanship” means the technique, method or process of construction, which includes the end product of the construction works;

“authorized officer” means—

- (a) an officer of the Lembaga authorized under section 35; or
- (b) a police officer not below the rank of Inspector under section 35v;

“general construction worker” means any employee or class of employee who is not skilled and who is engaged in manual work;

“skilled construction worker” means any employee possessing the accepted level of skill, knowledge, qualification and experience of one or more of the trades as determined by the Lembaga and listed in the Third Schedule;

“semi-skilled construction worker” means any employee possessing the accepted level of skill, knowledge, qualification and experience of one or more of the trades as determined by the Lembaga;

“certification” means a procedure by which the Lembaga or any person authorized by it gives written assurance that a process, practice or service conforms with specified requirements;

“Chairman” means the Chairman of the Lembaga appointed under section 5;

“Manager” means any officer of the Lembaga who holds the position equivalent to Grade 41 and above in the Government service;

“construction project manager” means any employee possessing the accepted level of skill, knowledge and experience as may be determined and who is assigned to the construction site or any other such place to organize,

plan, control and co-ordinate the construction works from the inception to completion;

“construction site supervisor” means any employee possessing the accepted level of skill, knowledge and experience who is assigned to a construction site or any other such place to supervise the construction works;

“construction personnel” means—

- (a) general construction workers;
- (b) semi-skilled construction workers;
- (c) skilled construction workers;
- (d) construction site supervisors;
- (e) construction project managers; and
- (f) any other employee in construction industry as may be determined by the Lembaga;

“registered construction personnel” means a construction personnel registered or certified in accordance with this Act;

“Industrialised Building System or IBS” means the technique of construction whereby components are manufactured in a controlled environment, either at site or off-site and subsequently transported, positioned and assembled into construction works;

“standards” has the same meaning as that assigned to it in the Standards of Malaysia Act 1996 [*Act 549*] and the National Skills Development Act 2006 [*Act 652*];

“company” has the same meaning as that assigned to “corporation” under subsection 4(1) of the Companies Act 1965 [*Act 125*].

(2) For the purpose of this Act, any person who has been awarded or executed any contract for construction works, or has undertaken to carry out, manage or complete any construction works, or has carried out, managed or completed any construction works shall be deemed to be a contractor unless proven otherwise.”.

**Amendment of section 3**

3. Section 3 of the principal Act is amended by inserting after the words “Lembaga Pembangunan Industri Pembinaan Malaysia” the words “, which may be referred to for all purposes by the acronym “CIDB”, and”.

**Amendment of section 4**

4. The principal Act is amended by substituting for section 4 the following section:

**“Functions of the Lembaga**

4.(1) The functions of the Lembaga shall be—

- (a) to promote and stimulate the development, improvement and expansion of the construction industry;
- (b) to advise and make recommendations to the Federal Government and the State Government on matters affecting or connected with the construction industry;
- (c) to promote, stimulate and undertake research into any matter relating to the construction industry;
- (d) to promote, stimulate and assist in the export of service relating to the construction industry;
- (e) to provide consultancy and advisory services with respect to the construction industry;
- (f) to promote and encourage quality assurance in the construction industry;
- (g) to regulate the conformance of standards for construction workmanship and materials;
- (h) to obtain, publish, initiate and maintain information relating to the construction industry including the establishment of a construction industry information system;
- (i) to provide, promote, review and coordinate training in the construction industry;

- (j) to register and accredit contractors, to impose any conditions of registration and accreditation of the contractors and to revoke, suspend or reinstate the registration and accreditation;
- (k) to register, accredit and certify construction personnel and to revoke, suspend or reinstate the registration, accreditation and certification of such construction personnel;
- (l) to regulate the implementation for quality and safe construction works;
- (m) to regulate the implementation of Industrialised Building System in the construction industry; and
- (n) to attend to any complaint or report made in relation to any failure of construction works or completed construction works which affects public safety and take appropriate actions to address it.

(2) The Lembaga shall have the power to do all things expedient or reasonably necessary for, or incidental to, the performance of its functions and, in particular, but without prejudice to the generality of the foregoing—

- (a) to carry on all activities, particularly activities relating to the construction industry, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the performance of its functions;
- (b) to give formal recognition and written assurance including awarding certificate for the purpose of certification;
- (c) with the approval of the Minister and Minister of Finance—
  - (i) to enter into any partnership, joint venture, privatization programme, scheme, enterprise, undertaking or any other form of co-operation or arrangement for the sharing of profits or carry on its activities in association with, or otherwise, any person, public authority or Government;

- (ii) to acquire shares or securities in any public authority, corporation or other body and to dispose of or hold such shares or securities;
  - (iii) to establish a corporation by such name as the Lembaga thinks fit to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Lembaga either under the control or partial control of the Lembaga;
  - (iv) to establish or promote the establishment of companies under the Companies Act 1965 and to carry out or engage and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Lembaga either under the control or partial control of the Lembaga;
- (d) to provide financial assistance in the form of loans or otherwise to persons engaged in the construction industry for the purpose of promoting the said industry and provide any guarantees on their behalf;
- (e) to commission any person or body to carry out research or development, or both, relating to the construction industry;
- (f) to impose fees or any other charges as it deems fit for giving effect to any of its functions or powers;
- (g) to receive or to pay in consideration of any services that may be rendered by it or any person rendering the service, such commissions or payments as may be agreed upon with any person; and
- (h) to do such other things as it deems fit to enable it to carry out its functions and powers effectively.
- (3) The Second Schedule shall apply to every corporation established by the Lembaga under subparagraph (2)(c)(iii).
- (4) Subject to section 7, it shall be the responsibility of the Lembaga in performing its functions under this Act to

ensure that the functions are performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular relating to the construction industry.”.

### **Amendment of section 11**

5. Section 11 of the principal Act is amended by deleting the word “Officer” wherever appearing.

### **Amendment of section 15**

6. Section 15 of the principal Act is amended–

(a) in paragraph (2)(g), by substituting for the words “of contractors and the accreditation, certification and registration of skilled construction workers and construction site supervisors” the words “, accreditation, certification and training of contractors and construction personnel under this Act”;

(b) by deleting the word “and” at the end of paragraph (2)(h);  
and

(c) by inserting after paragraph (2)(h) the following paragraph:

“(ha) moneys collected and received under section 38c;  
and”.

### **Amendment of section 20**

7. Section 20 of the principal Act is amended by inserting after the word “Minister” wherever appearing the words “and Minister of Finance”.

### **Amendment of section 21**

8. Section 21 of the principal Act is amended by inserting after the word “Minister” wherever appearing the words “and Minister of Finance”.

**Amendment of section 22**

9. Section 22 of the principal Act is amended by inserting after the word “Minister” wherever appearing the words “and Minister of Finance”.

**Amendment of section 23**

10. Section 23 of the principal Act is amended by inserting after the word “employ” the words “or appoint”.

**Substitution of section 24**

11. The principal Act is amended by substituting for section 24 the following section:

**“Delegation of Lembaga’s functions and powers**

24. (1) The Lembaga may, subject to such conditions, limitations or restrictions as it deems fit to impose, delegate any of its functions and powers, except the power to borrow money, to grant loans, to invest, to make regulations, or powers as stipulated under paragraph 4(2)(c) to—

- (a) any member of the Lembaga;
- (b) any committee established by the Lembaga; or
- (c) any officer or servant of the Lembaga,

and any function or power so delegated may be performed, exercised or discharged by the member, committee, officer or servant, as the case may be, in the name and on behalf of the Lembaga.

(2) A delegation under this section shall not preclude the Lembaga itself from performing or exercising at any time any of the delegated functions and powers.”.

**Amendment of Part VI**

12. Part VI of the principal Act is amended in the heading, by inserting after the word “REGISTRATION” the words “AND ACCREDITATION”.

**Amendment of section 25**

**13.** Section 25 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) No person shall carry out or complete, undertake to carry out or complete any construction work or hold himself out as a contractor, unless he is registered with the Lembaga and holds a valid certificate of registration issued by the Lembaga under this Act.”; and

(b) by inserting after subsection (2) the following subsections:

“(3) The Lembaga may, for the purpose of the registration of contractors, impose such conditions as it thinks fit.

(4) The Lembaga may suspend, revoke, reinstate or refuse any registration of any person under this Act.

(5) A person aggrieved by the decision of the Lembaga made under subsection (4) may, within thirty days after the date the decision of the Lembaga was communicated to him, appeal to the Minister in writing against the decision and the decision made by the Minister shall be final.”.

**New section 25A**

**14.** The principal Act is amended by inserting after section 25 the following section:

**“Accreditation of contractors**

**25A.** (1) The Lembaga may accredit contractors in the form and manner prescribed under regulations made under this Act.

(2) The Lembaga may, for the purpose of the accreditation of contractors, impose such conditions as it thinks fit.”.

**Amendment of section 26**

**15.** Section 26 of the principal Act is amended by substituting for the words “which shall contain the names, business addresses and other particulars of contractors who are registered as registered contractors” the words “of the registered and accredited contractors under this Act”.

**Amendment of section 27**

**16.** Section 27 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting after the words “any person to” the words “disclose and”; and

(ii) by substituting for the words “any contractor or construction works” the words “the construction industry or anything required under the Act”;

(b) in subsection (2), by substituting for the words “to the person at the construction site, his working place or at his residence” the words “by way of personal service or by registered post”;

(c) in subsection (3), by inserting after the words “to be” the words “disclosed and”; and

(d) in subsection (4), by inserting after the word “information” the words “under this section”.

**Substitution of section 29**

**17.** The principal Act is amended by substituting for section 29 the following section:

**“Penalty for carrying out construction works without being registered**

**29.** Any person who contravenes subsection 25(1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit.”.

**Amendment of section 30**

**18.** Section 30 of the principal Act is amended—

(a) in the shoulder note, by deleting the words “to unregistered contractor”;

(b) by substituting for subsection (1) the following subsection:

“(1) Where the Lembaga finds that construction works are being carried out or completed, or undertaken to be carried out or completed by any person who is not registered with the Lembaga under this Act, the Lembaga shall by notice in writing served on him require him to abstain from commencing or proceeding with the construction works or from undertaking to carry out or complete the construction works, with or without conditions.”;

(c) by inserting after subsection (1) the following subsection:

“(1A) Where the Lembaga finds that construction works are being carried out or completed, or undertaken to be carried out or completed by a registered contractor in contravention of any provision of this Act, the Lembaga may, by notice in writing served on him, require him to abstain from commencing or proceeding with the construction works or undertaking to carry out or complete the construction works, with or without conditions.”; and

(d) in subsection (2)—

(i) by inserting after the words “subsection (1)” the words “or subsection (1A)”;

(ii) by substituting for the words “be liable to a fine not exceeding five hundred ringgit, and in the case of a continuing offence, to a fine not exceeding five hundred ringgit” the words “be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence, to a fine not exceeding one thousand ringgit”.

**Amendment of section 31**

**19.** The principal Act is amended by substituting for section 31 the following section:

**“Contractors are subject to this Act**

**31.** Every contractor, whether registered under this Act or not, shall be subject to this Act.”.

**Substitution of Part VII**

**20.** The principal Act is amended by substituting for Part VII the following Part:

**“PART VII**

REGISTRATION, ACCREDITATION, CERTIFICATION AND  
TRAINING OF CONSTRUCTION PERSONNEL

**Interpretation**

**32.** For the purposes of this Part, “trades” means the trades or occupation normally associated with skilled construction workers.

**Registration of construction personnel**

**33.** (1) A person shall not be involved or engaged or undertake to be involved or engaged as a construction personnel unless he is registered with the Lembaga and holds a valid certificate of registration issued by the Lembaga under this Act.

(2) Subsection (1) shall not apply to any construction personnel who has a professional qualification and is registered under any written law.

(3) The Lembaga shall keep and maintain a Register which shall contain the names, addresses, trades, skills and other particulars of registered construction personnel.

(4) A person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

**Accreditation and certification of construction site supervisor and skilled construction worker**

**33A.** (1) No construction site supervisor or skilled construction worker shall be involved or engaged, or undertake to be involved or engaged as a construction site supervisor or skilled construction worker unless he is accredited and certified by the Lembaga and holds a valid certificate issued by the Lembaga under this Act.

(2) For the purpose of this Act, skilled construction workers are those specified in the Third Schedule.

(3) The Minister may, by order published in the *Gazette*, amend the Third Schedule.

(4) The Lembaga shall keep and maintain a Register which shall contain the names, addresses, trades, skills and other particulars of accredited and certified construction site supervisors and skilled construction workers.

(5) A person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(6) Any person who engages a construction site supervisor or skilled construction worker who is not accredited and certified by the Lembaga to carry out any construction work shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

**Training institution, etc.**

**33B.** (1) The Lembaga, for the purpose of training, accreditation and certification of construction personnel may—

- (a) establish, promote and accredit training institutions;

- (b) establish a body to carry out evaluation or assessment or to conduct examination of the training institutions;
- (c) establish a body to develop, monitor and modify the curriculum as to the courses of studies, standards and training programmes offered by the training institutions;
- (d) give formal recognition and written assurances including awarding certificates or any other qualifications to the training institutions;
- (e) suspend or revoke the accreditation of training institutions for contravening or failing to comply with the conditions of accreditation; and
- (f) do any other things which the Lembaga deems expedient or necessary for the purposes of this Part.”.

### **New Part VIIA**

**21.** The principal Act is amended by inserting after Part VII the following Part:

#### “PART VIIA

#### STANDARDS AND CODES OF PRACTICE IN THE CONSTRUCTION INDUSTRY

### **Lembaga to certify construction materials**

**33c.** (1) The Lembaga shall, in the manner determined by the Lembaga, certify the construction materials used in the construction industry and specified in the Fourth Schedule in accordance with the standards specified in that Schedule.

(2) The Minister may, by order published in the *Gazette*, amend the Fourth Schedule.

(3) The Lembaga may keep and maintain a Register of the details and record of all certified construction materials.

(4) The Lembaga may, for the purpose of certification under subsection (1), impose any condition as it thinks fit.

(5) The Lembaga may suspend, revoke, reinstate or refuse the certification in circumstances as may be determined by the Lembaga.

### **Dealing with non-certified construction materials**

**33D.** (1) A person shall not deal or undertake to deal, whether directly or indirectly, with the construction materials specified in the Fourth Schedule unless the construction materials have been certified by the Lembaga.

(2) Any person who deals or undertakes to deal with the construction materials specified in the Fourth Schedule without the certification of the Lembaga shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than five hundred thousand ringgit.

### **Notice by the Lembaga for person dealing with non-certified construction materials**

**33E.** (1) Where any construction material which is not certified in accordance with this Act is dealt with or is undertaken to be dealt with or will be dealt with by any person, the Lembaga may, by notice in the prescribed form, serve on such person requiring him to abstain from commencing or proceeding with, engaging in or being involved in or undertaking to be engaged or involved in, dealing with the non-certified construction material.

(2) Any person who fails to comply with the requirements of the notice under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit and in the case of a continuing offence, to a fine not exceeding five hundred ringgit for every day or part of a day during which the offence continues after conviction.

### **Codes of practice for the construction industry**

**33F.** The Lembaga or any other body authorized by law may, from time to time, formulate, develop, revise and approve any code of practice which is suitable and necessary for the construction industry.”.

### **Amendment of section 34**

**22.** The principal Act is amended by substituting for section 34 the following section:

#### **“Imposition of levy**

**34.** (1) Every contractor shall declare and submit to the Lembaga, in the manner as may be prescribed by the Lembaga, any contract which he has been awarded on any construction works.

(2) For every contract referred to in subsection (1), whether stamped or not, having a contract sum of above five hundred thousand ringgit, the contractor shall be liable to pay to the Lembaga a levy at the rate of a quarter per centum of the contract sum.

(3) Every contractor shall disclose fully to the Lembaga all the facts and circumstances affecting his liability to pay the levy.

(4) The Lembaga shall notify the contractor of the amount of levy to be paid within such period as it may prescribe and such notification by the Lembaga shall be *prima facie* evidence as to the amount of levy to be paid by the contractor.

(5) The Minister may, by order published in the *Gazette*, vary the rate of levy specified in subsection (2).

(6) In the case where there are more than one contractor who are parties to a contract referred to in subsection (1), each and every such contractor are jointly and severally liable to pay the levy, unless otherwise proven to the contrary to the satisfaction of the Lembaga.

(7) Where the Lembaga has reason to believe that any condition in any contract referred to in subsection (1) has the direct or indirect effect of—

- (a) altering the contract sum subjected to levy which is payable or which would otherwise have been payable;
- (b) relieving any person from any liability which has arisen or which would otherwise have arisen to pay the levy;
- (c) evading or avoiding any duty or liability which is imposed or would otherwise have been imposed on any person by this Act; or
- (d) hindering or preventing the operation of this Act in any respect,

the Lembaga may, without prejudice to such validity as it may have in any other respect or for any purpose, disregard or vary such condition and make such adjustments as it thinks fit, with a view to counteracting the whole or any part of such direct or indirect effect of such condition in the contract.

(8) In exercising its powers under subsection (7), the Lembaga may—

- (a) treat the total value of any construction works or any part of it to be the value of the contract sum;
- (b) make such computation or amendment of any value of any construction works or contract as may be necessary to revise any person's liability to pay the levy or impose any liability to pay the levy on any person in accordance with its exercise of those powers; and
- (c) make such amendments as may be necessary to revise any person's liability to pay the levy or impose any liability to pay the levy on any person in accordance with its exercise of those powers.

(9) Where a contractor fails to pay any levy due within the prescribed period by the Lembaga, the contractor shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or four times the amount of such levy payable, whichever is higher.

(10) A contractor who contravenes subsection (1) or (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit.”.

### **New section 34A**

**23.** The principal Act is amended by inserting after section 34 the following section:

#### **“Levy payable as civil debt due to the Lembaga**

**34A.** Notwithstanding any other written law, the amount of any levy payable under this Part shall be recoverable as a civil debt due to the Lembaga.”.

### **New Part VIII A**

**24.** The principal Act is amended by inserting after Part VIII the following Part:

#### **“PART VIII A**

##### **DUTY OF CONTRACTOR**

#### **Duty of contractor**

**34B.** (1) A contractor undertaking any construction works shall—

- (a) notify and submit to the Lembaga any information and documents, including any supporting documents relating to the construction works, whether new or otherwise, in accordance with this Act;
- (b) ensure the construction works are carried out in accordance with the provisions of this Act, any regulations, terms and conditions imposed by the Lembaga and any other written law; and

(c) ensure the safety of the building and the construction works whether during or post construction works.

(2) For the purpose of this section, “shall ensure the safety of building and the construction works” means ensuring that any building or construction works are being carried out or have been carried out in such manner as—

(a) not causing or threatening to cause a risk of injury to any person or damage to any property; or

(b) not causing or threatening to cause a total or partial collapse of—

(i) the building in respect of which the construction works are being carried out or have been carried out; or

(ii) any other building, road or natural formation which is opposite, parallel, adjacent or in close proximity to any part of the building or construction works.

### **Breach of duty by contractor**

**34c.** (1) If the Lembaga is of the opinion that a contractor has breached any of his duties under subsection 34B(1), the Lembaga may do either one or all of the following:

(a) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise the Lembaga on all matters relating to the safety of the building in respect of which the construction works are being carried out or have been carried out;

(b) impose on the contractor, all or any of the directives in subsection (2);

(c) impose a penalty not exceeding five hundred thousand ringgit on the contractor.

(2) The Lembaga may, for the purpose of public safety or preventing any situation referred to in subsection 34B(2), issue a written directive to the contractor of the construction works, for the contractor—

- (a) to immediately stop the construction works;
- (b) to carry out or cause to be carried out at the contractor's cost such inspection as the Lembaga may specify;
- (c) to execute or cause to be executed at the contractor's cost such construction works as the Lembaga may specify;
- (d) to demolish or cause to be demolished at the contractor's cost the defective building, or any failure or other event occurring in respect of which the construction works are being carried out or have been carried out or any part thereof, and to remove any debris resulting from the demolition; or
- (e) to revoke or suspend registration of the contractor granted under this Act.

(3) If any contractor fails to comply with the directive issued by the Lembaga under this section within the time specified, the Lembaga may execute the directive in such manner as the Lembaga thinks fit and recover in a court of competent jurisdiction, as a debt due to the Lembaga, all expenses reasonably incurred by the Lembaga in doing so from the contractor.

(4) Without prejudice to the right of the Lembaga to exercise its powers under subsection (3), any contractor who without reasonable cause, fails to comply with any directive issued to him under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit and in respect of a continuing failure to comply, an additional fine not exceeding ten thousand ringgit for every day or part of a day during which the offence continues after conviction.

(5) Any contractor to whom a directive under subsection (2) has been issued, while the directive is in force, shall display a copy of the directive at every entrance to the

building to which the directive relates, and such copy shall be displayed in a way that it can be easily read by people outside the building.

(6) Any contractor who contravenes subsection (5) shall be guilty of an offence under this Act.

(7) The Lembaga may order the contractor of the construction works mentioned in subsection (1) to pay or reimburse the Lembaga, all or part of the expenses incurred by the Lembaga in engaging a qualified person or a specialist under paragraph (1)(a) and if the contractor fails to pay the amount payable, the Lembaga may recover in a court of competent jurisdiction, as a debt due to the Lembaga, so much of the amount payable by the contractor.

### **Death caused by breach of duty of contractor**

**34D.** (1) Any contractor who breaches his duty under paragraph 34B(1)(c), and which breach results in death, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) Section 34C shall apply to this section except paragraph 34C(1)(c).

(3) An offence under this section shall be a seizable offence for the purpose of the Criminal Procedure Code [*Act 593*].

### **Duty of person who manages or controls construction site**

**34E.** (1) Any person having the right and power to manage or control any construction site shall have the duty to ensure, so far as is reasonably practicable, that the construction site and the means of entering and leaving such construction site are safe and not harmful to health.

(2) The duty under subsection (1) shall apply only in relation to matters over which the person has the right and power to manage or control.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.”.

### **Substitution of Part IX**

**25.** The principal Act is amended by substituting for Part IX the following Part:

#### **“PART IX**

#### **ENFORCEMENT AND INVESTIGATION**

#### **Authorization of officers**

**35.** The Chairman may, in writing, authorize any officer of the Lembaga to exercise the powers of enforcement under this Act.

#### **Power of investigation**

**35A.** (1) An authorized officer shall have all the powers necessary to carry out an investigation under this Act.

(2) Upon completion of his investigation, the authorized officer shall immediately give all informations relating to the commission of any offence to an officer in charge of a police station and a police officer may, by warrant, arrest any person who may have committed an offence under this Act or any regulations made thereunder.

#### **Authority card**

**35B.** (1) The Chairman shall issue to each authorized officer an authority card which shall be signed by the Chairman.

(2) Whenever such officer exercises any of the power under this Act, he shall, on demand produce to the person against whom the power is being exercised the authority card issued to him under subsection (1).

### **Search and seizure with warrant**

**35c.** (1) If it appears to a Magistrate, upon written information on oath and after such enquiry as the Magistrate considers necessary that there is reasonable cause to believe that—

- (a) any premise or construction site has been used or is about to be used for; or
- (b) there is in any premise or construction site, evidence necessary to the conduct of an investigation into,

the commission of an offence under this Act or any regulations or rules made under this Act, the Magistrate may issue a warrant authorizing an authorized officer named therein, at any reasonable time by day or by night and with or without assistance to enter the premise or construction site and if need by force.

(2) Without affecting the generality of subsection (1), the warrant issued by the Magistrate may authorize the authorized officer to—

- (a) search and seize any construction material, equipment, instrument, book, record, document, computerized document, article or other thing that is reasonably believed to furnish evidence of the commission of such offence;
- (b) take samples of any construction material or thing found in the premise or construction site for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed;
- (c) make copies of or take extracts from any book, record, document, computerized document, article or other thing found in the premise or construction site; and

(d) direct that the premise or construction site or any part thereof or anything therein, shall be left undisturbed, whether generally or in particular, by affixing a seal.

(3) An authorized officer entering any premise or construction site under this section may take with him such other person and equipment as may appear to him to be necessary.

(4) An authorized officer may, in exercise of his powers under this section, if necessary—

(a) break open any outer or inner door of the premises or construction site or any obstruction to the premises or construction site in order to effect entry into the premise or construction site;

(b) to remove by force any obstruction to entry, search, seizure or removal as the authorized officer is empowered to effect under this section; and

(c) to detain any person in the premise or construction site until the search has been completed.

(5) Where, by reason of its nature, size or amount, it is not practical to remove any construction material, equipment, instrument, book, record, document, computerized document, article or other thing seized under this section, the authorized officer shall, by any means, seal the construction material, equipment, instrument, book, record, document, computerized document, article or other thing in the premise or construction site in which it is found.

### **Search and seizure without warrant**

**35d.** An authorized officer, upon information received, who has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 35c—

(a) the investigation would be adversely affected;

(b) the object of entry is likely to be frustrated;

(c) any construction material, equipment, instrument, book, record, document, computerized document, article or other thing that is reasonably believed to

furnish evidence of the commission of such offence sought may be removed or interfered with; or

(d) the evidence sought may be tampered with or destroyed,

may exercise in respect of the premise or construction site, all the powers referred to in section 35C in as full and ample manner as if he were authorized to do so by a warrant issued under that section.

**Examination or testing of seized construction materials, etc.**

**35E.** (1) When it is necessary to test any construction materials or any other thing seized in the premises or construction site under this Act, it shall be sufficient to test only a sample not exceeding five per centum in value or weight of the construction materials or any other things found in the premise or construction site.

(2) The court shall presume that the construction materials or any other thing found in the premise or construction site are of the same nature, quantity and quality as those seized.

**Appointment of analyst**

**35F.** The Lembaga may appoint any qualified person to be an analyst for the purposes of carrying out an analysis on any construction materials or any other thing and to certify its condition, type, method of manufacturing, quality, standard and grade.

**Certificate of analysis**

**35G.** (1) A certificate of analysis signed by an analyst shall, on production by the Lembaga in any trial under this Act, be sufficient evidence of the facts stated in the certificate unless the accused requires that the analyst be called as a witness, in which case he shall give written notice to the Lembaga not less than three clear days before the commencement of the trial.

(2) Where the Lembaga intends to give in evidence any certificate referred to in subsection (1), it shall deliver a copy of such certificate to the accused not less than ten clear days before the commencement of the trial.

### **Power to enter premises, etc.**

**35H.** Notwithstanding sections 35c and 35D, an authorized officer may at any time enter any premise or construction site for the purpose of—

- (a) inspecting any construction material, equipment, instrument, book, record, document, computerized document, article or other thing as the authorized officer considers necessary;
- (b) verifying the accuracy of records or statements of information given to an authorized officer or to the Lembaga; or
- (c) collecting samples required under this Act.

### **Search of person**

**35I.** A person shall not be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.

### **Access to computerized data**

**35J.** (1) An authorized officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, access shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.

### **Warrant admissible notwithstanding defects**

**35k.** A search warrant issued under this Act shall be valid and enforceable notwithstanding any defect, mistake or omission therein or in the application for the warrant and any construction material, equipment, instrument, book, record, document, computerized document, article or other thing found in the premise or construction site under the warrant shall be admissible as evidence in any proceedings under this Act.

### **List of things seized**

**35L.** (1) Where any seizure is made under this Part, an authorized officer shall prepare a list of construction materials, equipment, instrument, books, records, documents, computerized documents, articles or other thing seized and of the premise or construction site in which these are found and shall sign the list.

(2) A copy of the list prepared in accordance with subsection (1) shall be delivered immediately to the occupier of the premises or construction site where the construction material, equipment, instrument, book, record, document, computerized document, article or other thing is found or to his agent or servant at the premise or construction site.

(3) Where the premise or construction site is unoccupied, the authorized officer shall, whenever possible, post a list of everything seized conspicuously on the premise or construction site.

### **Power to require attendance of person acquainted with case**

**35M.** (1) An authorized officer making an investigation under this Act may by order in writing require the attendance before himself of any person who appears to the authorized officer to be acquainted with the facts and circumstances of the case, and such person shall attend as required.

(2) If any person refuses to attend as so required, the authorized officer may report such refusal to a Magistrate who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

### **Examination of person acquainted with case**

**35N.** (1) An authorized officer making an investigation under this Act may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person examined under subsection (1) shall be legally bound to answer all questions relating to such case put to him by the authorized officer, but such person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to the questions.

(4) The authorized officer examining a person under subsection (1) shall first inform the person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, wherever possible, be reduced into writing and signed by the person making it or affixed with his thumbprint, as the case may be—

- (a) after it has been read to him in the language in which he made it; and
- (b) after he has been given an opportunity to make any correction he may wish.

### **Admissibility of statement in evidence**

**35o.** (1) If any person is charged with an offence under this Act, any statement, whether the statement amounts to a confession or not or whether it is oral or in writing, made at any time, whether before or after the person is arrested and whether in the course of an investigation under this Act or not

and whether or not wholly or partly in answer to questions, by that person to or in the hearing of an authorized officer or other person, shall be admissible in evidence at his trial and, if the person charged tenders himself as witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

(2) A statement made under subsection (1) shall not be admissible or used—

- (a) if the making of the statement appears to the court to have been caused by an inducement, threat or promise having reference to the charge against such person proceeding from a person in authority and sufficient, in the opinion of the court, to give that person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him; or
- (b) in the case of a statement made by the person after his arrest, unless the court is satisfied that he was cautioned in the following words or words to the like effect:

“It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence.”.

(3) A statement made by a person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of his not having been cautioned if he had been cautioned as soon as possible after that.

(4) Notwithstanding anything to the contrary contained in any written law, a person accused of an offence to which subsection (1) applies shall not be bound to answer any question relating to the case after any caution as referred to in paragraph (2)(b) had been administered to him.

**Sale and disposal of seized material**

**35p.** (1) The Chairman may, at any time, direct that any construction material seized under this Act be sold and the proceeds of the sale be held while waiting for the result of any prosecution under this Act where—

- (a) the construction material is of a perishable nature or easily deteriorates in quality;
- (b) the custody of the construction material involves unreasonable expense and inconvenience;
- (c) there is a lack or absence of adequate or proper facilities for the storage of the construction material;  
or
- (d) the construction material is believed to cause an obstruction or is hazardous to the public.

(2) Notwithstanding subsection (1), where an analyst certifies, or if the results of tests as certified by an analyst proves, that the construction material tested by him is not in good condition, the authorized officer may keep it in custody or, if no prosecution is instituted in respect of the construction material, cause it to be disposed of in the manner determined by the Chairman.

**Seized construction material, *etc.*, liable to forfeiture**

**35q.** (1) Any construction material or the proceeds of sale thereof, or any equipment, instrument, book, record, document, computerized document, article or other thing seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) Any construction material or the proceeds of sale thereof, or any equipment, instrument, book, record, document, computerized document, article or other thing forfeited or taken and deemed to be forfeited under this Part shall be the property of the Lembaga.

**Release of things seized**

**35r.** (1) If any construction material, equipment, instrument, book, record, document, computerized document, article or other thing has been seized under this Act, the authorized officer who effected the seizure may, at any time after that, release it seized to the person as he determines to be lawfully entitled to it if he is satisfied that it is not otherwise required for the purpose of any proceedings under this Act or for the purpose of any prosecution under any other written law, and in such event neither the authorized officer effecting the seizure, nor the Government, the Lembaga or any person acting on behalf of the Government or the Lembaga shall be liable to any proceedings by any person if the seizure and the release had been effected in good faith.

(2) A record in writing shall be made by the authorized officer effecting the release under subsection (1) specifying in detail the circumstances of and the reason for the release and a copy of the record shall be sent to the Public Prosecutor and to the Inspector-General of Police within seven days of the release.

**Cost of holding equipment, *etc.*, seized**

**35s.** Where any construction material, equipment, instrument, book, record, document, computerized document, article or any other thing seized under this Act or its subsidiary legislation is held in the custody of the Government or the Lembaga pending completion of any proceedings in respect of an offence under this Act or its subsidiary legislation, the cost of holding in custody shall, in the event of any person being found to have committed an offence, be a debt due to the Government by such person and shall be recoverable accordingly.

**No cost or damages arising from seizure to be recoverable**

**35t.** A person shall not, in any proceedings before any court in respect of any construction material, equipment, instrument, book, record, document, computerized document, article or

other thing seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

### **Obstruction**

**35u.** A person who—

- (a) assaults, delays, impedes, hinders or obstructs an authorized officer in effecting any entrance which he is entitled to effect under this Act or any of its regulations in the execution of any duty imposed or power conferred by this Act;
- (b) breaks any seal that has been affixed by an authorized officer on any place;
- (c) fails to comply with any lawful demand of an authorized officer in the execution of his duty under this Act;
- (d) fails, refuses or neglects to give any information which may be reasonably required by an authorized officer; or
- (e) without reasonable excuse fails to produce any construction material, equipment, instrument, book, record, document, computerized document, article or other thing required by an authorized officer,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Power of police**

**35v.** Any police officer not below the rank of Inspector may exercise all the powers of enforcement under this Act.

**Additional powers**

**35w.** An authorized officer shall, for the purposes of the execution of this Act, have powers to do all or any of the following:

- (a) require the production of records, accounts, computerized data and documents kept by a contractor or other person and to inspect, examine and to download from them, make copies of them or take extracts from them;
- (b) require the production of any identification document from any person in relation to any case or offence under this Act;
- (c) make such inquiry as may be necessary to ascertain whether the provisions of this Act have been complied with.”.

**Amendment of section 37**

**26.** Section 37 of the principal Act is amended—

(a) in subsection (2)—

(i) by substituting for paragraph (a) the following paragraph:

“(a) prescribing the conditions, manner, forms, types, grades and procedures for the registration, accreditation or certification of contractors and construction personnel and the suspension, revocation, reinstatement or refusal of the registration, accreditation or certification of the contractors and construction personnel;”;

(ii) by substituting for paragraph (b) the following paragraph:

“(b) prescribing the manner, forms and procedures for the collection of levy;”;

- (iii) in paragraph (e), by substituting for the words “manner and forms for the accreditation and certification of skilled construction workers and construction site supervisors” the words “conditions, manner, forms, types, grades and the determination of standard of skills and competency of construction personnel”;
- (iv) in paragraph (f), by inserting after the words “control of” the word “members,”;
- (v) by deleting the word “and” at the end of paragraph (h);
- (vi) by substituting for paragraph (i) the following paragraph:
  - “(i) prescribing the forms, methods and procedures for compounding of offences;”;
  - and
- (vii) by inserting after paragraph (i) the following paragraphs:
  - “(j) obtaining, initiating and maintaining information relating to the construction industry;
  - (k) prescribing the mechanism of appeal of any decision of the Lembaga to the Minister and may provide that the decision of the Minister shall be final and conclusive;
  - (l) prescribing the circumstances applicable to any person in respect of any transitional period upon the commencement of any regulations made under this Act;
  - (m) regulating and enforcing standards in the construction industry including the manner, forms and procedures;
  - (n) prescribing the manner, forms, types and grades in relation to certification of construction materials and construction workmanship;

- (o) prescribing the conditions and requirements for the implementation of Industrialised Building System in the construction industry; and
- (p) any other matter generally to give effect to the provisions of this Act.”; and

(b) by inserting after subsection (2) the following subsection:

“(3) Any regulation made under subsection (2) may provide that any act or omission in contravention of such regulation to be an offence and may provide for penalty of a fine not exceeding ten thousand ringgit.”.

#### **Amendment of section 38**

**27.** Subsection 38(2) of the principal Act is amended by substituting for the words “in writing by the Chairman of the Lembaga” the words “by the Public Prosecutor”.

#### **New sections 38A, 38B and 38C**

**28.** The principal Act is amended by inserting after section 38 the following sections:

##### **“Appearance for the Lembaga in civil proceedings**

**38A.** Notwithstanding the provisions of any written law, in any civil proceedings by or against the Lembaga—

- (a) any officer of the Lembaga or any public officer authorized by the Chairman; or
- (b) any member of the Malaysian Bar,

may on behalf of the Lembaga, conduct such proceedings and may make and do all appearances, acts and applications in respect of such proceedings.

**Protection to the Lembaga, etc.**

**38B.** (1) No action shall be brought, instituted or maintained in any court, against the Lembaga or its members, officers, servants or agents for anything done or omitted to be done by the Lembaga or its members, officers, servants or agents in good faith without negligence and done in exercise of any powers or performance of any duty under this Act.

(2) The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Lembaga or its members, officers, servants or agents in respect of any act, negligence or default done by the Lembaga or its members, officers, servants or agents in such capacity.

**Compounding of offences**

**38c.** (1) The Lembaga may prescribe any offence under this Act as an offence which may be compounded.

(2) The Lembaga, with the consent of the Public Prosecutor in writing, may at any time before a charge is being instituted compound any of the offences prescribed under subsection (1) as an offence which may be compounded by accepting from the person reasonably suspected of having committed the offence a sum of money not exceeding fifty per centum of the maximum fine and in the case where there is a minimum fine, a sum of money not exceeding fifty per centum of the maximum fine but not less than the minimum fine provided to which the person would have been liable if he had been convicted of the offence, within such time as may be specified in his written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer, or such extended time as the Lembaga may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any document or thing seized in connection with the offence may be released by the Lembaga, subject to such terms and conditions as it thinks fit.

(5) All sums of money received by the Lembaga under subsection (2) shall be paid into and form part of the Fund under Part IV of the Act.”.

**New section 39A**

**29.** The principal Act is amended by inserting after section 39 the following section:

**“Offences by body corporate, etc.**

**39A.** (1) Where a body corporate, firm, society or other body of persons commits an offence under this Act, any person who at the time of the commission of the offence was a director, manager, secretary, or other similar officer of the body corporate, firm, society or other body of persons or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate, firm, society or other body of persons or was assisting in such management—

(a) may be charged severally or jointly in the same proceedings with the body corporate, firm, society or other body of persons; and

(b) where the body corporate, firm, society or other body of persons is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

(i) that the offence was committed without his knowledge, consent or connivance; and

- (ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act to any punishment or penalty for any act, omission, negligence or default, he shall be liable to the same punishment or penalty for every such act, omission, negligence or default of any employee or agent of his, or of the employee of such agent, if such act, omission, negligence or default was committed—

- (a) by his employee in the course of his employment;
- (b) by the agent when acting on his behalf; or
- (c) by the employee of such agent in the course of his employment by such agent or otherwise on behalf of the agent acting on behalf of the person.”.

#### **Amendment of section 40**

**30.** Section 40 of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) The Minister may by order published in the *Gazette* exempt, subject to such conditions as he may deem fit to impose, any person or class of persons from all or any of the provisions of this Act for any good reason which is consistent with the purpose of this Act.”.

#### **Amendment of Third Schedule**

**31.** The Third Schedule of the principal Act is amended by substituting for the word “subsection 32(2)” the word “subsection 33A(2)”.

## **New Fourth Schedule**

**32.** The principal Act is amended by inserting after the Third Schedule the following Schedule:

“FOURTH SCHEDULE

[Subsection 33C(1)]

STANDARDS FOR CERTIFICATION OF CONSTRUCTION MATERIAL

| <i>No.</i> | <i>Types of construction material</i>                                  | <i>Approved standards by the Lembaga</i>  |
|------------|--|---|
| 1.         | Sanitary wares (ceramic)   |   |
|            | (a) Wash basin   | MS 147:2001 : Specification for Quality of Vitreous China Sanitary Appliances   |
|            | (b) Water closet pan without flushing cistern                          | MS 147:2001 and MS 1522:2007 Specification for Vitreous China Water Closet Pans |
|            | (c) Water closet with flushing cisterns                                | MS 147:2001, MS 1522:2007 and MS 795:2002                                       |
|            | (d) Bidets and urinals pedestal  | MS 147:2001   |
|            | (e) Flushing cisterns equipped with mechanism                          | MS 147:2001 and MS 795:2002   |
|            | (f) Flushing cisterns not equipped with mechanism                      | MS 147:2001   |
|            | (g) Plastic flushing cisterns  | MS 795:2002   |
| 2.         | Ceramic tiles  | MS ISO 13006:2003   |
| 3.         | Steel frame scaffoldings   | MS 1462:1999  |
| 4.         | Vitrified clay pipes and fitting and pipe joints for drains and sewers | MS 1061:Part 2:2008   |

| <i>No.</i> | <i>Types of construction material</i>                      | <i>Approved standards by the Lembaga</i> |
|------------|--|--|
| 5.         | Cold reduced mild steel wire for reinforcement of concrete | MS 144:2006                              |
| 6.         | Steel welded fabric for reinforcement of concrete          | MS 145:2006                              |
| 7.         | Portland cement  |  |
|            | (a) White Portland cement                                  | MS 888:1991                              |
|            | (b) Ordinary and rapid hardening Portland cement           | MS 522:Part 1:2007                       |
|            | (c) Sulfate resisting Portland cement                      | MS 1037:1986                             |
|            | (d) Pulverised fuel ash Portland cement                    | MS 1227:2003                             |
|            | (e) Blast furnace Portland cement                          | MS 1389:1995                             |
| 8.         | Hydraulic Cement   |  |
|            | (a) Pozzolonic pulverised fuel ash cement                  | MS 1520:2001                             |
|            | (b) High slag blast furnace cement                         | MS 1388:1995                             |
|            | (c) Masonry cement   | MS 794:2010                              |
| 9.         | Hot rolled steel bars for reinforcement of concrete        | MS 146:2006                              |
| 10.        | Prefabricated timber roof truss system                     | CIS 5                                    |
| 11.        | Hot rolled non alloy structural steel sections             | MS 1490:2001                             |

| <i>No.</i> | <i>Types of construction material</i>  | <i>Approved standards by the Lembaga</i> |
|------------|--|--|
| 12.        | Precast concrete piles for foundation  | MS 1314:Part 1-6:2004                    |
| 13.        | Steel wire ropes for lifts   | MS ISO 4344:2004                         |
| 14.        | Specification for steel frame scaffoldings   | MS 1462:1999                             |
| 15.        | Iron and steel products  |  |
|            | (a) Specification for low carbon steel wire rods   | MS 1092:1987                             |
|            | (b) Specification for high carbon steel wire rods  | MS 1093:1987                             |
|            | (c) Specification for low carbon steel wires   | MS 1137:2009                             |
|            | (d) Specification for uncoated seven-wire stress-relieved strand for pre-stressed concrete | MS 1138:Parts 1-4:2007                   |
|            | (e) Specification for galvanized low carbon steel wire for armoring cables                 | MS 1239-1:2009                           |
| 16.        | Insulation materials   |  |
|            | (a) Specification for mineral fibre thermal insulation material                            | MS 1020:2010                             |
| 17.        | Float glass  |  |
|            | (a) Specification for float and polished plate float glass                                 | MS 1138:Part 1-4:2007                    |

| <i>No.</i> | <i>Types of construction material</i>                    | <i>Approved standards by the Lembaga</i> |
|------------|--|--|
| 18.        | MS 1064 : 2001 GUIDE TO MODULAR COORDINATION IN BUILDING |  |
|            | (a) Stairs and stairs opening                            | MS 1064:Part 3:2001                      |
|            | (b) Door sets  | MS 1064:Part 4:2001                      |
|            | (c) Window sets  | MS 1064:Part 5:2001                      |
|            | (d) Rigid flat sheets                                    | MS 1064:Part 6:2001                      |
|            | (e) Tiles  | MS 1064:Part 7:2001                      |
|            | (f) Masonry, bricks and blocks                           | MS 1064:Part 8:2001                      |
|            | (g) Cabinets   | MS 1064:Part 9:2001                      |
|            | (h) Reinforced concrete components                       | MS 1064:Part 10:2001.”.                  |

### **Transitional provision**

**33.** (1) Any construction personnel who, immediately before the date of coming into operation of this Act, has been involved or engaged or undertaken to be involved or engaged as a construction personnel including any construction site supervisor or skilled construction worker, may continue to do so during the period of twelve months from the commencement of this Act.

(2) During such period mentioned in subsection (1), such construction personnel including construction site supervisor and skilled construction worker shall, as soon as practicable make an application for registration, accreditation or certification, whichever is applicable to them, in accordance with this Act.

(3) Any person who immediately before the date of coming into operation of this Act, had been dealing or undertaken to be engaged in dealing with construction materials specified under the Fourth Schedule without the certification of the Lembaga, may continue to do so during the period of six months from the commencement of this Act.

