

PROPOSED ENHANCEMENTS TO REGULATORY REGIME FOR SUPERVISION OF STRUCTURAL WORKS AND CERTIFICATION FOR LIFTS AND ESCALATORS (“L&E”)

Aim

1 This paper seeks comments on BCA’s proposed enhancements to require the appointment of (i) a BCA-licensed firm; and (ii) individual professionals who are employees of the BCA-licensed firms for the following types of works (“**firm-based regulatory regime**”):

- (a) supervision of structural works with project value exceeding \$75 million; and
- (b) certification for L&E installed in or after 2010¹, excluding Vertical Platform Lifts, Stair Lifts, Chair Lifts, and Home Lifts².

Current Regulatory Regime

2 The current Building Control regime requires the appointment of individual professionals to carry out the works in **para 1**. The supervising Qualified Person (“**QP**”) and/or Site Supervisors appointed to supervise structural works in **para 1(a)** and the Specialist Professional Engineer (“**SPE**”) appointed to carry out certification for L&E in **para 1(b)** are legally responsible for ensuring that the works are carried out in compliance with regulatory requirements as stated in **Annex A**.

Rationale for Enhancement

3 Increasing complexity in larger building works. Construction projects in Singapore have increased in scale over time, and these larger building works tend to comprise more specialist works including complex facades, deep excavation works, earth retaining systems, advanced steel works, and long-span composite structures and will require a range of advanced structural and geotechnical competencies to supervise. Larger building works are also seeing a greater adoption of more sophisticated methods of construction such as design for manufacturing and assembly (“**DfMA**”) and advanced precast concrete system (“**APCS**”) which require specialised competencies in checking and inspecting such works (e.g. the connection of PPVC modules,

¹ Certification for L&E refers to a SPE’s endorsement of certificates for the purposes of applying a permit to operate (PTO) for L&E. For existing L&E, a SPE’s certification is required for the annual renewal of PTO. For new L&E, the Building Control Act is being amended to require a SPE’s certification of the plans of L&E works (at the design stage), certification of L&E installation works (at the installation stage) and certification of the testing and commissioning of the installed L&E (at testing and commissioning stage).

² Home Lifts refer to lifts, excluding stairlifts or vertical platform lifts, not being common property, installed in a private home solely for the use of its occupants. Certification for the annual renewal of PTO for Home Lifts will be excluded from the works to be carried out by a licensed firm.

mechanical connections, more stringent dimensional tolerance). Beyond specialised competencies, such works will also require coordination of works among multiple parties.

4 Increasing complexity in newer L&E. L&E have transformed from largely mechanical equipment to electromechanical equipment with sophisticated and advanced programmable logic controls. Since 2010, safety standards for L&E³ have been progressively updated with new requirements such as the provision of uncontrolled car movement protection for lifts, and this has led to increased adoption of complex programmable electronics (i.e., PESSRA⁴). With increasingly taller buildings, high-speed lifts with PESSRA as well as specialised motor and drive technologies would be increasingly common. Certifying compliance for such complex L&E will require various specialised competencies beyond traditional engineering disciplines.

5 QPs and SPEs serve as the 'last line of defence' in ensuring the safety of the construction of the building works and L&E in the regime, providing the necessary checks and balances to ensure compliance. However, it is almost impossible for an individual professional to possess the required range of specialised inter-disciplinary competencies and to have the resources to coordinate works among multiple parties, in order to properly supervise the larger structural works and certify the newer L&E illustrated in **paras 3 and 4**.

Proposed Enhancements

6 To ensure that QPs, site supervisors, and SPEs appointed for the supervision of more complex works and certification of more complex L&E have access to the full range of competencies and operate in an organisational structure that supports effective coordination, BCA is proposing to shift towards a firm-based regulatory regime for the following works:

- (a) supervision of structural works with project value exceeding \$75 million; and
- (b) certification for L&E installed in or after 2010⁵, excluding Vertical Platform Lifts, Stair Lifts, Chair Lifts, and Home Lifts⁶.

Please see extent of projects and L&E at **Annex B**.

³ This refers to European Standard EN 81-20 for Passenger and Goods Passenger Lifts.

⁴ This includes Programmable Electronic Systems in Safety Related Applications for Lifts/Escalators.

⁵ Certification for L&E refers to a SPE's endorsement of certificates for the purposes of applying a permit to operate (PTO) for L&E. For existing L&E, a SPE's certification is required for the annual renewal of PTO. For new L&E, the Building Control Act is being amended to require a SPE's certification of the plans of L&E works (at the design stage), certification of L&E installation works (at the installation stage) and certification of the testing and commissioning of the installed L&E (at testing and commissioning stage).

⁶ Home Lifts refer to lifts, excluding stairlifts or vertical platform lifts, not being common property, installed in a private home solely for the use of its occupants. Certification for the annual renewal of PTO for Home Lifts will be excluded from the works to be carried out by a licensed firm.

- 7 Shifting towards such a firm-based regulatory regime will offer the following benefits:
- (a) Addressing range of competencies required. A firm can employ individuals with varied specialised knowledge and experience to supervise or certify complex projects/equipment in the future. Licensing the firm will further ensure that it possesses the necessary competencies. A firm will also be best positioned to determine the competencies and the personnel under its employment to be deployed for each project.
 - (b) Ensuring seamless coordination. A firm can put in place proper governance and standard operating procedures (SOPs) to determine how its employees shall collaborate and coordinate among themselves in different projects. This is advantageous compared to having separate individuals, who have no systems ensuring collaboration and coordination, coming together to work in a project.
 - (c) Training and developing the next generation. For an individual professional, training and developing new professionals to fill the void after their retirement may not be their priority. A firm, on the other hand, will not be bound by anyone's lifetime. For its continued existence, it will seek out talents to succeed the ageing professionals in its employment. Thus, the firm will put in place sufficiently competitive training and career progression programmes to attract and retain talent, and in doing so, help to strengthen the talent pool in the built environment sector.

Licensing Requirements for Firms

8 A firm seeking to be licensed by BCA must be adequately competent. It must possess the required specialised competencies and resources (e.g., relevant governance, processes, and quality assurance system to ensure successful execution of works by its employees, and capability in implementing innovations to improve productivity and safety). The firm must also have in place structured training and career progression programmes to attract and retain talent. Please see **Annex C** for details of the proposed licensing framework.

9 For circumstances in which a licensed firm is found not to have fulfilled the licensing conditions, BCA may impose financial penalties on the firm and require corrective actions to be taken. In more serious cases, BCA may vary or impose licensing conditions to limit the firm's ability to take on new jobs, or revoke or suspend the firm's licence.

Duties under the Firm-Based Regulatory Regime

10 Under the firm-based regulatory regime, the licensed firms will be responsible for providing suitably qualified personnel under their employment, including QPs, Site Supervisors, SPEs, as well as Lift and Escalator Inspectors (“LEI”)⁷. The firm must also set out processes that the appointed personnel must comply with and provide the appointed personnel with the necessary resources to ensure compliance with the Building Control Act 1989 and its regulations.

11 Individual professionals will continue to be held legally responsible for ensuring that the works are carried out in compliance with regulatory requirements as stated in **Annex A**. As employees of licensed firms, the personnel appointed to carry out the works described in **para 6** will have additional legislative responsibilities to cooperate with their employer (i.e., the appointed licensed firm) to ensure compliance with regulatory requirements (e.g., adhere to and execute the processes put in place by their employer, and to exercise due diligence in considering and executing additional checks, or verification as necessary).

12 Please see **Annex D** for the new duties of stakeholders under the enhanced regime.

Practices in Other Jurisdictions

13 BCA has studied the practices in the United Kingdom (UK), New York City/United States of America (NYC/USA), and Germany, where accredited/approved engineering firms are required to be appointed for the supervision of structural works and the certification of L&E.

14 For the purpose of accreditation/approval, these firms must demonstrate that they possess the necessary competencies and resources to carry out the relevant functions. The firms must also put in place quality assurance systems such that the professionals (including inspectors) deployed are suitable for the respective projects and that they discharge their duties diligently. The firms are also required to implement training programmes and progression pathways for their professionals.

For Comments

15 The proposed enhancements are summarised in **Figure 1** and are for public comments, please. The consultation will commence on 20 August 2024 and close on 20 October 2024.

⁷ QPs (and any Site Supervisors) must be appointed by the developer or builder in the project. SPEs (and any LEIs) must be appointed by the owner in the project.

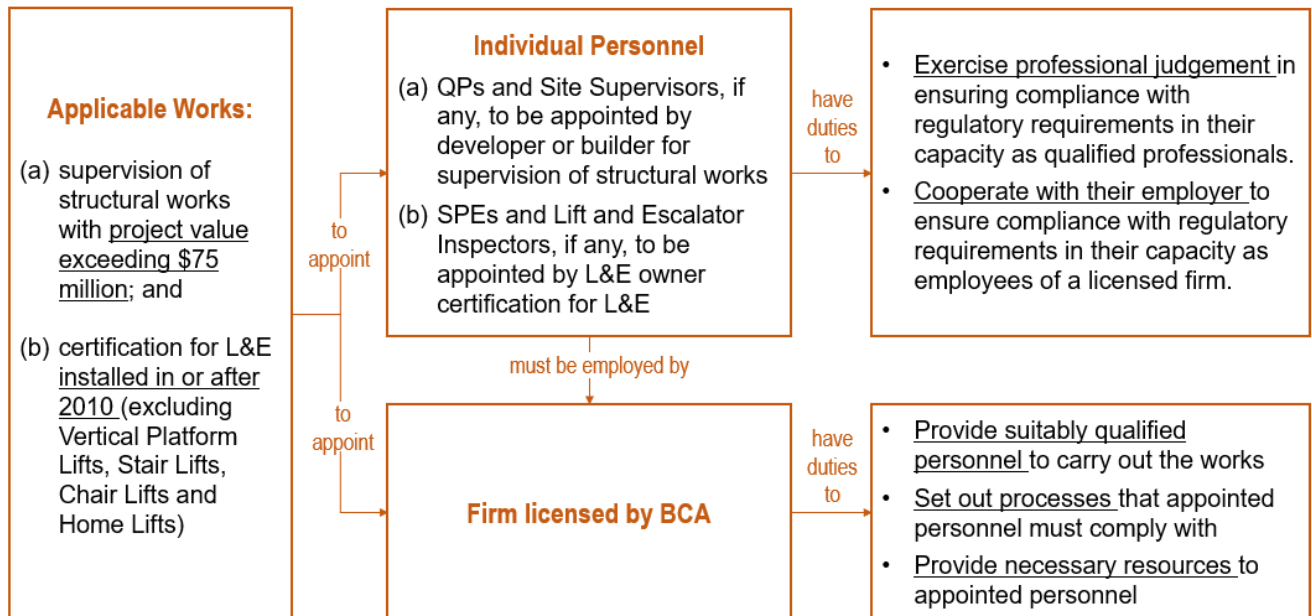


Figure 1: Overview of Enhanced Regulatory Regime

16 Please note that the proposed changes to regulatory requirements are released solely for the purpose of public consultation and may be subject to further changes. Members of the public can send their comments through:

By Post:

Electrical and Mechanical Engineering Group
 Building and Construction Authority
 52 Jurong Gateway Road
 #10-01 Singapore 608550

By FormSG: <https://go.gov.sg/feedbackonssline>



ANNEX A: DUTIES OF PROFESSIONALS

A.1 Supervision of Construction of Building Works

Section	Provisions under the Building Control Act
Duties of qualified person	
9(4)	<p>Every qualified person who is appointed under section 8 or 11 to supervise the carrying out of any building works, or the geotechnical aspects of any geotechnical building works, must —</p> <ul style="list-style-type: none"> (a) take all reasonable steps and exercise due diligence in supervising and inspecting the building works or geotechnical building works (as the case may be) to ensure that those building works are being carried out in accordance with — <ul style="list-style-type: none"> (i) the provisions of this Act; (ii) subject to section 6A, the building regulations; (iii) the relevant plans approved or deemed approved by the Commissioner of Building Control; and (iv) any terms and conditions imposed by the Commissioner of Building Control (b) in the absence of a site supervisor, take all reasonable steps and exercise due diligence in giving immediate supervision to the carrying out of concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of the building works to ensure that those critical structural works of the building works are being carried out in accordance with — <ul style="list-style-type: none"> (i) the provisions of this Act; (ii) subject to section 6A, the building regulations; (iii) the relevant plans approved or deemed approved by the Commissioner of Building Control; and (iv) any terms and conditions imposed by the Commissioner of Building Control (c) notify the Commissioner of Building Control of any contravention of this Act or the building regulations in relation to those building works of which the qualified person knows or ought reasonably to know;

Section	Provisions under the Building Control Act
	<p>(d) keep and maintain at the premises on which building works are carried out such documents, books and records as may be prescribed in the building regulations;</p> <p>(e) submit to the Commissioner of Building Control at the prescribed times such reports and certificates as may be prescribed in the building regulations; and</p> <p>(f) notify the Commissioner of Building Control if the building works have been suspended for a period of more than 3 months.</p>
9(5)	<p>If any qualified person who is appointed under section 8 or 11 —</p> <p>(a) to prepare the plans of any building works; or</p> <p>(b) to supervise the carrying out of any building works, or the geotechnical aspects of any geotechnical building works, becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under this Act, the qualified person must, within 14 days of ceasing to carry out his or her duties, notify the Commissioner of Building Control and the builder of those building works of that fact.</p>
9(6)	<p>If any site supervisor appointed under section 10 in respect of any building works becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under section 10(5), the qualified person appointed under section 8 or 11 to supervise the carrying out of the building works must —</p> <p>(a) appoint another site supervisor in his or her place; and</p> <p>(b) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.</p>
10(1)	<p>The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any large building works must appoint the following site supervisors in respect of the structural elements of the large building works:</p> <p>(a) team of site supervisors comprising not less than any number of persons that may be prescribed in relation to the value of those large building works; or</p> <p>(b) at least one site supervisor, in any other case.</p>
10(2)	<p>The appropriate qualified person appointed under section 8 or 11 to supervise the carrying out of any small-scale building works must appoint at least one site supervisor, in respect of the critical structural elements of the small-scale building works.</p>

Section	Provisions under the Building Control Act
Duties of site supervisor	
10(5)	<p>Every site supervisor appointed under this section in respect of any building works must take all reasonable steps and exercise due diligence in giving —</p> <ul style="list-style-type: none"> (a) in the case of large building works — full-time supervision to the carrying out of the structural elements of the building works; and (b) in the case of small-scale building works — immediate supervision to the carrying out of the critical structural elements of the building works, <p>to ensure that the structural elements or critical structural elements (as the case may be) of the building works in question are carried out in accordance with the plans of the building works supplied to him or her in accordance with section 9(1)(c) by a qualified person, and with any terms and conditions imposed by the Commissioner of Building Control.</p>
10(6)	<p>If a site supervisor appointed in respect of any building works becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under subsection (5), the site supervisor must, within 7 days of ceasing to carry out those duties, notify the Commissioner of Building Control of that fact.</p>

A.2 Certification of Compliance for Lifts and Escalators

Reg	Provisions under Building Maintenance and Strata Management (Lift, Escalator and Building Maintenance) Regulations
Duties of specialist professional engineer	
8(1)	<p>An application for a permit to operate for any lift must —</p> <ul style="list-style-type: none"> (a) be made within 3 months after the date the lift is examined, inspected and tested under regulation 7 or, if the examination, inspection and testing does not take place on a single day, on the first day on which the examination, inspection and testing starts; and (b) be accompanied by — <ul style="list-style-type: none"> (i) a certificate, in such form and manner as may be determined by the Commissioner, signed by the specialist professional engineer mentioned in regulation 7(1)(b); and (ii) such other documents, particulars and information as may be required by the Commissioner in the particular case.
8(2)	<p>The specialist professional engineer must state the following in the certificate mentioned in paragraph (1)(b)(i):</p> <ul style="list-style-type: none"> (a) the lift service contractor has carried out the examination, inspection and testing of the lift, in the presence of the specialist professional engineer and in accordance with regulation 7(1); (b) the specialist professional engineer is of the opinion that the lift is in a fit condition for operation; (c) the specialist professional engineer is not a partner, associate, director, officer or employee of the owner of the lift or the lift service contractor carrying out the examination, inspection and testing of the lift under regulation 7(1).

ANNEX B: APPLICABLE AREAS OF WORKS

Firms seeking to carry out the following works must obtain a corresponding licence from BCA.

S/N	Works	Licence to be obtained	Rationale/Comments
1	Supervision of building works with project value exceeding S\$75 million	Site Supervision Firm Licence	<p>Building works with project value exceeding S\$75 million are larger in scale with greater adoption of complex construction technology and tend to comprise more complex components.</p> <p>Supervision of these building works require specialised competencies, greater resources, and effective collaboration between multiple specialists.</p>
2	Certification of L&E installed in or after 2010, excluding Vertical Platform Lifts, Chair Lifts, Stair Lifts and Home Lifts	Lift and Escalator Certification Firm Licence	<p>L&E installed in or after 2010 comprise more complex components as compared to older L&E which were not required to provide uncontrolled movement protection.</p> <p>Certification of these L&E would require specialised competencies, greater resources, and effective collaboration between multiple specialists.</p> <p>Vertical Platform Lifts, Chair Lifts and Stair Lifts are excluded as they are designed for accessibility and are less complex in design.</p> <p>Home Lifts refer to lifts, excluding stairlifts or vertical platform lifts, not being common property, installed in a private home solely for the use of its occupants. Certification for the annual renewal of PTO for Home Lifts will be excluded from the works to be carried out by a licensed firm.</p>

ANNEX C: PROPOSED LICENSING FRAMEWORK FOR FIRMS

C.1 Application for Licence

Only a director or partner of a firm can apply for a licence.

C.2 Validity of Licence

Every licence shall be valid for such period as may be specified in the licence, being not more than 3 years.

C.3 Requirements to obtain Licence

Firms seeking to obtain the Site Supervision Firm Licence or Lift and Escalator Certification Firm Licence are required to meet the following requirements:

S/N	Licence Requirements	Rationale/Comments
1	Paid-up capital	Financial requirement
2	Licence fee	Financial requirement
3	Valid licence for multidiscipline and corporate practice issued by Professional Engineers Board	Firm must be licensed by PEB as supervision of building works and certification of L&E are professional engineering services.
4	No prior history of revocation of licence by PEB or BCA in the past 5 years	This ensures firm's compliance with regulations.

S/N	Licence Requirements	Rationale/Comments
5	<p>Type of corporation –</p> <ul style="list-style-type: none"> (a) Partnership; (b) Limited Liability Partnership; or (c) Limited Liability Corporation. 	<p>Sole proprietorships are not allowed as the intent of the proposal is to facilitate collaboration and bridge existing competency gaps, which cannot be fulfilled by a single professional.</p>
6	<p>At least one overseeing director, and all directors of the firm should –</p> <ul style="list-style-type: none"> (a) have no prior history of contraventions of regulations administered by BCA for the past 5 years; (b) have no prior history of being a director in a firm with a licence that has been revoked by PEB or BCA; and (c) have no concurrent directorships or have no interest (inclusive but not limited to financial and / or proprietary interests) in firms carrying out related areas of work[^]. <p><i>^For example, in the case of supervision of structural works, directors of the firm should have no concurrent directorships or have no interest in firms which (i) are the developer or builder of those structural works or (ii) are associated with the developer or builder of those structural works.</i></p> <p><i>In the case of certification of L&E, directors of the firm should have no concurrent directorship or have no interest in firms which (i) are the service contractor of those L&E or (ii) are associated with the design, manufacture, supply, installation, maintenance, and modernisation of those L&E.</i></p>	<p>This is to ensure firm directors' compliance with regulations and prevent conflict of interest.</p>

S/N	Licence Requirements	Rationale/Comments
7	<p>Valid accreditation by Singapore Accreditation Council (SAC), which would require the firm to be in possession of the following –</p> <ul style="list-style-type: none"> (a) Relevant specialised competencies – <ul style="list-style-type: none"> (i) in the case of supervision of building works – examples of relevant competencies would include geotechnical engineering and expertise in Prefabricated Prefinished Volumetric Construction; (ii) in the case of certification of L&E – examples of relevant competencies would include functional safety, expertise in PESSRAL, and expertise in electronics and controls. (b) Suitably qualified and medically fit professionals (c) Tools and equipment (d) Standard operating procedures (e) Documentation management (f) Internal audit requirements 	<p>This is to ensure that the firm possesses the required firm-level competencies, professionals, and resources to undertake supervision of complex building works and certification of complex L&E.</p>
8	<p>Full-time employment of professionals –</p> <ul style="list-style-type: none"> (a) in the case of supervision of building works – full-time employment of QPs and site supervisors (b) in the case of certification of L&E – full-time employment of SPEs and Lift and Escalator Inspectors (LEI). <p>Employed professionals should not supply engineering services on behalf of or as an employee of another firm.</p>	<p>This is to ensure that the firm has in its employment an adequate number of professionals.</p> <p>By mandating the full-time employment of professionals, it would be in the firm's interest to ensure adequate oversight over their employed professional's work. The firm will also have the incentive to invest and groom its employed professionals, thereby strengthening the manpower</p>

S/N	Licence Requirements	Rationale/Comments
		pipeline and pool of professionals for the built environment sector.
9	Professionals must have obtained relevant qualifications, training, and practical experience.	This is to ensure that the firm has in its employment competent and qualified professionals.

C.4 Conditions of Licence

Firms that have obtained a Site Supervision Firm Licence or Lift and Escalator Certification Firm Licence are required to fulfil the following conditions at all times:

S/N	Licence Conditions	Rationale/Comments
1	Licence is not transferable.	This is to ensure that licence remains with licensed firm.
2	The licensed firm shall hold a valid licence for multidiscipline and corporate practice issued by Professional Engineers Board and shall meet the licence conditions at all times.	This is to ensure that licensed firm complies with licence requirements set out by PEB at all times.
3	The licensed firm shall hold a valid accreditation issued by Singapore Accreditation Council and shall meet the accreditation requirements at all times.	This is to ensure that licensed firm complies with accreditation requirements set out by SAC at all times.
4	<p>The licensed firm shall lodge with the Commissioner a manpower programme specifying –</p> <ul style="list-style-type: none"> (a) details of its employed professionals (i.e., QP, SPE, site supervisors, lift and escalator inspectors); (b) processes to assess the number of suitably qualified professionals to be deployed in respect of each project or each equipment; (c) the training programme for its employees; and (d) career progression pathways for its employees. <p>The licensed firm should take all practicable steps to ensure that the manpower programme is accurate and is complied with at all times. If there is any change in the specified details, the licensed firm is required to notify the Commissioner.</p>	This is to ensure that licensed firm employs competent professionals, has in place the relevant processes to assess how many and who to deploy for each project or equipment, and provides training as well as career progression pathways for its employed professionals so as to strengthen the manpower pipeline for the built environment sector.

S/N	Licence Conditions	Rationale/Comments
5	The licensed firm shall notify the Commissioner if there is any change to the firm directors.	This is to prevent circumstances in which a director holds multiple directorships in a few licensed firms.
6	The Commissioner may grant a licence subject to such other conditions as the Commissioner thinks fit and may at any time vary any existing conditions of such a licence or impose additional conditions thereto.	This is to provide flexibility in the varying and imposition of conditions should there be a breach of conditions.
7	The licensed firm shall assist the Commissioner in the investigation into any alleged breach of its licence or any alleged violation of any law committed by the firm or any other person.	This is to ensure that the firm cooperates with the Authority for the purposes of any investigation.

ANNEX D: DUTIES UNDER THE ENHANCED FRAMEWORK

D.1 Duties of Developers, L&E Owners, and Licensed Firms

S/N	Duties	Rationale/Comments
1	<p>For building works with value exceeding 75 million dollars, a developer or builder of such building works must appoint a firm that has obtained a valid site supervision firm’s licence issued by the Commissioner to:</p> <ul style="list-style-type: none"> (a) provide suitably qualified personnel, including QPs, to be appointed by the developer in the same project for supervision of structural works; (b) provide resources to their employed personnel; and (c) implement Standard Operating Procedures setting out the steps and necessary tests to be taken to ensure such structural works comply with the Building Control Act and its regulations. <p>The developer or builder must also appoint the QPs to carry out supervision, and the QPs will appoint the site supervisors, as per current provisions. In addition, both the QPs and the site supervisors must be full-time employees of the appointed firm.</p>	<p>The developer has the duty to appoint the licensed firm as well as the personnel carrying out supervision.</p> <p>The firm is responsible for the provision of personnel, resources, and relevant procedures in respect of each project.</p>

S/N	Duties	Rationale/Comments
2	<p>For L&E installed in or after 2010 (excluding Vertical Platform Lifts, Stair Lifts, Chair Lifts and Home Lifts), a L&E owner must appoint a firm that has obtained a valid lift and escalator certification firm's licence issued by the Commissioner to:</p> <ul style="list-style-type: none"> (a) provide suitably qualified personnel, including SPEs, to be appointed by the owner in the same project for certification of compliance for L&E; (b) provide resources to their employed personnel; and (c) implement Standard Operating Procedures setting out the steps and necessary tests to be taken to ensure such certification works comply with the Building Control Act and its regulations. <p>The owner will appoint personnel, including SPEs as well as Lift and Escalator Inspectors (LEI), to certify compliance of L&E. Such personnel must be full-time employees of the appointed firm.</p>	<p>The owner has the duty to appoint the licensed firm as well as the personnel carrying out certification for compliance.</p> <p>The firm is responsible for the provision of personnel, resources, and relevant procedures in respect of each project.</p>

D.2 Duties of Appointed Employees of Appointed Licensed Firms

In addition to the prevailing duties in **Annex A**, new statutory duties will be imposed on employees of the licensed firms under the enhanced regime as follows:

S/N	Duties	Rationale/Comments
1	It is the duty of appointed employees of an appointed licensed supervision firm to cooperate with his or her employer and any other person to such extent as will enable his or her employer to comply with regulatory requirements.	As employees of the firm, appointed personnel are expected to adhere to their employer's procedures and directions in respect of the relevant scope of works.
2	In circumstances where professional judgement is required, it is the duty of appointed employees of an appointed licensed supervision firm to take all reasonable steps and exercise due diligence in carrying out the relevant scope of works to ensure that such works are being carried out in accordance with regulatory requirements.	As professionals, registered QPs, SPEs as well as accredited site supervisors and lift and escalator inspectors are expected to exercise independent judgement and due diligence in circumstances warranting such judgement and due diligence.

D.3 Duties of Directors of Licensed Firm

Under Section 31 of the BC Act, firm directors can be held responsible for offences committed by the firm, as shown below.

Section	Duties under Building Control Act
31(1) & 31(2)	<p>Where an offence under this Act or any subsidiary legislation made under this Act has been committed by a body corporate, every officer of the body corporate shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the officer proves that —</p> <ul style="list-style-type: none"> (a) the offence was committed without the consent or connivance of the officer; and (b) the offence was not attributable to any neglect on the officer's part. <p>Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.</p>
31(3)	<p>Where an offence under this Act or any subsidiary legislation made under this Act has been committed by a partnership, each partner of the partnership shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless the partner proves that —</p> <ul style="list-style-type: none"> (a) the offence was committed without the consent or connivance of the partner; and (b) the offence was not attributable to any neglect on the partner's part.