

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**BUILDINGS AND COMMON PROPERTY  
(MAINTENANCE AND MANAGEMENT) ACT**

**(CHAPTER 30)**

**Act**

**23 of 1973**

**Amended by**

**4 of 1976**

**26 of 1982**

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1986

# Buildings and Common Property (Maintenance and Management) Act

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An Act to provide for the proper maintenance and management of buildings and common property in Singapore.

[9th June 1973]

Short title.

1. This Act may be cited as the Buildings and Common Property (Maintenance and Management) Act.

Inter-  
pretation.  
4/76  
26/82.

2. In this Act, unless the context otherwise requires —  
“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure, support or foundation connected to the foregoing;

“Commissioner” means the Commissioner of Buildings appointed under section 3;

“common property”—

(a) in relation to any building comprised in any strata title plan, shall have the meaning assigned to it in the Land Titles (Strata) Act;

(b) in relation to any land where planning permission has been granted for its development and intended strata division after the completion of any building or part thereof on the land, means any part of the building not comprised in any flat and the fixtures and fittings (including lifts), refuse chutes, refuse bin compounds, drains, sewers, pipes, wires, cables and ducts, the exterior of all common parts of the building, playing fields, driveways, car parks, open spaces, landscaped areas, walls and fences and all other facilities and installations used or capable of being used or enjoyed in common by all the occupiers of the building; and

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- (c) in relation to any other land where one or more buildings are erected thereon, includes fixtures and fittings (including lifts), refuse chutes, refuse bin compounds, drains, sewers, pipes, wires, cables and ducts, the exterior of all common parts of the building, playing fields, driveways, car parks, open spaces, landscaped areas, walls and fences and all other facilities and installations used or capable of being used or enjoyed in common by all the occupiers of the building;

“developer” means any person who has obtained the approval of the competent authority to develop any land pursuant to section 9 of the Planning Act and includes his executors, administrators and successors in title or assigns; Cap. 232.

“development” means any land on which any building is constructed or is in the course of construction;

“flat” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose;

“maintenance fund” means the maintenance fund for a development established by a developer pursuant to section 9;

“owner” —

- (a) includes the person for the time being receiving the rent of any building, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the building were let to a tenant;

- (b) in relation to a rent-controlled building, also includes the tenant of the building;

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(c) in relation to the common property of any building, also includes a person receiving any rental or charge for the maintenance of that common property and every person whose name is entered in the Valuation List authenticated under section 15 of the Property Tax Act as the owner of a subdivided part of the building; and

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(d) in relation to the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, also includes the management corporation having control of the building, every subsidiary proprietor of any subdivided part of the building and an administrator appointed under section 33 of the Land Titles (Strata) Act;

“stratum” means any part of land consisting of a space of any shape below, on or above the surface of the land, or partly below and partly above the surface of the land, the dimensions of which are delineated.

Appointment  
of Commis-  
sioner of  
Buildings  
and other  
officers.  
4/76.

3.—(1) The Minister may appoint an officer to be known as the Commissioner of Buildings and such other officers as may be necessary for the purpose of administering and carrying out the provisions of this Act.

(2) The Commissioner shall, subject to any general or special directions of the Minister, have charge of the administration of this Act and Part IV of the Land Titles (Strata) Act, and perform such other duties as are imposed and may exercise such powers as are conferred upon him by the Land Titles (Strata) Act.

(3) Subject to any general or special directions of the Minister or the Commissioner, the powers conferred and the duties imposed upon the Commissioner by this Act or any rules made thereunder may be exercised or performed by any other officer appointed under subsection (1).

4.—(1) Where in the opinion of the Commissioner any building or common property has not been kept or maintained in a state of good and serviceable repair or in a proper and clean condition, the Commissioner may, by notice in writing, require the owner within such period as may be specified in the notice to take such steps or carry out such repairs and maintenance as the Commissioner thinks fit.

Power of Commissioner to require owner of building to carry out repairs and maintenance.

(2) If a notice issued by the Commissioner under subsection (1) is not complied with to his satisfaction, the Commissioner or any person authorised by him may carry out or cause to be carried out all or any of the requirements specified in the notice.

(3) Any person who fails to comply with the requirements of any notice issued by the Commissioner under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to a further fine not exceeding \$25 for every day during which the offence continues after conviction.

(4) The Commissioner may compound any offence under this Act or any rules made thereunder by accepting a sum not exceeding \$500 from the person committing the offence.

5.—(1) Where there has been a default in complying with a notice issued by the Commissioner under section 4, the Commissioner may issue a direction to the owner or owners of the building or common property in respect of which the notice has been issued to deposit such amount with the Commissioner as he considers necessary for the purpose of executing the works specified in the notice and the amount shall be deposited with the Commissioner within such period, not being less than 7 days from the service of the direction, as the Commissioner may specify.

Deposit.

(2) The amount of any deposit which is due to the Commissioner under subsection (1) may be sued for as a debt due to the Government.

(3) The Commissioner may refund the deposit or any part thereof, after deducting any costs and expenses incurred by him, if the works required to be executed by the

notice issued under section 4 have been executed to his satisfaction.

Appeal.

6.—(1) Any person on whom a notice under section 4 is served may, at any time within the period specified in the notice, appeal to the Minister against the notice in the prescribed manner.

(2) The decision of the Minister upon the determination of the appeal shall be final.

Owner of building not to collect maintenance charges without Commissioner's approval. 4/76.

7.—(1) Where a building which is intended for strata subdivision has been completed, before, on or after 15th April 1976, the person who is the owner or developer of the building shall not collect any charges for the maintenance and management of the building from the purchasers of flats comprised in the building without the prior written approval of the Commissioner.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

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(3) Nothing in this section shall be construed to require a management corporation of a subdivided building to obtain the prior written approval of the Commissioner to collect contributions for the maintenance and management of the subdivided building pursuant to section 24 of the Land Titles (Strata) Act.

(4) Notwithstanding subsection (1) any person who is the owner or developer of a building which has been completed before 15th April 1976 and has immediately before that date been collecting charges for the management and maintenance of the building from the purchasers of flats comprised in the building shall be entitled to do so without the written approval of the Commissioner —

(a) for the period of 3 months beginning from that date; and

(b) if before the expiration of that period he applies for the written approval of the Commissioner to

collect such charges, until the approval of the  
Commissioner is granted or finally refused.

[6A

8.—(1) All costs and expenses incurred by the Commissioner or any person authorised by him under section 4 shall be recoverable from the owner of the building or common property as a debt due to the Government and shall, if there is more than one owner, be apportioned by the Commissioner among the owners in such manner as he thinks fit. Recovery of costs and expenses.

(2) Interest at the rate of 6% per annum from the expiry of one month from the date of service of any notice of any costs and expenses incurred by the Commissioner shall be recoverable as part of the costs and expenses.

(3) A certificate purporting to be under the hand of the Commissioner and specifying the costs and expenses claimed as due and payable and the person named in the certificate as liable for the payment thereof shall be prima facie evidence of the facts certified therein and of the signature of the Commissioner thereto. [7

9.—(1) Subject to this section, the developer of a development to which this section applies shall, with effect from the date when a temporary occupation licence is issued by the competent authority in respect of any flat in the development or such other subsequent date when this section applies to the development, establish a maintenance fund for the development which shall be used solely and exclusively for all or any of the following purposes: Developer to establish maintenance fund. 26/82.

- (a) to maintain the common property of the development in a state of good repair;
- (b) to pay for the expenses incurred in providing cleaning services for the common property and security services and amenities for the occupiers of the flats in the development;
- (c) to maintain, repair and renew fixtures and fittings (including lifts) in the development not being



fixtures and fittings installed in a flat sold or intended for sale to a purchaser;

- (d) to maintain, repair and renew sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of two or more flats in, or the common property of, the development;
- (e) to pay any premiums for the insurance of the development against damage by fire and other risks;
- (f) to pay rent and rates (if any);
- (g) to pay any fee incurred for the auditing of the maintenance fund;
- (h) to pay all charges reasonably incurred for the administration of the maintenance fund and the common property of the development.

(2) This section shall apply to a development where —

- (a) planning permission has been granted for the intended strata subdivision after the completion of any building or part thereof;
- (b) more than 4 units of flats have been constructed; and
- (c) the flats in the development have been sold to more than two purchasers.

(3) For the purposes of this section, a developer is deemed to have sold a flat —

- (a) if, by an agreement in writing, he has agreed to convey, transfer, assign or otherwise dispose of his estate or interest in the flat to another person for valuable consideration or otherwise; or
- (b) if, by any deed or instrument, he has conveyed, assigned or otherwise disposed of the flat,

except that paragraphs (a) and (b) shall not apply to an agreement in writing or any deed or instrument to grant or assign a leasehold term not exceeding 21 years without the option of renewal or purchase.

(4) Where temporary occupation licences have been issued for any flats in a development at any time prior

to 1st December 1982, the developer shall establish a maintenance fund for that development with effect from such date as the Minister may, by notification in the *Gazette*, appoint\*.

(5) The Minister may, by notification in the *Gazette*, exempt any person from this section. [7A

**10.—(1)** A developer shall pay into the maintenance fund —

Duties of  
developer.  
26/82.

- (a) all charges received by him from the purchasers of the flats in the development for the maintenance of the common property of the development;
- (b) in respect of those flats in the development which have not been sold and for which temporary occupation licences have been issued by the competent authority, a sum equivalent to the maintenance charges payable by the purchasers of the flats to the developer had the flats been sold; and
- (c) all income derived from the common property of the development.

(2) A developer shall hold all moneys in the maintenance fund on trust for the owners and purchasers of all the flats in the development.

(3) The moneys in the maintenance fund shall be deposited with any bank licensed under the Banking Act or the Post Office Savings Bank of Singapore and may be invested in such investments or securities as are for the time being authorised for the investment of trust funds.

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(4) Where a management corporation for the development has been constituted in accordance with section 30 of the Land Titles (Strata) Act, the surplus moneys in the maintenance fund after payment of all the expenditure which may be properly charged to the maintenance fund shall be transferred to the management corporation.

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(5) The developer shall —

- (a) cause proper books of accounts to be kept in respect of all sums of money received for and all payments out of the maintenance fund, specifying the matters in relation to which the receipts and expenditure take place;
- (b) appoint an auditor to audit the maintenance fund annually;
- (c) file with the Commissioner a certified true copy of the audited accounts within 28 days of the accounts being audited;
- (d) permit the Commissioner or any person authorised by him to act on his behalf at all reasonable times full and free access to accounting and other records of the maintenance fund and permit the Commissioner or the person to make copies or make extracts from those accounting or other records; and
- (e) furnish a certified true copy of the accounts to the Commissioner at such intervals as may be required by the Commissioner.

(6) A developer who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction. [7B

Register of  
purchasers.  
26/82.

**11.—(1)** A developer shall maintain a register in such form as the Commissioner may require containing the following particulars in respect of all the flats in his development:

- (a) the proposed share value to be assigned to each flat shown in the schedule of strata units filed with the Commissioner under section 7 of the Land Titles (Strata) Act;
- (b) the floor area of the flat;
- (c) the name and address of the purchaser of the flat and if the purchaser is not a resident of Singapore, an address in Singapore to which notices may be served on the purchaser; and

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(d) the name and address of the solicitors acting for the purchaser of the flat in the sale and purchase of the flat.

(2) A developer shall, within 14 days of a request being made by the Commissioner, forward to the Commissioner a true copy of the register referred to in subsection (1).

(3) The Commissioner or any of his officers may require a developer to produce for his inspection the register maintained by him under subsection (1).

(4) Any person who fails to comply with subsection (1) or (2) or fails to produce the register maintained under subsection (1) for the inspection of the Commissioner or any of his officers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction. [7c

12.—(1) If the Commissioner is satisfied that, after due inquiry by him or a person appointed by him, the management and maintenance of a development is not carried out satisfactorily by the developer, the Commissioner may, by order published in the *Gazette*, appoint one or more persons (referred to in this Act as a managing agent) to manage and maintain the development.

Commissioner may appoint a managing agent for a development. 26/82.

(2) A managing agent appointed by the Commissioner under subsection (1) to manage and maintain a development shall be entitled to be paid such remuneration or fees as may be determined by the Commissioner and such remuneration or fee shall be charged to the maintenance fund of the development.

(3) The Commissioner shall not exercise his powers under this section unless he has given not less than 14 days' notice in writing to the developer specifying his intention to appoint a managing agent for his development and to consider the representations (if any) made by the developer within 14 days of the date of service of the notice.

(4) Any person aggrieved by an order made by the Commissioner under this section may appeal to the Minister within 3 months of the date of the publication of the order in

the *Gazette* and the decision of the Minister shall be final and shall not be subject to review in any court.

(5) An order made by the Commissioner under subsection (1) shall have effect notwithstanding that an appeal has been made to the Minister.

(6) The Commissioner may at any time revoke any appointment made under subsection (1) and appoint another person as managing agent for a development.

[7D

Powers and  
duties of  
managing  
agent.  
26/82.

13.—(1) Where a managing agent has been appointed by the Commissioner under section 12, the managing agent shall have control over the moneys in the maintenance fund of the development and take into his custody and under his control all the investments or securities which have been made or purchased with the moneys in the maintenance fund.

(2) No moneys shall be paid out of the maintenance fund without the authority of the managing agent after his appointment.

(3) Subject to the general control and direction of the Commissioner, the managing agent appointed under section 12 shall have all the powers and duties of a developer as regards the management and maintenance of the development.

(4) Without prejudice to the generality of subsection (3), a managing agent appointed by the Commissioner shall have the power —

- (a) to manage the maintenance fund of a development;
- (b) to issue any written demand in the name of the developer to the purchasers of flats in the development for the payment of maintenance charges due from them;
- (c) to receive all charges payable to the developer by purchasers of flats in the development for the maintenance of the common property of the development and to give a valid discharge therefor;
- (d) to receive all charges payable by the developer to the maintenance fund in respect of those flats

which have not been sold for the maintenance of the development and for which temporary occupation licences have been issued by the competent authority;

- (e) to institute proceedings in the name of the developer to recover maintenance charges payable by the purchasers of the flats in the development; and
- (f) to bring any action in his own name to recover moneys due to the maintenance fund from the developer or any other person.

(5) It shall be the duty of a managing agent to pay all moneys received by him in his capacity as managing agent for a development into the maintenance fund of that development.

(6) As soon as practicable after his appointment, but in any case not later than two months after his appointment, a managing agent shall prepare and submit to the Commissioner a statement showing as at the date of his appointment —

- (a) the moneys standing to the credit of the maintenance fund;
- (b) the investments and securities which have been made or purchased with the moneys in the maintenance fund;
- (c) the amounts due and owing by the purchasers of the flats in the development as charges payable for the maintenance of the common property of the development;
- (d) any income derived from the common property of the development which are due to be paid to the maintenance fund; and
- (e) any expenditure incurred for the maintenance for the development which is authorised by section 9 to be paid out of the maintenance fund and which remains unpaid.

(7) A managing agent who contravenes subsection (5) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. [7E

Developer  
not to be  
relieved of  
his obli-  
gations to  
carry out  
repairs, etc.  
26/82.

**14.** The appointment of a managing agent to manage the maintenance fund of a development shall not relieve the developer of his obligation —

- (a) towards the purchasers of the flats in his development to carry out repairs to the common property of the development to make good any defect, shrinkage or other faults in the common property of the development;
- (b) to carry out repairs and varied and additional works to ensure that the development is constructed in accordance with the specifications and plans approved by the competent authority; and
- (c) to carry out repairs and varied and additional works to comply with the requirements of any local or Government authority prior to the issue of the certificate of fitness for the development. [7F

Managing  
agent to  
lodge bond.  
26/82.

**15.** A person shall not act as managing agent for a development unless he has lodged with the Commissioner a bond in the form approved by the Commissioner and for the prescribed amount given by a bank, finance company or insurer and which binds the bank, finance company or insurer to make good any loss caused by the managing agent as a result of his failure duly to account to the purchasers of a development for moneys received or held by him. [7G

Developer  
to pay  
deposit.  
26/82.

**16.—(1)** The developer of a building comprising more than 4 flats, which is a building intended for strata subdivision after its completion, shall deposit in cash with the Commissioner such sum as may be prescribed by the Minister.

(2) The Commissioner may accept in lieu of cash an undertaking from a bank or finance company to pay the full amount or part thereof.

(3) The deposit referred to in subsection (1) shall be paid to the Commissioner prior to the issue of the temporary occupation licence by the competent authority for any flat in the development.

(4) The Commissioner may use the deposit for the purpose of carrying out any work which, in his opinion, is necessary to rectify any defects in the common property of the development.

(5) Where the Commissioner has used the deposit or part thereof for the purpose of carrying out any work referred to in subsection (4), the Commissioner may direct the developer to deposit within 21 days such further sums as the Commissioner may determine in order to ensure that the developer maintains a deposit with the Commissioner of such an amount as may be prescribed by the Minister.

(6) The deposit or the balance thereof shall be refunded to the developer on the expiry of 3 years from the date of the last certificate of fitness issued by the competent authority for any flat in the development.

(7) Any developer who fails to comply with a direction issued by the Commissioner under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

(8) The Minister may exempt any statutory body or any other person from this section.

(9) This section shall apply to any building erected before, on or after 1st December 1982.

[7H 26/82.

17.—(1) Where a developer has paid a deposit to the Commissioner pursuant to rule 6 of the Buildings and Common Property (Maintenance and Management) Rules 1974 at any time prior to 1st December 1982, the deposit shall be deemed to have been paid under section 16 save that subsection (6) of that section shall not apply to the deposit.

Deposit paid under existing rules. S 25/74. 26/82.

(2) The deposit referred to in subsection (1) shall —

(a) in the case of a development to which the Land Titles (Strata) Act applies, be transferred to the management fund of the management corporation constituted under section 30 of the Land

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Titles (Strata) Act, in respect of that development within one year of the date of the first general meeting of the management corporation; and

- (b) in the case of any development to which the Land Titles (Strata) Act does not apply, be refunded to the developer on the expiry of 3 years from the date of the last certificate of fitness issued by the competent authority for any flat in the development. [7I

Purchaser  
who fails  
to pay  
maintenance  
fees.  
26/82.

**18.—**(1) Where fees for the maintenance of the common property of a development are payable by the purchaser of a flat in a development to a developer under the terms of a contract for the sale and purchase of the flat, the purchaser of the flat shall be guilty of an offence if without any reasonable excuse he fails or refuses to pay the maintenance fees within 28 days of the date of receipt of a written demand from the developer and shall be liable on conviction to a fine not exceeding \$5,000 and to a further fine not exceeding \$50 for every day during which the maintenance fees remain unpaid after conviction.

(2) For the purposes of this section, a written demand sent by a developer to a purchaser shall be deemed to have been received by the purchaser of a flat (whether it is actually delivered or not) if it is sent by registered post to the purchaser at his last known address.

(3) Where a managing agent has been appointed by the Commissioner under section 12 to manage and maintain a development, a notice sent by the managing agent shall be deemed to have been sent by the developer. [7J

Liability  
of directors,  
etc.  
26/82.

**19.** Where an offence under this Act or the rules made thereunder is committed by a corporation or other body corporate and the offence is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, chairman, manager, secretary or other officer of the corporation or other body corporate, he, as well as the body corporate, shall be guilty of the offence and shall be liable on conviction to be punished accordingly. [7K

**20.—**(1) Any notice or direction required to be served under this Act may be served by serving a copy — Service of notices and directions.

- (a) personally; or
- (b) by registered post addressed to the last known place of business or residence of the person to be served.

(2) A notice or direction shall be deemed to be properly addressed if addressed by the description of the owner of the premises on whom the notice is to be served without stating his name. [8

**21.—**(1) The Commissioner or any officer appointed under this Act or any person acting under the direction of the Commissioner or that officer may at all reasonable times enter any building, land or premises for the purpose of — Power of entry.

- (a) inspection to determine whether any powers under this Act should be exercised; and
- (b) executing any work required to be executed by the Commissioner in respect of which a notice has been issued under section 4 and there has been a default in complying with that notice.

(2) Any person who obstructs the Commissioner or any officer appointed under this Act or any person acting under the direction of the Commissioner or that officer in the performance of any matter or thing which he is authorised to do by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both. [9

**22.** No action shall lie against the Commissioner or any officer appointed under this Act or any person acting under the direction of the Commissioner or that officer in respect of any matter or thing done bona fide for the purpose of carrying out the provisions of this Act. Protection from liability for bona fide acts. [10

**23.—**(1) The Minister may make rules — Rules.

- (a) prescribing any matter which is required under this Act to be prescribed;

- (b) providing for proper standards of management and maintenance in respect of buildings and common property;
  - (c) providing for the payment of deposits by any person erecting or constructing a building to ensure its proper management or maintenance and for the forfeiture of those deposits; and
  - (d) generally for carrying out the purposes and provisions of this Act.
- (2) Rules made under this section may —
- (a) make different provisions for different types of buildings and common property; and
  - (b) contain such incidental or supplementary provisions as may appear to the Minister to be expedient.