

THE STATUTES OF THE REPUBLIC OF SINGAPORE

HOUSING DEVELOPERS (CONTROL AND LICENSING) ACT
(CHAPTER 130)

1970 Ed. Cap. 250
Act
4 of 1965

Amended by
29 of 1984

REVISED EDITION 1985

Housing Developers (Control and Licensing) Act

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An Act for the licensing and control of housing developers.
[1st October 1965]

PART I

PRELIMINARY

- Short title. **1.** This Act may be cited as the Housing Developers (Control and Licensing) Act.
- Inter-pretation. **2.** In this Act, unless the context otherwise requires —
 “company” means any company incorporated, formed or registered under the provisions of the Companies Act or any corresponding previous written law;
 “Controller” means the Controller of Housing appointed under section 3 (1);
 “develop” means to construct or cause to construct housing accommodation, including any building operations in, on, over or under the land for the purpose of erecting housing accommodation and the sale by a housing developer of land which
- Cap. 50.

would be appurtenant to such housing accommodation;

“housing accommodation” includes a building or tenement wholly or principally constructed, adapted or intended for human habitation or for human habitation and as business premises;

“housing developer” means any —

- (a) person;
- (b) group of persons, whether in partnership or otherwise;
- (c) society, whether a co-operative society or otherwise; or
- (d) company,

who or which engages in or undertakes housing development, but does not include any —

(i) bank which is in possession of a valid licence granted by the Monetary Authority of Singapore under section 4 of the Banking Act; Cap. 19.

(ii) insurance company registered under section 7 of the Insurance Act, Cap. 142.

so long as such bank or insurance company only lends or provides money for housing development;

“housing development” means the business of —

- (a) developing;
- (b) providing the money for developing or for the purchase of,

more than 4 units of housing accommodation; or

- (c) developing and providing the money for the purchase of more than 4 units of housing accommodation resulting from such development;

“inspector” means an inspector appointed under section 3 (2);

“licence” means a licence granted under section 4 (4);

“licensed housing developer” means a housing developer holding a valid licence.

3.—(1) The Minister shall appoint an officer to be styled the Controller of Housing for the purposes of this Act. Minister to appoint Controller and other officers.

(2) The Minister may appoint such number of inspectors and other officers and employees as he thinks necessary for the purposes of this Act.

PART II

LICENSING OF HOUSING DEVELOPERS

Housing development to be carried out only by licensed housing developer.

4.—(1) No housing development shall be carried out or undertaken in Singapore except by a housing developer who or which is in possession of a licence in writing from the Controller authorising it to do so.

(2) A housing developer that desires to carry out or undertake housing development in Singapore may apply to the Controller in the prescribed form for a licence and shall supply —

- (a) if a company, a copy of the memorandum of association and articles of association or other instrument under which the company is incorporated;
- (b) if a group of persons or a partnership, a copy of any agreement between those persons or the partnership agreement, as the case may be;
- (c) if a society, the rules or by-laws of the society;
- (d) a copy of the latest balance-sheet of the partnership, society or company or, in the case of a person or group of persons, the balance-sheet, if any, relating to any housing development undertaken by the person or group of persons; and
- (e) such other information as may be required by the Controller.

(3) Any copy of a memorandum, articles of association, agreement, partnership agreement, rules or by-laws of a society or balance-sheet which is supplied to the Controller under subsection (2) shall be duly verified by a statutory declaration in the case of —

- (a) a company, by a senior officer of the company;
- (b) a partnership, by a partner;
- (c) a society, by the president or the secretary or person holding a position analogous to that of president or secretary; and

(d) a person or group of persons, by that person or by any person in the group of persons.

(4) Upon receiving an application under subsection (2), the Controller may, subject to section 5, grant a licence, with such conditions as may be imposed for carrying out the purposes of this Act or without conditions.

(5) The Controller may at any time vary or revoke any existing conditions of a licence or impose conditions or additional conditions:

Provided that —

(a) the Controller shall, prior to any such action, notify his intention to take such action against the housing developer concerned and shall give the housing developer an opportunity to submit reasons or an explanation in writing why its licence should not be so amended;

(b) any variation of the conditions, or additional conditions imposed, in exercise of the powers under this subsection, shall not have retrospective effect.

(6) Where a licence is subject to conditions, the housing developer concerned shall comply with the conditions of the licence.

(7) Any housing developer that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and shall also be liable to imprisonment for a term not exceeding 5 years.

(8) Any housing developer that fails to comply with any condition of its licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(9) Any housing developer that is aggrieved by a decision of the Controller under —

(a) subsection (4) may, within 10 days of its being notified of the decision, appeal to the High Court in Singapore;

(b) subsection (5) may, within 10 days of its being notified of the decision, appeal to the Minister whose decision shall be final.

Licences not to be granted or valid in certain cases.

5. No application by a housing developer for a licence shall be granted under section 4 (4), in the case of a housing developer that —

- (a) is a company, if its capital issued and paid up in cash is less than \$100,000;
- (b) consists of any person or group of persons or society, without a deposit of \$100,000 in such form as may be determined by the Minister;
- (c) has an undischarged bankrupt in the case of —
 - (i) a company, as director, manager or secretary or in a position analogous to that of a director, manager or secretary;
 - (ii) a society, as president, secretary or treasurer or in a position analogous to that of president, secretary or treasurer; or
 - (iii) a partnership, as partner; or
- (d) consists of a person or group of persons, if the person or any person in the group of persons is an undischarged bankrupt:

Provided that the Minister may in his discretion waive all or any of the conditions set out in paragraph (a) or (b) or substitute for all or any of those conditions such other conditions as he may consider fit.

Restriction on use of words "housing developer" and on use of certain other words.

6.—(1) Except with the consent in writing of the Controller, a person or body of persons, not being a licensed housing developer, shall not assume or use in relation to a business or any part of a business carried on by him or them the words "housing developer" or any of its derivatives or any word indicating the carrying on of housing development.

(2) Any person or body of persons, not being a licensed housing developer, who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

Revocation of licence.

7.—(1) If any licensed housing developer —

- (a) is carrying on its business, in the opinion of the Controller, in a manner detrimental to the interests of its purchasers or to the public;

- (b) has insufficient assets to cover its liabilities;
- (c) is contravening any provisions of this Act or of any rules made thereunder; or
- (d) has ceased to carry on housing development in Singapore,

the Controller may revoke any licence granted to the licensed housing developer:

Provided that the Controller shall, prior to any such revocation, notify his intention to take such action against the licensed housing developer concerned and shall give the licensed housing developer an opportunity to submit reasons or an explanation why its licence should not be revoked.

(2) Where the licence of a housing developer has been revoked under subsection (1), the licensed housing developer may, within 30 days of being notified of the revocation, appeal against the revocation to the Minister whose decision shall be final and shall not be questioned in any court.

PART III

DUTIES OF LICENSED HOUSING DEVELOPERS

8.—(1) A licensed housing developer shall within 4 weeks of the making of any alteration —

Controller
to be advised
of alteration.

- (a) if a company, in the memorandum of association and articles of association or other instrument under which it is incorporated;
- (b) if a society, in the by-laws or rules of the society;
- (c) if a group of persons or partnership, in any agreement,

furnish to the Controller particulars in writing of the alteration.

(2) Any licensed housing developer that fails to comply with the requirements of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for every day during which the default continues.

Licensed housing developer to open and maintain Project Account. 29/84.

9.—(1) Subject to subsection (10), every licensed housing developer shall open and keep an account (referred to in this Act as a Project Account) with a bank or finance company for each building project undertaken by the licensed housing developer.

Cap. 232.

(2) Where a building project has been approved by the competent authority under the Planning Act to be developed in phases, the Controller may, on the application of the licensed housing developer, allow the licensed housing developer to open and keep a Project Account under subsection (1) for each phase of such building project.

(3) The licensed housing developer shall pay into the Project Account of a building project the purchase moneys received by the licensed housing developer from the sale of the units in the building project and which are required by rules made under this Act to be paid into the Project Account.

(4) The licensed housing developer shall not withdraw any money from the Project Account except as authorised by rules made under this Act.

(5) Subject to subsection (6) (b), all moneys in the Project Account shall, notwithstanding any other written law to the contrary, be deemed not to form part of the property of the licensed housing developer in the event —

- (a) the licensed housing developer enters into any composition or arrangement with his creditors or has a receiving order or adjudication order made against him; or
- (b) the licensed housing developer, being a company, goes into voluntary or compulsory liquidation.

(6) Upon the happening of any of the events referred to in subsection (5) —

- (a) the moneys in the Project Account shall vest in the official receiver, trustee in bankruptcy or liquidator, as the case may be, to be applied for all or any of the purposes for which moneys in the Project Account are authorised by rules made under this Act to be withdrawn; and

(b) any money remaining in the Project Account, after all payments have been made pursuant to paragraph (a) and all liabilities and obligations of the licensed housing developer under the sale and purchase agreements in respect of the building project have been fully discharged and fulfilled, shall be held by the official receiver, trustee in bankruptcy or liquidator, as the case may be, as money belonging to the licensed housing developer to be applied in accordance with the law relating to bankruptcy or the winding up of companies.

(7) The Minister may, if he thinks necessary, appoint the Auditor-General or an approved company auditor under the Companies Act to investigate the books, accounts and transactions of a Project Account. Cap. 50.

(8) The licensed housing developer shall pay the Minister all the expenses of and incidental to the investigation referred to in subsection (7).

(9) Any account opened by a licensed housing developer at a bank or finance company for the purpose of depositing purchase moneys received from purchasers in respect of a building project prior to 4th January 1985 shall be deemed to be a Project Account which has been opened pursuant to this section.

(10) This section shall not apply to any building project carried on by —

- (a) a licensed housing developer where all the units in the building project will not be offered for sale and purchase before the completion of the building project;
- (b) a licensed housing developer under any building agreement with the Urban Redevelopment Authority established under the Urban Cap. 340. Redevelopment Authority Act; or
- (c) a licensed housing developer who has furnished to the Controller a banker's guarantee of an amount equivalent to not less than 140% of the total cost of construction of the building project as certified by the architect in charge of the building project.

(11) Any licensed housing developer that contravenes or fails to comply with subsection (1) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

(12) For the purpose of this section —

“building project” means a housing development comprising units to be used for residential purposes or both residential and commercial purposes and includes, for the purposes of subsections (3) to (11), any phase of such housing development where such housing development has been approved by the competent authority under the Planning Act to be developed in phases;

“unit” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels, and is intended for use in accordance with the provisions of any written law as a complete and separate unit for residential or commercial purpose. [8A]

Cap. 232.

Audited
balance-sheet
and profit
and loss
account.

10.—(1) Every licensed housing developer shall within 3 months of the close of its financial year —

(a) forward to the Controller; and

(b) publish in the *Gazette*,

a copy of the last audited balance-sheet and profit and loss account:

Provided that the Controller may, in his discretion, extend the time for compliance with this subsection, but such an extension shall not in any case exceed 3 months.

(2) Any licensed housing developer that fails to comply with any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000. [9]

Statement to
be supplied.

11.—(1) Every licensed housing developer shall send to the Controller not later than 42 days after the last day of each half year ending on 30th June, and 31st December, a statement in the prescribed form.

(2) Any licensed housing developer that fails to comply with any of the requirements set out in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000. [10]

12.—(1) Every licensed housing developer shall inform the Controller of any proposed arrangement or agreement for any sale or disposal of its business relating to housing development by amalgamation or otherwise or of any proposal for reconstruction.

Sale, disposal, etc., of business requires consent of Controller.

(2) The Controller may approve or withhold approval of such arrangement or reconstruction.

(3) Any licensed housing developer that is aggrieved by a decision of the Controller under subsection (2) may, within 14 days of being notified of the decision, appeal to the Minister whose decision shall be final and shall not be questioned in any court.

(4) Any licensed housing developer that fails to comply with subsection (1) shall be guilty of an offence. [11

13.—(1) Every licensed housing developer shall appoint annually an auditor whose duties shall be to make a report upon the annual balance-sheet and accounts of the housing developer. The auditor shall in every such report state in his opinion whether —

Appointment of auditors.

- (a) the balance-sheet is fully and fairly and properly drawn up;
- (b) the balance-sheet exhibits a true and correct statement of the licensed housing developer's affairs; and
- (c) if the auditor has called for explanation or information from the officers or agents of the licensed housing developer, the explanation or information has been satisfactory.

(2) The report of the auditor shall be sent to the Controller within 3 months after the close of the financial year of the housing developer concerned.

(3) Any licensed housing developer that fails to comply with the requirements of subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) If a licensed housing developer fails to appoint an auditor under subsection (1) or at any time fails to fill a vacancy for an auditor, the Minister shall have power to appoint an auditor and shall fix the remuneration to be paid by the licensed housing developer to the auditor.

(5) No person having an interest in the business of a licensed housing developer, as a shareholder or otherwise, and no director, officer, employee or agent of that licensed housing developer shall be eligible for appointment as an auditor for that licensed housing developer. Any person appointed as an auditor to a licensed housing developer, who after such appointment acquires such an interest or becomes a director, officer, employee or agent of that licensed housing developer, shall forthwith cease to be its auditor.

(6) The duties, powers and liabilities imposed and conferred under section 16 in relation to an investigation by the Controller or an inspector of the affairs of a licensed housing developer under section 14 or 15 are hereby imposed and conferred upon auditors appointed under this section. [12]

Controller or inspector may investigate licensed housing developers.

14. The Controller or an inspector may from time to time investigate, under conditions of secrecy, the books, accounts and transactions of each licensed housing developer. [13]

Special investigation of licensed housing developers.

15. The Minister may at any time direct the Controller or any inspector to make an investigation, under conditions of secrecy, of the books, accounts and transactions of a licensed housing developer, if he has reason to believe that a licensed housing developer is carrying on its business in a manner detrimental to the purchasers or other persons dealing with the licensed housing developer or has insufficient assets to cover its liabilities or is contravening any of the provisions of this Act or any regulations made thereunder. [14]

Examination of affairs of licensed housing developer.

16.—(1) The Minister may cause an investigation, under conditions of secrecy, to be made by the Controller or an inspector of the affairs of a licensed housing developer on the application of not less than 5 purchasers.

(2) Such an application shall be supported by such evidence as the Minister may require for the purpose of satisfying himself that the applicants have good reason for requiring an investigation. The Minister may also require the applicants to give such security as he may consider sufficient for the payment of the costs of any investigation. [15]

17.—(1) For the purposes of an investigation under sections 14, 15 and 16, a licensed housing developer shall afford the Controller or an inspector access to its books, accounts and documents and shall give such information and facilities as may be required to conduct the investigation.

Production of books, accounts and documents of licensed housing developer.

(2) Any licensed housing developer that does not, as is required under subsection (1), afford the Controller or an inspector access to its books, accounts and documents or give such information and facilities as may be required to conduct an investigation 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 \$1,000 for every day during which the offence continues after conviction.

(3) For the purposes of an investigation under sections 14, 15 and 16, the Controller and every inspector shall be deemed to be public servants within the meaning of the Penal Code.

[16 Cap. 224.

18.—(1) Where —

(a) a licensed housing developer informs the Controller —

(i) that it considers that it is likely to become unable to meet its obligations; or

(ii) that it is about to suspend building operations;

(b) a licensed housing developer becomes unable to meet its obligations to the purchasers or the public;

(c) after investigation is made under section 14, 15 or 16, the Controller is of the opinion that a licensed housing developer —

(i) is likely to become unable to meet its obligations to the purchasers or the public; or

(ii) is carrying on its business in a manner detrimental to the interests of the purchasers or to the public; or

(d) the licence of a housing developer has been revoked under section 7 (1),

the Minister may, in his discretion, take such action as he may consider necessary in the circumstances.

Action by Minister if licensed housing developer unable to meet obligations or is conducting business to the detriment of purchasers or the public.

(2) Without prejudice to the generality of subsection (1), the Minister may for the purposes of taking action under subsection (1) —

- (a) require the licensed housing developer or housing developer, as the case may be, to take such steps as he may consider necessary to rectify any matter;
- (b) appoint a person to advise the licensed housing developer or housing developer, as the case may be, in the conduct of its business or winding up of its business;
- (c) direct a company or statutory board to assume control and carry on the business of the licensed housing developer or housing developer, as the case may be, upon such terms and conditions as the Minister may determine; or
- (d) direct the licensed housing developer to present a petition to the High Court for the winding up of the business of the licensed housing developer or housing developer, as the case may be. [17

Control of licensed housing developer by company or statutory board.

19.—(1) Where a company or statutory board has assumed control of the business of a licensed housing developer in pursuance of section 18 (2) (c), the company or statutory board shall, subject to subsection (2), remain in control of and continue to carry on the business of the licensed housing developer for such time as the Minister may by order in writing direct.

(2) Where a company or statutory board has assumed control of the business of a licensed housing developer in pursuance of section 18 (2) (c) or ceases to control the business of a licensed housing developer in pursuance of this section, the Controller shall notify that fact in the *Gazette*.

[18

Punishment for failure to comply with directions of Minister.

20. A licensed housing developer or housing developer, as the case may be, that fails to —

- (a) take such steps as may be required by the Minister under section 18 (2) (a);
- (b) act in accordance with the advice given by a person appointed by the Minister under section 18 (2) (b);

- (c) present a petition to the High Court for the winding up of its business in accordance with a direction made by the Minister under section 18 (2) (d),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction. [19

21.—(1) Where a company or statutory board has assumed control of the business of a licensed housing developer in pursuance of section 18 (2) (c), the licensed housing developer shall submit its business to the control of the company or statutory board and shall provide the company or statutory board with such facilities as the Controller may require to carry on the business of that licensed housing developer.

Licensed housing developer under control of company or statutory board to co-operate with company or statutory board and Controller.

(2) Any licensed housing developer that fails to comply with subsection (1) or with any requirement of the Controller thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction. [20

PART IV

POWER TO MAKE RULES AND TO ISSUE DIRECTIONS

22.—(1) The Minister may make rules for or in respect of every purpose which is considered by him necessary for carrying out the provisions of this Act and for the prescribing of any matter which is authorised or required under this Act to be prescribed.

Rules.

(2) Without prejudice to the generality of subsection (1), the Minister may by such rules provide for —

- (a) the regulation of the advertisements of a licensed housing developer;
- (b) the regulation of the use of names of housing estates developed by a licensed housing developer;

- (c) the payments by the purchaser before and during the construction of the house, flat or other accommodation, including —
 - (i) the amount of the maximum initial deposit that may be accepted from a purchaser before an agreement to purchase land or for the construction of a house, flat or other accommodation is signed, or on signing such agreement, and the conditions that shall be satisfied before a licensed housing developer may sign such an agreement with a purchaser;
 - (ii) the stage of construction at which each instalment shall become payable and the percentage in relation to the total cost of the house that shall be payable in respect of such instalment;
 - (iii) the requirements to be fulfilled before a licensed housing developer can require a purchaser to pay an instalment which is due; and
 - (iv) the amount of the purchase price, expressed as a percentage of the total price which the purchaser shall not be required to pay before the certificate of fitness of the Deputy Director (Development and Building Control) of the Public Works Department is issued;
- (d) the form or forms of the contract that shall be used by a licensed housing developer, his agent or nominee and a purchaser as a condition of the grant of a licence under this Act;
- (e) the conditions, which if used in any contract between a licensed housing developer, his agent or nominee and a purchaser, shall be void;
- (f) the fees to be paid on the issue of, and annually for, a licence or a provisional licence and the charges for the purposes of this Act; and
- (g) the regulation of the Project Account including —
 - (i) prescribing moneys which shall be paid into a Project Account; and
 - (ii) prescribing moneys which may be withdrawn from a Project Account and the conditions for such withdrawal.

(3) Such rules —

- (a) may prescribe that any act or omission in contravention of any rules shall be an offence;
- (b) may provide for the imposition of penalties, which shall not exceed a fine of \$5,000 or imprisonment for a term of 3 years or both; and
- (c) may provide that in addition to such fine or imprisonment or fine and imprisonment, the penalty may extend to the cancellation or suspension of a licence.

(4) The Minister may, in lieu of making any rules prescribing the forms which by this Act are required to be or may be prescribed, authorise the Controller to prescribe such forms as the Controller thinks fit.

(5) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [21

23.—(1) The Controller may give directions in writing to a licensed housing developer to ensure compliance with the provisions of this Act or any rules made thereunder. Power to give directions.

(2) Any licensed housing developer that fails to act or omits to act in accordance with the directions of the Controller 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 \$1,000 for every day during which the offence continues after conviction. The licensed housing developer may, in addition to such a punishment, be liable to have its licence cancelled or suspended. [22

PART V

GENERAL

24.—(1) The Government, the Controller, any inspector or any other officer of the Government shall not be subject to any action, claim or demand by or liability to any person in respect of anything done or omitted to be done in good faith in pursuance or in execution or intended execution or in connection with the execution or intended execution of any power conferred upon the Government, the Controller, any inspector or such officer by this Act. Indemnity.

(2) For the purposes of this section, the Minister and any public officer shall be deemed to be an officer of the Government. [23

Individual not eligible to take part in management of business of licensed housing developer.

25.—(1) Without prejudice to anything in any written law relating to companies, co-operative societies, societies or partnerships, any person who is a director, manager or secretary of a licensed housing developer or who holds a position analogous to that of a director, manager or secretary shall cease to hold office —

- (a) if he becomes bankrupt, suspends payment or compounds with his creditors; or
- (b) if he is convicted of an offence involving dishonesty or fraud.

(2) No person who has been a director of, or directly concerned in the management of, the business of a licensed housing developer that has been wound up by a court shall, without the approval in writing of the Minister, act or continue to act as a director of, or be directly concerned in, the management of the business of any licensed housing developer.

(3) Any person who acts in contravention of subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term which shall not be less than 12 months, but which shall not exceed 3 years and shall also be liable to a fine not exceeding \$10,000. [24

Penalty for offences not otherwise provided for.

26. Any licensed housing developer that is guilty of an offence for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000. [25

Offences by companies, etc., and by employees and agents.

27.—(1) Where any offence against any provision of this Act has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager or secretary or held a position analogous to that of a director, manager or secretary or was purporting to act in such a capacity shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances. That

person shall be liable on conviction to imprisonment for a term which shall not be less than 12 months, but which shall not exceed 3 years and shall also be liable to a fine not exceeding \$10,000.

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

Provided that the act, omission, neglect or default was committed by the employee in the course of his employment, or by the agent when acting on behalf of the person, or by the employee of the agent when acting in the course of his employment in such circumstances that had the act, omission, neglect or default been committed by the agent his principal would have been liable under this section.

[26]

28. The Minister may by notification published in the *Gazette* exempt any person, group of persons, society or company or statutory board from all or any of the provisions of this Act. Exemption.

[27]

29. No prosecution in respect of any offence under this Act shall be instituted save by or under the direction of the Public Prosecutor. Fiat of Public Prosecutor.

[28]