



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ESTATE AGENTS ACT 2010

2020 REVISED EDITION

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Estate Agents Act 2010

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An Act to establish an enhanced framework for the regulation of real estate agents and their salespersons and to form a Council for Estate Agencies.

[22 October 2010: Except sections 29, 39, 41 and 44;
1 January 2011: Sections 29, 39, 41 and 44]

PART 1

PRELIMINARY

Short title

1. This Act is the Estate Agents Act 2010.

Scope of application

2. This Act applies to estate agency work in respect of property situated in Singapore and outside Singapore.

Interpretation

3.—(1) In this Act, unless the context otherwise requires —

“advertisement” includes every form of advertisement, whether to the public or not, and whether —

- (a) orally or in writing;
- (b) in printed or electronic form;
- (c) in a newspaper or other publication;
- (d) by television or radio;
- (e) by the display of posters, notices, signs, labels, showcards or goods;
- (f) by the distribution of notices, circulars, brochures, pamphlets, catalogues, price lists or any other material;
- (g) by the exhibition of pictures, models or films; or
- (h) in any other form or manner whatsoever,

and any reference to the issue or publication of advertisements is to be construed accordingly;

“Appeals Board” means the Appeals Board constituted under section 57;

“body corporate” includes a limited liability partnership;

“building” has the meaning given by the Building Control Act 1989;

“business name”, in relation to an estate agent, means the name under which the estate agent is authorised to carry on estate agency work;

“Chairperson” means the Chairperson of the Disciplinary Committee or Appeals Board (as the case may be), and any person acting as such Chairperson;

“client” means any person who, whether on the person’s own behalf or on behalf of another person, retains or otherwise

- uses the services of, or otherwise engages or employs, an estate agent, whether directly or through a salesperson;
- “committee”, in relation to the Council, includes the Disciplinary Panel and any Disciplinary Committee;
- “committee member” means a member of any committee formed by the Council under this Act;
- “company” has the meaning given by section 4(1) of the Companies Act 1967;
- “Council” means the Council for Estate Agencies established under section 6;
- “deputy president” means the deputy president of the Council and any person acting as the deputy president;
- “development” means a development involving the construction of a new building;
- “director” has the meaning given by section 4(1) of the Companies Act 1967;
- “Disciplinary Committee” means a committee appointed under section 51(4);
- “Disciplinary Panel” means the panel appointed under section 51(1);
- “disposition” means an act by a person whereby an interest the person has in or over a property is affected, and “acquisition”, in relation to a property, is to be construed accordingly;
- “estate agency agreement” means one or more written documents embodying the terms agreed for the time being between an estate agent and the estate agent’s client, being terms on and subject to which estate agency work is to be done by the estate agent for the client;
- “estate agency work”, subject to subsection (3), means any work done in the course of business for a client or any work done for or in expectation of any fee (whether or not in the course of business) for a client, being work done —

- (a) in relation to the introduction to the client of a third person who wishes to acquire or dispose of a property, or to the negotiation for the acquisition or disposition of a property by the client; or
- (b) after the introduction to the client of a third person who wishes to acquire or dispose of a property or the negotiation for the acquisition or disposition of a property by the client, in relation to the acquisition or disposition (as the case may be) of the property by the client;

“estate agent”, subject to subsection (3), means a person who does estate agency work, whether or not the person carries on that or any other business;

“estate agent’s licence” means a licence granted under section 33 and designated as being an estate agent’s licence;

“Executive Director” means the chief executive of the Council called the Executive Director, and includes any individual acting in that capacity;

“inspector” means any person appointed under section 45;

“key executive officer” means the person who is required to be appointed by an estate agent under section 38;

“lease” includes a sublease, tenancy and subtenancy and an agreement for a lease where a party to the agreement is entitled to have a lease granted;

“licence” means an estate agent’s licence, and includes a provisional licence, and “licensee” is to be construed accordingly;

“licensed estate agent” means a person who is the holder of an estate agent’s licence;

“moneylender’s licence” means a moneylender’s licence under the Moneylenders Act 2008;

“partner” includes a partner of a limited liability partnership, a general partner of a limited partnership and a limited partner of a limited partnership;

“partnership” includes a limited liability partnership registered under the Limited Liability Partnerships Act 2005 and a limited partnership registered under the Limited Partnerships Act 2008;

“person who is responsible for the management”, in relation to a person or business, includes every director, manager, partner, officer, individual, secretary, agent or employee at any time charged either solely or to a substantial extent with the management of the person or business;

“prescribed” means prescribed by the Council by regulations made under this Act;

“president” means the president of the Council and includes any person acting as the president;

“property” means an interest in land, whether situated in Singapore or elsewhere, that is recognised as such by law, and includes any building or part of a building (whether completed, being constructed or to be constructed), and a future interest in land;

“public accountant” has the meaning given by the Accountants Act 2004;

“purchaser” means any person to whom a property is or is to be disposed of, and includes a prospective tenant;

“register” means the register established and maintained by the Council under section 36;

“registered salesperson” means a person who is registered as a salesperson under section 34;

“registration” means registration as a salesperson under section 34;

“salesperson” means an individual who does estate agency work —

- (a) in the course of his or her employment or engagement (whether under a contract of service or contract for service) by an estate agent; or

(b) as a director or limited liability partner of an estate agent;

“solicitor” means an advocate and solicitor of the Supreme Court of Singapore with a practising certificate in force;

“tenant” includes a subtenant;

“vendor” means any person by whom a property is or is to be disposed of, and includes a prospective landlord;

“Vice-Chairperson” means a Vice-Chairperson of the Appeals Board and any person acting as a Vice-Chairperson.

[5/2018]

(2) For the purposes of this Act, a person is not a “fit and proper person” if the Council, after considering any relevant facts or matters, is of the view that he or she is not such a person, and unless the Council otherwise determines —

(a) an individual is not a “fit and proper person” if he or she —

- (i) has been convicted of an offence involving dishonesty or fraud;
- (ii) has had a judgment entered against him or her in civil proceedings that involve a finding of fraud, dishonesty or breach of fiduciary duties on his or her part;
- (iii) has been convicted of any offence under this Act; or
- (iv) is an undischarged bankrupt or has made a composition or arrangement with his or her creditors; and

(b) a person (other than an individual) is not a “fit and proper person” if —

- (i) the person has been convicted of an offence involving dishonesty or fraud;
- (ii) the person has had a judgment entered against it in civil proceedings that involve a finding of fraud, dishonesty or breach of fiduciary duties on its part;

- (iii) the person has been convicted of any offence under this Act;
 - (iv) any director or partner of the person or any other person who is responsible for the management of the person is not a fit and proper person; or
 - (v) the person is in liquidation or is the subject of a winding up order, or there is a receiver appointed in relation to it, or it has entered into a composition or scheme of arrangement with its creditors.
- (3) To avoid doubt, it is declared that —
- (a) references in this Act to estate agency work are not to be construed as including references to work which relates solely to a survey, to a valuation or to a disposition by way of auction or tender; and
 - (b) references in this Act to an estate agent without qualification are not to be construed as including references to an auctioneer whose function is solely to conduct an auction.

Excluded activities and persons

- 4.—(1) This Act does not apply to anything done —
- (a) by an executor, administrator, trustee, liquidator, receiver, trustee or assignee of a bankrupt for the purposes of or in connection with the performance of his, her or its functions as such;
 - (b) by a solicitor, in the course of practising his or her profession, or by any person employed by the solicitor and acting in furtherance of that course, in introducing to the client, third persons who wish to acquire or dispose of a property (whether for remuneration or otherwise), if the solicitor and any person employed by the solicitor do not perform any other work that falls within the definition of “estate agency work” in section 3;
 - (c) by an appraiser within the meaning of the Appraisers Act 1906 when valuing or appraising property;

- (d) by any person in connection with a mortgage or other charge on property, whether done as regards its creation, transfer, assignment or otherwise;
 - (e) in connection with the publication of advertisements or the dissemination of information by any person who does no other work that falls within the definition of “estate agency work” in section 3;
 - (f) by any person as the vendor or purchaser, or where there is more than one vendor or purchaser, a vendor or purchaser of a property in connection with —
 - (i) where the person is the vendor or a vendor of the property — the disposition of the property; or
 - (ii) where the person is the purchaser or a purchaser of the property — the acquisition of the property;
 - (g) by any person in connection with a property pursuant to instructions received by the person in the course of his or her employment, insofar as such thing would have been within the scope of paragraph (f) if done by his or her employer;
 - (h) by any person in relation to a present, prospective or former employee of the person or of any person by whom he or she also is employed if the thing is done by reason of the employment (whether past, present or future); and
 - (i) by the Government or by any body that is established or constituted by or under a public Act for a public function when acting on behalf of the Government or exercising a public function.
- (2) For the purposes of subsection (1) —
- (a) a reference to a property within the meaning of this section includes a reference to a property which comprises a specified number of undivided shares in any area of land situated in Singapore together with a right to the exclusive possession of a unit or other interest in a development of that area of land where —

- (i) the development of that area of land has been or is to be undertaken by the vendor or, where there is more than one vendor, the vendors of the property as owner of that area of land (whether with other companies or not), or by other company or companies for the vendor or the vendors (as the case may be) pursuant to an agreement, however described, entered into by the vendor or the vendors, as the case may be (whether with other companies or not) for the development of that area of land; and
 - (ii) no assignment or other instrument, other than that in favour of the vendor or, where there is more than one vendor, the vendors of the property, has been executed by way of completion of the sale and purchase of the property as such; and
- (b) a reference to a development agreement within the meaning of this subsection, in relation to a property, is a reference to an agreement, however described, entered into for the development of the area of land mentioned in paragraph (a) in relation to that property.

Exemptions

5.—(1) The Minister may, by order in the *Gazette*, exempt any person or class or description of persons from all or any of the provisions of this Act, subject to any conditions as may be stated in the order.

(2) The Minister may, by order in the *Gazette*, exclude any activity or class or description of activities from all or any of the provisions of this Act relating to estate agency work.

(3) The Council may exempt any person from any prescribed requirements for a licence or registration, subject to any conditions as it may consider appropriate.

PART 2

COUNCIL FOR ESTATE AGENCIES

Establishment and incorporation of Council for Estate Agencies

6. A body called the Council for Estate Agencies is established, which is a body corporate with perpetual succession and is by that name capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering any other acts or things that bodies corporate may lawfully do and suffer.

Common seal

7.—(1) The Council must have a common seal and such seal may be broken, changed, altered or made anew as the Council thinks fit.

(2) All deeds and other documents requiring the seal of the Council must be sealed with the common seal of the Council.

(3) Every instrument to which the common seal is affixed must be signed by any 2 members generally or specially authorised by the Council for the purpose, or by one member and the Executive Director.

(4) The Council may, by resolution or otherwise in writing, appoint any officer of the Council or any other agent either generally or in any particular case to execute or sign on behalf of the Council any agreement or other instrument not under seal in relation to any matter within the powers of the Council.

(5) All courts, judges and persons acting judicially are to take judicial notice of the common seal of the Council affixed to any document and presume that it was duly affixed.

Constitution of Council

8.—(1) The Council consists of the following members:

- (a) a chairperson called the president;
- (b) not less than 5 and not more than 15 such other members as the Minister may determine.

[5/2018]

(2) The Schedule has effect with respect to the Council, its members and its proceedings.

Functions and duties of Council

9.—(1) Subject to the provisions of this Act, the functions and duties of the Council are as follows:

- (a) to administer the licensing and registration regimes under this Act;
- (b) to regulate and control the practice of estate agents and salespersons;
- (c) to promote integrity and competence among estate agents and salespersons and to maintain or enhance their status;
- (d) to administer examinations and a professional development framework for the purposes of licensing and registration under this Act;
- (da) to accredit activities, courses and programmes for continuing professional education for or in respect of estate agents and salespersons;
- (e) to develop codes of practice, ethics and conduct for estate agents and salespersons;
- (f) to conduct investigations and disciplinary proceedings in relation to offences and unsatisfactory conduct or misconduct in relation to estate agency work;
- (g) to develop measures to equip consumers with the necessary knowledge to conduct their property transactions with prudence and diligence;

- (h) to perform such other functions and discharge such other duties as may be conferred on the Council by any written law.

[24/2020]

(2) In addition to the functions and duties imposed under subsection (1), the Council may undertake such other functions and duties (not incompatible with those specified in that subsection) as the Minister may, by order in the *Gazette*, assign to the Council and in so doing —

- (a) the Council is deemed to be fulfilling the purposes of this Act; and
- (b) the provisions of this Act apply to the Council in respect of such functions and duties.

(3) Nothing in this section is to be construed as imposing on the Council, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Powers of Council

10.—(1) Subject to the provisions of this Act, the Council has the power to do anything for the purpose of performing its functions and discharging its duties under this Act or any other written law, or which is incidental or conducive to the performance and discharge of those functions and duties.

- (2) Without limiting subsection (1), the Council may —
 - (a) enter into such contracts as may be necessary or expedient for the purpose of discharging the functions and duties of the Council;
 - (b) acquire or dispose of, in accordance with the provisions of this Act, any property, whether movable or immovable, which the Council thinks necessary or expedient for the purpose of carrying out its functions or duties;
 - (c) charge fees for licensing and registration and for any services rendered by the Council or for the use of any facilities of the Council;

- (d) receive grants or contributions from any source, or raise funds by all lawful means and apply such funds for any of the functions and duties of the Council;
- (e) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers and employees of the Council and members of their families;
- (f) lease, let or otherwise utilise any property, movable or immovable, vested in or acquired by the Council on such terms and conditions as the Council thinks fit; and
- (g) do anything incidental to any of its functions, duties or powers.

(3) This section is not to be construed as limiting any power of the Council conferred by or under any other written law.

(4) The Council must provide the Minister information with respect to its property and activities in such manner and at such times as the Minister may require.

Directions by Minister

11. The Minister may give to the Council any direction under section 5 of the Public Sector (Governance) Act 2018.

[5/2018]

Appointment of committees and delegation

12.—(1) The Council may appoint from among its own members or from other persons any number of committees that it thinks fit for purposes which, in the opinion of the Council, would be more expediently carried out or managed by means of those committees.

(2) Where a committee is established, the Council must appoint a person to be the chairperson of that committee.

(3) The Council may alter or discharge any committee appointed under subsection (1), and define or vary the terms of reference of the committee.

(4) Subject to the provisions of this Act and to the control of the Council, each committee appointed under subsection (1) may regulate its procedure in such manner as the committee thinks fit.

(5) The Council may, subject to any conditions or restrictions that it thinks fit, delegate —

(a) to any of its members, including the president;

(b) to its Executive Director, or any of its officers or employees; or

(c) to any committee appointed under subsection (1),

any of its functions, duties or powers under this Act or any other written law.

[5/2018]

(6) Any function, duty or power delegated under subsection (5) to any committee or person may be performed or exercised by the committee or person in the name of, and on behalf of, the Council.

Executive Director, officers and employees, etc.

13.—(1) There must be an Executive Director of the Council, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Council may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Executive Director during any period, or during all periods, when the Executive Director —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

[5/2018]

(3) The Council may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

[5/2018]

Preservation of secrecy

14.—(1) Except for the purpose of the performance of his or her functions or the discharge of his or her duties or when lawfully required to do so by any court or where required or allowed by the provisions of any written law, a person who is or has been —

- (a) a member, an officer, an employee, a consultant or an agent of the Council;
- (b) a committee member;
- (c) a member of the Disciplinary Panel; or
- (d) a member of the Appeals Board,

must not disclose any information relating to the affairs of the Council or any other person which has been obtained by him or her in the performance of his or her functions or the discharge of his or her duties under this Act.

[5/2018]

(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 or to imprisonment for a term not exceeding 6 months or to both.

Protection from liability

15.—(1) No liability lies personally against any member, officer, employee or committee member of the Council or other person acting under the direction of the Council for anything which is done or omitted to be done in good faith and with reasonable care in the execution or purported execution of this Act.

[24/2020]

(2) Where the Council provides a service to the public whereby information is supplied to the public pursuant to any written law, neither the Council nor any of its members, officers, employees or committee members involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith, with reasonable care

and in the ordinary course of the discharge of the duties of the Council or such member, officer, employee or committee member.

[24/2020]

16. [Repealed by Act 5 of 2018]

Financial year

17. The financial year of the Council begins on 1 April of each year and end on 31 March of the succeeding year.

Minister's approval of estimates

18.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Council, be sent without delay to the Minister.

[5/2018]

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

[5/2018]

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Council, and the Council is bound by the Minister's decision.

[5/2018]

(4) However, the Council may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

[5/2018]

Moneys recovered or collected by Council

19.—(1) Subject to subsection (2), all moneys recovered by the Council, and fees and charges collected under this Act must be paid into and form part of the moneys of the Council.

(2) All composition sums and financial penalties collected under this Act must be paid into the Consolidated Fund.

Grants

20. For the purpose of enabling the Council to perform its functions and discharge its duties under this Act or any other written law, the Minister may make grants to the Council of such sums of money as

the Minister may determine, out of moneys to be provided by Parliament.

Power to borrow

21.—(1) For the performance of its functions or discharge of its duties under this Act or any other written law, the Council may raise loans from the Government or, with the approval of the Minister, raise loans within or outside Singapore from such source as the Minister may direct by —

- (a) mortgage, overdraft or other means, with or without security;
- (b) charge, whether legal or equitable, on any property vested in the Council or on any other revenue receivable by the Council under this Act or any other written law; or
- (c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.

(2) For the purposes of this section, the power to raise loans includes the power to make any financial agreement whereby credit facilities are granted to the Council for the purchase of goods, materials or things.

Issue of shares, etc.

22. As a consequence of —

- (a) the vesting of any property, rights or liabilities of the Government in the Council under this Act; or
- (b) any capital injection or other investment by the Government in the Council in accordance with any written law,

the Council must issue such shares or other securities to the Minister for Finance as that Minister may direct.

Bank accounts

23.—(1) The Council must open and maintain one or more accounts with any bank or banks that the Council thinks fit.

(2) Every such account must be operated by such person authorised to do so by the Council.

Application of moneys

24. The moneys of the Council must be applied only in payment or discharge of the expenses, obligations and liabilities of the Council and in making any payment that the Council is authorised or required to make.

Investment power

25. The Council may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

26. [*Repealed by Act 5 of 2018*]

27. [*Repealed by Act 5 of 2018*]

PART 3

LICENSING OF ESTATE AGENTS AND REGISTRATION OF SALESPERSONS

Estate agents to be licensed

28.—(1) Subject to this Act, a person must not —

- (a) exercise or carry on or advertise, notify or state that he or she exercises or carries on, or is willing to exercise or carry on, the business of doing estate agency work as an estate agent;
- (b) act as an estate agent; or
- (c) in any way hold himself or herself out to the public as being ready to undertake, whether or not for payment or other remuneration (whether monetary or otherwise), estate agency work as an estate agent,

unless he or she is a licensed estate agent.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$75,000, or to imprisonment for a term not exceeding 3 years or to both, and in the case of a continuing offence, to a further fine not exceeding \$7,500 for every day or part of a day during which the offence continues after conviction.

(3) No fee, commission or reward in relation to anything done by a person in respect of an offence under this section is recoverable in any action, suit or matter by any person.

Salespersons to be registered

29.—(1) Subject to this Act —

(a) a person must not be or act as a salesperson for any licensed estate agent, nor hold himself or herself out to the public as being a salesperson unless he or she is a registered salesperson; and

(b) a person must not accept employment or an appointment as a salesperson from, nor act as a salesperson for, any other person who is required by this Act to hold, but is not the holder of, an estate agent's licence.

(2) Subsection (1) is not to be construed as —

(a) requiring any registered salesperson, by reason only of the fact that he or she does estate agency work solely as a salesperson, to hold an estate agent's licence; or

(b) requiring any licensed estate agent to be registered as a salesperson.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) No fee, commission or reward in relation to anything done by a person in respect of an offence under this section is recoverable in any action, suit or matter by any person.

Eligibility of individuals to hold estate agent's licence

30. Subject to the provisions of this Act, an individual is not eligible to be granted or to hold or continue to hold an estate agent's licence unless —

- (a) the individual has attained 21 years of age or such other age which is for the time being prescribed for the purposes of this section;
- (b) the individual satisfies the Council that —
 - (i) the individual has such qualifications, passed such courses of instruction or examinations and has such practical experience as may be prescribed; or
 - (ii) the individual is otherwise qualified by having such training or practical experience as the Council may approve;
- (c) the individual is not a salesperson of any other licensed estate agent;
- (d) the individual does not hold and is not an employee, a director or a partner of a person who holds a moneylender's licence;
- (e) the individual complies with such other requirements as are prescribed for the time being which apply to him or her; and
- (f) the Council otherwise considers the individual a fit and proper person to hold an estate agent's licence.

Eligibility of other persons to hold estate agent's licence

31. Subject to the provisions of this Act, no person (other than an individual) is eligible to be granted or to hold or continue to hold an estate agent's licence unless —

- (a) the person has a key executive officer who satisfies the requirements of this Act;
- (b) the key executive officer and each of the person's directors or partners for the time being is a fit and proper person;

- (c) the person does not hold a moneylender's licence;
- (d) none of the person's directors or partners for the time being holds a moneylender's licence;
- (e) none of the person's directors or partners for the time being is an employee, a director or a partner of a person who holds a moneylender's licence;
- (f) the Council is satisfied that the person complies with such other prescribed requirements which apply to the person; and
- (g) the Council otherwise considers the person to be a fit and proper person to hold an estate agent's licence.

Eligibility to be registered salesperson

- 32.**—(1) Only a natural person may be registered as a salesperson.
- (2) An individual is not eligible to be or to remain registered as a salesperson unless —
- (a) the individual has attained 21 years of age or such other age which is for the time being prescribed for the purposes of this subsection;
 - (b) the individual satisfies the Council that he or she —
 - (i) is or will be employed by a licensed estate agent as a salesperson and he or she does not hold a licence as any other estate agent;
 - (ii) has the prescribed educational qualifications or experience;
 - (iii) does not hold and is not an employee, a director or a partner of a person who holds a moneylender's licence; and
 - (iv) complies with such other prescribed requirements including continuing education which apply to him or her; and
 - (c) the Council otherwise considers the individual a fit and proper person to be registered as a salesperson.

Additional grounds for refusal of licence or registration, etc.

32A.—(1) In addition to sections 30 and 31, the Council —

- (a) may refuse to grant an application for or to renew an estate agent's licence made under section 33 if the estate agent had been ordered to pay a financial penalty under section 49(6)(a), 52(3) or 66(3)(a), and the financial penalty has not been paid at the time of the application; and
- (b) may refuse to grant an application to renew an estate agent's licence made under section 33 if —
 - (i) in the case of an estate agent that is an individual — the estate agent has not satisfied the CPE requirements;
 - (ii) in the case of an estate agent that is a partnership — the key executive officer of the estate agent, or any partner of the estate agent performing or intending to perform estate agency work, has not satisfied the CPE requirements; or
 - (iii) in the case of an estate agent that is a body corporate (other than a limited liability partnership) — the key executive officer of the estate agent, or any director of the estate agent performing or intending to perform estate agency work, has not satisfied the CPE requirements.

[24/2020]

(2) In addition to section 32, the Council —

- (a) may refuse to register or renew the registration of an individual as a salesperson if the individual had been ordered to pay a financial penalty under section 49(6)(a), 52(3) or 66(3)(a), and the financial penalty has not been paid at the time of the application for registration or renewal; and
- (b) may refuse to renew the registration of an individual as a salesperson if the individual has not satisfied the CPE requirements.

[24/2020]

(3) In this section, “CPE requirements” means the prescribed requirements relating to continuing professional education for and in respect of estate agents (including persons who are responsible for the management of estate agents) and salespersons, including the completion of accredited activities, courses and programmes.

[24/2020]

Applications for estate agent’s licence

33.—(1) An application for or to renew an estate agent’s licence must be made to the Council in such form and manner and with such information or evidence as the Council may require, and must be accompanied by the prescribed fee.

(2) The Council must consider every application for or to renew a licence that is made in accordance with subsection (1), and may grant or renew the licence, with or without conditions, or refuse to grant or renew the licence.

(3) Any licence granted under this Act is not transferable.

(4) The Council may require an applicant to provide it with such additional information or documents as it considers necessary in relation to the application before considering the application.

(5) The Council may, before granting or renewing any licence, require the applicant to furnish such security as may be prescribed.

(6) Any person who, in any application for the grant or renewal of a licence for the person or any other person, submits false documents or makes a statement which is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

Applications for registration of salespersons

34.—(1) An application for registration or the renewal of registration as a salesperson must be made to the Council in such form and manner and with such information or evidence as the Council may require, and must be accompanied by the prescribed fee.

(2) An application under subsection (1) must be made through and with the support of the licensed estate agent that the salesperson is to act for, and must be accompanied by a certification by the licensed estate agent that the salesperson meets such requirements for registration under this Act as may be specified in the forms provided under subsection (1).

(3) The Council may require the applicant or the licensed estate agent to provide it with such additional information or documents as it considers necessary in relation to the application before considering the application.

(4) An application is deemed withdrawn with effect from the date on which the person who supported the application withdraws his or her support in writing.

(5) The Council must consider every application for registration or renewal of registration that is made in accordance with the requirements of this section, and may register or renew registration with or without conditions, or refuse to register or renew registration.

(6) Any registration under this Act is not transferable and is subject to the applicant continuing to be a salesperson for the licensed estate agent that he or she is registered through.

(7) Any person who, in any application for registration or renewal of registration for the person or any other person, submits false documents or makes a statement which is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

Duration of licence and registration

35. Subject to the provisions of this Act —

- (a) an estate agent's licence is for such period not exceeding 3 years as the Council may decide; and
- (b) the registration of a salesperson is for such period not exceeding 3 years as the Council may decide.

Continuation of licence or registration, etc.

35A.—(1) If disciplinary proceedings against a licensed estate agent (*A*) are pending immediately before the date on which *A*'s licence lapses, *A* is treated as a licensed estate agent from and including the date on which the licence lapses until the date the disciplinary proceedings are concluded, but only for the purposes of Part 5.

[24/2020]

(2) If disciplinary proceedings against a registered salesperson (*B*) are pending immediately before the date on which *B*'s registration lapses, *B* is treated as a registered salesperson from and including the date on which the registration lapses until the date the disciplinary proceedings are concluded, but only for the purposes of Part 5.

[24/2020]

(3) This section applies to any licensed estate agent or registered salesperson against whom disciplinary proceedings are pending, whether before, on or after 30 July 2021.

[24/2020]

(4) In this section —

- (a) disciplinary proceedings are pending from and including the time that the disciplinary proceedings commence until the time that the disciplinary proceedings are concluded;
- (b) disciplinary proceedings commence when —
 - (i) the Council receives a complaint under section 49(1); or
 - (ii) the Council receives any information under section 49(2); and
- (c) disciplinary proceedings are concluded when —
 - (i) if the Council decides not to refer the matter to a Disciplinary Committee under section 49(11) after disciplinary proceedings have commenced —
 - (A) the Council decides not to exercise any power under section 49(6);

- (B) the Council exercises any power under section 49(6) and no appeal is lodged against the decision under section 59(1) within the time for lodging the appeal under section 59(2); or
 - (C) the Council exercises any power under section 49(6), an appeal is lodged against the decision under section 59(1) and —
 - (CA) the appeal is withdrawn;
 - (CB) the Appeals Board confirms, sets aside or modifies the Council's decision under section 59(5)(a); or
 - (CC) the Council confirms, sets aside or modifies its decision upon a review required by the Appeals Board under section 59(5)(b); or
- (ii) if the Council refers the matter to a Disciplinary Committee under section 49(11) after disciplinary proceedings have commenced —
- (A) the Disciplinary Committee determines, under section 52(1)(a), that there is no sufficient cause for disciplinary action against the person under investigation;
 - (B) the Disciplinary Committee exercises any power under section 52(3), (4), (5) or (6), and no appeal is lodged against the decision under section 59(1) within the time for lodging the appeal under section 59(2); or
 - (C) the Disciplinary Committee exercises any power under section 52(3), (4), (5) or (6), an appeal is lodged against the decision under section 59(1) and —
 - (CA) the appeal is withdrawn;

(CB) the Appeals Board confirms, sets aside or modifies the Disciplinary Committee's decision under section 59(5)(a); or

(CC) the Disciplinary Committee confirms, sets aside or modifies its decision upon a review required by the Appeals Board under section 59(5)(b).

[24/2020]

Register and search of register

36.—(1) The Council must establish and maintain a register for the purposes of this Act in such form as the Council may decide.

(2) The register must contain —

(a) the following particulars as regards every licence granted under this Act:

(i) the name of the person to whom the licence was granted;

(ii) the period or periods for which the licence was granted, including the period or periods (if any) for which the licence was renewed;

(iii) if the licence is suspended, the period during which it is suspended; and

(iv) if the licence is revoked, the date of revocation;

(b) the following particulars as regards every salesperson registered under this Act:

(i) the name of the salesperson;

(ii) the name of the estate agent that the salesperson acts for and is registered through;

(iii) the period or periods of registration;

(iv) if the registration is suspended, the period during which it is suspended; and

(v) if the registration is revoked, the date of revocation;
and

(c) such other particulars as may be prescribed.

(3) Subject to the provisions of this Act, the Council may, in such form or manner and for such time as it considers appropriate, include in the register information relating to all or any of the following:

(a) the estate agents that a salesperson had acted for in the past;

(aa) the prescribed particulars of any property transaction completed by any client of any licensed estate agent, within the meaning of section 43A(5);

(b) the lapsing, revocation or suspension of any licence or registration under this Act;

(ba) the censure of any person under section 49(6)(b) or 66(3)(b);

(c) the reprimand of any person under this Act;

(d) the conviction of any person for any offence under this Act;

(e) any action as may have been taken by the Council or a Disciplinary Committee against any person under this Act;

(f) any other information in respect of estate agents and salespersons as the Council may consider necessary or expedient to publish in the public interest.

[24/2020]

(4) The Council may at any time publish such information from the register maintained under subsection (1) as it considers appropriate.

(5) The Council must make the register available for public search or inspection, in such manner and at such reasonable time as the Council may determine, on payment of the prescribed fee, if any.

(6) A document signed by the Executive Director and certified by him or her as being a true copy of or an extract from any part of the register is, until the contrary is proved, evidence of the particulars entered in the part of the register to which the document so signed and certified relates.

(7) It is not necessary in legal proceedings either to prove a signature on a document mentioned in subsection (6) or to prove that such a signature is that of the person holding the office of Executive Director on the date of the document.

(8) Where a person applies to the Council for a copy of or an extract from any part of the register to be signed and certified as described in subsection (6), the Council must provide the person with the copy or extract applied for on payment of the prescribed fee, if any.

PART 4

DUTIES AND LIABILITY

Registered address

37.—(1) Subject to subsection (5), every licensee must have an address in Singapore (called in this section the registered address) to which all communications and all notices under this Act may be sent.

(2) The registered address must be stated in every application for the grant or renewal of a licence.

(3) Where an address ceases to be the registered address of a licensee, the licensee must within a period of 14 days starting on the date of the cessation, notify the Council in writing of another address to which all communications and notices may be sent.

(4) Where the Council receives a notification under subsection (3), it must cause the address mentioned in the notification to be entered appropriately in the register and thereupon that address is the registered address of the licensee by whom or on whose behalf the notification was sent to the Council.

(5) In the case of a company within the meaning of the Companies Act 1967, the registered office for the time being of the company is the registered address of the company for the purposes of subsection (1).

(6) A licensee who fails to comply with subsection (3) shall be guilty of an offence.

Appointment and duties of key executive officer

38.—(1) An estate agent must appoint a key executive officer and must ensure that the key executive officer is responsible for the proper administration and overall management of the business of the estate agent, and the supervision of its salespersons.

(2) No person may be appointed under subsection (1) or continue to be appointed as such unless he or she —

(a) is not a salesperson or key executive officer of any other licensed estate agent and he or she does not hold a licence as any other estate agent; and

(b) does not hold and is not an employee, a director or a partner of a person who holds a moneylender's licence.

(3) A key executive officer must possess such qualifications and satisfy such requirements as may be prescribed.

(4) A key executive officer must carry out the duties mentioned in subsection (1) and must be contactable by the Council and salespersons of the estate agent at all reasonable times.

(5) If a vacancy occurs in the post of key executive officer by reason of the death, resignation or revocation of appointment of the key executive officer, the estate agent must —

(a) within one week of the key executive officer ceasing to carry out his or her duties — notify the Council of that fact; and

(b) within one month of the key executive officer ceasing to carry out his or her duties — appoint another key executive officer in accordance with subsection (1).

Appointment of salespersons

39.—(1) An estate agent must not appoint, associate with, employ or continue to employ as a salesperson any person who for the time being is not a registered salesperson.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months or to

both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction for each salesperson appointed, associated or employed in contravention of subsection (1), as the case may be.

Salesperson to act for one estate agent at any one time

40.—(1) A salesperson may not be registered to act as a salesperson for more than one estate agent at any one time.

(2) A salesperson must not at any one time act as a salesperson for more than one estate agent.

(3) Any salesperson who makes any false representation (whether verbally or in writing or by conduct) to any person to the effect that the salesperson is employed by or authorised to act as a salesperson for any specified estate agent shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Salesperson to operate under written agreement with estate agent

41.—(1) A licensed estate agent must not cause or permit a salesperson to carry out estate agency work for the licensed estate agent unless an agreement in writing between that estate agent and the salesperson authorises the salesperson to carry out estate agency work for that estate agent.

(2) A salesperson must not perform or hold himself or herself out as entitled to perform estate agency work for a licensed estate agent unless an agreement in writing between that estate agent and the salesperson authorises the salesperson to carry out estate agency work for that estate agent.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

Codes of practice, ethics and conduct

42.—(1) The Council may prescribe or issue and publish one or more codes of practice, ethics and conduct under whatever name for estate agents or salespersons or for both estate agents and salespersons.

(2) A failure to observe a provision of any code that is prescribed or issued and published under subsection (1) may render the estate agent, the salesperson or both the estate agent and salesperson liable to disciplinary action.

Notice of certain events

43.—(1) Where a licensee ceases to be engaged in estate agency work, the licensee must, before the end of a period of 31 days starting on the date of the cessation, notify the Council in writing thereof.

(2) Where a licensed estate agent ceases to appoint, associate with or employ a person as a salesperson, the licensed estate agent must, before the end of a period of 7 days (or such other period prescribed) notify the Council in a manner prescribed of the cessation.

(3) Where a company is a licensed estate agent and —

- (a) a person is appointed as a director of the company; or
- (b) a person ceases to be such a director,

the company must, before the end of a period of 7 days (or such other period prescribed) starting on the date of the appointment or, where appropriate, the cessation, notify the Council in a manner prescribed of the appointment or cessation.

(4) Where —

- (a) a licensed estate agent —
 - (i) becomes a member of a partnership; or
 - (ii) ceases to be a member of a partnership; and
- (b) the partnership does, or it is proposed that it will do, estate agency work,

the licensed estate agent must, before the end of a period of 7 days (or such other period prescribed) starting on the date of his or her so

becoming or ceasing to be such a member, notify the Council in a manner prescribed thereof.

(5) In addition to notification of the matters contained in subsections (1), (2), (3) and (4), a notice for the purposes of any of those subsections must contain such additional particulars (if any) as are prescribed for the time being for the purposes of this section which must be verified in such manner as may be prescribed.

(6) A licensee who fails to comply with subsection (1), (2), (3), (4) or (5) shall be guilty of an offence.

Keeping and submission of reports and documents relating to transaction record of licensed estate agents

43A.—(1) The Council may, by written notice, require a licensed estate agent or a registered salesperson of a licensed estate agent to keep and submit to the Council a report containing the prescribed particulars of each property transaction completed by each client of the licensed estate agent and any supporting document.

[24/2020]

(2) The report or document mentioned in subsection (1) must be submitted in the form and manner, and at the frequency and within the period, specified by the Council.

[24/2020]

(3) Any licensed estate agent or registered salesperson who, without reasonable excuse, fails to submit a report or document required under subsection (1) in accordance with the specifications under subsection (2) shall be guilty of an offence.

[24/2020]

(4) Any licensed estate agent or registered salesperson who, in compliance or purported compliance with subsection (1), submits to the Council a report or document containing any information which the licensed estate agent or registered salesperson (as the case may be) knows is false or misleading shall be guilty of an offence.

[24/2020]

(5) For the purposes of this section, a property transaction is completed by a client of a licensed estate agent when, as a result of estate agency work done for the client (whether by the licensed estate agent or by a registered salesperson of the licensed estate agent), the

client enters into any agreement for the acquisition or disposition of property, including —

- (a) an option to purchase;
- (b) a sale and purchase agreement;
- (c) a tenancy agreement; and
- (d) a lease.

[24/2020]

Estate agency agreement required as regards certain proposals and undertakings

44.—(1) Subject to subsection (4), where an estate agent proposes or undertakes (whether or not for a commission or other fee) to perform estate agency work for a client, whether as regards a particular property or not, a right or other cause of action whereby agreed sums, damages or any other relief or remedy may be recovered or obtained in legal proceedings as regards the proposal or undertaking shall lie at the suit of the estate agent if, and only if —

- (a) an estate agency agreement embodying the terms of the proposal or undertaking, being an agreement between the estate agent and the client which is in the form prescribed and which contains such particulars (if any) in respect of the proposal or undertaking as are prescribed for the purposes of this section has been entered into and, in the case of a written document, properly executed; and
- (b) the estate agent was a licensed estate agent at the time when the estate agency agreement was so entered into and executed.

(2) Subject to subsection (4), where an estate agent makes a proposal or gives an undertaking to perform estate agency work for a client as described in subsection (1), the agent is entitled to recover from, or to require the payment by any other person of, any amount in respect of any outgoing paid or payable by the agent as regards any acquisition or disposition of any property to which the proposal or undertaking relates if, and only if —

- (a) an estate agency agreement between the estate agent and the client which is in the prescribed form and contains, in respect of the proposal or undertaking, such particulars (if any) as are prescribed for the purposes of this section has been entered into and, in the case of a written document, properly executed;
 - (b) the estate agency agreement expressly provides for such recovery or reimbursement; and
 - (c) the estate agent was a licensed estate agent at the time when the estate agency agreement was so entered into and executed.
- (3) A right or other cause of action described in subsection (1) shall not lie at the suit of any person other than the estate agent within the meaning of this section by reason only of anything contained in this section.
- (4) Regulations made under section 72 may exclude any class or description of estate agency work from the operation of subsections (1) and (2).

PART 4A

PREVENTION OF MONEY LAUNDERING AND FINANCING OF TERRORISM

Application of this Part

44A.—(1) This Part relates to the measures, consistent with standards set by the intergovernmental body known as the Financial Action Task Force, that a licensed estate agent or a registered salesperson must take when doing any estate agency work in relation to an acquisition or a disposition of a property, to prevent the acquisition or disposition of the property from being used to facilitate money laundering, the financing of terrorism or both.

[24/2020]

(2) This Part applies to all licensed estate agents and registered salespersons.

[24/2020]

Customer due diligence measures

44B.—(1) A licensed estate agent must perform the prescribed customer due diligence measures in any of the following circumstances:

- (a) when doing any estate agency work for a client;
- (b) where the licensed estate agent has reason to suspect money laundering or terrorism financing;
- (c) where the licensed estate agent has reason to doubt the veracity or adequacy of information obtained from earlier customer due diligence measures;
- (d) under circumstances prescribed for the purposes of this section.

[24/2020]

(2) A registered salesperson must perform the prescribed customer due diligence measures in any of the following circumstances:

- (a) when doing any estate agency work for a client;
- (b) where the registered salesperson has reason to suspect money laundering or terrorism financing;
- (c) where the registered salesperson has reason to doubt the veracity or adequacy of information obtained from earlier customer due diligence measures;
- (d) under circumstances prescribed for the purposes of this section.

[24/2020]

Keeping of records

44C.—(1) A licensed estate agent must keep the following documents and information for such period as may be prescribed:

- (a) a record of all estate agency work for which the customer due diligence measures mentioned in section 44B(1) or (2) must be performed, containing such particulars as may be prescribed;
- (b) a record of all information relating to a client that is kept or obtained by the licensed estate agent, or by a registered

salesperson of the licensed estate agent, through the customer due diligence measures performed under section 44B(1) or (2);

- (c) each supporting document relied on in support of any information referred to in paragraphs (a) and (b);
- (d) such other document and information as may be prescribed.

[24/2020]

(2) A licensed estate agent must keep the documents and information mentioned in subsection (1) in such form and manner as may be prescribed.

[24/2020]

(3) A licensed estate agent must make the documents and information mentioned in subsection (1) available upon request to the Council in the manner prescribed.

[24/2020]

Disclosure of suspicious transactions

44D. A licensed estate agent or a registered salesperson must, if circumstances exist that require the licensed estate agent or registered salesperson to do so, make a disclosure under section 45(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992.

[24/2020]

Contravention of this Part

44E. A licensed estate agent or a registered salesperson who contravenes this Part is liable to disciplinary action.

[24/2020]

PART 5

INSPECTION, ENFORCEMENT,
DISCIPLINE AND OFFENCES**Interpretation of this Part**

44F. In this Part, unless the context otherwise requires —

“computer” and “computer output” have the meanings given by section 2(1) of the Computer Misuse Act 1993;

“document” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means;
- (d) any disc, tape, soundtrack or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it;
- (e) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and
- (f) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them;

“writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

[24/2020]

Appointment of inspectors

45.—(1) The Council may appoint any of its officers or employees to be an inspector for the purposes of this Act.

(2) The Council must provide every inspector with an identification card that identifies him or her as an inspector.

(3) Every inspector must, when exercising any power under this Act, on demand produce his or her identification card to the person affected by the exercise of that power.

Powers to inspect and require persons to provide documents and information, etc.

46.—(1) An inspector may, for the purpose of ascertaining whether this Act has been or is being complied with or any investigation under this Act, do all or any of the following:

- (a) enter and inspect any premises under the possession or control of any licensed estate agent to —
 - (i) inspect any document, computer, computer program, computer software or computer output on the premises that may relate to compliance with or any investigation under this Act;
 - (ii) without payment, make copies of or take extracts from any such document, computer, computer program, computer software or computer output;
 - (iii) without payment, take possession of any such document, computer, computer program, computer software or computer output where, in the opinion of the inspector —
 - (A) the inspection, copying of or extraction from any part of such document, computer, computer program, computer software or computer output cannot reasonably be performed without taking possession;
 - (B) such document, computer, computer program, computer software or computer output may be

interfered with or destroyed unless possession is taken; or

- (C) such document, computer, computer program, computer software or computer output may be required as evidence in proceedings instituted or commenced for any of the purposes of, or in connection with, this Act;
 - (iv) take onto the premises any equipment and materials that the inspector requires for the purpose of exercising any power under this section;
 - (v) operate any electronic equipment on the premises, including —
 - (A) using a disc, tape or other storage device that is on the premises and that can be used with the equipment or in association with the equipment;
 - (B) operating electronic equipment on the premises to put any relevant data in documentary form and remove the documents so produced from the premises; and
 - (C) operating electronic equipment on the premises to transfer any relevant data to a disc, tape or other storage device that is brought onto the premises for the purpose of exercising any power under this section and to remove the disc, tape or other storage device from the premises; and
 - (vi) do anything that is necessary or expedient to carry out the inspection;
- (b) require, by written notice, any person who, from any information given to or otherwise obtained by the inspector, appears to be acquainted with the facts or circumstances of the case, to attend personally before the inspector, at a time and place specified in the notice;

- (c) examine orally any person reasonably believed to be acquainted with the facts or circumstances of the case or with such other matter as the inspector may specify, and reduce into writing the answer given or statement made by that person;
- (d) require any person to provide the inspector, in the form and manner specified by the inspector, with any information or any document, computer, computer program, computer software or computer output in the possession, or under the custody or control, of the person.

[24/2020]

(2) The person mentioned in subsection (1)(c) is bound to state truly the facts or circumstances with which the person is acquainted, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

[24/2020]

(3) A statement made by the person mentioned in subsection (1)(c) must be read over to the person and must, after correction (if necessary), be signed by the person.

[24/2020]

(4) The power of an inspector to require a person to provide any document, computer, computer program, computer software or computer output under subsection (1)(d) includes the power to —

- (a) without payment, inspect, copy or take extracts from the document, computer, computer program, computer software or computer output; and
- (b) where the person is a licensed estate agent, a key executive officer, a director, a partner or an employee of a licensed estate agent, or a registered salesperson, or where the inspector has reasonable grounds for believing that an offence under this Act has been committed — without payment, take possession of the document where, in the opinion of the inspector —
 - (i) the inspection, copying of or extraction from any part of the document cannot reasonably be performed without taking possession;

- (ii) the document may be interfered with or destroyed unless possession is taken; or
- (iii) the document may be required as evidence in proceedings instituted or commenced for any of the purposes of, or in connection with, this Act.

[24/2020]

Additional powers to investigate offences

47.—(1) In addition to the powers conferred on an inspector by this Act, an inspector who has reasonable grounds for believing that an offence under this Act has been committed may —

- (a) at reasonable hours, enter any premises (whether or not in the possession or control of a licensed estate agent) on which the inspector has reasonable cause to believe evidence of the commission of the offence may be found, and search and inspect any document, computer, computer program, computer software or computer output on those premises;
- (b) require any person whom the inspector reasonably believes to have committed the offence to provide evidence of the person's identity; and
- (c) take any photograph or make any video or audio recording or sketch —
 - (i) of any person reasonably believed to be acquainted with the facts or circumstances of the case, or with such other matter as the inspector may specify; and
 - (ii) on the premises as the inspector thinks necessary.

[24/2020]

(2) The power of an inspector to search and inspect any document, computer, computer program, computer software or computer output under subsection (1)(a) includes the power to —

- (a) without payment, inspect, copy or take extracts from the document, computer, computer program, computer software or computer output; and

- (b) without payment, take possession of the document, computer, computer program, computer software or computer output where, in the opinion of the inspector —
- (i) the inspection, copying of or extraction from any part of the document, computer, computer program, computer software or computer output cannot reasonably be performed without taking possession;
 - (ii) the document, computer, computer program, computer software or computer output may be interfered with or destroyed unless possession is taken; or
 - (iii) the document, computer, computer program, computer software or computer output may be required as evidence in proceedings instituted or commenced for an offence under this Act.

[24/2020]

48. [*Repealed by Act 24 of 2020*]

Complaints

49.—(1) Any complaint of the conduct of a licensed estate agent or registered salesperson may in the first place be made to the Executive Director who must refer the complaint to the Council.

(2) The Executive Director may on his or her own motion refer any information concerning the conduct of a licensee or salesperson to the Council.

(3) The Council may require any complaint or class of complaints to be supported by such statutory declaration as the Council may require, except that no statutory declaration is required if the complaint is made by any public officer.

(4) After receiving any complaint or information under subsection (1) or (2), the Council may, if it is of the opinion that there is a sufficient case for investigation, refer the matter for investigation under section 50.

(5) The Council must consider any report or recommendations submitted under section 50(3) and may refer the matter or report back

to the inspector for further consideration or investigation as it may consider necessary or desirable.

(6) Subject to subsections (7), (8), (9), (10) and (11), after considering the report and recommendations submitted under section 50(3), the Council may do one or both of the following:

- (a) impose on the licensed estate agent or registered salesperson concerned a financial penalty of any amount, not exceeding \$5,000, that the Council thinks fit;
- (b) censure the licensed estate agent or registered salesperson concerned.

[24/2020]

(7) The Council must, before making any decision under subsection (6) in relation to the licensed estate agent or registered salesperson, give the licensed estate agent or registered salesperson written notice of the Council's intention to do so.

[24/2020]

(8) Upon receipt of the notice of the Council under subsection (7), the licensed estate agent or registered salesperson may, within 14 days after the date of the notice, show cause to the Council as to why the Council should not take any or both of the actions (as the case may be) under subsection (6).

[24/2020]

(9) The Council must, after the licensed estate agent or registered salesperson has shown cause under subsection (8) or the time to do so has expired, give written notice to the licensed estate agent or registered salesperson of the Council's decision under subsection (6).

[24/2020]

(10) Subject to section 59, any decision by the Council under subsection (6) does not take effect until 14 days after the Council has served the written notice under subsection (9) to the licensed estate agent or registered salesperson.

[24/2020]

(11) If the Council considers it appropriate, the Council may, instead of making any decision under subsection (6), refer the matter to a Disciplinary Committee.

[24/2020]

Investigations

50.—(1) The Council, or a person authorised by the Council, may appoint one or more inspectors to conduct an investigation into any complaint made or information received under section 49.

(2) Where any matter is investigated under subsection (1), the person in relation to whom the complaint has been made is, for the purposes of this Act, referred to as “person under investigation”.

(3) On completion of investigation, the inspector must submit a report and make recommendations to the Council as to whether the exercise of powers under section 52 should be considered.

(4) Subject to subsection (5) and except in the performance of a function under this section, the inspector, the Council, a Disciplinary Committee and any person who assists in the performance of a function under this section must maintain confidentiality in respect of all matters and information produced or given or otherwise provided for the purposes of an investigation under this section.

(5) Nothing in subsection (4) prevents the disclosure of information —

- (a) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings or any investigation in connection therewith, whether under this Act or otherwise, in Singapore;
- (b) in connection with any civil proceedings to which the Council is a party; or
- (c) in connection with the exercise of any power under this Part.

Disciplinary Panel and Disciplinary Committee

51.—(1) The Council may appoint a Disciplinary Panel of not more than the number of members determined by the Council.

[24/2020]

(2) The Council must, from members of the Disciplinary Panel who are also members of the Council, appoint a Head of the Disciplinary Panel.

(3) The Council may, at any time, revoke the appointment of any member of the Disciplinary Panel, or fill any vacancy in the Disciplinary Panel.

(4) The Head of the Disciplinary Panel may appoint Disciplinary Committees from members of the Disciplinary Panel, to formally inquire into any matter referred to a Disciplinary Committee under section 49.

(5) A Disciplinary Committee must comprise at least 3 members.

(6) A Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time as the Head of the Disciplinary Panel thinks fit.

(7) Any inspector or person who participates in the investigation of any matter must not be a member of a Disciplinary Committee inquiring into the same matter.

(8) The Head of the Disciplinary Panel must appoint a member of a Disciplinary Committee to be the Chairperson of the Disciplinary Committee.

(9) The Head of the Disciplinary Panel may, at any time, revoke the appointment of any Disciplinary Committee or any member thereof, or fill any vacancy in a Disciplinary Committee.

(10) No act done by or under the authority of the Council or a Disciplinary Committee is invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(11) A member of a Disciplinary Committee, even though he or she has ceased to be a member of the Council or Disciplinary Panel on the expiry of his or her term of office, continues to be a member of the Disciplinary Committee until such time the Disciplinary Committee has completed its work.

Disciplinary action, etc.

52.—(1) The Disciplinary Committee must consider all reports of an inspector on any matter referred to it under this Part and must, according to the circumstances of the case, determine that —

- (a) there is no sufficient cause for disciplinary action against the person under investigation;
- (b) there is sufficient cause for disciplinary action against the person under investigation; or
- (c) despite there being no sufficient cause for disciplinary action against the person under investigation, the person should still be admonished or reprimanded.

(2) Sufficient cause for disciplinary action may be shown by proof that a licensee or registered salesperson —

- (a) has been guilty of unsatisfactory conduct or misconduct in relation to estate agency work;
- (b) has breached any of the provisions of this Act or of any subsidiary legislation, regulations or code made under this Act (whether or not any other action has been taken in respect of such breach); or
- (c) has breached any order of a Disciplinary Committee or the Appeals Board,

if such conduct, misconduct or breach warrants disciplinary action.

(3) Where the Disciplinary Committee determines that there is sufficient cause for disciplinary action against a licensee or registered salesperson under investigation, the Disciplinary Committee may, subject to this section, impose a financial penalty of a specified amount not exceeding the maximum specified in subsection (12) and exercise either of the following powers as it considers appropriate, whether or not a financial penalty is imposed:

- (a) suspend his or her licence or registration;
- (b) revoke his or her licence or registration.

[24/2020]

(4) Where the Disciplinary Committee determines that despite there being no cause for disciplinary action against a licensee or registered salesperson under investigation, but the person should still be admonished or reprimanded, the Disciplinary Committee may, subject to this section, admonish or reprimand the licensee or registered salesperson in writing under the hand of the Chairperson.

(5) Where the Disciplinary Committee exercises powers under subsection (3) or (4), it may also exercise such of the following powers as it considers appropriate:

- (a) attach specified conditions to the licence or registration concerned;
- (b) vary any condition already attached to such licence or registration.

(6) The Disciplinary Committee may, in exercising any power under subsection (3), (4) or (5), order the licensee or salesperson to pay the Council fixed costs of \$1,000 or such other amount as may be prescribed from time to time.

(7) Before any power is exercised under subsection (3), (4), (5) or (6), the licensee or salesperson concerned must be given a reasonable opportunity of being heard.

(8) Where, after considering any representations made, the Disciplinary Committee exercises any power under subsection (3), (4), (5) or (6), the Disciplinary Committee must inform the licensee or salesperson concerned either in person or in writing.

(9) Subject to this Act and unless otherwise ordered by the Disciplinary Committee or the Appeals Board, any order of the Disciplinary Committee under this section takes effect upon pronouncement.

(10) Where a licence or registration is suspended or revoked, no fee or other sum paid in respect of the grant or renewal of the licence or registration may be refunded.

(11) Any financial penalty imposed upon, or costs ordered to be paid by, a licensee or salesperson under this Act may be recovered as a civil debt due to the Council.

(12) The maximum financial penalty that the Disciplinary Committee may impose is —

- (a) in the case of a licensed estate agent — \$200,000; and
- (b) in the case of a registered salesperson — \$100,000.

[24/2020]

Powers and procedures of Disciplinary Committee

53.—(1) In the discharge of its functions under this Act, a Disciplinary Committee has all of the following powers:

- (a) to take evidence on oath;
 - (b) to summon any person to attend any hearing of the Disciplinary Committee to give evidence or produce any document or other article in the person's possession, except that no person is bound to answer any question or produce any document or other article in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court;
 - (c) to do anything which is necessary or expedient to enable it to perform its functions.
- (2) A Disciplinary Committee is not bound by the rules of evidence applicable to civil proceedings but may inform itself of any matter as it thinks fit.
- (3) All members of a Disciplinary Committee, in the performance of their functions and duties under this Act, are deemed to be public servants for the purposes of the Penal Code 1871.
- (4) Subject to the provisions of this Act, a Disciplinary Committee may regulate its own procedure in such manner as it thinks fit.
- (5) The quorum of a Disciplinary Committee is 3 members, one of whom must be the Chairperson of the Disciplinary Committee.
- (6) The Chairperson of a Disciplinary Committee must preside at any proceedings of the Disciplinary Committee.
- (7) A party to proceedings before a Disciplinary Committee may be represented by a solicitor, who may examine witnesses and address the Disciplinary Committee on behalf of the party.
- (8) The proceedings of a Disciplinary Committee are not open to the public.
- (9) All matters coming before a Disciplinary Committee must be decided by a majority of votes of the members present, and in the

event of an equality of votes, the Chairperson of the Disciplinary Committee has a second or casting vote.

(10) No act or proceedings of a Disciplinary Committee may be questioned by reason only of any vacancy on it.

PART 6

SUSPENSION AND REVOCATION OF LICENCE AND REGISTRATION

Suspension or revocation of estate agent's licence

54.—(1) Subject to the provisions of this Act, the Council may suspend an estate agent's licence for such period of time as it thinks fit, or revoke the licence at any time.

(2) The Council may suspend or revoke an estate agent's licence if —

- (a) the relevant licensee has ceased to be engaged in estate agency work, or is wound up or otherwise dissolved;
- (b) the relevant licensee is not eligible to hold or continue to hold the licence under the provisions of this Act, or would not be entitled to be granted a licence under the provisions of this Act if an application for a licence were to be made at such time;
- (c) the relevant licensee had, in connection with the application for a licence, provided false or misleading information in a material particular;
- (d) any relevant certificate or qualification used to support the application for a licence is withdrawn or cancelled;
- (e) the relevant licensee has contravened any requirements or other provisions of this Act;
- (f) the relevant licensee has failed to pay any fine, fee, charge or financial penalty (other than a financial penalty imposed under section 49(6)) charged or imposed under this Act;
- (g) the relevant licensee has failed to comply with any of the conditions attached to the licence; or

- (h) the Council considers that the relevant licensee is no longer a fit and proper person to hold a licence.

[24/2020]

(3) Where the Council proposes to suspend or revoke a licence, it must give the relevant licensee written notice of the proposal and the reasons for it.

(4) A notice under subsection (3) must state that within a period of 21 days starting on the date of the notice, or within such longer period as the Council may allow in a particular case, representations regarding the proposed suspension or revocation (as the case may be) may be made in writing to the Council by or on behalf of the licensee concerned.

(5) Where representations are made pursuant to subsection (4), the Council must not suspend or revoke the licence concerned without having considered the representations.

(6) Where a licence is suspended under this section, the Council may shorten the period for which the licence is suspended or lift the suspension.

(7) Where any licence is suspended or revoked under this section, no fee or other sum paid in respect of the grant or renewal of the licence may be refunded.

Suspension or revocation of registration

55.—(1) Subject to the provisions of this Act, the Council may suspend the registration of a salesperson for such period of time as it thinks fit, or revoke the registration.

(2) The Council may suspend or revoke the registration of a salesperson at any time if —

- (a) the relevant salesperson has ceased to do work for or be engaged by the estate agent he or she was registered through;
- (b) the relevant salesperson would not be eligible to be registered under the provisions of this Act if an application for registration were to be made at such time;

- (c) the relevant salesperson or estate agent had, in connection with the application for registration, provided false or misleading information in a material particular;
- (d) any relevant certificate or qualification used to support the application for registration is withdrawn or cancelled;
- (e) the relevant salesperson has contravened any requirements or other provisions of this Act;
- (f) the relevant salesperson has failed to pay any fine, fee, charge or financial penalty (other than a financial penalty imposed under section 49(6)) charged or imposed under this Act;
- (g) the relevant salesperson has failed to comply with any of the conditions attached to the registration; or
- (h) the Council considers that the relevant salesperson is no longer a fit and proper person to be registered as a salesperson.

[24/2020]

(3) Where the Council proposes to suspend or revoke the registration of a salesperson, it must give the relevant salesperson and the estate agent he or she was registered through written notice of the proposal and the reasons for it.

(4) A notice under subsection (3) must state that within a period of 21 days starting on the date of the notice, or within such longer period as the Council may allow in a particular case, representations regarding the proposed suspension or revocation (as the case may be) may be made in writing to the Council by or on behalf of the persons concerned.

(5) Where representations are made pursuant to subsection (4), the Council must not suspend or revoke the registration of the salesperson concerned without having considered the representations.

(6) Where registration is suspended under this section, the Council may shorten the period for which the registration of a salesperson is suspended or lift the suspension.

(7) Where the registration of a salesperson is suspended or revoked under this section, no fee or other sum paid in respect of the registration may be refunded.

Effect of revocation and suspension

56.—(1) Where any estate agent’s licence is revoked or while any order of suspension remains in force, the estate agent must cease to carry on the business of an estate agent.

(2) An estate agent whose licence is suspended is, while the suspension remains in force, deemed to be a person who does not hold an estate agent’s licence, except for the purposes of any disciplinary proceedings under Part 5.

[24/2020]

(3) Where the registration of a salesperson is revoked or while any order of suspension remains in force, the salesperson must cease to act as a salesperson for any person.

(4) A salesperson whose registration is suspended is, while the suspension remains in force, deemed to be a person who is not registered as a salesperson, except for the purposes of any disciplinary proceedings under Part 5.

[24/2020]

(5) Any security furnished under section 33 may be forfeited to the Council in whole or in part at the discretion of the Council on the suspension or revocation of a licence.

PART 7

APPEALS

Constitution of Appeals Board

57.—(1) There is an Appeals Board consisting of not more than 15 members as the Minister may appoint.

(2) The Minister must appoint —

(a) from members of the Appeals Board —

(i) a Chairperson of the Appeals Board; and

- (ii) one or more Vice-Chairpersons of the Appeals Board as the Minister thinks fit; and
 - (b) one or more secretaries to the Appeals Board and such other officers as may be required to assist the Appeals Board in the discharge of its duties and functions.
- (3) Every member of the Appeals Board must, unless the Minister otherwise directs, hold office for a period of 3 years and be eligible for re-appointment.
- (4) The Minister may, at any time, revoke the appointment of any member of the Appeals Board or secretary to the Appeals Board or fill any vacancy in the Appeals Board.
- (5) A member of the Appeals Board may resign his or her office by written notice to the Minister.
- (6) Members of the Appeals Board may receive such remuneration and such travelling and subsistence allowances as the Minister may determine.

Duty, powers and procedures of Appeals Board

58.—(1) It is the duty of the Appeals Board to hear and decide all appeals under section 59.

(2) In the discharge of its functions under this Act, the Appeals Board has the following powers:

- (a) to take evidence on oath;
- (b) to summon any person to attend any hearing of the Appeals Board to give evidence or produce any document or other article in his or her possession, except that no person is bound to answer any question or produce any document or other article in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court;
- (c) to do anything which is necessary or expedient to enable it to perform its functions;
- (d) to exercise the powers of a Disciplinary Committee under this Act.

(3) The Appeals Board is not bound by the rules of evidence applicable to civil proceedings but may inform itself of any matter as it thinks fit.

(4) The Chairperson must, when present, preside at every meeting of the Appeals Board, and in his or her absence the following person must preside:

(a) where there is only one Vice-Chairperson present — the Vice-Chairperson; and

(b) where there is more than one Vice-Chairperson present — such Vice-Chairperson as may be chosen by the Vice-Chairpersons present.

(5) All members of the Appeals Board, in the performance of their functions and duties under this Act, are deemed to be public servants for the purposes of the Penal Code 1871.

(6) Subject to the provisions of this Act, the Appeals Board may regulate its own procedure in such manner as it thinks fit.

(7) All powers, functions and duties of the Appeals Board may be exercised, discharged and performed by any committee of the Appeals Board consisting of at least 3 members of the Appeals Board, at least one of whom must be the Chairperson or a Vice-Chairperson.

(8) Any act, finding or decision of any such committee of the Appeals Board is deemed to be the act, finding or decision of the Appeals Board.

(9) The secretary to the Appeals Board may summon such members of the Appeals Board as may be nominated by the Chairperson (or a Vice-Chairperson authorised by the Chairperson) to constitute a committee of the Appeals Board to consider and determine an appeal under this Part.

(10) The quorum of the Appeals Board and any committee of the Appeals Board is 3 members, one of whom must be the Chairperson or a Vice-Chairperson.

(11) The proceedings of a committee of the Appeals Board must be presided by —

- (a) where the Chairperson is a member of the committee — the Chairperson; and
- (b) where the Chairperson is not a member of the committee and —
 - (i) there is only one Vice-Chairperson on the committee — the Vice-Chairperson; or
 - (ii) there is more than one Vice-Chairperson on the committee — such Vice-Chairperson as the Chairperson may determine.

(12) Where the person to preside at a meeting of a committee under subsection (11) is absent from any meeting of the committee, the meeting must be presided by —

- (a) where there is only one Vice-Chairperson who is a member of the committee present — the Vice-Chairperson; and
- (b) where there is more than one Vice-Chairperson who is a member of the committee present — such Vice-Chairperson as may be chosen by the Vice-Chairpersons present.

(13) The proceedings of the Appeals Board and any committee of the Appeals Board are not open to the public.

(14) All matters coming before the Appeals Board or a committee of the Appeals Board must be decided by a majority of votes of the members present, and in the event of an equality of votes, the member presiding has a second or casting vote.

(15) No act or proceedings of the Appeals Board or a committee of the Appeals Board may be questioned by reason only of any vacancy on it.

(16) A member of a committee of the Appeals Board, even though he or she has ceased to be a member of the Appeals Board on the expiry of his or her term of office, continues to be a member of the committee until such time as the committee has completed its work.

Appeals to Appeals Board

59.—(1) Any person who is aggrieved by a decision of the Council or a Disciplinary Committee under this Act may lodge an appeal against the decision to the Appeals Board.

(2) Every appeal under subsection (1) must be lodged within such time, and in such form and manner, as may be provided by rules made under section 62.

(3) Subject to subsection (4), the lodging of an appeal under subsection (1) does not suspend the effect of the decision to which the appeal relates.

(4) Where the Council or a Disciplinary Committee has made an order revoking or suspending a licence or registration and the licensee or salesperson concerned gives due notice of appeal to the Appeals Board under this section, the order that is appealed against is stayed pending the determination of the appeal unless the Appeals Board, on the application of the Council, orders otherwise.

(5) The Appeals Board may —

- (a) confirm, set aside or modify the decision to which the appeal relates;
- (b) give such directions in such manner as the Appeals Board thinks fit, including a direction to the Council to review the decision to which the appeal relates; or
- (c) make such orders (if any) as it thinks fit, with regard to the payment of costs,

and the decision of the Appeals Board is final.

(6) The decision of the Appeals Board must be communicated to the licensee or salesperson in person, or in writing by the secretary to the Appeals Board.

(7) Unless otherwise ordered, an order of the Appeals Board takes effect immediately upon pronouncement.

Representation before Appeals Board

60.—(1) A party to proceedings before the Appeals Board may be represented by a solicitor, who may examine witnesses and address the Appeals Board on behalf of the party.

(2) In proceedings before the Appeals Board, the Council may be represented by a solicitor or an officer or employee of the Council.

Disclosure of conflict of interests by members of Appeals Board

61.—(1) A member of the Appeals Board must declare to the Minister, or any person authorised by the Minister, the nature and extent of any actual or potential conflict of interests with his or her duties or interests as a member of the Appeals Board arising from —

- (a) the member's holding of any office;
- (b) the member's interest in any contract;
- (c) the member's possession or ownership of any property;
- (d) any direct or indirect relationship with any estate agent or salesperson; or
- (e) the member's connection or association with any trade or consumer body.

(2) Where the Minister, or any person authorised by the Minister, is satisfied that a member of the Appeals Board is or may be unable to carry out his or her duties properly and effectively because of any actual or potential conflict of interests, the Minister may replace that member or direct that member to abstain from taking part in any proceedings that is or may be affected by the conflict of interests.

Rules relating to appeals

62. The Minister may make rules for or with respect to —

- (a) the time within which an appeal to the Appeals Board may be lodged;
- (b) the form and manner in which an appeal to the Appeals Board must be lodged;

- (c) the procedure of the appeal process and the hearing of the appeal;
- (d) the fees to be paid in respect of any appeal lodged with the Appeals Board;
- (e) the costs that can be awarded by the Appeals Board;
- (f) the records to be kept by the Appeals Board; and
- (g) all matters and things which are required or permitted to be prescribed or which are necessary or expedient to give effect to any provision of this Part.

Members of Appeals Board deemed to be public servants and protection from personal liability

63.—(1) The Chairperson, a Vice-Chairperson and any member of the Appeals Board, in the performance of their functions and duties under this Act, are deemed to be public servants for the purposes of the Penal Code 1871.

(2) No suit or other legal proceedings shall lie personally against any member of the Appeals Board for anything done or omitted to be done in good faith in the exercise or purported exercise of powers under this Act.

PART 8

MISCELLANEOUS

General offences and penalties

64.—(1) Any person who —

- (a) in relation to any application under this Act —
 - (i) makes any false statement which the person knows to be false or does not believe to be true or which the person makes recklessly; or
 - (ii) intentionally suppresses any material fact;

- (b) without reasonable excuse, fails, neglects or refuses to comply with a requirement or notice of an inspector under section 46 or 47;
- (ba) in response to a requirement or notice of an inspector under section 46 or 47, provides any information, document or statement that the person knows is false or misleading in any material particular;
- (bb) provides any information, document or statement under section 46 or 47 that is misleading by the intentional suppression of any material fact;
- (c) obstructs or impedes the Council, any officer of the Council or any inspector lawfully carrying out any function or duty in the exercise of any power conferred by or under this Act; or
- (d) being summoned to attend at a hearing of the Disciplinary Committee or Appeals Board to give evidence or produce any document or other article, without reasonable excuse refuses or neglects to do so, or refuses to answer any questions put to the person by or with the concurrence of the Disciplinary Committee or Appeals Board, or otherwise hinders, obstructs or deceives the Disciplinary Committee or Appeals Board in the exercise of its powers under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

[24/2020]

(2) Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Power of Council to issue requisition for particulars or information

65.—(1) The Council may issue a written requisition to any person to provide such particulars or supply such information relating to any matter to which this Act applies as may be specified in the requisition.

(2) A requisition issued by the Council under subsection (1) may —

- (a) specify the form in which and the time within which the particulars or information are to be provided or supplied;
- (b) require the particulars or information to be provided or supplied periodically at or within such time or times and in such form or forms as are specified in the requisition; and
- (c) specify the place or manner at or in which the particulars or information are to be delivered.

(3) Every person who is issued a requisition by the Council under subsection (1) must provide the particulars or supply the information specified in the requisition to the best of his or her knowledge and belief.

(4) Any person who, without reasonable excuse, fails to comply with any requisition issued by the Council under subsection (1) shall be guilty of an offence.

(5) Any person who, in compliance or purported compliance with any requisition issued by the Council under subsection (1), provides the Council with any information or document which he or she knows is false or misleading shall be guilty of an offence.

Power of Council in relation to dispute resolution schemes

66.—(1) Regulations may be made under section 72 to prescribe one or more dispute resolution schemes for the resolution of disputes arising from or relating to the provision of services by estate agents and salespersons.

(2) Without limiting subsection (1), regulations may be made under section 72 —

- (a) requiring licensed estate agents or any class thereof to participate in such prescribed dispute resolution schemes

and to comply with such terms and conditions of the schemes as may be prescribed;

- (b) requiring registered salespersons or any class thereof to participate in such prescribed dispute resolution schemes and to comply with such terms and conditions of the schemes as may be prescribed;
- (c) prescribing approved dispute resolution centres under each prescribed dispute resolution scheme; and
- (d) generally to give effect to this section.

(3) Where the Council is satisfied that any licensed estate agent or registered salesperson has contravened any of the regulations mentioned in subsection (2), the Council may do all or any of the following:

- (a) impose a financial penalty of such amount, not exceeding \$5,000, as the Council thinks fit;
- (b) censure the estate agent or salesperson, if the Council thinks it necessary in the public interest or for the protection of the public or any section of the public;
- (c) revoke or suspend the licence or registration, or order that the licence or registration (as the case may be) be subject to such terms or conditions as the Council may impose, whether in addition to or in substitution of the existing terms and conditions.

(4) The Council must, before making any decision under subsection (3) in relation to an estate agent or a salesperson, give the estate agent or salesperson (as the case may be) written notice of its intention to do so.

(5) Upon receiving the notice of the Council under subsection (4), the person concerned or any manager of the person may, within a period of 14 days after the date of the notice, show cause to the Council as to why the Council should not impose a financial penalty, censure or make an order under subsection (3)(c), as the case may be.

(6) The Council must, after the estate agent or any manager of the estate agent or the salesperson (as the case may be) has shown cause

under subsection (5) or the time to do so has expired, notify the party concerned of its decision in writing.

(7) Subject to section 59, any decision by the Council under subsection (3) does not take effect until the end of 14 days after the Council has served the notice of the decision on the party concerned.

(8) The Council may issue, and in its discretion publish by notification in the *Gazette* or in such other manner as it considers appropriate, such guidelines as it considers appropriate for providing guidance in relation to the operation of a prescribed dispute resolution scheme.

Jurisdiction of court

67. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment for any such offence.

Offences by bodies corporate, etc.

68.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) is to apply 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.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section, “officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, key executive officer, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity.

(6) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Composition of offences

69.—(1) The Executive Director or any officer authorised by him or her may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably

suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence.

Service of documents

70.—(1) Any notice, order, direction or other document required or authorised by this Act to be served on any person may be served on the person —

- (a) in the case of an individual —
 - (i) by delivering it to the individual personally;
 - (ii) by leaving it with an adult person apparently resident at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of residence;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of business;
 - (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
 - (v) by sending it by fax to the fax number operated at the usual or last known address of the individual's place of residence or business, or the last fax number given to the Council by the individual as the fax number for the service of documents on the individual;
 - (vi) subject to subsection (3B) — by sending it by email to the individual's last email address; or

- (vii) subject to subsection (3B) — by sending it by an internet-based messaging service to the individual's last contact address;
- (b) in the case of a partnership other than a limited liability partnership —
 - (i) by delivering it to any one of the partners or the secretary or other similar officer of the partnership;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the partnership's principal or last known place of business in Singapore;
 - (iii) by sending it by fax to the fax number operated at the partnership's principal or last known place of business in Singapore;
 - (iv) subject to subsection (3B) — by sending it by email to the partnership's last email address; or
 - (v) subject to subsection (3B) — by sending it by an internet-based messaging service to the partnership's last contact address; and
- (c) in the case of any limited liability partnership or any other body corporate —
 - (i) by delivering it to the secretary or other similar officer of the body corporate or, in the case of a limited liability partnership, its manager;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iii) by sending it by fax to the fax number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iv) subject to subsection (3B) — by sending it by email to the limited liability partnership's or body corporate's last email address; or

- (v) subject to subsection (3B) — by sending it by an internet-based messaging service to the limited liability partnership's or body corporate's last contact address.

[24/2020]

(2) Where any notice, order, direction or other document required or authorised by this Act to be served is sent by fax to the fax number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be.

(3) Where any notice, order, direction or other document required or authorised by this Act to be served is sent by prepaid registered post, it is deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3A) Where any notice, order, direction or other document is sent by email or by an internet-based messaging service under subsection (1), service of the notice, order, direction or other document takes effect at the time that the email or message becomes capable of being retrieved by the person to whom it is sent.

[24/2020]

(3B) Service of any notice, order, direction or other document under this Act on a person by email or by an internet-based messaging service may be effected only —

- (a) with the person's prior consent to service in that way; and
- (b) in a file format that the person has agreed to.

[24/2020]

(4) Any notice, order, direction or other document required or authorised by this Act to be served on the owner or occupier of any premises —

- (a) may be served by delivering it or a true copy of it to an adult person on the premises or, if there is no such person

on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order, direction or document to some conspicuous part of the premises; and

(b) is deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

(5) This section does not apply to notices and documents to be served in proceedings in court.

(6) In this section —

“last contact address”, in relation to an internet-based messaging service, means —

(a) the last contact address, for receipt of messages through the internet-based messaging service, given, under this Act, by the addressee concerned to the person giving or serving the notice, order, direction or other document as the contact address for the service of the notice, order, direction or other document; or

(b) the last contact address, for receipt of messages through the internet-based messaging service, of the addressee concerned known to the person giving or serving the notice, order, direction or other document;

“last email address” means —

(a) the last email address given, under this Act, by the addressee concerned to the person giving or serving the notice, order, direction or other document as the email address for the service of the notice, order, direction or other document; or

(b) the last email address of the addressee concerned known to the person giving or serving the notice, order, direction or other document.

[24/2020]

Amendment of Schedule

71.—(1) Subject to Part 2, the Minister may at any time, by order in the *Gazette*, amend the Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

(3) All orders made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

72.—(1) The Council may, with the approval of the Minister, make regulations to give effect to the provisions and purposes of this Act, except Part 7 (Appeals).

(2) Without limiting subsection (1), regulations may be made under that subsection for or in respect of all or any of the following matters:

- (a) applications for a licence and for registration, including the form and manner of application, and the particulars, information, and declarations to be provided with such applications;
- (b) particulars to be contained in the register, including the form in which it must be kept and public access to the register;
- (c) requirements for a licence or registration, including minimum ages, educational qualifications, professional examinations, and practical experience;
- (d) professional indemnity insurance for estate agents and salespersons;
- (e) continuing professional education requirements for the renewal of a licence or registration;
- (ea) accreditation of any activities, courses and programmes for continuing professional education for or in respect of estate agents (including persons who are responsible for the management of estate agents) and salespersons;

- (f) codes of practice, ethics and conduct (by whatever name) for estate agents and salespersons;
- (g) conditions or restrictions in relation to other activities or businesses that estate agents or salespersons may engage in;
- (h) the books, accounts and records to be opened and kept by a licensed estate agent, and the manner of keeping them;
- (i) the information and records to be kept by registered salespersons, and the manner of keeping them;
- (j) the particulars or other matters to be included in estate agency agreements, in order to ensure that clients are aware of —
 - (i) the parties, and the rights and obligations conferred on or imposed by any particular such agreement of the parties to it; and
 - (ii) the amount or rate (as the case may be) of any commission or other fee payable by such client under such agreement, and the time and manner of payment;
- (k) the fees and charges payable under this Act, including the interest or penalty for the late payment of any fee or charge, and the waiver, refund or remission, whether wholly or in part, of such fees and charges;
- (l) demerit points schemes, which may include financial penalties to be imposed on estate agents for the acts of their salespersons and other consequences including suspension or revocation;
- (m) the requirements and restrictions on the business names of estate agents, and the use or display of such names;
- (n) the form and manner of the keeping of registers or records under this Act, the inspection thereof, the taking of extracts therefrom, the supply of copies thereof, and the returns to be made to the Council including financial records;

- (o) the use of advertisements by or on behalf of estate agents, or any solicitation or canvassing for business by or on behalf of estate agents, whether by salespersons or otherwise;
- (p) the forms and procedure for Disciplinary Committee proceedings, including the fees payable, the costs that may be awarded, and the records to be kept;
- (q) requirements in relation to the detection and prevention of money laundering or the financing of terrorism, or for the reporting of transactions suspected of involving money laundering or terrorism financing;
- (r) requirements, conditions and restrictions in relation to the receipt, holding, handling and transmission of money by estate agents and salespersons, which may include requirements for separate trust accounts;
- (s) to prescribe all matters and things which by this Act are required or permitted to be prescribed or which are necessary or expedient to be prescribed to give effect to this Act.

[24/2020]

(3) Regulations made under subsection (1) —

- (a) may relate to all or any class or description of estate agents or salespersons;
- (b) may make different provisions for different classes or descriptions of estate agents or salespersons;
- (c) may provide that a contravention of any specified provision of the regulations shall be an offence; and

- (d) may provide for penalties not exceeding a fine of \$25,000 or imprisonment for a term not exceeding 12 months or both for each offence and, in the case of a continuing offence, a further penalty not exceeding a fine of \$1,000 for that offence for every day or part of a day during which the offence continues after conviction.

Amendment of references in written law or other documents to estate agents

73. Any reference to a “house agent” within the meaning of the Appraisers and House Agents Act (Cap. 16, 2000 Revised Edition) (in force before 22 October 2010) in any written law or any document is to be construed as a reference to an “estate agent” within the meaning of this Act.

THE SCHEDULE

Sections 8(2) and 71(1)

CONSTITUTION AND PROCEEDINGS OF COUNCIL

Appointment of president and members

1.—(1) The president and other members of the Council must be appointed by the Minister.

(2) The Minister may appoint the Executive Director as a member of the Council.

Appointment of deputy president

2.—(1) The Minister may appoint any member of the Council to be the deputy president of the Council.

(2) The deputy president so appointed may, subject to such directions as the president may give, exercise all or any of the powers exercisable by the president under this Act.

(3) If for any reason the president is unable to act or the office of the president is vacant, the deputy president may exercise all or any of the powers conferred, or discharge all or any of the duties imposed, on the president under this Act.

Tenure of office of members

3. A member holds office on such conditions and for such term, not exceeding 3 years, as the Minister may determine, and is eligible for re-appointment.

THE SCHEDULE — *continued***Temporary president, deputy president or member**

4. The Minister may appoint any person to be a temporary president, deputy president or other member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the president, deputy president or member, as the case may be.

Revocation of appointment

5. The Minister may, at any time and without giving any reason, revoke the appointment of the president, deputy president or other member.

Resignation from office

6. A member may resign from the member's office at any time by giving at least one month's notice to the Minister.

President may delegate function

7. The president may, in writing and subject to such conditions or restrictions as he or she thinks fit, authorise any member to exercise any power or perform any function conferred on the president by or under this Act.

Vacation of office

8. A member ceases to hold office if he or she —

- (a) dies;
- (b) fails to attend 3 consecutive meetings of the Council (without the approval of the Minister or the Council);
- (c) becomes in any manner disqualified from being a member of the Council;
- (d) resigns in accordance with paragraph 6; or
- (e) is removed from office in accordance with paragraph 5.

Filling of vacancies

9. If a vacancy occurs in the membership of the Council, the Minister may, subject to paragraph 11, appoint any person to fill the vacancy and the person so appointed holds that office for the remainder of the term for which the vacating member was appointed.

THE SCHEDULE — *continued***Leave of absence**

10. The Minister may grant to the president or any member such leave of absence as the Minister may think fit.

Disqualification from membership

11. No person may be appointed or may continue to hold office as a member if he or she —

- (a) is an undischarged bankrupt or has made any arrangement or composition with his or her creditors;
- (b) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member.

Salaries, fees and allowances payable to members

12. There are to be paid to the members out of the moneys of the Council such salaries, fees and allowances as the Minister may determine.

Quorum

13.—(1) At every meeting of the Council, one-third of the number of members or 4 members, whichever is the higher, constitutes a quorum.

(2) The president, or in the president's absence the deputy president, presides at meetings of the Council, and if both the president and deputy president are absent from any meeting or part of any meeting, such member as the members present may elect presides at that meeting or part of that meeting.

(3) A decision at a meeting of the Council is to be adopted by a simple majority of the members present and voting except that, in the case of an equality of votes, the president or any other member presiding has a casting vote in addition to his or her original vote.

Procedure at meetings

14.—(1) The president or any officer authorised by the president may, subject to such standing orders as the Council may make under sub-paragraph (2), summon all meetings of the Council for the despatch of business.

(2) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Council may make standing orders to regulate its own procedure and, in particular, regarding the holding of meetings, the notice to be given of the

THE SCHEDULE — *continued*

meetings, the proceedings at the meetings, the keeping of minutes, the custody, production and inspection of the minutes, and the opening, keeping, closing and auditing of accounts.

Validity of act or proceeding

15. No act or proceeding of the Council may be questioned on the ground —
- (a) of any vacancy in, or defect in the constitution of, the Council;
 - (b) of any defect in the appointment of any person acting as the president or as any other member; or
 - (c) of any omission, defect or irregularity in the procedure of the Council not affecting the merits of the case.

Secretary of Council

16. The Council may appoint an employee of the Council to be the secretary of the Council, who is responsible, in accordance with such instructions as the president may give to him or her, for arranging the business for, and keeping the minutes of, the meetings of the Council and for conveying the decisions of the Council to the appropriate person and has such other functions as the president may direct.

[5/2018]

LEGISLATIVE HISTORY

ESTATE AGENTS ACT 2010

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 25 of 2010 — Estate Agents Act 2010

Bill	:	19/2010
First Reading	:	16 August 2010
Second and Third Readings	:	15 September 2010
Commencement	:	22 October 2010 (except sections 29, 39, 41 and 44) 1 January 2011 (sections 29, 39, 41 and 44)

2. 2011 Revised Edition — Estate Agents Act (Chapter 95A)

Operation	:	31 December 2011
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3. Act 5 of 2018 — Public Sector (Governance) Act 2018 (Amendments made by section 61 of the above Act)

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018
Commencement	:	1 April 2018 (section 61)

4. Act 24 of 2020 — Estate Agents (Amendment) Act 2020

Bill	:	17/2020
First Reading	:	26 March 2020
Second and Third Readings	:	5 May 2020
Commencement	:	30 July 2021

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
ESTATE AGENTS ACT 2010

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2011 Ed.
—	12—(7) [<i>Deleted by Act 5 of 2018</i>]
[<i>Omitted as spent</i>]	74—(1)
[<i>Omitted as spent</i>]	(2)
[<i>Omitted as spent</i>]	(3)
[<i>Omitted as spent</i>]	(4)
THE SCHEDULE	FIRST SCHEDULE
—	SECOND SCHEDULE [<i>Repealed by Act 5 of 2018</i>]