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## No. S 111

### ESTATE AGENTS ACT 2010

#### ESTATE AGENTS (LICENSING AND REGISTRATION) (AMENDMENT) REGULATIONS 2023

In exercise of the powers conferred by section 72(1) of the Estate Agents Act 2010, the Council for Estate Agencies, with the approval of the Minister for National Development, makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Estate Agents (Licensing and Registration) (Amendment) Regulations 2023 and come into operation on 1 March 2023.

#### **Amendment of regulation 2**

2. In the Estate Agents (Licensing and Registration) Regulations 2010 (G.N. No. S 642/2010) (called in these Regulations the principal Regulations), in regulation 2 —

- (a) in paragraph (1), in the definition of “Real Estate Agency examination”, replace “real estate agents” with “estate agents, and consisting of Papers 1, 2 and 3”;
- (b) in paragraph (1), in the definition of “Real Estate Salesperson examination”, after “qualification for salespersons”, insert “, and consisting of Papers 1 and 2”;
- (c) in paragraph (1), in the definition of “registration number”, replace the full-stop at the end with a semi-colon;
- (d) in paragraph (1), after the definition of “registration number”, insert —
  - ““specified individual”, in relation to an estate agent, means —

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- (a) a sole proprietor, in the case of an estate agent that is a sole proprietorship;
  - (b) a partner who will be performing estate agency work, in the case of an estate agent that is a partnership; or
  - (c) a director who will be performing estate agency work, in the case of an estate agent that is a company.”; and
- (e) after paragraph (3), insert —
- “(4) For the purpose of regulations 6(4)(b)(ii), 7(4)(b)(ii), 9(4)(b)(ii), 10(2)(b)(ii), 16(4)(b)(ii) and 17(4)(b)(ii), “year” means a period of 12 months ending on 30 September, and any fraction of that period of 12 months is to be treated as one year.”.

### **Amendment of regulation 6**

#### **3. In the principal Regulations, in regulation 6 —**

- (a) in paragraph (1), replace “paragraphs (2) and (3)” with “paragraphs (2), (3) and (4)”;
- (b) in paragraph (1)(c), replace “every sole proprietor, partner or director of the estate agent who will be performing estate agency work” with “each specified individual”;
- (c) in paragraph (1)(c)(v), replace “Real Estate Agency examination, or obtained an equivalent or higher qualification as determined by the Council” with “Real Estate Salesperson examination”;
- (d) in paragraph (2), after “second column thereto”, insert “, if the holder enrolled for the degree or diploma qualification before 1 April 2020”; and
- (e) replace paragraph (3) with —

“(3) Paragraph (1)(c)(v) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the

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First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder —

- (a) enrolled for the degree or diploma qualification on or after 1 April 2020; and
- (b) has, in the 2 years immediately before the application for a licence, passed Paper 2 of the Real Estate Salesperson examination.

(4) Paragraph (1)(c)(v) does not apply —

(a) to a person who, at the time of the application for the grant or renewal of the estate agent's licence, is any of the following persons (each called in this paragraph a relevant person):

- (i) a specified individual;
- (ii) a key executive officer of any licensed estate agent;
- (iii) a registered salesperson of any licensed estate agent; or

(b) to a person —

(i) who, at the time of the application for the grant or renewal of the estate agent's licence, is not a relevant person but had been a relevant person for any period in the 2 years immediately before the application for the grant or renewal of the licence; and

(ii) who had satisfied the requirements relating to continuing professional education under the Act —

(A) for the year or years that the person had been a relevant person; and

- (B) for the year or years during which the person had ceased to be a relevant person, as if the person had not ceased to be a relevant person.”.

### **Amendment of regulation 7**

#### **4. In the principal Regulations, in regulation 7 —**

- (a) in the regulation heading, replace “Variation of licence requirements” with “Exemptions”;
- (b) in paragraphs (1)(b) and (2)(b), delete “or obtains an equivalent or higher qualification as determined by the Council”; and
- (c) replace paragraph (3) with —

“(3) A person to whom regulation 6(1)(c)(iv) does not apply under paragraph (1), or who is exempted from regulation 6(1)(c)(iv) under paragraph (2)(b), continues not to be subject to regulation 6(1)(c)(iv) or continues to be exempted from regulation 6(1)(c)(iv) in respect of any application for an estate agent’s licence made on or after 1 January 2011.

(4) A person to whom regulation 6(1)(c)(v) does not apply under paragraph (1), or who is exempted from regulation 6(1)(c)(v) under paragraph (2)(b), continues not to be subject to regulation 6(1)(c)(v) or continues to be exempted from regulation 6(1)(c)(v) in respect of any application for an estate agent’s licence made on or after 1 January 2011 —

- (a) if the person was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
- (i) a specified individual;

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- (ii) a key executive officer of any licensed estate agent;
  - (iii) a registered salesperson of any licensed estate agent; or
- (b) if the person —
- (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
  - (ii) had satisfied the requirements relating to continuing professional education under the Act —
    - (A) for the year or years that the person had been any one or more of the relevant persons; and
    - (B) for the year or years during which the person had ceased to be any one or more of the relevant persons, as if the person had not ceased to be such relevant person or persons.”.

### **Amendment of regulation 9**

5. In the principal Regulations, in regulation 9 —

(a) replace paragraph (b) with —

“(b) he must —

(i) be 21 years of age or older; and

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- (ii) subject to paragraph (2), have a minimum of 4 GCE “O” level passes or obtained an equivalent or higher qualification as determined by the Council;”;
- (b) in paragraph (c), delete “and” at the end;
- (c) in paragraph (d), replace the full-stop at the end with a semi-colon;
- (d) after paragraph (d), insert —
- “*(e)* subject to paragraphs (2), (3) and (4) and regulation 10(2), he must, within the 2 years immediately before the appointment as a key executive officer, pass the Real Estate Agency examination.”;
- (e) renumber the regulation as paragraph (1) of that regulation; and
- (f) after paragraph (1), insert —
- “(2) Paragraph (1)(*b*)(ii) and (*e*) does not apply to the holder of any of the degree and diploma qualifications specified in the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder enrolled for the degree or diploma qualification before 1 April 2020.
- (3) Paragraph (1)(*e*) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder —
- (*a*) enrolled for the degree or diploma qualification on or after 1 April 2020; and

(b) has, in the 2 years immediately before the application for a licence, passed Papers 2 and 3 of the Real Estate Agency examination.

(4) Paragraph (1)(e) does not apply to a key executive officer who passed the Real Estate Agency examination more than 2 years before the appointment as a key executive officer —

(a) if the key executive officer was on the date the key executive officer passed the Real Estate Agency examination, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):

(i) a specified individual;

(ii) a key executive officer of any licensed estate agent;

(iii) a registered salesperson of any licensed estate agent; or

(b) if the key executive officer —

(i) was on the date the key executive officer passed the Real Estate Agency examination, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and

(ii) had satisfied the requirements relating to continuing professional education under the Act —

(A) for the year or years that the key executive officer had been any one or more of the relevant persons; and

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- (B) for the year or years during which the key executive officer had ceased to be any one or more of the relevant persons, as if the key executive officer had not ceased to be such relevant person or persons.”.

### **Amendment of regulation 10**

6. In the principal Regulations, in regulation 10 —

- (a) in the regulation heading, replace “Variation of key executive officer requirements” with “Exemptions”;
- (b) replace “Regulation 9(c)” with “Regulation 9(1)(c)”;
- (c) renumber the regulation as paragraph (1) of that regulation; and
- (d) after paragraph (1), insert —

“(2) Regulation 9(1)(e) does not apply to a former principal licensee, or a qualifying partner or director of a former house agent (called in this paragraph a former agent) —

- (a) if the former agent was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
  - (i) a specified individual;
  - (ii) a key executive officer of any licensed estate agent;
  - (iii) a registered salesperson of any licensed estate agent; or

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- (b) if the former agent —
- (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
  - (ii) had satisfied the requirements relating to continuing professional education under the Act —
    - (A) for the year or years that the former agent had been any one or more of the relevant persons; and
    - (B) for the year or years during which the former agent had ceased to be any one or more of the relevant persons, as if the former agent had not ceased to be such relevant person or persons.

(3) In this regulation, “qualifying partner or director of a former house agent” means a partner or director of a former house agent who has carried out estate agency work and who —

- (a) on or before 31 December 2010 — passed an industry examination listed in the first column of the Second Schedule that is conducted by the body specified opposite in the second column of the Schedule; or
- (b) on or before 31 December 2011 — passed the Real Estate Agency examination.”.

### **Replacement of regulation 12**

7. In the principal Regulations, replace regulation 12 with —

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**“Continuing professional education requirements for licence renewal**

**12.**—(1) An estate agent’s licence must not be renewed unless the following individuals have satisfied the requirements relating to continuing professional education under the Act for the specified period:

- (a) where the estate agent is a sole proprietor — the estate agent;
- (b) where the estate agent is a partnership or body corporate — every partner or director of the estate agent who carries out or who intends to carry out estate agency work;
- (c) the key executive officer of the estate agent.

(2) In this regulation, “specified period” means the period starting on 1 October of the calendar year preceding the time of application for renewal and ending on 30 September of the following calendar year.”.

**Amendment of regulation 16**

**8.** In the principal Regulations, in regulation 16 —

- (a) in paragraph (1), replace “paragraphs (2) and (3) and regulation 17, no individual shall be registered as a salesperson” with “paragraphs (2), (3) and (4) and regulation 17, an individual’s application for registration or renewal of registration as a salesperson must be refused”;
- (b) in paragraph (1)(b), replace “Real Estate Agency examination or the Real Estate Salesperson examination, or obtained an equivalent or higher qualification as determined by the Council” with “Real Estate Salesperson examination”;
- (c) in paragraph (2), after “second column thereto”, insert “, if the holder enrolled for the degree or diploma qualification on or before 1 April 2020”; and

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(d) replace paragraph (3) with —

“(3) Paragraph (1)(b) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder —

(a) enrolled for the degree or diploma qualification on or after 1 April 2020; and

(b) has, in the 2 years immediately before the application for registration as a salesperson, passed Paper 2 of the Real Estate Salesperson examination.

(4) Paragraph (1)(b) does not apply —

(a) to an individual who, at the time of application for registration as a salesperson, is any of the following persons (each called in this paragraph a relevant person):

(i) a specified individual;

(ii) a key executive officer of any licensed estate agent;

(iii) a registered salesperson of any licensed estate agent; or

(b) to an individual —

(i) who, at the time of application for registration as a salesperson, is not a relevant person but had been a relevant person for any period in the 2 years immediately before the application for registration as a salesperson; and

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- (ii) who had satisfied the requirements relating to continuing professional education under the Act —
    - (A) for the year or years that the individual had been a relevant person; and
    - (B) for the year or years during which the individual had ceased to be a relevant person, as if the individual had not ceased to be a relevant person.”.

### **Amendment of regulation 17**

#### **9. In the principal Regulations, in regulation 17 —**

- (a) in the regulation heading, replace “Variation of registration requirements” with “Exemptions”;
- (b) in paragraph (1), replace “paragraph (3)” with “paragraphs (3) and (4)”;
- (c) in paragraphs (1)(b) and (2)(b)(ii), delete “or obtains an equivalent or higher qualification as determined by the Council”; and
- (d) replace paragraph (3) with —

“(3) A former house agent, former principal licensee or former house agent salesperson to whom regulation 16(1) does not apply under paragraph (1), or who is exempted from regulation 16(1) under paragraph (2)(b), continues not to be subject to regulation 16(1)(a) or continues to be exempted from regulation 16(1)(a) in respect of an application for registration as a salesperson made on or after 1 January 2011.

(4) A former house agent, a former principal licensee or a former house agent salesperson (called in this regulation the former agent) to whom

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regulation 16(1) does not apply under paragraph (1), or who is exempted from regulation 16(1) under paragraph (2)(b), continues not to be subject to regulation 16(1)(b) or continues to be exempted from regulation 16(1)(b) in respect of an application for registration as a salesperson made on or after 1 January 2011 —

- (a) if the former agent was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
  - (i) a specified individual;
  - (ii) a key executive officer of any licensed estate agent;
  - (iii) a registered salesperson of any licensed estate agent; or
- (b) if the former agent —
  - (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
  - (ii) had satisfied the requirements relating to continuing professional education under the Act —
    - (A) for the year or years that the former agent had been any one or more of the relevant persons; and

- (B) for the year or years during which the former agent had ceased to be any one or more of the relevant persons, as if the former agent had not ceased to be such relevant person or persons.”.

### **Replacement of regulation 18**

10. In the principal Regulations, replace regulation 18 with —

**“Continuing professional education requirements for renewal of registration**

18.—(1) The registration of a salesperson must not be renewed unless the registered salesperson has satisfied the requirements relating to continuing professional education under the Act for the specified period.

(2) In this regulation, “specified period” means the period starting on 1 October of the calendar year preceding the time of application for renewal and ending on 30 September of the following calendar year.”.

### **Amendment of regulation 22**

11. In the principal Regulations, in regulation 22, replace “passes in all 3 examinations in General Practice by the Royal Institution of Chartered Surveyors (RICS) shall be deemed to be equivalent qualifications to” with “a pass (on or before 1 March 2023) in all 3 examinations in General Practice by the Royal Institution of Chartered Surveyors (RICS) is treated as”.

### **Amendment of First Schedule**

12. In the principal Regulations, in the First Schedule, replace the Schedule reference with —

“Regulations 6(2) and (3), 9(2) and (3) and 16(2) and (3)”.

**Amendment of Second Schedule**

**13.** In the principal Regulations, in the Second Schedule, replace the Schedule reference with —

“Regulations 7(1) and 10(3)”.

*[G.N. No. S 651/2019]*

Made on 17 February 2023.

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*President,*  
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