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COVID-19 (TEMPORARY MEASURES) ACT 2020
(ACT 14 OF 2020)

COVID-19 (TEMPORARY MEASURES)
(PART 10 RELIEF) REGULATIONS 2021

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In exercise of the powers conferred by section 79 of the COVID-19 (Temporary Measures) Act 2020, the Minister for Law makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the COVID-19 (Temporary Measures) (Part 10 Relief) Regulations 2021 and come into operation on 15 January 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —

“accrued arrears” means any amount mentioned in section 53(4)(a) of the Act or any interest or other charge (however described) on that amount;

“adjustment relief Registrar’s directives” means directives issued by the adjustment relief Registrar under regulation 40;

“CorpPass” means the identity authentication service known as Singapore Corporate Access, by which an entity authenticates its identity in order to carry out an online transaction with the Government or a public body;

“CorpPass credential” means any username, password or 2-factor authentication detail required to authenticate, using CorpPass, the identity of an entity;

“designated email address”, in relation to a person, means —

(a) in the case of a party who served a notice of negotiation, notice of revision or notice of negotiation for contract of national interest under section 45(1), 53(1) or 61(1) of the Act —

(i) that party’s email address as specified in the notice; or

(ii) if that party has submitted any form or document to the adjustment relief Registrar or an adjustment relief assessor in relation to the notice in which another email address is specified as that party’s email address — that other email address;

(b) in the case of a party or assignee who lodged with the adjustment relief Registrar a notice of objection, notice for adjustment or notice for compensation under section 46(1), 47(1) or 51(1) of the Act —

(i) that party’s or assignee’s email address as specified in the notice; or

(ii) if that party or assignee has submitted any form or document to the adjustment relief Registrar or an adjustment relief assessor in relation to the notice in which another email address is specified as that party’s or assignee’s email address — that other email address; or

(c) in the case of any other person — the email address designated by that person for the purpose of receiving documents or communications under Part 10 of the Act or these Regulations;

“designated postal address”, in relation to a person, means —

- (a) in the case of a party who served a notice of negotiation, notice of revision or notice of negotiation for contract of national interest under section 45(1), 53(1) or 61(1) of the Act —
 - (i) that party’s postal address as specified in the notice; or
 - (ii) if that party has submitted any form or document to the adjustment relief Registrar or an adjustment relief assessor in relation to the notice in which another postal address is specified as that party’s postal address — that other postal address; or
- (b) in the case of a party or assignee who lodged with the adjustment relief Registrar a notice of objection, notice for adjustment or notice for compensation under section 46(1), 47(1) or 51(1) of the Act —
 - (i) that party’s or assignee’s postal address as specified in the notice; or
 - (ii) if that party or assignee has submitted any form or document to the adjustment relief Registrar or an adjustment relief assessor in relation to the notice of objection, notice for adjustment or notice for compensation, in which another postal address is specified as that party’s or assignee’s postal address — that other postal address; or
- (c) in the case of any other person — the postal address designated by that person for the purpose of receiving documents or communications under Part 10 of the Act or these Regulations;

“determination” means a determination under section 66 or 67 of the Act;

“electronic system” means the electronic system established under regulation 8;

“future loss”, in relation to a specified contract that is terminated under any other written law or rule of law mentioned in section 43(6) of the Act, means any expense or loss incurred or suffered by a party to the contract or a party’s assignee, in relation to the period of the specified contract after the date of termination, as a consequence of any breach of the specified contract by any other party to the contract;

“ordinary address” means —

- (a) in the case of a body corporate (including a limited liability partnership) or an unincorporated association —
 - (i) the body corporate’s or unincorporated association’s registered office, or principal office, in Singapore; or
 - (ii) in the absence of a registered office, or principal office, in Singapore, the body corporate’s or unincorporated association’s last known place of business in Singapore;
- (b) in the case of an individual, the individual’s usual or last known place of residence or business in Singapore; or
- (c) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“party”, in relation to a determination, means —

- (a) the party who lodged with the adjustment relief Registrar the notice of objection, notice for adjustment, notice for compensation or notice for repricing; or
- (b) a person who is served the notice of objection, notice for adjustment, notice for compensation or notice for repricing under section 46(1), 47(2), 51(1), 54(1) or

61(2) of the Act or regulation 13(2), 15(2), 17(2), 20(2) or 23(2),

in relation to which an adjustment relief assessor is to be appointed under section 65(1) or (2) of the Act to make the determination;

“prescribed mode of service” has the meaning given by regulation 6;

“Registry” means the Registry of Adjustment Relief Assessors established under regulation 38;

“SingPass” means the identity authentication service, known as Singapore Personal Access, by which an individual authenticates the individual’s identity in order to carry out an online transaction with the Government or a public body;

“SingPass credential” means any username, password or 2-factor authentication detail required to authenticate, using SingPass, the identity of an individual;

“specified notice” means any of the following:

- (a) a notice of negotiation;
- (b) a notice of revision;
- (c) a notice of objection;
- (d) a notice for adjustment;
- (e) a notice for compensation;
- (f) a notice of negotiation for contract of national interest;
- (g) a notice for repricing;

“subsequent failure”, in relation to a specified contract, means any failure to perform any obligation under the specified contract by any party to the contract, during the period of moratorium applicable to a person served with a notice of negotiation in relation to the contract, in Part 1 of the Fifth Schedule to the Act;

“working day” means any day other than a Saturday, Sunday or public holiday.

PART 2

GENERAL MATTERS

Prescribed assessment factors

3. For the purposes of section 43(4)(a) of the Act, the following are prescribed factors for determining the compensation mentioned in section 43(3) of the Act:

- (a) the expected loss of any rent, licence fee or other moneys, in relation to the remaining period of the lease or licence after the date of termination;
- (b) the period that the adjustment relief assessor determining the compensation considers reasonable for *B* to find a replacement tenant or licensee;
- (c) any other factors, in relation to the lease or licence or a party to the lease or licence, that the adjustment relief assessor considers relevant to determining a just and fair compensation in the case.

Prescribed rate for section 53(4)(a)(iii) of Act

4. For the purposes of section 53(4)(a)(iii) of the Act, the prescribed interest rate is the lower of the following:

- (a) 5% per annum;
- (b) the applicable interest rate in the specified contract in question, calculated on a per annum basis.

Forms and documents

5.—(1) The forms to be used for the purposes of these Regulations are those set out on the Internet website at <http://www.go.gov.sg/re-align>, and any reference in these Regulations to a numbered form is a reference to the current version of the form bearing the corresponding number that is displayed at that website.

(2) Every form to be served on any person or submitted to the adjustment relief Registrar or an adjustment relief assessor making a determination must —

- (a) contain such particulars;
- (b) comply with such requirements; and
- (c) be accompanied by such documents,

as may be specified —

- (d) in the form;
- (e) by the adjustment relief Registrar or the adjustment relief assessor; and
- (f) in the adjustment relief Registrar's directives,

whichever is applicable.

(3) Every form or document to be filed with a court must comply with such requirements as may be specified by the court or the registrar of the court.

(4) Any form may be used in a particular case with such variations as the circumstances of the case may require.

Prescribed mode of service

6.—(1) In these Regulations, a person (*X*) serves a document on another person (*Y*) by the prescribed mode of service if —

- (a) *X* sends the document to *Y*'s last email address using the electronic system;
- (b) where *X* is for any reason unable to send the document in the manner described in sub-paragraph (a) — *X* sends the document to *Y*'s last email address using any other means;
- (c) where *X* is for any reason unable to send the document in the manner described in sub-paragraphs (a) and (b), and either —
 - (i) *Y* has an account for the use of an internet-based messaging service, and that service provides a

mechanism for *Y* to receive electronic communications in that account; or

- (ii) *Y* is the owner or operator of an Internet website, a blog or a page on any social media or social networking Internet website, and that Internet website, blog or page on that social media or social networking Internet website provides a mechanism for *Y* to receive electronic communications on that Internet website, blog or page on that social media or social networking Internet website,

and the mechanism in sub-paragraph (i) or (ii) is the means or one of the means by which *X* corresponds with *Y* on matters concerning the specified contract in question — *X* sends an electronic communication of that document to *Y* using that mechanism;

- (d) where *X* is for any reason unable to send the document in the manner described in sub-paragraphs (a), (b) and (c) —

- (i) *X* sends the document —

(A) to an email address, place of business, registered office, or other place or platform for receiving communications; and

(B) by a mode of service,

specified in the specified contract in question for serving any notice under that contract; and

- (ii) *X* sends the document to *Y*'s last postal address by prepaid registered post, if this is not a mode of service mentioned in sub-paragraph (i); or

- (e) where *X* is for any reason unable to send the document in the manner described in sub-paragraphs (a) to (d) — *X* sends the document to *Y*'s last postal address by prepaid registered post.

- (2) In paragraph (1) —

“document” includes a form;

“last email address” means —

- (a) *Y*'s designated email address; or
- (b) if *Y* has no designated email address — an email address by which *X* corresponds with *Y* on matters concerning the specified contract in question, or (if there is no such email address) an email address which *Y* represents to *X* as the email address to which communications to *Y* may be sent;

“last postal address” means —

- (a) *Y*'s designated postal address; or
- (b) if *Y* has no designated postal address — *Y*'s ordinary address.

When service takes effect and proof of service

7.—(1) Service of a document on a person takes effect —

- (a) if it is sent to an email address — at the time that the document becomes capable of being retrieved by the person;
- (b) if it is sent by an electronic communication using a mechanism mentioned in regulation 6(1)(c) — at the time that the document becomes capable of being retrieved by the person;
- (c) if it is sent to a postal address by prepaid registered post — on the second day after the day the document was posted (even if it is returned undelivered); or
- (d) if it is sent in accordance with regulation 6(1)(d) — on the second day after the day the document was posted by prepaid registered post (even if it is returned undelivered).

(2) In proving service of any document sent by registered post to any person, it is sufficient to prove that the envelope containing the document was properly addressed to that person, stamped and posted by registered post.

(3) In this regulation, “document” includes a form.

Electronic system

8.—(1) An electronic system is established for the purposes mentioned in paragraph (2).

- (2) The purposes of the electronic system are —
- (a) to facilitate the service or lodgment of any specified notice under Part 10 of the Act;
 - (b) to facilitate the submission of forms and documents to the adjustment relief Registrar or an adjustment relief assessor in relation to the specified notice and the proceedings thereto; and
 - (c) to facilitate the service of those forms and documents.

Use of electronic system

9.—(1) Subject to paragraph (3), in order to access the electronic system to carry out an act involving an individual (*X*) —

- (a) *X* must authenticate *X*'s identity using *X*'s SingPass; or
- (b) an individual (*Y*) who is authorised by *X* to carry out using the electronic system any act involving *X*, must —
 - (i) authenticate *X*'s identity using *X*'s SingPass; or
 - (ii) authenticate *Y*'s identity using *Y*'s SingPass.

(2) Subject to paragraph (4), an individual or a person (*Z*) who is authorised by an entity to carry out using the electronic system any act involving the entity, must —

- (a) authenticate the entity's identity by using the entity's CorpPass; or
- (b) authenticate *Z*'s identity using *Z*'s CorpPass or SingPass,

in order to access the electronic system to carry out that act for the entity.

(3) *X* must not facilitate the use, by any unauthorised person, of *X*'s SingPass credentials to access the electronic system.

(4) An entity must not facilitate the use, by any unauthorised person, of the entity's CorpPass credentials to access the electronic system.

PART 3

SPECIFIED NOTICES UNDER PART 10 OF ACT

Division 1 — Notice of negotiation

Interpretation of this Division

10. In this Division, a reference to a party to a specified contract (called in this Division *A*) who serves a notice of negotiation in relation to that contract, includes a reference to a party to a specified contract that is terminated on or after 2 November 2020 under any other written law or rule of law before the contract can be terminated in accordance with Division 2 of Part 10 of the Act (called in this Division *C*) who serves a notice of negotiation in relation to that contract under section 45(1) (read with section 59(2)) of the Act.

Notice of negotiation

11.—(1) A notice of negotiation must —

(a) be in Form 1;

(b) be accompanied by —

(i) a copy of the specified contract or (if the specified contract is not in writing) a description of how the specified contract was made and its terms; and

(ii) such other supporting documents as may be specified —

(A) in Form 1; or

(B) in the adjustment relief Registrar's directives;

(c) be served on the persons mentioned in section 45(2) of the Act by the prescribed mode of service; and

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- (d) contain the following information:
- (i) the name, address and telephone number, and email address (if any) of *A*;
 - (ii) the name and address, and (if known to *A*) the telephone number and email address of each of the following:
 - (A) the other party or parties to the specified contract;
 - (B) a person who is *A*'s guarantor or surety, or who has issued any performance bond or equivalent, in relation to any of *A*'s obligations under the specified contract;
 - (C) an assignee of any party, if any;
 - (iii) the date of the specified contract;
 - (iv) a declaration by *A* that *A* satisfies the requirements in Part 3 of the Second Schedule to the Act;
 - (v) a declaration by *A* that the contract in question is a contract described in section 42(1) of the Act;
 - (vi) a declaration by *A* that the specified contract is not a contract of national interest;
 - (vii) any proposal by *A* on the adjustment to the rights and obligations of the parties and their assignees under the specified contract that *A* seeks to negotiate, under section 43(1) of the Act;
 - (viii) a declaration by *A* that all the information provided in the notice of negotiation is true and accurate.
- (2) Apart from the persons mentioned in section 45(2) of the Act, a notice of negotiation must be served on an assignee of *A* (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of negotiation.

(3) Where *C* —

- (a) seeks to adjust the rights and obligations of the specified contract in accordance with Part 4 of the Second Schedule to the Act;
- (b) is aware that proceedings against *C* or *C*'s guarantor or surety in relation to a future loss are pending in a court, an arbitral tribunal or other person or body at the time the notice of negotiation was served; and
- (c) wishes to lodge a copy of the notice of negotiation with the court, arbitral tribunal or other person or body,

C must, after service of the notice of negotiation, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of notice of negotiation in Form 2.

(4) Where *A* —

- (a) becomes aware that proceedings against *A* or *A*'s guarantor or surety in relation to a subsequent failure or future loss have, after service of the notice of negotiation in accordance with section 45(3) of the Act, been commenced before a court, an arbitral tribunal or other person or body in breach of paragraph 1 of Part 2 of the Fifth Schedule to the Act; and
- (b) wishes to lodge a copy of the notice of negotiation with the court, arbitral tribunal or other person or body,

A must file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings were commenced, a memorandum of notice of negotiation in Form 2.

(5) A memorandum of notice of negotiation mentioned in paragraph (3) or (4) must —

- (a) contain the following:
 - (i) information identifying the proceedings before the court, arbitral tribunal, or other person or body;

- (ii) a declaration of service of the notice of negotiation which must state when such service was effected; and

(b) be accompanied by a copy of the notice of negotiation.

Withdrawal of notice of negotiation

12.—(1) A notice of withdrawal of a notice of negotiation mentioned in section 48(1) of the Act must —

(a) be in Form 3; and

(b) be served on the persons mentioned in section 48(1) of the Act by the prescribed mode of service.

(2) Apart from the persons mentioned in section 48(1) of the Act, the notice of withdrawal of a notice of negotiation must be served on an assignee of *A* (if any) —

(a) by the prescribed mode of service; and

(b) within the service period for that notice of withdrawal.

(3) If a copy of the notice of negotiation has been lodged under paragraph 6 or 12 of Part 2 of the Fifth Schedule to the Act with a court, an arbitral tribunal or other person or body, before which proceedings were brought, *A* must, no later than 4 working days after the date of the notice of withdrawal, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of the service of withdrawal in Form 4.

(4) A memorandum of the service of withdrawal mentioned in paragraph (3) must —

(a) contain the following:

(i) information identifying the proceedings before the court, arbitral tribunal or other person or body;

(ii) a declaration of service of the notice of withdrawal which must state when such service was effected; and

(b) be accompanied by a copy of the notice of withdrawal.

Notice of objection to notice of negotiation

- 13.**—(1) A notice of objection to a notice of negotiation must —
- (a) be in Form 5;
 - (b) be accompanied by the following:
 - (i) a copy of the notice of negotiation;
 - (ii) a copy of all the documents enclosed with the notice of negotiation; and
 - (c) be served on the persons mentioned in section 46(1) of the Act by the prescribed mode of service.
- (2) Apart from the persons mentioned in section 46(1) of the Act, a notice of objection to a notice of negotiation must be served on an assignee of *A* (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of objection.

Withdrawal of notice of objection to notice of negotiation

- 14.**—(1) A notice of withdrawal of a notice of objection mentioned in section 48(3)(c) of the Act must —
- (a) be in Form 3; and
 - (b) be served on the persons mentioned in section 48(3)(c) of the Act by the prescribed mode of service.
- (2) Apart from the persons mentioned in section 48(3)(c) of the Act, a notice of withdrawal of a notice of objection must be served on an assignee of *A* (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of withdrawal.

*Division 2 — Notice for adjustment***Notice for adjustment**

- 15.**—(1) A notice for adjustment in relation to a notice of negotiation must —

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- (a) be in Form 6;
 - (b) be accompanied by the following:
 - (i) a copy of the notice of negotiation;
 - (ii) a copy of all the documents enclosed with the notice of negotiation; and
 - (c) be served on the persons mentioned in section 47(2) of the Act by the prescribed mode of service.
- (2) Apart from the persons mentioned in section 47(2) of the Act, a notice for adjustment must be served on an assignee of the party who served the notice of negotiation (called in this Division *A*) (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice for adjustment.

Withdrawal of notice for adjustment

- 16.—**(1) A notice of withdrawal of a notice for adjustment mentioned in section 48(4) of the Act must —
- (a) be in Form 3; and
 - (b) be served on the persons mentioned in section 48(4)(a) of the Act by the prescribed mode of service.
- (2) Apart from the persons mentioned in section 48(4)(a) of the Act, a notice of withdrawal of a notice for adjustment must be served on an assignee of *A* (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of withdrawal.
- (3) If —
- (a) a copy of the notice of negotiation (in relation to which the notice for adjustment was lodged) has been lodged under paragraph 6 or 12 of Part 2 of the Fifth Schedule to the Act with a court, an arbitral tribunal or other person or body, before which proceedings were brought; and

(b) either —

- (i) only one notice for adjustment is lodged with the adjustment relief Registrar and served on the persons mentioned in section 47(2) of the Act, under section 47 of the Act, and that notice is withdrawn under section 48(4) of the Act; or
- (ii) more than one notice for adjustment are lodged with the adjustment relief Registrar and served on the persons mentioned in section 47(2) of the Act, under section 47 of the Act, and every such notice is withdrawn under section 48(4) of the Act,

the party or party's assignee who withdrew the notice for adjustment or the last subsisting notice for adjustment (as the case may be) must, no later than 4 working days after the date of the notice of withdrawal of that notice for adjustment, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of service of withdrawal in Form 4.

(4) A memorandum of service of withdrawal mentioned in paragraph (3) must —

(a) contain the following:

- (i) information identifying the proceedings before the court, arbitral tribunal or other person or body;
- (ii) a declaration of service of the notice of withdrawal of that notice for adjustment which must state when such service was effected; and

(b) be accompanied by a copy of the notice of withdrawal.

Division 3 — Notice for compensation

Notice for compensation

17.—(1) A notice for compensation in relation to a notice of negotiation must —

(a) be in Form 7;

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- (b) be accompanied by —
- (i) a copy of the notice of negotiation;
 - (ii) a copy of all the documents enclosed with the notice of negotiation; and
 - (iii) such other supporting documents as may be specified —
 - (A) in Form 7; or
 - (B) in the adjustment relief Registrar’s directives;
- (c) be served on the party mentioned in section 51(1)(a) of the Act by the prescribed mode of service; and
- (d) contain the following information:
- (i) the name, address and telephone number, and email address (if any) of the person serving the notice for compensation (called in this Division *B*);
 - (ii) the name and address, and (if known to *B*) the telephone number and email address of each of the following:
 - (A) the party who served the notice of negotiation on *B*;
 - (B) the other party or parties to the specified contract;
 - (iii) a declaration by *B* that each of the lessors or licensors of the immovable property that is the subject of the specified contract in question, is a person who satisfies the requirements in paragraph 1(a), (b) and (c) of Part 2 of the Third Schedule to the Act;
 - (iv) any proposal by *B* on the compensation from the person who served the notice of negotiation on *B* for the termination of the specified contract;
 - (v) a declaration by *B* that all the information provided in the notice for compensation is true and accurate.

(2) Apart from the party mentioned in section 51(1)(a) of the Act, a notice for compensation must be served on any other party to the specified contract in question, any assignee of any party, any guarantor or surety of the party who served the notice of negotiation, and any person who has issued any performance bond or equivalent, in relation to any obligation under the specified contract of the party who served the notice of negotiation —

(a) by the prescribed mode of service; and

(b) within the service period for that notice for compensation.

Withdrawal of notice for compensation

18.—(1) A notice of withdrawal of a notice for compensation mentioned in section 52 of the Act must —

(a) be in Form 3; and

(b) be served on the party mentioned in section 52(a) of the Act by the prescribed mode of service.

(2) Apart from the party mentioned in section 52(a) of the Act, a notice of withdrawal of a notice for compensation must be served on all other parties to the specified contract in question and all assignees of any party to the contract (if any) —

(a) by the prescribed mode of service; and

(b) within the service period for that notice of withdrawal.

(3) If —

(a) a copy of the notice of negotiation (in relation to which the notice for compensation was lodged) has been lodged under paragraph 6 or 12 of Part 2 of the Fifth Schedule to the Act with a court, an arbitral tribunal or other person or body, before which proceedings were brought;

(b) the notice for compensation lodged with the adjustment relief Registrar and served on the party mentioned in section 51(1)(a) of the Act under section 51 of the Act, is withdrawn under section 52 of the Act; and

- (c) no notice of objection and no notice for adjustment have been lodged with the adjustment relief Registrar and served on the persons mentioned in sections 46(1) and 47(2) of the Act under Division 2 of Part 10 of the Act,

B must, no later than 4 working days after the date of the notice of withdrawal of that notice for compensation, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of service of withdrawal in Form 4.

(4) A memorandum of service of withdrawal mentioned in paragraph (3) must —

- (a) contain the following:
- (i) information identifying the proceedings before the court, arbitral tribunal or other person or body;
 - (ii) a declaration of service of the notice of withdrawal of the notice for compensation which must state when such service was effected; and
- (b) be accompanied by a copy of the notice of withdrawal.

Division 4 — Notice of revision

Notice of revision

19.—(1) A notice of revision must —

- (a) be in Form 8;
- (b) be accompanied by —
- (i) a copy of the specified contract or (if the specified contract is not in writing) a description of how the specified contract was made and its terms; and
 - (ii) such other supporting documents as may be specified —
 - (A) in Form 8;
 - (B) by the adjustment relief Registrar or the adjustment relief assessor; or

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- (C) in the adjustment relief Registrar's directives;
- (c) be served on the persons mentioned in section 53(2) of the Act by the prescribed mode of service; and
- (d) contain the following information:
- (i) the name, address and telephone number, and email address (if any) of the person serving the notice of revision (called in this Division *A*);
 - (ii) the name and address, and (if known to *A*) the telephone number and email address of each of the following:
 - (A) the other party or parties to the specified contract;
 - (B) a person who is *A*'s guarantor or surety, or who has issued any performance bond or equivalent, in relation to any of *A*'s obligations under the specified contract;
 - (C) an assignee of any party, if any;
 - (iii) the date of the specified contract;
 - (iv) a declaration by *A* that *A* satisfies the requirements in Part 2 of the Fourth Schedule to the Act;
 - (v) a declaration by *A* that the contract in question is a contract described in section 42(1) of the Act;
 - (vi) a declaration by *A* that the contract in question is a contract described in Part 1 of the Fourth Schedule to the Act;
 - (vii) a declaration by *A* that all the information provided in the notice of revision is true and accurate.
- (2) Apart from the persons mentioned in section 53(2) of the Act, a notice of revision must be served on an assignee of *A* (if any) —
- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of revision.

(3) Where *A* —

- (a) is aware that proceedings against *A* or *A*'s guarantor or surety in relation to the accrued arrears in question were pending in a court, an arbitral tribunal or other person or body, at the time the notice of revision was served; and
- (b) wishes to lodge a copy of the notice of revision with the court, arbitral tribunal or other person or body,

A must after service of the notice of revision on the persons mentioned in section 53(2) of the Act, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of notice of revision in Form 2.

(4) Where *A* —

- (a) becomes aware that proceedings against *A* or *A*'s guarantor or surety in relation to the accrued arrears in question have, after service of the notice of revision on the persons mentioned in section 53(2) of the Act in accordance with section 53(3) of the Act, been commenced before a court, an arbitral tribunal or other person or body, in breach of paragraph 1 of Part 2 of the Fifth Schedule to the Act; and
- (b) wishes to lodge a copy of the notice of revision with the court, arbitral tribunal or other person or body,

A must file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings were commenced, a memorandum of notice of revision in Form 2.

(5) A memorandum of notice of revision mentioned in paragraph (3) or (4) must —

- (a) contain the following:
 - (i) information identifying the proceedings before the court, arbitral tribunal or other person or body;
 - (ii) a declaration of service of the notice of revision which must state when such service was effected; and

(b) be accompanied by a copy of the notice of revision.

Notice of objection to notice of revision

20.—(1) A notice of objection to a notice of revision mentioned in section 54(1) of the Act, must —

- (a) be in Form 9;
- (b) be accompanied by the following:
 - (i) a copy of the notice of revision;
 - (ii) a copy of all the documents enclosed with the notice of revision; and
- (c) be served on the persons mentioned in section 54(1)(a) of the Act by the prescribed mode of service.

(2) Apart from the persons mentioned in section 54(1)(a) of the Act, a notice of objection to a notice of revision must be served on an assignee of *A* (if any) —

- (a) by the prescribed mode of service; and
- (b) within the service period for that notice of objection.

Withdrawal of notice of objection to notice of revision

21.—(1) A notice of withdrawal of a notice of objection mentioned in section 55 of the Act must —

- (a) be in Form 3; and
- (b) be served on the persons mentioned in section 55(a) of the Act by the prescribed mode of service.

(2) Apart from the persons mentioned in section 55(a) of the Act, a notice of withdrawal of a notice of objection must be served on an assignee of *A* (if any) —

- (a) by the prescribed mode of service; and
 - (b) within the service period for that notice of withdrawal.
- (3) If —
- (a) a copy of the notice of revision has been lodged under paragraph 7 or 12 of Part 2 of the Fifth Schedule to the Act

with a court, an arbitral tribunal or other person or body, before which proceedings were brought; and

- (b) the notice of objection to the notice of revision is withdrawn under section 55 of the Act,

the person who withdrew the notice for objection must, no later than 4 working days after the date of the notice of withdrawal, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a memorandum of service of withdrawal in Form 4.

(4) A memorandum of service of withdrawal mentioned in paragraph (3) must —

- (a) contain the following:

- (i) information identifying the proceedings before the court, arbitral tribunal or other person or body;
- (ii) a declaration of service of the notice of withdrawal of the notice of objection to notice of revision which must state when such service was effected; and

- (b) be accompanied by a copy of the notice of withdrawal.

Division 5 — Notice of negotiation for contract of national interest

Notice of negotiation for contract of national interest

22.—(1) A notice of negotiation for contract of national interest must —

- (a) be in Form 10;
- (b) be accompanied by —

- (i) a copy of the specified contract or (if the specified contract is not in writing) a description of how the specified contract was made and its terms;
- (ii) a copy of the certificate certifying that the specified contract is a contract of national interest issued in accordance with section 60 of the Act; and

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- (iii) such other supporting documents as may be specified —
 - (A) in Form 10; or
 - (B) in the adjustment relief Registrar's directives;
 - (c) be served on the persons mentioned in section 61(1) of the Act by the prescribed mode of service; and
 - (d) contain the following information:
 - (i) the name, address and telephone number, and email address (if any) of the person serving the notice of negotiation for contract of national interest (called in this Division *D*);
 - (ii) the name and address, and (if known to *D*) the telephone number and email address of each of the following:
 - (A) the other party or parties to the specified contract;
 - (B) a person who is *D*'s guarantor or surety, or who has issued any performance bond or equivalent, in relation to any of *D*'s obligations under the specified contract;
 - (C) an assignee of any party, if any;
 - (iii) the date of the specified contract;
 - (iv) a declaration by *D* that *D* satisfies the requirements in Part 3 of the Second Schedule to the Act;
 - (v) a declaration by *D* that the contract in question is a contract described in section 42(1) of the Act;
 - (vi) a declaration by *D* that the contract in question has been certified to be a contract of national interest;
 - (vii) any proposal by *D* on how the price of the specified contract should be adjusted and the reasons for the proposal;

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- (viii) a declaration by *D* that all the information provided in the notice of negotiation for contract of national interest is true and accurate.

(2) Apart from the persons mentioned in section 61(1) of the Act, a notice of negotiation for contract of national interest must be served on any person who is *D*'s guarantor or surety, or who has issued any performance bond or equivalent, in relation to any of *D*'s obligations under the specified contract and any party's assignee (if any) —

- (a) by the prescribed mode of service; and
- (b) within the service period for that notice of negotiation for contract of national interest.

Notice for repricing

23.—(1) A notice for repricing in relation to a notice of negotiation for contract of national interest must —

- (a) be in Form 11;
- (b) be accompanied by the following:
 - (i) a copy of the notice of negotiation for contract of national interest;
 - (ii) a copy of all the documents enclosed with the notice of negotiation for contract of national interest; and
- (c) be served on the persons mentioned in section 61(3) of the Act by the prescribed mode of service.

(2) Apart from the persons mentioned in section 61(3) of the Act, a notice for repricing must be served on an assignee of *D* (if any) —

- (a) by the prescribed mode of service; and
- (b) within the service period for that notice for repricing.

Withdrawal of notice for repricing

24.—(1) A notice of withdrawal of a notice for repricing mentioned in section 62 of the Act must —

- (a) be in Form 3; and

(b) be served on the persons mentioned in section 62(a) of the Act by the prescribed mode of service.

(2) Apart from the persons mentioned in section 62(a) of the Act, a notice of withdrawal of a notice for repricing must be served on an assignee of *D* (if any) —

(a) by the prescribed mode of service; and

(b) within the service period for that notice of withdrawal.

PART 4

ADJUSTMENT RELIEF ASSESSOR'S DETERMINATION

Division 1 — Adjustment relief assessors

Qualifications of adjustment relief assessors

25. To be appointed an adjustment relief assessor, a person —

(a) must be a qualified person as defined in section 2(1) of the Legal Profession Act (Cap. 161), and have at least 3 years of working experience in or relating to law; or

(b) must have been conferred a degree of Bachelor of Accountancy or Bachelor of Finance by any university, or possess an equivalent qualification, and have at least 3 years of working experience in or relating to accountancy or finance.

Division 2 — Communications with adjustment relief Registrar and adjustment relief assessor

Documents to be lodged with adjustment relief Registrar or adjustment relief assessor

26.—(1) Subject to paragraph (2), every form or document that is to be lodged with the adjustment relief Registrar or an adjustment relief assessor making a determination must be lodged with the adjustment relief Registrar or adjustment relief assessor using the electronic system.

(2) Where a person is unable to comply with paragraph (1) because the person does not have an account for the use of SingPass or CorpPass, the electronic system is unavailable or for any other good reason, the adjustment relief Registrar or the adjustment relief assessor may permit the form or document to be lodged with him or her in such other way as he or she may direct.

(3) Any document that is to be sent by or on behalf of the adjustment relief Registrar or an adjustment relief assessor to any person is to be sent —

- (a) to that person's designated email address;
- (b) if that person does not have a designated email address — to that person's designated postal address;
- (c) if that person does not have a designated email address or designated postal address — to that person's ordinary address; or
- (d) by any other means agreed between the adjustment relief Registrar or the adjustment relief assessor, and that person.

Communications by adjustment relief Registrar or adjustment relief assessor with parties to determination

27.—(1) The adjustment relief Registrar or an adjustment relief assessor may communicate with any party to a determination concerned —

- (a) by sending an email to that party's designated email address;
- (b) by sending a document to that party's designated postal address or ordinary address; or
- (c) by other means agreed between the adjustment relief Registrar or the adjustment relief assessor, and that party.

(2) Where a party to a determination agrees to communicate with the adjustment relief Registrar or an adjustment relief assessor by any of the means in paragraph (1), that party must monitor that means for any communication from the adjustment relief Registrar or the

adjustment relief assessor to that party, until the conclusion of the proceedings before the adjustment relief assessor.

(3) In this regulation —

- (a) a reference to the adjustment relief Registrar or an adjustment relief assessor includes an officer of the Registry duly authorised by the adjustment relief Registrar or the adjustment relief assessor to make or receive the communication on his or her behalf; and
- (b) a reference to a party to a determination includes any person who lodges with the adjustment relief Registrar or who is served a notice of objection, in relation to which the adjustment relief Registrar has to determine whether an adjustment relief assessor is to be appointed under section 65(2) of the Act.

*Division 3 — Procedure for adjustment relief
assessor's determination*

Appointment of adjustment relief assessors

28.—(1) If the adjustment relief Registrar has accepted for lodgment any notice mentioned in section 65(1) of the Act, he or she must send to the parties and their assignees, whose particulars are indicated in that notice, the following:

- (a) an acknowledgment of receipt of the notice;
- (b) a notice of appointment of one or more adjustment relief assessors;
- (c) a notice of the date and place for the hearing, if applicable.

(2) Where —

- (a) either —
 - (i) the adjustment relief Registrar has refused to accept any notice of objection for lodgment under section 46(3) of the Act; or
 - (ii) any notice of objection lodged under section 46(1) of the Act has been withdrawn; and

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- (b) any determination is required to be made by an adjustment relief assessor for the adjustment of the rights and obligations of the parties and their assignees,

the adjustment relief Registrar must send the following to the parties and their assignees, whose particulars are set out in the notice of objection:

- (c) a notice of appointment of one or more adjustment relief assessors;
- (d) a notice of the date and place for the hearing, if applicable.

(3) Where a party or a party's assignee who lodged with the adjustment relief Registrar any notice mentioned in section 65(1)(a) to (d) of the Act (called in this regulation the relevant notice) or a notice of objection mentioned in section 46(3) of the Act, is aware that —

- (a) proceedings against a party or a party's guarantor or surety in relation to any subsequent failure, future loss or accrued arrears (as the case may be) are pending in a court, an arbitral tribunal or other person or body, at the time that the notice was lodged;
- (b) a copy of the notice of negotiation or the notice of revision (in relation to the relevant notice or the notice of objection) has been lodged with the court, arbitral tribunal or other person or body; and
- (c) the adjustment relief Registrar has appointed an adjustment relief assessor to make a determination,

that party or party's assignee must, no later than 2 working days after the date the adjustment relief Registrar sends the notice of appointment of the adjustment relief assessor, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a notification of the status of the proceedings before the adjustment relief assessor in Form 12.

(4) A notification of the status of the proceedings mentioned in paragraph (3) must —

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- (a) contain the following:
- (i) information identifying the proceedings before the court, arbitral tribunal or other person or body;
 - (ii) in the case of a relevant notice —
 - (A) a declaration of service of that notice on the persons required to be served; and
 - (B) a declaration of lodgment of that notice with the adjustment relief Registrar;
 - (iii) in the case of a notice of objection mentioned in section 46(3) of the Act —
 - (A) a declaration that the adjustment relief Registrar has refused to accept the notice of objection for lodgment; or
 - (B) a declaration that the notice of objection lodged under section 46(1) of the Act has been withdrawn; and
- (b) be accompanied by —
- (i) a copy of the relevant notice or notice of objection (as the case may be); and
 - (ii) a copy of the notice of appointment of the adjustment relief assessor.

Amendment of notice

29.—(1) Without limiting regulation 35, the adjustment relief Registrar may, at any stage of the proceedings before an adjustment relief assessor's determination and on the application of a party or a party's assignee, allow that person to amend any notice that has been lodged by that person.

(2) The application for amendment and the amended notice (if applicable) must be served on the other party or parties and their assignees (but not on the person making the application) by the prescribed mode of service.

Hearing and determination by adjustment relief assessor

30.—(1) An adjustment relief assessor must, when carrying out his or her duties or exercising his or her powers under these Regulations, act independently, impartially and in a timely manner.

(2) A hearing is generally to be held in an asynchronous manner by exchange of email.

(3) However, an adjustment relief assessor may direct —

- (a) the hearing be held via video conferencing, teleconferencing or other electronic means; or
- (b) any one or more of the following persons to attend before the adjustment relief assessor for a hearing:
 - (i) a party to the specified contract in question;
 - (ii) an assignee of any party to the specified contract;
 - (iii) a person claiming under or through a person mentioned in sub-paragraph (i) or (ii),

if the adjustment relief assessor is of the opinion that the interest of justice would be better served if the hearing is held in the manner mentioned in sub-paragraph (a) or if one or more of the persons mentioned in sub-paragraph (b) attend before the adjustment relief assessor for the hearing, as the case may be.

(4) An adjustment relief assessor may issue such directions as are necessary or expedient for the conduct of the hearing, including a direction to a party to the determination to provide such further documents or information that the adjustment relief assessor requires to make a determination.

(5) An adjustment relief assessor may do either one or both of the following:

- (a) permit a person who may be affected by the adjustment relief assessor's determination, to participate in or attend the hearing in question;
- (b) give that person a chance to be heard before the determination is made.

(6) An adjustment relief assessor may permit a person to be accompanied by an interpreter at the hearing.

(7) An adjustment relief assessor may at any time adjourn a hearing or fix a date for a further hearing.

(8) An adjustment relief assessor may dispense with a hearing and make a determination solely by reference to the forms and documents submitted, if the adjustment relief assessor is of the opinion that those forms and documents are sufficient for the adjustment relief assessor to make his or her determination.

Where adjustment relief assessor unable to continue with proceedings

31.—(1) If an adjustment relief assessor who is hearing any proceedings or making a determination is unable for any reason to continue with the proceedings or determination, the adjustment relief Registrar may appoint a new adjustment relief assessor or adjustment relief assessors in place of that adjustment relief assessor to hear the proceedings or make the determination.

(2) The new adjustment relief assessor may, as the justice of the case requires —

- (a) continue with the proceedings or determination from where the proceedings or determination had previously stopped; or
- (b) hear the proceedings or make the determination afresh.

Where person directed to attend is absent from hearing

32.—(1) Where a person who is directed by the adjustment relief assessor to attend before the adjustment relief assessor for a hearing under regulation 30(3) is absent from the hearing, the adjustment relief assessor may —

- (a) deem that the person has withdrawn the notice lodged by that person; or
- (b) hear the proceedings and make a determination.

(2) A decision or determination made under paragraph (1) may, on an application by the person mentioned in paragraph (1), be set aside by the adjustment relief assessor or another adjustment relief assessor if that adjustment relief assessor is satisfied that the person had a good reason for being absent from the hearing, and that it is just in the circumstances to set aside the decision or determination made in that person's absence.

(3) An application under paragraph (2) must —

(a) be in Form 13; and

(b) be submitted to the adjustment relief Registrar, and served on the parties to a determination concerned (but not on the person that submitted the application) by the prescribed mode of service, no later than 5 working days after the date of the adjustment relief assessor's decision or determination made under paragraph (1) is sent to the parties to the determination or such longer period as the adjustment relief Registrar may allow.

(4) Any party to a determination that wishes to oppose the application for setting aside must, within a period directed by the adjustment relief Registrar, submit to the adjustment relief Registrar and serve on the person that submitted the application under paragraph (2), and every other party to the determination, by the prescribed mode of service, a reply in Form 14.

(5) Where an adjustment relief assessor hearing the application decides to set aside the decision or determination made under paragraph (1) —

(a) he or she may do so on such terms as he or she considers just; and

(b) he or she may proceed to hear the parties to the determination and make the determination in relation to the specified contract.

Determination must be unanimous where more than one adjustment relief assessor

33. Where more than one adjustment relief assessor is appointed to make a determination, the determination must be unanimous.

Notification of status of proceedings, etc., to court, etc.

34.—(1) This regulation applies where, in relation to a notice of negotiation or notice of revision lodged with the adjustment relief Registrar —

- (a) the adjustment relief Registrar determines that no adjustment relief assessor needs to be appointed under section 65(2) of the Act; or
- (b) the proceedings before an adjustment relief assessor in relation to that notice have been concluded because all the determinations required to be made in relation to that notice have been made.

(2) Where the party who served the notice of negotiation or notice of revision under section 45(1) or 53(1) of the Act, is aware that —

- (a) proceedings against that party or that party's guarantor or surety, in relation to any subsequent failure, future loss or accrued arrears (as the case may be) were pending in a court, an arbitral tribunal or other person or body, at the time of the determination under paragraph (1)(a) or the conclusion of the proceedings under paragraph (1)(b) (called in this paragraph relevant time); and
- (b) a copy of the notice of negotiation or notice of revision (as the case may be) had been lodged by that party with the court, arbitral tribunal or other person or body,

that party must, no later than 2 working days after the relevant time, file with the court, or submit to the arbitral tribunal or other person or body, before which the proceedings are pending, a notification of the status of the proceedings for a determination.

(3) A notification of the status of the proceedings for a determination mentioned in paragraph (1) must —

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- (a) be in Form 12;
 - (b) contain information identifying the proceedings before the court, arbitral tribunal or other person or body; and
 - (c) be accompanied by —
 - (i) a copy of the adjustment relief assessor’s determination or determinations; or
 - (ii) a copy of the adjustment relief Registrar’s determination that no adjustment relief assessor needs to be appointed under section 65(2) of the Act.

Division 4 — General provisions

Effect of non-compliance

35.—(1) Where, in any proceedings under this Part that is before the adjustment relief Registrar or any proceedings before an adjustment relief assessor, there has been a failure to comply with any requirement of these Regulations, that failure is treated as an irregularity and does not nullify the proceedings in question, any step taken in the proceedings, or any direction or order given by the adjustment relief Registrar or adjustment relief assessor, unless otherwise provided in these Regulations or directed by the adjustment relief Registrar or adjustment relief assessor.

(2) Without affecting paragraph (1), the adjustment relief Registrar or the adjustment relief assessor may, on his or her initiative or on an application by a party to a determination, do one or more of the following:

- (a) allow that party to amend a notice lodged by that party, in order to comply with the requirements of these Regulations;
- (b) make such directions dealing with the matter or proceeding as he or she thinks fit, including a direction to that party to provide any document or information required under these Regulations;
- (c) direct the party who amended the notice or who provided the document or information, to inform the other parties to

the determination of the amendment or provide a copy of the amended notice, document or information to the other parties to the determination.

Correction of error in adjustment relief assessor's determination

36. An adjustment relief assessor may, on his or her own motion or on the application of any person affected by an adjustment relief assessor's determination made by the adjustment relief assessor in Form 15, correct any clerical mistake, or error arising from an accidental slip or omission, in the determination.

Extension of time

37.—(1) The adjustment relief Registrar may —

- (a) on his or her initiative; or
- (b) on an application submitted to the adjustment relief Registrar,

and on such terms as the adjustment relief Registrar thinks just, extend, or further extend, in a particular case the period within which a party to a determination is required, by these Regulations or a direction of the adjustment relief Registrar, to submit to the adjustment relief Registrar, or serve on any other party to the determination, any document or form to be submitted to the adjustment relief Registrar, or served on a party to the determination, before the date an adjustment relief assessor is appointed to make a determination.

(2) The adjustment relief assessor appointed to make a determination may —

- (a) on his or her initiative; or
- (b) on an application submitted to the adjustment relief assessor by a party to the determination,

and on such terms as the adjustment relief assessor thinks just, extend, or further extend, in a particular case the period within which a party to the determination is required by these Regulations to submit to the adjustment relief assessor, or serve on any other party to the

determination, any document or form to be submitted to the adjustment relief assessor, or served on another party to the determination, on or after the date the adjustment relief assessor is appointed to make the determination.

(3) The adjustment relief Registrar or adjustment relief assessor may extend the period mentioned in paragraph (1) or (2) even though —

- (a) in the case of paragraph (1)(a) or (2)(a) — that period has expired; or
- (b) in the case of paragraph (1)(b) or (2)(b) — the application for the extension is made after the expiration of that period.

Registry of Adjustment Relief Assessors

38.—(1) For the purposes of the administration of Part 10 of the Act and these Regulations, there is to be established an office called the Registry of Adjustment Relief Assessors.

(2) The Registry is under the control and supervision of the adjustment relief Registrar.

(3) The office hours of the Registry are —

- (a) between 8.30 a.m. and 6 p.m. of any day from Monday to Thursday (except public holidays);
- (b) between 8.30 a.m. and 5.30 p.m. on Friday (except public holidays); but
- (c) if any such day is the eve of the New Year, Lunar New Year or Christmas, between 8.30 a.m. and 12 noon.

Records

39.—(1) The adjustment relief Registrar must keep the records of every determination, including the documents submitted by parties to the determination to an adjustment relief assessor.

(2) The records may be kept in a manner and form determined by the adjustment relief Registrar.

(3) After an adjustment relief assessor has made a determination, a person affected by the determination may, on payment of any fee that

may be prescribed by an order under section 46(1) of the Interpretation Act (Cap. 1) and subject to the adjustment relief Registrar's permission —

- (a) search the record relating to that determination; and
- (b) take a copy of the record.

(4) The records must be kept for a period of 2 years after the date of the adjustment relief assessor's determination.

Adjustment relief Registrar's directives

40.—(1) The adjustment relief Registrar may issue directives for the purposes of these Regulations and for proceedings before an adjustment relief assessor.

(2) Without limiting paragraph (1), an adjustment relief Registrar's directive may provide guidance on the following:

- (a) the practice and procedure for the use of the electronic system;
- (b) documents and information that must accompany a specified notice, and other documents and information that may be required by the adjustment relief Registrar or an adjustment relief assessor for an adjustment relief assessor's determination;
- (c) the practice and procedure for an application for an extension of time and any other application in the proceedings for an adjustment relief assessor's determination;
- (d) the practice and procedure for searching and taking copies of records of the adjustment relief Registrar kept under regulation 39.

Publication of determinations

41. Where, in the adjustment relief Registrar's opinion, an adjustment relief assessor's determination ought to be published, the adjustment relief Registrar may publish the facts of the case, the arguments and the determination without disclosing the names of the

parties to a determination concerned or any information that may disclose their identities.

Made on 14 January 2021.

LAI WEI LIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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