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No. S 377

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

COVID-19 (TEMPORARY MEASURES)
(TEMPORARY RELIEF FOR INABILITY TO PERFORM
CONTRACTS) (AMENDMENT) REGULATIONS 2020

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

Citation and commencement

1. These Regulations are the COVID-19 (Temporary Measures) (Temporary Relief for Inability to Perform Contracts) (Amendment) Regulations 2020 and come into operation on 13 May 2020.

New regulation 3A

2. The COVID-19 (Temporary Measures) (Temporary Relief for Inability to Perform Contracts) Regulations 2020 (G.N. No. S 303/2020) are amended by inserting, immediately after regulation 3, the following regulation:

“Other prescribed actions for section 5(3)(o) of Act

3A.—(1) The following actions are prescribed for the purposes of section 5(3)(o) of the Act:

- (a) the increase of any charges (however described) or interest rate for interest payable under a scheduled contract, except where —
 - (i) the amount of the increase is specified in the contract or is to be calculated by reference to a formula or other matter (such as a reference rate) set out in the contract;

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- (ii) the increase relates to a charge that is provided for or permitted in the contract, where such charge relates to recovery of expenses reasonably incurred by the other party to the contract (not being the party unable to perform the subject obligation) in the ordinary course of business; or
 - (iii) the party who was unable to perform the subject obligation under the contract agrees to the increase;
- (b) the imposition of any new charges under a scheduled contract, except with the agreement of the party who was unable to perform the subject obligation under the contract;
 - (c) requiring that any part of a security deposit given pursuant to a scheduled contract be replaced by the party who was unable to perform the subject obligation under the contract, except with the agreement of that party;
 - (d) the withholding or forfeiture of any part of the booking fee or other consideration paid for an option mentioned in paragraph 1(i) of the Schedule to the Act;
 - (e) the termination by the housing developer of an agreement mentioned in paragraph 1(j) of the Schedule to the Act.

(2) To avoid doubt, in a case where an action under paragraph 1(a), (b) or (c) is carried out pursuant to a term in the scheduled contract, the party unable to perform the subject obligation under the contract is not considered to have agreed to the taking of the action under paragraph 1(a)(iii), (b) or (c) merely by being a party to the contract.

(3) This regulation does not apply to any thing done before 13 May 2020.”

Made on 12 May 2020.

LOH KHUM YEAN
Permanent Secretary,
Ministry of Law,
Singapore.

[LAW 63/009 COVID Relief-V1; AG/LEGIS/SL/65C/2020/3 Vol. 1]