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

COVID-19 (TEMPORARY MEASURES)
(TEMPORARY MEASURES FOR CONDUCT OF
COLLECTIVE SALE OF PROPERTY) ORDER 2020

ARRANGEMENT OF PARAGRAPHS

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In exercise of the powers conferred by section 40 of the COVID-19 (Temporary Measures) Act 2020, the Minister for Law makes the following Order:

Citation and commencement

1. This Order is the COVID-19 (Temporary Measures) (Temporary Measures for Conduct of Collective Sale of Property) Order 2020 and comes into operation on 6 October 2020.

Definitions

2. In this Order, unless the context otherwise requires —

“affected party” means any of the following (as applicable), not being the applicant in question:

- (a) each subsidiary proprietor of any lot in the strata title plan under section 84A or 84FA of the LTSA, or each proprietor of any flat in the development under section 84D or 84E of the LTSA;
- (b) the mortgagee or chargee of each subsidiary proprietor or proprietor mentioned in paragraph (a) or other person (other than a lessee) with an estate or interest in the lot or flat mentioned in that paragraph whose interest is notified on the land-register for that lot or flat;
- (c) each proprietor of the land under section 84E of the LTSA;
- (d) the mortgagee or chargee of each proprietor mentioned in paragraph (c) or other person with an estate or interest in the land mentioned in that paragraph whose interest is notified on the land-register for that land;
- (e) the subsidiary proprietor in reversion of the leasehold estate in the lots under section 84FA of the LTSA;
- (f) the mortgagee or chargee of the subsidiary proprietor mentioned in paragraph (e) or other person with an estate or interest in the lots mentioned in that paragraph and whose interest is notified on the subsidiary strata land-register for the lots;
- (g) the management corporation in question;

“applicant” means a person who makes an application under paragraph 4(1);

“application” means an application made under paragraph 4;

“building”, “common property”, “flat”, “land”, “Land Titles Registry”, “lot”, “management corporation”, “proprietor”, “strata roll”, “strata title plan” and “subsidiary proprietor” have the meanings given by section 3(1) of the LTSA;

“LTSA” means the Land Titles (Strata) Act (Cap. 158);

“LTSA Schedule” means a Schedule to the LTSA;

“MLAW website” means the website at <http://www.mlaw.gov.sg/covid19-relief> or any other online location specified on that website for the purposes of this Order;

“subsidiary strata land-register” means the series of records by that name prepared and maintained under section 10(1)(a) of the LTSA;

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

Modified provisions of LTSA for collective sale of property affected by COVID-19 event

3.—(1) An application may be made to the Minister by a person specified in the first column of the Schedule (called in this paragraph the Order Schedule), in a case mentioned in section 40(2) of the Act where a requirement of an LTSA Schedule set out opposite that person in the second column of the Order Schedule was not satisfied (whether before, on or after 6 October 2020) or is unlikely to be satisfied for the reason in section 40(2)(c) of the Act, for the purpose in sub-paragraph (2).

(2) The purpose is for a provision of an LTSA Schedule to be applied to that case with the modifications set out opposite that person in the third column of the Order Schedule.

(3) If the application is approved by the Minister, then the provisions of the LTSA Schedule apply to that case with those modifications.

Requirements of application

4.—(1) An application mentioned in paragraph 3 must be made to the Minister no later than 25 March 2021.

(2) The application must be in Form A1, and must specify —

- (a) the date the collective sale committee that is the subject of the application is constituted for the purposes of a collective sale of property under Part VA of the LTSA;
- (b) the requirement of an LTSA Schedule for the collective sale that was not satisfied or is unlikely to be satisfied; and
- (c) a brief explanation why it was or will be inexpedient or impracticable to carry out any act necessary for the requirement to be satisfied in view of a COVID-19 event.

(3) The application must be made to the Minister in the manner required by the Minister.

(4) The applicant must, within 10 working days after the date the application is made, serve on every affected party —

- (a) a copy of the application; and
- (b) Form A2, being the form in which an objection to the application is to be made.

(5) The applicant must also affix a copy of the application to a conspicuous part of each building comprised in the strata title plan or the development, as the case may be.

(6) If the applicant fails to satisfy the Minister that the applicant has complied with sub-paragraphs (4) and (5), the Minister must reject the application.

Objection

5. An affected party may, no later than 10 working days after being served with a copy of the application and Form A2, submit to the Minister an objection to the application in Form A2, and serve on the applicant a copy of the objection.

Determination of application

6.—(1) The Minister may refuse to consider an application if the application —

- (a) is incomplete;
- (b) is not accompanied by any document specified in the form or by the Minister; or
- (c) is not made in accordance with paragraph 4.

(2) The Minister may, after considering the application and objections (if any) submitted —

- (a) approve the application; or
- (b) reject the application.

Outcome of application to be notified

7.—(1) The Minister must, as soon as practicable after deciding an application under paragraph 6(2), notify the applicant of the Minister's decision.

(2) The applicant must, within 10 working days after receiving notice of the outcome of the application, serve on every affected party a notice of the outcome.

(3) The applicant must also affix a copy of a notice of the outcome of the application to a conspicuous part of each building comprised in the strata title plan or the development, as the case may be.

Form

8.—(1) The forms to be used for the purposes of this Order are those set out on the MLAW website, and any reference in this Order 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) Without limiting paragraph 4(2), every form to be served on any person or submitted to the Minister 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; and

(e) by the Minister,

whichever is applicable.

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

Service of documents

9.—(1) Any document required to be served on any person in connection with an application may be served —

(a) by giving it to the person personally;

(b) by sending it to that person's appropriate address by prepaid registered post; or

(c) by sending it to the person's last email address.

(2) For the purposes of sub-paragraph (1)(b), a person's appropriate address is —

(a) where the person is a subsidiary proprietor of a lot in the strata title plan — the address as shown on the strata roll;

(b) where the person is a proprietor of a flat or land — the last recorded address at the Land Titles Registry or Registry of Deeds;

(c) where the person is —

(i) a mortgagee, chargee or other person with an estate or interest in a lot or flat whose interest is notified on the land-register for that lot or flat; or

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-
- (ii) a subsidiary proprietor in reversion of the leasehold estate in a lot, or his or her mortgagee or chargee or other person with an estate or interest in the lot and whose interest is notified on the subsidiary strata land-register for that lot,

the address on the strata roll or last recorded address at the Land Titles Registry or Registry of Deeds, as the case may be; and

- (d) where the person is a management corporation — its address recorded on the folio of the land-register comprising the common property.

(3) In this Order, service of a document on a person takes effect —

- (a) 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
- (b) if it is sent to an email address — at the time that the document becomes capable of being retrieved by the person.

(4) In this paragraph —

“document” includes a form;

“last email address” means an email address by which the person serving the document (*A*) corresponds with the person whom the document is served on (*B*) on matters concerning an application, or (if there is no such email address) an email address which *B* represents to *A* or to the public as the email address to which communications to *B* may be sent.

THE SCHEDULE

Paragraph 3

MODIFIED PROVISIONS OF LTSA FOR
COLLECTIVE SALE OF PROPERTY
AFFECTED BY COVID-19 EVENT

| <i>First column</i> | <i>Second column</i> | <i>Third column</i> |
|---|---|---|
| <i>Applicant for application under paragraph 3</i> | <i>Requirement of LTSA Schedule not or unlikely to be satisfied</i> | <i>Modified requirement of LTSA Schedule</i> |
| 1. The chairperson of the collective sale committee in question | Requirement in paragraph 1(a) of the First Schedule to the LTSA to execute a collective sale agreement no more than 12 months before the date of the application under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the LTSA (called in this item the 12-month period). | (a) where the 12-month period has not expired on the date of the application under paragraph 3 — replace that period with the period of 18 months before the date of the application under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the LTSA; (b) where the 12-month period has expired on the date of the application under paragraph 3 — replace that period with the period of 6 months after the date the Minister approves the application. |
| 2. The chairperson of the collective sale committee in question | Requirement in paragraph 1(a) of the First Schedule to the LTSA for the collective sale agreement to be executed within the permitted time as defined in paragraph 2(1)(a) of that Schedule (called in this item the permitted time). | (a) where the permitted time has not expired on the date of the application under paragraph 3 — replace sub-paragraph (ii) of paragraph 2(1)(a) of the First Schedule to the LTSA with the following: “(ii) ending not more than 18 months after the date the first subsidiary proprietor or proprietor, or his duly appointed attorney (as the case may be), signs the collective sales agreement; and”; |

 THE SCHEDULE — *continued*

| <i>First column</i> | <i>Second column</i> | <i>Third column</i> |
|--|---|--|
| <i>Applicant for application under paragraph 3</i> | <i>Requirement of LTSA Schedule not or unlikely to be satisfied</i> | <i>Modified requirement of LTSA Schedule</i> |
| | | <p>(b) where the permitted time has expired on the date of the application under paragraph 3 —</p> <p>(i) replace</p> <p style="padding-left: 2em;">sub-paragraph (ii) of paragraph 2(1)(a) of the First Schedule to the LTSA with the following:</p> <p style="padding-left: 4em;">“(ii) ending not more than 6 months after the date the Minister approves the application under the COVID-19 (Temporary Measures) (Temporary Measures for Conduct of Collective Sale of Property) Order 2020; and”;</p> <p>(ii) replace the words “within 4 weeks after the start of the permitted time and thereafter at intervals of not more than 4 weeks from the date of the last notice under this sub-paragraph” in paragraph 1(b) of the First Schedule to the LTSA with the following:</p> |

 THE SCHEDULE — *continued*

| <i>First column</i> | <i>Second column</i> | <i>Third column</i> |
|--|---|--|
| <i>Applicant for application under paragraph 3</i> | <i>Requirement of LTSA Schedule not or unlikely to be satisfied</i> | <i>Modified requirement of LTSA Schedule</i> |

“at the following times:

- (iii) within 4 weeks after the start of period A and thereafter at intervals of not more than 4 weeks from the date of the last notice under this sub-paragraph until the end of period A;
- (iv) within 4 weeks after the start of period B and thereafter at intervals of not more than 4 weeks from the date of the last notice under this sub-paragraph,

where —

- (v) period A is the permitted time that has expired; and
- (vi) period B is the permitted time after the modification in item 2(b)(i) of the Schedule to the COVID-19 (Temporary Measures) (Temporary Measures for Conduct of Collective Sale of Property) Order 2020;”.

 THE SCHEDULE — *continued*

| <i>First column</i> | <i>Second column</i> | <i>Third column</i> |
|---|---|---|
| <i>Applicant for application under paragraph 3</i> | <i>Requirement of LTSA Schedule not or unlikely to be satisfied</i> | <i>Modified requirement of LTSA Schedule</i> |
| <p>3. The chairperson of the collective sale committee in question or, if the collective sale committee is dissolved before the date of the application under paragraph 3 by reason of paragraph 12(2) of the Third Schedule to the LTSA, the chairperson of that collective sale committee</p> | <p>Under paragraph 12(2) of the Third Schedule to the LTSA, a collective sale agreement for the collective sale must be executed, or a subsidiary proprietor or proprietor must execute such agreement, within the period of 12 months after (called in this item the 12-month period) the collective sale committee is constituted, and if not the collective sale committee is dissolved.</p> | <p>(a) where the 12-month period has not expired on the date of the application under paragraph 3 of the Order — replace that period with the period of 18 months;</p> <p>(b) where the 12-month period has expired on the date of the application under paragraph 3 of the Order —</p> <p style="padding-left: 2em;">(i) the dissolution of the collective sale committee is not treated as a relevant event under paragraph 2 of the Second Schedule to the LTSA, and accordingly —</p> <p style="padding-left: 4em;">(A) paragraph 2(1A), (2A) and (3A) of that Schedule does not apply in relation to the reconstitution of the collective sale committee; and</p> <p style="padding-left: 4em;">(B) paragraph 2(1), (2) and (3) of that Schedule applies instead in relation to such reconstitution.</p> |

Made on 5 October 2020.

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

[LAW 63/009 COVID Relief-V1;
AG/LEGIS/SL/65C/2020/16 Vol. 1]