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

COVID-19 (TEMPORARY MEASURES) (TEMPORARY RELIEF FOR INABILITY TO PERFORM CONTRACTS) (AMENDMENT NO. 3) 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 No. 3) Regulations 2020 and come into operation on 9 October 2020.

Amendment of regulation 2

2. Regulation 2 of the COVID-19 (Temporary Measures) (Temporary Relief for Inability to Perform Contracts) Regulations 2020 (G.N. No. S 303/2020) (called in these Regulations the principal Regulations) is amended —

- (a) by inserting, immediately after the words “it is” in the definition of “subject obligation”, the words “or will be”; and
- (b) by deleting the full-stop at the end of the definition of “subject obligation” and substituting a semi-colon, and by inserting immediately thereafter the following definition:
 - ““subject right” means a right under a scheduled contract that a party to it is or will be unable to exercise and seeks relief under section 5A of the Act for the inability.”.

Amendment of regulation 3A

3. Regulation 3A of the principal Regulations is amended —

- (a) by deleting the words “the party unable” in paragraphs (1)(a)(ii) and (2) and substituting in each case the words “the party who is or will be unable”;
- (b) by deleting the words “who was” in paragraph (1)(a)(iii), (b) and (c) and substituting in each case the words “who is or will be”;
- (c) by deleting sub-paragraph (d) of paragraph (1); and
- (d) by deleting the full-stop at the end of sub-paragraph (e) of paragraph (1) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:
 - “(f) the termination by the commercial developer of an agreement mentioned in paragraph 1(l) of the Schedule to the Act.”.

New regulation 3AA

4. The principal Regulations are amended by inserting, immediately after regulation 3A, the following regulation:

“Prescribed contracts for section 5A of Act

3AA.—(1) The following descriptions of scheduled contracts are prescribed for the purposes of section 5A(1)(a) of the Act:

- (a) an option given by a housing developer to an intending purchaser for the purchase of one or more units of housing accommodation;
- (b) an option given by a commercial developer to an intending purchaser for the purchase of one or more units of commercial property.

(2) In paragraph (1), “commercial developer”, “commercial property”, “housing accommodation”, “housing developer” and “unit” have the meanings given by paragraph 2 of the Schedule to the Act.”.

Amendment of regulation 3B

5. Regulation 3B of the principal Regulations is amended —

- (a) by deleting the words “a unit” in paragraph (1)(f) and substituting the words “one or more units”;
- (b) by deleting the full-stop at the end of sub-paragraph (f) of paragraph (1) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:
 - “(g) an agreement between a commercial developer and a purchaser for the sale and purchase of one or more units of commercial property.”; and
- (c) by inserting, immediately after the words “paragraph (1),” in paragraph (2), the words “ “commercial developer”, “commercial property”,”.

Amendment of regulation 9

6. Regulation 9 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “section 5” in paragraph (1)(a), “, 5A”;
- (b) by inserting, immediately before the words “the following” in paragraph (1)(d), the words “where *A* is seeking relief under section 5 or 7 of the Act —”;
- (c) by inserting, immediately after sub-paragraph (d) of paragraph (1), the following sub-paragraph:
 - “(da) where *A* is seeking relief under section 5A of the Act — the following information about the subject right:
 - (i) the details of the right;
 - (ii) the date the right was or is to be exercised;
 - (iii) a brief explanation of how a COVID-19 event had caused to a

material extent the inability to exercise the right;”;

(d) by inserting, immediately after the words “subject obligation” in paragraph (1)(e), the words “, or to exercise the subject right;”;

(e) by inserting, immediately after paragraph (5), the following paragraph:

“(6) In this regulation, “subject inability” means the subject inability mentioned in section 5(1)(a) of the Act.”.

Amendment of regulation 14

7. Regulation 14 of the principal Regulations is amended —

(a) by deleting the words “or a supply contract” in paragraph (2)(a) and substituting the words “, a supply contract, or an option mentioned in paragraph 1(i) or (k) of the Schedule to the Act”;

(b) by inserting, immediately after paragraph (11), the following paragraph:

“(12) In this regulation, “subject inability” means the subject inability mentioned in section 5(1)(a) of the Act.”.

[G.N. Nos. S 377/2020; S 665/2020]

Made on 8 October 2020.

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