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ESTATE AGENTS ACT 2010
(ACT 25 OF 2010)

ESTATE AGENTS (LICENSING AND REGISTRATION)
REGULATIONS 2010

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

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Estate Agents (Licensing and Registration) Regulations 2010 and shall come into operation on 1st November 2010.

Definitions

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

“business name” means the name or style under which a person carries on business;

“continuing professional development credits” means continuing professional development credits under Part VI of the Estate Agents (Estate Agency Work) Regulations 2010 (G.N. No. S 644/2010);

“continuing professional development requirements”, in relation to any person, means the minimum continuing professional development requirements applicable to that person under Part VI of the Estate Agents (Estate Agency Work) Regulations 2010;

“corporation” means a company registered under the Companies Act (Cap. 50) or under any corresponding previous legislation, or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A) and includes any body corporate formed or incorporated outside Singapore and any branch or subsidiary thereof;

“Council’s electronic application service” means the electronic service provided by the Council at the Council’s website for the submission of applications and notices to the Council;

“Council’s website” means the Council’s Internet website at <http://www.cea.gov.sg>;

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- “fee”, in relation to any transaction, means the applicable fee under the Estate Agents (Fees) Regulations 2010 (G.N. No. S 641/2010);
- “former house agent” means the holder of a valid house agent’s licence under the Appraisers and House Agents Act (Cap. 16) immediately before 22nd October 2010;
- “former house agent salesperson” means a natural person employed or engaged to perform estate agency work by a former house agent immediately before 22nd October 2010;
- “former principal licensee”, in relation to a former house agent, means the natural person who made the application for the former house agent for the house agent’s licence under the Appraisers and House Agents Act (Cap. 16) which was in force immediately before 22nd October 2010;
- “GCE “O” level” means the Singapore-Cambridge General Certificate of Education examination at “O” level;
- “licence number”, in relation to an estate agent, means the licence number assigned by the Council on granting an estate agent’s licence;
- “partner or director”, in relation to a former house agent, means a person who was a partner or director of the former house agent immediately before 22nd October 2010;
- “professional indemnity insurance requirements”, in relation to an estate agent, means the professional indemnity insurance requirements under Part V of the Estate Agents (Estate Agency Work) Regulations 2010 (G.N. No. S 644/2010) that are applicable to the estate agent;
- “Real Estate Agency examination” means the examination conducted by the Council as a qualification for real estate agents;
- “Real Estate Salesperson examination” means the examination conducted by the Council as a qualification for salespersons;

“registration number” means —

- (a) in relation to a salesperson, the registration number assigned by the Council on the registration of the salesperson; and
- (b) in relation to a partner (other than a partner of a limited liability partnership) of an estate agent, the registration number assigned by the Council to the partner on the grant of a licence to the estate agent.

(2) Any reference in these Regulations to a form shall be construed as a reference to the version of the form which is published at the Council’s website at the relevant time.

(3) For the purpose of these Regulations, a property transaction is not completed unless a fee, commission or reward is paid or payable to the estate agent or the salesperson for the estate agency work in respect of the transaction.

Forms and required documents

3. Every application and notice to the Council under these Regulations shall —

- (a) be made in the form provided at the Council’s website for such application or notice;
- (b) be accompanied by such documents and declarations as may be required by these Regulations or be specified in the applicable form or at the Council’s website; and
- (c) be accompanied by any other information or documents that the Council may require in any particular case.

Use of electronic application service

4.—(1) Every application and notice to the Council that is required to be made electronically under these Regulations shall be made through the Council’s electronic application service.

(2) The use of the Council’s electronic application service is subject to any authentication of identity that the Council may require.

(3) In the event of a malfunction, failure or unavailability of the Council's electronic application service, the application or notice shall be made or given in such manner as the Council may specify at the Council's website.

PART II

APPLICATION FOR LICENCE AND RENEWAL OF LICENCE

Application for grant or renewal of licence

5. Every application for the grant or renewal of an estate agent's licence shall be made electronically in the forms provided under "Licensing of Estate Agents" at the Council's website.

Prescribed requirements for grant and renewal of licence

6.—(1) Subject to the Act, paragraphs (2) and (3) and regulation 7, no licence shall be granted or renewed unless —

- (a) the Council is satisfied that the estate agent has in place systems and processes to ensure proper management of the business and its salespersons;
- (b) the estate agent does not hold a licence as any other estate agent; and
- (c) every sole proprietor, partner or director of the estate agent who will be performing estate agency work —
 - (i) has attained the age of 21 years;
 - (ii) is not registered as a salesperson with another estate agent;
 - (iii) does not hold a licence as any other estate agent;
 - (iv) has a minimum of 4 GCE 'O' level passes or obtained an equivalent or higher qualification as determined by the Council; and
 - (v) has, in the 2 years immediately before the application for a licence, passed the Real Estate Agency

examination, or obtained an equivalent or higher qualification as determined by the Council.

(2) Paragraph (1)(c)(iv) and (v) shall 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 institutions specified in the second column thereto.

(3) Paragraph (1)(c)(v) shall not apply to any sole proprietor, partner or director who initially satisfies the requirements on his appointment and who —

- (a) continuously remains a sole proprietor, partner or director of any estate agent thereafter without cessation; or
- (b) remains a sole proprietor, partner or director of any estate agent thereafter with a period of cessation —
 - (i) of not more than one year; or
 - (ii) of not more than 2 years if the sole proprietor, partner or director accumulates at least 12 hours of continuing professional development credits during the period of cessation.

Variation of licence requirements for former principal licensees and partners and directors of former house agents

7.—(1) Regulation 6(1)(c)(iv) and (v) shall not, in any application for an estate agent's licence made on or before 31st December 2010, apply to any person who —

- (a) is a former principal licensee; or
- (b) is a partner or director of a former house agent performing estate agency work and who, on or before 31st December 2010, passes an industry examination listed in the first column of the Second Schedule that is conducted by the body specified in the second column thereto or obtains an equivalent or higher qualification as determined by the Council.

(2) For any application for an estate agent's licence made on or before 31st December 2010, a partner or director of a former house

agent performing estate agency work who does not satisfy the requirement in paragraph (1)(b) —

- (a) shall be exempted from regulation 6(1)(c)(iv) and (v) until 31st December 2011; and
 - (b) shall be exempted from regulation 6(1)(c)(iv) and (v) if he passes the Real Estate Agency examination or obtains an equivalent or higher qualification as determined by the Council, on or before 31st December 2011.
- (3) Any person who is exempted under paragraph (1) or (2)(b) shall continue to be exempted from —
- (a) regulation 6(1)(c)(v) if he continuously remains on the register as a partner or director of any estate agent from 1st January 2011 with no break between any period of registration or licence —
 - (i) of more than one year; or
 - (ii) of more than 2 years if he accumulates at least 12 hours of continuing professional development credits during the period that he is not on the register; and
 - (b) regulation 6(1)(c)(iv), whether or not he remains on the register continuously.

Identical or similar names not allowed

8. The Council may refuse to grant a licence if, in its opinion, the business name of the applicant or the name of the corporation making the application is so similar to that of an existing holder of an estate agent's licence as to be likely to cause confusion.

Prescribed qualifications and requirements for key executive officer

9. Subject to the requirements of the Act, a key executive officer of an estate agent must satisfy the following requirements:

- (a) he must be the sole proprietor, a director or a partner of the estate agent;

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- (b) he must, subject to regulation 6(2), satisfy the requirements in regulation 6(1)(c) for a sole proprietor, partner or director performing estate agency work;
 - (c) he must have at least 3 years of experience in estate agency work; and
 - (d) he must —
 - (i) have completed at least 30 property transactions (acting for any house agent or estate agent or as the holder of a house agent's licence or an estate agent's licence) in the 3 years immediately before his appointment; or
 - (ii) have at least 3 years of experience in managing the business of a house agent or an estate agent as an executive director, a chief executive, key executive officer, partner or sole proprietor.

Variation of key executive officer requirements for former principal licensees

10. Regulation 9(c) and (d) shall not apply to any person who is a former principal licensee.

Proof of professional indemnity insurance

11. No licence shall be granted or renewed unless the Council is satisfied that the applicable professional indemnity insurance requirements are or will be satisfied.

Continuing professional development requirements for renewal of licence

12. No licence shall be renewed unless —

- (a) the sole proprietor of the estate agent, or every director or every partner of the estate agent performing estate agency work; and
- (b) the key executive officer of the estate agent,

have satisfied the continuing professional development requirements applicable to them in each year of the period of the licence whose renewal is sought.

Prescribed security

13.—(1) The security that the Council may require under section 33(5) of the Act is a bank guarantee of such amount (not exceeding \$75,000) as the Council may specify in any particular case.

(2) The security shall be in such form and be provided in such manner as the Council may require.

Forfeiture of security

14.—(1) If the Council is satisfied that an estate agent has failed to comply with any condition specified in respect of security required to be furnished under section 33(5) of the Act, the Council may direct the forfeiture of the security or any part thereof.

(2) The forfeiture of any security or part thereof under paragraph (1) shall be without prejudice to the taking of proceedings against any person for any offence under the Act.

PART III

APPLICATION FOR REGISTRATION AND RENEWAL OF REGISTRATION

Application for registration and renewal of registration

15.—(1) Every application for registration or the renewal of registration as a salesperson shall be made electronically in the forms provided under “Registration of Salespersons” at the Council’s website.

(2) Every application under paragraph (1) shall be accompanied by a certification (in such form as may be specified in the Council’s website) by the estate agent that the person seeking registration as a salesperson meets the requirements of the Act for registration as a salesperson.

Prescribed educational qualification requirements for registration

16.—(1) Subject to the Act, paragraphs (2) and (3) and regulation 17, no individual shall be registered as a salesperson unless —

- (a) he has a minimum of 4 GCE “O” level passes or obtained an equivalent or higher qualification as determined by the Council; and
- (b) he has, in the 2 years immediately before the application for registration, passed the Real Estate Agency examination or the Real Estate Salesperson examination, or obtained an equivalent or higher qualification as determined by the Council.

(2) Paragraph (1)(a) and (b) shall 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 institutions specified in the second column thereto.

(3) Paragraph (1)(b) shall not apply to any person who initially satisfies the requirements and is registered as a salesperson and who —

- (a) continuously remains registered as a salesperson of any estate agent thereafter without cessation; or
- (b) remains registered as a salesperson of any estate agent thereafter with a period of cessation —
 - (i) of not more than one year; or
 - (ii) of not more than 2 years if the person accumulates at least 12 hours of continuing professional development credits during the period of cessation.

Variation of registration requirements for former house agents, former principal licensees and former house agent salespersons

17.—(1) Subject to the Act and paragraph (3), regulation 16(1) shall not apply to any former house agent, former principal licensee or former house agent salesperson who —

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- (a) applies for registration as a salesperson on or before 31st December 2010; and
- (b) on or before 22nd October 2010 passes an industry examination listed in the first column of the Third Schedule that is conducted by the body specified in the second column thereto or obtains an equivalent or higher qualification as determined by the Council.
- (2) Subject to the Act, any former house agent, former principal licensee or former house agent salesperson who applies for registration as a salesperson on or before 31st December 2010 and who has completed at least 3 property transactions (acting for any house agent or as the holder of a house agent's licence) in the 2 years immediately before 22nd October 2010 —
- (a) shall be exempted from regulation 16(1) until 31st December 2011 and may, subject to the other requirements of the Act, be provisionally registered as a salesperson until that date; and
- (b) shall be exempted from regulation 16(1) if he passes —
- (i) an industry examination listed in the first column of the Third Schedule that is conducted by the body specified in the second column on or before 31st December 2010; or
- (ii) the Real Estate Agency examination or Real Estate Salesperson examination or obtains an equivalent or higher qualification as determined by the Council, on or before 31st December 2011.
- (3) Any person who is exempted from regulation 16(1) under paragraph (1) or (2)(b) shall continue to be exempted from —
- (a) regulation 16(1)(b) if he continuously remains on the register as a salesperson for any estate agent or as an estate agent from 1st January 2011 with no break between any period of registration or licence —
- (i) of more than one year; or

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- (ii) of more than 2 years if he accumulates at least 12 hours of continuing professional development credits during the period that he is not on the register; and
- (b) regulation 16(1)(a), whether or not he remains on the register continuously.

Continuing professional development requirements for renewal of registration

18. The registration of a salesperson shall not be renewed unless the salesperson has satisfied any prescribed continuing professional development requirements in each year of the period of registration whose renewal is sought.

PART IV

NOTIFICATION OF CHANGES

Duty to notify Council of changes to information submitted to Council

19.—(1) Every estate agent shall notify the Council of any change to information contained in any application or form submitted to the Council under these Regulations, within 7 days after the date of the change.

(2) Any notice under paragraph (1) shall be made electronically in the applicable form provided under “Update of Information” at the Council’s website.

Notice of events under section 43

20.—(1) Notice of events under section 43 of the Act shall be made electronically within 7 days after the relevant event.

(2) Any notice under paragraph (1) shall be made electronically in the applicable form provided under “Notice under section 43” at the Council’s website.

Estate agent to notify Council of cessation of salesperson's authority to act for estate agent

21.—(1) An estate agent shall give notice to the Council of the termination of employment or appointment of any salesperson to act on behalf of the estate agent.

(2) Any notice under paragraph (1) shall be made electronically in the applicable form provided under “Removal of salesperson from register” at the Council’s website.

PART V

MISCELLANEOUS

Equivalent qualifications to passes in Council for Estate Agencies examinations

22. For the purpose of these Regulations, passes in all 3 examinations in General Practice by the Royal Institution of Chartered Surveyors (RICS) shall be deemed to be equivalent qualifications to a pass in the Real Estate Agency examination and a pass in the Real Estate Salesperson examination.

FIRST SCHEDULE

Regulations 6(2) and 16(2)

DEGREE AND DIPLOMA QUALIFICATIONS

<i>Name of qualification</i>	<i>Institution</i>
1. Bachelor of Science (Real Estate)	National University of Singapore
2. Bachelor of Science (Estate Management)	
3. Bachelor of Real Estate (Property Management)	
4. Bachelor of Real Estate (Valuation)	
5. Diploma in Building Management	Ngee Ann Polytechnic
6. Diploma in Building & Real Estate Management	
7. Diploma in Real Estate Business	

FIRST SCHEDULE — *continued*

8. Diploma in Property Development & Facilities Management	Singapore Polytechnic
9. Diploma in Building & Property Management	

SECOND SCHEDULE

Regulation 7(1)

RECOGNISED QUALIFICATIONS FOR ESTATE AGENTS

<i>Name of industry examination</i>	<i>Conducting body</i>
1. Common Examination for House Agents (CEHA)	Common Examination for House Agents Board
2. Real Estate Agency Course (up to Batch 12/1995)	Singapore Institute of Surveyors and Valuers
3. Association of Singapore Realtors' Course (up to Batch 38/1995)	Association of Singapore Realtors

THIRD SCHEDULE

Regulation 17

RECOGNISED QUALIFICATIONS FOR SALESPERSONS

<i>Name of industry examination</i>	<i>Conducting body</i>
1. Common Examination for House Agents (CEHA)	Common Examination for House Agents Board
2. Real Estate Agency Course (up to Batch 12/1995)	Singapore Institute of Surveyors and Valuers
3. Association of Singapore Realtors' Course (up to Batch 38/1995)	Association of Singapore Realtors
4. Common Examination for Salespersons	Singapore Accredited Estate Agencies
5. Certified Estate Agent Examination	Institute of Estate Agents
6. Real Estate Agency Course (from Batch 1/1996 onwards)	Singapore Institute of Surveyors and Valuers
7. National Skills Recognition System (NSRS) for Real Estate Sales	Singapore Workforce Development Agency

THIRD SCHEDULE — *continued*

8. Pre-CEHA Examination	Singapore Accredited Estate Agencies
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Made this 26th day of October 2010.

GREG SEOW FOOK HIN
President,
Council for Estate Agencies,
Singapore.

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