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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;

- "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 estate agents, and consisting of Papers 1, 2 and 3;

"Real Estate Salesperson examination" means the examination conducted by the Council as a qualification for salespersons, and consisting of Papers 1 and 2;

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"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;

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"specified individual", in relation to an estate agent, means —

- (a) a sole proprietor, in the case of an estate agent that is a sole proprietorship;
- (b) a partner who will be performing estate agency work, in the case of an estate agent that is a partnership; or
- (c) a director who will be performing estate agency work, in the case of an estate agent that is a company.

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- (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.
- (4) For the purpose of regulations 6(4)(b)(ii), 7(4)(b)(ii), 9(4)(b)(ii), 10(2)(b)(ii), 16(4)(b)(ii) and 17(4)(b)(ii), "year" means a period of 12 months ending on 30 September, and any fraction of that period of 12 months is to be treated as one year.

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), (3) and (4) 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) each specified individual
 - (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 Salesperson examination.

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(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, if the holder enrolled for the degree or diploma qualification before 1 April 2020.

- (3) Paragraph (1)(c)(v) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder
 - (a) enrolled for the degree or diploma qualification on or after 1 April 2020; and

(b) has, in the 2 years immediately before the application for a licence, passed Paper 2 of the Real Estate Salesperson examination.

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- (4) Paragraph (1)(c)(v) does not apply
 - (a) to a person who, at the time of the application for the grant or renewal of the estate agent's licence, is any of the following persons (each called in this paragraph a relevant person):
 - (i) a specified individual;
 - (ii) a key executive officer of any licensed estate agent;
 - (iii) a registered salesperson of any licensed estate agent; or
 - (b) to a person
 - (i) who, at the time of the application for the grant or renewal of the estate agent's licence, is not a relevant person but had been a relevant person for any period in the 2 years immediately before the application for the grant or renewal of the licence; and
 - (ii) who had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the person had been a relevant person; and
 - (B) for the year or years during which the person had ceased to be a relevant person, as if the person had not ceased to be a relevant person.

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Exemptions 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.

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- (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, on or before 31st December 2011.

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(3) A person to whom regulation 6(1)(c)(iv) does not apply under paragraph (1), or who is exempted from regulation 6(1)(c)(iv) under paragraph (2)(b), continues not to be subject to regulation 6(1)(c)(iv) or continues to be exempted from regulation 6(1)(c)(iv) in respect of any application for an estate agent's licence made on or after 1 January 2011.

- (4) A person to whom regulation 6(1)(c)(v) does not apply under paragraph (1), or who is exempted from regulation 6(1)(c)(v) under paragraph (2)(b), continues not to be subject to regulation 6(1)(c)(v) or continues to be exempted from regulation 6(1)(c)(v) in respect of any application for an estate agent's licence made on or after 1 January 2011
 - (a) if the person was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
 - (i) a specified individual;
 - (ii) a key executive officer of any licensed estate agent;

- (iii) a registered salesperson of any licensed estate agent; or
- (b) if the person
 - (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
 - (ii) had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the person had been any one or more of the relevant persons; and
 - (B) for the year or years during which the person had ceased to be any one or more of the relevant persons, as if the person had not ceased to be such relevant person or persons.

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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.**—(1) 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;
 - (b) he must
 - (i) be 21 years of age or older; and

(ii) subject to paragraph (2), have a minimum of 4 GCE "O" level passes or obtained an equivalent or higher qualification as determined by the Council;

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(c) he must have at least 3 years of experience in estate agency work;

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- (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;

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(e) subject to paragraphs (2), (3) and (4) and regulation 10(2), he must, within the 2 years immediately before the appointment as a key executive officer, pass the Real Estate Agency examination.

[S 111/2023 wef 01/03/2023] [S 111/2023 wef 01/03/2023]

(2) Paragraph (1)(b)(ii) and (e) does 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 institution specified opposite in the second column of that Schedule, if the holder enrolled for the degree or diploma qualification before 1 April 2020.

- (3) Paragraph (1)(e) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder
 - (a) enrolled for the degree or diploma qualification on or after 1 April 2020; and

(b) has, in the 2 years immediately before the application for a licence, passed Papers 2 and 3 of the Real Estate Agency examination.

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- (4) Paragraph (1)(e) does not apply to a key executive officer who passed the Real Estate Agency examination more than 2 years before the appointment as a key executive officer
 - (a) if the key executive officer was on the date the key executive officer passed the Real Estate Agency examination, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
 - (i) a specified individual;
 - (ii) a key executive officer of any licensed estate agent;
 - (iii) a registered salesperson of any licensed estate agent; or
 - (b) if the key executive officer
 - (i) was on the date the key executive officer passed the Real Estate Agency examination, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
 - (ii) had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the key executive officer had been any one or more of the relevant persons; and
 - (B) for the year or years during which the key executive officer had ceased to be any one or more of the relevant persons, as if the key executive officer had not ceased to be such relevant person or persons.

Exemptions for former principal licensees

10.—(1) Regulation 9(1)(c) and (d) shall not apply to any person who is a former principal licensee.

[S 111/2023 wef 01/03/2023]

- (2) Regulation 9(1)(e) does not apply to a former principal licensee, or a qualifying partner or director of a former house agent (called in this paragraph a former agent)
 - (a) if the former agent was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):
 - (i) a specified individual;
 - (ii) a key executive officer of any licensed estate agent;
 - (iii) a registered salesperson of any licensed estate agent; or
 - (b) if the former agent
 - (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
 - (ii) had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the former agent had been any one or more of the relevant persons; and
 - (B) for the year or years during which the former agent had ceased to be any one or more of the relevant persons, as if the former agent had not ceased to be such relevant person or persons.

[S 111/2023 wef 01/03/2023]

(3) In this regulation, "qualifying partner or director of a former house agent" means a partner or director of a former house agent who has carried out estate agency work and who —

- (a) on or before 31 December 2010 passed an industry examination listed in the first column of the Second Schedule that is conducted by the body specified opposite in the second column of the Schedule; or
- (b) on or before 31 December 2011 passed the Real Estate Agency examination.

[S 111/2023 wef 01/03/2023] [S 111/2023 wef 01/03/2023]

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 education requirements for licence renewal

- **12.**—(1) An estate agent's licence must not be renewed unless the following individuals have satisfied the requirements relating to continuing professional education under the Act for the specified period:
 - (a) where the estate agent is a sole proprietor the estate agent;
 - (b) where the estate agent is a partnership or body corporate—every partner or director of the estate agent who carries out or who intends to carry out estate agency work;
 - (c) the key executive officer of the estate agent.
- (2) In this regulation, "specified period" means the period starting on 1 October of the calendar year preceding the time of application for renewal and ending on 30 September of the following calendar year.

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), (3) and (4) and regulation 17, an individual's application for registration or renewal of registration as a salesperson must be refused 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 Salesperson examination.

[S 111/2023 wef 01/03/2023] [S 111/2023 wef 01/03/2023]

(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, if the holder enrolled for the degree or diploma qualification on or before 1 April 2020.

[S 111/2023 wef 01/03/2023]

- (3) Paragraph (1)(b) does not apply to the holder of any of the degree and diploma qualifications specified in items 1 and 7 of the first column of the First Schedule issued by the institution specified opposite in the second column of that Schedule, if the holder
 - (a) enrolled for the degree or diploma qualification on or after 1 April 2020; and
 - (b) has, in the 2 years immediately before the application for registration as a salesperson, passed Paper 2 of the Real Estate Salesperson examination.

- (4) Paragraph (1)(b) does not apply
 - (a) to an individual who, at the time of application for registration as a salesperson, is any of the following persons (each called in this paragraph a relevant person):
 - (i) a specified individual;

- (ii) a key executive officer of any licensed estate agent;
- (iii) a registered salesperson of any licensed estate agent; or
- (b) to an individual
 - (i) who, at the time of application for registration as a salesperson, is not a relevant person but had been a relevant person for any period in the 2 years immediately before the application for registration as a salesperson; and
 - (ii) who had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the individual had been a relevant person; and
 - (B) for the year or years during which the individual had ceased to be a relevant person, as if the individual had not ceased to be a relevant person.

[S 111/2023 wef 01/03/2023]

Exemptions for former house agents, former principal licensees and former house agent salespersons

- 17.—(1) Subject to the Act and paragraph (3) and (4), regulation 16(1) shall not apply to any former house agent, former principal licensee or former house agent salesperson who
 - (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.

[S 111/2023 wef 01/03/2023]
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(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, on or before 31st December 2011.

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(3) A former house agent, former principal licensee or former house agent salesperson to whom regulation 16(1) does not apply under paragraph (1), or who is exempted from regulation 16(1) under paragraph (2)(b), continues not to be subject to regulation 16(1)(a) or continues to be exempted from regulation 16(1)(a) in respect of an application for registration as a salesperson made on or after 1 January 2011.

- (4) A former house agent, a former principal licensee or a former house agent salesperson (called in this regulation the former agent) to whom regulation 16(1) does not apply under paragraph (1), or who is exempted from regulation 16(1) under paragraph (2)(b), continues not to be subject to regulation 16(1)(b) or continues to be exempted from regulation 16(1)(b) in respect of an application for registration as a salesperson made on or after 1 January 2011
 - (a) if the former agent was on 1 January 2011, and had since that date continuously been, any one or more of the following persons (called in this paragraph relevant persons):

- (i) a specified individual;
- (ii) a key executive officer of any licensed estate agent;
- (iii) a registered salesperson of any licensed estate agent; or
- (b) if the former agent
 - (i) was on 1 January 2011, and had since that date continuously been (other than any break not exceeding 2 years each), any one or more of the relevant persons; and
 - (ii) had satisfied the requirements relating to continuing professional education under the Act
 - (A) for the year or years that the former agent had been any one or more of the relevant persons; and
 - (B) for the year or years during which the former agent had ceased to be any one or more of the relevant persons, as if the former agent had not ceased to be such relevant person or persons.

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Continuing professional education requirements for renewal of registration

- **18.**—(1) The registration of a salesperson must not be renewed unless the registered salesperson has satisfied the requirements relating to continuing professional education under the Act for the specified period.
- (2) In this regulation, "specified period" means the period starting on 1 October of the calendar year preceding the time of application for renewal and ending on 30 September of the following calendar year.

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, a pass (on or before 1 March 2023) in all 3 examinations in General Practice by the Royal Institution of Chartered Surveyors (RICS) is treated as a pass in the Real Estate Agency examination and a pass in the Real Estate Salesperson examination.

[S 111/2023 wef 01/03/2023]

FIRST SCHEDULE

Regulations 6(2) and (3), 9(2) and (3)

and 16(2) and (3)

DEGREE AND DIPLOMA QUALIFICATIONS

| Name of qualification | Institution |
|--|------------------------|
| 1. Bachelor of Science (Real Estate) | |
| 2. Bachelor of Science (Estate Management) | National University of |
| 3. Bachelor of Real Estate (Property Management) | Singapore |
| 4. Bachelor of Real Estate (Valuation) | |
| 5. Diploma in Building Management | |
| 6. Diploma in Building & Real Estate Management | Ngee Ann Polytechnic |
| 7. Diploma in Real Estate Business | |
| 8. Diploma in Property Development & Facilities Management | Singapore Polytechnic |
| 9. Diploma in Building & Property Management | |

SECOND SCHEDULE

Regulations 7(1) and 10(3)

RECOGNISED QUALIFICATIONS FOR ESTATE AGENTS

| Name of industry examination | Conducting body |
|--|---|
| 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 |

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THIRD SCHEDULE

Regulation 17

RECOGNISED QUALIFICATIONS FOR SALESPERSONS

| Name of industry examination | Conducting body |
|--|---|
| 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 |
| 8. Pre-CEHA Examination | Singapore Accredited Estate Agencies |

Made this 26th day of October 2010.

GREG SEOW FOOK HIN

President,

Council for Estate Agencies,

Singapore.

[ND 311/4-355; AG/LLRD/SL/95A/2010/4 Vol. 1]