

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129, SECTION 27(2))

HOUSING AND DEVELOPMENT
(PENALTIES FOR LATE PAYMENT) RULES

ARRANGEMENT OF RULES

Rule

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[14th July 1989]

Citation

1. These Rules may be cited as the Housing and Development (Penalties for Late Payment) Rules.

Definitions

2. In these Rules, unless the context otherwise requires —

“3-month compounded SORA”, in relation to a period, means —

- (a) if the period or a part of the period falls within the 6-month period beginning on 1 April of a calendar year, then, in relation to the period or the part (as the case may be) — the compounded average of the SORA values for the 3-month period immediately before 1 March of the same calendar year, as determined and published by the Monetary Authority of Singapore on its website at <http://www.mas.gov.sg> or (where the website is

unavailable to the public) in one or more other forms that are readily accessible by the public; or

- (b) if the period or a part of the period falls within the 6-month period beginning on 1 October of a calendar year, then, in relation to the period or the part (as the case may be) — the compounded average of the SORA values for the 3-month period immediately before 1 September of the same calendar year, as determined and published by the Monetary Authority of Singapore on its website at <http://www.mas.gov.sg> or (where the website is unavailable to the public) in one or more other forms that are readily accessible by the public;

[S 700/2023 wef 01/11/2023]

“agreement” includes any tenancy agreement, licence agreement, agreement for lease or lease, or loan agreement or mortgage entered into between the Board and any tenant, licensee, lessee or owner;

“amount” means any instalment, rent, licence fee or maintenance fee under an agreement;

[S 215/2008 wef 01/05/2008]

“grace period”, in relation to any instalment, rent, licence fee or maintenance fee in arrears, means the period —

- (a) starting on the date the amount first falls in arrears; and
(b) ending on the last day of the month in which that date falls;

[S 215/2008 wef 01/05/2008]

“instalment” means any monthly instalment repayment due to the Board under any loan provided by the Board to an owner for his purchase of any flat, house or other living accommodation sold by the Board;

“maintenance fee” means the service and conservancy charge payable to the Board by any tenant, licensee, lessee or owner

in respect of any property sold, leased or otherwise provided by the Board under the Act;

“National Environment Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

[S 186/2007 wef 01/05/2007]

“rent” includes the annual ground rent;

[S 700/2023 wef 01/11/2023]

“Singapore Overnight Rate Average” or “SORA” means the volume-weighted average rate of borrowing transactions in the unsecured overnight interbank Singapore dollar cash market in Singapore between 8 a.m. and 6.15 p.m., as determined and published by the Monetary Authority of Singapore on its website at <http://www.mas.gov.sg> or (where the website is unavailable to the public) in one or more other forms that are readily accessible by the public.

[S 700/2023 wef 01/11/2023]

Application

2A. These Rules shall not apply to any tenant, licensee or lessee of any market or food centre or part thereof which is owned by the Board and managed by the National Environment Agency, or any stall in any such market or food centre.

[S 186/2007 wef 01/05/2007]

Calculation of penalties for rent or fee in arrears

3.—(1) No penalty under this rule shall be payable by any lessee, owner, licensee or tenant during the grace period in respect of any amount or part thereof, due from the lessee, owner, licensee or tenant, as the case may be, and in arrears.

(2) Subject to paragraph (1), any lessee, owner, licensee or tenant who fails to pay to the Board any amount or part thereof due under any agreement on the day the amount falls due shall be liable to pay to the Board, in respect of the amount or any part thereof in arrears, a

penalty specified in paragraph (3) for the period in which the amount or part thereof is in arrears.

[S 700/2023 wef 01/11/2023]

(3) The penalty mentioned in paragraph (2) is a sum that is calculated at a rate of 4.5%-point above the 3-month compounded SORA for the period in which the amount or part thereof is in arrears.

[S 700/2023 wef 01/11/2023]

Recovery of rent, etc.

4. Nothing in these Rules shall prejudice any right of action or other remedy of the Board for the recovery of any rent or moneys due to the Board, including any interest for late payment or liquidated damages or in respect of any antecedent breach by the tenant, licensee, lessee or owner under any agreement.

Application of payments

5. The Board may, in its discretion, apply any moneys paid by the tenant, licensee or owner firstly towards the payment of the amount of any penalty payable under these Rules and subsequently apply any balance thereof towards payment of any amount of outstanding instalment, rent, licence fee or maintenance fee.

Remission

6. The Board may, in its discretion, remit wholly or in part any penalty payable under these Rules.

THE SCHEDULE

Deleted by S 215/2008, wef 01/05/2008.

LEGISLATIVE HISTORY
HOUSING AND DEVELOPMENT
(PENALTIES FOR LATE PAYMENT) RULES
(CHAPTER 129, R 5)

This Legislative History is provided for the convenience of users of the Housing and Development (Penalties for Late Payment) Rules. It is not part of these Rules.

1. 1990 Revised Edition — Housing and Development (Penalties for Late Payment) Rules

Date of operation : 25 March 1992

2. G. N. No. S 186/2007 — Housing and Development (Penalties for Late Payment) (Amendment) Rules 2007

Date of commencement : 1 May 2007

3. G. N. No. S 215/2008 — Housing and Development (Penalties for Late Payment) (Amendment) Rules 2008

Date of commencement : 1 May 2008

4. G.N. No. S 700/2023 — Housing and Development (Penalties for Late Payment) (Amendment) Rules 2023

Date of commencement : 1 November 2023