

SINGAPORE ACADEMY OF LAW ACT
(CHAPTER 294A, SECTION 27)

SINGAPORE ACADEMY OF LAW (STAKEHOLDING) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Definitions
 3. Service of notices and documents
 4. Information, procedures and forms
 5. Payment in of stakeholding money
 6. Payment out of stakeholding money
 7. Amounts in dispute
 - 7A. Payee in dispute
 8. Delegation to Executive Committee
-

[1st October 1997]

Citation

1. These Rules may be cited as the Singapore Academy of Law (Stakeholding) Rules.

Definitions

2. In these Rules —

“bank” means a company which holds a valid licence under section 7, 11 or 79 of the Banking Act (Cap. 19);

“cashier’s order” means a draft payable on demand drawn by a bank upon itself;

“closing hour” means 4 p.m. on any working day except for 12 noon on any working day which falls on a Saturday or the eve of Chinese New Year, New Year or Christmas;

“Executive Committee” means the Executive Committee constituted under rule 5 of the Singapore Academy of Law Rules (R 1);

“Purchaser” or “Vendor” means the Purchaser or Vendor referred to in any Sale and Purchase Agreement to which the Housing Developers Rules (Cap. 130, R 1), the Sale of Commercial Properties Rules (Cap. 281, R 1), the Housing and Development (Design-Build-And-Sell Scheme — Form of Contract) Rules 2006 (G.N. No. S 508/2006) or the Executive Condominium Housing Scheme Regulations (Cap. 99A, Rg 1) apply and includes any assignee or sub-assignee who is notified to the Academy pursuant to rule 6(5);

“stakeholding money” means that part of the purchase price paid or to be paid to the Academy as stakeholder under the Sale and Purchase Agreement to which the Housing Developers Rules, the Sale of Commercial Properties Rules, the Housing and Development (Design-Build-And-Sell Scheme — Form of Contract) Rules 2006 or the Executive Condominium Housing Scheme Regulations apply;

“working day”, in a case where stakeholding money is paid or to be paid to the Academy as stakeholder under the Sale and Purchase Agreement to which the Housing Developers Rules, the Sale of Commercial Properties Rules, the Executive Condominium Housing Scheme Regulations or the Housing and Development (Design-Build-and-Sell Scheme — Form of Contract) Rules (Cap. 129, R 14) apply, has the same meaning as defined in the Sale and Purchase Agreement under which the stakeholding money is paid or to be paid.

Service of notices and documents

3.—(1) Every notice or document required to be served under these Rules must be in writing.

(2) A notice or document required to be served by a party on the Academy shall be sufficiently served if sent —

- (a) by post in a registered letter addressed to the premises of the Academy, and arriving no later than the closing hour on the day such notice or document is due;

- (b) by personal delivery at the premises of the Academy no later than the closing hour on the day such notice or document is due; or
 - (c) by facsimile transmission as provided in paragraph (4) no later than the closing hour on the day such notice or document is due.
- (3) A notice or document required to be served by the Academy on any party shall be sufficiently served if —
- (a) collected by the party or his authorised representative from the premises of the Academy no later than its closing hour;
 - (b) sent by ordinary post; or
 - (c) sent by electronic mail as provided in paragraph (3A).
- (3A) The Academy shall not serve a notice or document on a party by electronic mail unless that party agrees to accept service by electronic mail and designates an information system for the purpose of receiving notices or documents served by electronic mail.
- (4) A notice or document relating to payment of the stakeholding money may not be sent by facsimile transmission unless a party requesting for such facsimile transmission indemnifies the Academy against all losses and damages arising from the use of such facsimile transmission, and the indemnity shall be in such form as the Academy may determine.
- (5) A notice or document required to be delivered or given to or by a party —
- (a) shall be sufficiently delivered or given if delivered or given to or by that party’s solicitors in accordance with paragraphs (1) to (4); and
 - (b) shall be delivered or given to the solicitor as last notified by the party to the Academy unless the Academy receives a notice to the contrary.

Information, procedures and forms

4.—(1) The Purchaser shall furnish such information in such form as the Academy may determine necessary from time to time for the

identification of the property unit, Purchaser, Vendor and the payment of stakeholding money.

(2) All notices and payments to or by the Academy relating to stakeholding money shall be made in accordance with such forms and in such manner as the Academy may determine.

Payment in of stakeholding money

5.—(1) The Purchaser shall pay in the stakeholding money by cashier's order through such branch of a bank, into such bank accounts and using such stakeholding deposit slips as may be specified by the Academy.

(2) The validation mark of the branch of the bank on the stakeholding deposit slip showing the exact sum of money actually paid in shall, as between the Purchaser and Vendor, be sufficient evidence of receipt for the stakeholding payment.

Payment out of stakeholding money

6.—(1) The Vendor shall, not later than 7 working days before the date any payment is due to him, serve a notice, in such form as the Academy may determine, specifying such particulars of the Vendor as is necessary to effect payment.

(2) A Purchaser wishing to make a deduction from amounts otherwise due to the Vendor out of any sum held by the Academy as stakeholder under the Housing Developers Rules (Cap. 130, R 1), the Sale of Commercial Properties Rules (Cap. 281, R 1), the Housing and Development (Design-Build-And-Sell Scheme — Form of Contract) Rules 2006 (G.N. No. S 508/2006) or the Executive Condominium Housing Scheme Regulations (Cap. 99A, Rg 1) shall —

- (a) serve a notice of deduction on the Academy, in such form as may be determined by the Academy, on or before the due date for such notice; and
- (b) serve the Vendor with a copy of that notice on or before the date the notice is served on the Academy.

(3) The Academy shall make payment to the party or parties, entitled thereto, by making its cheques for payment available for collection by the parties or their authorised representatives before the closing hour on the due date of the payment.

(4) The Academy shall make its cheques payable to the Purchaser or Vendor or to a nominated financial institution for the credit of the Purchaser or Vendor, as notified under paragraph (1) or (2) or rule 7(1) or (3) (a).

(5) The Purchaser or Vendor shall notify the Academy of any assignment of their interest in the stakeholding money on such form as may be determined by the Academy on or before the date when the notice of payment or deduction is served.

(6) Where the Academy has received the Purchaser's notice of deduction pursuant to paragraph (2), the Academy shall be entitled to —

- (a) pay to the Vendor, on the due date of payment, the amount due less the amount of deduction notified under paragraph (2);
- (b) pay to the Purchaser the amount of deduction, less the amount in dispute stated in the Vendor's notice under rule 7(1), on the due date of payment or 7 working days after the date of such notice, whichever is the later; and
- (c) retain the amount disputed by the Vendor, subject to rule 7(2) and (3).

Amounts in dispute

7.—(1) A Vendor who disputes the Purchaser's notice of deduction, in full or in part, shall notify the Academy, stating the amount in dispute and the amount not in dispute, on such form as may be determined by the Academy and such notice shall be served at least one working day before the due date of payment.

(2) The amount in dispute shall be held by the Academy beyond the stakeholding period; and the period during which the amount in dispute is held shall be treated as an extension of the stakeholding period.

(3) The amount in dispute shall be released to the parties on the receipt by the Academy of the —

- (a) final notice to pay as agreed to by the parties on such form as may be determined by the Academy; or
- (b) court order on the final apportionment or division of the disputed amount,

whichever is the earlier.

(4) Final payment to the parties of disputed amounts shall be made by the Academy within 7 working days of the receipt of the notice or court order referred to in paragraph (3).

Payee in dispute

7A.—(1) Where —

- (a) the Academy is declared, by notice in writing under section 57(1) of the Income Tax Act (Cap. 134) or section 79(1) of the Goods and Services Tax Act (Cap. 117A), to be the agent of a person;
- (b) at the date of receipt of the notice by the Academy or at any time during the period of 90 days thereafter, the whole or any part of stakeholding money is due and payable by the Academy to that person under rule 6 or 7; and
- (c) there is a dispute in relation to the money between the Comptroller of Income Tax or the Comptroller of Goods and Services Tax, as the case may be, and that person or any person claiming under him,

the Academy —

- (i) shall not pay the money to that person or the person claiming under him; and
- (ii) shall hold the money until it is released in accordance with paragraph (2),

and the period during which the money is so held shall be treated as an extension of the stakeholding period.

(2) The Academy shall release the money held under paragraph (1) to such person —

(a) as may be specified in a court order served on the Academy;
or

(b) as may be agreed by —

(i) the Comptroller of Income Tax or the Comptroller of Goods and Services Tax, as the case may be; and

(ii) the person referred to in paragraph (1)(a) or the person claiming under him.

Delegation to Executive Committee

8. Any duty imposed upon or any power conferred on the Academy under these Rules may be exercised by the Executive Committee or such officer of the Academy as the Executive Committee may in writing authorise.

[G.N. No.S395/97; S 498/97]

LEGISLATIVE HISTORY
SINGAPORE ACADEMY OF LAW (STAKEHOLDING) RULES
(CHAPTER 294A, R 2)

This Legislative History is provided for the convenience of users of the Singapore Academy of Law (Stakeholding) Rules. It is not part of these Rules.

1. G. N. No. S 395/1997 — Singapore Academy of Law (Stakeholding) Rules 1997

Date of commencement : 1 October 1997

2. G. N. No. S 498/1997 — Singapore Academy of Law (Stakeholding) (Amendment) Rules 1997

Date of commencement : 15 November 1997

3. 1998 Revised Edition — Singapore Academy of Law (Stakeholding) Rules

Date of operation : 1 March 1998

4. G. N. No. S 353/2002 — Singapore Academy of Law (Stakeholding) (Amendment) Rules 2002

Date of commencement : 23 July 2002

5. G. N. No. S 394/2003 — Singapore Academy of Law (Stakeholding) (Amendment) Rules 2003

Date of commencement : 1 August 2003

6. G. N. No. S 608/2006 — Singapore Academy of Law (Stakeholding) (Amendment) Rules 2006

Date of commencement : 3 November 2006

7. G.N. No. S 162/2012 — Singapore Academy of Law (Stakeholding) (Amendment) Rules 2012

Date of commencement : 18 May 2012