

Estate Agents (Appeals) Rules 2010

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No. S 643

ESTATE AGENTS ACT 2010
(ACT 25 OF 2010)

ESTATE AGENTS (APPEALS) RULES 2010

In exercise of the powers conferred by section 62 of the Estate Agents Act 2010, the Minister for National Development hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

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

Definitions

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

“appeal” means an appeal under section 59 of the Act;

“Appeals Board committee” means the committee of the Appeals Board constituted under section 58(9) of the Act to consider and determine an appeal;

“appellant” means any person who lodges an appeal under section 59 of the Act;

“Chairman of the Appeals Board” means the person appointed by the Minister under section 57(2)(a)(i) of the Act;

“committee chairman” means the person presiding the proceedings of a committee of the Appeals Board under section 58(11) or (12) of the Act;

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

“decision” means —

- (a) any decision of the Council or a Disciplinary Committee; or
- (b) where the Council or Disciplinary Committee has reconsidered the matter, on application made in writing within 14 days of its original decision, the decision on such reconsideration,

which is being appealed against under section 59 of the Act;

“member”, in relation to an Appeals Board committee, means any member of the Appeals Board committee and includes the chairman so presiding;

“party”, in relation to an appeal, means the appellant or respondent;

“prescribed fee” means the fee prescribed under rule 3(2)(d)(i);

“respondent” means the Council, whether the decision appealed against is a decision of the Council or a Disciplinary Committee;

“secretary” means any secretary to the Appeals Board appointed by the Minister under section 57 of the Act.

PART II

COMMENCING APPEALS

Notice of appeal

3.—(1) For the purposes of section 59(2) of the Act, an appeal to the Appeals Board shall be made by lodging a notice of appeal in accordance with paragraph (2) and a petition of appeal in accordance with paragraphs (3) and (4).

(2) A notice of appeal —

- (a) must be lodged within a period of 14 days after the appellant is notified of

the decision appealed against, whether that notification was in person (where the appellant or his solicitor was present before the Council or Disciplinary Committee) or in writing, as the case may be;

- (b) must state the name and address of the appellant and an address in Singapore for the service of documents;
- (c) must be signed and dated by the appellant; and
- (d) must be accompanied by —
 - (i) a non-refundable fee of \$1,000; and
 - (ii) a summary of the grounds for appealing against the decision.

(3) Every petition of appeal —

- (a) must be lodged within a period of 21 days after the time limited for lodging the notice of appeal under paragraph (2);
- (b) must state the name and address of the appellant and an address in Singapore for the service of documents;
- (c) must contain —
 - (i) a concise statement of the circumstances under which the appeal arises, the facts and the issues in the appeal; and
 - (ii) a succinct presentation of the arguments of fact or law based upon the grounds for appealing against the decision as summarised in the notice of appeal;
- (d) must be signed and dated by the appellant; and
- (e) must be accompanied by —
 - (i) a copy of the decision appealed against;
 - (ii) any documents supporting the grounds of the appeal; and
 - (iii) any documents supporting the arguments of fact or law.

(4) Unless the Appeals Board committee otherwise directs, the appellant must lodge the duly signed original of the notice of appeal and petition of appeal and its accompanying documents with the Appeals Board together with 6 copies thereof.

(5) An appellant cannot raise or rely on any ground of appeal which is not stated in

the notice of appeal or petition of appeal during the hearing of the appeal unless the appellant has permission to amend his petition of appeal to include that ground.

(6) On receiving the notice of appeal and petition of appeal, the secretary must forward a copy thereof to the respondent concerned.

Amendment of petition of appeal

4.—(1) The appellant may, with the permission of the Appeals Board committee, amend his petition of appeal.

(2) Where the Appeals Board committee grants permission under paragraph (1), it may do so on such terms or conditions as it thinks fit to impose, and the Appeals Board committee shall give such further or consequential directions as it may consider necessary.

(3) No permission to amend a petition of appeal in order to add a new ground of appeal shall be granted unless the Appeals Board committee is satisfied that it is just to do so.

Summary disposal of appeal

5.—(1) Where the only parties to an appeal are an appellant and the respondent, the Appeals Board committee may, after giving the parties an opportunity to be heard, at any stage in the appeal proceedings and without calling for a response from the respondent, determine the appeal by confirming the decision appealed against if —

- (a) the Appeals Board committee considers that the notice of appeal and petition of appeal disclose no valid ground of appeal; or
- (b) the Appeals Board committee considers that the appellant is not a person entitled to appeal under section 59 of the Act.

(2) Where the Appeals Board committee determines an appeal under paragraph (1), it may make such consequential order as it considers appropriate.

Constitution of committee of Appeals Board

6.—(1) Upon the receipt of a notice of appeal and the prescribed fee, the secretary shall constitute a committee of the Appeals Board on the instruction or nomination of the Chairman of the Appeals Board.

(2) The secretary shall notify every party to the appeal of the constitution of the committee of the Appeals Board.

(3) Any party who objects to any member of the committee shall, within 7 days after