

Estate Agents (Disciplinary Proceedings) Regulations 2011

Table of Contents

Enacting Formula

Part I PRELIMINARY

1 Citation and commencement

2 Definitions

Part II INITIATION OF DISCIPLINARY PROCEEDINGS

3 Commencement of disciplinary proceedings

4 Constitution of Disciplinary Committee and notice to respondent and relevant parties

Part III HEARING AND CASE MANAGEMENT

5 Admission of charge

6 Defence, reply and rejoinder

7 Material facts and relevant documents

8 Amendment of pleadings

9 Orders and directions

10 Consolidation

11 Conduct of disciplinary action

11A Disciplinary Committee may alter charge or frame new charge

12 Adjournments

13 Form and manner of application or lodgment of documents

14 Extension of time and waiver of requirements

15 Withdrawal of charge

15A Fixed costs

16 Irregularities

Part IV MISCELLANEOUS

17 Confidentiality

No. S 152

**ESTATE AGENTS ACT 2010
(ACT 25 OF 2010)**

ESTATE AGENTS (DISCIPLINARY PROCEEDINGS) REGULATIONS 2011

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 (Disciplinary Proceedings) Regulations 2011 and shall come into operation on 21st March 2011.

Definitions

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

“Chairman” means the member of a Disciplinary Committee appointed to be the Chairman of the committee under section 51(8) of the Act;

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

“hearing” means a hearing held under regulation 11(1);

[S 117/2020 wef 21/02/2020]

“party”, in relation to disciplinary proceedings, means the Council or respondent;

“pre-hearing conference” means a conference held under a direction given under regulation 9(1);

[S 117/2020 wef 21/02/2020]

“respondent” means an estate agent or a salesperson against whom a charge is brought by the Council under section 49(6) of the Act;

“secretary” means the person appointed by the Council to provide administrative support to the Disciplinary Panel or any Disciplinary Committee.

PART II

INITIATION OF DISCIPLINARY PROCEEDINGS

Commencement of disciplinary proceedings

3. The Council may commence a disciplinary action under section 49(6) of the Act by lodging a charge and statement of case with the secretary.

Constitution of Disciplinary Committee and notice to respondent and relevant parties

4.—(1) Upon the receipt of a charge under regulation 3, the secretary shall, on the instruction or nomination of the Head of the Disciplinary Panel, constitute a Disciplinary Committee or assign the case to an existing Disciplinary Committee.

(2) The secretary shall, as soon as possible, notify the respondent of the charge by serving on him copies of the charge and statement of case.

(3) Where the respondent is a salesperson, the secretary —

(a) shall give notice of the charge to the estate agent that the salesperson is registered to act for;

(b) may give notice of the charge to any other estate agent that the salesperson

was registered to act for at the material time; and

- (c) may, in the course of the disciplinary proceedings, keep any estate agent who is notified under paragraph (a) or (b) informed of any matter relating to the proceedings.

PART III

HEARING AND CASE MANAGEMENT

[S 117/2020 wef 21/02/2020]

Admission of charge

5.—(1) Every notice under regulation 4(2) shall give the respondent the opportunity to admit the charge in writing within 14 days after such notice is served on him.

(2) Where a respondent admits a charge and the statement of case without qualification under paragraph (1), the Disciplinary Committee may give such directions as it may consider desirable for the just, expeditious and economical hearing and disposal of the disciplinary action.

Defence, reply and rejoinder

6.—(1) Unless regulation 5(2) applies, the respondent shall lodge with the secretary a defence in response to the charge and statement of case within 14 days after service upon him of the notice under regulation 4(2).

(2) The Council may file with the secretary a reply to the defence within 14 days after the defence is lodged with the secretary.

(3) The respondent may file with the secretary a rejoinder to the reply to the defence within 14 days after receiving a copy of the reply from the secretary.

(4) On receiving a defence, reply or rejoinder, the secretary shall forward a copy thereof to the other party as soon as possible.

Material facts and relevant documents

7.—(1) Every statement of case, defence, reply and rejoinder shall state the material facts relied upon by the respective party.

(2) A party may attach to the statement of case, defence, reply or rejoinder, as the case may be, such documents or copies of such documents as the party may wish to rely upon.

(3) Unless the Disciplinary Committee otherwise allows, no party shall rely upon or adduce evidence of any fact which it has not pleaded in the statement of case, defence, reply or rejoinder, as the case may be.

Amendment of pleadings

8.—(1) A charge, statement of case, defence, reply, rejoinder or any other document may only be amended by the party who filed the document with the permission of the Disciplinary Committee.

(2) Permission to amend may be granted under paragraph (1) if the Disciplinary Committee is satisfied that it is just to do so.

(3) Where the Disciplinary Committee grants permission to amend under paragraph (1), it may impose such terms or conditions as it thinks fit.

Orders and directions

9.—(1) The Disciplinary Committee may, on its own motion or on the application of any party, direct the parties to attend a pre-hearing conference before the Disciplinary Committee at which such orders or directions may be given as the Disciplinary Committee deems fit for the just, expeditious and economical disposal of the disciplinary action.

(1A) A pre-hearing conference may be conducted by video-conference or any other similar technology provided that all persons participating in the conference —

- (a) have access to the technology needed to participate in the conference; and
- (b) can simultaneously communicate with each other during the conference.

[S 117/2020 wef 21/02/2020]

(2) The Disciplinary Committee may also give such orders or directions as are referred to in paragraph (1) by serving those orders or directions on the parties.

[S 117/2020 wef 21/02/2020]

Consolidation

10.—(1) Where 2 or more disciplinary actions are pending and it appears that —

- (a) some common question of law or fact arises in them; or
- (b) the disciplinary actions arise out of the same transaction or series of transactions,

the Disciplinary Committee of the earlier or earliest initiated disciplinary action may, on its own motion or on the application of any party, order such disciplinary actions to be