

Estate Agents (Dispute Resolution Schemes) Regulations 2011

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No. S 2

ESTATE AGENTS ACT 2010 (ACT 25 OF 2010)

ESTATE AGENTS (DISPUTE RESOLUTION SCHEMES) REGULATIONS 2011

In exercise of the powers conferred by sections 66 and 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:

Citation and commencement

1. These Regulations may be cited as the Estate Agents (Dispute Resolution Schemes) Regulations 2011 and shall come into operation on 3rd January 2011.

Definitions

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

“approved arbitration centre” means any arbitration centre specified in Part II of the Second Schedule;

“approved dispute resolution centre” means any dispute resolution centre specified in the Second Schedule;

“approved mediation centre” means any mediation centre specified in Part I of the Second Schedule;

“arbitration fees” means the total of —

(a) the fees (including administrative fees and disbursements) payable to an approved arbitration centre;

(b) the fees and disbursements payable to an arbitrator; and

(c) other disbursements reasonably incurred by the parties,

for the conduct of an arbitration proceeding, but does not include any fees incurred by any party in the course of obtaining independent legal advice or representation in connection with the arbitration proceeding;

“client” means a person who enters or has entered into a relevant estate agency agreement with a licensed estate agent;

“dispute resolution proceeding” means a dispute resolution proceeding carried out under a dispute resolution scheme;

“dispute resolution scheme” means any dispute resolution scheme prescribed under regulation 3;

“mediation fees” means the total fees (including administrative fees and disbursements) payable to an approved mediation centre for the conduct of a mediation proceeding, but does not include any fees incurred by any party in the course of obtaining independent legal advice or representation in connection with the mediation proceeding;

“party” means a party to a dispute resolution proceeding, being any of the following:

- (a) a client;
- (b) a licensed estate agent;

“relevant dispute” means a dispute which arises from a relevant estate agency agreement entered into between a client and a licensed estate agent;

“relevant estate agency agreement” means an estate agency agreement entered into on or after 1st January 2011 in the form prescribed under regulation 10 of the Estate Agents (Estate Agency Work) Regulations 2010 (G.N. No. S 644/2010) in respect of estate agency work for any of the following property transactions:

- (a) the sale, purchase or lease of residential property in Singapore on a non-exclusive basis;
- (b) the sale, purchase or lease of residential property in Singapore on an exclusive basis;

“relevant registered salesperson” means a registered salesperson who represented a licensed estate agent under a relevant estate agency agreement in a property transaction pursuant to or out of which a relevant dispute has arisen and is the subject of a dispute resolution proceeding;

“terms of reference” means the terms which define the scope, application, operations and procedures of a dispute resolution scheme.

Prescribed dispute resolution schemes

3. For the purposes of section 66 of the Act, the dispute resolution schemes specified in the First Schedule are prescribed for the resolution of relevant disputes arising from or relating to the provision of services by a licensed estate agent to a client.

Prescribed dispute resolution centres

4. For the purposes of section 66 of the Act, every mediation or arbitration centre specified in the Second Schedule is prescribed as an approved dispute resolution centre for the dispute resolution scheme specified opposite thereto in the Second Schedule.

Participation in prescribed dispute resolution schemes

5.—(1) Every licensed estate agent shall participate in the dispute resolution schemes and shall comply with the terms and conditions of the dispute resolution schemes set out in the Third Schedule.

(2) A relevant registered salesperson shall do the following:

- (a) attend and be present at every hearing or meeting of a dispute resolution

proceeding in relation to a relevant dispute in which the relevant registered salesperson represented a licensed estate agent, for the purpose of giving evidence before the mediator or arbitrator, as the case may be, unless his attendance or presence is dispensed with by the mediator or arbitrator;

- (b) in a case where a dispute resolution proceeding is conducted by way of exchange of documents, participate in the dispute resolution proceeding by providing such document and information as required by any party, the mediator or arbitrator; and
- (c) comply with all reasonable directions of, and provide such assistance as may be reasonably requested by, the mediator or arbitrator.

(3) A licensed estate agent or relevant registered salesperson shall remain subject or liable to such investigation, disciplinary or other action as the Council may take under the Act notwithstanding that any dispute resolution proceeding under any dispute resolution scheme may be pending, in progress or completed.

Terms of reference of the prescribed dispute resolution schemes

6.—(1) A dispute resolution centre shall administer a dispute resolution scheme in accordance with the terms and conditions of the dispute resolution schemes set out in the Third Schedule and the terms of reference which have been approved by the Council.

(2) The Council may, in its discretion, amend the terms of reference of a dispute resolution scheme.

(3) Where there is any conflict or inconsistency between —

- (a) these Regulations; and
- (b) the terms of reference of a dispute resolution scheme, a relevant estate agency agreement or the rules of any approved dispute resolution centre governing a dispute resolution proceeding,

these Regulations shall, to the extent of the conflict or inconsistency, prevail over the terms of reference, the relevant estate agency agreement or the rules of the approved dispute resolution centre referred to in sub-paragraph (b), as the case may be.

FIRST SCHEDULE

Regulation 3

PRESCRIBED DISPUTE RESOLUTION SCHEMES