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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 5 May 2020 and assented to by the President on 19 May 2020:—

REPUBLIC OF SINGAPORE

No. 24 of 2020.

I assent.



HALIMAH YACOB,
President.
19 May 2020.

An Act to amend the Estate Agents Act (Chapter 95A of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Estate Agents (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 9

2. Section 9(1) of the Estate Agents Act (called in this Act the principal Act) is amended by inserting, immediately after paragraph (d), the following paragraph:

“(da) to accredit activities, courses and programmes for continuing professional education for or in respect of estate agents and salespersons;”.

Amendment of section 15

3. Section 15 of the principal Act is amended —

- (a) by deleting the words “No suit or other legal proceedings shall lie” in subsection (1) and substituting the words “No liability lies”;
- (b) by inserting, immediately after the words “in good faith” in subsection (1), the words “and with reasonable care”;
- (c) by inserting, immediately after the words “pursuant to any written law, neither” in subsection (2), the words “the Council nor”;
- (d) by deleting the words “employees nor” in subsection (2) and substituting the words “employees or”;
- (e) by inserting, immediately after the words “if made in good faith” in subsection (2), the words “, with reasonable care”;
- (f) by inserting, immediately after the words “the duties of” in subsection (2), the words “the Council or”; and
- (g) by deleting the word “personal” in the section heading.

New section 32A

4. The principal Act is amended by inserting, immediately after section 32, the following section:

“Additional grounds for refusal of licence or registration, etc.

32A.—(1) In addition to sections 30 and 31, the Council —

- (a) may refuse to grant an application for or to renew an estate agent’s licence made under section 33 if the estate agent had been ordered to pay a financial penalty under section 49(6)(a), 52(3) or 66(3)(a), and the financial penalty has not been paid at the time of the application; and
- (b) may refuse to grant an application to renew an estate agent’s licence made under section 33 if —
 - (i) in the case of an estate agent that is an individual — the estate agent has not satisfied the CPE requirements;
 - (ii) in the case of an estate agent that is a partnership — the key executive officer of the estate agent, or any partner of the estate agent performing or intending to perform estate agency work, has not satisfied the CPE requirements; or
 - (iii) in the case of an estate agent that is a body corporate (other than a limited liability partnership) — the key executive officer of the estate agent, or any director of the estate agent performing or intending to perform estate agency work, has not satisfied the CPE requirements.

(2) In addition to section 32, the Council —

- (a) may refuse to register or renew the registration of an individual as a salesperson if the individual had been ordered to pay a financial penalty under section 49(6)(a), 52(3) or 66(3)(a), and the financial penalty has not been paid at the time of the application for registration or renewal; and

- (b) may refuse to renew the registration of an individual as a salesperson if the individual has not satisfied the CPE requirements.

(3) In this section, “CPE requirements” means the prescribed requirements relating to continuing professional education for and in respect of estate agents (including persons who are responsible for the management of estate agents) and salespersons, including the completion of accredited activities, courses and programmes.”.

New section 35A

5. The principal Act is amended by inserting, immediately after section 35, the following section:

“Continuation of licence or registration, etc.

35A.—(1) If disciplinary proceedings against a licensed estate agent (*A*) are pending immediately before the date on which *A*’s licence lapses, *A* is treated as a licensed estate agent from and including the date on which the licence lapses until the date the disciplinary proceedings are concluded, but only for the purposes of Part V.

(2) If disciplinary proceedings against a registered salesperson (*B*) are pending immediately before the date on which *B*’s registration lapses, *B* is treated as a registered salesperson from and including the date on which the registration lapses until the date the disciplinary proceedings are concluded, but only for the purposes of Part V.

(3) This section applies to any licensed estate agent or registered salesperson against whom disciplinary proceedings are pending, whether before, on or after the date of commencement of section 5 of the Estate Agents (Amendment) Act 2020.

(4) In this section —

- (a) disciplinary proceedings are pending from and including the time that the disciplinary proceedings

commence until the time that the disciplinary proceedings are concluded;

(b) disciplinary proceedings commence when —

- (i) the Council receives a complaint under section 49(1); or
- (ii) the Council receives any information under section 49(2); and

(c) disciplinary proceedings are concluded when —

(i) if the Council decides not to refer the matter to a Disciplinary Committee under section 49(11) after disciplinary proceedings have commenced —

(A) the Council decides not to exercise any power under section 49(6);

(B) the Council exercises any power under section 49(6) and no appeal is lodged against the decision under section 59(1) within the time for lodging the appeal under section 59(2); or

(C) the Council exercises any power under section 49(6), an appeal is lodged against the decision under section 59(1) and —

(CA) the appeal is withdrawn;

(CB) the Appeals Board confirms, sets aside or modifies the Council's decision under section 59(5)(a); or

(CC) the Council confirms, sets aside or modifies its decision upon a review required by the Appeals Board under section 59(5)(b); or