

# **Business Trusts (Appeals) Regulations 2006**

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### **No. S 86**

#### **BUSINESS TRUSTS ACT (CHAPTER 31A)**

#### **BUSINESS TRUSTS (APPEALS) REGULATIONS 2006**

In exercise of the powers conferred by section 91 of the Business Trusts Act, the Senior Minister hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Business Trusts (Appeals) Regulations 2006 and shall come into operation on 16th February 2006.

#### **Definitions**

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

“Appeal Advisory Committee” means an Appeal Advisory Committee constituted under section 88 of the Act;

“Appeal Advisory Panel” means the Appeal Advisory Panel appointed under section 89 of the Act;

“appellant” means any person who wishes to appeal under the Act to the Minister;

“decision” includes any action by or direction of the Authority appealed against;

“party” means the appellant or the Authority;

“secretary” means any person appointed as the secretary of the Appeal Advisory Panel under regulation 4(1).

#### **Forms**

3.—(1) The forms to be used for the purposes of these Regulations are those set out at

<http://www.mas.gov.sg> (under “Business Trusts”), and any reference in these Regulations to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number in that website.

(2) All forms used for the purposes of these Regulations shall be completed in the English language and in accordance with such directions as may be specified in the forms.

(3) The Minister may refuse to accept any form that is not completed in accordance with this regulation.

### **Secretary of Appeal Advisory Panel**

4.—(1) The Minister may appoint one or more officers or employees of the Authority, either by name or by office, to be the secretary of the Appeal Advisory Panel.

(2) The secretary shall provide administrative and secretarial support to the Appeal Advisory Panel or any Appeal Advisory Committee in the performance of its functions.

(3) The secretary may attend any meeting or hearing of any Appeal Advisory Committee.

### **Members of Appeal Advisory Committee**

5.—(1) Every Appeal Advisory Committee shall consist of —

- (a) a chairman; and
- (b) 2 or more other members,

as the Minister may appoint from the members of the Appeal Advisory Panel.

(2) The Minister may appoint an alternate chairman from among the members and, in the absence of the chairman, the alternate chairman shall have all the powers conferred on the chairman by these Regulations.

(3) A member of an Appeal Advisory Committee shall declare to the Minister the nature and extent of all conflicts of interest or potential conflicts of interest, if any, with his duties or interests as a member of that Committee, including those arising from —

- (a) his holding of any office;
- (b) his interest in any contract;
- (c) his possession or ownership of any property; or
- (d) any direct or indirect relationship to the appellant.

(4) Where the Minister is satisfied that the chairman, the alternate chairman or any

other member of an Appeal Advisory Committee is unable to carry out his duties properly and effectively because of any conflict of interest or potential conflict of interest referred to in paragraph (3), the Minister may appoint another chairman or alternate chairman or replace that other member, as the case may be.

### **Meetings and hearings of Appeal Advisory Committee**

6.—(1) The quorum of any meeting or hearing of an Appeal Advisory Committee shall be 2 persons, of whom one shall be the chairman or alternate chairman, and no meeting or hearing shall be proceeded with unless such a quorum is present.

(2) An issue before an Appeal Advisory Committee shall be decided by a majority of votes, and in the case of an equality of votes, the chairman of the meeting or hearing shall be entitled to a casting vote.

### **Procedure for appeals to Minister**

7.—(1) An appellant shall appeal to the Minister by lodging with the secretary —

- (a) within the period stipulated in the relevant provision of the Act, a notice of appeal containing a brief description of the decision appealed against, in Form 1; and
- (b) within 21 days from the date on which such notice of appeal is lodged, the following documents:
  - (i) a petition of appeal containing particulars of the decision appealed against, the issues arising in the appeal and the reasons for the appeal, in Form 2; and
  - (ii) any supporting document referred to in the petition of appeal or relied on in support of the appeal.

(2) The Minister may, subject to such conditions as he may impose, accept any document referred to in sub-paragraph (a) or (b) of paragraph (1) which is lodged by the appellant after the expiration of the period specified in that sub-paragraph, if the Minister is satisfied that the appellant was unable to lodge that document within that period —

- (a) due to the appellant's absence from Singapore or illness; or
- (b) due to any other reason which is not caused by any unreasonable delay on the part of the appellant.

(3) The secretary shall, upon receipt of any document referred to in paragraph (1)(a) or (b), immediately forward that document to the Minister and a copy of that document to the Authority.