

PART I PRELIMINARY

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1 Short title.

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1.

This Act may be cited as the Residential Property Act.

2 Interpretation.

Interpretation.

2.

—(1) In this Act, unless the context otherwise requires —

"approved purchaser" means —

- (a) a Singapore company;
- (b) a Singapore limited liability partnership;
- (c) a Singapore society;
- (d) a foreign person to whom approval has been granted under section 25, 30 or 31;
- (e) any person, company, limited liability partnership, society, association or other organisation or body who or which has been exempted by the Minister under section 32; or
- (f) any body, corporate or otherwise, declared by the Minister by notification in the *Gazette* to be a public authority or an instrumentality or agency of the Government;

"Authority" means the Singapore Land Authority established under the Singapore Land Authority Act 2001;

"citizen" or "citizen of Singapore" means any person who, under the provisions of the Constitution of the Republic of Singapore, has the status of a citizen of Singapore;

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"Committee" means the Residential Property Advisory Committee established under section 25;

"Controller" means the Controller of Residential Property and includes a Deputy and an Assistant Controller of Residential Property appointed under section 29;

"converted entity", in relation to sections 9 and 26, means a converted foreign company, converted foreign limited liability partnership or converted society;

"converted foreign company" means any Singapore company which becomes a foreign company on or after 1st October 1976 while being an owner of an estate or interest in any residential property that is not non-restricted residential property;

"converted foreign limited liability partnership" means any Singapore limited liability partnership which becomes a foreign limited liability partnership on or after 11th April 2005 while being an owner of an estate or interest in any residential property that is not non-restricted residential property;

"converted society" means any Singapore society which becomes a foreign society on or after 1st October 1976 while being an owner of an estate or interest in any residential property that is not non-restricted residential property;

"court" means the High Court;

"director", in relation to a company, means any person occupying or acting in the position of director of the company, by whatever name called;

"dwelling-house" includes any building or tenement, or any part thereof, which is used, constructed or adapted for use for human habitation;

"flat" means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose, and which may be comprised in a "lot", or in part of any "subdivided building" not shown in a registered "strata title plan" (the

last 3 expressions within quotation marks having the same meaning as in the Land Titles (Strata) Act);

Cap. 158.

"foreign company" means any company (whether a holding company or otherwise) other than a Singapore company;

"foreign limited liability partnership" means any limited liability partnership other than a Singapore limited liability partnership;

"foreign person" means any person who is not any of the following:

- (a) a citizen of Singapore;
- (b) a Singapore company;
- (c) a Singapore limited liability partnership;
- (d) a Singapore society;

"foreign society" means any society other than a Singapore society;

who or which has not been granted approval under section 25 or has not been exempted by the Minister under section 32, but does not include any body, corporate or otherwise, declared by the Minister by notification in the *Gazette* to be a public authority or an instrumentality or agency of the Government;

"HUDC flat" means —

- (a) any flat comprised in any of the subdivided buildings described in the First Schedule; or
- (b) any of the flats described in the Second Schedule,

which has been sold by the Housing and Urban Development Company (Private) Limited, a company incorporated in Singapore, to any person at any time prior to 1st May 1982 for use as a dwelling place;

"land" has the same meaning as in the Land Titles Act (Cap. 157);

"limited liability partnership" means any limited liability partnership, whether registered in Singapore under the Limited Liability Partnerships Act 2005 (Act 5 of 2005) or otherwise;

"manager" , in relation to a limited liability partnership, means any person (whether or not a partner of the limited liability partnership) who is concerned in or takes part in the management of the limited liability partnership;

"Master Plan" has the same meaning as in the Planning Act 1998;

"mean average of 2 valuations" means the sum of any 2 specified valuations divided by 2;

"member" , in relation to any company, means —

- (a) any person who owns a share or holds a membership in the company;
- (b) in the case of a share or membership in the company that is held in trust, the person who is the beneficiary of the trust; or
- (c) any person, not being an owner of a share or a holder of a membership in the company, who controls any rights attached to any share or membership in the company through a contract or other arrangement;

"Minister" means the Minister for Law;

"mortgage" includes every instrument creating a mortgage or charge on land or a transfer of a mortgage or a sub-mortgage;

"non-restricted residential property" means any residential property described in section 4 (1) but not in section 4 (2);

"notice to attach and sell" means any notice issued by the Minister under section 3 (6), 4 (8), 5 (7), 9 (11), 22 (3), 27 (3) or 32 (2A) directing the Controller to attach and sell in accordance with this Act such estate or interest in such residential property or land as is specified in the notice;

"owner" , in relation to any residential property, means a person other than the mortgagee or chargee not in possession, who is for the time being entitled to dispose of the freehold of any residential property whether in possession or reversion, or who holds under a leasehold or is entitled to the rents and profits of the residential property;

"partner" , in relation to a limited liability partnership, means any person who has been admitted as a partner in the limited liability partnership in accordance with the agreement expressed or implied between the partners of the limited liability partnership or between the limited liability partnership and

its partners which determines the mutual rights and duties of the partners and their rights and duties in relation to the limited liability partnership;

"permanent resident" means any person who is not subject to any restriction as to his period of residence in Singapore imposed under the provisions of any written law relating to immigration for the time being in force, and includes any person resident in Singapore who is deemed by the Committee, in its discretion, in the circumstances of any particular case to be a permanent resident for the purposes of this Act;

"Registrar" means —

(a) the Registrar of Titles and includes a Deputy Registrar of Titles and an Assistant Registrar of Titles appointed under the Land Titles Act; and

Cap. 157.

(b) where the occasion requires, the Registrar of Deeds and includes a Deputy Registrar of Deeds appointed under the Registration of Deeds Act;

Cap. 269.

"residential property" includes —

(a) any vacant land upon which no building or other structure exists or any land upon which exists any building or other structure which is constructed or used contrary to any written law;

(b) any house, building or other premises or any part thereof which is permitted to be used pursuant to the Planning Act or any other written law as a dwelling-house or which is lawfully so used;

Cap. 232.

(c) any land zoned for residential purposes in the Master Plan; and

(d) such other land or building, in whatever manner zoned in the Master Plan, as the Minister may, by notification in the *Gazette*, declare to be residential property for the purposes of this Act,

but does not include —

(i) any land, whether or not vacant, which is zoned for industrial or commercial purposes or both such purposes in the Master Plan or which is permitted to be used pursuant to the Planning Act or any other written law solely for industrial or commercial purposes or both such purposes;

Cap. 232.

(ii) any house, building or other premises, or any part thereof, which is permitted to be used pursuant to the Planning Act or any other written law

solely for industrial or commercial purposes or both such purposes or which is lawfully so used;

(iii) any hotel registered under the provisions of the Hotels Act; and
Cap. 127.

(iv) such other land or building, in whatever manner zoned in the Master Plan, as the Minister may, by notification in the *Gazette*, declare to be industrial, commercial or non-residential property for the purposes of this Act;

"Singapore company" means any company which satisfies the following requirements:

(a) the company is incorporated in Singapore and its directors and members are all citizens;

(b) if any member of the company is another company, that other company satisfies the requirements of paragraph (a);

(c) if that other company referred to in paragraph (b) has a member which is a company, which in turn has a member which is also a company and so on, all the members of each such company consist only of any or any combination of the following:

(i) citizens; and

(ii) companies that satisfy the requirements of paragraphs (a) and (b); and

(d) if any member of the company is a limited liability partnership, that limited liability partnership is a Singapore limited liability partnership;

"Singapore entity" , in relation to sections 9 and 26, means a Singapore company, Singapore limited liability partnership or Singapore society;

"Singapore limited liability partnership" means any limited liability partnership that satisfies the following requirements:

(a) the limited liability partnership is registered in Singapore under the Limited Liability Partnerships Act 2005 (Act 5 of 2005) and all its partners are citizens;

(b) if any partner of the limited liability partnership is another limited liability partnership, that other limited liability partnership satisfies the requirements under paragraph (a);

(c) if that other limited liability partnership referred to in paragraph (b) has a partner which is a limited liability partnership, which in turn has a partner which is also a limited liability partnership and so on, all the partners of each such limited liability partnership consist only of any or any combination of the following:

(i) citizens; and

(ii) limited liability partnerships that satisfy the requirements of paragraphs (a) and (b); and

(d) if any partner of the limited liability partnership is a company, that company is a Singapore company;

"Singapore society" means any society formed or constituted in Singapore and registered or exempted from registration under any written law, all of whose members are citizens and all of whose trustees are either citizens or a trust company licensed under the Trust Companies Act 2005 (Act 11 of 2005);

"society" means —

(a) any unincorporated body or association of persons;

(b) any trade union, co-operative society, mutual benefit organisation or other organisation; or

(c) any statutory body constituted under any written law;

"to transfer", with reference to residential property, means to convey, sell, assign, settle, create by declaration of trust, assent or in any manner dispose of any estate or interest in residential property, and includes the vesting of any estate or interest in residential property, but does not include a transfer by way of mortgage, charge or reconveyance; and

"transfer" includes a conveyance, sale, assignment, settlement, declaration of trust, assent, disposition of whatever nature, the vesting of any estate or interest in residential property by an instrument or under a vesting order of court and every instrument capable of vesting any estate or interest in residential property upon registration of such instrument by the Registrar, but does not include a mortgage, charge or reconveyance.

(2) The provisions of this Act shall have effect notwithstanding the provisions of any other written law.

PART II PROHIBITION ON PURCHASE OR ACQUISITION OF RESIDENTIAL PROPERTY BY FOREIGN PERSONS

PART II

PROHIBITION ON PURCHASE OR ACQUISITION OF RESIDENTIAL PROPERTY BY FOREIGN PERSONS

3 Prohibition on transfer to or purchase or acquisition by foreign persons of residential property.

Prohibition on transfer to, or purchase or acquisition by, foreign persons of residential property.

3.

— (1) Except as provided in this Act —

(a) no person shall, whether for consideration or by way of gift inter vivos or otherwise, transfer any residential property or any estate or interest therein to any foreign person;

(b) no person shall create any trust for sale in respect of any residential property or any estate or interest therein in favour of any foreign person; and

(c) no foreign person shall purchase or acquire any residential property or any estate or interest therein except by way of a mortgage, charge or reconveyance.

(2) Any —

(a) transfer of any residential property or of any estate or interest therein by any person to a foreign person made in contravention of subsection (1) (a);

(b) trust for sale in respect of any residential property or any estate or interest therein created by any person in favour of any foreign person in contravention of subsection (1) (b); and

(c) purchase or acquisition of any residential property or of any estate or interest therein by any foreign person, except by way of a mortgage, charge or

reconveyance, made in contravention of subsection (1) (c),

shall be null and void.

(3) No estate or interest in any residential property belonging to a deceased person who dies on or after 11th September 1973 shall pass by bequest, succession or inheritance to any foreign person who is beneficially entitled under a will or under any written law governing intestate succession.

(4) Where a foreign person would, but for subsection (3), be beneficially entitled to an estate or interest in residential property, the legal personal representatives to whom probate or letters of administration are granted in respect of such residential property shall, subject to subsection (5), be bound to sell such estate or interest in the residential property to a citizen or an approved purchaser within a period of 10 years of the date of the death of the deceased person and upon such sale to pay, subject to the law of wills and intestate succession, the proceeds thereof, less any expenses necessarily incurred on such sale or by reason of the administration of a deceased's estate, to or for or on behalf of the foreign person so beneficially entitled.

(5) Where the legal personal representatives have not sold, or have not been able to sell, the estate or interest in the residential property within the period specified in subsection (4), the legal personal representatives or the trustees of the will or estate of the deceased person for the time being shall furnish to the Controller (within such period not exceeding 6 months as the Controller may require) a statement setting out the particulars of the residential property which has not been sold, giving reasons for their failure or omission to sell.

(6) The Controller shall, after receipt of such statement or where no such statement has been received within the time specified, seek the direction of the Minister, and the Minister may issue to the Controller a notice to attach and sell the residential property, and a copy of such notice shall be served on —

(a) the legal personal representatives to whom probate or letters of administration have been granted in respect of the residential property in question; and

(b) the subsisting mortgagees or chargees (if any) of the residential property who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(7) Deleted by Act 9/2006, wef 31/03/2006.

(8) Deleted by Act 9/2006, wef 31/03/2006.

(9) Deleted by Act 9/2006, wef 31/03/2006.

(10) Where the Controller has sold the residential property pursuant to the notice to attach and sell under subsection (6), the Controller shall pay the proceeds of the sale less any costs incurred to the legal personal representatives or the trustees of the will or estate of the deceased person for the time being and upon the acknowledgment of the receipt of such proceeds of sale by the legal personal representatives or the trustees, the Controller shall be discharged from all liability in respect of the application of the proceeds of sale; or the Controller, if he is unable to make payment of the proceeds of sale and to obtain such acknowledgment as aforesaid, may make payment into court of such proceeds of sale less all costs incurred thereby.

(11) Where payment of the proceeds of sale has been made by the Controller as provided in subsection (10), every foreign person beneficially entitled under a will or by intestate succession shall be entitled to receive and shall be paid such proceeds of sale by the legal personal representatives or trustees of the will or estate of the deceased person for the time being, and in any case where the proceeds of sale have been paid into court, that foreign person shall be entitled to make application to court for payment out of court of the proceeds of sale to be made to him, and the payment of the proceeds of sale in either case shall be in accordance with the terms of the will or the law of wills or intestate succession, as the case may be.

(12) Notwithstanding subsections (4) and (6), the Controller may, after receipt of the statement referred to in subsections (5) and (6), with the approval of the Minister, allow such extension of time, as the Controller may think fit, for the sale of the estate or interest in such residential property.

(13) The provisions of this Act shall not apply to a foreign person who is a surviving joint tenant of any estate or interest in land.

(14) In this section, "letters of administration" and "probate" have the same meanings as in the Probate and Administration Act.

Cap. 251.

4 Flats in buildings and condominiums

Flats in buildings and condominiums

4.

—(1) Subject to this section, this Act shall not apply to any transfer to or any purchase or acquisition by any foreign person of any estate or interest in any of the following residential properties:

(a) any flat (including any share in land appurtenant to that flat) that is comprised in any building in a development permitted to be used under the Planning Act (Cap. 232) for residential purposes, and that is not a landed dwelling-house;

(b) any unit comprised in a development which is shown in an approved plan bearing the title “condominium” and issued by the competent authority under the Planning Act;

(c) any unit in a development comprising housing accommodation sold under the executive condominium scheme established under the Executive Condominium Housing Scheme Act (Cap. 99A).

(2) Notwithstanding subsection (1) but subject to subsection (7), no foreign person shall, without the prior approval of the Minister, purchase or acquire (whether in a single transaction or a series of transactions) —

(a) all the flats in every building in a development permitted to be used for residential purposes under the Planning Act;

(b) all the units in a development approved by the competent authority under the Planning Act (Cap. 232) as a condominium development; or

(c) all the units in a development sold under the executive condominium scheme established under the Executive Condominium Housing Scheme Act (Cap. 99A).

(3) Any foreign person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) Where a foreign person is convicted of an offence under subsection (3) in respect of any development, the Minister may direct the Controller to serve a notice on that person to divest and transfer, within a period of 6 months from the date of service of the notice on that person or within any extension of time granted by the Minister under subsection (5), all his estate or interest in the entire development, or any flat or unit in that development as the Minister may specify to another person who is not —

(a) his nominee; or

(b) if the foreign person is a company, a related company within the meaning of the Companies Act (Cap. 50).

(5) The Minister may, on an application being made by a foreign person before the expiration of the period of 6 months from the date of service of the notice referred to in subsection (4), grant such extension of time as the Minister thinks fit for the transfer of his estate or interest in the development or any flat or unit therein.

(6) Any foreign person who fails to comply with the Controller's notice referred to in subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

(7) Nothing in subsection (2) shall prevent a foreign person from acquiring any estate or interest in any development under any agreement, lease or assignment for a term not exceeding 7 years, inclusive of any further term which may be granted by way of an option for renewal.

(8) Without prejudice to subsection (6), where a foreign person on whom a notice under subsection (4) has been served fails to satisfy the Controller that he has divested and transferred his estate or interest in the development concerned or any flat or unit therein within the time limited by subsection (4) or any extension thereof, the Minister may issue to the Controller a notice to attach and sell the estate or interest in the development or any flat or unit therein.

(9) The notice to attach and sell referred to in subsection (8) shall specify the estate or interest in the development or any flat or unit therein to be attached and sold by the Controller, and a copy of that notice shall also be served on —

(a) the foreign person who is the owner of the estate or interest in the development or any flat or unit therein to be attached and sold; and

(b) each subsisting mortgagee or chargee thereof (if any) who appears as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(10) In this section —

"approved plan" means a plan approved by the relevant competent authority;

"competent authority" means a competent authority appointed under the Planning Act (Cap. 232);

"landed dwelling-house" means a detached house, a semi-detached house or a terrace house (including a linked house or a townhouse), whether or not comprised within a strata title plan registered under the Land Titles (Strata) Act (Cap.158);

"unit" includes a flat or dwelling-house.

5 Disposal of estate or interest in residential property by foreign companies.

Disposal of estate or interest in residential property by foreign companies.

5.

— (1) Where, on 11th September 1973*, a foreign company is the owner of an estate or interest in any residential property in Singapore, the foreign company shall be bound to dispose of the same in accordance with this section, unless such foreign company is permitted to retain its estate or interest in the residential property by virtue of section 25 or the residential property or such foreign company is exempted under section 32.

*Date of commencement of this Act.

(2) Where, between 11th September 1973 and 1st October 1976, any foreign company was granted approval by the Minister, to purchase or acquire any residential property from another foreign company or a Singapore company pursuant to any scheme or arrangement of whatever nature whereby the second mentioned foreign company or Singapore company transfers or agrees to transfer the whole or part of its assets or undertaking to the first-mentioned foreign company, including its interests in residential properties in Singapore, whether for consideration or otherwise, the first-mentioned foreign company shall, notwithstanding the grant of such approval, be subject to this section.

Date on which this Act was published in the *Gazette*.

(3) Every foreign company to which this section applies shall, within such period as the Minister may, by notification in the *Gazette*, direct, furnish to the Controller a return setting out the size, location and nature of its estate or interest in all its residential properties and such other particulars as the Controller may require.

(4) Where the Controller is satisfied that a foreign company which is required by subsection (1) to dispose of an estate or interest in any residential property in Singapore has failed to dispose of the same on or before 11th September 1983 (or within such further period as the Minister may, by notification in the *Gazette*, appoint), the Controller may give directions in writing to the foreign company to transfer all its estate or interest in its residential property to any citizen or approved purchaser within such period as the Controller may specify being a period of not less than 90 days and not more than 6 months of the date of service of the direction on the foreign company.

S 285/83.

(5) A direction given by the Controller under subsection (4) shall be served upon the foreign company which is required to transfer its estate or interest in any residential property and its subsisting mortgagees or chargees (if any) who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(6) A foreign company which is directed by the Controller to transfer its estate or interest in any residential property and its subsisting mortgagees or chargees who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be, may apply within 60 days of the date of service of the Controller's direction to the Minister for an extension of the time specified by the Controller under subsection (4) to dispose of the estate or interest in the residential property owned by the foreign company and the Minister may at his discretion refuse to grant any extension or may grant such an extension of time as he may think fit for the transfer of the estate or interest in the residential property owned by the foreign company to any citizen or approved purchaser.

(7) Where a foreign company which is directed under subsection (4) to dispose of its estate or interest in any residential property does not satisfy the Controller that it has transferred its estate or interest within the period or within any extension of time granted under subsection (6), the Minister may issue to the Controller a notice to attach and sell the estate or interest in that property, and a copy of the notice shall be served on —

(a) the foreign company which is the owner of the estate or interest in the residential property; and

(b) each subsisting mortgagee or chargee (if any) who appears as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(8) Deleted by Act 9/2006, wef 31/03/2006.

(9) Deleted by Act 9/2006, wef 31/03/2006.

(10) Deleted by Act 9/2006, wef 31/03/2006.

6 Attachment and sale of residential property by Controller

Attachment and sale of residential property by Controller

6.

— (1) The Controller shall, on receipt of any notice to attach and sell, sell by public auction or otherwise to either a citizen or an approved purchaser the estate or interest in the residential property or land specified in the notice at the following time:

(a) where any application is made to the Controller within the time limited under section 6A (2) or (3) to fix the reserve price for that estate or interest in the residential property or land, at any time after the reserve price is fixed in accordance with section 6A; or

(b) where no such application to fix the reserve price is made, at any time after the expiration of the time period allowed for any application to fix the reserve price under section 6A (3) (b) (ii).

(2) In order to attach and sell any estate or interest in any residential property or land specified in any notice to attach and sell, the Controller shall lodge with the Registrar —

(a) in the case of any residential property or land which is registered land, an application in the approved form to register the notice to attach and sell that property or land; or

(b) in the case of any other residential property or land, a copy of the notice to attach and sell relating to that property or land.

(3) The Registrar shall —

(a) on receipt of the application referred to in subsection (2) (a), register the application in the relevant volume and folio of the land-register in the Land Titles Registry of the Authority and enter the appropriate memorial that

the Controller has attached the residential property or land concerned and is empowered to transfer the registered estate or interest in that property or land; or

(b) on receipt of the copy of the notice to attach and sell referred to in subsection (2) (b), enter a note in the books and other records maintained at the Registry of Deeds of the Authority that the residential property or land concerned has been attached by the Controller.

(4) On lodgment of an application or a copy of the notice to attach and sell in accordance with subsection (2), the Controller shall have the power —

(a) to sell the estate or interest in the residential property or land described in the application or copy, as the case may be, and all other powers relating or incidental thereto as if the Controller were the proprietor of that estate or interest in the residential property or land; and

(b) to execute any instrument to effect a transfer of that estate or interest in the residential property or land,

and any such transfer executed by the Controller shall be conclusive and shall not be challenged or called in question in any court.

(5) The foreign person whose estate or interest in the residential property or land remains the subject of any notice to attach and sell, or its subsisting mortgagee or chargee (if any) shall —

(a) within a period of 21 days after the reserve price for that estate or interest is fixed under section 6A; or

(b) if no application to fix the reserve price is made under section 6A, within a period of 21 days beginning on the date immediately following the expiration of the period specified in subsection (1) (b),

deliver to the Controller the title deed or certificate of title of the residential property or land, as the case may be, and in default of such delivery, the Controller shall not be obliged to produce to the purchaser of such estate or interest in the residential property or land any other title apart from the certified true copy of the title deed or a replacement certificate of title thereto.

(6) Where the Controller is unable to sell any estate or interest in the residential property or land at or above the reserve price fixed under section 6A for that estate or interest, the Controller shall postpone the sale for a period of 2 years, and thereafter shall proceed to sell that estate or

interest in the residential property or land, as the case may be, by public auction or otherwise at any price, whether that price is higher or lower than the reserve price.

(7) Where the Controller has sold an estate or interest in any residential property or land under this section, the Controller shall without delay apply those proceeds of sale —

(a) firstly, in payment of all costs (such as legal costs, survey costs and valuation costs), charges and expenses properly incurred incidentally to or in connection with the sale of the property or land (including any previous unsuccessful sale under this section) between the date of the notice to attach and sell that property or land and the date of the sale (both dates inclusive); and

(b) secondly, in payment of the balance, in order of priority, to the foreign person who was the owner of the estate or interest in the residential property sold and any person having a prior interest to such owner or representative as shown in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be,

except that where there is any dispute as to the apportionment of these proceeds between the persons referred to in paragraph (b), the Controller shall pay the balance into court.

(8) Nothing in this section shall prevent a foreign person on whom a copy of a notice to attach and sell is served from selling on his own accord his estate or interest in the residential property or land concerned to a citizen or an approved purchaser.

(9) Where a foreign person has sold on his own accord his estate or interest in the residential property or land concerned under subsection (8), the foreign person shall be liable to reimburse the Controller for all legal costs, survey costs, valuation costs and any other costs, charges and expenses incurred by the Controller with a view to a sale (including any previous unsuccessful sale) under this section of the property or land between the date of that notice to attach and sell and the date the Controller is informed by the foreign person that the property or land has been sold by the foreign person (both dates inclusive).

(10) Where the Controller is of the opinion that circumstances have arisen since the lodgment of the application or copy of the notice referred to in subsection (2) which renders the sale of any estate or interest in any residential property or land concerned impracticable, whether on account of an

earlier sale by a person permitted under subsection (8) or the occurrence of an event, such as the winding up of a foreign company, the issue of an order of attachment for the same property or land by any court or otherwise, the Controller shall refer the relevant particulars of the residential property or land to the Minister with a statement setting out his reasons as to why it is impracticable to sell the property or land.

(11) The Minister may, on receipt of the Controller's statement under subsection (10), countermand his direction to the Controller to attach and sell the estate or interest in the residential property or land in question by cancelling his notice to attach and sell that residential property or land.

(12) Where the Minister has, pursuant to subsection (11), countermanded his direction to the Controller to attach and sell any residential property or land, the Registrar shall —

(a) in the case of any residential property or land which is registered land, cancel the registration of the notice to attach and sell that property or land on receipt from the Controller of an application for that purpose made in the approved form; or

(b) in the case of any other residential property or land, register a memorial of discharge of the notice to attach and sell that property or land,

and thereafter, the Controller shall not have any power referred to in subsection (4) in relation to any estate or interest in that residential property or land.

(13) In this section and section 6A, any reference to a foreign person includes —

(a) a reference to a mortgagee or chargee; or

(b) a reference to the person's legal personal representatives if he is deceased and a notice has been issued by the Minister under section 3 (6) in relation to any estate or interest of the foreign person in residential property or land.

6A Reserve price

Reserve price

6A.

—(1) Where the Minister has issued a notice to attach and sell an estate or interest in any residential property or land specified in the notice, the following persons may, subject to subsection (3), apply to the Controller to fix a reserve price for that estate or interest in the residential property or land:

(a) any foreign person who is the owner of that estate or interest in the residential property or land, or his legal personal representatives if he is deceased;

(b) the mortgagee or chargee of that residential property or land first entitled in priority (referred to in this section as the first mortgagee or chargee); or

(c) any mortgagee or chargee of that residential property or land next or subsequently entitled in priority (referred to in this section as the subsequent mortgagee or chargee).

(2) Any application under subsection (1) by a foreign person shall be made no later than 28 days after he receives a copy of the notice to attach and sell.

(3) An application under subsection (1) by a mortgagee or chargee of any residential property or land shall be made as follows:

(a) in the case of the first mortgagee or chargee —

(i) if and only if there is no application under subsection (1) by the owner of the same residential property or land, or his legal personal representative if he is deceased; and

(ii) no later than 45 days after the expiration of the period limited under subsection (2) for the owner or his legal personal representative to make such an application; or

(b) in the case of a subsequent mortgagee or chargee —

(i) if and only if there is no application under subsection (1) by the owner of the same residential property or land, or his legal personal representative if he is deceased, and there is no application under this subsection by the first mortgagee or chargee; and

(ii) no later than 45 days after the expiration of the period limited under paragraph (a) (ii) for the first mortgagee or chargee to make such an

application.

(4) The reserve price for any estate or interest in any residential property or land shall be the mean average of 2 valuations of that property or land, namely, one submitted by a valuer appointed by the Controller and the other by a licensed valuer appointed by the foreign person or the mortgagee or chargee, as the case may be, applying to fix the reserve price.

(5) The expenses of any valuation made under this section shall be borne by the foreign person (or by his estate if he is deceased) or the mortgagee or chargee applying to fix a reserve price under subsection (1), as the case may be.

7 Foreign companies to file declarations with Controller.

Foreign companies to file declarations with Controller.

7.

—(1) Subject to subsection (2), where, on 11th September 1973, a foreign company was the owner of an estate or interest in any land in Singapore, the foreign company shall, within the period of 6 months of 1st October 1982, file with the Controller a declaration made by its director or secretary or its representative in Singapore setting out —

(a) the location and Government survey lot number of the land which has been disposed of by sale or otherwise; and

(b) in respect of any land which has not been disposed of, —

(i) the size, location, Government survey lot number, nature of its estate or interest in such land;

(ii) the purpose for which the land is currently used; and

(iii) such further particulars as the Controller may require.

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(2) Subsection (1) shall not apply to a foreign company which is exempted under section 32.

8 Section 5 not applicable to foreign natural

persons or societies.

Section 5 not applicable to foreign natural persons or societies.

8.

Section 5 shall not require any foreign person who is a natural person or a society to dispose of any estate or interest in any residential property vested in him or, in the case of a society, vested in its trustees, immediately before the date of commencement of this Act.

9 Position of Singapore entities with residential properties wishing to become or becoming converted entities

Position of Singapore entities with residential properties wishing to become or becoming converted entities

9.

—(1) No Singapore company which is the owner of any estate or interest in any residential property that is not non-restricted residential property, whether purchased or acquired before, on or after 11th September 1973 shall, on or after 1st October 1976, become a converted foreign company without first seeking and obtaining the written approval of the Minister, in the manner provided in section 26, for such conversion and for the retention of all its estate or interest in all or in one or more of those residential properties which such Singapore company intends should remain vested in the converted foreign company upon such conversion.

(2) No Singapore limited liability partnership which is the owner of any estate or interest in any residential property that is not non-restricted residential property, whether purchased or acquired before, on or after 11th April 2005 shall become a converted foreign limited liability partnership without first seeking and obtaining the written approval of the Minister, in the manner provided in section 26, for such conversion and for the retention of all its estate or interest in all or in one or more of those residential properties which such Singapore limited liability partnership intends should remain vested in the converted foreign limited liability partnership upon such conversion.

(3) No Singapore society which is the owner of any estate or interest in any residential property that is not non-restricted residential property purchased or acquired on or after 11th September 1973 shall, on or after 1st October 1976, become a converted society without first seeking and obtaining the written approval of the Minister, in the manner provided in section 26, for such conversion and for the retention of all its estate or interest in all or in one or more of those residential properties which such Singapore society intends to retain after conversion.

(4) If the written approval sought under subsection (1), (2) or (3) is granted in respect of such conversion and for the retention of all or one or more of the residential properties in respect of which the Singapore entity sought approval, it shall, either before it becomes a converted entity or within a period of 2 years from the date on which it became a converted entity, transfer to any citizen or approved purchaser all its estate or interest —

(a) in such of its residential properties that are not non-restricted residential properties in respect of which it has not been granted approval for retention under section 26; and

(b) in all its other residential properties that are not non-restricted residential properties, if any, in respect of which it did not seek approval for such retention.

(5) If the written approval sought under subsection (1), (2) or (3) is not granted in respect of such conversion or for the retention of all of the residential properties in respect of which the Singapore entity sought approval, the Singapore entity shall not become a converted entity.

(6) If any Singapore entity becomes a converted entity in contravention of subsection (5) —

(a) the converted entity shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000;

(b) any person who, by virtue of section 36 (3), is guilty of that offence shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both; and

(c) the converted entity shall, within a period of one year from the date on which it became a converted entity, transfer to any citizen or approved purchaser all its estate or interest in every residential property that is not non-restricted residential property owned by it.

(7) If any Singapore entity becomes a converted entity, without first seeking and obtaining the written approval required under subsection (1), (2) or (3)

(a) the converted entity shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000;

(b) any person who, by virtue of section 36 (3), is guilty of that offence shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both; and

(c) the converted entity shall, within a period of one year from the date on which it became a converted entity —

(i) transfer all its estate or interest in all its residential properties that are not non-restricted residential properties to any citizen or approved purchaser, other than such part of its estate or interest in respect of which it has been granted approval for retention as provided in sub-paragraph (ii); and

(ii) seek and obtain the approval of the Minister under section 25 for the retention of such part of its estate or interest in its residential properties that are not non-restricted residential properties as are not transferred as provided in sub-paragraph (i).

(8) Where —

(a) a converted foreign company to which subsection (4) applies has not, at the expiration of a period of 2 years from the date on which it became a converted foreign company, transferred to any citizen or approved purchaser all its estate or interest in the residential properties (that are not non-restricted residential properties) still remaining vested in it and in respect of which approval for retention was not sought or, if sought, was not granted under section 25 or 26; or

(b) a converted foreign company to which subsection (6) or (7) applies has not, at the expiration of a period of one year from the date on which it became a converted foreign company, transferred to any citizen or approved purchaser all its estate or interest in the residential properties (that are not non-restricted residential properties) still remaining vested in it and in respect of which approval for retention was not sought or, if sought, was not granted under section 25 or 26,

the Minister may, by a direction in writing, require such converted foreign company to dispose of all its estate or interest in such remaining residential

properties by transferring the same to any citizen or approved purchaser within a period of not less than 6 months from the date of service of such direction by the Minister.

(9) A direction given by the Minister under subsection (8) shall be served on the Controller and on such converted foreign company and its subsisting mortgagees or chargees (if any) who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(10) At the expiration of the period of 6 months mentioned in subsection (8), the Minister may, in his discretion, upon application (with reasons or grounds in support) being made (not later than 30 days of such expiration) by a converted foreign company or any of its mortgagees or chargees who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be, grant such extension of time as he may consider fit, for the transfer to any citizen or approved purchaser of all its estate or interest in such residential properties that are not non-restricted residential properties and in respect of which approval was not sought for the retention thereof or, if sought, was not obtained under section 25 or 26.

(11) Where a converted foreign company which is directed under subsection (8) to dispose of its estate or interest in any residential property does not satisfy the Controller that it has transferred the same within the period of 6 months specified in that subsection or any extended period specified in subsection (10), the Minister may issue to the Controller a notice to attach and sell the estate or interest in that property, and a copy of such notice shall be served on the converted foreign company which is the owner of the estate or interest in the residential property and its subsisting mortgagees or chargees (if any) who appear as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(12) Subsections (8) to (11) shall apply, with the necessary modifications, to the procedure for the disposal of any estate or interest in residential property owned by a converted foreign limited liability partnership or a converted society as those subsections apply to the procedure for the disposal of any estate or interest in residential property owned by a converted foreign company.

(13) A mortgagee or chargee who, on or after 1st October 1976, grants a loan or advance on a current account for a fixed term exceeding 6 months, secured by a mortgage or charge of any estate or interest in any residential property that is not non-restricted residential property owned by a Singapore entity

may, notwithstanding any prior agreement made between the mortgagee or chargee and his respective mortgagor or chargor for the repayment of that loan or advance, call for the earlier repayment of such loan or advance or any part thereof, by giving 3 months" prior notice in writing to his mortgagor or chargor, if such mortgagor or chargor, having represented itself as a Singapore entity, to the mortgagee or chargee at the date of the creation of such mortgage or charge, thereafter, without the written consent of the mortgagee or chargee, becomes a converted entity.

(14) If the repayment of the loan or advance mentioned in subsection (13) is not made on the expiration of the 3 months" notice given by the mortgagee or chargee pursuant to that subsection, such loan or advance shall be deemed to be due, and thereupon the mortgagee or chargee may exercise —

(a) any power expressly provided in the mortgage or charge;

(b) any statutory power conferred on a mortgagee or chargee under the Conveyancing and Law of Property Act (Cap. 61), the Land Titles Act (Cap. 157) or any other written law; or

(c) any power implied by law.

10 Vesting of residential properties in Singapore companies

Vesting of residential properties in Singapore companies

10.

— (1) Notwithstanding anything in any written law, a Singapore company which intends to acquire any estate or interest in any residential property other than non-restricted residential property shall, prior to the vesting of the estate or interest in that property in the company, furnish the Controller with a list of its directors and members containing the particulars of their nationality and such other particulars as the Controller may require.

(2) The Controller may, if he is satisfied that the requirements of subsection (1) are complied with and that the company is a Singapore company, issue to the company a certificate stating that the company may acquire and retain residential properties subject to the provisions of this Act.

(3) The Controller may at any time require a Singapore company which has been

issued a certificate under subsection (2) to produce its register of members and directors for his inspection if the Controller desires to ascertain whether the Singapore company has ceased to be a Singapore company.

(4) The Controller may at any time cancel a certificate issued under subsection (2) if he is satisfied that —

(a) in the case of a Singapore company which does not own any residential property that is not non-restricted residential property, the Singapore company has become a foreign company without obtaining the prior written approval of the Controller under section 14; or

(b) in the case of a Singapore company which owns any residential property that is not non-restricted residential property, the Singapore company has become a converted foreign company without obtaining the prior written approval of the Minister under section 26.

(5) The Controller shall, upon the application by any Singapore company which is a holder of a certificate issued by the Controller under subsection (2), cancel the certificate if the Controller is satisfied that the Singapore company does not own any residential property that is not non-restricted residential property.

(6) Any Singapore company which contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

11 Vesting of residential properties in Singapore limited liability partnerships

Vesting of residential properties in Singapore limited liability partnerships

11.

— (1) Notwithstanding anything in any written law, a Singapore limited liability partnership which intends to acquire any estate or interest in any residential property other than non-restricted residential property shall, prior to the vesting of the estate or interest in that property in the limited liability partnership, furnish the Controller with a list of its partners containing the particulars of their nationality and such other particulars as the Controller may require.

(2) The Controller may, if he is satisfied that the requirements of subsection

(1) are complied with and that the limited liability partnership is a Singapore limited liability partnership, issue to the limited liability partnership a certificate stating that the limited liability partnership may acquire and retain residential properties subject to the provisions of this Act.

(3) The Controller may at any time require a Singapore limited liability partnership which has been issued a certificate under subsection (2) to produce its register of partners for his inspection if the Controller desires to ascertain whether the Singapore limited liability partnership has ceased to be a Singapore limited liability partnership.

(4) The Controller may at any time cancel a certificate issued under subsection (2) if he is satisfied that —

(a) in the case of a Singapore limited liability partnership which does not own any residential property that is not non-restricted residential property, the Singapore limited liability partnership has become a foreign limited liability partnership without obtaining the prior written approval of the Controller under section 14A; or

(b) in the case of a Singapore limited liability partnership which owns any residential property that is not non-restricted residential property, the Singapore limited liability partnership has become a converted foreign limited liability partnership without obtaining the prior written approval of the Minister under section 26.

(5) The Controller shall, upon the application by any Singapore limited liability partnership which is a holder of a certificate issued by the Controller under subsection (2), cancel the certificate if the Controller is satisfied that the Singapore limited liability partnership does not own any residential property that is not non-restricted residential property.

(6) Any Singapore limited liability partnership which contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

12 Registrar may refuse to register instrument of transfer in favour of Singapore company

Registrar may refuse to register instrument of transfer in favour of Singapore company

12.

The Registrar may refuse to register an instrument of transfer of an estate or interest in any residential property that is not non-restricted residential property in favour of a Singapore company unless he is satisfied that —

(a) all the directors of the company are citizens; and

(b) all the members of the company are either citizens, Singapore limited liability partnerships or Singapore companies.

13 Registrar may refuse to register instrument of transfer in favour of Singapore limited liability partnership

Registrar may refuse to register instrument of transfer in favour of Singapore limited liability partnership

13.

The Registrar may refuse to register an instrument of transfer of an estate or interest in any residential property that is not non-restricted residential property in favour of a Singapore limited liability partnership unless he is satisfied that all the partners of the limited liability partnership are either citizens, Singapore limited liability partnerships or Singapore companies.

14 Singapore company becoming foreign company

Singapore company becoming foreign company

14.

— (1) Notwithstanding anything in any written law, a Singapore company shall not become a foreign company unless —

(a) in the case of a Singapore company which owns any residential property that is not non-restricted residential property, it has obtained the prior

approval of the Minister to become a converted foreign company pursuant to section 26; or

(b) in the case of a Singapore company which claims that it does not own any residential property apart from non-restricted residential property, it has obtained the prior approval of the Controller under subsection (2) to become a foreign company.

(2) For the purposes of subsection (1) (b), the Controller shall grant the approval for the Singapore company to become a foreign company if he is satisfied that the Singapore company does not own any residential property apart from non-restricted residential property.

(3) Upon a Singapore company being granted an approval under subsection (1) (a) or (b), the Controller shall cancel the certificate issued to the Singapore company under section 10(2).

(4) Notwithstanding any approval given by the Minister or the Controller for the purposes of subsection (1) (a) or (b), as the case may be, the Controller may —

(a) if he subsequently discovers that the company owns any residential property in respect of which the Minister has not granted any approval under section 25 or 26 for the company to purchase, acquire or retain the property and the property is not non-restricted residential property; or

(b) if he subsequently discovers that the company had made a misrepresentation to the Controller,

obtain the Minister's direction to require the company to dispose of the residential property.

(5) Where any residential property is to be disposed of pursuant to the Minister's direction obtained under subsection (4), section 9(8) to (14) shall apply, with the necessary modifications, to the manner of disposal of the residential property and the rights of a mortgagee or chargee (if any) of the residential property.

14A Singapore limited liability partnership becoming foreign limited liability partnership

Singapore limited liability partnership becoming foreign limited liability partnership

14A.

— (1) Notwithstanding anything in any written law, a Singapore limited liability partnership shall not become a foreign limited liability partnership unless —

(a) in the case of a Singapore limited liability partnership which owns any residential property that is not non-restricted residential property, it has obtained the prior approval of the Minister to become a converted foreign limited liability partnership pursuant to section 26; or

(b) in the case of a Singapore limited liability partnership which claims that it does not own any residential property apart from non-restricted residential property, it has obtained the prior approval of the Controller under subsection (2) to become a foreign limited liability partnership.

(2) For the purposes of subsection (1) (b), the Controller shall grant the approval for the Singapore limited liability partnership to become a foreign limited liability partnership if he is satisfied that the Singapore limited liability partnership does not own any residential property apart from non-restricted residential property.

(3) Upon a Singapore limited liability partnership being granted an approval under subsection (1) (a) or (b), the Controller shall cancel the certificate issued to the Singapore limited liability partnership under section 11(2).

(4) Notwithstanding any approval given by the Minister or the Controller for the purposes of subsection (1) (a) or (b), as the case may be, the Controller may —

(a) if he subsequently discovers that the limited liability partnership owns any residential property in respect of which the Minister has not granted any approval under section 25 or 26 for the limited liability partnership to purchase, acquire or retain the property and the property is not non-restricted residential property; or

(b) if he subsequently discovers that the limited liability partnership had made a misrepresentation to the Controller,

obtain the Minister's direction to require the limited liability partnership to dispose of the residential property.

(5) Where any residential property is to be disposed of pursuant to the

Minister' s direction obtained under subsection (4), section 9 (8) to (14) shall apply, with the necessary modifications, to the manner of disposal of the residential property and the rights of a mortgagee or chargee (if any) of the residential property.

14B Conversion of Singapore company to Singapore limited liability partnership

Conversion of Singapore company to Singapore limited liability partnership

14B.

— (1) Any certificate issued by the Controller under section 10 to a Singapore company and which is in force immediately before the date of registration of the conversion of the Singapore company to a Singapore limited liability partnership shall continue in force on and after that date as if it were a certificate issued by the Controller to the Singapore limited liability partnership under section 11 (2).

(2) The Singapore limited liability partnership referred to in subsection (1) shall, as soon as practicable after the date of registration of the conversion thereto, notify the Controller of the conversion and of the particulars of the Singapore limited liability partnership, including the nationality of its partners and such other particulars as the Controller may require.

(3) The Controller may, if he is satisfied that the requirements of subsection (2) are complied with and that limited liability partnership is a Singapore limited liability partnership, issue to the Singapore limited liability partnership a fresh certificate stating that the limited liability partnership may acquire and retain residential properties subject to the provisions of this Act and upon the issuance of the fresh certificate to the Singapore limited liability partnership, the certificate referred to in subsection (1) shall be deemed cancelled.

14C Conversion of foreign company or converted foreign company to foreign limited liability partnership

Conversion of foreign company or converted foreign company to foreign limited liability partnership

14C.

— (1) Any approval granted by the Minister under section 25 or 26 to a foreign company or a converted foreign company to purchase, acquire or retain residential property that is not non-restricted residential property and which is valid immediately before the date of registration of the conversion of the foreign company or the converted foreign company to a foreign limited liability partnership shall continue in force on and after that date as if it were an approval granted by the Minister to the foreign limited liability partnership; and —

(a) if the approval was granted subject to conditions, the foreign limited liability partnership shall comply with all the conditions imposed as if the approval had been granted to the foreign limited liability partnership instead of the foreign company or the converted foreign company; and

(b) if any undertaking in writing was given by the foreign company or the converted foreign company, such undertaking in writing shall be deemed to be an undertaking in writing given by the foreign limited liability partnership and shall be enforceable against the foreign limited liability partnership as if it had been given by the foreign limited liability partnership instead of the foreign company or the converted foreign company.

(2) The foreign limited liability partnership referred to in subsection (1) shall, as soon as practicable after the date of registration of the conversion thereto, notify the Controller of the conversion and of the particulars of the foreign limited liability partnership, including the nationality of its partners and such other particulars as the Controller may require.

15

15. *Deleted by Act 9 of 2006, wef 31/03/2006.*

16 Vesting of residential properties in Singapore societies

Vesting of residential properties in Singapore societies

16.

- (1) Notwithstanding anything in any written law, a Singapore society which intends to acquire any estate or interest in any residential property other than non-restricted residential property shall, prior to the vesting of the estate or interest in that property in the trustees of the society, furnish the Controller with a list of its trustees and members containing the particulars of their nationality and such other particulars as the Controller may require.
- (2) The Controller may, if he is satisfied that the requirements of subsection (1) are complied with and that the society is a Singapore society, issue to the society a certificate stating that the society may acquire and retain residential properties in accordance with the provisions of this Act.
- (3) The Controller may at any time require a Singapore society which has been issued a certificate under subsection (2) to produce its list of members and trustees for his inspection if the Controller desires to ascertain whether the Singapore society has ceased to be a Singapore society.
- (4) The Controller may at any time cancel a certificate issued under subsection (2) if he is satisfied that —
- (a) in the case of a Singapore society which does not own any residential property that is not non-restricted residential property, the Singapore society has become a foreign society without obtaining the prior written approval of the Controller under section 17; or
- (b) in the case of a Singapore society which owns any residential property that is not non-restricted residential property, the Singapore society has become a converted society without obtaining the prior written approval of the Minister under section 26.
- (5) The Controller shall, upon the application by any Singapore society which is a holder of a certificate issued by the Controller under subsection (2), cancel the certificate if the Controller is satisfied that the Singapore society does not own any residential property that is not non-restricted residential property.
- (6) Any Singapore society which contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

17 Singapore society becoming foreign society

Singapore society becoming foreign society

17.

— (1) Notwithstanding anything in any written law, a Singapore society shall not become a foreign society unless —

(a) in the case of a Singapore society which owns any residential property that is not non-restricted residential property, it has obtained the prior approval of the Minister to become a converted society pursuant to section 26; or

(b) in the case of a Singapore society which claims that it does not own any residential property apart from non-restricted residential property, it has obtained the prior approval of the Controller under subsection (2) to become a foreign society.

(2) For the purposes of subsection (1) (b), the Controller shall grant the approval for the Singapore society to become a foreign society if he is satisfied that the Singapore society does not own any residential property apart from non-restricted residential property.

(3) Upon a Singapore society being granted an approval under subsection (1) (a) or (b), the Controller shall cancel the certificate issued to the Singapore society under section 16 (2).

(4) Notwithstanding any approval given by the Minister or the Controller for the purposes of subsection (1) (a) or (b), as the case may be, the Controller may —

(a) if he subsequently discovers that the society owns any residential property in respect of which the Minister has not granted any approval under section 25 or 26 for the society to purchase, acquire or retain the property and the property is not non-restricted residential property; or

(b) if he subsequently discovers that the society had made a misrepresentation to the Controller,

obtain the Minister's direction to require the society to dispose of the residential property.

(5) Where any residential property is to be disposed of pursuant to the Minister's direction obtained under subsection (4), section 9 (8) to (14) shall apply, with the necessary modifications, to the manner of disposal of

the residential property and the rights of a mortgagee or chargee (if any) of the residential property.

18 Registrar may refuse to register instrument of transfer in favour of Singapore society

Registrar may refuse to register instrument of transfer in favour of Singapore society

18.

The Registrar may refuse to register an instrument of transfer of any estate or interest in any residential property that is not non-restricted residential property in favour of a Singapore society unless he is satisfied that —

(a) all the members of the society are citizens; and

(b) the trustees of the society are either citizens or a trust company licensed under the Trust Companies Act 2005 (Act 11 of 2005).

19 Every transfer of land to specify citizenship status of purchaser or place of registration or incorporation of a body corporate.

Every transfer of land to specify citizenship status of purchaser or place of registration or incorporation of a body corporate.

19.

— (1) In every instrument of transfer of land (other than a mortgage, charge or reconveyance) lodged with the Registrar on or after 1st July 1977 there shall be specified, after the name of the person acquiring an estate or interest in land, the name of the country of which he is a citizen, together with the number of the identity card issued to him under the National Registration Act or other evidence of his citizenship if he is a citizen of Singapore and, if he is a citizen of any other country, the number of his passport and of his identity card (if he has been issued with one); and where the purchaser is a body corporate there shall be specified its place of registration or incorporation.

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(2) Every such person acquiring a title or interest in land under such instrument shall certify on the instrument that the particulars specified in accordance with subsection (1) are correct, and if that person employs an advocate and solicitor to act for him, the advocate and solicitor shall so certify in such form as may be approved by the Registrar. For the purposes of this subsection, the Registrar may require the production of such document as he may think fit.

(3) The Registrar has the power to refuse registration of any such transfer wherein the particulars required by subsection (1) are not specified or wherein the certification required by subsection (2) has not been effected, and where the Registrar has accepted any such transfer, he has the power to cancel the provisional registration of any such transfer or require the person lodging the transfer to withdraw it from registration.

(4) Where the Registrar intends to exercise the power conferred on him by subsection (3) to cancel the provisional registration of any such transfer or to require the person lodging such transfer to withdraw it from registration, he shall give notice in writing to that effect, and shall not for a period of 6 weeks of the date of the notice cancel the provisional registration of any such transfer; and where any such notice requires the transfer to be withdrawn and if during that period subsection (1) or (2) has not been complied with, the Registrar may cancel the provisional registration of such transfer and shall not be bound to give any further notice before effecting such cancellation.

(5) This section shall apply to every instrument of transfer of land irrespective of whether the land is residential property or otherwise.

20 Presumption by Registrar.

Presumption by Registrar.

20.

—(1) The Registrar may presume that every instrument of transfer of land (other than a mortgage, charge or reconveyance) made in favour of a foreign person and lodged for registration with the Registrar is in respect of residential property and that any agreement for sale and purchase of the land was made after the date of commencement of this Act unless evidence to the contrary is produced to the satisfaction of the Registrar.

(2) Where any person acquiring an estate or interest in land under any such instrument of transfer employs an advocate and solicitor to act for him, the

Registrar may require the advocate and solicitor to furnish an appropriate certificate or certificates in such form or forms as the Registrar may require. Such certificates shall be endorsed on the instrument of transfer.

(3) The Registrar has the power to refuse to accept any instrument of transfer for registration or to refuse to complete registration of such instrument —

(a) where he is not satisfied with the evidence produced in accordance with subsection (1); or

(b) where any certificate required under subsection (2) has not been furnished.

21 Transfer of any estate or interest in residential property vested in foreign person.

Transfer of any estate or interest in residential property vested in foreign person.

21.

— (1) Where any estate or interest in any residential property that is not non-restricted residential property is vested in any foreign person and that foreign person is desirous of transferring the same, he shall not transfer any estate or interest in that property to any person other than a citizen or an approved purchaser.

(2) Any transfer made in contravention of subsection (1) shall be null and void.

22 Sale of residential property by mortgagee or chargee.

Sale of residential property by mortgagee or chargee.

22.

— (1) No mortgagee or chargee, when exercising his power of sale in respect of any estate or interest in any residential property that is not non-restricted residential property, shall transfer the estate or interest to a foreign person.

(2) Every mortgagee who, in relation to an estate or interest in any

residential property that is not non-restricted residential property has obtained an order for foreclosure or who becomes vested by an instrument or otherwise with the entirety of that estate or interest, shall sell to a citizen or an approved purchaser that estate or interest within a period of 3 years of the date of such order or of the date of the vesting of such estate or interest in the mortgagee; but the Minister shall have power to extend the period, from time to time, for such cause as appears to him to be just and reasonable.

(3) Where such mortgagee does not sell the estate or interest in the residential property that is not non-restricted residential property within the period specified in subsection (2) (including any extension thereof), the Minister may issue to the Controller a notice to attach and sell the mortgagee's estate or interest in that residential property.

(4) Subsections (2) and (3) shall apply only to mortgagees who are foreign persons.

23 Residential property not to be purchased or acquired by a citizen or an approved purchaser as a nominee of a foreign person.

Residential property not to be purchased or acquired by a citizen or an approved purchaser as a nominee of a foreign person.

23.

— (1) No —

(a) citizen or approved purchaser shall purchase or acquire any estate or interest in any residential property that is not non-restricted residential property as a nominee of any foreign person with the intention that the citizen or approved purchaser shall hold it in trust for that foreign person; and

(b) foreign person shall authorise or appoint as his nominee any citizen or approved purchaser to purchase or acquire any estate or interest in any residential property that is not non-restricted residential property with the intention that that citizen or approved purchaser shall hold it in trust for that foreign person.

(2) Any trust created in whatever manner or form pursuant to subsection (1) shall be null and void and there shall be no resulting trust in favour of the

foreign person; and any contract or covenant between such citizen or approved purchaser and the foreign person in respect of such residential property or any estate or interest therein shall be null and void.

(3) The Registrar, upon discovering that any instrument of transfer contains any such void trust and the instrument is pending final registration or has been finally registered by the Registrar, shall enter a note in that instrument or the registration copy thereof, as the case may be, stating that such trust is null and void by virtue of subsection (2).

(4) Any person who contravenes subsection (1) (a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) The court shall, in respect of any defendant charged with committing any offence under subsection (1) (a) or (b) —

(a) take into account any confiscation order made under section 23A before imposing any fine on the defendant; and

(b) subject to paragraph (a), leave the confiscation order out of account in determining the appropriate sentence or other manner of dealing with the defendant.

23A Confiscation of benefits of offence under section 23

Confiscation of benefits of offence under section 23

23A.

—(1) Where a defendant is convicted of any offence under section 23 (1) (a) or (b), the court shall, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of benefits derived by him from the commission of the offence if the court is satisfied that such benefits have been so derived.

(2) Where the court is satisfied that benefits have been derived by the defendant from the commission of any offence under section 23 (1) (a) or (b), the court shall, before sentencing or otherwise dealing with him in respect of the offence concerned, determine in accordance with subsections (4) to (8) the amount to be recovered in his case by virtue of this section.

(3) Subject to subsection (7), the benefits derived by a defendant from the commission of any offence under section 23 (1) (a) or (b) shall be —

(a) any estate or interest (including any income accruing from such estate or interest) in residential property held in trust by or for the benefit of the defendant in contravention of section 23 (1) (a) or (b); or

(b) where that estate or interest in residential property is disposed of before conviction, the money, or the market value of any property other than money, paid to or received by the defendant, or another person at the request or direction of the defendant, on account of the disposal of the estate or interest in the residential property.

(4) The amount to be recovered from the defendant under a confiscation order under this section shall be the amount the court assesses to be the value of the benefits derived by the defendant from the commission of any offence under section 23 (1) (a) or (b).

(5) For the purposes of this section —

(a) the value of the benefits derived by a defendant from the commission of any such offence shall be the aggregate of the properties, estates and interests referred to in subsection (3) (a) or (b), as the case may be, relating to that defendant;

(b) the value of the estate or interest in residential property referred to in subsection (3) (a) shall be the market value of the estate or interest at the date of conviction or the date of the commission of the offence, whichever is the higher; and

(c) in calculating the value of benefits derived by a defendant from the commission of any offence under section 23 (1) (a) or (b), any expenses or outgoings of the defendant in connection with the commission of the offence shall be disregarded.

(6) Any question of fact to be decided by a court in proceedings under this section shall be decided on a balance of probabilities.

(7) A benefit derived by a defendant convicted of any offence under section 23 (1) (a) or (b) shall not be taken into account if —

(a) a confiscation order against the defendant has been imposed in respect of that benefit under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A);

(b) a confiscation order against the defendant has previously been made under this section and that benefit is shown to the court to have been taken into account in determining the amount to be recovered under that order; or

(c) a confiscation order against another defendant has previously been made under this section in relation to an offence committed in the same transaction as the offence by the first-mentioned defendant and that benefit, being an estate or interest referred to in subsection (3) (a), is shown to the court to have been taken into account in determining the amount to be recovered under the order against that other defendant.

(8) Any relevant evidence admitted in the proceedings against the defendant for any offence under section 23 (1) (a) or (b) shall, if the court thinks fit, be taken into account in determining the amount to be recovered under subsection (2).

(9) Subject to subsection (1), where a court orders the defendant to pay any amount under a confiscation order —

(a) section 224 of the Criminal Procedure Code (Cap. 68) shall have effect as if that amount were a fine imposed on him by the court; and

(b) for the purposes of section 224 (b) (iv) of the Criminal Procedure Code, the term for which the court may direct the defendant to be imprisoned in default of payment of any amount under the confiscation order shall be as follows:

(i) if the amount does not exceed \$2 million — imprisonment for a term not exceeding 5 years; and

(ii) if the amount exceeds \$2 million — imprisonment for a term not exceeding 10 years.

(10) Where —

(a) a warrant to commit the defendant to prison is issued for a default in payment of an amount ordered to be paid under a confiscation order in respect of an offence under section 23 (1) (a) or (b); and

(b) at the time the warrant is issued, the defendant is liable to serve any term of imprisonment in respect of the offence,

the term of imprisonment to be served in default of payment of the amount

shall not begin to run until after the term mentioned in paragraph (b).

(11) This section shall not apply in respect of any offence committed before the date of commencement of section 16 of the Residential Property (Amendment) Act 2006.

24 Final registration to be suspended if Act contravened.

Final registration to be suspended if Act contravened.

24.

— (1) The Registrar, if he considers or is informed in writing by the Controller that any transfer lodged with him contravenes any of the provisions of this Act, shall not complete the registration of the transfer.

(2) The transfer in such event shall remain provisionally registered and the Registrar shall cause an entry to be made —

(a) in the case of land subject to the provisions of the Land Titles Act — in the land-register; and

Cap. 157.

(b) in the case of land subject to the provisions of the Registration of Deeds Act — in the relevant Index of Land Book and other land records maintained at the Registry of Deeds of the Authority,

that final registration shall be suspended.

Cap. 269.

(3) No action or claim shall be made against the decision of the Registrar to suspend the final registration of the transfer.

(4) The party or the advocate and solicitor acting for the party claiming under the transfer or his successors in title or assigns who appear as such in the records of the Registrar shall be served with a notice in writing by the Registrar of such decision and such party, successors in title or assigns may seek a declaration from the court as to whether the transfer contravenes any of the provisions of this Act, and, if so, is to be declared null and void; if the court makes a declaration that the transfer is null and void, the declaration shall be served on the Registrar, and upon service of the declaration, the Registrar shall cancel the registration of the transfer and any relating instrument and make such appropriate entries in his records as may be necessary.

(5) All costs incidental to the action taken by the party claiming under the transfer or his successors in title or assigns who appear as such in the records of the Registrar, notwithstanding the declaration of the court, shall be borne by the party, successors in title or assigns seeking the declaration.

(6) If no declaration is sought from the court or if an application to the court for a declaration if made is not served on the Registrar within a period of 6 months of the date of service of the notice in writing issued and served by the Registrar under subsection (4), or if a declaration made by the court is not served on the Registrar within 21 days of the date of the declaration the Registrar shall, without giving further notice to the party claiming under the transfer or his successors in title or assigns who appear as such in the records of the Registrar, proceed to cancel the registration of the transfer and all relating instruments, and no claim shall be made against the Registrar for any loss or damage suffered as a consequence of the cancellation.

(7) Where any transfer which contravenes any of the provisions of this Act has been finally registered by the Registrar, the court may, on the application of the Controller, declare that the transfer is void and order rectification of the land-register by directing that the registration of the transfer and any relating instrument be cancelled; and all costs and expenses of, and incidental to, the application shall be borne by the person who transfers any estate or interest in the residential property concerned to a foreign person, and those costs and expenses shall be recoverable by the Controller from the person who so transfers.

(8) Every application to the court made under this section shall be by originating summons.

PART III APPROVAL TO PURCHASE, ACQUIRE OR RETAIN RESIDENTIAL PROPERTY

PART III

APPROVAL TO PURCHASE, ACQUIRE OR RETAIN RESIDENTIAL PROPERTY

25 Application by foreign person for approval to purchase acquire or retain residential property.

Application by foreign person for approval to purchase, acquire or retain residential property.

—(1) For the purposes of this Act, there shall be a committee to be known as the Residential Property Advisory Committee which shall consist of a Chairman and such number of other members as the Minister may, from time to time, appoint for such period as he may think fit. Any member so appointed who ceases to be a member shall be eligible for reappointment.

(2) Subject to subsection (14), any foreign person who desires to purchase, acquire or retain any estate or interest in any residential property other than non-restricted residential property shall apply to the Minister through the Controller for the grant of the Minister's approval to acquire or to retain residential property, as the case may be.

(3) Every such application shall be in such form and shall state such particulars as the Controller may require.

(4) The Controller shall forward every such application to the Committee; and after consideration thereof, the Committee shall make recommendations thereon to the Minister who may, in his discretion, grant, with or without conditions (or refuse to grant), approval —

(a) for the purchase or acquisition of the estate or interest in the residential property in respect of which the application was made or for the retention of such estate or interest; or

(b) for the purchase or acquisition of the estate or interest in residential property of such class or nature as the applicant may desire to purchase or acquire.

(5) Without prejudice to the generality of the powers of the Minister under subsection (4), he may, in his discretion, grant approval, with or without conditions, to any applicant, being a natural person, who intends to purchase or acquire residential property for the purpose of his own occupation and that of his family as a dwelling-house and not for the purpose of rental or any other purpose; and for the purposes of this subsection "an applicant" means one —

(a) who is a permanent resident;

(b) who, in the opinion of the Minister, is of economic benefit to Singapore or who, in the opinion of the Minister, makes or is able to make an adequate economic contribution to Singapore; or

(c) who, not being a citizen, possesses professional or other qualifications or experience which, in the opinion of the Minister, are of value or of

benefit or advantageous to Singapore.

(6) Without prejudice to the generality of the powers of the Minister under subsection (4), he may grant approval, with or without conditions, to an applicant, being a foreign company or a foreign limited liability partnership which —

(a) in the opinion of the Minister —

(i) is of economic benefit to Singapore; or

(ii) makes or is able to make an adequate economic contribution to Singapore; and

(b) intends to purchase or acquire, or retain any interest in, residential property for the purpose of occupation as a dwelling-house by its executives, managers, partners, employees or other personnel and their families and not for any other purpose.

(7) The conditions that the Minister may impose under subsection (4), (5) or (6) shall include all or any of the following:

(a) that the applicant —

(i) being a natural person, shall use the residential property for his own occupation and that of his family as a dwelling-house and not for any other purpose; or

(ii) being a foreign company or a foreign limited liability partnership, shall use the residential property for occupation as a dwelling-house by its executives, managers, partners, employees or other personnel and their families and not for any other purpose;

(b) that the applicant shall provide such security as may be determined by the Minister for the purposes of complying with any condition imposed by the Minister;

(c) that the applicant shall give an undertaking in writing to comply with the conditions imposed by the Minister.

(7A) Where an applicant has failed to comply with any of the conditions imposed by the Minister under this section, the Minister may forfeit the security provided by the applicant under this section after giving 21 days' notice in writing to the applicant of his intention to forfeit the security

and the grounds thereof.

(7B) An applicant may, upon receipt of the notice under subsection (7A), appeal to the Minister within 3 months of such notice.

(7C) The decision of the Minister on any appeal made under subsection (7B) shall be final and shall not be called in question in any court.

(8) Any natural person or any foreign company or foreign limited liability partnership who or which is in breach of any undertaking given pursuant to subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(9)

(a) Every applicant referred to in subsection (5) shall furnish a declaration as to whether the applicant or the applicant's spouse or any of their children owns residential property in Singapore, and if so shall state full particulars thereof.

(b) Every applicant referred to in subsection (6) shall furnish a declaration as to whether the applicant owns residential property in Singapore, and if so shall state full particulars thereof; and such declaration shall —

(i) where the applicant is a foreign company, be made by a director, manager or secretary thereof or a person holding an analogous position; and

(ii) where the applicant is a foreign limited liability partnership, be made by a manager or partner thereof or a person holding an analogous position.

(10) Nothing in this section shall be construed as detracting from or prejudicing in any way the power conferred on the Minister by subsection (4) to approve or to refuse to approve any application.

(11) The decision of the Minister to approve or to refuse to approve any application shall be conveyed to the applicant by the Controller by notice in writing.

(12) Where the Minister has refused an application and the Controller has conveyed the Minister's decision by notice in writing to the applicant, the applicant may, within a period of 3 months of the date of the notice (or such later period as the Minister may allow in the circumstances of any particular case), make representations to the Minister against his decision; and if the applicant makes representations within that period (including any extension

which may be allowed), the Minister, having considered those representations, shall direct the Controller to convey to the applicant his decision to accept or to reject the representations.

(13) The decision of the Minister to approve or to refuse to approve any application or, if any representations are made pursuant to subsection (12), his decision to accept or reject the representations, shall be final and shall not be called in question in any court.

(14) Where a foreign person is a natural person or a society, he or it shall not be required to make application for the retention of any estate or interest in any residential property vested in him or it immediately before the date of commencement of this Act.

26 Application for approval by Singapore entity with residential properties to become converted entity and for retention of its residential properties

Application for approval by Singapore entity with residential properties to become converted entity and for retention of its residential properties

26.

— (1) Any Singapore entity which, pursuant to section 9, intends to seek the prior written approval of the Minister for its conversion to a converted entity, and for the retention of all its estate or interest in all or in one or more of its residential properties, not being non-restricted residential properties, which the Singapore entity intends should remain vested in the converted entity upon such conversion, shall make application to the Controller, in such form as he may require, for the grant of approval for such conversion and for such retention.

(2) Every such application shall state such particulars as the Controller may require.

(3) The Controller shall forward every such application to the Committee; and after consideration thereof, the Committee shall make recommendations thereon to the Minister who may, in his discretion, grant, with or without conditions (or refuse to grant), approval for —

(a) the conversion of the Singapore entity to a converted entity; and

(b) the retention of all or one or more of its residential properties in respect of which it has made application therefor.

(4) The Minister may direct that all the residential properties that are not non-restricted residential properties in respect of which approval was not granted under subsection (3) (b) shall be transferred to any citizen or approved purchaser.

(5) Section 25 (6) to (13) shall apply mutatis mutandis to every application made under subsection (1) for the retention of any estate or interest in such residential property.

27 Minister may issue direction for sale of residential property.

Minister may issue direction for sale of residential property.

27.

—(1) Where the Minister has at any time before or after 1st October 1982 —

(a) granted his approval under section 25, 26 or 31 to any foreign person to purchase, acquire or retain any estate or interest in any residential property that is not non-restricted residential property;

(b) exempted, pursuant to section 32, any foreign person from all or any of the provisions of this Act;

(c) granted his approval under section 28 to any foreign person for a change of use of any land owned by that foreign person; or

(d) granted his approval under section 28A to any foreign person for the development of any land,

subject to any condition imposed by the Minister and the Minister is satisfied that that person has failed to comply with the condition, he may, by direction in writing, require the person named therein to dispose of his estate or interest in the residential property by transferring his estate or interest to any citizen or approved purchaser within a period of not less than 6 months of the date of service of the direction by the Minister.

22/82.

(2) A direction given by the Minister under subsection (1) shall be served on the Controller and the person named therein and the subsisting mortgagees and

chargees (if any) of the residential property who appear as such on the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(3) Where a person who has been directed under subsection (1) to dispose of his estate or interest in any residential property or land fails to satisfy the Controller that he has transferred his estate or interest within the period specified in subsection (1) or within any further period extended by the Minister, the Minister may issue to the Controller a notice to attach and sell the estate or interest in that residential property or land, and a copy of that notice shall be served on —

(a) the owner of the residential property or land; and

(b) each subsisting mortgagee or chargee (if any) who appears as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(4) *Deleted by Act 9/2006, wef 31/03/2006.*

28 Change of existing use to use for residential purposes.

Change of existing use to use for residential purposes.

28.

— (1) Where any foreign person is the owner or purchaser of any land other than residential property prior to 11th September 1973, or has after that date acquired or purchased any such land, that foreign person shall be required to make application to the Minister (through the Controller) for the grant of approval to change the existing use of such land (whether it is land, a house, a building or other premises or part thereof) to use for any purpose other than industrial or commercial, prior to his making an application to the competent authority, appointed under the Planning Act, for such change; and such foreign person shall not be granted permission under that Act for such change of use unless he has been granted approval by the Minister for the change.

(2) The Minister may, when granting any approval under subsection (1), impose such conditions as he thinks fit, including all or any of the following:

(a) that the applicant shall provide such security as may be determined by the Minister for the purposes of complying with any condition imposed by the

Minister;

(b) that the applicant shall give an undertaking in writing to comply with the conditions imposed by the Minister.

(3) Where an applicant has failed to comply with any of the conditions imposed by the Minister under this section, the Minister may forfeit the security provided by the applicant under this section after giving 21 days' notice in writing to the applicant of his intention to forfeit the security and the grounds thereof.

(4) An applicant may, upon receipt of the notice under subsection (3), appeal to the Minister within 3 months of such notice.

(5) The decision of the Minister on any appeal made under subsection (4) shall be final and shall not be called in question in any court.

Cap. 232.

Approval for residential development on land deemed non-residential

28A.

— (1) Where any foreign person is the owner of any vacant land (whether or not with a vacant or disused building or structure thereon) which has been —

(a) zoned for any of the purposes declared to be industrial, commercial or non-residential by the Minister under sub-paragraph (iv) of the definition of “residential property” in section 2 (1); and

(b) rezoned at any time on or after the commencement of this section pursuant to any alteration to the Master Plan (other than an alteration made in relation to any application for permission to develop under the Planning Act 1998) and is still zoned for a purpose other than that declared under that sub-paragraph (iv) by the Minister,

that foreign person —

(i) shall be required to make an application to the Minister through the Controller for the grant of approval to develop the land for that purpose prior to his making an application to the competent authority appointed under the Planning Act 1998 for permission to develop; and

(ii) shall not be granted planning permission or conservation permission

unless he has been granted prior approval by the Minister in accordance with this section.

(2) A certification by the competent authority appointed under the Planning Act 1998 certifying that an alteration to the Master Plan was approved by the Minister in relation to an application for planning permission or conservation permission under that Act shall be conclusive evidence of the matters stated therein.

(3) The Minister may, when granting any approval under subsection (1), impose such conditions as he may think fit, including the following:

(a) that the foreign person shall provide such security as may be determined by the Minister for the purpose of complying with any condition imposed by the Minister; and

(b) that the foreign person shall give an undertaking in writing to comply with the conditions imposed by the Minister.

(4) Where an applicant has failed to comply with any of the conditions imposed by the Minister under this section, the Minister may forfeit the security provided by the applicant under this section after giving 21 days' notice in writing to the applicant of his intention to forfeit the security and the grounds thereof.

(5) An applicant may, within 3 months of the receipt of the notice under subsection (4), appeal to the Minister whose decision shall be final and shall not be questioned in any court.

PART IV MISCELLANEOUS

PART IV MISCELLANEOUS

29 Controller of Residential Property to administer this Act.

Controller of Residential Property to administer this Act.

29.

—(1) There shall be appointed by the Minister a Controller of Residential Property who shall have charge of the administration of this Act, subject to

any general or special directions of the Minister.

(2) The Minister may also appoint such Deputy Controllers and Assistant Controllers of Residential Property as may be necessary for the carrying out of the provisions of this Act.

(3) Where any Deputy Controller or Assistant Controller of Residential Property is appointed, such Deputy Controller or Assistant Controller of Residential Property shall carry out the provisions of this Act, subject to the general or special directions of the Controller.

(4) The Comptroller of Property Tax appointed under the Property Tax Act, the Controller of Immigration appointed under the Immigration Act and any competent authority appointed under the Planning Act shall render all possible assistance and make available all necessary information to the Controller for the purpose of carrying out the provisions of this Act.

Cap. 254. Cap. 133. Cap. 232.

(5) The Controller of Residential Property, every Deputy or Assistant Controller of Residential Property and any person acting under the authority of the Controller of Residential Property shall not be personally liable to any action, suit or proceeding in respect of any act or matter done in good faith or omitted to be done in the administration of this Act.

30 Diplomatic and consular missions and religious groups in Singapore.

Diplomatic and consular missions and religious groups in Singapore.

30.

—(1) Any government of a foreign State or territory outside Singapore or any accredited agent of that government or any religious group in Singapore which intends to purchase or acquire any estate or interest in any residential property which is not non-restricted residential property for any diplomatic, consular or official purpose of that government or for the purposes of an official residence for any accredited agent of that government or, in the case of a religious group, for its use shall not be bound by the procedures laid down in section 25 but shall first seek the permission in writing of the Minister for such purchase or acquisition.

(2) For the purposes of this section, “religious group” includes any group, body, denomination, institution or organisation which professes any religion.

(3) The requirement under subsection (1) for the permission in writing of the

Minister shall not apply to the purchase or acquisition (whether by lease, deed of assignment or other agreement) of a leasehold estate or interest for a term not exceeding 7 years, inclusive of any further term which may be granted by way of an option for renewal.

31 Housing developers

Housing developers

31.

— (1) Except as provided in subsection (4), section 25 shall not apply to housing developers.

(2) A housing developer shall, before he purchases or acquires an estate or interest in any residential property, apply to the Controller for approval to purchase or acquire the residential property.

(3) Upon receipt of an application under subsection (2), the Controller may, with the approval of the Minister, grant approval subject to such terms and conditions as the Controller may think fit, including all or any of the following:

(a) that the housing developer shall carry out and complete the development of the residential property and shall not sell, assign, transfer, sublease or otherwise dispose of the residential property or any part thereof in its vacant or undeveloped state without the prior approval of the Controller which may be granted with or without conditions;

(b) that where the housing developer is a company, a limited liability partnership or a society, no person who holds any shares in the company or who is a partner in the limited liability partnership or member of the society shall, without the approval of the Controller (which may be granted with or without conditions), sell, assign, transfer or otherwise dispose of any of his shares or any interest in such shares to any other person, or resign as such partner or member, as the case may be;

(c) that the housing developer shall provide such security as may be determined by the Controller for the purpose of developing that residential property, and that such security may be forfeited if the housing developer —

(i) does not proceed with or complete the development within such period as

may be determined by the Controller;

(ii) does not sell all the flats or dwelling-houses in the development, or where the development comprises one or more buildings which have not been subdivided into units for sale, does not sell the whole development, to citizens or approved purchasers within a period of 2 years from the date of the issue by the relevant authority of a Temporary Occupation Permit or Certificate of Statutory Completion, whichever is the earlier, in respect of such flats, dwelling-houses or any of the buildings; or

(iii) does not comply with any other terms and conditions which the Controller may impose under this section;

(d) that the applicant shall undertake, in writing, to comply with the conditions imposed by the Controller after the applicant has become the registered owner of that residential property under a transfer registered with the Registrar.

(4) Where a housing developer desires to retain one or more flats or dwelling-houses in the development after having completed the development, he may apply for such retention in the manner provided in section 25.

(5) The Controller may extend any period referred to in subsection (3) (c) and may, in his discretion, dispense with the requirement to provide security referred to in that subsection.

(6) Where a housing developer fails to comply with any of the conditions referred to in subsection (3) (c) within the period determined by the Controller or any extension thereof, the Controller may forfeit the security provided by the housing developer under that subsection after giving 21 days' notice in writing to the housing developer of his intention to forfeit the security and the grounds therefor.

(7) Where a housing developer fails to comply with any condition referred to in subsection (3) (a) or (b), the Controller may, by notice in writing, require the housing developer to pay, within a specified period, a financial penalty of such amount (as the Controller thinks fit) not exceeding 50% of the purchase price of the residential property paid by the housing developer in its purchase or acquisition of the residential property.

(8) The quantum of the financial penalty referred to in subsection (7) shall take into account any security provided by the housing developer under subsection (3) (c) and which has been forfeited under subsection (6).

(9) Where a housing developer is a company, a limited liability partnership or

a society and the failure of the housing developer to comply with any condition referred to in subsection (3) (a) or (b) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any person who is a director of the company, a partner of the limited liability partnership or a member of the governing body or board of trustees of the society, as the case may be, that person shall be jointly and severally liable with the company, limited liability partnership or society to the financial penalty imposed under subsection (7).

(10) Any financial penalty payable by any housing developer or any person under subsection (7) or (9) shall be recoverable by the Controller as a debt due to the Controller from that housing developer or person.

(11) The housing developer may, upon receipt of the notice under subsection (6) or (7) or upon being informed in writing by the Controller that he will not extend the period determined under subsection (3) (c), appeal to the Minister within 3 months of the receipt of such notice or information.

(12) The decision of the Minister on any appeal made under subsection (11) shall be final and shall not be called in question in any court.

(13) Upon approval being granted by the Controller to the housing developer to purchase or acquire any estate or interest in a residential property, the Controller shall inform the Registrar.

(14) The Registrar may, before registering any instrument of transfer in respect of any residential property made in favour of a housing developer, require a statutory declaration from that housing developer to be endorsed on the instrument of transfer in such form as he may require.

(15) The Registrar may refuse to accept or to register the instrument of transfer referred to in subsection (14) unless the statutory declaration made by that housing developer has been endorsed on the instrument of transfer.

(16) The Registrar shall, after registering the instrument of transfer referred to in subsection (14), enter a notice on the relevant volume and folio of the land-register in the Land Titles Registry of the Authority or in the books or other records maintained at the Registry of Deeds of the Authority, as the case may be, warning persons dealing with the registered proprietor therein named that the registered proprietor is prohibited from selling, assigning, transferring, subleasing or otherwise disposing of the land comprised therein in its vacant or undeveloped state.

(17) The Registrar shall cancel the notice referred to in subsection (16) upon

receipt of satisfactory evidence from the registered proprietor that the Temporary Occupation Permit or the Certificate of Statutory Completion for the whole of the development has been issued by the relevant authority, and no claim shall be made by any person against the Registrar for any loss or damage suffered if the notice referred to in subsection (16) is not entered on the land-register in the Land Titles Registry of the Authority or in the books or other records maintained at the Registry of Deeds of the Authority, as the case may be, or is cancelled pursuant to this subsection.

(18) In this section, “housing developer” means any person, being—

(a) an individual who is not a citizen;

(b) a foreign company, a converted foreign company, a foreign limited liability partnership, a converted foreign limited liability partnership, a foreign society or a converted society;

(c) a Singapore company which has not complied with section 10 (1);

(d) a Singapore limited liability partnership which has not complied with section 11 (1); or

(e) a Singapore society which has not complied with section 16 (1),

who or which constructs or intends to construct flats or dwelling-houses for sale, whether or not such person, company, limited liability partnership or society is licensed or required to be licensed as a housing developer under the Housing Developers (Control and Licensing) Act (Cap. 130).

32 Exemption.

Exemption.

32.

—(1) The Minister may, if he considers it to be in the economic interest of Singapore or for any other cause which appears to him necessary or expedient or if in his opinion the circumstances so warrant, from time to time, by regulations or by notification in the *Gazette* or otherwise, exempt permanently or for such period or periods as he may think fit and subject to such conditions as he may consider necessary, from all or any of the provisions of this Act —

(a) any person, company, limited liability partnership, society, association

or other organisation or body, or any class, type or category of any of the same; and

(b) any land or dwelling-house or any part of any land or dwelling-house or any class, type or category of dwelling-houses.

(2) Where the Minister revokes any regulation or notification made under this section (whether made before, on or after the date of commencement of section 26 of the Residential Property (Amendment) Act 2006), he may give directions in writing to any person affected by the revocation, being an owner of residential property that is not non-restricted residential property, to transfer all his or its estate or interest in all or any of such residential property to any citizen or approved purchaser within such period as the Minister may specify.

(2A) Where the person directed under subsection (2) does not satisfy the Minister that he has complied with the direction within the time specified in the direction or any extension thereof allowed by the Minister, the Minister may issue to the Controller a notice to attach and sell the estate or interest in the residential property.

(2B) The notice to attach and sell referred to in subsection (2A) shall specify the residential property to be attached and sold by the Controller, and a copy of that notice shall also be served on —

(a) the foreign person who is the owner of the estate or interest in the residential property to be attached and sold; and

(b) each subsisting mortgagee or chargee (if any) who appears as such in the relevant records in the Land Titles Registry or the Registry of Deeds of the Authority, as the case may be.

(3) For the purposes of subsection (1) (b), “dwelling-house” includes a flat, whether or not such dwelling-house is completed or proposed to be erected.

33 Savings.

Savings.

33.

Nothing in this Act shall —

(a) affect any transfer of, or any written agreement to transfer, any estate or interest in —

(i) any residential property made and stamped in accordance with the provisions of the Stamp Duties Act at any time before 11th September 1973; or
Cap. 312.

(ii) any HUDC flat made and stamped in accordance with the provisions of the Stamp Duties Act before 31st May 1982, if the transfer or the agreement to transfer is not made in contravention of any covenant or condition contained in the instrument of lease issued by the Housing and Urban Development Company (Private) Limited in respect of the HUDC flat;

(b) prohibit the mortgage, charge or reconveyance of any estate or interest in any residential property to a foreign person;

(c) affect any transfer of any estate or interest in any residential property to a foreign person appointed to be an additional or new trustee of a trust existing at the date of commencement of this Act;

(ca) affect any transfer of any estate or interest in any residential property to a foreign company (which is also a trust company licensed under the Trust Companies Act 2005 (Act 11 of 2005)) to hold on trust for a citizen or an approved purchaser;

(cb) affect any transfer of any estate or interest in any residential property to the Official Assignee;

(d) prevent a foreign person from occupying residential property as a tenant thereof or from entering into any agreement, whether in writing or otherwise, with the landlord thereof for the occupation of residential property, or from acquiring any estate or interest under any agreement, lease or deed of assignment:

(d) Provided that in every such case no term in any such agreement, lease or deed of assignment shall exceed a period of 7 years at any one time, inclusive of any further term which may be granted by way of an option for renewal;

(e) prohibit the purchase or acquisition by a foreign person of any estate or interest in any residential property by way of tender or otherwise from the Urban Redevelopment Authority constituted under the Urban Redevelopment Authority Act or from any other person or body that is duly appointed as an agent of the Government in the sale of any estate or interest in any residential property;

Cap. 340.

(f) prohibit the purchase or acquisition by any foreign person of an estate or

interest in any residential property directly from —

(i) the Housing and Development Board under Part IV of the Housing and Development Act (Cap.129) before or after 1st October 1982; or

(ii) an approved developer under Part IVB of the Housing and Development Act;

(g) prevent the transfer to any foreign person of an estate or interest in any residential property sold under Part IV or IVB of the Housing and Development Act or Part IV of the Jurong Town Corporation Act (Cap.150) in any case where —

(i) the prior written consent of the Housing and Development Board or the Jurong Town Corporation, as the case may be, has been obtained; and

(ii) no instrument has been registered in respect of that property under section 126 of the Land Titles (Strata) Act (Cap. 158) (whether alone or read with section 126A of that Act, as the case may be); or

(ga) *Deleted by Act 9/2006, wef 31/03/2006.*

(h) apply to any direct purchase or acquisition on or after 11th September 1973 by any foreign person from the Government of any estate or interest in any residential property other than by a re-grant of State title on or after that date to a foreign company upon the surrender of any estate or interest in residential property existing before that date.

(i) *Deleted by Act 9/2006, wef 31/03/2006.*

34 Direction of Minister to be conclusive evidence.

Direction of Minister to be conclusive evidence.

34.

— (1) If any dispute should arise or should a ruling be required as to whether —

(a) any property is a residential property within the meaning of this Act;

(b) any flat is a landed dwelling-house as defined in section 4 (10); or

(c) 2 or more structures in an approved development constitute one building or 2 or more separate buildings for the purposes of this Act,

a direction issued by the Minister to the effect —

- (i) that such property is or is not a residential property;
- (ii) that such a flat is or is not landed dwelling-house as defined in section 4 (10); or
- (iii) that the structures in an approved development constitute one building or 2 or more buildings,

as the case may be, shall be conclusive evidence for all purposes.

(2) A direction of the Minister under this section shall be final and shall not be called in question in any court.

35 Penalty for failure to comply with a condition imposed by Minister.

Penalty for failure to comply with a condition imposed by Minister.

35.

Where the Minister has granted —

- (a) his approval for purchase, acquisition or retention of any estate or interest in any residential property that is not non-restricted residential property pursuant to section 25, 26 or 31;
- (b) his approval for a change of use of any land pursuant to section 28;
- (ba) his approval for development of any land pursuant to section 28A; or
- (c) an exemption under section 32 in respect of any person or property,

subject to any condition imposed by the Minister, any approved purchaser who fails to comply with any such condition shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and in the case of a continuing offence to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

36 General penalty.

General penalty.

36.

— (1) Any person who contravenes or fails to comply with any of the provisions of this Act for which no penalty is expressly provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Notwithstanding any of the provisions of this Act, no person who has, at any time before 1st October 1976*, contravened or failed to comply with any of the provisions of this Act, shall be punished by way of a fine or imprisonment in respect thereof.

*Date on which this Act was published in the *Gazette*.

(3) If the person committing an offence under this Act is a company, a limited liability partnership, a society, an association or other organisation or body, every individual who at the time the offence was committed was a director, partner, general manager, manager, president, secretary or other officer of the company, limited liability partnership, society, association, organisation, or body concerned in the management of the company, limited liability partnership, society, association, organisation or body or who was purporting to act in any such capacity, as well as the company, limited liability partnership, society, association, organisation or body, as the case may be, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) It shall be a defence for the individual referred to in subsection (3) if he proves that the offence was committed without his consent or connivance and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and to all other circumstances.

36A Composition of offences

Composition of offences

36A.

— (1) The Controller or any person authorised by him in writing may, in his discretion, compound any offence under this Act or any rules or regulations

made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

(2) The Minister may make regulations to prescribe the offences which may be compounded.

(3) On payment of such sum, no further proceedings shall be taken against that person in respect of the offence.

(4) All sums collected under this section shall be paid into the funds of the Authority.

36B Jurisdiction of court

Jurisdiction of court

36B.

Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

37 Consent of Public Prosecutor.

Consent of Public Prosecutor.

37.

No prosecution in respect of any offence under this Act shall be instituted except by or with the consent of the Public Prosecutor.

38 Service of notices etc.

Service of notices, etc.

38.

—(1) Any notice or direction or a copy thereof required or authorised by this

Act to be served on any person, and any summons issued by a court against any person in connection with any offence under this Act may be served on the person —

(a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence or the residential property described in such notice, direction or summons;

(b) by leaving it in an envelope addressed to the person at his usual or last known place of residence or business or the residential property described in such notice, direction or summons;

(c) by sending it by registered post addressed to the person at his usual or last known place of residence or business or the residential property described in such notice, direction or summons; or

(d) in the case of a body corporate or an unincorporated body —

(i) by leaving it in an envelope addressed to the body corporate or unincorporated body at its registered office, principal place of business, last known place of business in Singapore or the residential property described in such notice, direction or summons; or

(ii) by sending it by registered post addressed to the body corporate or unincorporated body at its registered office, principal place of business, last known place of business in Singapore or the residential property described in such notice, direction or summons.

(2) Any notice or direction or a copy thereof or any summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person 2 days after the day the notice or direction or a copy thereof or the summons was posted, notwithstanding that it is returned undelivered.

(3) In proving the service of any notice or direction or a copy thereof or any summons effected under this section by registered post, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

39 Regulations.

Regulations.

39.

— (1) The Minister may make regulations for the purposes of carrying out any of the provisions of this Act.

(2) Such regulations may contain such provisions as the Minister may consider necessary or expedient for the purpose of preventing the frustration or evasion of the provisions of this Act.

(3) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

40 Rules.

Rules.

40.

— (1) The Authority, with the approval of the Minister, may make rules, not inconsistent with this Act, prescribing all matters which are required, necessary, or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular and without limiting the generality of the foregoing power, the Authority, with the approval of the Minister, may make rules —

- (a) prescribing the forms to be used under this Act;
- (b) prescribing the fees to be paid for any procedure, function, matter or thing carried out or done under this Act, and for the remission of such fees; and
- (c) generally pertaining to the procedure or practice to be followed in any matter arising under this Act.

(2) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

40A Fees to be paid to Authority

Fees to be paid to Authority

40A.

All fees and charges collected under or in connection with any service provided by the Controller under this Act or any rules or regulations made thereunder shall be paid into the funds of the Authority.

41 Validation of acts done and directions given by Government etc.

Validation of acts done and directions given by Government, etc.

41.

— (1) No legal proceedings whatsoever shall lie or be instituted or maintained in any court of law for or on account of or in respect of any act, decision or thing done or taken by the Government, or any Minister, officer or committee thereof, and arising from, relating to or connected with residential property, during the period from 11th September 1973 to 1st October 1976* if done or taken in good faith in the execution of duty.

*Date on which this Act was published in the *Gazette*

(2) No legal proceedings in respect of any such act, decision or thing, arising from, relating to or connected with residential property, which is alleged to have been done or taken in bad faith in the execution of duty during the period from 11th September 1973 to 1st October 1976* shall be instituted or maintained in any court of law unless a certificate of the Attorney-General shall first have been obtained sanctioning the institution of such legal proceedings.

*Date on which this Act was published in the *Gazette*

(3) All directions whether of a procedural nature or otherwise, arising from, relating to or connected with residential property, made during the period from 11th September 1973 to 1st October 1976* by or in the name of the Government or any Minister, officer or committee thereof, shall be deemed to be, and always to have been, validly made, notwithstanding that such directions have been revoked or amended or are or have been inconsistent with, or in conflict with, or contrary to any written law or law previously in force.

*Date on which this Act was published in the *Gazette*

(4) Except as provided in section 5 (2), any approval granted or refusal to grant approval for the purchase of residential property by the Government, or any Minister, officer or committee thereof, during the period from 11th

September 1973 to 1st October 1976* shall be deemed to have been made under this Act.

*Date on which this Act was published in the *Gazette*

FIRST SCHEDULE

Section 2.

DESCRIPTION OF SUBDIVIDED BUILDINGS

1. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. X/Y in DC 949/73 dated 12th December 1977 being part of Lot 4458 of Mukim 27 and known as Laguna Park.
2. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. S/T in DC 950/73 dated 24th November 1977 being part of Lot 4490 of Mukim 17 and known as Braddell View Phase I Flats.
3. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. CV/CW in PD (D) 22/74 (II) dated 15th October 1980 being part of Lot 4487 of Mukim 17 and known as Braddell View Phase II Flats.
4. All the subdivided buildings shown on Strata Subdivision Approved Plans M/N in PD (D) 22/74 dated 11th September 1976 being part of Lot 1747 of Mukim 15 and known as Lake View Estate.
5. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. H/J in PD (D) 22/74 dated 21st January 1976 and Ref. K/L in PD (D) 22/74 dated 11th September 1976 being part of Lots 1617, 1619, 1623, 1628, 1750, 1751, 1752 and 1753 of Mukim 2 and known as Farrer Court.
6. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. AE/AF in PD(D) 22/74 dated 22nd September 1977 and Ref. CK/CC in PD (D) 22/74 (II) dated 6th September 1980 being part of Lot 3485 of Mukim 25 and known as Amberville.
7. All the subdivided buildings shown on Strata Subdivision Approved Plans Ref. DN/DW in PD (D) 22/74 (III) dated 10th June 1981 being part of Lot 661 of Town Subdivision 28 and known as Chancery Court.

22/82.

SECOND SCHEDULE

Section 2.

DESCRIPTION OF FLATS

All those flats located in the building known as Pearl Bank Apartments and

which are hereinafter described:

Volume	Reference to Subsidiary Strata Land-Register	Town Subdivision	Description of flats
40	Folio 188	22	The whole of Lot 189-15/16-S
40	189	22	The whole of Lot 189-13/14-S
40	197	22	The whole of Lot 189-13/14-T
41	4	22	The whole of Lot 189-15/16-U
41	5	22	The whole of Lot 189-13/14-U
41	12	22	The whole of Lot 189-15/16-V
41	13	22	The whole of Lot 189-13/14-V
41	20	22	The whole of Lot 189-15/16- W
41	23	22	The whole of Lot 189-9/10-W
41	29	22	The whole of Lot 189-13/14-X
41	45	22	The whole of Lot 189-13/14-Z
41	60	22	The whole of Lot 189-15/16- 2C
41	61	22	The whole of Lot 189-13/14- 2C
41	65	22	The whole of Lot 189-5/6-2C
41	77	22	The whole of Lot 189-13/14- 2E
41	79	22	The whole of Lot 189-9/10-2E
41	82	22	The whole of Lot 189-3/4-2E
41	84	22	The whole of Lot 189-15/16- 2F
41	85	22	The whole of Lot 189-13/14- 2F
41	86	22	The whole of Lot 189-11/12- 2F
41	91	22	The whole of Lot 189-1/2-2F
41	93	22	The whole of Lot 189-13/14- 2G
41	94	22	The whole of Lot 189-11/12- 2G

41	96	22	The whole of Lot 189-7/8-2G
41	100	22	The whole of Lot 189-15/16-2H
41	101	22	The whole of Lot 189-13/14-2H
41	102	22	The whole of Lot 189-11/12-2H
41	104	22	The whole of Lot 189-7/8-2H
41	109	22	The whole of Lot 189-13/14-2I
41	110	22	The whole of Lot 189-11/12-2I
41	111	22	The whole of Lot 189-9/10-2I
41	113	22	The whole of Lot 189-5/6-2I
41	116	22	The whole of Lot 189-15/16-2J
41	117	22	The whole of Lot 189-13/14-2J
41	118	22	The whole of Lot 189-11/12-2J
41	119	22	The whole of Lot 189-9/10-2J
41	120	22	The whole of Lot 189-7/8-2J
41	121	22	The whole of Lot 189-5/6-2J

22/82.