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HOUSING DEVELOPERS
(CONTROL AND LICENSING) ACT
(CHAPTER 130)

HOUSING DEVELOPERS
(AMENDMENT)
RULES 2012

In exercise of the powers conferred by section 22 of the Housing Developers (Control and Licensing) Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Housing Developers (Amendment) Rules 2012 and shall come into operation on 18th May 2012.

Amendment of rule 2

2. Rule 2 of the Housing Developers Rules (R 1) (referred to in these Rules as the principal Rules) is amended by deleting the definition of “advertisement” and substituting the following definition:

“ “advertisement” —

- (a) means any form of representation (including writing, still or moving pictures, sign, symbol or other visual image or message or audible message, or any combination of them) that is used or made for purposes of advertising, marketing, publicity or announcement; and
- (b) includes an advertisement published, displayed, conveyed, transmitted or broadcasted in any form, manner or medium (whether electronic or otherwise);”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended —

- (a) by deleting the word “; and” at the end of paragraph (e) and substituting a full-stop; and

(b) by deleting paragraph (f).

Deletion of rule 5

4. Rule 5 of the principal Rules is deleted.

Deletion and substitution of rule 7

5. Rule 7 of the principal Rules is deleted and the following rule substituted therefor:

“False particulars in advertisements

7. No person shall publish, display, convey, transmit or broadcast, or cause to be published, displayed, conveyed, transmitted or broadcasted, any advertisement in relation to a housing project which —

- (a) contains any statement, information or material which is false or misleading;
- (b) fails to comply with the requirements of rule 3, where applicable; or
- (c) contravenes rule 6.”.

Amendment of rule 10

6. Rule 10 of the principal Rules is amended —

- (a) by deleting the word “A” in paragraph (1) and substituting the words “Except where the prior approval in writing of the Controller is obtained, a”;
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The option for the purchase of a unit in a housing project shall be granted to the intending purchaser upon acceptance by the housing developer of the booking fee for the unit.”;

- (c) by deleting paragraphs (3) and (4) and substituting the following paragraphs:

“(3) No amendment, deletion or alteration to the option referred to in paragraph (1) shall be made —

- (a) except with the approval of the Controller in writing; or

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- (b) unless such amendment, deletion or alteration is permitted under Form 2 in the Schedule.
 - (4) The housing developer shall, before accepting a booking fee from an intending purchaser for an option to purchase a unit in a housing project —
 - (a) provide the intending purchaser with the particulars, documents and information relating to the unit and the housing project as described in, and in accordance with the requirements of, Form 3 in the Schedule; and
 - (b) obtain written acknowledgment from the intending purchaser that the housing developer has complied with the requirements of sub-paragraph (a).”;
 - (d) by deleting the words “at a specified place and during specified hours free of charge” in paragraph (5)(a);
 - (e) by deleting the word “and” at the end of paragraph (5)(a)(ii); and
 - (f) by deleting sub-paragraph (b) of paragraph (5) and substituting the following sub-paragraphs:
 - “(b) make available such documents for inspection by that intending purchaser; and
 - (c) obtain written acknowledgment from the intending purchaser that the requirements of sub-paragraphs (a) and (b) have been complied with.”.

Amendment of rule 11

7. Rule 11 of the principal Rules is amended —

- (a) by inserting, immediately after the words “a person” in paragraph (1), the words “(referred to in this rule as the option holder)”; and
- (b) by deleting paragraph (2) and substituting the following paragraphs:
 - “(2) Subject to paragraphs (3), (4) and (5), an option granted by a housing developer to any person who wishes to purchase a unit in a housing project shall be valid for a period (referred to in this rule as the validity period) of

3 weeks commencing from the date immediately after the delivery to the option holder, or to the option holder's solicitors, of —

- (a) the title deeds, or copies of the title deeds to the unit; and
- (b) the execution copies of the agreement for the sale and purchase of the unit.

(3) The Controller may, on the application of the housing developer made before the grant of the option, by writing permit a housing developer to grant any option with a different validity period.

(4) The Controller may, on the application of the housing developer or the option holder, by writing permit a variation of the validity period if the housing developer and the option holder agree.

(5) Where, before the expiry of the validity period, the option holder serves the housing developer with a written notice stating that he does not wish to exercise the option, the option shall lapse immediately upon the receipt by the housing developer of the written notice.”.

Amendment of rule 12

8. Rule 12 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraph:

“(3) No amendment, deletion or alteration shall be made to the agreement referred to in paragraph (1) or (2) —

- (a) except with the prior approval of the Controller in writing; or
- (b) unless such amendment, deletion or alteration is permitted under Form 4 or 5 in the Schedule (as the case may be).”.

Amendment of rule 13

9. Rule 13 of the principal Rules is amended —

- (a) by deleting the words “of the receipt of the direction” in paragraph (2) and substituting the words “after the date of receipt of the direction”; and

- (b) by deleting the words “of the receipt of the letter” in paragraph (4)(a) and substituting the words “after the date of the receipt of the letter”.

Amendment of rule 14

10. Rule 14(1) of the principal Rules is amended —

- (a) by deleting sub-paragraph (a) and substituting the following sub-paragraph:

“(a) to, where applicable, lodge an application with the Registrar of Titles to bring the land on which the housing project is built under the provisions of the Land Titles Act (Cap. 157);” and

- (b) by deleting the words “section 12(3) of” in sub-paragraphs (b) and (d).

Amendment of rule 15

11. Rule 15 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) Paragraphs (1) and (2) do not apply to any amendment, deletion or alteration to an agreement for the sale and purchase of a unit in a housing project where such amendment, deletion or alteration is permitted under Form 4 or 5 in the Schedule (as the case may be).”.

Deletion and substitution of rule 16

12. Rule 16 of the principal Rules is deleted and the following rule substituted therefor:

“Assignment by purchaser

16.—(1) Subject to the provisions of this rule, where a purchaser of a unit in a housing project intends to assign or has assigned all his rights, title and interest under an agreement made between him and a housing developer for the sale and purchase of the unit, the housing developer shall, if so required by the assignee by notice in writing, enter into a new agreement with the assignee for the sale and purchase of the unit —

- (a) within 3 weeks after receipt of the assignee’s notice; or