

Business Trusts (Appeals) Regulations 2005

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BUSINESS TRUSTS ACT 2004
(ACT 30 OF 2004)

BUSINESS TRUSTS (APPEALS) REGULATIONS 2005

In exercise of the powers conferred by section 91 of the Business Trusts Act 2004, the Senior Minister, Prime Minister's Office, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Business Trusts (Appeals) Regulations 2005 and shall come into operation on 6th January 2005.

Definitions

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

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

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

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

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

“secretary” means any person who has been appointed to be a secretary of the Appeal Advisory Panel under regulation 4(1).

Forms

3.—(1) The forms to be used for the purposes of these Regulations are those set out at <http://www.mas.gov.sg> (under “Business Trusts”), and any reference in these Regulations to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number in that website.

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

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

Secretary of Appeal Advisory Panel

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

(2) Any secretary may attend any meeting of any Appeal Advisory Committee.

Members and meetings of Appeal Advisory Committee

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

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

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

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

(3) The quorum of any meeting of an Appeal Advisory Committee shall be 2 members, of whom one shall be the chairman or alternate chairman, and no business shall be transacted unless such a quorum is present.

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

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

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

(6) Where the Minister is satisfied that the chairman, the alternate chairman or other member of an Appeal Advisory Committee is unable to carry out his duties properly and effectively because of any conflict of interest or potential conflict of interest referred to in paragraph (5), the Minister may appoint another chairman or alternate chairman or replace that other member, as the case may be.

Procedure for appeals to Minister

6.—(1) An appellant may appeal to the Minister by lodging with the secretary —