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**SALE OF COMMERCIAL PROPERTIES ACT
(CHAPTER 281)**

**SALE OF COMMERCIAL PROPERTIES
(AMENDMENT) RULES 2006**

In exercise of the powers conferred by section 10 of the Sale of Commercial Properties Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Sale of Commercial Properties (Amendment) Rules 2006 and shall come into operation on 19th April 2006.

Amendment of rule 2

2. Rule 2 of the Sale of Commercial Properties Rules (R 1) (referred to in these Rules as the principal Rules) is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) In these Rules, unless the context otherwise requires —

“Commissioner of Buildings” means the Commissioner of Buildings appointed under the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);

“developer” means any person who owns the land on which any commercial property is erected or in the course of erection;

“limited common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004.”.

Amendment of rule 5

3. Rule 5 of the principal Rules is amended by inserting, immediately after paragraph (3), the following paragraph:

“(4) A developer shall, before accepting a booking fee from a prospective purchaser for an option to purchase any commercial property —

(a) notify the prospective purchaser that the following documents are available for his inspection at a specified place and during specified hours free of charge:

(i) a copy of the schedule of strata units or amended schedule of strata units for the building project comprising the commercial property as filed with and accepted by the Commissioner of Buildings;

(ii) where any common property of the building project comprising the commercial property is designated as limited common property, a plan or description of the limited common property and the commercial properties in the building project the purchasers of which will be entitled to the exclusive benefit of the limited common property; and

(b) make available such documents for inspection at the specified place and during the specified hours if so requested by that prospective purchaser.”.

Amendment of Schedule

4. The Schedule to the principal Rules is amended —

(a) by deleting the following words:

“No. of Building Plans Approved
by Building Authority: BP No. _____”

in Form B and substituting the following words:

“No. of Building Plans Approved by
Commissioner of Building Control: BP No. _____.”;

(b) by inserting, immediately after clause 8 of Form B, the following clause:

“9. Information for Intending Purchaser of Strata Unit

9.1 The share value allotted to the Unit is _____. Your share of maintenance charges for the common property of the Building will be

in the proportion (indicate share value of Unit against total share value of Building).

*9.2 Your purchase of the Unit also entitles you to the exclusive benefit of limited common property. Your share of contribution to expenses relating solely to the limited common property will be (indicate share value of Unit against total share value of units entitled to the exclusive benefit of that limited common property).

(*Delete whichever is inapplicable)*;

- (c) by deleting the definition of “Building Authority” in clause 1.1.1 of Form D;
- (d) by deleting the words “Building Authority under section 20 of” in the definition of “Certificate of Statutory Completion” in clause 1.1.1 of Form D and substituting the words “Commissioner of Building Control under”;
- (e) by deleting the definition of “Commissioner of Buildings” in clause 1.1.1 of Form D and substituting the following definitions:

“ “Commissioner of Building Control” means the Commissioner of Building Control appointed under the Building Control Act (Cap. 29);

“Commissioner of Buildings” means the Commissioner of Buildings appointed under the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);”;

- (f) by inserting, immediately after the definition of “defect” in clause 1.1.1 of Form D, the following definition:

“ “limited common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”;
- (g) by deleting the words “Building Authority under section 20 of” in the definition of “Temporary Occupation Permit” in clause 1.1.1 of Form D and substituting the words “Commissioner of Building Control under”;
- (h) by deleting clause 9.3 of Form D and substituting the following clauses:

“9.3 The share value allotted to the Unit in the schedule of strata units filed with and accepted by the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) is _____. The Purchaser’s share of maintenance charges for the common property of the Building shall be (indicate share value of Unit against total share value of Building).

*9.4 Part of the common property of the Building is designated as limited common property for the exclusive benefit of the Purchaser

and purchasers of certain other units in the Building. The Purchaser's share of contribution to the expenses relating solely to such limited common property shall be (indicate share value of Unit against total share value of units with exclusive benefit of that limited common property).

(*Delete whichever is inapplicable)";

- (i) by deleting the words "Building Authority" wherever they appear in clauses 10.1, 10.2 (a), 10.3, 11.2, 13.3 (b), 15.1 (a), 16.2, 16.4 and 19.1 of Form D and substituting in each case the words "Commissioner of Building Control";
- (j) by deleting clause 14.1 of Form D and substituting the following clause:

"14.1 The Purchaser shall pay to the Vendor maintenance charges for the maintenance of the common property of the Building and any limited common property which the Purchaser is entitled to the benefit of, and for the provision of cleaning and other services from —

- (a) the date the Purchaser actually takes possession of the Unit; or
- (b) the 15th day after the date the Purchaser receives from the Vendor the Notice of Vacant Possession in respect of the Unit,

whichever is the earlier."; and

- (k) by inserting, immediately below the words "Description of common property:" under the heading "DESCRIPTION OF BUILDING PROJECT" in Form D, the following words:

"†Description of limited common property which the Purchaser is entitled to the benefit of:

†Description and particulars of units the purchasers of which are entitled to the exclusive benefit of the limited common property:

(†Applicable if any common property of the Building Project is designated as limited common property.)".

Savings and transitional provisions

5.—(1) An option which has been granted by a developer before 19th April 2006 to any person for the purchase of any commercial property shall continue to be in force as if these Rules had not been made until the option has lapsed or has been exercised by the intending purchaser.

(2) Where a purchaser of any commercial property under an agreement assigns before 19th April 2006 all his right, title and interest under that agreement, the new agreement with the assignee

for the sale and purchase of that commercial property (even if it is made after 19th April 2006) shall be in Form D in the Schedule to the principal Rules in force immediately before that date, notwithstanding anything to the contrary in the principal Rules.

(3) Where a purchaser of any commercial property —

(a) under an agreement made before 19th April 2006; or

(b) under an agreement made on or after 19th April 2006 pursuant to an option granted before that date,

assigns on or after that date all his right, title and interest under that agreement, the new agreement with the assignee for the sale and purchase of that commercial property shall be in Form D in the Schedule to the principal Rules in force on that date, notwithstanding anything to the contrary in the principal Rules.

[G.N. No. S 568/99]

Made this 12th day of April 2006.

TAN TEE HOW
*Permanent Secretary,
Ministry of National Development,
Singapore.*

[ND 202/1-65; AG/LEG/SL/281/2005/1 Vol. 1]

(To be presented to Parliament under section 10 (4) of the Sale of Commercial Properties Act).