

PRACTICE CIRCULAR 3 OF 2005

To All Law Firms / Law Organisations

I am pleased to announce the following improvements to the registration procedure relating to collective sales:

- a) Dispensing with production of clearance/qualifying certificate and statutory declaration for every transfer. Presently, each and every transfer must be supported by a photocopy of the clearance or qualifying certificate and a statutory declaration. With immediate effect, only **ONE** photocopy is required to be annexed to the first transfer. Also, **ONE** composite statutory declaration is sufficient for the entire development; and
- b) Dispensing with the production of the subsidiary strata certificates of title (“SSCTs”) in an application for notification of termination of strata subdivision pursuant to a collective sale. This will be done by retaining the SSCTs after registration of the transfers in the collective sale.

The above improvements are the result of feedback and should result in lower compliance costs.

Details are given below:

2 Requirements of the Residential Property Act for transfers pursuant to collective sale made in favour of a company

Currently, every transfer in favour of a company acquiring residential property by way of collective sale is required to be lodged together with the following documents:

- (a) a photocopy of the clearance certificate issued by the Controller of Residential Property or qualifying certificate issued by the Controller of Housing (as the case may be); and
- (b) an original statutory declaration by a director/secretary as required under the Residential Property Act.

With immediate effect, the following new procedure shall apply:

3 Where the collective sale transfers for the whole development are to be lodged on the same day

- (a) a photocopy of the clearance certificate or qualifying certificate is to be annexed to the first transfer; and
- (b) an original statutory declaration made by the director/secretary of the company, duly varied to reflect the affected lot numbers for the whole development, is to be annexed to the first transfer. Please refer to Annex A and Annex B for examples of how the statutory declarations may be varied.

4 Where the collective sale transfers for the whole development are to be lodged in batches over a few days

- (a) a photocopy of the clearance certificate or qualifying certificate is to be annexed to the first transfer lodged on the first day;
- (b) an original statutory declaration, duly varied, made by the director/secretary of the company is to be annexed to the first transfer lodged on the first day; and
- (c) reference to the registration number of the first transfer where the original statutory declaration and clearance certificate or qualifying certificate are attached to, is to be made on the lodgment form for the first transfer in each subsequent batch lodged over the next few days.

5 Retention of Subsidiary Strata Certificates of Title after registration of collective sale transfers

The registration of collective sale transfers in respect of a strata development is usually followed by the lodgment of an application for notification of termination of strata subdivision (TSS). The SSCTs for the whole development which are released to the lodger after the registration of the collective sale transfers are required to be produced for registration of the TSS. Upon registration of the TSS, the SSCTs are cancelled.

With immediate effect, the Registrar will retain the SSCTs for the whole development after registration of the collective sale transfers unless a letter requesting for their release is forwarded.

Solicitors will benefit from this new procedure as it:

- (a) saves time because they are not required to collect the SSCTs;
- (b) saves on storage space; and
- (c) minimises the risks of the SSCTs being misplaced or lost during transit.

After registration of the collective sale transfers, the Registrar will issue a letter confirming the retention of the SSCTs to the lodger. This letter will have to be attached to the TSS when it is subsequently lodged.

Date: 17 May 2005

VINCENT HOONG
REGISTRAR OF TITLES

Annex A

Form of statutory declaration for a “transfer” in favour of a Singapore company issued with a Clearance Certificate

I,, Director/Secretary of (name of company) hereby do solemnly and sincerely declare that all members and all directors of the above company are Singapore citizens as at **(the date of transfers made in respect of *Lots to MK/TS).**

And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap. 211), and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at Singapore by]
the abovenamed]
this day of]
]]
Before me,]
]]
Commissioner for Oaths]

** to state lot numbers in range*

ANNEX B

Form of statutory declaration for a “transfer” in favour of a company issued with a Qualifying Certificate

I,, Director/Secretary of(name of company) for and on behalf of the aforesaid company (hereinafter referred to as “the company”) do solemnly and sincerely declare:-

- (a) that the company has been issued with a Qualifying Certificate by the Controller of Housing under Section 31 of the Residential Property Act for the purchase/acquisition by the company of ***Lots to MK/TS**, the residential property hereby being transferred to the company;
- (b) that the company will develop the residential property hereby being transferred to the company and that after such development of the said residential property the company will sell all the dwelling houses or flats as the case may be to Singapore citizens and persons permitted to purchase these said dwelling houses or flats under the Residential Property Act.

And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap. 211), and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at Singapore by]
the abovenamed]
this day of]
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Before me,]
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** to state lot numbers in range*