

3. ENFORCEMENT ACTIONS AGAINST OFFENCES



COURT PROSECUTION

- 3.1. Certain types of misconduct are legislated as statutory offences under the EAA or its subsidiary legislation. They are more serious in nature and are hence criminalised as an offence when an individual or entity engages in such misconduct. Some examples are shown in **Table 2**:

Offence	In contravention of:
Acting as a property agency without being licensed by CEA	Section 28(1)(b) of the EAA
Acting or holding out as a property agent for any licensed property agency without being registered by CEA	Section 29(1)(a) of the EAA
Submitting false documents or making a false or misleading statement in any material particular in any application to CEA for the registration (or renewal of registration) as a property agent	Section 34(7) of the EAA
Property agents holding or handling transaction monies in relation to the sale or purchase of any property in Singapore or the lease of Housing and Development Board (HDB) property (commonly known as the offence of handling transaction monies)	Regulation 7(1) of the Estate Agents (Estate Agency Work) Regulations 2010
Representing both vendor and purchaser, or landlord and tenant, in a property transaction for the same property (commonly known as the offence of dual representation)	Regulation 5(1) of the Estate Agents (Estate Agency Work) Regulations 2010

Table 2: Examples of offences under the EAA or its subsidiary legislation

- 3.2. Where any individual or entity commits an offence under the EAA or its subsidiary legislation, CEA may initiate court prosecution against the individual or entity. This is typically done if the circumstances are serious and warrant prosecution. If convicted,

the Courts may impose a fine and/or imprisonment, up to the maximum prescribed limits.

- 3.3. An individual or entity who faces charges for an offence may engage a lawyer to represent him in the criminal proceedings. Refer to the State Courts of Singapore [website](#)¹ for more information on the criminal justice process.

OTHER REGULATORY OR ADMINISTRATIVE ACTIONS

Composition offer

- 3.4. If the offence is compoundable, CEA may offer composition to the offender instead of prosecution, depending on the facts and circumstances of the case. This is typically done if the circumstances do not warrant prosecution. [Refer to the [Estate Agents \(Composition of Offences\) Regulations 2010](#)² for a list of compoundable offences].
- 3.5. If the property agent or agency does not accept the offer of composition, CEA will proceed to initiate court prosecution against them.

Revocation of registration or licence

- 3.6. If a property agent or agency is convicted of a criminal offence under the EAA or its subsidiary legislation, he may no longer meet the fit and proper criterion under the EAA to hold a registration or licence to perform estate agency work. If so, CEA may revoke the convicted party's registration or licence, and the revoked party will require rehabilitation before he can return to the industry. [Refer to paragraphs 6.7 to 6.11 for more information on the fit and proper considerations.]

Warning or reminder letter

- 3.7. Where the offence is assessed to be less serious, CEA may issue a warning letter to warn the offender against any repeated misconduct.
- 3.8. If investigation findings reveal no offence or insufficient evidence of an offence being committed, CEA may take no further action, or issue a reminder letter to the property agent or agency on the requirements of the EAA or its subsidiary legislation.

¹ <https://beta.judiciary.gov.sg/criminal/charged-with-crime>

² <https://www.cea.gov.sg/docs/default-source/legislation-guideliness/estate-agents-act-2010---estate-agents-%28composition-of-offences%29-regulations-2010.pdf>

Example of CEA's enforcement action against offences

CEA received a tip-off that an individual (Ms X) was performing estate agency work without being registered or licensed with CEA. Ms X had represented herself as a part-time property agent to the public and offered to source for tenants for lease transactions in return for commission.

CEA commenced investigation into the misconduct, including mounting a covert operation. Investigations established that Ms X had assisted the landlord of a HDB flat to market the lease of a room in the flat and conducted a viewing. Ms X would charge 25% of one month's rent as commission if she closed the lease transaction. Further investigations revealed that Ms X had assisted another landlord to rent out a room in another HDB flat and collected a sum of \$137.50 from the landlord as commission.

CEA brought charges against Ms X in relation to the two rental transactions in HDB flats. Ms X pleaded guilty in Court to two charges:

- Holding herself out as being ready to undertake estate agency work as an estate agent without being licensed by CEA, in breach of Section 28(1)(c) of the EAA.
- Acting as an estate agent without being licensed by CEA, in breach of Section 28(1)(b) of the EAA.

The Court sentenced Ms X to a fine for each charge.