



Regulatory and Enforcement Framework

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1. INTRODUCTION

- 1.1. This Guide outlines the Council for Estate Agencies (CEA)'s regulatory and enforcement framework for property agents and agencies. This framework helps to build a professional and trusted real estate agency industry.

2. OVERVIEW

Guiding Principles

CEA's regulatory and enforcement framework is guided by the following principles:

- Uphold professional standards in the real estate agency industry through robust enforcement actions against offences and disciplinary breaches.
- Safeguard property consumers' interests and enhance public trust in the reputation and integrity of the industry.
- Administer fair and just outcomes through a calibrated approach towards enforcement and disciplinary actions, taking into account all relevant facts and circumstances, and ensuring commensurability with the severity of the misconduct.

- 2.1. CEA's regulatory framework is based on the Estate Agents Act 2010 (EAA) and its subsidiary legislation, including the Code of Ethics and Professional Client Care (CEPCC) and the Code of Practice for Estate Agents (COPEA).
- 2.2. CEA's enforcement process starts when CEA receives a complaint against the property agent or agency through the submission of the complaint form on CEA's website; emails or letters; or referrals from other government agencies. Complainants are required to furnish CEA with supporting information and/or documents of the alleged misconduct by the property agent or agency to facilitate CEA's initial assessment.
- 2.3. Upon receipt of the complaint, CEA assesses the merits of the case, including whether it is a potential statutory offence or a disciplinary breach. Certain types of misconduct are legislated as statutory offences under the EAA or its subsidiary legislation, and their commission may lead to court prosecution and an eventual fine and/or imprisonment. Other breaches that are not offences are considered as disciplinary breaches and may lead to the imposition of a censure and/or financial penalties by CEA under the Letter of Censure (LOC) disciplinary regime, or the imposition of financial penalties and/or suspension or revocation of a property agent's registration or a property agency's licence by a CEA Disciplinary Committee (DC) following disciplinary proceedings.

2.4. For cases that are assessed to involve operational and/or service lapses by property agents, CEA will refer them to their property agencies for service recovery with the complainants. CEA places responsibility on the property agency to be accountable for its agents' actions, and the resolution process will help facilitate the property agency's refinements of its own systems, procedures and training to minimise recurrence of similar complaints in future. The property agency will liaise with the complainant directly to address the lapses of its agents.

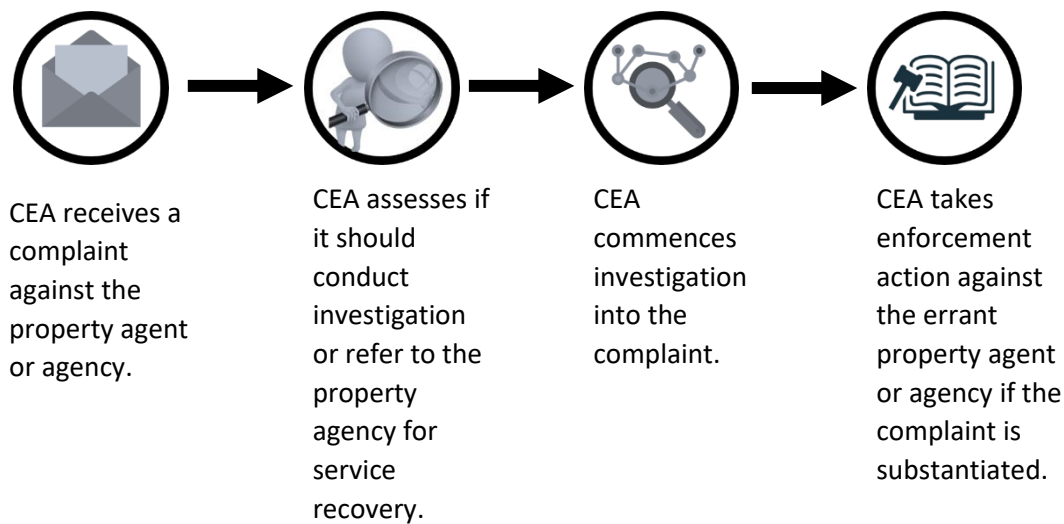


Figure 1: Overview of CEA's Complaint Management Process

2.5. CEA is vested with statutory powers under Sections 46 and 47 of the EAA to conduct investigations. This empowers CEA to perform inspections on premises, require relevant items and documents to be furnished and/or taken possession of, and require the attendance of potential offenders and witnesses for interviews. Failure to comply with CEA's requirements during the investigation may result in court prosecution against the non-compliant party.

CEA's investigation process

Typically, the process may involve the following three steps:

- Gathering evidence from various sources.
- Conducting interviews with relevant parties to have a holistic understanding.
- Recording statements from the parties involved.

2.6. Following the conclusion of the investigation, CEA may take the appropriate enforcement action against the misconduct if a breach is revealed, depending on the severity of the breach. A summary of the possible enforcement actions is provided in **Table 1**:




	Potential offence		Potential disciplinary breach		
Investigation outcomes	Commission of offences under the EAA or its subsidiary legislation.		Breach of the EAA or its subsidiary legislation that are not offences [e.g. Estate Agents (Prevention of Money Laundering and Financing of Terrorism) Regulations 2021, CEPCC or COPEA].		
Enforcement actions	Court prosecution 	Other regulatory or administrative actions	CEA DC proceedings (serious breach) 	LOC disciplinary regime (minor breach) 	Other administrative action
	<ul style="list-style-type: none"> Courts may convict and impose a fine and/or imprisonment, up to the maximum prescribed statutory limits for the offence. 	<ul style="list-style-type: none"> CEA may offer composition in lieu of criminal prosecution (for compoundable offences). CEA may issue warning or reminder letters. CEA may revoke licence or registration. 	<ul style="list-style-type: none"> DC may revoke or suspend registration or licence, or impose or vary registration or licence conditions. In addition, DC may impose financial penalty of up to \$100,000 (for property agents) and \$200,000 (for property agencies) per case. DC may admonish or reprimand the offender in writing. 	<ul style="list-style-type: none"> CEA may issue warning letter or LOC. In addition, CEA may impose financial penalty of up to \$5,000 per case. 	<ul style="list-style-type: none"> CEA may issue reminder letter.

Table 1: Summary of enforcement actions

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://www.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.

4. ENFORCEMENT ACTIONS AGAINST DISCIPLINARY BREACHES

- 4.1. CEA will take the appropriate enforcement actions based on the outcome of its investigations into potential disciplinary breaches, taking into account the severity of the misconduct; the number of disciplinary breaches or offences previously committed; and the facts and circumstances of the case. A comparison of the approach towards serious and minor disciplinary breaches is provided in **Table 3**.



Serious Disciplinary Breaches 	Minor Disciplinary Breaches 
<p>Likely action: Refer to DC.</p> <p>Key considerations:</p> <ul style="list-style-type: none"> • Financial loss or consequence caused to parties involved. • Wrongful gain by property agent or agency. • Dishonesty, fraud or an intention to mislead on the part of the property agent or agency. <p>Examples of such breaches: Failing to declare conflict of interest or doing anything that is dishonest or misleading.</p>	<p>Likely action: Issuance of warning letter, or issuance of LOC and/or imposition of financial penalty up to \$5,000.</p> <p>Key considerations:</p> <ul style="list-style-type: none"> • No or low financial loss or consequence caused to parties involved. • No or low wrongful gain by property agent or agency. • No dishonesty, fraud or an intention to mislead on the part of the property agent or agency. <p>Examples of such breaches: Advertising without owner’s consent or failing to give client a copy of document signed by client.</p>

Table 3: Comparison of approach towards serious and minor disciplinary breaches



CEA DISCIPLINARY COMMITTEE (DC) PROCEEDINGS

Basis for disciplinary action

Property agents and agencies may be subject to disciplinary proceedings if CEA’s investigations reveal sufficient cause for disciplinary action based on the following:

- Unsatisfactory conduct or misconduct in relation to estate agency work.
- Breach of any provisions of the EAA or its subsidiary legislation, regulations [e.g. Estate Agents (Prevention of Money Laundering and Financing of Terrorism) Regulations 2021] or codes (e.g. CEPCC or COPEA).
- Breach of any order by a CEA DC or the Ministry of National Development’s Appeals Board.

- 4.2. CEA will initiate disciplinary proceedings and refer the case to a DC where investigations reveal potential serious disciplinary breaches, or where the property agent or agency has a track record of misconduct. As the industry regulator, CEA has a duty to safeguard property consumers’ interests and send the appropriate deterrent

signals to the industry. Ultimately, CEA and the industry share a common goal to raise the professionalism and service standard of the property agents and agencies.

- 4.3. The DC³, comprising at least three DP members, will be appointed to independently hear and decide on the outcome of disciplinary cases initiated by CEA. Upon finding that there is sufficient cause for disciplinary action against the errant property agent or agency, the DC can revoke or suspend a registration or licence; impose or vary registration or licence conditions; or impose a financial penalty of up to \$100,000 (for property agents) and \$200,000 (for property agencies) per case. The DC's decision on the appropriate disciplinary action is publishable in the CEA Public Register⁴.
- 4.4. Even where a DC finds that there is no cause for disciplinary action against the property agent or agency, it may still admonish or reprimand the property agent or agency in writing if it finds it necessary to do so. The DC's reprimand is also publishable in the CEA Public Register.
- 4.5. A property agent or agency who faces charges in disciplinary proceedings may engage a lawyer to represent him in the disciplinary proceedings.

³ The DC comprises members from the CEA Disciplinary Panel (DP) appointed by the CEA Council and includes legal practitioners, academics, industry representatives and other professionals. The DP does not include CEA officers.

⁴ The CEA Public Register is a complete listing of all registered property agents and licensed property agencies in Singapore. It is aimed at helping the public to make an informed decision before they engage the services of a property agent or agency.

Example of CEA's enforcement action against serious disciplinary breaches

CEA received a complaint from a consumer (Mr C) that his property agent (Mr Y) had acted against his interests in a property transaction. Mr C had engaged the agent to source for a private residential property for purchase and was interested in a condominium unit priced at \$1.04 million. However, Mr Y's misconduct sabotaged the transaction and almost caused the transaction to fall through.

CEA commenced investigation into the matter, which included gathering all the available evidence and recording statements from all relevant parties. Investigations revealed that Mr Y had failed to convey the seller's offer of \$1.02 million and counter-offer of \$1.01 million to Mr C. Instead, he told Mr C that the seller's counter-offer was \$1.04 million and tried to seek a commission of three per cent of the sale price (about \$30,000) for himself from the seller. When the seller did not agree, Mr Y advised Mr C not to proceed with the purchase due to the alleged high sale price, when the actual reason was his failure to obtain a high commission for himself. Mr C eventually managed to purchase the property at \$1.04 million and suffered a disadvantage of about \$20,000 to \$30,000, being the difference between his purchase price and the seller's offers of \$1.01 million and \$1.02 million that Mr Y had failed to convey previously.

Mr Y's misconduct involved serious disciplinary breaches which CEA referred to a DC. CEA brought charges against Mr Y, who pleaded guilty before a DC to three charges:

- Two charges of failing to convey to Mr C, the seller's offer to sell the property at a minimum price of \$1.02 million and the seller's counter-offer to sell the property at \$1.01 million (with commission to be paid by Mr C), in breach of paragraph 10 of the CEPCC.
- One charge of continuing to act on Mr C's behalf and failing to declare in writing his conflict of interest (which arose by his claiming of three per cent of the sale price as co-broke commission), in breach of paragraph 13(1) read with paragraph 13(2)(a) of the CEPCC.

The DC sentenced Mr Y to a financial penalty for each charge and suspended his property agent registration for a limited period.



LETTER OF CENSURE (LOC) DISCIPLINARY REGIME

- 4.6. Typically, where the property agent or agency commits a minor disciplinary breach and has no previous record of misconduct, CEA will issue a warning letter, unless the circumstances warrant a more severe penalty under the LOC disciplinary regime. A warning letter is not publishable in the CEA Public Register.
- 4.7. If the property agent or agency has a previous record and commits another minor disciplinary breach, CEA may consider issuing a LOC, with or without imposing a financial penalty. Any financial penalty imposed together with a LOC will not exceed \$5,000 per case. Financial penalties will generally increase based on the number of previous records of breaches or offences. CEA will assess the appropriate quantum of financial penalty to be imposed based on the facts and circumstances of each case. Sanctions imposed under the LOC disciplinary regime are publishable in the CEA Public Register.
- 4.8. If the property agent or agency continues to commit minor disciplinary breaches despite being sanctioned under the LOC disciplinary regime, CEA may refer the case to a DC to consider more severe penalties for the repeat offender. Through firm enforcement actions, CEA will work with the industry to ensure that the property agents and agencies conduct their estate agency work professionally and ethically.
- 4.9. The imposition of sanctions by CEA against a property agent under the LOC disciplinary regime is explained in **Figure 2**.

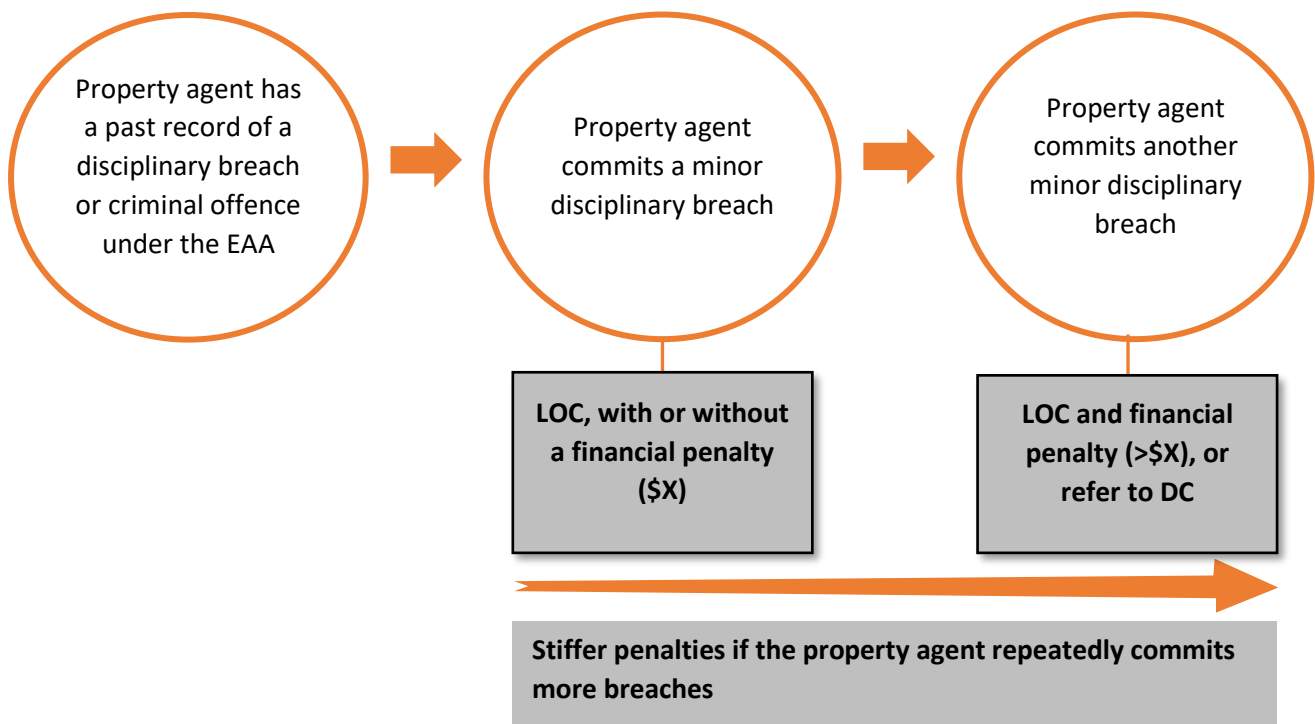


Figure 2: Issuance of LOC (with or without financial penalty) for minor disciplinary breaches

Examples of minor disciplinary breaches under LOC disciplinary regime

- Advertisement-related breaches such as advertising a property without the consent of the property owner.
- Agreement-related breaches such as failure to give a copy of a document that the client signed immediately or as soon as possible after signing.
- Failure to act with due care such as failure to verify basic information about the property, e.g. tenure, floor area.

OTHER ADMINISTRATIVE ACTIONS

Reminder letter

- 4.10. If there is no disciplinary breach detected after CEA's investigation, CEA will take no further action against the property agent or agency. In some cases, CEA may issue a letter to remind the property agent or agency of the professional standards and requirements in place for the performance of estate agency work.

Example of CEA's enforcement action against minor disciplinary breaches

During an inspection, CEA officers discovered that the property agency (Z) had failed to retain possession of relevant property transaction documents for at least five years, in breach of paragraph 7(1) of the COPEA. Under the LOC disciplinary regime, CEA will issue a warning letter to Z for the misconduct.

In a subsequent inspection, CEA officers found that Z had failed to document its systems and processes for the receipt and investigation of claims and complaints in writing, in breach of paragraph 6(2) of the COPEA. Considering the warning letter previously issued to Z, CEA will likely impose a LOC for Z's further misconduct under the LOC disciplinary regime, with or without a financial penalty.

5. PUBLICATION OF ENFORCEMENT ACTIONS

- 5.1. CEA publishes information on the enforcement actions taken against property agents or agencies on their records in the CEA [Public Register](#)⁵ on CEA’s website. The CEA Public Register contains information on property agents and agencies, including disciplinary records and/or awards received, and transactions closed by property agents for HDB and private residential properties in the last 24 months. Through the CEA Public Register, members of the public may also check if a person is registered or licensed with CEA to perform estate agency work as a property agent or agency. A sample illustration of the information contained in the CEA Public Register on a registered property agent is shown in **Figure 3**.

Figure 3: Illustration of information in CEA Public Register on registered property agent

- 5.2. CEA also publishes a list of property agents and agencies whose registrations and licences are currently suspended or revoked. This can be found in the [“Suspended/Revoked Estate Agents and Salespersons”](#) section of CEA’s website⁶.
- 5.3. To remind property agents not to commit any disciplinary breaches, CEA publishes past disciplinary cases on its [website](#)⁷ to illustrate the misconduct, charges and the penalties imposed by the DC upon the offenders. By doing so, we hope the property agents will learn from the mistakes made by the errant agents and deliver their services to their clients properly.

⁵ <https://www.cea.gov.sg/public-register>

⁶ <https://www.cea.gov.sg/consumers/revoked-estate-agent-suspended-salesperson>

⁷ <https://www.cea.gov.sg/professionals/complaint-disciplinary-management/past-disciplinary-cases>

6. OTHER RELEVANT INFORMATION

INSPECTION OF PROPERTY AGENCIES

- 6.1. CEA conducts both scheduled and ad-hoc inspections on property agencies to ensure compliance with the EAA and its subsidiary legislation. In particular, through these inspections, CEA ensures that the property agencies fully comply with the Code of Practice for Estate Agents (COPEA), which covers the management and supervision of their property agents, the estate agent card, claims and complaints, as well as their retention of documents and records; and the Estate Agents (Prevention of Money Laundering and Financing of Terrorism) Regulations 2021, which prescribes measures to prevent money laundering and counter the financing of terrorism.
- 6.2. CEA also conducts inspections in response to public feedback of concerns that may potentially breach the EAA or its subsidiary legislation. During the inspections, CEA will conduct interviews with the Key Executive Officer and representatives from the property agency's management or support staff. The property agency may be asked to furnish relevant documents for inspection such as its standard operating procedures, forms, agreements, transactions or other records.
- 6.3. If CEA detects non-compliances during the inspection, or if CEA has reasonable grounds to suspect that an offence or disciplinary breach has been committed, CEA will take enforcement actions against the property agent or agency, depending on the facts and circumstances of the case.

SENTENCING APPROACH

- 6.4. When recommending the sentencing for offences and disciplinary breaches, CEA will assess the seriousness of the offence or breach based on relevant factors that affect the degree of harm and culpability involved. The assessment of harm includes the type and severity of the impact or consequences caused by the misconduct to any party, which may take various forms and include financial and non-financial consequences and the potential harm that could have resulted. The assessment of culpability involves the offender's degree of blameworthiness and depends on the circumstances of the case and how the misconduct occurred.

Factors to determine the seriousness of the offence or breach

Some examples of factors that CEA may consider (but are not limited to) include:

- The actual or potential impact caused, including the damage caused to public confidence in the real estate agency industry.
- The number of parties involved.
- Whether the offence or breach took place over a period of time.
- Whether the offence or breach was committed negligently or intentionally.
- Whether there was any intent to obtain a wrongful gain from the misconduct, or whether the offence or breach involved any other schemes of fraud, deception or unauthorised behaviour.
- Whether there were attempts by the property agent or agency to cover-up the offence or breach.

- 6.5. The proposed sentence will factor any amount of wrongful gain obtained by the property agent or agency through the misconduct.
- 6.6. CEA will also consider any aggravating or mitigating factors based on circumstances that involve the property agent or agency. These include personal circumstances that may potentially increase or reduce the proposed sentence.

Potential aggravating factors that may increase the proposed sentence

- The total number of charges brought against the property agent or agency.
- Lack of remorse by the property agent or agency.
- Past antecedents (e.g. disciplinary records or convictions).

Potential mitigating factors that may reduce the proposed sentence

- Actions taken by the property agent or agency to remedy the misconduct or situation, particularly if done on a voluntary basis.
- Actions taken by the property agent or agency since the offence or breach to prevent a similar occurrence of the misconduct in future.
- A timely plea of guilt taken by the property agent or agency, and/or any cooperation with CEA's investigation.

FIT AND PROPER CRITERION TO PERFORM ESTATE AGENCY WORK

- 6.7. Enforcement actions taken against property agents and agencies may impact their registration or licence with CEA. The key criterion for holding a property agent registration or property agency licence is the requirement that the property agent or agency has to be assessed to be a “fit and proper person”. To protect property consumers’ interests and uphold professional standards, CEA has a duty to ensure that only “fit and proper” persons are allowed to perform estate agency work.

Fit and proper criterion

Under Section 3(2) of the EAA, a person is not a “fit and proper person” if CEA is of the view that he is not such a person after considering any relevant facts or matters.

For example, a person shall not be a “fit and proper person” if, amongst others:

- he has been convicted of an offence involving dishonesty or fraud;
- he has had a judgement entered against him in civil proceedings involving a finding of fraud, dishonesty or breach of fiduciary duties on his part;
- he has been convicted of any offence under the EAA; or
- he is an undischarged bankrupt, in liquidation, or has made a composition or arrangement with his creditors.

- 6.8. The “fit and proper” criterion is not restricted to the four aspects listed above. CEA is entitled to consider all other relevant facts or circumstances that may impact a person’s fitness and propriety to hold a property agent registration or property agency licence, which include criminal convictions (under the EAA or other laws); civil judgements, or any other enforcement or regulatory action taken by CEA or other regulatory or enforcement bodies, such as the Housing and Development Board, the Urban Redevelopment Authority or the Inland Revenue Authority of Singapore. CEA will also consider convictions involving offences committed outside of estate agency work, as these may also impact a property agent’s or agency’s suitability to perform estate agency work.
- 6.9. If CEA determines that the property agent or agency is not “fit and proper”, CEA may take the appropriate regulatory action to revoke the registration or licence of the property agent or agency under Sections 54 and 55 of the EAA, or to reject their renewal for the next registration or licence period.
- 6.10. The revocation (or non-renewal) of a registration or licence is not intended to serve as a double punishment over and above any enforcement actions or sanctions for which the property agent or agency was found to be not “fit and proper”. As the industry regulator, it is CEA’s responsibility to protect consumers’ interests and ensure

sufficient rehabilitation of the errant property agent or agency before they are allowed to resume estate agency work. Such revocation (or non-renewal) is therefore a necessary regulatory measure.

- 6.11. Depending on the specific facts and circumstances of each case, the property agent or agency may require a period of rehabilitation for them to reflect, change and improve, so that they will not re-offend and pose any risk to consumers in the performance of estate agency work. CEA will evaluate and approve any applications to return to the industry upon sufficient rehabilitation, subject to the prevailing eligibility criteria for registration or licence.

7. CONCLUSION

- 7.1. CEA's regulatory and enforcement framework serves to deter misconduct by property agents and agencies so as to raise professionalism and boost consumer confidence in the real estate agency industry. The majority of property agents and agencies consistently uphold high professional standards, but misconduct by the errant minority has the effect of eroding consumer confidence and negating ongoing efforts to enhance professionalism and ethical standards.
- 7.2. CEA and the real estate agency industry stakeholders are aligned in our goal to reduce errant practices and foster a professional and trusted real estate agency industry.