

BCA BC BMSC/CIR/2018/01

03 December 2018

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Chairperson and Secretary
MCST Plan No. <XXXX>
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Dear Sir/Madam

**COMMENCEMENT DATE FOR THE BUILDING MAINTENANCE AND STRATA
MANAGEMENT (AMENDMENT) ACT 2017**

This circular is to inform that the Building Maintenance and Strata Management (Amendment) Act 2017 ("Amendment Act") and its Regulations will come into effect on 1 February 2019, except for provisions relating to:

- the appointment of the "official manager" [under new sections 126A and 126B],
- the requirement of obtaining the Commissioner's approval of the maximum rate for maintenance charges prior to the sale of a lot [under amended section 18] and
- the use of management fund for social activities and legal services [under amended section 38(3)].

The effective date for these three provisions will be announced at a later date.

2 The summary table of key amendments of the BMSMA is available in the BCA website: www.bca.gov.sg (>> eServices >> BMSM Portal >> Look for 'New Announcement'). From 1 February 2019 onwards, an electronic copy of the Amendment Act can be viewed and downloaded without charge from Singapore Statute Online website at www.statutes.agc.gov.sg. Please also refer to the List of FAQs on Key Areas Arising From the Commencement of Amended BMSMA in our website at www.bca.gov.sg (>> eServices >> BMSM Portal). A copy of the FAQs is also attached in this circular.

3 We would appreciate it if you could convey the contents of this circular to the owners of your development / members of your organisation. If you require any clarification on the above, please contact BCA via our online feedback form: <https://www.bca.gov.sg/feedbackform>.

Yours faithfully



ER CLEMENT TSENG (MR)
GROUP DIRECTOR
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List of FAQs on Key Areas Arising From the Commencement of Amended BMSMA

Q1: Where can the MCSTs find the summary table for the key amendments to the BMSMA?

A1: The MCST can find the summary table of key amendments to the BMSMA under the 'New Announcement' at BCA's website (https://www.bca.gov.sg/bmsm_eservice/).

Q2: If the notice of a general meeting is sent out before the commencement date of 1 February 2019, but the general meeting is held on a date after the commencement date of 1 February 2019, should the MCST conduct and hold the general meeting based on the prevailing provisions of BMSMA?

A2: Any meeting held on or after 1 February 2019, regardless the notice has been sent out earlier already, should comply with the amended requirements in the First Schedule to the amended BMSMA.

Q3: Is there a new prescribed proxy form that the MCST is required to comply with?

A3: A new prescribed proxy form would be available in the amended BMSMA and will apply to every general meeting conducted on or after 1 February 2019. Thus, the notice being sent out for every general meeting scheduled on or after 1 February 2019 must use the new prescribed proxy form below.

*I/We, of being *a member/members of the above-named management corporation, *appoint/appoints of as *my/our proxy to attend at the [annual or extraordinary, as the case may be] general meeting of the management corporation or subsidiary management corporation, to be held on 20, and at any adjournment of the meeting and to vote for me/us on my/our behalf in the following manner*.

Resolution	For	Against	Abstain

Notes:

1. A subsidiary proprietor may direct his or her proxy to vote on the resolution by ticking the desired box (in favour of/against the resolution or abstain from voting) in the above table. An abstain vote will not be counted in the calculation of votes.
2. If the subsidiary proprietor does not indicate his or her voting preference in the above table, the proxy may vote or abstain from voting at the proxy's discretion, in relation to any matter which is put before the meeting (including any resolution to adjourn the meeting or to amend any resolution proposed at the meeting).
3. This instrument appointing a proxy is void if *I am/we are present at the meeting.

Signed on 20

.....

Signature(s) of subsidiary proprietor(s)

.....

Signature(s) of proxy

*delete whichever is inapplicable

Q4: If the MCST passes a special resolution on adopting a set of by-laws in a general meeting before the commencement date (1 February 2019), should the MCST lodge the by-laws with the Commissioner/BCA within 30 days or 45 days (*under the amended BMSMA*) from the passing of the resolution? Should the MCST display of minutes of council meeting within 7 days or 14 days (under the amended BMSMA)?

A4: MCST should follow the requirement based on the provisions prevailing at the time of passing the by-laws, which is to lodge the by-laws within 30 days with the Commissioner/BCA.

Likewise, the council should display a copy of the minutes of the meeting on the notice board within 7 days after the meeting, if the council meeting is held before 1 February 2019.

Q5: If subsidiary proprietors comprising 10% of the total number of lots in a development serve on the developer a written request to hold the first annual general meeting (AGM) on 28 January 2019, which is before the commencement date of 1 February 2019 for the amended BMSMA, should the developer hold the first AGM within 6 weeks or 8 weeks (*under the amended BMSMA*) upon the receipt of the written request?

A5: The developer should follow the requirement based on the provisions prevailing at the time of receiving the written request from the subsidiary proprietors. Therefore, the MCST must hold the first AGM within 6 weeks (based on the prevailing BMSMA) upon the receipt of the written request.

Q6: Are there provisions in the amended BMSMA that will be operationalised at a later stage?

A6: The following provisions will be operationalised at a later stage:

- a. Provisions relating to "official manager" [*under new sections 126A and 126B*],
- b. Provisions relating to approval of the maximum rate for maintenance charges prior to the sale of a lot [*under amended section 18*]
- c. Provisions relating to use of management fund for social activities and legal services [*under amended section 38(3)*].

Q7: Where can the MCSTs obtain a copy of the amended BMSMA?

A7: The MCST can obtain a soft copy of the legislation from Singapore Statutes Online website at <https://sso.agc.gov.sg> with effect from 1 February 2019. If the MCST wishes to purchase the hard copy, the MCST can get more information from:

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