

Statutes (Miscellaneous Amendments) Bill

Bill No. 14/2006.

Read the first time on 8th November 2006.

A BILL

i n t i t u l e d

An Act to amend certain statutes of the Republic of Singapore.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1.—(1) This Act may be cited as the Statutes (Miscellaneous Amendments) Act 2006 and shall, with the exception of sections 2 and 3, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Section 2 shall have effect for the financial year ending on any date in 2007 and subsequent financial years.

(3) Section 3 shall have effect for —

(a) records in respect of the basis period relating to the year of assessment 2008; and

(b) records in respect of the basis period relating to each subsequent year of assessment.

PART I

AMENDMENTS TO WRITTEN LAWS RELATING TO RECORD-KEEPING

Amendment of Charities Act

2. The Charities Act (Cap. 37, 1995 Ed.) is amended —

(a) by deleting the words “7 years” in section 12(3) and (4) and substituting in each case the words “5 years”; and

(b) by deleting the words “7 years” in section 13(4) and substituting the words “5 years”.

Amendment of Income Tax Act

3. Section 67(1) of the Income Tax Act (Cap. 134, 2004 Ed.) is amended by deleting the words “7 years” in paragraph (a) and substituting the words “5 years”.

Amendments to other written laws

4. The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

Transitional provision

5 **5.**—(1) The amendment made to each Act by each item in the Schedule in respect of record-keeping shall apply in relation to any book, document or record required to be kept or retained under the relevant provision as specified in that item, whether the obligation to keep or retain such book, document or record first arises before, on or after the date of commencement of the amendment.

10 (2) Subsection (1) shall not apply in relation to any book, document or record if the period for which it is to be kept or retained under the relevant provision in force immediately before the date of commencement of the amendment made to that provision by the Schedule has expired by that date.

PART II

AMENDMENTS TO WRITTEN LAWS RELATING TO INTELLECTUAL PROPERTY

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Amendment of Patents Act

6.—(1) The Patents Act (Cap. 221, 2005 Ed.) is amended —

(a) by deleting the definition of “formal requirements” in section 2(1) and substituting the following definition:

20 “ “formal requirements” means those requirements of this Act and the rules which are designated by the rules as formal requirements for the purposes of this Act;”;

(b) by inserting, immediately after the definition of “medicinal product” in section 2(1), the following definition:

25 “ “missing part”, in relation to an application for a patent, means —

(a) any drawing; or

(b) any part of the description of the invention for which the patent is sought,

30 which was missing from the application at the date of filing of the application;”;

(c) by deleting subsection (2) of section 17 and substituting the following subsections:

5 “(2) Where in or in connection with an application for a patent (referred to in this section as the application in suit) a declaration is made, whether by the applicant or any predecessor in title of his, complying with the relevant requirements of the rules and specifying one or more earlier relevant applications for the purposes of this section made by the applicant or a predecessor in title of his, and the application
10 in suit has a date of filing, within the period referred to in subsection (2A)(a) or (b), then —

(a) if an invention to which the application in suit relates is supported by matter disclosed in the earlier relevant application or applications, the priority date of that
15 invention shall, instead of being the date of filing the application in suit, be the date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them; and

(b) the priority date of any matter contained in the application in suit which was also disclosed in the earlier relevant application or applications shall be the
20 date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them.
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(2A) For the purposes of subsection (2), the period is —

(a) the period of 12 months immediately following the date of filing of the specified earlier relevant application or, if there is more than one relevant
30 application, the earliest of them; or

(b) where the Registrar has granted a request under subsection (2B), the period commencing immediately after the period referred to in paragraph (a) and ending at the end of such period as may be prescribed.

35 (2B) The applicant may make a request to the Registrar for the declaration referred to in subsection (2) to be made after the period referred to in subsection (2A)(a).

(2C) Where the applicant makes a request under subsection (2B), he shall, if he has failed to file the application in suit within the period referred to in subsection (2A)(a), indicate in the request whether his failure to file the application in suit within the period referred to in subsection (2A)(a) —

- (a) occurred in spite of due care required by the circumstances having been taken; or
- (b) was unintentional.

(2D) The Registrar shall grant a request under subsection (2B) if and only if —

- (a) the request is made within such period and in such manner, and complies with such requirements, as may be prescribed; and
- (b) where the applicant has failed to file the application in suit within the period referred to in subsection (2A)(a), the Registrar is satisfied that the applicant's failure to file the application in suit within the period referred to in subsection (2A)(a) —
 - (i) occurred in spite of due care required by the circumstances having been taken; or
 - (ii) was unintentional.”;

(d) by repealing section 26 and substituting the following section:

“Date of filing application

26.—(1) Subject to the provisions of this Act, the date of filing an application for a patent shall be taken to be the earliest date on which the documents filed at the Registry to initiate the application satisfy the following conditions:

- (a) the documents indicate that a patent is sought;
- (b) the documents identify the applicant for the patent; and
- (c) the documents contain —
 - (i) something which is or appears to be a description of the invention for which the patent is sought; or

(ii) where a declaration under section 17(2) is made in or in connection with the application —

(A) a reference to an earlier relevant application specified in the declaration;

5 (B) such information on the earlier relevant application as may be prescribed; and

10 (C) a statement that the description of the invention for which the patent is sought is incorporated in the application by reference to, and is completely contained in, the earlier relevant application, as filed.

(2) For the purposes of subsection (1)(c)(i), it is immaterial whether —

15 (a) the thing is in, or is accompanied by a translation into, a language accepted by the Registry in accordance with the rules; or

(b) the thing otherwise complies with the other provisions of this Act and with any relevant rules.

20 (3) Where the Registrar determines that the documents filed at the Registry to initiate an application for a patent do not satisfy all of the conditions in subsection (1)(a), (b) and (c)(i) or (ii) —

25 (a) the Registrar shall, as soon as practicable after the filing of those documents, notify the applicant of what else must be filed in order for the application to have a date of filing; and

(b) the applicant shall, within such period as may be prescribed, do either or both of the following:

30 (i) make observations on the Registrar's determination;

(ii) file every document which must be filed in order for the application to have a date of filing.

(4) Where subsection (3) applies, if the applicant fails to file every document which must be filed in order for the application to have a date of filing before the end of the period prescribed under subsection (3)(b), the application shall be treated as having been abandoned.

(5) Subsection (4) does not apply if —

(a) the applicant makes observations as mentioned in subsection (3)(b)(i) before the end of the period prescribed under subsection (3)(b); and

(b) as a result of the observations, the Registrar is satisfied that the documents filed at the Registry to initiate the application satisfy all of the conditions in subsection (1)(a), (b) and (c)(i) or (ii).

(6) Where the documents filed at the Registry to initiate an application for a patent satisfy all of the conditions in subsection (1)(a), (b) and (c)(i) or (ii), the Registrar shall, as soon as practicable after the filing of the last of those documents, notify the applicant of the date of filing of the application.

(7) Where an application for a patent has a date of filing under subsection (1) by reason only that the documents filed at the Registry to initiate the application satisfy the conditions in subsection (1)(a), (b) and (c)(ii), the applicant shall, within such period as may be prescribed, file at the Registry —

(a) a written notice confirming that the description of the invention for which the patent is sought is incorporated in the application by reference to the earlier relevant application referred to in subsection (1)(c)(ii)(C);

(b) the description of the invention for which the patent is sought; and

(c) such other documents as may be prescribed.

(8) If an application for a patent has a date of filing by virtue of subsection (1), the applicant files at the Registry any missing part of the application within such period and in such manner as may be prescribed, and the applicant does not

withdraw that missing part before the end of that period, then —

(a) that missing part shall be treated as included in the application; and

5 (b) the date of filing of the application shall be the date on which that missing part is filed at the Registry.

(9) Subsection (8)(b) does not apply if —

10 (a) on or before the date which is the date of filing of the application for a patent by virtue of subsection (1), a declaration is made under section 17(2), in or in connection with the application, specifying an earlier relevant application; and

(b) within such period as may be prescribed, the applicant —

15 (i) makes a request to the Registrar for subsection (8)(b) not to apply to the application;

20 (ii) files a statement that the missing part referred to in subsection (8) is incorporated in the application by reference to, and is completely contained in, the earlier relevant application, as filed;

(iii) furnishes such information on the earlier relevant application as may be prescribed; and

(iv) files such other documents as may be prescribed.

25 (10) Subsections (8) and (9) do not affect the power of the Registrar under section 107(1) to correct an error or a mistake.

(11) Where, after an application for a patent has been filed and before the conditions in section 30(2) and (3) are satisfied —

30 (a) a new application is filed by the original applicant or his successor in title in accordance with the rules in respect of any part of the matter contained in the earlier application; and

- (b) the conditions in subsection (1)(a), (b) and (c)(i) or (ii) are satisfied in relation to the new application (without the new application contravening section 84),

5 the new application shall be treated as having, as its date of filing, the date of filing of the earlier application.

(12) Where an application has a date of filing by virtue of this section, the application shall be treated as having been abandoned unless —

- 10 (a) the applicant files at the Registry, before the end of such period as may be prescribed, one or more claims for the purposes of the application;
- (b) the applicant pays the filing fee under section 25(1)(b) before the end of the period prescribed under section 25(2); and
- 15 (c) where the application has a date of filing under subsection (1) by reason only that the documents filed at the Registry to initiate the application satisfy the conditions in subsection (1)(a), (b) and (c)(ii), the applicant files at the Registry the documents referred to in subsection (7)(a), (b) and (c) before the end of the period prescribed under subsection (7).
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(13) In this section, “relevant application” has the same meaning as in section 17(5).”;

- 25 (e) by repealing section 28 and substituting the following section:

“Preliminary examination

28.—(1) The Registrar shall conduct a preliminary examination of an application for a patent if —

- 30 (a) the application has a date of filing;
- (b) the application has not been withdrawn or treated as abandoned;
- (c) the filing fee under section 25(1)(b) has been paid;
- (d) one or more claims for the purposes of the application have been filed under section 26(12)(a); and

(e) where the application has a date of filing under section 26(1) by reason only that the documents filed at the Registry to initiate the application satisfy the conditions in section 26(1)(a), (b) and (c)(ii), the documents referred to in section 26(7)(a), (b) and (c) have been filed at the Registry.

(2) If, after the Registrar has conducted a preliminary examination of an application for a patent under subsection (1), the applicant files at the Registry, and does not withdraw, any missing part of the application in accordance with section 26(8), then the Registrar shall conduct another preliminary examination of the application, with the missing part treated as included in the application.

(3) On a preliminary examination of an application, the Registrar shall determine —

(a) whether the application complies with all the formal requirements; and

(b) whether —

(i) any drawing referred to in the application; or

(ii) any part of the description of the invention for which the patent is sought,

is missing from the application.

(4) If the Registrar determines under subsection (3)(a) that not all the formal requirements have been complied with, then the Registrar shall notify the applicant accordingly and shall specify in the notification a period during which the applicant shall have the opportunity —

(a) to make observations on the Registrar's determination; and

(b) subject to section 84, to amend the application so as to comply with all the formal requirements.

(5) Where subsection (4) applies, the Registrar may refuse the application if the applicant fails to amend the application as mentioned in paragraph (b) of that subsection before the end of the period specified by the Registrar under that subsection.

(6) Subsection (5) does not apply if —

(a) the applicant makes observations as mentioned in subsection (4)(a) before the end of the period specified by the Registrar under subsection (4); and

5 (b) as a result of the observations, the Registrar is satisfied that all the formal requirements have been complied with.

(7) If the Registrar determines under subsection (3)(b) that a drawing or part of the description of the invention is missing from the application, then the Registrar shall notify the applicant accordingly.

(8) Where subsection (7) applies, if the applicant files the drawing or part of the description of the invention that is missing from the application within such period and in such manner as may be prescribed, and the applicant does not withdraw that drawing or part of the description of the invention before the end of that period, then —

(a) that drawing or part of the description of the invention shall be treated as included in the application; and

20 (b) the date of filing of the application shall be the date on which that drawing or part of the description of the invention is filed at the Registry.

(9) Subsection (8)(b) does not apply if —

25 (a) on or before the date which is the date of filing of the application by virtue of section 26(1), a declaration is made under section 17(2), in or in connection with the application, specifying an earlier relevant application; and

30 (b) within such period as may be prescribed, the applicant —

(i) makes a request to the Registrar for subsection (8)(b) not to apply to the application;

35 (ii) files a statement that the drawing or part of the description of the invention referred to in subsection (8) is incorporated in the application

by reference to, and is completely contained in, the earlier relevant application, as filed;

(iii) furnishes such information on the earlier relevant application as may be prescribed; and

5 (iv) files such other documents as may be prescribed.

(10) In subsection (9), “relevant application” has the same meaning as in section 17(5).”;

(f) by deleting the words “referred to in section 28(1)” in section 29(1);

10 (g) by deleting the words “Upon receiving the Registrar’s notification under subsection (1), the” in section 29(2) and substituting the word “The”;

(h) by deleting paragraph (b) of section 36A(13) and substituting the following paragraphs:

15 “(b) the period taken by the applicant to make observations under section 26(3)(b)(i) which satisfy the Registrar that the documents filed at the Registry to initiate the application satisfy all of the conditions in section 26(1)(a), (b) and (c)(i) or (ii), calculated from the date of the Registrar’s notification to the applicant under section 26(3)(a) to the date on which the applicant makes the observations;

20 (ba) the period taken by the applicant to file the documents referred to in section 26(7)(a), (b) and (c), calculated from the date of filing of the application for a patent to the date on which the applicant files the documents;

25 (bb) the period taken by the applicant to comply with section 26(9)(b), if the applicant, after filing at the Registry any missing part of the application, makes a request to the Registrar for section 26(8)(b) not to apply to the application, calculated from the date on which the applicant filed at the Registry the missing part of the application to the date on which the applicant complies with section 26(9)(b);”;

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- (i) by deleting the words “section 26(8)” in section 36A(13)(c) and substituting the words “section 26(12)(a)”;
- (j) by deleting paragraph (d) of section 36A(13) and substituting the following paragraphs:

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“(d) the period taken by the applicant to —

(i) make observations under section 28(4)(a) which satisfy the Registrar that all the formal requirements have been complied with; or

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(ii) amend his application under section 28(4)(b) to comply with all the formal requirements,

calculated from the date of the Registrar’s notification under section 28(4) to the date on which the applicant makes the observations or the earliest date on which the application, as amended by the applicant, complies with all the formal requirements;

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(da) the period taken by the applicant to comply with section 28(9)(b), if the applicant, after filing any drawing or part of the description of the invention which is missing from the application, makes a request to the Registrar for section 28(8)(b) not to apply to the application, calculated from the date of the Registrar’s notification under section 28(7) to the date on which the applicant complies with section 28(9)(b);”;

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(k) by deleting the words “section 26(6)” in section 80(1)(d)(ii) and substituting the words “section 26(11)”;

(l) by deleting the words “section 26(6)” in section 84(1) and substituting the words “section 26(11)”;

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(m) by inserting, immediately after subsection (1) of section 84, the following subsection:

“(1A) Where, in relation to an application for a patent —

(a) the documents filed at the Registry to initiate the application contain —

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(i) a reference to an earlier relevant application specified in a declaration under section 17(2)

made in or in connection with the application;
and

(ii) a statement referred to in section 26(1)(c)(ii)(C);
and

5 (b) the description filed under section 26(7)(b) discloses
additional matter, that is, matter extending beyond
that disclosed in the earlier relevant application,

the application shall not be allowed to proceed unless it is
amended to exclude the additional matter.”;

10 (n) by inserting, immediately after subsection (3) of section 84, the
following subsection:

“(4) In subsection (1A), “relevant application” has the same
meaning as in section 17(5).”;

15 (o) by deleting subsections (3) and (4) of section 86 and substituting
the following subsection:

“(3) The national phase of the application begins —

(a) when the prescribed period expires, provided —

20 (i) where the application has been published in
accordance with the Patent Co-operation Treaty
in a language other than English, and the
application is not in English, an English
translation of the application has been filed at the
Registry; and

(ii) the prescribed fee has been paid,

25 by the applicant; or

(b) when the applicant expressly requests the Registrar to
proceed earlier with the national phase of the
application, pays the prescribed fee and complies with
any of the following sub-paragraphs which is
30 applicable:

(i) where, at the time of the request, the application
has not been published in accordance with the
Patent Co-operation Treaty, file at the
Registry —

(A) a copy of the application; and

(B) if the copy is not in English, an English translation of the application;

(ii) where, at the time of the request, the application has been published in accordance with the Patent Co-operation Treaty in a language other than English, and the application is not in English, file at the Registry an English translation of the application.”;

(p) by deleting subsection (6) of section 86 and substituting the following subsection:

“(6) Where, during the international phase, the application is amended in accordance with the Patent Co-operation Treaty, the amendment shall be treated as made under this Act if, and shall be disregarded unless —

(a) when the prescribed period expires, where —

(i) the amendment is not in English; and

(ii) if any copy of the amendment has been communicated to the Registry in accordance with the Treaty, that copy is in a language other than English,

an English translation of the amendment has been filed at the Registry; or

(b) where the applicant expressly requests the Registrar to proceed earlier with the national phase of the application, there is then filed at the Registry —

(i) a copy of the amendment, if none has been communicated to the Registry in accordance with the Treaty; and

(ii) an English translation of the amendment, if —

(A) the amendment is not in English; and

(B) where any copy of the amendment has been communicated to the Registry in

accordance with the Treaty, that copy is in a language other than English.”;

(*q*) by deleting the words “specified in section 17(2)” in section 87(1)(*b*) and substituting the words “referred to in section 17(2A)(*a*)”;

(*r*) by deleting the words “conditions mentioned in section 86(3)(*a*) are complied with” in section 87(2) and substituting the words “national phase of the application begins or, if later, when published in accordance with the Treaty”;

(*s*) by deleting the words “a translation” in section 87(3)(*b*)(*i*) and (4) and substituting in each case the words “an English translation”;

(*t*) by deleting the words “a translation into English” in section 87(3)(*b*)(*ii*) and substituting the words “an English translation”; and

(*u*) by deleting subsection (10) of section 105 and substituting the following subsections:

“(10) Where an individual’s employer does not carry on a business, practise or act as a patent agent, the individual does not contravene subsection (1) in respect of anything done, or undertaken to be done, by the individual for his employer in his capacity as employee of his employer.

(10A) Where —

(*a*) an individual’s employer is a member of a related company group;

(*b*) the individual’s employer does not carry on a business, practise or act as a patent agent; and

(*c*) any other member of the related company group does not carry on a business, practise or act as a patent agent,

the individual does not contravene subsection (1) in respect of anything done, or undertaken to be done, by the individual for that other member of the related company group in his capacity as employee of his employer.”.

(2) Subsection (1)(a), (b) and (d) to (n) shall only apply in relation to an application for a patent that is initiated on or after the date of commencement of this section, and sections 26, 28, 29(1) and (2), 36A(13)(b), (c) and (d), 80(1)(d)(ii) and 84(1) of the Patents Act in force immediately before that date shall continue to apply to an application for a patent that is initiated before that date.

(3) Subsection (1)(c) and (q) shall only apply in relation to an application for a patent that qualifies for a date of filing on or after the date of commencement of this section, and sections 17(2) and 87(1)(b) of the Patents Act in force immediately before that date shall continue to apply to an application for a patent which qualifies for a date of filing before that date.

(4) Subsection (1)(o), (p) and (r) shall only apply to an international application for a patent (Singapore) that enters the national phase of the application in Singapore on or after the date of commencement of this section, and sections 86(3), (4) and (6) and 87(2) of the Patents Act in force immediately before that date shall continue to apply to an international application for a patent (Singapore) that enters the national phase of the application in Singapore before that date.

20 **Amendment of Plant Varieties Protection Act**

7. The Plant Varieties Protection Act (Cap. 232A, 2006 Ed.) is amended —

(a) by inserting, immediately after the definition of “harvested material” in section 2, the following definition:

25 “ “Office” means the Intellectual Property Office of Singapore incorporated under the Intellectual Property Office of Singapore Act (Cap. 140);”;

(b) by deleting the word “Registry” in section 52(2) and substituting the word “Office”;

30 (c) by inserting, immediately after subsection (2) of section 52, the following subsection:

“(2A) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.”; and

- (d) by deleting the words “to the Registry” in section 52(3) and substituting the words “into the funds of the Office”.

PART III

AMENDMENTS TO OTHER WRITTEN LAWS

5 **Amendment of Boundaries and Survey Maps Act**

8. The Boundaries and Survey Maps Act (Cap. 25, 2006 Ed.) is amended —

- (a) by deleting the definition of “manager” in section 2(1) and substituting the following definitions:

10 ““limited liability partnership” has the same meaning given to it by section 4(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

“manager” —

15 (a) in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and

20 (b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;” and

- (b) by deleting the words “or partnership” wherever they appear in the following provisions and substituting in each case the words “, partnership or limited liability partnership”:

25 Sections 11B(1) and 11E(1), (2) and (4).

Amendment of Criminal Procedure Code

9. Schedule A to the Criminal Procedure Code (Cap. 68, 1985 Ed.) is amended —

- 30 (a) by inserting, immediately after the entries relating to Penal Code section 130, the following new chapter and the entries relating thereto:

“CHAPTER VIA — PIRACY

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
130B	Piracy	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for life and caning	
130B	Piracy, and while committing or attempting to commit piracy, commits murder or attempts to murder, or does any act likely to endanger the life of another person	Ditto	Ditto	Ditto	Ditto	Death	
130C	Piractical acts	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years and caning	”; and

(b) by inserting, immediately after the entries relating to Penal Code section 151, the following entries:

“151A	Making, printing, possessing, posting, distributing, or having under control any document containing any incitement to violence or counselling disobedience to the law or to any lawful order of a public servant or likely to lead to any breach of peace	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate’s Court or District Court.”.
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Amendment of Immigration Act

10. Section 43 of the Immigration Act (Cap. 133, 1997 Ed.) is amended by deleting subsection (4) and substituting the following subsection:

5 “(4) The security under subsection (1) or (1A) shall be given in such manner and form as the Controller may determine and may be by bond, guarantee, cash deposit or any other method, or by 2 or more different methods.”.

Amendment of Land Surveyors Act

11. The Land Surveyors Act (Cap. 156, 2006 Ed.) is amended —

10 (a) by inserting, immediately after the word “corporations” in the long title, the words “, partnerships and limited liability partnerships”;

(b) by deleting the definitions of “licensed” and “manager” in section 2 and substituting the following definitions:

15 ““licensed”, in relation to a corporation, partnership or limited liability partnership, means a corporation, partnership or limited liability partnership which has in force a licence;

20 “limited liability partnership” has the same meaning given to it by section 4(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

“manager” —

25 (a) in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and

30 (b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;”;

(c) by deleting the definition of “practising certificate” in section 2 and substituting the following definition:

““practising certificate” —

- 5 (a) in relation to a registered surveyor, means an annual practising certificate issued under section 15 authorising him to engage in survey work in Singapore;
- (b) in relation to an allied professional who is an architect registered under the Architects Act (Cap. 12), means a practising certificate issued under section 18 of that Act; and
- 10 (c) in relation to an allied professional who is a professional engineer registered under the Professional Engineers Act (Cap. 253), means a practising certificate issued under section 18 of that Act;”;
- 15 (d) by deleting the words “and partnerships” in the definition of “register of licensees” in section 2 and substituting the words “, partnerships and limited liability partnerships”;
- (e) by inserting, immediately after the word “examinations” in section 7(1)(b), the words “and professional interviews”;
- 20 (f) by deleting the words “or partnerships” in section 7(1)(f) and (g) and substituting in each case the words “, partnerships or limited liability partnerships”;
- (g) by deleting the words “and partnerships” in sections 7(1)(h) and 9(1)(c) and substituting in each case the words “, partnerships and limited liability partnerships”;
- 25 (h) by deleting the words “authorised surveyor or a registered surveyor, and” in section 10(1) and substituting the words “authorised surveyor or a registered surveyor who”;
- (i) by inserting, immediately after the words “licensed partnership” in section 10(2) (penultimate line) and (3)(a), the words “, a licensed limited liability partnership”;
- 30 (j) by inserting, immediately after the words “licensed partnership” in section 10(3)(b), the words “or a licensed limited liability partnership”;

- (k) by inserting, immediately after the word “corporation” in section 10(3)(c), the words “or a licensed limited liability partnership”;
- (l) by deleting the words “who has in force a practising certificate” in section 10(4)(b);

5 (m) by inserting, immediately after the word “corporation” wherever it appears in section 11 and in the section heading, the words “or limited liability partnership”;

- (n) by deleting subsection (1) of section 12 and substituting the following subsection:

10 “(1) Subject to the provisions of this Act, every person who is 21 years of age and above shall, on payment of the prescribed fee, be entitled to be registered under this Act if —

(a) he satisfies the Board that he has —

15 (i) obtained a certificate of competency issued by the Board after passing the prescribed examination;

20 (ii) passed a professional examination recognised by the Board and passed such further examination and had such practical experience in surveying in Singapore as the Board may prescribe; or

(iii) had such proper training in surveying recognised by the Board and passed such other examination as the Board may require; and

25 (b) he has passed a professional interview conducted by the Board to determine whether he has the aptitude and knowledge to effectively perform or engage in survey work in Singapore.”;

30 (o) by inserting, immediately after the words “allied professionals” in section 17(1)(c), the words “, who each has in force a practising certificate”;

(p) by inserting, immediately after the words “allied professional” in section 17(2)(b)(i), the words “, who has in force a practising certificate”;

35 (q) by deleting paragraph (a) of section 17(3) and substituting the following paragraph:

“(a) the partnership is one in which only registered surveyors and allied professionals, each of whom shall have in force a practising certificate, have a beneficial interest in the capital assets and profits of the partnership; and”;

5

(r) by deleting subsection (4) of section 17 and substituting the following subsection:

“(4) Subject to the provisions of this Act, the Board may grant a licence to any limited liability partnership to supply survey services in Singapore if —

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(a) the statement lodged by the partners of the limited liability partnership with the Registrar of Limited Liability Partnerships under section 15(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005) provides that a primary nature of the business of the limited liability partnership is to supply survey services in Singapore;

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(b) the partners in the limited liability partnership consist only of persons who satisfy such requirements as the Board may, with the approval of the Minister, prescribe;

20

(c) at least one of the partners of the limited liability partnership is a registered surveyor who has in force a practising certificate;

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(d) the business of the limited liability partnership, so far as it relates to survey services in Singapore, will be under the control and management of a partner who —

(i) is a registered surveyor who has in force a practising certificate; and

30

(ii) is authorised under a resolution of the partners of the limited liability partnership to make all final survey decisions on behalf of the limited liability partnership with respect to the requirements of this Act, the rules or any other law relating to the

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supply of survey services by the limited liability partnership; and

(e) the limited liability partnership is insured against professional liability in accordance with section 21 and the rules made under section 38.”;

(s) by deleting subsection (6) of section 17 and substituting the following subsection:

“(6) The Board may refuse to grant a licence under this section to any corporation (whether unlimited or not), partnership or limited liability partnership if, in the opinion of the Board, the past conduct of any director, manager or employee of the corporation or any partner, manager or employee of the partnership or limited liability partnership affords reasonable grounds for believing that the corporation, partnership or limited liability partnership, as the case may be, will not supply survey services in accordance with any written law and with honesty and integrity.”;

(t) by deleting the words “corporation or partnership that the corporation or partnership” in section 18(1) and substituting the words “corporation, partnership or limited liability partnership that the corporation, partnership or limited liability partnership, as the case may be,”;

(u) by deleting the word “or” at the end of paragraph (c) of section 18(1), and by inserting immediately thereafter the following paragraph:

“(ca) in the case of a limited liability partnership, a partner or an employee of the limited liability partnership; or”;

(v) by deleting subsection (2) of section 18 and substituting the following subsection:

“(2) It shall be a condition of every licence granted to any corporation (other than an unlimited corporation) or to any limited liability partnership that the corporation or limited liability partnership shall not supply survey services in Singapore unless the corporation or limited liability partnership

is insured in respect of professional liability in accordance with section 21 and the rules made under section 38.”;

(w) by inserting, immediately after subsection (2) of section 19, the following subsection:

5 “(3) Any licensed limited liability partnership shall, within 30 days of the occurrence of any change in the composition of its partners, furnish the Board a true report in writing giving full particulars of the change.”;

10 (x) by repealing sections 21 and 22 and substituting the following sections:

“Liability insurance

15 **21.** Every licensed corporation which is not an unlimited corporation and every licensed limited liability partnership shall be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying survey services as a direct result of any negligent act, error or omission committed by —

- 20 (a) in the case of a corporation, the corporation or its directors, managers, secretaries or employees; or
 (b) in the case of a limited liability partnership, the partnership or its partners, managers or employees.

Relationship between client and licensed corporation or licensed limited liability partnership

25 **22.** A licensed corporation or a licensed limited liability partnership shall have the same rights and shall be subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation or limited liability partnership, as the case may be, that exist at law between a registered surveyor and his client.”;

30 (y) by deleting the words “or licensed partnership” in section 23 and substituting the words “, licensed partnership or licensed limited liability partnership”;

(z) by deleting paragraph (g) of section 25(1) and substituting the following paragraph:

“(g) if it appears to the Board that the registered surveyor, while being a director, manager, or an employee of a corporation, or a partner, manager or an employee of a partnership or limited liability partnership, had failed to take reasonable steps to prevent the corporation, partnership or limited liability partnership from acting in a manner (other than as described in section 27(1)(e)) which would warrant the Board revoking any licence granted to the corporation, partnership or limited liability partnership or imposing a penalty under section 27;”;

(za) by deleting paragraph (c) of section 26(1) and substituting the following paragraph:

“(c) who has no address in Singapore at which he can be contacted or sent any document using his particulars in the register.”;

(zb) by inserting, immediately before the words “the memorandum” in section 27(1)(b), the words “in relation to a corporation,”;

(zc) by deleting the words “, (2) or (4)” in section 27(1)(b) and substituting the words “or (2)”;

(zd) by inserting, immediately before the words “a person” in section 27(1)(c), the words “in relation to a partnership,”;

(ze) by inserting, immediately after the words “allied professional” in section 27(1)(c)(ii), the words “who has in force a practising certificate”;

(zf) by inserting, immediately after paragraph (c) of section 27(1), the following paragraph:

“(ca) in relation to a limited liability partnership, the limited liability partnership no longer satisfies the requirements of section 17(4);”;

(zg) by inserting, immediately after the words “of the partnership” in section 27(1)(h), the words “or limited liability partnership”;

(zh) by deleting subsection (4) of section 33 and substituting the following subsection:

“(4) The Board may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).”;

5 (zi) by inserting, immediately after the word “partnership” wherever it appears in section 35, the words “, limited liability partnership”;

(zj) by inserting, immediately after the words “registered surveyors” in section 38(2)(g)(i), the words “applying for a licence”; and

10 (zk) by deleting the words “or partnership” wherever they appear in the following provisions and substituting in each case the words “, partnership or limited liability partnership”:

Sections 15(3)(a)(ii), 18(4), 24(1) and (4), 25(7), 27(1) to (7), 28, 32(1) and 34(b)(i).

Amendment of Parliamentary Elections Act

15 **12.** Section 2(2) of the Parliamentary Elections Act (Cap. 218, 2001 Ed.) is amended by deleting the words “that definition” in paragraph (b) and substituting the words “the definition of “election advertising””.

Amendment of Public Transport Council Act

20 **13.** Section 2 of the Public Transport Council Act (Cap. 259B, 2000 Ed.) is amended by deleting paragraph (a) of the definition of “ticket payment service” and substituting the following paragraph:

“(a) a service for —

(i) the clearing of any ticket transaction; or

25 (ii) the sale, topping-up, replacement or refund, or the management of the use, of a mode of payment for tickets; or”.

Amendment of Public Utilities Act

30 **14.** The Third Schedule to the Public Utilities Act (Cap. 261, 2002 Ed.) is amended by deleting paragraph 1 and substituting the following paragraph:

“Financial year

1. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the financial year of the Board for the year 2006 shall begin on 1st January 2006 and end on 31st March 2007.”.

5 **Amendment of Road Traffic Act**

15. Section 44(1) of the Road Traffic Act (Cap. 276, 2004 Ed.) is amended by deleting the words “and maintained for a period not exceeding 3 years from the date of the conviction or expiry of disqualification, as the case may be”.

10 **Amendment of Subordinate Courts Act**

16. The Subordinate Courts Act (Cap. 321, 1999 Ed.) is amended —

(a) by deleting the words “Sundays and public holidays” in sections 6A(1) and 57(1) and substituting in each case the words “Saturdays, Sundays and public holidays”; and

15 (b) by deleting the words “Sunday or public holiday” in sections 6A(2) and 57(2) and substituting in each case the words “Saturday, Sunday or public holiday”.

Amendment of Supreme Court of Judicature Act

20 **17.** The Supreme Court of Judicature Act (Cap. 322, 1999 Ed.) is amended —

(a) by deleting the words “Sundays and public holidays” in sections 10B(1) and 72(1) and substituting in each case the words “Saturdays, Sundays and public holidays”; and

25 (b) by deleting the words “Sunday or public holiday” in sections 10B(2), 32(1) and 72(2) and substituting in each case the words “Saturday, Sunday or public holiday”.

Amendment of Women’s Charter

30 **18.** Section 139 of the Women’s Charter (Cap. 353, 1997 Ed.) is amended by deleting subsection (1) and substituting the following subsection:

“(1) A committee constituted by the following persons may make rules to fix and regulate the fees and costs payable upon all proceedings under this Part, and also such rules concerning the practice and procedure under this Part as they consider expedient:

- 5 (a) the Chief Justice;
- (b) a Judge of the Supreme Court to be appointed by the Chief Justice for such period as he may specify in writing;
- (c) a District Judge to be appointed by the Chief Justice for such period as he may specify in writing; and
- 10 (d) 2 practising advocates and solicitors to be appointed by the Chief Justice for such period as he may specify in writing.”.

THE SCHEDULE

Section 4

AMENDMENTS TO OTHER WRITTEN LAWS RELATING TO RECORD-KEEPING

First column

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- (1) Building Maintenance and
Strata Management Act 2004
(Act 47 of 2004)

Section 48

Delete subsection (2) and substitute the following subsection:

“(2) Every management corporation shall retain all its records, books of account and such other documents relating to any of its transactions or operations for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those documents relate are completed.”.

<i>First column</i>	<i>Second column</i>
<p>(2) Business Trusts Act (Chapter 31A, 2005 Ed.)</p> <p>Section 75</p>	<p>Delete subsection (2) and substitute the following subsection:</p> <p style="padding-left: 40px;">“(2) The trustee-manager of a registered business trust shall retain the records referred to in subsection (1) for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those records relate are completed.”.</p>
<p>(3) Companies Act (Chapter 50, 2006 Ed.)</p> <p>Section 199</p>	<p>Delete subsection (2) and substitute the following subsection:</p> <p style="padding-left: 40px;">“(2) The company shall retain the records referred to in subsection (1) for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those records relate are completed.”.</p>
<p>(4) Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A, 2000 Ed.)</p> <p>Section 36(1)</p>	<p>Delete the words “6 years” in paragraphs (a), (b) and (c) of the definition of “minimum retention period” and substitute in each case the words “5 years”.</p>
<p>(5) Customs Act (Chapter 70, 2004 Ed.)</p> <p>Section 90</p>	<p>Delete subsection (2) and substitute the following subsection:</p> <p style="padding-left: 40px;">“(2) The documents and records referred to in subsection (1) shall be retained —</p>

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- (a) in relation to goods in a Government warehouse, licensed factory warehouse or licensed warehouse, for a period of not less than 5 years from the date those goods are removed from the Government warehouse, licensed factory warehouse or licensed warehouse, as the case may be; or
- (b) in any other case, for a period of not less than 5 years from the date on which the goods are released by the proper officer of customs.”.
- (6) Financial Advisers Act
(Chapter 110, 2002 Ed.)
- (a) Section 36(5) Delete the words “6 years” and substitute the words “5 years”.
- (b) Section 38 Delete the words “6 years” in subsections (1)(c) and (2)(b) and substitute in each case the words “5 years”.
- (7) Limited Liability Partnerships
Act 2005
(Act 5 of 2005)
- (a) Section 2(1) Insert, immediately after the definition of “corporation”, the following definition:
““financial year”, in relation to a limited liability partnership, means the period in respect of which any profit and loss account of the limited liability partnership is made up, whether that period is a year or not;”.
- (b) Section 25 Delete subsection (2) and substitute the following subsection:
“(2) The limited liability partnership shall retain the records referred to in subsection (1) for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those records relate are completed.”.

<i>First column</i>	<i>Second column</i>
<p>(8) Money-changing and Remittance Businesses Act (Chapter 187, 1996 Ed.)</p> <p>Section 16(2)</p>	<p>Delete the words “6 years” and substitute the words “5 years”.</p>
<p>(9) Moneylenders Act (Chapter 188, 1985 Ed.)</p> <p>Section 19</p>	<p>(i) Delete subsection (2) and substitute the following subsection:</p> <p style="padding-left: 40px;">“(2) Every moneylender shall keep or cause to be kept, for a period of not less than 5 years from the prescribed time (whether before, on or after the commencement of this subsection) —</p> <p style="padding-left: 80px;">(a) such books of accounts relating to his business as are prescribed so as to exhibit and explain the financial position in his business, including a book or books containing entries from day to day in sufficient detail of all cash received and paid;</p> <p style="padding-left: 80px;">(b) such notes or memoranda setting out the contracts for the repayment of money lent in which he is or has been concerned; and</p> <p style="padding-left: 80px;">(c) such other documents as may be prescribed.”.</p> <p>(ii) Insert, immediately after subsection (6), the following subsection:</p> <p style="padding-left: 40px;">“(6A) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.”.</p>

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- (iii) Insert, immediately after the words “this section” in subsection (7), the words “(except subsection (2))”.
- (iv) Insert, immediately after the words “permanent books” in the marginal note, the word “, etc”.
- (10) Pawnbrokers Act
(Chapter 222, 1994 Ed.)
Section 14
- Insert, immediately after subsection (1), the following subsection:
- “(1A) Every pawnbroker shall retain the books and documents referred to in subsection (1)(a) for a period of not less than 5 years from the prescribed time (whether before, on or after the commencement of this subsection).”.
- (11) Securities and Futures Act
(Chapter 289, 2006 Ed.)
- (a) Section 102(3) Delete the words “6 years” and substitute the words “5 years”.
- (b) Section 120(3) Delete the words “6 years” and substitute the words “5 years”.
- (c) Section 131 Delete the words “6 years” in subsections (1)(c) and (2)(b) and substitute in each case the words “5 years”.
- (12) Trust Companies Act
(Chapter 336, 2006 Ed.)
- (a) Section 2 Insert, immediately after the definition of “exempt person”, the following definition:
- “ “financial year” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);”.
- (b) Section 28(4) Delete the words “6 years” and substitute the words “5 years”.

EXPLANATORY STATEMENT

This Bill seeks to amend certain statutes of the Republic of Singapore.

Clause 1 relates to the short title and commencement.

PART I

AMENDMENTS TO WRITTEN LAWS RELATING TO RECORD-KEEPING

Clauses 2 and 3 amend the Charities Act (Cap. 37) and the Income Tax Act (Cap. 134), respectively, to reduce the record-keeping periods prescribed in those Acts to 5 years generally.

Clause 4 (read with the Schedule) —

- (a) amends certain written laws to reduce the record-keeping periods prescribed in those laws to 5 years generally; and
- (b) inserts, in relation to the record-keeping requirement in the Moneylenders Act (Cap. 188) and the Pawnbrokers Act (Cap. 222), a record-keeping period of 5 years.

Clause 5 is a transitional provision for clause 4, and provides for the new record-keeping periods by virtue of clause 4 to apply in relation to existing as well as new records.

PART II

AMENDMENTS TO WRITTEN LAWS RELATING TO INTELLECTUAL PROPERTY

Clause 6 makes the following amendments to the Patents Act (Cap. 221):

- (a) section 17(2) is amended to enable —
 - (i) a declaration to be made in or in connection with an application for a patent (the application in suit), such declaration specifying any earlier relevant application; and
 - (ii) the application in suit to be filed,
notwithstanding the expiry of the period of 12 months immediately following the date of filing of the specified earlier relevant application, if certain requirements are satisfied;
- (b) section 26 is repealed and re-enacted —
 - (i) to modify the requirements which must be satisfied before a date of filing can be accorded to an application for a patent;
 - (ii) to modify the procedure for responding to a determination by the Registrar of Patents (the Registrar) that the documents filed to initiate

an application for a patent do not satisfy all the requirements which must be satisfied before a date of filing can be accorded to the application; and

- (iii) to enable an applicant to file a missing part of his application;
- (c) section 28 is repealed and re-enacted to introduce a new procedure for the preliminary examination by the Registrar of applications for patents;
- (d) section 86(3) is amended to modify the requirements which must be satisfied before an international application for a patent (Singapore) can enter the national phase in Singapore;
- (e) section 86(6) is amended to modify the requirements which must be satisfied before an amendment to an international application for a patent (Singapore) during the international phase will be treated as made under the Patents Act; and
- (f) section 105(10) is deleted and substituted with a new section 105(10) and (10A) to clarify the circumstances in which an employee acting in his capacity as such does not contravene section 105(1).

The clause also makes certain consequential amendments to the Patents Act.

Clause 7 amends section 52 of the Plant Varieties Protection Act (Cap. 232A) —

- (a) to empower the Intellectual Property Office of Singapore (the Office) to make regulations, with the approval of the Minister, to prescribe the offences under the Act which may be compounded;
- (b) to expressly provide that on the payment of a composition sum, no further proceedings will be taken in respect of the offence for which that sum was paid against the person reasonably suspected of committing the offence; and
- (c) to provide that all composition sums collected will be paid into the funds of the Office.

The clause also makes a consequential amendment to section 2 of the Plant Varieties Protection Act to insert a definition for “Office”.

PART III

AMENDMENTS TO OTHER WRITTEN LAWS

Clause 8 amends the Boundaries and Survey Maps Act (Cap. 25) to provide for the application of the Act to limited liability partnerships licensed to supply survey services in Singapore under the Land Surveyors Act (Cap. 156).

Clause 9 amends Schedule A to the Criminal Procedure Code (Cap. 68) to make provision for —

- (a) certain offences under the Penal Code (Cap. 224) to be seizable (so that police may arrest a person without a warrant), non-bailable and non-compoundable; and

(b) the Court by which such offences are triable.

Clause 10 amends section 43(4) of the Immigration Act (Cap. 133) to provide that the Controller of Immigration may determine the manner and form of security required, so as to allow flexibility in relation to the type or types of security which may be accepted.

Clause 11 amends the Land Surveyors Act (Cap. 156) —

- (a) to introduce a new definition of “limited liability partnership” and to make related amendments to provide for the licensing of limited liability partnerships and for the application of the Act to limited liability partnerships;
- (b) to remove the requirement for authorised surveyors engaging in survey work to have in force a practising certificate;
- (c) to require applicants for registration under the Act to pass a professional interview conducted by the Land Surveyors Board (the Board);
- (d) to provide for the removal of the name and particulars of a registered surveyor from the register if he has no address in the register at which he can be contacted;
- (e) to change certain requirements for obtaining a licence for a multi-discipline and corporate practice; and
- (f) to allow the Board to invest its funds in accordance with the standard investment power of statutory bodies.

Clause 12 makes a technical amendment to section 2 of the Parliamentary Elections Act (Cap. 218) to clarify the reference in subsection (2)(b).

Clause 13 makes a technical amendment to section 2 of the Public Transport Council Act (Cap. 259B) to clarify the definition of “ticket payment service”.

Clause 14 amends paragraph 1 of the Third Schedule to the Public Utilities Act (Cap. 261) to change the financial year of the Public Utilities Board.

Clause 15 amends section 44(1) of the Road Traffic Act (Cap. 276) to remove the restriction that particulars of convictions or disqualifications under that Act may be maintained only for a period not exceeding 3 years from the date of the conviction or expiry of disqualification, as the case may be. This would allow a court to have access to all relevant records when sentencing a repeat offender.

Clause 16 amends sections 6A and 57 of the Subordinate Courts Act (Cap. 321) to reflect the days on which the subordinate courts and the Registry of the subordinate courts are open following the introduction of the 5-day workweek in the Civil Service.

Clause 17 amends sections 10B, 32 and 72 of the Supreme Court of Judicature Act (Cap. 322) to reflect the days on which the High Court, the Court of Appeal and the Registry of the Supreme Court are open following the introduction of the 5-day workweek in the Civil Service.

Clause 18 amends section 139(1) of the Women's Charter (Cap. 353) to change the composition of the committee that is empowered under that section to make rules in relation to the practice and procedure (including fees and costs) applicable to proceedings under Part X of that Act. The committee will now include a District Judge and 2 practising advocates and solicitors, all of whom are to be appointed by the Chief Justice.

The Schedule specifies the amendments to be made to certain other written laws in relation to record-keeping periods.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
