

Agency for Science, Technology and Research (Amendment) Bill

Bill No. 45/2007.

Read the first time on 22nd October 2007.

A BILL

intituled

An Act to amend the Agency for Science, Technology and Research Act (Chapter 5A of the 2002 Revised Edition) and to make consequential amendments to the Health Sciences Authority Act (Chapter 122C of the 2002 Revised Edition), the Standards, Productivity and Innovation Board Act (Chapter 303A of the 2002 Revised Edition) and the Weights and Measures Act (Chapter 349 of the 1985 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Agency for Science, Technology and Research (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 6

2. Section 6(1) of the Agency for Science, Technology and Research Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the word “and” at the end of paragraph (i); and

10 (b) by deleting the full-stop at the end of paragraph (j) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

15 “(k) to serve as the national body in the area of metrology, and to advise the Government and industrial, commercial and other organisations in respect of matters relating to metrology; and

(l) to promote and facilitate the national metrology programme and the participation of Singapore in international metrology activities.”.

Amendment of section 7

20 3. Section 7(1) of the principal Act is amended by inserting, immediately after paragraph (e), the following paragraphs:

25 “(ea) establish a national standard of weights, measures and other quantities, hold custody and disseminate the measurement parameters of standards of such weights, measures and other quantities, and verify and develop methods for the measurement of such weights, measures and other quantities;

30 (eb) develop, verify and calibrate instruments and equipment and issue certificates to the effect that an instrument or equipment complies with the specifications applicable to it and control the use of such certificates;

(ec) undertake such measurement activities as the Agency considers necessary for the upgrading of quality standards in industry or for gaining international recognition;

- (ed) establish, administer and operate any scheme considered by the Agency to be necessary or desirable to the development of the metrology infrastructure;
- 5 (ee) provide information resources on matters relating to metrology;
- (ef) conduct tests of proficiency on matters relating to metrology;
- 10 (eg) initiate and undertake or enter into contractual testing, consultancy, research or development projects for the purposes of its functions;
- (eh) collect, compile, analyse and disseminate by any convenient means information of a statistical nature or otherwise concerning matters relating to its functions;”.

New sections 22 to 27

- 15 **4.** The principal Act is amended by inserting, immediately after section 21, the following sections:

“Transfer to Agency of property, assets, liabilities, etc., relating to metrology

20 **22.—**(1) As from the appointed day, all movable and immovable property vested in the Board and used or managed by the national metrology centre of the Board, and all assets, interests, rights, privileges, liabilities and obligations of the Board relating to the national metrology centre, shall be transferred to and shall vest in the Agency without further assurance, act or deed.

25 (2) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Agency under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation
30 was or was not so transferred or vested.

(3) In this section and sections 23 to 27 —

“appointed day” means the date of commencement of the Agency for Science, Technology and Research (Amendment) Act 2007;

5 “Board” means the Standards, Productivity and Innovation Board established under section 3 of the Standards, Productivity and Innovation Board Act (Cap. 303A).

Transfer of employees

10 **23.**—(1) As from the appointed day, every person employed immediately before that day by the Board in its national metrology centre shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by him immediately prior to his transfer.

15 (2) If any question arises as to whether any person has been transferred to the service of the Agency under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person was or was not so transferred.

20 (3) Until such time as terms and conditions of service are drawn up by the Agency, the scheme and terms and conditions of service in the Board shall continue to apply to every person transferred to the service of the Agency under subsection (1) as if he were still in the service of the Board.

25 (4) The terms and conditions to be drawn up by the Agency shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Agency under subsection (1) while in the employment of the Board.

30 (5) Any term or condition relating to the length of service with the Agency shall recognise the length of service of the persons so transferred while in the employment of the Board to be service with the Agency.

Existing contracts

35 **24.** All deeds, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the Board, or any person acting on its behalf, is a party and relating to —

- (a) the national metrology centre of the Board;
- (b) any property, asset, interest, right, privilege, liability or obligation transferred to and vested in the Agency under section 22; or
- 5 (c) any employee of the Board transferred to the service of the Agency under section 23,

shall continue in force on and after that day and shall be enforceable by or against the Agency as if, instead of the Board or the person acting on its behalf, the Agency had been named therein or had been
10 a party thereto.

Pending proceedings

25. Any proceedings or cause of action relating to —

- (a) the national metrology centre of the Board;
- 15 (b) any property, asset, interest, right, privilege, liability or obligation transferred to and vested in the Agency under section 22; or
- (c) any employee of the Board transferred to the service of the Agency under section 23,

pending or existing immediately before the appointed day by or
20 against the Board, or any person acting on its behalf, may be continued and shall be enforced by or against the Agency.

Continuation and completion of disciplinary proceedings

26.—(1) Where, on the appointed day —

- 25 (a) any disciplinary proceedings were pending against any employee of the Board transferred to the service of the Agency under section 23, the proceedings shall be carried on and completed by the Agency; and
- 30 (b) any matter against any employee so transferred was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that day.

(2) Any order, ruling or direction made by a committee under this section shall be treated as an order, a ruling or a direction of the Agency and have the same force or effect as if it had been made by the Agency pursuant to the authority vested in the Agency under this Act.

Misconduct or neglect of duty by employee before transfer

27. The Agency may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Agency under section 23 who had, whilst he was in the employment of the Board, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Board, and if section 23 had not been enacted.”.

Miscellaneous amendments

5. The principal Act is amended —

(a) by inserting, immediately after the words “including biomedicine” in the following provisions, the words “and metrology”:

Sections 6(1)(a)(i), (b), (d), (e), (f), (g), (h) and (j) and (2)(b) and 7(1)(c); and

(b) by deleting the words “speciality centre” in section 7(1)(e) and substituting the words “specialty centre”.

Consequential amendments to other written laws

6.—(1) The Health Sciences Authority Act (Cap. 122C) is amended —

(a) by deleting paragraph (d) of section 11(1) and substituting the following paragraph:

“(d) to provide professional, investigative, analytical and other services in health sciences and chemical metrology (relating to human health) to the Government and to any other person or body (whether in Singapore or elsewhere);”;

(b) by inserting, immediately before the definition of “cosmetic” in section 11(5), the following definition:

““chemical metrology” means the science of achieving traceable analytical data in chemistry;”; and

(c) by deleting the words “or advisory services” in section 12(d) and substituting the words “, advisory or other services”.

5 (2) The Standards, Productivity and Innovation Board Act (Cap. 303A) is amended —

(a) by deleting the word “, metrology” in section 6(1)(a);

(b) by deleting the words “, and the development of the measurement infrastructure” in section 7(2)(a);

10 (c) by deleting paragraphs (k) and (l) of section 7(2); and

(d) by deleting the word “measurement” in section 7(2)(m) and substituting the word “accreditation”.

(3) Section 4 of the Weights and Measures Act (Cap. 349) is amended —

15 (a) by deleting the word “Board” in subsection (1) and substituting the words “Agency for Science, Technology and Research established under section 3 of the Agency for Science, Technology and Research Act (Cap. 5A) or such other person as the Minister may, by notification in the *Gazette*, specify”; and

20 (b) by deleting the words “by the Board” in subsection (3) and substituting the words “under subsection (1)”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Agency for Science, Technology and Research Act (Cap. 5A) to transfer the functions, powers, property, rights, liabilities and employees of the Standards, Productivity and Innovation Board (SPRING) relating to its national metrology centre to the Agency for Science, Technology and Research (A*STAR).

The Bill also makes consequential amendments to the Health Sciences Authority Act (Cap. 122C), the Standards, Productivity and Innovation Board Act (Cap. 303A) and the Weights and Measures Act (Cap. 349).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 6(1) to transfer the functions of SPRING relating to its national metrology centre to A*STAR.

Clause 3 amends section 7(1) to transfer the powers of SPRING relating to its national metrology centre to A*STAR.

Clause 4 introduces new sections 22 to 27.

The new section 22 provides for the transfer of property vested in SPRING and the assets, interests, rights, privileges, liabilities and obligations of SPRING relating to its national metrology centre to A*STAR.

The new section 23 deals with the transfer of SPRING's employees, employed in its national metrology centre, to A*STAR, the protection of certain terms and conditions of their service upon their transfer to A*STAR and transitional matters relating to their transfer.

The new sections 24 and 25 explain the status of contracts and proceedings relating to the national metrology centre and the property, assets, interests, rights, privileges, liabilities, obligations and employees transferred to A*STAR under the new sections 22 and 23.

The new section 26 provides for the continuation and completion of pending disciplinary proceedings, hearings and investigations in respect of employees who are transferred to A*STAR under the new section 23.

The new section 27 empowers A*STAR to take disciplinary action against any employee transferred to it under the new section 23 for any misconduct or neglect of duty during his employment with SPRING.

Clause 5 makes miscellaneous amendments to sections 6 and 7 to transfer the functions and powers of SPRING relating to its national metrology centre to A*STAR.

Clause 6 makes consequential amendments to —

- (a) the Health Sciences Authority Act (Cap. 122C) to enable the Health Sciences Authority to provide to A*STAR professional, investigative, analytical and other services in chemical metrology relating to human health; and
- (b) the Standards, Productivity and Innovation Board Act (Cap. 303A) and the Weights and Measures Act (Cap. 349) arising from the transfer of SPRING's functions and powers relating to its national metrology centre to A*STAR.

EXPENDITURE OF PUBLIC MONEY

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