

Statutes (Miscellaneous Amendments) (No. 2) Bill

Bill No. 49/2007.

Read the first time on 12th November 2007.

A BILL

intituled

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. This Act may be cited as the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of Interpretation Act

2. The Interpretation Act (Cap. 1, 2002 Ed.) is amended —

(a) by deleting paragraph (b) of section 20 and substituting the following paragraph:

“(b) authority to provide for fees and charges shall include
10 authority to provide for —

(i) the determination of the manner and method of payment and the reduction, waiver or refund thereof, either generally or in any particular event or case or class of cases or in the discretion of any person; and
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(ii) the imposition of —

(A) charges and penalties for the late payment thereof; and

(B) interest on any outstanding amount of any fee, charge or penalty referred to in this paragraph or for any payment thereof by instalment; and”;
20 and

(b) by repealing section 46 and substituting the following section:

25 **“Fees or charges may be prescribed and may be reduced, varied, remitted or refunded**

30 **46.—**(1) Where any act is required to be done or a service performed by a public body, statutory authority or public officer under or in connection with any written law, and no special provision is made thereby or thereunder for making a charge in respect of the act or service, the Minister may, by order published in the *Gazette*, provide for the imposition of —

(a) such fees or charges as he may consider proper;

(b) the charges and penalties for the late payment of any fee or charge referred to in paragraph (a); and

(c) the interest payable on any outstanding amount of any fee, charge or penalty referred to in paragraph (a) or (b) or for any payment thereof by instalment.

(2) Any fee or charge, any charge or penalty for the late payment of any fee or charge, and any interest payable on any outstanding amount of any fee, charge or penalty or for any payment thereof by instalment, under any written law made payable to the Government or to any public body, statutory authority or public officer (not being any fee, charge, penalty or interest which is regulated by Rules of Court) may by order of the Minister be reduced, remitted or refunded, in whole or in part in the circumstances of any particular case.”.

Amendment of Broadcasting Act

3. Section 8 of the Broadcasting Act (Cap. 28, 2003 Ed.) is amended by inserting, immediately after subsection (4), the following subsections:

“(5) The Authority may require any licensee to pay a charge of such amount as the Authority may determine for the late payment of any royalty, fee or charge payable by that licensee to the Authority.

(6) Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any royalty, fee or charge shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Environmental Public Health Act

4. The Environmental Public Health Act (Cap. 95, 2002 Ed.) is amended —

(a) by inserting, immediately after section 111, the following section:

“Validation of collection of fee or charge for late payment of fee or charge

5 **111A.** Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a fee or charge for the late payment of any fee or charge under this Act shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”; and

10 (b) by deleting paragraph 14 of the Third Schedule and substituting the following paragraph:

“14. The prescribing of —

- 15 (a) fees for licences;
- (b) fees and charges for any of the purposes of this Act;
- (c) fees and charges for the late payment of any fee or charge referred to in sub-paragraph (a) or (b); and
- (d) any other matter which by this Act is required to be or may be prescribed.”.

20 **Amendment of Fees Act**

5. The Fees Act (Cap. 106, 1985 Ed.) is amended —

(a) by repealing sections 2 and 3 and substituting the following sections:

“Minister for Finance may prescribe fees, etc.

25 **2.** The Minister for Finance may by order prescribe —

- (a) the fees and payments for licences, permits and otherwise;
- (b) the charges and penalties for the late payment of any fee or payment referred to in paragraph (a); and
- 30 (c) the interest payable on any outstanding amount of any fee, payment, charge or penalty referred to in paragraph (a) or (b) or for any payment thereof by instalment,

that are leviable or to be leviable, in the subordinate courts of civil and criminal jurisdiction, and in all public offices and departments.

Publication

- 5 **3.** Every order under section 2 shall —
- (a) be published in the *Gazette*;
 - (b) have effect from the date of the publication; and
 - (c) be presented to Parliament as soon as possible after publication.”;

- 10 (b) by repealing section 5 and substituting the following section:

“Fees, etc., recoverable as fines before Magistrate’s Court

15 **5.—**(1) All fees, payments, charges, penalties and interest prescribed in any order under section 2 shall be recoverable when not otherwise provided for by summary procedure before a Magistrate’s Court in the manner provided for the recovery of fines and penalties before a Magistrate’s Court, on complaint by or on behalf of the officer to whom the fees, charges, penalties and interest ought to have been paid or the payments ought to have been made.

20 (2) A certificate by such officer that the fee, charge, penalty or interest has not been paid, or that the payment has not been made, shall be held to be prima facie proof of non-payment.”;

- (c) by deleting the words “fees or payments” wherever they appear in section 8 and substituting in each case the words “fee, payment, charge, penalty or interest”; and
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- (d) by repealing section 9 and substituting the following sections:

“Remission of fees, etc.

30 **9.—**(1) Notwithstanding section 8, it shall be lawful for the Minister for Finance to remit wholly or in part, and either generally or in any particular case or class of cases, any fee, payment, charge, penalty or interest prescribed under this Act or under any other written law.

(2) The Minister for Finance may, in making any order under section 2 prescribing fees, payments, charges, penalties or interest, provide for the remission of any such fees, payments, charges, penalties or interest and may specify in the order the person by whom remissions shall be granted.

Validation of collection of charge or penalty for late payment of fee or payment, etc.

10. Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as —

(a) a charge or penalty for the late payment of any fee or payment under this Act; or

(b) interest on any outstanding amount of any such fee or payment or for any payment thereof by instalment,

shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Institute of Technical Education Act

6. The Institute of Technical Education Act (Cap. 141A, 1993 Ed.) is amended —

(a) by deleting paragraph (i) of section 6 and substituting the following paragraph:

“(i) levy and collect —

(i) such fees, rates or charges for training and other services, use of facilities and conduct of activities; and

(ii) such charges for the late payment thereof, as the Institute may consider expedient;”;

(b) by inserting, immediately after section 6, the following section:

“Validation of collection of charge for late payment of fee, rate or charge

5 **6A.** Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee, rate or charge referred to in section 6(*i*) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of
10 any such collection.”.

Amendment of Nanyang Polytechnic Act

7. The Nanyang Polytechnic Act (Cap. 191A, 1993 Ed.) is amended —

(*a*) by inserting, immediately after the word “charges” in section 5(2)(*c*), the words “, including charges for the late payment of
15 any such fee or charge”;

(*b*) by inserting, immediately after section 5, the following section:

“Validation of collection of charge for late payment of fee or charge

20 **5A.** Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or charge referred to in section 5(2)(*c*) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in
25 any court of law on account of or in respect of any such collection.”;

(*c*) by inserting, immediately after the word “fees” in section 6(2)(*k*) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”; and

30 (*d*) by inserting, immediately after the word “fees” in section 6(3)(*f*) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”.

Amendment of Ngee Ann Polytechnic Act

8. The Ngee Ann Polytechnic Act (Cap. 207, 1985 Ed.) is amended —

(a) by deleting the words “fees that may be levied by the Polytechnic” in section 24(2)(e) and substituting the words “fees or charges that may be levied by the Polytechnic, including charges for the late payment of any such fee or charge”; and

(b) by inserting, immediately after section 24, the following section:

“Validation of collection of charge for late payment of fee or charge

24A. Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or charge referred to in section 24(2)(e) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Parking Places Act

9. Section 8 of the Parking Places Act (Cap. 214, 1996 Ed.) is amended —

(a) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

“(b) as to —

(i) the number of parking places and spaces therein for vehicles to park in to be provided on any class of land or buildings;

(ii) the minimum dimensions and area of such parking places and spaces therein and the arrangement of such spaces; and

(iii) the conditions under which a waiver of these requirements relating to parking places may be granted by the Authority, including any condition relating to —

(A) the giving of security to the Authority; or

(B) the payment to the Authority of moneys, whether by instalment or otherwise, or of any interest or charge for the late payment, or the payment by instalment, of such moneys;”; and

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(b) by inserting, immediately after subsection (2), the following subsection:

“(3) Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, interest or a charge for the late payment, or the payment by instalment, of any moneys payable under rules made under subsection (1)(b) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

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Amendment of Republic Polytechnic Act

10. The Republic Polytechnic Act (Cap. 270, 2003 Ed.) is amended —

(a) by inserting, immediately after the word “charges” in section 5(2)(c), the words “, including charges for the late payment of any such fee or charge”;

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(b) by inserting, immediately after section 5, the following section:

“Validation of collection of charge for late payment of fee or charge

5A. Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or charge referred to in section 5(2)(c) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”;

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(c) by inserting, immediately after the word “fees” in section 6(2)(k) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”; and

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- (d) by inserting, immediately after the word “fees” in section 6(3)(f) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”.

Amendment of Road Traffic Act

5 **11.** Section 34 of the Road Traffic Act (Cap. 276, 2004 Ed.) is amended —

- (a) by deleting paragraph (o) of subsection (1) and substituting the following paragraph:

“(o) to prescribe —

10 (i) the fees and costs payable for the recovery of any tax payable under this Act, whether by instalment or otherwise; and

15 (ii) any interest or charge payable for the late payment, or the payment by instalment, of any tax payable under this Act;” and

- (b) by inserting, immediately after subsection (2), the following subsection:

20 “(3) Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, interest or a charge for the late payment, or the payment by instalment, of any tax payable under this Act shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of
25 or in respect of any such collection.”.

Amendment of Sewerage and Drainage Act

12. Section 72 of the Sewerage and Drainage Act (Cap. 294, 2001 Ed.) is amended by inserting, immediately after subsection (4), the following subsection:

30 “(5) Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a fee or charge for the late payment of any fee or charge prescribed under subsection (1) shall be deemed to be and always to have been validly collected, and no legal proceedings shall

lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Singapore Examinations and Assessment Board Act

5 **13.** The Singapore Examinations and Assessment Board Act (Cap. 299A, 2004 Ed.) is amended —

(a) by deleting paragraph (c) of section 12 and substituting the following paragraph:

“(c) impose —

10 (i) fees or commissions for services rendered by the Board, including the conduct of any assessment at the request of the Government or any other person or body in Singapore or elsewhere and for the use of any facilities of the Board; and

15 (ii) charges for the late payment of any such fee or commission;”; and

(b) by inserting, immediately after section 12, the following section:

“Validation of collection of charge for late payment of fee or commission

20 **12A.** Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or commission referred to in section 12(c) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or
25 maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Singapore Polytechnic Act

14. The Singapore Polytechnic Act (Cap. 303, 1985 Ed.) is amended —

30 (a) by deleting sub-paragraph (v) of section 7(2)(e) and substituting the following sub-paragraph:

“(v) the fees or charges to be payable by any person to the Polytechnic, including charges for the late payment of any such fee or charge;”; and

(b) by inserting, immediately after section 7, the following section:

“Validation of collection of charge for late payment of fee or charge

5 **7A.** Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or charge referred to in section 7(2)(e)(v) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or
10 maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Statutory Boards (Taxable Services) Act

15. The Statutory Boards (Taxable Services) Act (Cap. 318, 1985 Ed.) is amended —

15 (a) by inserting, immediately after subsection (2) of section 3, the following subsection:

 “(2A) Any order under subsection (1) may prescribe —

 (a) the fees and costs payable for the recovery of any tax or additional tax, whether by instalment or otherwise;
20 and

 (b) the charges payable for the late payment of any tax or additional tax.”; and

(b) by inserting, immediately after section 4, the following section:

25 **“Validation of collection of charge for late payment of tax or additional tax**

4A. Every amount collected, on behalf of the Government, before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any tax or
30 additional tax shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”.

Amendment of Temasek Polytechnic Act

16. The Temasek Polytechnic Act (Cap. 323A, 1991 Ed.) is amended —

(a) by inserting, immediately after the word “charges” in section 4(2)(c), the words “, including charges for the late payment of any such fee or charge”;

(b) by inserting, immediately after section 4, the following section:

“Validation of collection of charge for late payment of fee or charge

4A. Every amount collected before the date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2007 as, or purportedly as, a charge for the late payment of any fee or charge referred to in section 4(2)(c) shall be deemed to be and always to have been validly collected, and no legal proceedings shall lie or be instituted or maintained in any court of law on account of or in respect of any such collection.”;

(c) by inserting, immediately after the word “fees” in section 6(2)(k) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”; and

(d) by inserting, immediately after the word “fees” in section 6(3)(f) of the Schedule, the words “and other charges, including charges for the late payment of any such fee or charge”.

EXPLANATORY STATEMENT

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

Clause 1 relates to the short title and commencement.

Clause 2 amends the Interpretation Act (Cap. 1) —

(a) to provide, under section 20(b) of that Act, that the authority to provide for fees and charges in subsidiary legislation will include authority to impose charges and penalties for the late payment of those fees or charges, and interest on any outstanding amount of any such fee, charge or penalty or for the payment thereof by instalment; and

(b) to expressly empower the Minister, under section 46 of that Act —

- (i) to, by order published in the *Gazette*, provide for the imposition of charges and penalties for the late payment of fees or charges, and interest on any outstanding amount of any such fee, charge or penalty or for the payment thereof by instalment; and
- (ii) to, by order, reduce, remit or refund, in whole or in part, any charge or penalty for the late payment of any fee or charge, and any interest on any outstanding amount of any such fee, charge or penalty or for the payment thereof by instalment, under any written law.

Clause 3 amends section 8 of the Broadcasting Act (Cap. 28) to expressly empower the Media Development Authority of Singapore to require any licensee under a broadcasting licence to pay a late payment charge for the late payment of any royalty, fee or charge payable by that licensee to the Authority, and inserts a new subsection (6) to validate every past collection of the late payment charge.

Clause 4 amends paragraph 14 of the Third Schedule to the Environmental Public Health Act (Cap. 95) to expressly empower the National Environment Agency to prescribe fees and charges for the late payment of any fee or charge under the Act. The clause also inserts a new section 111A to that Act to validate every past collection of the late payment fee or charge.

Clause 5 amends section 2 of the Fees Act (Cap. 106) to expressly empower the Minister for Finance to prescribe charges and penalties for the late payment of any fee or payment under the Act, and the interest payable on any outstanding amount of any such fee, payment, charge or penalty or for any payment thereof by instalment, and inserts a new section 10 to that Act to validate every past collection of the late payment charge or penalty or the interest. The clause also makes consequential technical amendments to sections 3, 5, 8 and 9 of that Act.

Clause 6 amends section 6 of the Institute of Technical Education Act (Cap. 141A) to expressly empower the Institute of Technical Education, Singapore to levy and collect charges for the late payment of fees, rates and charges, and inserts a new section 6A to that Act to validate every past collection of the late payment charge.

Clause 7 amends section 5 of, and section 6 of the Schedule to, the Nanyang Polytechnic Act (Cap. 191A) to expressly empower the Nanyang Polytechnic and its Board of Governors, respectively, to impose charges for the late payment of fees and other charges, and inserts a new section 5A to that Act to validate every past collection of the late payment charge.

Clause 8 amends section 24 of the Ngee Ann Polytechnic Act (Cap. 207) to expressly empower the Council of the Ngee Ann Polytechnic to make rules with respect to charges for the late payment of fees and other charges, and inserts a new section 24A to that Act to validate every past collection of the late payment charge.

Clause 9 amends section 8 of the Parking Places Act (Cap. 214) to expressly empower the Land Transport Authority of Singapore, with the approval of the Minister for Transport, to make rules as to the payment to the Land Transport Authority of Singapore of moneys, whether by instalment or otherwise, or of any interest or charge for the late payment, or the payment by instalment, of such moneys, as a condition for a

waiver of any requirement relating to parking places in any class of land or buildings, and inserts a new subsection (3) to validate every past collection of the interest or charge.

Clause 10 amends section 5 of, and section 6 of the Schedule to, the Republic Polytechnic Act (Cap. 270) to expressly empower the Republic Polytechnic and its Board of Governors, respectively, to impose charges for the late payment of fees and other charges, and inserts a new section 5A to that Act to validate every past collection of the late payment charge.

Clause 11 amends section 34 of the Road Traffic Act (Cap. 276) to expressly empower the Minister for Transport to make rules to prescribe any interest or charge payable for the late payment, or the payment by instalment, of any tax payable under that Act, and inserts a new subsection (3) to validate every past collection of the interest or charge.

Clause 12 amends section 72 of the Sewerage and Drainage Act (Cap. 294) by inserting a new subsection (5) to validate every past collection of fees or charges for the late payment of any fee or charge prescribed under subsection (1).

Clause 13 amends section 12 of the Singapore Examinations and Assessment Board Act (Cap. 299A) to expressly empower the Singapore Examinations and Assessment Board to impose charges for the late payment of fees or commissions, and inserts a new section 12A to that Act to validate every past collection of the late payment charge.

Clause 14 amends section 7 of the Singapore Polytechnic Act (Cap. 303) to expressly empower the Board of Governors of the Singapore Polytechnic to make by-laws relating to the charges to be payable by any person to the Singapore Polytechnic, including charges for the late payment of fees and other charges, and inserts a new section 7A to that Act to validate every past collection of the late payment charge.

Clause 15 amends section 3 of the Statutory Boards (Taxable Services) Act (Cap. 318) to expressly empower the Minister to, by order published in the *Gazette*, prescribe the charges payable for the late payment of any tax or additional tax payable under that Act, and inserts a new section 4A to that Act to validate every past collection of the late payment charge.

Clause 16 amends section 4 of, and section 6 of the Schedule to, the Temasek Polytechnic Act (Cap. 323A) to expressly empower the Temasek Polytechnic and its Board of Governors, respectively, to impose charges for the late payment of fees and other charges, and inserts a new section 4A to that Act to validate every past collection of the late payment charge.

EXPENDITURE OF PUBLIC MONEY

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