

Statutes (Miscellaneous Amendments) (No. 2) Bill

Bill No. 27/2008.

Read the first time on 15th September 2008.

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 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of Agency for Science, Technology and Research (Amendment) Act 2007

2. Section 6(1) of the Agency for Science, Technology and Research (Amendment) Act 2007 (Act 54 of 2007) is amended by deleting paragraph (b).

10 Amendment of Boundaries and Survey Maps Act

3. Section 2(1) of the Boundaries and Survey Maps Act (Cap. 25, 2006 Ed.) is amended by inserting, immediately after the words “subterranean space” in paragraph (d) of the definition of “land”, the words “whether or not”.

15 Amendment of Building Control Act

4. The Building Control Act (Cap. 29, 1999 Ed.) is amended —

- (a) by deleting the comma at the end of paragraph (d) of the definition of “minor specialist building works” in section 29A(1) and substituting a semi-colon;
- 20 (b) by deleting the words “but does not include any specialist building works associated with major building works;” in the penultimate and last lines of the definition of “minor specialist building works” in section 29A(1);
- (c) by inserting, immediately after the words “\$3 million,” in section 25 29C(1)(b), the words “or such other amount as the Minister may by order in the *Gazette* specify in lieu thereof;”;
- (d) by deleting the words “meets the requirements of paragraph (c)(i)” in section 29F(1)(d)(ii) and substituting the words “has the prescribed qualifications and prescribed practical experience”;
- 30 (e) by deleting the words “meets the requirements of subsection (1)(c)(i)” in the penultimate and last lines of sections 29F(2)(c) and (3)(f) and 29G(2)(c) and (3)(f) and substituting in each case

the words “has the prescribed qualifications and prescribed practical experience”;

- 5 (f) by deleting the words “meets the requirements of paragraph (c)(i)” in section 29G(1)(d)(ii) and substituting the words “has the prescribed qualifications and prescribed practical experience”; and
- 10 (g) by inserting, immediately after the words “\$10 million” in the definition of “significant general building work project” in section 29H(5), the words “or such other amount as the Minister may, by order in the *Gazette*, specify in lieu thereof.”.

Amendment of Casino Control Act

5. The Casino Control Act (Cap. 33A, 2007 Ed.) is amended —

- (a) by inserting, immediately after subsection (8) of section 63, the following subsection:
- 15 “(8A) The Commissioner of Police or any police officer authorised by the Commissioner shall inquire into and report to the Authority on such matters concerning the associate or person likely to become an associate as the Authority requests.”;
- 20 (b) by inserting, immediately after subsection (2) of section 81, the following subsection:
- 25 “(2A) The Commissioner of Police or any police officer authorised by the Commissioner shall inquire into and report to the Authority on such matters concerning the application for a special employee licence as the Authority requests.”;
- (c) by deleting the words “any of the following” in the definition of “disciplinary action” in section 93(1) and substituting the words “one or more of the following”;
- (d) by deleting the words “requesting a hearing” in section 112(1);
- 30 (e) by deleting the words “convene a committee comprising such persons as the Authority may appoint” in section 112(4) and substituting the words “appoint a committee”;
- (f) by deleting the words “the hearing” in section 112(7) and substituting the words “considering the matter before it”; and

- (g) by deleting the words “7 years” in section 143(1)(b) and substituting the words “5 years”.

Amendment of Copyright Act

6. The Copyright Act (Cap. 63, 2006 Ed.) is amended —

- 5 (a) by repealing section 107B and substituting the following section:

“Non-subscription digital audio transmissions

10 **107B.** Without prejudice to the generality of section 82(3), it is not an infringement of a copyright in a sound recording to make available to the public the sound recording by means of or as part of a digital audio transmission where the transmission —

- (a) is a sound broadcast;
- (b) is not part of an interactive service; and
- (c) is not a subscription transmission.”;

- 15 (b) by deleting paragraph (c) of section 261D(1) and substituting the following paragraph:

“(c) the act is done in relation to a work or other subject-matter or performance that is prescribed by the Minister under subsection (2) —

- 20 (i) by a person prescribed under subsection (2A) or (if none is prescribed) by any person; and
- (ii) for a purpose prescribed under subsection (2A) or (if none is prescribed) for any purpose;”;

- 25 (c) by inserting, immediately before the words “adversely impaired” in section 261D(2), the words “or is likely to be”; and

- (d) by inserting, immediately after subsection (2) of section 261D, the following subsection:

“(2A) The order referred to in subsection (2) may specify —

- 30 (a) the person or class of persons who may carry out the act of circumvention of a technological measure in relation to the work, subject-matter or performance or

the class of works, subject-matters or performances;
and

(b) the purpose of carrying out the act.”.

Amendment of Health Sciences Authority Act

5 **7.** Section 11(5) of the Health Sciences Authority Act (Cap. 122C, 2002 Ed.) is amended by inserting, immediately before the definition of “health product”, the following definition:

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

10 **Amendment of Land Surveyors Act**

8. Section 25(2) of the Land Surveyors Act (Cap. 156, 2006 Ed.) is amended —

 (a) by deleting the word “exists —” and substituting the words “exists, exercise one or more of the following powers:”; and

15 (b) by deleting the word “or” at the end of paragraph (b).

Amendment of Land Titles (Strata) Act

9. The Land Titles (Strata) Act (Cap. 158, 1999 Ed.) is amended —

 (a) by deleting the words “approved company auditor” in section 83 and substituting the words “approved liquidator”;

20 (b) by deleting “84FA(1)” in section 84A(7C) and substituting “84FA(2)”;

 (c) by deleting “(14),” in section 84F(7);

 (d) by deleting the words “84FA(12) to” in section 84FB(7) and substituting “84FA(12), (13),”;

25 (e) by deleting the words “this Act” wherever they appear in section 126B(1)(c), (e), (f) and (g) and substituting in each case the words “the Building Maintenance and Strata Management Act (Cap. 30C)”;

30 (f) by deleting the words “this Act, and sections 69 and 70 of the Building Maintenance and Strata Management Act 2004” in section 126B(1)(h) and substituting the words “the Building

Maintenance and Strata Management Act (Cap. 30C), and sections 70 and 71 of that Act”.

Amendment of Prisons Act

10. Section 84(2) of the Prisons Act (Cap. 247, 2000 Ed.) is amended —

5 (a) by inserting, immediately after paragraph (k), the following paragraph:

“(ka) the establishment of advisory committees for the purposes of this Act;” and

10 (b) by inserting, immediately before the words “the establishment” in paragraph (l), the words “without prejudice to the generality of paragraph (ka),”.

Amendment of Terrorism (Suppression of Financing) Act

11. The Terrorism (Suppression of Financing) Act (Cap. 325, 2003 Ed.) is amended by repealing section 33 and substituting the following section:

15 **“Extradition**

33.—(1) There shall be deemed to be included in the list of offences in the First Schedule to the Extradition Act (Cap. 103) all terrorism financing offences.

20 (2) Subject to subsection (3), where no extradition treaty is in force between Singapore and a Convention country, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that country.

25 (3) Where the Extradition Act is applied under subsection (2), that Act shall have effect in relation to that country as if the only extradition crimes under that Act were the relevant offences of that country.

(4) Subsection (3) is without prejudice to any other notification made under section 4 of the Extradition Act.

30 (5) Where —

(a) an extradition treaty is in force between Singapore and a Convention country; and

(b) the treaty does not provide for the extradition of persons accused of or convicted of a relevant offence of that country, a notification in the *Gazette* under section 4 of the Extradition Act (Cap. 103) may be made applying that Act in relation to that country as if the treaty provided for the matter referred to in paragraph (b).

(6) Where a notification referred to in subsection (5) is made, any limitation, condition, exception or qualification specified in any other notification made under section 4 of the Extradition Act, or in any Order in Council referred to in section 3 of that Act, in relation to that country shall, to the extent that it prevents the relevant offence from being considered an extradition crime in relation to that country, be disregarded in the application of that Act in relation to that country.

(7) For the purposes of the Extradition Act —

(a) any act, wherever committed, which is a relevant offence of a Convention country in the case of which that Act has been applied by a notification in the *Gazette* made under section 4 of that Act, shall be deemed to be an offence within the jurisdiction of that country; and

(b) any such offence shall be deemed not to be an offence of a political character.

(8) In this section —

“Convention country” means a country which is a party to the Convention;

“relevant offence”, in relation to a Convention country, means an offence against the law of, or of part of, that country where the act or omission constituting the offence or the equivalent act or omission would, if it took place in or within the jurisdiction of Singapore —

(a) constitute a terrorism financing offence; or

(b) be such an offence if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence.”.

EXPLANATORY STATEMENT

This Bill seeks to make miscellaneous amendments to certain statutes of the Republic of Singapore.

Clause 1 relates to the short title and commencement.

Clause 2 makes an amendment to section 6(1) of the Agency for Science, Technology and Research (Amendment) Act 2007 (Act 54 of 2007) arising from the deletion and substitution of section 11(5) of the Health Sciences Authority Act (Cap. 122C) by the Health Products Act 2007 (Act 15 of 2007).

Clause 3 amends the definition of “land” in section 2(1) of the Boundaries and Survey Maps Act (Cap. 25) to be consistent with the definition of “land” in the Land Titles Act (Cap. 157) which was amended by the Land Titles (Amendment) Act 2001 (Act 25 of 2001) to include any parcel of airspace or any subterranean space whether or not held apart from the surface of the earth.

Clause 4 makes various amendments to the Building Control Act (Cap. 29) —

- (a) to allow the Minister to vary, by subsidiary legislation, the cut-off contract value for Class 2 general builder’s licences and for significant general building work projects, so as to cater to the volatile prices of construction materials;
- (b) to allow different qualifications and practical experience to be prescribed respectively for the management and the technical staff of licensed builders, as different abilities are required for the management of the business and the supervision of building works; and
- (c) to remove certain unnecessary words in the definition of “minor specialist building works” in section 29A(1).

Clause 5 makes various amendments to the Casino Control Act (Cap. 33A) —

- (a) to enable the police to conduct screenings of associates of casino operators and applicants for special employee licences at the request of the Casino Regulatory Authority of Singapore (the Authority), similar to that provided for in section 46(3) of that Act in relation to an applicant for a casino operator licence;
- (b) to enable the Authority to take a combination of the disciplinary actions referred to in section 93 of that Act against a special employee instead of only one of them, similar to that provided for in section 54(1) of that Act in relation to a casino operator;
- (c) to enable an appeal for reconsideration of an inspector’s decision on a dispute between a casino operator and a patron of the casino to be conducted without the need for a physical hearing; and
- (d) to reduce the record keeping period applicable to a casino operator from 7 years to 5 years, to be consistent with that applicable to companies in general under section 199 of the Companies Act (Cap. 50).

Clause 6 repeals and re-enacts section 107B of the Copyright Act (Cap. 63) which sets out certain acts which are not infringement of the copyright in a sound recording —

- (a) to clarify that a non-subscription and non-interactive digital audio transmission must itself be a wireless transmission in order to come within that section; and
- (b) to remove the re-transmission or simultaneous transmission by digital means of a transmission referred to in paragraph (a) from the ambit of that section.

The clause also amends section 261D of the Copyright Act to enable the Minister, when making an order to allow the circumvention of a technological access control measure applied to any specified work or other subject-matter or performance, to also set out the purpose for which the circumvention may be carried out and the person who may carry out the circumvention. Further, the Minister's power to make the order is extended to a case where he is satisfied that a legitimate dealing with the work, subject-matter or performance *is likely to be* adversely impaired or affected by the prohibition on circumvention.

Clause 7 amends section 11(5) of the Health Sciences Authority Act (Cap. 122C) to include a definition of “chemical metrology” which was originally intended to be introduced by the amendment deleted by clause 2.

Clause 8 amends section 25(2) of the Land Surveyors Act (Cap. 156) to enable the Land Surveyors Board to take a combination of the disciplinary actions referred to in section 25(2) of that Act against a registered surveyor instead of only one of them.

Clause 9 makes various amendments to the Land Titles (Strata) Act (Cap. 158) —

- (a) to substitute the term “approved company auditor” in section 83 with “approved liquidator” (within the meaning of the Companies Act (Cap. 50)) as a person who may be appointed as a liquidator of a management corporation;
- (b) to correct a cross reference in section 84A(7C);
- (c) to disapply section 84E(14) to section 84F. Section 84E(14), which deems the landowner to be the proprietor of flats for which no lease has been granted, is inapplicable to section 84F which only applies in a case where all the proprietors of all the flats in the development who do not own the land have consented to the collective sale;
- (d) to disapply section 84FA(14) to section 84FB. Section 84FA(14), which treats the subsidiary proprietor in reversion to have transferred his estate and interests to those lots still owned by him to the purchaser in a collective sale, is inapplicable to section 84FB which only applies in a case where all the subsidiary proprietors of all the lots in the strata title plan have consented to the sale; and
- (e) to correct references to legislation in section 126B(1)(c), (e), (f), (g) and (h).

Clause 10 amends section 84(2) of the Prisons Act (Cap. 247) to enable regulations to be made under that Act for the establishment of advisory committees for the purposes of that Act.

Clause 11 repeals and re-enacts section 33 of the Terrorism (Suppression of Financing) Act (Cap. 325) to clarify that the Extradition Act (Cap. 103) can be extended to all Convention countries (with respect to offences under the International Convention for the Suppression of the Financing of Terrorism) with whom Singapore has in force extradition treaties, irrespective of when they come into force. Similar provisions (inserted for the same purpose) are found in the Terrorism (Suppression of Bombings) Act 2007 (Act 50 of 2007) and the Internationally Protected Persons Act 2008 (Act 8 of 2008).

EXPENDITURE OF PUBLIC MONEY

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