

# **Statutes (Miscellaneous Amendments) Bill**

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**Bill No. 26/2009.**

*Read the first time on 23rd November 2009.*

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) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

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## PART I

### AMENDMENTS TO WRITTEN LAWS RELATING TO NAMES, TITLES AND DESIGNATIONS

#### Amendment of Medical (Therapy, Education and Research) Act

2. The Medical (Therapy, Education and Research) Act (Cap. 175, 1985 Ed.) is amended —

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

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““designated officer”, in relation to an approved hospital for the purposes of this Act, means a person appointed under section 2A to be the designated officer of the approved hospital;”;

(b) by deleting the definition of “Director” in section 2 and substituting the following definition:

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““Director” means the Director of Medical Services, and includes the Deputy Director of Medical Services and such designated officer of an approved hospital or such public officer as is authorised by the Director of Medical Services in writing to act on his behalf;”;

(c) by inserting, immediately after section 2, the following sections:

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#### “Appointment of designated officers

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2A. The Director of Medical Services may appoint, in writing, any senior official of the Ministry of Health or senior executive of an approved hospital for the purposes of this Act, to be the designated officer of any approved hospital for the purposes of this Act.

### **Approved hospitals, etc.**

**2B.** The Minister may, by notification in the *Gazette*, declare a hospital, medical or dental school, college or university to be an approved hospital, medical or dental school, college or university for the purposes of this Act.”;

- (d) by deleting subsection (2) of section 7;
- (e) by deleting the words “Superintendent of the Government hospital” in section 10(2) and substituting the words “designated officer of the approved hospital”;
- (f) by deleting the words “section 7(1)(a) or (b)” in section 10(2) and substituting the words “section 7(a) or (b)”; and
- (g) by deleting the words “a hospital, nursing home or other institution,” wherever they appear in sections 12 and 15 and substituting in each case the words “an approved hospital or from an institution”.

### **Amendment of Pensions Act**

**3.** The Pensions Act (Cap. 225, 2004 Ed.) is amended —

- (a) by deleting the words “below the rank of assistant superintendent, prison officer below the rank of superintendent or a male nurse at a Government mental hospital” in section 11(2)(b) and substituting the words “below the rank of assistant superintendent or a prison officer below the rank of superintendent”; and
- (b) by deleting the words “, prison officer below the rank of superintendent or a male nurse at a Government mental hospital” in section 13(b) and substituting the words “or a prison officer below the rank of superintendent”.

### **Amendment of Subordinate Courts Act**

**4.** The Subordinate Courts Act (Cap. 321, 2007 Ed.) is amended by deleting the words “Senior District Judge” wherever they appear in the following sections and substituting in each case the words “Chief District Judge”:

Sections 6A(2)(a), 9(2), 15A(1), 17(2) and (3), 57(2)(a) and (3), 59, 60(2), 62(1), (2) and (4), 67(1) and 70(2).

### **Amendment of Supreme Court of Judicature Act**

5. Section 80(3) of the Supreme Court of Judicature Act (Cap. 322, 2007 Ed.) is amended by deleting the words “Senior District Judge” in paragraph *(d)* and substituting the words “Chief District Judge”.

### 5 **Amendment of Workplace Safety and Health Act**

6. Section 26(2) of the Workplace Safety and Health Act (Cap. 354A, 2009 Ed.) is amended by deleting the words “Senior District Judge” in paragraph *(a)* and substituting the words “Chief District Judge”.

### **Amendment of references in written law or other documents**

10 7. Any reference to “Senior District Judge” in any other written law or in any other document shall be construed as a reference to “Chief District Judge”.

## PART II

### OTHER AMENDMENTS

### 15 **Amendment of Accounting and Corporate Regulatory Authority Act**

8. The Accounting and Corporate Regulatory Authority Act (Cap. 2A, 2005 Ed.) is amended —

(a) by deleting the word “and” at the end of section 33(3)*(c)*; and

20 (b) by deleting the full-stop at the end of paragraph *(d)* of section 33(3) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

25 “*(e)* the Registrar of Limited Partnerships and any Deputy or Assistant Registrar of Limited Partnerships appointed under the Limited Partnerships Act 2008 (Act 37 of 2008).”.

### **Amendment of Casino Control Act**

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

30 (a) by inserting, immediately after the word “gaming” in the definition of “chips” in section 2(1), the words “and includes any voucher or other instrument that has a fixed dollar wagering value”;

- (b) by deleting the words “(inclusive of goods and services tax)” wherever they appear in section 116(1); and
- (c) by deleting the word “Government” in section 117(3) and substituting the words “Singapore Totalisator Board”.

5 **Amendment of Civil Aviation Authority of Singapore Act 2009**

**10.** The Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009) is amended —

- (a) by inserting, immediately after paragraph (d) of the definition of “air navigation services” in section 2(1), the following paragraph:
 

10 “(da) communications, navigation and surveillance services;”;
- (b) by inserting, immediately after the words “content, form and procedure to be followed” in section 52(2), the words “, and the methodology or other matters to be included”; and
- 15 (c) by deleting the word “not” in section 72(7).

**Amendment of Community Mediation Centres Act**

**11.** Section 14(2) of the Community Mediation Centres Act (Cap. 49A, 1998 Ed.) is amended —

- 20 (a) by deleting the words “section 33” in paragraph (b) and substituting the words “section 10A”; and
- (b) by inserting, immediately after the words “section 4” in paragraph (d), the words “or 4A”.

**Amendment of Competition Act**

25 **12.** The Competition Act (Cap. 50B, 2006 Ed.) is amended —

- (a) by inserting, immediately after subsection (5) of section 69, the following subsection:
 

30 “(6) The Minister may, by order published in the *Gazette*, prescribe the interest payable on the outstanding amount of any financial penalty imposed under subsection (2)(d) and for payment by instalment (as may be directed by the Commission

in its discretion) of any financial penalty imposed under subsection (2)(d).”; and

- (b) by inserting, immediately after paragraph (e) of section 72(15), the following paragraph:

5           “(ea) permitting the Board to order interest to be paid on any financial penalty imposed, confirmed or varied by the Board;”.

### **Amendment of Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act**

10   **13.** The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A, 2000 Ed.) is amended —

- (a) by deleting the words “for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or a foreign drug trafficking offence or the making or enforcement of a confiscation order” in section 46(2);
- 15           (b) by deleting the words “for the purpose of assisting any person to avoid prosecution for a serious offence or a foreign serious offence or the making or enforcement of a confiscation order” in section 47(2);
- 20           (c) by deleting the words “for no or inadequate consideration,” wherever they appear in sections 46(3) and 47(3); and
- (d) by inserting, immediately after the words “has been” in section 48(2)(a), the words “or is being”.

### **Amendment of Employment Act**

25   **14.** The Employment Act (Cap. 91, 2009 Ed.) is amended —

- (a) by deleting the words “sections 43 and 89” wherever they appear in section 53(3) and substituting the words “section 43”; and
- (b) by inserting, immediately after section 89, the following section:

#### **“Offence**

30           **90.**—(1) Any employer who employs any person as an employee contrary to the provisions of this Part or fails to pay any salary in accordance with the provisions of this Part shall be guilty of an offence and shall be liable on conviction to a

fine not exceeding \$5,000, and for a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Notwithstanding subsection (1) —

- 5           (a) an employer and his employees or a trade union representing his employees may negotiate for and agree to terms of service relating to leave more favourable than those contained in section 89; and
- 10           (b) it shall not be an offence for an employer to grant to his employees terms of service relating to leave more favourable than those contained in section 89.”.

### **Amendment of Singapore Academy of Law Act**

**15.** The Singapore Academy of Law Act (Cap. 294A, 1997 Ed.) is amended —

- 15           (a) by deleting the word “and” at the end of paragraph (k) of section 4(1), and by inserting immediately thereafter the following paragraph:
- 20                           “(ka) to hold moneys, whether as stakeholder or in any other capacity, for the purposes or members of the legal profession in Singapore or under any written law; and”;
- (b) by inserting, immediately after paragraph (j) of section 4(2), the following paragraph:
- 25                           “(ja) retain, for the purposes of the Academy, any income derived from the holding of moneys under subsection (1)(ka);” and
- (c) by repealing section 23 and substituting the following section:

#### **“Income of Academy to be exempt from tax, etc.**

- 30           **23.** The Academy shall be deemed to be an institution specified in the First Schedule to, and under section 13(1)(e) of, the Income Tax Act (Cap. 134).”.
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## 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.

### PART I

#### AMENDMENTS TO WRITTEN LAWS RELATING TO NAMES, TITLES AND DESIGNATIONS

Clause 2 amends the Medical (Therapy, Education and Research) Act (Cap. 175) to remove references and designations that are no longer in use as a result of the restructuring of Government hospitals.

Clause 3 amends the Pensions Act (Cap. 225) to remove references to designations that are no longer in use.

Clauses 4 to 7 amend the Subordinate Courts Act (Cap. 321) and various other Acts to change the designation of “Senior District Judge” to “Chief District Judge”, and to effect a similar change in subsidiary legislation and other documents.

### PART II

#### OTHER AMENDMENTS

Clause 8 amends the Accounting and Corporate Regulatory Authority Act (Cap. 2A) to allow qualified legal officers of the Authority to represent the Registrar of Limited Partnerships in civil proceedings and related matters.

Clause 9 amends the Casino Control Act (Cap. 33A) to clarify that the definition of “chips” in section 2(1) of that Act includes wagering vouchers and other instruments with a fixed dollar value, to remove references to goods and services tax in the specification of the entry levy under section 116 of that Act, and to allow the Singapore Totalisator Board to recover the entry levy as a civil debt.

Clause 10 amends the Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009) to add communications, navigation and surveillance services to the definition of “air navigation services” in section 2(1) of that Act, to expand the power of the Minister to make rules prescribing the procedure to be followed in setting maximum prices under section 52(1) of that Act, and to correct a typographical error in section 72(7) of that Act.

Clause 11 amends the Community Mediation Centres Act (Cap. 49A) to update references to statutory provisions in other Acts that have been amended.

Clause 12 amends section 69 of the Competition Act (Cap. 50B) to empower the Minister to prescribe the interest payable on the outstanding amount of any financial penalty imposed under section 69(2)(d) of that Act and for payment by instalment of the same, and to make regulations to allow the Competition Appeal Board to award interest.

Clause 13 makes various amendments to sections 46, 47 and 48 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A) —

- (a) to remove, from the offence of concealing, disguising, converting or transferring the proceeds of crime of another person, the requirement that the act be done for a particular purpose. An offence is committed so long as the accused does the act knowing or having reasonable grounds to believe that the property represents another person's proceeds of crime. The amendments bring the Act into full conformity with Article 6(1)(a)(ii) of the United Nations Convention Against Transnational Organized Crime, and Article 3(1)(b)(i) of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- (b) to remove, from the offence of acquiring property representing the proceeds of crime of another, the requirement that the acquisition be made for no or inadequate consideration. An offence is committed even if the accused acquires the property for fair value, if he does so knowing or having reasonable grounds to believe that the property represents the proceeds of crime of another; and
- (c) to criminalise the act of tipping off a person when the tipper knows or has reasonable grounds to suspect that a suspicious transaction report is being made under the Act.

Clause 14 amends the Employment Act (Cap. 91) to create an offence for a breach of section 89 (on sick leave) that is similar to that for a breach of section 43 (on annual leave).

Clause 15 amends the Singapore Academy of Law Act (Cap. 294A) —

- (a) to confer on the Singapore Academy of Law the function of holding moneys, whether as stakeholder or in any other capacity, for the purposes or members of the legal profession in Singapore or under any written law;
- (b) to empower the Singapore Academy of Law to retain any income derived from such holding of moneys for the purpose of performing its functions under the Act; and
- (c) to repeal and re-enact section 23, to remove the provision that deems the Singapore Academy of Law to be an institution of a public character approved under the Charities Act (Cap. 37).

## EXPENDITURE OF PUBLIC MONEY

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

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