

National Registration (Amendment) Bill

Bill No. 32/2016.

Read the first time on 10 October 2016.

A BILL

intituled

An Act to amend the National Registration Act (Chapter 201 of the 1992 Revised Edition) and to make related amendments to the Registration of Births and Deaths Act (Chapter 267 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 is the National Registration (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the National Registration Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “Commissioner”, the following definitions:

10 “document” means anything in which information of any description is recorded, whether in electronic or other form;

“false identity card” means —

15 (a) a document that is not an identity card but purports to be an identity card; or

(b) an identity card that has been altered by an unauthorised person;”;

(b) by deleting the definition of “registration officer” and substituting the following definitions:

20 “immigration officer” means an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);

25 “personal identifier” means a personal identifier in any form (including digital form) that is specified in the Schedule;

“police officer” has the same meaning as in section 2(1) of the Police Force Act (Cap. 235);

30 “public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

“register” means the register specified in section 4;

“registration officer”, in relation to any provision of this Act, means —

- (a) the Commissioner;
 - (b) the Deputy Commissioner of National Registration; 5
 - (c) an Assistant Commissioner of National Registration; or
 - (d) a person appointed as a registration officer under section 3(4) for the purposes of that provision.”; and 10
- (c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:
- “(2) Unless the context otherwise requires —
 - (a) a reference to the registration of a person under this Act includes a reference to the re-registration of a person under this Act; and 15
 - (b) a reference to a person who is registered, or required to be registered, under this Act includes a reference to a person who is re-registered, or required to be re-registered, under this Act. 20
- (3) The Minister may, by order in the *Gazette*, amend the Schedule, except that any other personal identifier so prescribed in the order — 25
- (a) must be an image, a measurement or a recording of an external part of the human body, or a measurement or a recording of a person’s voice; and 30
 - (b) must not be an identifier the obtaining of which would involve the taking of an intimate sample from the human body

within the meaning of section 13A of the
Registration of Criminals Act (Cap. 268).”.

Repeal and re-enactment of section 3 and new section 3A

3. Section 3 of the principal Act is repealed and the following
5 sections substituted therefor:

“Appointment of officers

3.—(1) The Minister may, from among public officers, appoint
a Commissioner of National Registration, a Deputy
Commissioner of National Registration and such number of
10 Assistant Commissioners of National Registration as the
Minister considers necessary for the purposes of this Act.

(2) The Commissioner is, subject to the general or special
directions of the Minister, responsible for the administration of
this Act.

15 (3) The Deputy Commissioner of National Registration and
every Assistant Commissioner of National Registration may,
subject to such conditions or restrictions as the Commissioner
may impose, perform the functions and exercise the powers of
the Commissioner under this Act.

20 (4) The Commissioner may, subject to subsection (5) and such
conditions or restrictions as the Commissioner thinks fit, appoint,
by name or office, any of the following persons to be a
registration officer for the purposes of this Act or any particular
provision of this Act:

- 25 (a) a public officer;
(b) an employee of a public authority;
(c) an employee of a prescribed institution.

(5) Under subsection (4), only a public officer may be
appointed as a registration officer for the purposes of
30 section 15B, 16, 16B or 16C.

(6) The Commissioner may delegate any of the
Commissioner’s functions or powers under this Act (except
the power to appoint registration officers or the power to delegate

conferred by this section), either generally or specially and subject to such conditions or restrictions as the Commissioner thinks fit, to a registration officer described in subsection (4)(a) or (b).

(7) Every appointment and every delegation under this section must be in writing, and the instrument of appointment or delegation must be given to the appointee or delegate, as the case may be.

(8) Where an officer specified in subsection (3) or a delegate of the Commissioner under subsection (6), in accordance with that subsection, performs (or is to perform) any function or exercises (or is to exercise) any power of the Commissioner under this Act, any reference to the Commissioner in this Act in respect of that function or power includes that officer or delegate, as the case may be.

Public servants and public officers, etc.

3A. Every registration officer —

(a) is deemed to be a public servant for the purposes of the Penal Code (Cap. 224); and

(b) is, in relation to his administration, collection or enforcement of payment of any fee, charge or composition sum under this Act, deemed to be a public officer for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to him even though he is not or was not in the employment of the Government.”.

Amendment of section 4

4. Section 4 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) The Commissioner must cause to be kept and maintained a register of all persons in Singapore who are registered or required to be registered under this Act.

(2) The register is to be in such form as the Commissioner thinks fit, and must contain —

(a) the name and gender of every person registered or required to be registered under this Act; and

5 (b) such other particulars of that person as the Commissioner considers necessary.”.

New section 6A

5. The principal Act is amended by inserting, immediately after section 6, the following section:

10 **“Entry or alteration of names in register**

6A.—(1) The name of a person to be entered in the register and, where the person’s name in the register is to be altered, the person’s altered name to be entered in the register —

15 (a) must be in a form expressed in characters in the modern English alphabet;

(b) may include a permitted character; and

(c) must not exceed the number of characters permitted in the electronic form of the register for the entry of a name.

20 (2) The Commissioner may refuse to enter or alter the name of a person in the register if the name (including the altered name) —

(a) contains anything that represents or resembles a title, a rank or an award;

25 (b) where the name adopts a patronymic or matronymic naming system to signify lineage, includes any expression or abbreviation (for the purpose of that naming system) that does not correspond to the person’s gender entered or to be entered in the register;

30 (c) is obscene or offensive; or

(d) is contrary to the public interest.

(3) In subsection (1)(b), “permitted character” has the same meaning as in section 9A(2) of the Registration of Births and Deaths Act (Cap. 267).”.

Amendment of section 13

6. Section 13 of the principal Act is amended by deleting subsection (3). 5

Amendment of section 13A

7. Section 13A of the principal Act is amended —

- (a) by deleting the words “or any regulations made thereunder” in subsection (1); 10
- (b) by deleting the words “or re-registration” in subsection (1); and
- (c) by deleting the words “within the meaning of the Immigration Act (Cap. 133)” in paragraph (b) of the definition of “law enforcement officer” in subsection (5). 15

New sections 15A and 15B

8. The principal Act is amended by inserting, immediately after section 15, the following sections:

“False or invalid documents in connection with registration, etc. 20

15A. A registration officer may take possession of any document produced to the registration officer in connection with the registration of a person, or the alteration of any particulars of the person entered in the register, under this Act if the registration officer reasonably suspects that the document is false or invalid. 25

Demand for surrender of suspicious identity cards

15B.—(1) A registration officer or a police officer may demand that a person having possession or control of an identity card (including a document purporting to be an identity card) to surrender the identity card to the registration 30

officer or police officer if there are reasonable grounds to suspect that —

- (a) the identity card has been obtained by means of any false or misleading information, document or statement;
- (b) the identity card has been used in the commission of an offence under this Act; or
- (c) the identity card is a false identity card.

(2) Any person who receives a demand from a registration officer or a police officer under subsection (1) must comply with the demand.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.”.

Amendment of section 16

9. Section 16 of the principal Act is amended —

- (a) by deleting the words “or any regulations made thereunder” in subsection (1)(a); and
- (b) by deleting subsection (2) and substituting the following subsections:

“(2) If a registration officer or a police officer reasonably suspects that any evidence of the commission of an offence under this Act is likely to be found on any premises, or in any vehicle, train, vessel or aircraft, or on any person, the officer may, without warrant and with such assistance as the officer thinks necessary —

- (a) enter and search the premises;
- (b) stop, board and search the vehicle, train, vessel or aircraft (whether in a public or private place); or

(c) stop and search the person (whether in a public or private place),

as the case may be.

(2A) A registration officer or a police officer exercising any power under subsection (2) may, if the circumstances so warrant, with such assistance as the officer thinks necessary —

(a) break open any door, window, lock, fastener, compartment, box, container or other thing; or

(b) remove by force any obstruction to the exercise of that power.

(2B) A registration officer or a police officer carrying out a search under subsection (2) may take possession or make copies of any document found during the search that the officer reasonably believes to be connected to the commission of an offence under this Act.”.

New sections 16A to 16D

10. The principal Act is amended by inserting, immediately after section 16, the following sections:

“How arrested person is to be dealt with

16A.—(1) A registration officer or a police officer who makes an arrest under section 16(1) must comply with sections 67 and 68 of the Criminal Procedure Code (Cap. 68).

(2) For the purpose of subsection (1), a reference to a police officer in sections 67 and 68 of the Criminal Procedure Code includes a reference to a registration officer.

Investigation powers

16B.—(1) A registration officer may investigate an offence under this Act.

(2) In any case relating to the commission of an offence under this Act, a registration officer —

- 5 (a) has all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into a seizable offence; and
- (b) when exercising the powers of a police officer under the Criminal Procedure Code, is deemed to be an officer not below the rank of inspector of police.

Notice to attend court

10 **16C.**—(1) Where a registration officer has reasonable grounds to believe that a person has committed an offence under this Act (called in this section the alleged offender), the registration officer may, instead of applying to a court for a summons under the Criminal Procedure Code (Cap. 68), immediately serve upon
15 the alleged offender a prescribed notice, requiring the alleged offender to attend at the court and on the date and time specified in the notice.

20 (2) A duplicate of the notice must be prepared by the registration officer and, if so required by a court, produced to the court.

 (3) The registration officer may serve the notice on the alleged offender in the same manner as the service of a summons under section 116 of the Criminal Procedure Code.

25 (4) Where the alleged offender appears before the court, the court is to take cognizance of the alleged offence and proceed as though the alleged offender were produced before the court under a summons issued under section 153 of the Criminal Procedure Code.

30 (5) If the alleged offender fails to appear before the court in person or by counsel on the date and time specified in the notice, the court may, if satisfied that the notice was duly served on the alleged offender, issue a warrant for the arrest of the alleged offender unless before that date —

(a) in the case of an offence which may be compounded, the alleged offender has been permitted to compound the offence; or

(b) the notice has been cancelled under subsection (7).

(6) Where the alleged offender is arrested under a warrant issued under subsection (5), the alleged offender must be produced before a court, and the court — 5

(a) is to proceed as though the alleged offender were produced before the court under a summons issued under section 153 of the Criminal Procedure Code; 10

(b) at the conclusion of the proceedings, is to call upon the alleged offender to show cause why the alleged offender should not be punished for failing to attend court in compliance with the notice; and

(c) if cause is not shown by the alleged offender, may order the alleged offender to pay a fine not exceeding \$2,000 or may commit the alleged offender to prison for a term not exceeding 2 months. 15

(7) A registration officer may cancel a notice issued under subsection (1) at any time before the date specified in that notice for the alleged offender named in that notice to attend court. 20

Registration officers and police officers to produce identification

16D.—(1) When exercising any power under this Act, every registration officer and police officer must — 25

(a) if not in uniform, declare his office; and

(b) on demand by any person affected by the exercise of that power, produce to that person such identification card or other document as the Commissioner (in the case of registration officers) or the Commissioner of Police (in the case of police officers) may direct to be carried. 30

(2) Despite any provision of this Act, it shall not be an offence for a person to refuse to comply with any request, demand or order made or given by a registration officer or a police officer who does not comply with subsection (1).”.

5 **New sections 17A and 17B**

11. The principal Act is amended by inserting, immediately after section 17, the following sections:

“Composition of offences

10 **17A.**—(1) The Commissioner or a registration officer may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

15 (2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

Police officers’ functions and powers under Criminal Procedure Code

20 **17B.** To avoid doubt, nothing in this Act affects a police officer’s functions or powers under the Criminal Procedure Code (Cap. 68) or any other written law.”.

New sections 18A and 18B

12. The principal Act is amended by inserting, immediately after section 18, the following sections:

“Payments into Consolidated Fund

25 **18A.** All fees, charges and composition sums collected under this Act are to be paid into the Consolidated Fund.

Service of documents

18B.—(1) A document permitted or required by this Act to be served on an individual may be served —

30 (a) by giving it to the individual personally;

- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
 - (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there; 5
 - (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address; 10
 - (e) by sending it by fax to the fax number given by the individual as the fax number for the service of documents; or
 - (f) by sending it by email to the individual’s email address. 15
- (2) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission; 20
 - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the individual; and
 - (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered). 25
- (3) However, this section does not apply to documents to be served in proceedings in court.
- (4) In this section —
- “business address”, in relation to an individual, means the individual’s usual or last known place of business in Singapore; 30

“email address”, in relation to an individual, means the last email address given by the individual to the person serving the document as the email address for the service of documents under this Act;

5 “residential address”, in relation to an individual, means the individual’s usual or last known place of residence in Singapore.”.

Amendment of section 19

13. Section 19 of the principal Act is amended —

10 (a) by deleting the words “or re-registration” in subsection (2)(a);

(b) by deleting paragraphs (c) and (d) of subsection (2) and substituting the following paragraphs:

15 “(c) the obligation of a person to furnish information and documents for the purposes of the person’s registration, or the alteration of any particulars of the person entered in the register, under this Act;

20 (d) the taking and recording of personal identifiers of persons registered or required to be registered under this Act;”;

(c) by inserting, immediately after the word “replacement” in subsection (2)(g), the words “and cancellation”;

25 (d) by deleting paragraph (j) of subsection (2) and substituting the following paragraph:

“(j) the surrender or return of identity cards, whether by the holders of the identity cards or other persons;”;

30 (e) by deleting the words “or any regulations made thereunder; and” in subsection (2)(o) and substituting a semi-colon;

(f) by deleting the full-stop at the end of paragraph (p) of subsection (2) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(q) subject to Part XIX of the Criminal Procedure Code (Cap. 68) and section 14D of the National Library Board Act (Cap. 197), the destruction of identity cards issued, and documents obtained by the Commissioner or registration officers, under this Act; and

(r) the prescribing of anything that is required or permitted to be prescribed under this Act.”; and

(g) by deleting subsection (3) and substituting the following subsection:

“(3) The regulations may provide that a contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$3,000 or with imprisonment for a term not exceeding 2 years or with both.”.

New Schedule

14. The principal Act is amended by inserting, immediately after section 19, the following Schedule:

“THE SCHEDULE

Section 2(1) and (3)

PERSONAL IDENTIFIERS

1. A person’s fingerprint or handprint (taken using paper and ink, digital scanning technologies or otherwise).
2. A photograph or other image of a person’s face and shoulders.
3. An image of a person’s iris (taken using iris scanning technologies).
4. A person’s signature.”.

Miscellaneous amendments

15. The principal Act is amended —

(a) by deleting the words “the provisions of” in the following provisions:

5 Sections 2 (definition of “identity card”), 5, 7, 8(1) and (2), 10(1), 11 and 12(3)(c);

(b) by deleting the words “and of any regulations made thereunder” in section 5;

10 (c) by deleting the words “and any regulations made thereunder” in sections 7 and 11;

(d) by deleting the words “statutory authority” wherever they appear in sections 8A(1) and (2) and 9(2) and substituting in each case the words “public authority”;

15 (e) by deleting the words “statutory authorities” in the section heading of section 8A and substituting the words “public authorities”; and

(f) by deleting the words “or any regulations made thereunder” in sections 17(1) and 18.

Related amendments to Registration of Births and Deaths Act

20 16. The Registration of Births and Deaths Act (Cap. 267) is amended —

(a) by inserting, immediately after section 9, the following section:

“Name of child

25 **9A.**—(1) The name of a child to be entered in a register of births in respect of the registration of the child’s birth and, where the child’s name in the register is to be altered, the child’s altered name to be entered in the register —

30 (a) must be in a form expressed in characters in the modern English alphabet;

(b) may include a permitted character; and

(c) must not exceed the number of characters permitted in the electronic form of the register for the entry of a name.

(2) In subsection (1)(b), “permitted character” means a character that the Registrar-General, by notification in the *Gazette*, specifies.”; and

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

“Registrar-General may refuse entry or alteration of name in register of births

12A. The Registrar-General may refuse the entry or alteration of a child’s name in a register of births under this Act if the name (including the altered name) —

(a) contains anything that represents or resembles a title, a rank or an award;

(b) where the name adopts a patronymic or matronymic naming system to signify lineage, includes any expression or abbreviation (for the purpose of that naming system) that does not correspond to the child’s gender entered or to be entered in the register;

(c) is obscene or offensive; or

(d) is contrary to the public interest.”.

Saving and transitional provisions

17.—(1) Any person who, immediately before the commencement date, was the Commissioner of National Registration, the Deputy Commissioner of National Registration, or an Assistant Commissioner of National Registration, appointed under section 3(1) of the National Registration Act in force immediately before the commencement date is to be treated as the Commissioner of National Registration, the Deputy Commissioner of National Registration or an Assistant Commissioner of National Registration,

respectively, appointed by the Minister under that section (as amended by this Act) until —

(a) his appointment is revoked by the Minister;

(b) the term of his appointment expires; or

5 (c) he vacates his office, for any reason, before the expiry of his term of appointment.

(2) Any person who, immediately before the commencement date, was a registration officer appointed under section 3(1A) of the National Registration Act in force immediately before the commencement date is to be treated as a registration officer appointed by the Commissioner under section 3(4) of the National Registration Act (as amended by this Act) until —

(a) his appointment is revoked by the Commissioner;

(b) the term of his appointment expires; or

15 (c) he vacates his office, for any reason, before the expiry of his term of appointment.

(3) A registration officer mentioned in subsection (2) must not exercise any power of a registration officer under section 15B, 16, 16B or 16C of the National Registration Act (as amended by this Act) unless he is a public officer and is authorised by the Commissioner to exercise that power.

(4) The register that is kept and maintained by the Commissioner under section 4(1) of the National Registration Act in force immediately before the commencement date is to be treated as the register required to be kept and maintained by the Commissioner under that section (as amended by this Act).

(5) This section does not affect the operation of, or derogate from, section 16 of the Interpretation Act (Cap. 1).

(6) For a period of 2 years after the commencement date, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of this Act as the Minister may consider necessary or expedient.

(7) In this section, “commencement date” means the date of commencement of this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the National Registration Act (Cap. 201) for the following main purposes:

- (a) to expand the types of personal identifiers of persons registered or required to be registered under the Act that may be collected by the Immigration & Checkpoints Authority (ICA);
- (b) to enable ICA to refuse the entry of certain types of names in the national register;
- (c) to enable registration officers who are public officers to investigate offences under the Act;
- (d) to increase the amount for the composition of offences under the Act;
- (e) to clarify the power to appoint non-ICA employees in the public sector and employees of private sector organisations as registration officers under the Act.

The Bill also makes related amendments to the Registration of Births and Deaths Act (Cap. 267) to enable ICA to refuse the entry of certain types of names in the register of births kept under that Act.

Clause 1 relates to the short title and commencement.

Clause 2 inserts definitions of certain terms used in the Act and new terms introduced by the Bill.

Clause 3 repeals and re-enacts section 3 and inserts a new section 3A.

The re-enacted section 3 clarifies the appointment of the following persons for the purposes of the Act:

- (a) Commissioner of National Registration (the Commissioner);
- (b) Deputy Commissioner of National Registration (the Deputy Commissioner);
- (c) Assistant Commissioners of National Registration (the Assistant Commissioner);
- (d) registration officers.

The Commissioner, Deputy Commissioner and Assistant Commissioners must be public officers and are appointed by the Minister.

The Deputy Commissioner and Assistant Commissioners can perform the Commissioner's functions and exercise the Commissioner's powers under the Act, subject to the conditions or restrictions imposed by the Commissioner.

Registration officers are appointed by the Commissioner and their appointments are subject to the conditions or restrictions imposed by the Commissioner. Registration officers may be public officers, employees of public authorities or employees of prescribed institutions (a prescribed institution is an institution that is prescribed by the Minister in regulations made under the Act).

The appointment of a registration officer can be —

- (a) generally for the purposes of the Act, in which case that registration officer can perform all the functions and exercise all the powers of a registration officer under the Act; or
- (b) only for the purposes of one or more provisions of the Act, in which case that registration officer can only perform the functions and exercise the powers of a registration officer under that provision or those provisions.

However, only a public officer may be appointed as a registration officer for the purposes of sections 15B, 16, 16B and 16C (these sections concern the surrender of suspicious identity cards, and arrest, search and investigation powers).

In addition, the Commissioner is also permitted to delegate any of the Commissioner's functions or powers under the Act (except the powers of appointment of registration officers and delegation) to a registration officer who is a public officer or an employee of a public authority.

As a registration officer may not be a public officer, the new section 3A deems every registration officer to be —

- (a) a public servant for the purposes of the Penal Code (Cap. 224); and
- (b) a public officer for the purposes of the Financial Procedure Act (Cap. 109) when the officer administers, collects or enforces payment of any fee, charge or composition sum under the Act.

Clause 4 amends section 4 (on the national register) to clarify what the register is to contain.

Clause 5 inserts a new section 6A to set down the mandatory and discretionary rules concerning the name of a person to be entered in the national register.

The mandatory rules are that —

- (a) the name must be expressed using the modern English alphabet, but may include one or more permitted characters (permitted characters are characters that the Registrar-General of Births and Deaths may specify in the *Gazette* under the new section 9A(2) of the Registration of Births and Deaths Act (inserted by clause 16)); and
- (b) the length of the name must not exceed the number of characters permitted by the electronic form of the national register.

In addition to these mandatory rules, the Commissioner is given the discretion to refuse to enter or alter the name of a person in the national register if the name (or the altered name) —

- (a) contains anything that represents or resembles a title, a rank or an award;
- (b) uses any expression or abbreviation to signify lineage (such as “bin” or “d/o”) that does not correspond to the person’s gender that is entered or to be entered in the national register;
- (c) is obscene or offensive; or
- (d) is contrary to the public interest.

Clause 6 amends section 13 (on offences and penalties) to delete subsection (3) on composition of offences as composition of offences is set out separately in the new section 17A (inserted by clause 11).

Clause 7 makes editorial amendments to section 13A (on provision of information by the Housing and Development Board).

Clause 8 inserts new sections 15A and 15B.

The new section 15A gives a registration officer the power to take possession of any document suspected to be false or invalid. This power applies in respect of documents that are produced to the registration officer in connection with the registration of a person under the Act or the alteration of the person’s particulars in the national register.

The new section 15B gives a registration officer (who is a public officer and is appointed as a registration officer for the purposes of this section) or a police officer the power to demand the surrender of a suspicious identity card. A suspicious identity card is an identity card that —

- (a) has been obtained with the use of any false or misleading information, document or statement;
- (b) has been used in the commission of an offence under the Act; or

(c) is a false identity card (the definition of “false identity card” is inserted in section 2 by clause 2).

A person who does not surrender a suspicious identity card when asked to do so by a registration officer commits an offence under the Act.

Clause 9 amends section 16 (on arrest and search) to give a registration officer (who is a public officer and is appointed as a registration officer for the purpose of this section) the power to conduct searches under the Act.

Clause 10 inserts new sections 16A to 16D.

The new section 16A adopts sections 67 and 68 of the Criminal Procedure Code (Cap. 68) on matters relating to an arrested person.

The new section 16B gives a registration officer (who is a public officer and is appointed as a registration officer for the purposes of this section) the investigation powers of a police officer under the Criminal Procedure Code in relation to a seizable offence.

The new section 16C allows a registration officer (who is a public officer and is appointed as a registration officer for the purposes of this section) to initiate criminal proceedings against a suspected offender by issuing to the suspected offender a notice to attend court (instead of applying to a court for a summons under the Criminal Procedure Code).

The new section 16D requires every registration officer (whether a public officer or not) and every police officer who exercises a power under the Act to produce (when asked to do so) an identification card or other document as evidence of the officer’s authority. If a registration officer or a police officer does not do so, a person who is given an order or demand by that registration officer or police officer may refuse to comply with the order or demand and that person’s refusal will not amount to an offence.

Clause 11 inserts new sections 17A and 17B.

The new section 17A empowers the Commissioner or a registration officer to compound an offence under the Act that is prescribed (in regulations made under the Act) to be a compoundable offence.

The new section 17B clarifies that the functions and powers of a police officer under the Criminal Procedure Code and other written laws are not affected by the provisions of the Act.

Clause 12 inserts new sections 18A and 18B.

The new section 18A provides that all fees and charges, and all composition sums, collected under the Act are to be paid into the Consolidated Fund.

The new section 18B provides for the service of documents on an individual under the Act.

Clause 13 amends section 19 (on the Minister's power to make regulations) to clarify and expand the scope of the Minister's power to make regulations under the Act.

Clause 14 inserts a Schedule describing the personal identifiers that may be collected from persons registered or required to be registered under the Act. Currently, photographs and fingerprints are collected under regulations made under the Act. The new Schedule enumerates these and other types of personal identifiers (such as a person's handprint or the image of a person's iris) that may be collected under such regulations. The Minister has the power to amend the Schedule (under the new section 2(3) inserted by clause 2) but any new personal identifier that the Minister intends to include in the Schedule must satisfy the following requirements:

- (a) it must be an image, a measurement or a recording of an external part of a person's body, or a measurement or a recording of a person's voice;
- (b) it must not involve the taking of an intimate sample from the human body (within the meaning of section 13A of the Registration of Criminals Act (Cap. 268)).

Section 19(2)(d) (amended by clause 13(b)) contains the power to make regulations for the taking and recording of personal identifiers. Any number and any combination of personal identifiers specified in the new Schedule may be obtained under such regulations from persons who are registered or required to be registered under the Act.

Clause 15 makes miscellaneous amendments of an editorial nature to certain provisions in the Act.

Clause 16 makes related amendments to the Registration of Births and Deaths Act concerning the name of a child in the register of births – these consequential amendments (in the form of new sections 9A and 12A) correspond to the new section 6A (inserted by clause 5).

Clause 17 sets out the saving and transitional provisions. The clause saves the current appointments of the Commissioner, Deputy Commissioner, Assistant Commissioners and registration officers (following the re-enactment of section 3 by clause 3). These registration officers cannot exercise any power under the new section 15B (inserted by clause 8, and on the surrender of suspicious identity cards), section 16 (on arrest and search powers), the new section 16B (inserted by clause 10, and on investigation powers) or the new section 16C (inserted by clause 10, and on notice to attend court) unless they are public officers and are authorised by the Commissioner to exercise that power.

The clause also provides for the continuity of the national register currently maintained under the Act (following the re-enactment of section 4(1) by clause 4). The clause also empowers the Minister to make regulations to provide additional

saving and transitional provisions that may be required consequent to the amendments to the Act or the Registration of the Births and Deaths Act. Such regulations have to be made within 2 years after this Bill becomes an Act and comes into operation.

EXPENDITURE OF PUBLIC MONEY

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