

Statutes
(Miscellaneous Amendments)
(No. 2) Bill

Bill No. 23/2012.

Read the first time on 10th September 2012.

A BILL

i n t i t u l e d

An Act to amend certain statutes of the Republic of Singapore in connection with the re-distribution of the portfolios of certain Ministries.

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 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of Casino Control Act

2. Section 153 of the Casino Control Act (Cap. 33A, 2007 Ed.) is amended by deleting the definition of “Minister” and substituting the following definition:

10 “ “Minister” means the Minister charged with the responsibility for prevention and rehabilitation in relation to problem gambling;”.

Amendment of Copyright Act

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

15 (a) by deleting the words “established under section 17 of the National Heritage Board Act (Cap. 196A)” in paragraph (a) of the definition of “archives” in section 7(1) and substituting the words “administered by the National Library Board in accordance with Part IIA of the National Library Board Act (Cap. 197)”;

20 (b) by deleting the words “the director of National Archives” in section 43(5) and substituting the words “the Director of National Archives”; and

25 (c) by deleting the words “the director of the National Archives” in sections 68(5) and 107(5) and substituting in each case the words “the Director of National Archives”.

Amendment of Criminal Procedure Code

30 4. Section 346(9) of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting the words “community development, youth and sports” and substituting the words “the probation of offenders”.

Amendment of Land Titles Act

5. Section 44 of the Land Titles Act (Cap. 157, 2004 Ed.) is amended by deleting subsection (2) and substituting the following subsection:

“(2) The Registrar shall not destroy any document unless with the authorisation of the National Library Board under section 14D of the National Library Board Act (Cap. 197).”.

5

Amendment of Limited Partnerships Act

6. Section 24 of the Limited Partnerships Act (Cap. 163B, 2010 Ed.) is amended —

10

(a) by deleting paragraph (a) and substituting the following paragraph:

“(a) destroy the document with the authorisation of the National Library Board under section 14D of the National Library Board Act (Cap. 197); or”;
and

15

(b) by deleting the words “section 19” in paragraph (b) and substituting the words “section 14C”.

Amendment of National Heritage Board Act

7. The National Heritage Board Act (Cap. 196A, 1994 Ed.) is amended —

20

(a) by deleting the words “, to transfer to it the National Museum, the National Archives and Records Centre and the Oral History Department” in the long title;

(b) by deleting the definitions of “National Archives”, “public archives”, “public office” and “public records” in section 2;

25

(c) by deleting paragraphs (d), (e) and (f) of section 6;

(d) by deleting the words “, archives, oral history centres” in section 7(2)(a);

(e) by deleting the words “, archives and oral history centres” in section 7(2)(f);

30

(f) by deleting the words “archives, oral history centres,” in section 7(2)(g);

(g) by repealing Part IV;

(h) by deleting the words “Without prejudice to section 18(2), except” in section 47A(1) and substituting the word “Except”;

(i) by deleting the words “, public records” in section 49(2)(a); and

(j) by deleting paragraph (c) of section 49(2).

Amendment of National Library Board Act

8.—(1) The National Library Board Act (Cap. 197, 1996 Ed.) is amended —

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

“National Archives” means the National Archives of Singapore transferred by the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 to the Board and administered in accordance with Part IIA;

“National Heritage Board” means the National Heritage Board established under section 3 of the National Heritage Board Act (Cap. 196A);”;

(b) by inserting, immediately after the definition of “printed” in section 2, the following definitions:

“public archives” means those public records that —

(a) are more than 25 years old;

(b) are specified by the Board as being of national or historical significance; and

(c) have been transferred to the Board or to such other place as the Board may from time to time determine;

“public office” means any department, office, institution, agency, commission, board, local

authority or statutory body or any other office of the Government or branch or subdivision thereof, and any other body that the President may, by notification in the *Gazette*, declare to be a public office;

5

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microforms, videotapes, films, machine readable and electronic records, sound recordings and other forms of records of any kind whatsoever, that are produced or received by any public office in the transaction of official business, or by any officer in the course of his official duties, and includes public archives;”;

10

15

(c) by deleting the word “and” at the end of section 6(g);

(d) by deleting the full-stop at the end of paragraph (h) of section 6 and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(i) to provide a permanent repository of records of national or historical significance and to facilitate access thereto;

20

(j) to conduct records management programmes for the Government; and

(k) to record, preserve and disseminate the history of Singapore through oral history methodology or other means.”;

25

(e) by deleting paragraphs (g) and (h) of section 7(2) and substituting the following paragraphs:

“(g) to establish liaison with other library authorities and information providers and other archives and oral history centres (foreign or otherwise) to secure maximum collaboration of all activities relevant to the Board’s functions;

30

(*h*) to undertake or sponsor programmes for the training of persons in the profession and skills involved in the operations of libraries, archives and oral history centres;”;

5 (*f*) by deleting the words “and librarianship” in section 7(2)(*j*) and substituting the words “, librarianship, archival work and oral history”;

(*g*) by inserting, immediately after paragraph (*b*) of section 35(2), the following paragraphs:

10 “(*ba*) provide for the use, custody, preservation, reproduction, removal, destruction and disposal of public records and other documents under this Act;

15 (*bb*) provide for regulating the taking of oral history recordings and transcripts;”;

(*h*) by deleting the words “libraries or library buildings and grounds” in section 35(2)(*c*) and substituting the words “libraries, library buildings, the National Archives, any oral history centre or any other land or building owned by or under the control of the Board”; and

20

(*i*) by deleting the words “its libraries, library buildings and grounds” in section 35(2)(*d*) and substituting the words “any library, library building, the National Archives, any oral history centre or any other land or building owned by or under the control of the Board”.

25

(2) The National Library Board Act is amended by inserting, immediately after section 14, the following Part:

“PART IIA

NATIONAL ARCHIVES OF SINGAPORE
AND ORAL HISTORY CENTRES

30

National Archives of Singapore

14A.—(1) On the date of commencement of section 8(2) of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012, the National Archives of Singapore in which

records of national or historical significance shall be preserved is transferred from the National Heritage Board to the Board.

(2) The Board —

- (a) shall examine the public records in any public office and advise that office as to their care and custody; 5
- (b) shall take necessary measures to classify, identify, preserve and restore public records;
- (c) shall make known information concerning archives by any means, including publications, exhibitions and heritage promotional activities; 10
- (d) shall conduct a records management programme for the efficient creation, utilisation, maintenance, retention, preservation and disposal of public records; 15
- (e) shall advise public offices concerning standards and procedures pertaining to the management of public records;
- (f) may provide information, consultation, research and other services related to archives; 20
- (g) may, subject to the terms and conditions, if any, on which the public archives were acquired, reproduce or publish any public archives; and
- (h) may acquire by purchase, donations, bequest or otherwise any document, book or other material which, in the opinion of the Board, is or is likely to be of national or historical significance. 25

Appointment of Director of National Archives

14B.—(1) There shall be an officer of the Board whom the Board shall appoint as the Director of National Archives, and the Director of National Archives shall be 30

responsible to the Board for the general management and control of the National Archives.

5 (2) The Director of National Archives, and any person acting on behalf or under the direction of the Director of National Archives, shall, with respect to access to public records, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to the public records.

Transfer of public records to National Archives

10 **14C.** Any public records which, in the opinion of the Board, are of national or historical significance shall be transferred to the care and control of the National Archives in accordance with such schedules or other agreements for the transfer of records as may be agreed on between the
15 Board and the public office responsible for the public records.

Destruction or disposal of public records only on authority of Board

20 **14D.**—(1) No person shall, without the authorisation of the Board under subsection (4), destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

25 (2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the Board of that intention and shall, in his notification, specify the nature of the public records in question.

30 (3) The Board may inspect any public records specified in any notification under subsection (2) and shall, if it requires those records to be made available to it, inform the person making the notification of that requirement, and the public records shall be made available to the Board.

(4) The Board may authorise the destruction of any specified classes of public records which by reason of their number, kind or routine nature do not in its opinion possess any enduring value for preservation as public archives.

Inspection of public records and recordings

5

14E.—(1) Except with the written authority of the Director of National Archives, a person who is not an officer of the National Archives shall not inspect any public records or recordings that are not made available to the public under subsection (2).

10

(2) Any person may, for the purpose of reference or research, inspect any public archives or recordings made available to the public subject —

(a) to any conditions or restrictions imposed with the authority of the public office from which the public archives were acquired or the producer or distributor which provided the recordings, as the case may be; and

15

(b) to such conditions as the Director of National Archives may consider necessary for their preservation.

20

(3) The National Archives shall be open for the inspection of public records during such hours as may be determined by the Board.

(4) In this section, “recording” means any recording deposited with the Board under section 14I.

25

Certified copy of public records

14F. Any copy of a public record which is certified by the Director of National Archives as a true copy of the original document shall be admissible in a court of law.

30

Reproduction of public records and recordings

5 **14G.**—(1) No person shall publish or reproduce the whole or any part of the contents of any public records which have been transferred to the National Archives or of any recording which has been deposited under section 14I except with the written consent of the Director of National Archives and in accordance with such conditions or restrictions as may be imposed with the authority of —

10 (a) the public office from which the public records were acquired; or

(b) the producer or distributor which provided the recordings,

as the case may be.

15 (2) Any person who contravenes subsection (1) 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 12 months or to both.

(3) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

Prohibition of export, etc., of public records

20 **14H.**—(1) No person shall —

(a) without the written permission of the Board, take or send out of Singapore any public records;

25 (b) write on, mark, inscribe or otherwise deface any public records; or

(c) mutilate, excise or otherwise damage any public records.

30 (2) Any person who contravenes subsection (1) 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 12 months or to both.

Deposit of certain recordings

14I.—(1) The producer or distributor of a recording shall, within 6 months after a request in writing is made by the Board, provide without charge the Board with a copy of the recording in such form as may be specified in the request. 5

(2) Any person who fails to comply with subsection (1) 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 12 months or to both. 10

(3) This section shall not apply to or in respect of —

(a) a recording that has not been broadcast or made public in Singapore; or

(b) any recording of a class or kind that is exempted from the application of this section by such regulations as the Minister may make for the purpose. 15

(4) In this section, “recording” means anything in which sounds are embodied or on which images are fixed or both, regardless of form. 20

Oral history centres

14J.—(1) The Board may, in addition to any oral history centre transferred under section 14K, establish any other oral history centre for the purposes of this Act.

(2) The purposes of any oral history centre transferred to the Board under section 14K or established by the Board under this section shall be — 25

(a) to collect, document and disseminate information on the history of Singapore through oral history methodology or other means; 30

(b) to interview persons who have influenced or participated in the history of Singapore, to

preserve these interviews and to produce transcripts of selected interviews;

(c) to preserve and care for the recordings and transcripts of such interviews;

(d) to allow access to the recordings and transcripts of such interviews to persons seeking to inspect them in connection with study or research subject to any conditions or restrictions imposed by the interviewee or the Board; and

(e) to disseminate information on the collection and work of the centre by any means, including publications, audio-visual educational packages, exhibitions, consultations, research and heritage promotional activities.

Transfer of archive undertakings, etc., from National Heritage Board

14K.—(1) All the lands, buildings and other property, movable or immovable, vested in the National Heritage Board immediately before the date of commencement of section 8(2) of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (referred to in this section as the transfer date) for the purposes of —

(a) the National Archives; or

(b) any oral history centre established by the National Heritage Board,

and all assets, powers, interests, rights, privileges, debts, liabilities and obligations of the National Heritage Board relating to paragraph (a) or (b), shall, on the transfer date, become by virtue of this section and without further assurance, the property, assets, powers, interests, rights, privileges, debts, liabilities and obligations of the Board.

(2) Every agreement relating to any of the properties, assets, interests, rights, privileges, liabilities or obligations transferred under subsection (1) and to which the National

Heritage Board was a party immediately before the transfer date, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that date as if —

- (a) the Board had been a party to such an agreement; 5
and
- (b) for any reference to the National Heritage Board there were substituted in respect of anything to be done on or after the transfer date a reference to the Board, 10

and if any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister charged with the responsibility for finance shall be 15
conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any proceedings or cause of action pending or existing immediately before the transfer date by or 20
against the National Heritage Board relating to the National Archives or any oral history centre transferred under subsection (1) may be continued and shall be enforced by or against the Board.

(4) The operation of subsections (1) and (2) shall not be 25
regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the 30
assignment or transfer of assets or liabilities;
- (c) as giving rise to any remedy by a party to a legal instrument, or as causing or permitting the termination of any legal instrument, because of a

change in the beneficial or legal ownership of any asset or liability; or

(d) as an event of default under any contract or other legal instrument.

5 (5) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the National Heritage Board is a party or may be bound prohibiting or having the effect of prohibiting the transfer of any property, assets, interests, rights, privileges, liabilities or obligations comprised in the undertaking transferred under subsection (1) shall be deemed by this Act to have been waived.

10 (6) No attornment to the Board by a lessee from the National Heritage Board shall be required.

Transfer of employees from National Heritage Board, etc.

15 **14L.**—(1) On the date of commencement of section 8(2) of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (referred to in this section as the transfer date), such categories of persons employed by the National Heritage Board immediately before that date in —

(a) the National Archives; or

(b) any oral history centre established by the National Heritage Board,

20 as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

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

5

10

15

20

25

30

(3) The terms and conditions of employment to be drawn up by the Board —

(a) shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Board under this section while in the employment of the National Heritage Board; 5

(b) in the case of any such term or condition relating to the length of service with the Board, shall provide for the recognition of service under the National Heritage Board by the persons so transferred as service by them under the Board; and 10

(c) shall not adversely affect the conditions that would have been applicable to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225). 15

(4) All deeds, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the transfer date to which the National Heritage Board is a party and relating to any person transferred to the service of the Board under subsection (1) shall continue in force on and after that date and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the National Heritage Board. 20 25

(5) Any proceedings or cause of action relating to any employee transferred to the service of the Board under subsection (1) pending or existing immediately before the transfer date by or against the National Heritage Board, or any person acting on its behalf, may be continued and shall be enforced by or against the Board. 30

(6) Where on the transfer date —

(a) any disciplinary proceedings were pending against any employee of the National Heritage Board transferred to the service of the Board under 35

subsection (1), the proceedings shall be carried on and completed by the Board; and

5 (b) any matter was in the course of being heard or investigated or had been heard or investigated by a committee of the National Heritage Board acting under due authority but no order, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date,

10 and any order, ruling or direction made by such a committee pursuant to this subsection shall be treated as an order, a ruling or a direction of the Board and have the same force or effect as if it had been made by the Board pursuant to the authority vested in the Board under this Act.

15 (7) The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under subsection (1) for any misconduct or neglect of duty committed before the transfer date which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the National Heritage Board and if this Act had not been enacted.

20 (8) For the avoidance of doubt, section 18A of the Employment Act (Cap. 91) shall not apply to the transfer under this section of any employee of the National Heritage Board to the Board.

25 (9) Notwithstanding any other written law or any contract, no person who is transferred from the National Heritage Board to the service of the Board under subsection (1) shall be entitled to claim any benefit under that written law or contract for termination of his service on the ground of redundancy or abolition of his office in consequence of the transfer of the National Archives or any

30

35

oral history centre from the National Heritage Board to the Board.

(10) Except as otherwise provided in this section, nothing in subsection (1) shall prevent the terms and conditions of a transferred employee's employment on or after the transfer date from being varied in accordance with those terms and conditions, or by or under any written law, or an award, a determination or an agreement; and "vary", in relation to terms and conditions of service, includes omitting any of those terms and conditions, adding to those terms and conditions, or substituting new terms and conditions for any of those terms and conditions.

(11) In every case where a person transferred to the service of the Board under this section is also a person transferred from the employment of the Government to the National Heritage Board under section 40 of the National Heritage Board Act (Cap. 196A), the Government and the National Heritage Board shall each be liable to pay the Board such portion of any gratuity, pension or allowance payable under the Pensions Act to such person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government and the National Heritage Board, respectively, bears to the aggregate amount of his pensionable emoluments during his total service under the Government, the National Heritage Board and the Board."

Amendment of School Crossing Patrols Act

9. Section 2 of the School Crossing Patrols Act (Cap. 285, 1985 Ed.) is amended by deleting the words "Ministry of Community Development" in the definition of "school" and substituting the word "Government".

Amendment of Women’s Charter

10. The Women’s Charter (Cap. 353, 2009 Ed.) is amended —

5 (a) by deleting the words “any officer of the Ministry of Community Development, Youth and Sports” in section 154(4) and substituting the words “any public officer of such department that the Minister is charged with responsibility for”;

10 (b) by deleting the words “any person being either a person employed in the Ministry of Community Development, Youth and Sports, or a police officer not below the rank of sergeant or an officer of the Immigration and Checkpoints Authority” in section 173(1) and substituting the words “any public officer, being either a police officer not below the rank of sergeant, an immigration officer within the meaning of the
15 Immigration Act (Cap. 133) or a public officer of such department that the Minister is charged with responsibility for”; and

20 (c) by deleting the words “any person being either a person employed in the Ministry of Community Development, Youth and Sports, or a police officer not below the rank of sergeant or an officer of the Immigration and Checkpoints Authority” in section 174(1) and substituting the words “any public officer, being either a police officer not below the rank of sergeant, an immigration officer within the meaning of the
25 Immigration Act or a public officer of such department that the Minister is charged with responsibility for”.

EXPLANATORY STATEMENT

This Bill seeks to amend various Acts in connection with the re-distribution of the portfolios of the Ministry of Community Development, Youth and Sports and the Ministry of Information, Communications and the Arts.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 153 of the Casino Control Act (Cap. 33A) to replace the reference therein to the Minister for Community Development, Youth and

Sports with a reference to the Minister charged with the responsibility for prevention and rehabilitation in relation to problem gambling.

Clauses 3, 5 and 6 amend provisions in the Copyright Act (Cap. 63), the Land Titles Act (Cap. 157) and the Limited Partnerships Act (Cap. 163B), respectively, as a consequence of the transfer of the National Archives of Singapore from the National Heritage Board to the National Library Board under clause 7.

Clause 4 amends section 346(9) of the Criminal Procedure Code (Cap. 68) to replace the reference therein to the Minister for Community Development, Youth and Sports with a reference to the Minister charged with the responsibility for the probation of offenders.

Clause 7 amends various provisions of the National Heritage Board Act (Cap. 196A) to enable the transfer of the National Archives of Singapore and oral history centres to the National Library Board.

Clause 8 amends the National Library Board Act (Cap. 197) because the National Library Board will assume responsibility for the administration and management of the National Archives of Singapore and oral history centres.

Clause 9 amends the School Crossing Patrols Act (Cap. 285) to replace the reference therein to the Ministry of Community Development with a reference to the Government.

Clause 10 amends sections 154(4), 173(1) and 174(1) of the Women's Charter (Cap. 353) to replace the references therein to the Ministry of Community Development, Youth and Sports with references to any department under the Minister responsible for the Women's Charter.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
