

# **Statutes (Miscellaneous Amendments) Bill**

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**Bill No. 15/2016.**

*Read the first time on 14 April 2016.*

A BILL

*intituled*

An Act to amend certain Acts 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 is the Statutes (Miscellaneous Amendments) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 **Amendment of Arbitration Act**

2. Section 13(8) of the Arbitration Act (Cap. 10, 2002 Ed.) is amended by deleting the word “Chairman” and substituting the words “President of the Court of Arbitration”.

### **Amendment of Community Mediation Centres Act**

10 3. Section 21 of the Community Mediation Centres Act (Cap. 49A, 1998 Ed.) is repealed.

### **Amendment of Conveyancing and Law of Property Act**

4. The Conveyancing and Law of Property Act (Cap. 61, 1994 Ed.) is amended —

15 (a) by deleting subsection (5) of section 7 and substituting the following subsection:

“(5) A person is deemed to be expressed to convey in a fiduciary capacity if the person is expressed to convey —

20 (a) as a trustee or mortgagee;

(b) as a personal representative of a deceased person;

25 (c) as a donee of a lasting power of attorney granted under the Mental Capacity Act (Cap. 177A);

(d) as a deputy appointed or deemed to be appointed by the court under the Mental Capacity Act; or

(e) under an order of court.”; and

- (b) by deleting the words “Mental Capacity Act 2008” in sections 46(3), 47(4) and 48(11) and substituting in each case the words “Mental Capacity Act (Cap. 177A)”.

### **Amendment of Environmental Public Health Act**

5. The Environmental Public Health Act (Cap. 95, 2002 Ed.) is amended — 5

- (a) by repealing section 91 and substituting the following section:

**“Payment of fees, etc.**

91.—(1) Subject to subsection (2), all fees, charges and moneys collected under this Act are payable to the Agency. 10

(2) Any fee, charge or money collected under this Act may be paid to a person other than the Agency where the Agency has, with the approval of the Minister, made regulations under section 111 providing for that fee, charge or money to be payable to that person instead. 15

(3) This section does not apply to composition sums in section 104 or financial penalties imposed under section 80K or 99.”; and 20

- (b) by inserting, immediately after subsection (14) of section 99, the following subsection:

“(14A) Any financial penalty imposed on any person under this section is to be paid into the Consolidated Fund.”. 25

### **Amendment of Evidence Act**

6. The Evidence Act (Cap. 97, 1997 Ed.) is amended —

- (a) by inserting, immediately after the definition of “copy of a document” in section 3(1), the following definition:

“ “country” includes a territory;”;

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- (b) by deleting the word “territory” wherever it appears in sections 59(1)(b) and (d) and 80(2) and (3) and substituting in each case the word “country”;
- (c) by deleting the word “territories” in section 59(1)(j) and substituting the word “countries”; and
- (d) by repealing section 86 and substituting the following section:

**“Presumption as to publication containing law or report of court decision**

**86.** The court is to presume the genuineness of every publication purporting —

- (a) to be printed or published under the authority of the government of any country and to contain any law of that country; or
- (b) to contain any official or authoritative report of a decision of a court of any country.”.

**Amendment of Family Justice Act 2014**

7. The Family Justice Act 2014 (Act 27 of 2014) is amended —

- (a) by deleting paragraph (i) of the definition of “family proceedings” in section 2(1);
- (b) by deleting the word “and” at the end of paragraph (p) of the definition of “family proceedings” in section 2(1);
- (c) by inserting the word “and” at the end of paragraph (q) of the definition of “family proceedings” in section 2(1), and by inserting immediately thereafter the following paragraph:
- “(r) on or after the date of commencement of section 7(c) of the Statutes (Miscellaneous Amendments) Act 2016, any civil proceedings under the Wills Act (Cap. 352);”;
- (d) by deleting the words “the Schedule” in section 20(1) and substituting the words “the First Schedule”;

- (e) by deleting the word “An” in section 23(2) and substituting the words “Subject to subsection (2A), an”;
- (f) by inserting, immediately after subsection (2) of section 23, the following subsection:
- “(2A) No appeal is to be brought to the High Court in any case where a Family Court makes an order specified in the Second Schedule, except in such circumstances as may be specified in that Schedule.”;
- (g) by inserting, immediately after subsection (3) of section 26, the following subsection:
- “(3A) If any family proceedings may be heard and determined by a Family Court or by the Family Division of the High Court, those proceedings must in the first instance be commenced in a Family Court.”;
- (h) by deleting the words “Notwithstanding subsection (2)” in section 26(4) and substituting the words “Despite subsections (2), (3) and (3A)”;
- (i) by inserting, immediately after subsection (4) of section 45, the following subsections:
- “(5) A child representative appointed to represent the interests of a child in any proceedings involving the child, or the custody and welfare of the child, shall not be liable to be sued for an act done by the child representative for the purposes of those proceedings, or any mediation or other alternative dispute resolution process related to those proceedings, if the act —
- (a) was done in good faith; and
- (b) did not involve any fraud or wilful misconduct on the part of the child representative.
- (6) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional is appointed by a Family Court to examine and assess a child or person for the purposes of preparing expert evidence for use in any proceedings

involving the custody or welfare of that child or involving that person (as the case may be), the registered medical practitioner, psychologist, counsellor, social worker or mental health professional (as the case may be) shall not be liable to be sued for an act done by him for the purposes of the examination or assessment, or the preparation of the expert evidence for use in those proceedings, if the act —

(a) was done in good faith; and

(b) did not involve any fraud or wilful misconduct on his part.”;

(j) by inserting, immediately after section 46, the following section:

**“Amendment of Second Schedule**

**46A.—**(1) The Minister may, after consulting the Chief Justice, by order published in the *Gazette*, amend the Second Schedule.

(2) An order under subsection (1) may contain such provisions of a saving or transitional nature as appear to the Minister, after consulting the Chief Justice, to be necessary or expedient.”; and

(k) by renaming the existing Schedule as the First Schedule, and by inserting immediately thereafter the following Schedule:

**“SECOND SCHEDULE**

Sections 23(2A) and 46A

**ORDERS MADE BY FAMILY COURT  
THAT ARE NON-APPEALABLE**

No appeal is to be brought to the High Court in any of the following cases:

(a) where a Family Court makes an order giving unconditional leave to defend any proceedings;

(b) where a Family Court makes an order giving leave to defend any proceedings on condition that the party

defending those proceedings pays into court or gives security for the sum claimed, except if the appellant is that party;

- (c) where a Family Court makes an order setting aside unconditionally a default judgment, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise);
- (d) where a Family Court makes an order setting aside a default judgment on condition that the party against whom the judgment had been entered pays into court or gives security for the sum claimed, regardless of how the default judgment was obtained (including whether by reason of a breach of an order of court or otherwise), except if the appellant is that party.”.

### **Amendment of Foreshores Act**

8. Section 3 of the Foreshores Act (Cap. 113, 1985 Ed.) is repealed.

### **Amendment of Government Proceedings Act**

9. Section 29 of the Government Proceedings Act (Cap. 121, 1985 Ed.) is amended by deleting subsection (4) and substituting the following subsection:

“(4) In any civil proceedings mentioned in subsection (2), costs are payable in respect of the services of more than 2 legal officers if the court so certifies.”.

### **Amendment of Immigration Act**

10. The Immigration Act (Cap. 133, 2008 Ed.) is amended —

- (a) by deleting subsection (2) of section 2; and
- (b) by inserting, immediately after section 39A, the following section:

#### **“Minister may designate others to hear appeals**

**39B.**—(1) The Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal or a specific appeal under section 8(6), 10(5), 11(6), 14(6), 29(7) or 33:

(a) the Second Minister, if any, for his Ministry;

(b) any Minister of State for his Ministry;

(c) any Parliamentary Secretary to his Ministry.

(2) Any reference to the Minister in section 8(6), 10(5), 11(6), 14(6), 29(7), 33 or 39A includes a reference to a person designated under subsection (1).

(3) To avoid doubt, in this section —

“Minister of State” includes a Senior Minister of State;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary.”

### **Amendment of International Arbitration Act**

**11.** The International Arbitration Act (Cap. 143A, 2002 Ed.) is amended —

(a) by deleting the word “Chairman” in sections 8(2) and (3) and 16(2) and substituting in each case the words “President of the Court of Arbitration”; and

(b) by deleting the words “Chairman for the time being” in section 16(1) and substituting the words “President of the Court of Arbitration”.

### **Amendment of International Organisations (Immunities and Privileges) Act**

**12.** The International Organisations (Immunities and Privileges) Act (Cap. 145, 2013 Ed.) is amended —

(a) by inserting, immediately after the words “international organisations” in the long title, the words “, in particular those”;

(b) by deleting subsection (1) of section 2 and substituting the following subsection:



“(1) This section applies to the following:

- (a) any organisation declared by an order of the President to be an organisation of which the Government and the government or governments of one or more foreign sovereign Powers are members; 5
- (b) any organisation specified in the First Schedule.”;
- (c) by deleting the words “the Schedule” wherever they appear in section 2(2) and substituting in each case the words “the Second Schedule”; 10
- (d) by inserting, immediately after section 5, the following section and Schedule:

**“Amendment of First Schedule**

**6.** The Minister may, by notification published in the *Gazette*, amend the First Schedule. 15

**FIRST SCHEDULE**

Sections 2(1)(b) and 6

**SPECIFIED ORGANISATIONS**

1. International Tribunal for the Law of the Sea.”; and 20

- (e) by renaming the existing Schedule as the Second Schedule.

**Amendment of Land Acquisition Act**

**13.** Section 2(2) of the Land Acquisition Act (Cap. 152, 1985 Ed.) is amended —

- (a) by deleting the word “and” at the end of paragraph (b); and 25
- (b) by deleting paragraph (c) and substituting the following paragraphs:
  - “(c) the guardian of a minor is deemed the person entitled to act, to the same extent as the minor could have acted if free from disability; 30

(d) where an individual lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A), each of the following persons is deemed a person entitled to act, to the same extent as that individual could have acted if free from disability:

(A) a donee of a lasting power of attorney which is granted by that individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to that individual for the purposes of this Act;

(B) a deputy who is appointed or deemed to be appointed for that individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of this Act.”.

## **Amendment of Land Titles Act**

**14.** Section 126(1) of the Land Titles Act (Cap. 157, 2004 Ed.) is amended by deleting paragraph (e) and substituting the following paragraph:

“(e) where the caveator lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) —

(i) by a donee of a lasting power of attorney which is granted by the caveator under the Mental Capacity Act, and under which the caveator confers on the donee authority to make decisions in relation to the management and care of the estate or interest claimed in the caveat; or

(ii) by a deputy who is appointed or deemed to be appointed for the caveator by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to the management

and care of the estate or interest claimed in the caveat; or”.

### **Amendment of Legal Aid and Advice Act**

**15.** The Legal Aid and Advice Act (Cap. 160, 2014 Ed.) is amended —

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- (a) by deleting subsection (1A) of section 6;
- (b) by deleting subsection (4) of section 20 and substituting the following subsection:

“(4) A person seeking legal advice must apply to the Director, and must satisfy the Director that the person cannot afford to obtain the legal advice in the ordinary way.”;

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- (c) by inserting, immediately after paragraph (b) of section 23(2), the following paragraph:

“(ba) prescribe fees for applications under this Act, and provide for the remission of any such fees;”;

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- (d) by repealing section 25.

### **Amendment of Legal Profession Act**

**16.** The Legal Profession Act (Cap. 161, 2009 Ed.) is amended —

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- (a) by deleting the word “and” at the end of section 5(3)(d);
- (b) by inserting, immediately after paragraph (d) of section 5(3), the following paragraph:

“(da) the Dean of the School of Law of the SIM University;”;

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- (c) by deleting paragraphs (c), (d), (e) and (f) of section 10(2) and substituting the following paragraphs:

“(c) to prescribe the courses of instruction which a qualified person must attend and satisfactorily complete before the qualified person can be admitted as an advocate and solicitor, the

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conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a qualified person while attending such a course (including through disciplinary measures for any misconduct);

(d) to prescribe the examinations which a qualified person must pass before the qualified person can be admitted as an advocate and solicitor and the conditions for sitting for such an examination, and to regulate the conduct of a qualified person during such an examination (including through disciplinary measures for any misconduct);

(e) to provide for the courses of instruction which a foreign lawyer must attend and satisfactorily complete before the foreign lawyer can be registered under section 36B, including the conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a foreign lawyer while attending such a course (including through disciplinary measures for any misconduct);

(f) to provide for the examinations which a foreign lawyer must pass before the foreign lawyer can be registered under section 36B, including the conditions for sitting for such an examination, and to regulate the conduct of a foreign lawyer during such an examination (including through disciplinary measures for any misconduct);”;

(d) by deleting the words “this section” in section 10(2)(h) and substituting the words “subsection (1) or this subsection”;

(e) by inserting, immediately after subsection (2) of section 10, the following subsection:

“(2A) The Board of Directors of the Institute may, after consulting the Minister, make rules —

- (a) to provide for the courses mentioned in section 2(3)(c), including the conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a person while attending such a course (including through disciplinary measures for any misconduct); 5
- (b) to provide for the tests and examinations mentioned in section 2(3)(c), including the conditions for sitting for any such test or examination, and to regulate the conduct of a person during any such test or examination (including through disciplinary measures for any misconduct); and 10
- (c) to prescribe the forms to be used and the fees to be paid for the purposes of any rules made under this subsection.”; 15
- (f) by deleting the words “or the School of Law of the Singapore Management University” in sections 30(5)(c) and 75D(1)(c) and substituting in each case the words “, the School of Law of the Singapore Management University or the School of Law of the SIM University”; 20
- (g) by deleting the word “or” at the end of section 41(1A)(a)(ii);
- (h) by inserting, immediately after sub-paragraph (ii) of section 41(1A)(a), the following sub-paragraph: 25
- “(ii) of the School of Law of the SIM University; or”;
- (i) by deleting paragraphs (a), (b) and (c) of section 49(1) and substituting the following paragraphs:
- “(a) 7 practitioner members, each of whom is an advocate and solicitor of not less than 15 years’ standing on the day of his nomination for election to the Council; 30

(b) 4 practitioner members, each of whom is an advocate and solicitor of less than 15 years' but not less than 5 years' standing on the day of his nomination for election to the Council; and

5 (c) 4 practitioner members, each of whom is an advocate and solicitor of less than 5 years' standing on the day of his nomination for election to the Council.”;

10 (j) by deleting the words “12 years' standing” in section 50(1)(a) and substituting the words “15 years' standing”;

15 (k) by deleting the words “under 12 years' but not less than 7 years' standing” in section 50(1)(b) and substituting the words “less than 15 years' but not less than 5 years' standing”;

(l) by deleting the words “under 7 years' standing” in section 50(1)(c) and substituting the words “less than 5 years' standing”;

(m) by inserting the word “and” at the end of section 51(1)(b);

20 (n) by deleting paragraph (c) of section 51(1);

(o) by deleting the words “and place” in section 51(2) and (4);

(p) by inserting the word “and” at the end of section 51(3)(b);

(q) by deleting paragraph (c) of section 51(3);

25 (r) by deleting the words “there has been neither an application for a grant from the Fund nor a grant made from the Fund” in section 75(10) and substituting the words “no grant is made from the Fund, and there is no application for a grant from the Fund that is pending at the end of that year”;

30 (s) by deleting the word “Such” in sections 83(2) and 83A(2) and substituting in each case the words “Subject to subsection (7), such”;

(t) by inserting, immediately after subsection (6) of section 83, the following subsection:

“(7) The Minister may make rules for the exemption from section 83(2)(*d*) and (*e*) of any advocate and solicitor who satisfies such requirements, and does an act referred to in section 83(2)(*d*) or (*e*) in such circumstances, as may be prescribed in those rules.”;

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- (*u*) by inserting, immediately after subsection (6) of section 83A, the following subsection:

“(7) The Minister may make rules for the exemption from section 83A(2)(*d*) and (*e*) of any regulated foreign lawyer who satisfies such requirements, and does an act referred to in section 83A(2)(*d*) or (*e*) in such circumstances, as may be prescribed in those rules.”;

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- (*v*) by deleting subsection (3) of section 85 and substituting the following subsections:

“(3) Any judicial office holder specified in subsection (3A), the Attorney-General, the Director of Legal Services or the Institute may at any time refer to the Society any information touching upon the conduct of a regulated legal practitioner, and the Council must —

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(*a*) refer the matter to the Chairman of the Inquiry Panel; or

(*b*) if that judicial office holder, the Attorney-General, the Director of Legal Services or the Institute (as the case may be) requests that the matter be referred to a Disciplinary Tribunal, apply to the Chief Justice to appoint a Disciplinary Tribunal.

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(3A) For the purposes of subsection (3), the judicial office holders are —

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(*a*) any Judge of the Supreme Court;

(*b*) any Judicial Commissioner of the Supreme Court;

(*c*) any Senior Judge of the Supreme Court;

- (d) any International Judge of the Supreme Court;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.”; and

5 (w) by repealing section 92 and substituting the following section:

**“Complaint made by Judge, etc., or Attorney-General**

10 **92.—**(1) Where any judicial office holder specified in subsection (2) or the Attorney-General refers to the Society any information touching upon the conduct of a regulated legal practitioner, every reference in this Part to a person who made the complaint is to be construed as including a reference to the Attorney-General.

15 (2) For the purposes of subsection (1), the judicial office holders are —

- (a) any Judge of the Supreme Court;
- (b) any Judicial Commissioner of the Supreme Court;
- 20 (c) any Senior Judge of the Supreme Court;
- (d) any International Judge of the Supreme Court;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.”.

25 **Amendment of Maintenance Orders (Reciprocal Enforcement) Act**

**17.** The Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169, 1985 Ed.) is amended —

- 30 (a) by inserting, immediately after subsection (2) of section 8, the following subsection:



“(2A) To avoid doubt, section 121 of the Women’s Charter applies to a registered order which has been registered or confirmed by a Family Court (or any other court in Singapore) with the following modifications:

- (a) the reference in section 121(3) of the Women’s Charter to a suit is to be read as a reference to an application to enforce the registered order in accordance with section 71 of the Women’s Charter; 5
- (b) the reference in section 121(3) of the Women’s Charter to the institution of the suit is to be read as a reference to the filing of the application to enforce the registered order.”; and 10
- (b) by repealing section 18 and substituting the following sections: 15

**“Family Justice Rules**

**18.—**(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules to regulate and prescribe the procedure and practice to be followed in proceedings under this Act and any matters incidental to or relating to any such procedure or practice. 20

(2) Without affecting the generality of subsection (1), Family Justice Rules may be made to prescribe — 25

(a) the manner in which any application under this Act is to be made; and

(b) the fees payable in relation to proceedings under this Act. 30

(3) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions

issued for the time being by the registrar of the Family Justice Courts.

(4) All Family Justice Rules made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Regulations**

**18A.**—(1) The Minister may make regulations for giving effect to the provisions and purposes of this Act and for the due administration of this Act.

(2) The powers conferred by this section do not extend to any matter for which the Family Justice Rules mentioned in section 18 may be made.”.

### **Amendment of Maritime and Port Authority of Singapore Act**

**18.** Section 6(1) of the Maritime and Port Authority of Singapore Act (Cap. 170A, 1997 Ed.) is amended by deleting “11” in paragraph (b) and substituting “13”.

### **Amendment of Massage Establishments Act**

**19.** The Massage Establishments Act (Cap. 173, 2013 Ed.) is amended by inserting, immediately after section 10, the following section:

#### **“Minister may designate others to hear appeals**

**10A.**—(1) The Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal or a specific appeal under section 6(5) or 7:

- (a) the Second Minister, if any, for his Ministry;
- (b) any Minister of State for his Ministry;
- (c) any Parliamentary Secretary to his Ministry.

(2) Any reference to the Minister in section 6(5) or 7 includes a reference to a person designated under subsection (1).

(3) To avoid doubt, in this section —

“Minister of State” includes a Senior Minister of State;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary.”.

### **Amendment of Medical and Elderly Care Endowment Schemes Act**

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**20.** Section 43(3) of the Medical and Elderly Care Endowment Schemes Act (Cap. 173A, 2001 Ed.) is amended —

(a) by inserting the word “or” at the end of paragraph (a); and

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

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“(b) in relation to a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) —

(i) a donee of a lasting power of attorney which is granted by that person under the Mental Capacity Act, and under which that person confers on the donee authority to consent on that person’s behalf to such disclosure;

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(ii) a deputy who is appointed or deemed to be appointed for that person by the court under the Mental Capacity Act, and who is conferred power to consent on that person’s behalf to such disclosure.”.

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### **Amendment of Nanyang Polytechnic Act**

**21.** The Nanyang Polytechnic Act (Cap. 191A, 1993 Ed.) is amended by inserting, immediately after section 9, the following section:

#### **“Public servants**

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**9A.** All members of the Board, and all officers, members of the academic staff and other employees of the Polytechnic, are

deemed to be public servants for the purposes of the Penal Code (Cap. 224).”.

### **Amendment of National Arts Council Act**

5 **22.** The National Arts Council Act (Cap. 193A, 2014 Ed.) is amended —

(a) by inserting, immediately after section 11, the following section:

#### **“Secretary of Council**

10 **11A.—(1)** The Council may appoint an employee of the Council to be the secretary of the Council.

(2) The secretary of the Council —

(a) is responsible for the following matters:

(i) arranging the business, and keeping the minutes, of each meeting of the Council;

15 (ii) conveying any decision of the Council to the appropriate person;

(b) is to perform such other functions as the Chairman may direct; and

20 (c) must act in accordance with such instructions as the Chairman may give.”; and

(b) by inserting, immediately after paragraph 12 of the First Schedule, the following paragraph:

#### **“Transaction of business by Council outside meetings**

25 **12A.—(1)** The Council may, if it thinks fit, transact any of its business by the circulation of papers among members.

(2) Where a member is in any way, directly or indirectly, interested in any business being transacted by circulation of papers —

30 (a) the member must disclose the nature of the member’s interest in writing to the Chairman at the first opportunity after the relevant facts have come to the member’s knowledge;

(b) the disclosure is to be recorded and treated as having been made in accordance with paragraph 10; and

(c) the member must not take part in the deliberation or decision with respect to that transaction.

(3) A decision in writing made by a simple majority of the members for the time being entitled to take part in the decision is to be taken as a decision of the Council, and is as valid and effectual as if the decision had been made at a meeting of the Council duly convened and held. 5

(4) Separate copies of a decision in writing may be distributed for signing by the members if the wording of the decision and approval is identical in each copy. 10

(5) For the purpose of a decision under this paragraph, the Chairman and each member have the same voting rights as they have at any meeting of the Council. 15

(6) The decision of the Council is made when —

(a) the last member required for the majority signs; and

(b) the decision of that member is duly delivered to the secretary of the Council.

(7) The Chairman may stipulate a period of time within which a decision may be made under this paragraph. 20

(8) The Council may, if it thinks fit, deliberate on matters by the circulation of papers among all of the members of the Council.

(9) For the purposes of this paragraph, papers (including disclosures and decisions) may be circulated among members, or delivered to the secretary of the Council, by hand or by facsimile or electronic transmission of the information in the papers concerned.”. 25

**Amendment of National Emblems (Control of Display) Act**

**23.** Section 4 of the National Emblems (Control of Display) Act (Cap. 196, 1985 Ed.) is amended by deleting the words “the Schedule” in paragraph (a)(iii) and substituting the words “the Second Schedule”. 30

### **Amendment of Ngee Ann Polytechnic Act**

**24.** The Ngee Ann Polytechnic Act (Cap. 207, 1985 Ed.) is amended by inserting, immediately after section 19, the following section:

#### **“Public servants**

5       **19A.** All members of the Council, and all officers, members of the academic and administrative staff and other employees of the Polytechnic, are deemed to be public servants for the purposes of the Penal Code (Cap. 224).”.

### **Amendment of Passports Act**

10       **25.** The Passports Act (Cap. 220, 2008 Ed.) is amended —

(a) by deleting subsection (4) of section 28; and

(b) by inserting, immediately after section 28, the following section:

#### **“Minister may designate others to hear appeals**

15       **28A.**—(1) The Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal or a specific appeal under section 28:

(a) the Second Minister, if any, for his Ministry;

20       (b) any Minister of State for his Ministry;

(c) any Parliamentary Secretary to his Ministry.

(2) Any reference to the Minister in section 28 includes a reference to a person designated under subsection (1).

25       (3) To avoid doubt, in this section —

“Minister of State” includes a Senior Minister of State;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary.”.

### **Amendment of Patents Act**

**26.** The Patents Act (Cap. 221, 2005 Ed.) is amended by repealing section 109.

### **Amendment of Prisons Act**

**27.** Section 38 of the Prisons Act (Cap. 247, 2000 Ed.) is amended by deleting subsection (4) and substituting the following subsection: 5

“(4) An order under this section may be signed by —

- (a) the Registrar of the Supreme Court, if the order is issued by the Court of Appeal or the High Court;
- (b) the registrar of the Family Justice Courts, if the order is issued by the Family Division of the High Court, a Family Court or a Youth Court; 10
- (c) the registrar of the State Courts, if the order is issued by a District Court, a Magistrate’s Court, a Coroner’s Court or any other State Court; or 15
- (d) the District Judge, Magistrate or Coroner who issued the order.”.

### **Amendment of Private Education Act**

**28.** Paragraph 1 of the First Schedule to the Private Education Act (Cap. 247A, 2011 Ed.) is amended by deleting the word “child” in the definition of “post-secondary education” and substituting the word “person”. 20

### **Amendment of Private Hospitals and Medical Clinics Act**

**29.** Section 13(3) of the Private Hospitals and Medical Clinics Act (Cap. 248, 1999 Ed.) is amended by deleting paragraph (c) and substituting the following paragraph: 25

“(c) in relation to a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A), means —

- (i) a donee of a lasting power of attorney which is granted by that person under the Mental Capacity Act, and under which that person confers on the donee authority to consent on that person’s behalf to such disclosure; or
- (ii) a deputy who is appointed or deemed to be appointed for that person by the court under the Mental Capacity Act, and who is conferred power to consent on that person’s behalf to such disclosure.”.

### **Amendment of Private Security Industry Act**

**30.** The Private Security Industry Act (Cap. 250A, 2008 Ed.) is amended by inserting, immediately after section 26, the following section:

#### **“Minister may designate others to hear appeals**

**26A.—**(1) The Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal or a specific appeal under section 26:

- (a) the Second Minister, if any, for his Ministry;
- (b) any Minister of State for his Ministry;
- (c) any Parliamentary Secretary to his Ministry.

(2) Any reference to the Minister in section 24(5)(a) or 26 includes a reference to a person designated under subsection (1).

(3) To avoid doubt, in this section —

“Minister of State” includes a Senior Minister of State;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary.”.

### **Amendment of Probate and Administration Act**

**31.** Section 62(3) of the Probate and Administration Act (Cap. 251, 2000 Ed.) is amended by deleting the words “filed in court” and substituting the words “given to the registrar”.



## **Amendment of Public Entertainments and Meetings Act**

**32.** The Public Entertainments and Meetings Act (Cap. 257, 2001 Ed.) is amended by inserting, immediately after section 16, the following section:

### **“Minister may designate others to hear appeals**

5

**16AA.**—(1) A Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal or a specific appeal to the Minister under section 10(5), 11(6), 13(3), 14(5) or 15C(3):

(a) the Second Minister, if any, for his Ministry;

10

(b) any Minister of State for his Ministry;

(c) any Parliamentary Secretary to his Ministry.

(2) Any reference to a Minister in section 10(5), 11(6), 13(3) or (4), 14(5) or (6), 15C(3) or 16 includes a reference to a person designated by the Minister under subsection (1).

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(3) To avoid doubt, in this section —

“Minister of State” includes a Senior Minister of State;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary.”.

## **Amendment of Reciprocal Enforcement of Commonwealth Judgments Act**

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**33.** The Reciprocal Enforcement of Commonwealth Judgments Act (Cap. 264, 1985 Ed.) is amended —

(a) by deleting the words “Rules of Court” in section 2(2) and substituting the words “the Rules of Court mentioned in section 6 and the Family Justice Rules mentioned in section 7”;

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(b) by deleting the words “The Judges of the Supreme Court or any 3 of them of whom the Chief Justice shall be one shall provide by rules” in section 3(4) and substituting the words “The Rules of Court mentioned in section 6, and the Family Justice Rules mentioned in section 7, must provide”; and

30

(c) by repealing section 6 and substituting the following sections:

**“Rules of Court**

5           **6.**—(1) The Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act (Cap. 322) may make Rules of Court to regulate and prescribe the procedure and practice to be followed in the High Court (other than the Family Division of the High Court) in proceedings under this Act, including the fees payable for, and the evidence in, such proceedings.

10           (2) All Rules of Court made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

15           **Family Justice Rules**

20           **7.**—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules to regulate and prescribe the procedure and practice to be followed in the Family Division of the High Court in proceedings under this Act, including the fees payable for, and the evidence in, such proceedings.

25           (2) All Family Justice Rules made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.”.

**Amendment of Reciprocal Enforcement of Foreign Judgments Act**

**34.** The Reciprocal Enforcement of Foreign Judgments Act (Cap. 265, 2001 Ed.) is amended —

30           (a) by inserting, immediately after the words “Rules of Court” in the definition of “prescribed” in section 2(1), the words “or Family Justice Rules”;

- (b) by inserting, immediately after the words “Rules of Court” in section 2(3), the words “and Family Justice Rules”;
- (c) by inserting, immediately after the words “Rules of Court” in section 4(5), the words “or Family Justice Rules”;
- (d) by inserting, immediately after the words “the power to make Rules of Court under section 80 of the Supreme Court of Judicature Act (Cap. 322)” in section 8(1), the words “, and the power to make Family Justice Rules under section 46 of the Family Justice Act 2014 (Act 27 of 2014),”;
- (e) by deleting the word “rules” in section 8(1) and substituting the words “Rules of Court and Family Justice Rules, respectively,”;
- (f) by deleting the word “rules” wherever it appears in section 8(2) and substituting in each case the words “Rules of Court and Family Justice Rules”; and
- (g) by deleting the section heading of section 8 and substituting the following section heading:

**“Rules of Court and Family Justice Rules”.**

### **Amendment of Remote Gambling Act 2014**

**35.** The Remote Gambling Act 2014 (Act 34 of 2014) is amended by inserting, immediately after section 36, the following section:

**“Jurisdiction of courts**

**36A.** Despite any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.”.

### **Amendment of Republic Polytechnic Act**

**36.** The Republic Polytechnic Act (Cap. 270, 2003 Ed.) is amended by inserting, immediately after section 9, the following section:

### **“Public servants**

5       **9A.** All members of the Board, and all officers, members of the academic staff and other employees of the Polytechnic, are deemed to be public servants for the purposes of the Penal Code (Cap. 224).”.

### **Amendment of Settled Estates Act**

**37.** Section 16(2) of the Settled Estates Act (Cap. 293, 2013 Ed.) is amended by deleting paragraph (c) and substituting the following paragraph:

10           “(c) either of the following persons, on behalf of an individual who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A):

15                   (i) a donee of a lasting power of attorney which is granted by that individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to that individual for the purposes of this Act;

20                   (ii) a deputy who is appointed or deemed to be appointed for that individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of this Act.”.

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

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

30           (a) by deleting the words “and the Dean of the School of Law of the Singapore Management University” in section 5(1)(f) and substituting the words “, the Dean of the School of Law of the Singapore Management University and the Dean of the School of Law of the SIM University”; and

          (b) by deleting the words “or the School of Law of the Singapore Management University” in section 16(1)(c) and substituting

the words “, the School of Law of the Singapore Management University or the School of Law of the SIM University”.

### **Amendment of Singapore Armed Forces Act**

**39.** The Singapore Armed Forces Act (Cap. 295, 2000 Ed.) is amended — 5

(a) by repealing section 99 and substituting the following section:

**“Certificate relating to controlled drug or controlled substance” 10**

**99.**—(1) A certificate purporting —

(a) to be signed by —

(i) an analyst employed by the Health Sciences Authority;

(ii) a person appointed under section 16(a)(ii) of the Misuse of Drugs Act (Cap. 185); 15

(iii) a Singapore Armed Forces pharmacist or chemist; or

(iv) such other person as the Minister may, by notification in the *Gazette*, appoint; and 20

(b) to relate to a controlled drug or controlled substance,

is to be admitted in evidence in any proceedings under this Act for an offence under section 34, or under the Misuse of Drugs Act, on the production of the certificate by the prosecution without proof of signature and, until the contrary is proved, is proof of all matters contained in the certificate. 25 30

(2) In this section —

“controlled drug” and “controlled substance” have the same meanings as in section 2 of the Misuse of Drugs Act;

5 “Health Sciences Authority” means the Health Sciences Authority established under section 3 of the Health Sciences Authority Act (Cap. 122C).”; and

(b) by repealing section 100.

### 10 **Amendment of Singapore Polytechnic Act**

**40.** The Singapore Polytechnic Act (Cap. 303, 1985 Ed.) is amended by inserting, immediately after section 14, the following section:

#### **“Public servants**

15 **14A.** All members of the Board, and all officers, members of the academic and administrative staff and other employees of the Polytechnic, are deemed to be public servants for the purposes of the Penal Code (Cap. 224).”.

### **Amendment of Singapore Sports Council Act**

20 **41.** The Singapore Sports Council Act (Cap. 305, 2014 Ed.) is amended —

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

“(fa) with the approval of the Minister —

25 (i) impose fees or charges for services rendered by the Council and for the use of any facilities controlled or managed by the Council; and

30 (ii) determine the amount of each such fee or charge;”; and

(b) by deleting paragraph (d) of section 24(1).

### **Amendment of Singapore Tourism (Cess Collection) Act**

**42.** Section 2 of the Singapore Tourism (Cess Collection) Act (Cap. 305C, 1997 Ed.) is amended —

(a) by inserting, immediately after the definition of “Fund”, the following definitions: 5

“ “licensed premises” and “liquor licence” have the same meanings as in section 2(1) of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015);”; and

(b) by deleting the definition of “tourist public house” and substituting the following definition: 10

“ “tourist public house” means any licensed premises —

(a) in respect of which a Class 1A liquor licence has been granted under the Liquor Control (Supply and Consumption) Act 2015; 15

(b) in respect of which a Class 5 liquor licence (providing for the supply of liquor on the same terms as under a Class 1A liquor licence) has been granted under that Act for a continuous period of more than 6 days; or 20

(c) in respect of which a Class 1B liquor licence, or a Class 5 liquor licence (providing for the supply of liquor on the same terms as under a Class 1B liquor licence), has been granted under that Act, and which is declared by the Minister, by notification in the *Gazette*, to be a tourist public house.”. 25 30

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

**43.—**(1) The Supreme Court of Judicature Act (Cap. 322, 2007 Ed.) is amended —

- (a) by deleting subsection (2A) of section 34 and substituting the following subsection:

“(2A) Subsection (2)(a) does not apply to any of the following cases:

- 5                   (a) any case heard and determined by the High Court in the exercise of its original jurisdiction under any written law which requires that case to be heard and determined by the High Court in the exercise of its original jurisdiction;
- 10                   (b) any case heard and determined by the Family Division of the High Court in the exercise of its original jurisdiction;
- 15                   (c) any family proceedings (not being probate proceedings) commenced in the High Court before 1 October 2014 and heard and determined by the High Court in the exercise of its original jurisdiction;
- 20                   (d) any contentious probate proceedings commenced in the High Court before 1 January 2015 and heard and determined by the High Court in the exercise of its original jurisdiction.”;

- (b) by deleting subsection (4) of section 34 and substituting the following subsection:

25                   “(4) Subsections (1) and (2) do not apply to any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction referred to in section 23 of the Family Justice Act 2014 (Act 27 of 2014).”;

- 30                   (c) by deleting subsection (6) of section 34 and substituting the following subsection:

“(6) Subsections (1) and (2) do not apply to any decision, judgment or order of the High Court involving



the exercise of the appellate civil jurisdiction of the High Court in any of the following circumstances:

- (a) the hearing of any appeal from a District Court or Magistrate’s Court when exercising jurisdiction of a quasi-criminal or civil nature in any family proceedings (not being probate proceedings), being an appeal commenced in the High Court before 1 October 2014; 5
- (b) the hearing of any appeal or special case from the Tribunal for the Maintenance of Parents, being an appeal or a special case commenced in the High Court before 1 October 2014; 10
- (c) the hearing of any appeal from any contentious probate proceedings commenced in a District Court, being an appeal commenced in the High Court before 1 January 2015.”; 15
- (d) by deleting the words “the date specified under section 47(11) of the Family Justice Act 2014 for the purposes of section 47(7) of that Act” in section 34(7)(c) and substituting the words “1 January 2015”; and 20
- (e) by inserting, immediately after subsection (3) of section 79, the following subsection:
  - “(4) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional is appointed by the High Court to examine and assess a child or person for the purposes of preparing expert evidence for use in any proceedings involving the custody or welfare of that child or involving that person (as the case may be), the registered medical practitioner, psychologist, counsellor, social worker or mental health professional (as the case may be) shall not be liable to be sued for an act done by him for the purposes of the examination or assessment, or the preparation of the expert evidence for use in those proceedings, if the act — 25 30 35

- (a) was done in good faith; and
- (b) did not involve any fraud or wilful misconduct on his part.”.

(2) Subsection (1)(a) and (b) does not apply to any decision, judgment or order made or given by the Family Division of the High Court before the date of commencement of subsection (1)(a) and (b), and section 34(2A) and (4) of the Supreme Court of Judicature Act as in force immediately before that date continues to apply to any such decision, judgment or order as if subsection (1)(a) and (b) had not been enacted.

(3) Subsection (1)(a) and (c) does not apply to any decision, judgment or order made or given by the High Court before the date of commencement of subsection (1)(a) and (c) in any of the following proceedings, and section 34(2A) and (6) of the Supreme Court of Judicature Act as in force immediately before that date continues to apply to any such decision, judgment or order as if subsection (1)(a) and (c) had not been enacted:

- (a) any family proceedings (not being probate proceedings) commenced in the High Court before 1 October 2014;
- (b) any contentious probate proceedings commenced in the High Court before 1 January 2015.

### **Amendment of Temasek Polytechnic Act**

44. The Temasek Polytechnic Act (Cap. 323A, 1991 Ed.) is amended by inserting, immediately after section 8, the following section:

#### **“Public servants**

8A. All members of the Board, and all officers, members of the academic staff and other employees of the Polytechnic, are deemed to be public servants for the purposes of the Penal Code (Cap. 224).”.

### **Amendment of Trade Marks Act**

45. Section 75 of the Trade Marks Act (Cap. 332, 2005 Ed.) is amended —

- (a) by deleting the words “subsection (2)” in subsection (1) and substituting the words “subsections (2) and (3)”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(3) Where the Registrar makes a decision in any interlocutory proceedings between 2 or more parties, and the decision terminates any matter concerning a trade mark or an application for a trade mark, any of those parties who is adversely affected by the termination of the matter may appeal to the Court from the decision of the Registrar.”.

### **Amendment of Travel Agents Act**

**46.** Section 3 of the Travel Agents Act (Cap. 334, 1998 Ed.) is amended by deleting subsection (1) and substituting the following subsection:

“(1) Nothing in this Act is to be construed as requiring any of the following persons to hold a licence for the purpose of performing that person’s functions, exercising that person’s powers or carrying out that person’s duties as such person:

- (a) any executor or administrator;
- (b) any trustee;
- (c) any liquidator or official receiver;
- (d) any trustee in bankruptcy of a bankrupt estate;
- (e) any trustee under —
  - (i) a composition or scheme of arrangement;
  - (ii) a deed of arrangement; or
  - (iii) a deed of assignment;
- (f) any donee of a lasting power of attorney —
  - (i) which is granted under the Mental Capacity Act (Cap. 177A);

(ii) under which the donor confers on the donee authority to make decisions in relation to the donor for the purposes of this Act; and

(iii) the donor of which, after the creation of the lasting power of attorney, lacks capacity within the meaning of the Mental Capacity Act;

(g) any deputy who is appointed or deemed to be appointed for an individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of this Act.”.

### **Amendment of Trust Companies Act**

**47.** Section 26 of the Trust Companies Act (Cap. 336, 2006 Ed.) is amended by deleting subsection (1) and substituting the following subsection:

“(1) A licensed trust company must not be any of the following:

(a) a guardian of the person of an infant;

(b) a donee of a lasting power of attorney which is granted by an individual under the Mental Capacity Act (Cap. 177A), and under which that individual confers on the donee authority to make decisions in relation to the personal welfare of that individual;

(c) a deputy who is appointed or deemed to be appointed for an individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to the personal welfare of that individual.”.

### **Amendment of Trustees Act**

**48.** Section 3 of the Trustees Act (Cap. 337, 2005 Ed.) is amended by deleting the definition of “court” and substituting the following definition:

““court” means the High Court and includes, in any case where the trust concerned is an executorship or administratorship, a Family Court;”.

### **Amendment of United Nations Act**

**49.** Section 2(2) of the United Nations Act (Cap. 339, 2002 Ed.) is amended by deleting the words “directions of” and substituting the words “directions issued or regulations made by”.

### **Amendment of Wills Act**

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**50.** The Wills Act (Cap. 352, 1996 Ed.) is amended by inserting, immediately after section 27, the following section:

#### **“Rectification of will**

**28.—(1)** A court may order that a will be rectified so as to carry out the testator’s intentions, if the court is satisfied that, as a consequence of either or both of the following, the will is so expressed that the will fails to carry out the testator’s intentions:

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- (a) a clerical error;
- (b) a failure to understand the testator’s instructions.

(2) Except with the permission of a court, an application for an order under subsection (1) must be made no later than 6 months after the date on which a grant authorising the administration of the testator’s estate is first made.

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(3) Where the personal representatives of the testator distribute, after the end of the period of 6 months referred to in subsection (2), any part of the testator’s estate —

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- (a) this section does not render the personal representatives liable for making that distribution on the ground that they ought to have taken into account the possibility that a court may permit the making of an application for an order under subsection (1) after the end of that period; but

25

- (b) this subsection does not affect any power to recover, by reason of the making of an order under subsection (1), any part of the testator’s estate that is so distributed.

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(4) The following grants are to be disregarded when considering, for the purposes of this section, when a grant

authorising the administration of the testator’s estate is first made:

- (a) a grant limited to settled land or to trust property;
- (b) any other grant that does not permit the distribution of the testator’s estate;
- (c) a grant limited to a part only of the testator’s estate, unless a grant limited to the remainder of the testator’s estate has previously been made or is made at the same time.

(5) For the purposes of this section, where a grant consists of any probate, or letters of administration with the will annexed, sealed under section 47(1) of the Probate and Administration Act (Cap. 251), the grant is deemed to be made on the date of sealing of the probate or letters of administration with the will annexed.

(6) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 (Act 27 of 2014) may make Family Justice Rules —

- (a) to regulate and prescribe the procedure and practice to be followed in any application for an order under subsection (1); and
- (b) to provide for any matter relating to any such procedure or practice.

(7) In this section —

“court” means the High Court or a Family Court;

“grant” means any of the following:

- (a) any probate granted by the High Court or a Family Court, or granted before 1 January 2015 by a District Court;
- (b) any letters of administration with the will annexed granted by the High Court or a Family Court, or granted before 1 January 2015 by a District Court;

(c) any probate, or letters of administration with the will annexed, sealed under section 47(1) of the Probate and Administration Act;

“letters of administration with the will annexed” and “probate” have the same meanings as in section 2 of the Probate and Administration Act.”

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### **Amendment of Work Injury Compensation Act**

**51.** The Work Injury Compensation Act (Cap. 354, 2009 Ed.) is amended —

(a) by deleting sub-paragraph (iii) of section 9(1A)(a) and substituting the following sub-paragraph:

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“(iii) where the employee has become a person who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) —

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(A) a donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive such payment;

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or

(B) a deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive such payment; and”;

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(b) by deleting the words “becomes mentally incapacitated” in section 9(4A) and substituting the words “becomes a person who lacks capacity within the meaning of the Mental Capacity Act”;

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(c) by deleting the word “or” at the end of section 9(4A)(a);

(d) by deleting paragraph (b) of section 9(4A) and substituting the following paragraphs:

5 “(b) a donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive such payment; or

10 (c) a deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive such payment.”;

(e) by deleting the words “mentally incapacitated” in section 12A(1) and substituting the words “lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A)”;

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(f) by deleting the words “mentally incapacitated” in section 12A(2), (4), (5) and (6) and substituting in each case the words “lacks capacity within the meaning of the Mental Capacity Act”;

20 (g) by deleting subsection (2) of section 22 and substituting the following subsection:

25 “(2) Where it appears to the Commissioner that compensation or interest is payable to an employee under this Act and the employee lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) before such payment is made, it is lawful for the Commissioner to receive and pay the compensation or interest to any one or more of the dependants of the employee for the benefit of the employee, even if —

30 (a) there is no donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive the compensation or interest; and



- (b) there is no deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive the compensation or interest.”; 5
- (h) by deleting the words “to dead or mentally incapacitated employee from employer” in the section heading of section 22 and substituting the words “from employer to employee who is dead or lacks mental capacity”;
- (i) by deleting paragraph (ba) of section 27(1) and substituting the following paragraph: 10
- “(ba) where the person lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) — with the leave of the Commissioner, by — 15
- (i) any dependant of the person;
- (ii) any donee of a lasting power of attorney which is granted by the person under the Mental Capacity Act, and under which the person confers on the donee authority to manage the person’s property; or 20
- (iii) any deputy who is appointed or deemed to be appointed for the person by the court under the Mental Capacity Act, and who is conferred power to manage the person’s property.”; 25
- (j) by deleting paragraph (c) of section 28A(2) and substituting the following paragraph: 30
- “(c) where the employee lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A), to such of the following persons as the Commissioner deems fit:

- (i) any one or more of the employee's dependants for the benefit of the employee;
- 5 (ii) any donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to manage the employee's property;
- 10 (iii) any deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to manage the employee's property.”; and
- 15 (k) by deleting the words “are mentally incapacitated” in section 45(2)(h) and substituting the words “lack capacity within the meaning of the Mental Capacity Act (Cap. 177A),”.

### **Amendment of Statutes (Miscellaneous Amendments) Act 2012**

- 20 **52.** Section 26 of the Statutes (Miscellaneous Amendments) Act 2012 (Act 2 of 2012) is amended by deleting paragraph (i).

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### EXPLANATORY STATEMENT

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

Clause 1 relates to the short title and commencement.

Clause 2 amends section 13(8) of the Arbitration Act (Cap. 10) to replace, as the appointing authority designated under section 13(8) of that Act, the Chairman of the Singapore International Arbitration Centre with the President of the Court of Arbitration of the Singapore International Arbitration Centre.

Clause 3 repeals section 21 of the Community Mediation Centres Act (Cap. 49A) to remove —

- (a) the requirement for the Director of a Community Mediation Centre to prepare and submit to the Minister an annual report on the activities, operations and use of the Community Mediation Centre; and
- (b) consequently, the requirement for the Minister to lay that report before Parliament.

Clause 4(a) replaces section 7(5) of the Conveyancing and Law of Property Act (Cap. 61) to deem a person who is expressed to convey as a donee of a lasting power of attorney granted under the Mental Capacity Act (Cap. 177A) to be expressed to convey in a fiduciary capacity for the purposes of section 7 of the Conveyancing and Law of Property Act. This will be in addition to the existing treatment of a person as being expressed to convey in a fiduciary capacity if the person is expressed to convey —

- (a) as a trustee or mortgagee;
- (b) as a personal representative of a deceased person;
- (c) as a deputy appointed or deemed to be appointed under the Mental Capacity Act; or
- (d) under an order of court.

Clause 4(a) also simplifies and updates the existing reference in section 7(5) of the Conveyancing and Law of Property Act to a deputy appointed or deemed to be appointed under the Mental Capacity Act.

Clause 4(b) updates the references to the Mental Capacity Act in sections 46(3), 47(4) and 48(11) of the Conveyancing and Law of Property Act.

Clause 5(a) replaces section 91 of the Environmental Public Health Act (Cap. 95) to enable any fee, charge or money collected under that Act (other than a composition sum in section 104 of that Act or a financial penalty imposed under section 80K or 99 of that Act) to be paid to any person other than the National Environment Agency (the Agency), if the Agency has, with the approval of the Minister, made regulations under section 111 of that Act providing for that fee, charge or money to be paid to that person. Presently, section 91 of that Act requires all such fees, charges and moneys to be paid to the Agency.

Clause 5(b) inserts a new section 99(14A) into the Environmental Public Health Act to confirm that any financial penalty imposed on any person under section 99 of that Act is to be paid into the Consolidated Fund.

Clause 6(a) inserts in section 3(1) of the Evidence Act (Cap. 97) a definition for “country” which extends that term to include a territory. Clause 6(b) and (c) replaces the references to “territory” and “territories” in sections 59(1)(b), (d) and (j) and 80(2) and (3) of the Evidence Act with references to “country” and “countries”, respectively. Collectively, these amendments standardise the terms used in the Evidence Act to describe a jurisdiction, and extend every existing

reference in that Act to a country to include a reference to a territory (and vice versa).

Clause 6(d) repeals and re-enacts section 86 of the Evidence Act —

- (a) to enable the court to presume the genuineness of every publication referred to in that section —
  - (i) regardless whether the publication is in the form of a book or is in hard copy; and
  - (ii) even if the publication contains only one law (as opposed to a collection of laws), or only one report of a court decision (as opposed to a collection of reports of court decisions), of a country; and
- (b) to confine the application of the presumption, insofar as it relates to a report of a court decision, to a publication containing an official or authoritative report of the court decision.

Clause 7(a), (b) and (c) amends the definition of “family proceedings” in section 2(1) of the Family Justice Act 2014 (Act 27 of 2014) —

- (a) to exclude from that definition any civil proceedings under the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168), when that Act is repealed; and
- (b) to include in that definition any civil proceedings that may be commenced under the Wills Act (Cap. 352), as a consequence of the insertion of a new section 28 into that Act by clause 50.

Clause 7(d) amends section 20(1) of the Family Justice Act 2014 as a consequence of the renaming of the Schedule to that Act as the First Schedule to that Act by clause 7(k).

Clause 7(e), (f), (j) and (k) —

- (a) amends section 23(2) of, and inserts a new section 23(2A) into, the Family Justice Act 2014 so that an appeal cannot be brought to the High Court in any case where a Family Court makes any order specified in a new Second Schedule to that Act, except in certain circumstances specified in that Schedule;
- (b) inserts a new section 46A into the Family Justice Act 2014 to empower the Minister, after consulting the Chief Justice, to amend the new Second Schedule to that Act by order published in the *Gazette*;
- (c) inserts the new Second Schedule into the Family Justice Act 2014 to specify the cases where an appeal cannot be brought to the High Court against an order made by a Family Court, and the exceptions in those cases; and

- (d) renames the existing Schedule to the Family Justice Act 2014 as the First Schedule to that Act, as a consequence of the insertion of the new Second Schedule into that Act.

Clause 7(g) inserts a new section 26(3A) into the Family Justice Act 2014 to require any family proceedings that may be heard and determined by a Family Court, or by the Family Division of the High Court, to be commenced in the first instance in a Family Court.

Clause 7(h) amends section 26(4) of the Family Justice Act 2014 so that the Chief Justice's power to direct that certain family proceedings be heard and determined by the Family Division of the High Court is not affected by the new section 26(3A) of that Act (to be inserted by clause 7(g)). The amendment also clarifies that this power is not affected by the existing section 26(2) and (3) of the Family Justice Act 2014.

Clause 7(i) inserts a new section 45(5) and (6) into the Family Justice Act 2014 to confer on the following individuals protection from personal liability for certain acts in certain circumstances:

- (a) a child representative appointed to represent the interests of a child in certain proceedings;
- (b) a registered medical practitioner, psychologist, counsellor, social worker or mental health professional appointed by a Family Court to examine or assess a child or person.

Clause 8 repeals section 3 of the Foreshores Act (Cap. 113) as the matters referred to in that section are dealt with under the Building Control Act (Cap. 29) and the Planning Act (Cap. 232).

Clause 9 replaces section 29(4) of the Government Proceedings Act (Cap. 121) so that the treatment of costs for work done by more than 2 legal officers is no different from the treatment, under Order 59, Rule 19 of the Rules of Court (Cap. 322, R 5) and rule 871 of the Family Justice Rules 2014 (G.N. No. S 813/2014), of costs for work done by more than 2 solicitors.

Clause 10 amends the Immigration Act (Cap. 133) —

- (a) by inserting a new section 39B to allow the Minister to designate a Second Minister, Senior Minister of State or Minister of State for his Ministry, or a Senior Parliamentary Secretary or Parliamentary Secretary to his Ministry, to hear and determine, in his place, any appeal under section 8(6), 10(5), 11(6), 14(6), 29(7) or 33 of that Act; and
- (b) by deleting section 2(2) (which deals with the Minister's existing power to authorise the Second Minister for Home Affairs or a Minister of State to hear and determine the appeal) as a consequence.

Clause 11 amends sections 8(2) and (3) and 16(1) and (2) of the International Arbitration Act (Cap. 143A) to replace the Chairman of the Singapore International Arbitration Centre with the President of the Court of Arbitration of the Singapore International Arbitration Centre as —

- (a) the authority competent to perform the functions under Article 11(3) and (4) of the UNCITRAL Model Law on International Commercial Arbitration; and
- (b) the default appointing authority designated under section 16(1) of the International Arbitration Act to appoint a conciliator.

Clause 12 makes the following amendments to the International Organisations (Immunities and Privileges) Act (Cap. 145):

- (a) section 2(1) is replaced, and a new First Schedule (specifying the International Tribunal for the Law of the Sea) is inserted —
  - (i) to extend the application of section 2 (which relates to the legal capacities of an international organisation, and the conferring of immunities and privileges on an international organisation and its staff) to any organisation specified in the First Schedule; and
  - (ii) consequently, to enable the International Tribunal for the Law of the Sea to have the legal capacities of a body corporate, and to enable it and its staff to be conferred immunities and privileges under the International Organisations (Immunities and Privileges) Act, even though it is not strictly an organisation of which the Government and the government or governments of one or more foreign sovereign Powers are members;
- (b) the long title and section 2(2) are amended, and the existing Schedule is renamed as the Second Schedule, as a consequence of the replacement of section 2(1) and the insertion of the new First Schedule;
- (c) a new section 6 is inserted to empower the Minister to amend the new First Schedule by notification published in the *Gazette*.

Clause 13 amends section 2(2) of the Land Acquisition Act (Cap. 152) to provide that where an individual lacks capacity within the meaning of the Mental Capacity Act, each of the following persons is deemed, for the purposes of the Land Acquisition Act, a person “entitled to act”, to the same extent as that individual could have acted if free from disability:

- (a) a donee of a lasting power of attorney which is granted by that individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to that individual for the purposes of the Land Acquisition Act;

- (b) a deputy who is appointed or deemed to be appointed for that individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of the Land Acquisition Act.

Clause 13 also maintains the existing position in section 2(2)(c) of the Land Acquisition Act that the guardian of a minor is deemed, for the purposes of that Act, a person “entitled to act”, to the same extent as the minor could have acted if free from disability.

Clause 14 replaces section 126(1)(e) of the Land Titles Act (Cap. 157) to provide that a caveat may be withdrawn, where the caveator lacks capacity within the meaning of the Mental Capacity Act, by an instrument of withdrawal signed —

- (a) by a donee of a lasting power of attorney which is granted by the caveator under the Mental Capacity Act, and under which the caveator confers on the donee authority to make decisions in relation to the management and care of the estate or interest claimed in the caveat; or
- (b) by a deputy who is appointed or deemed to be appointed for the caveator by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to the management and care of the estate or interest claimed in the caveat.

Clause 15 makes the following amendments to the Legal Aid and Advice Act (Cap. 160):

- (a) section 6(1A) is deleted to remove the requirement to pay a fee for an application under section 6(1) of that Act for legal aid;
- (b) section 20(4) is replaced to remove the requirement to pay a fee for an application under that provision for legal advice;
- (c) a new section 23(2)(ba) is inserted to empower the Minister to make regulations to prescribe fees for applications under that Act, and to provide for the remission of any such fees;
- (d) section 25 is repealed, as that section is spent.

Clause 16 makes various amendments to the Legal Profession Act (Cap. 161).

Clause 16(a) and (b) amends section 5(3) of the Legal Profession Act to make the Dean of the School of Law of the SIM University a member of the Board of Directors of the Singapore Institute of Legal Education (SILE Board).

Clause 16(c) replaces section 10(2)(c), (d), (e) and (f) of the Legal Profession Act to confirm that the power of the SILE Board to make rules, after consulting the Minister and the Council of the Law Society of Singapore (the Society), to provide for the following courses of instruction and examinations extends to providing for

the conditions for entry to such a course, and the conditions for sitting for such an examination:

- (a) the courses of instruction which a qualified person must attend and satisfactorily complete, and the examinations which a qualified person must pass, before the qualified person can be admitted as an advocate and solicitor;
- (b) the courses of instruction which a foreign lawyer must attend and satisfactorily complete, and the examinations which a foreign lawyer must pass, before the foreign lawyer can be registered under section 36B.

Clause 16(e) inserts a new section 10(2A) into the Legal Profession Act to empower the SILE Board to make rules, after consulting the Minister, to provide for the courses, tests and examinations mentioned in section 2(3)(c) of that Act, and to prescribe the forms and fees for the purposes of those rules.

Consequently, clause 16(d) amends section 10(2)(h) of the Legal Profession Act to restrict that provision to forms and fees for the purposes of (among other things) any rules made under section 10(1) or (2) of that Act (instead of any rules made under section 10 of that Act).

Clause 16(f) amends sections 30(5)(c) and 75D(1)(c) of the Legal Profession Act —

- (a) to deem the appointment of a Senior Counsel to be revoked if the Senior Counsel, being a member of the School of Law of the SIM University, is dismissed from that School; and
- (b) to include being a full-time member of the academic staff of the School of Law of the SIM University as one of the occupations which, or one of the occupations a combination of which, if held by a solicitor for a period of not less than 10 years in total, would allow the solicitor to take or use the title of consultant.

Clause 16(g) and (h) amends section 41(1A)(a) of the Legal Profession Act to enable any member of the academic staff of the School of Law of the SIM University (who is not an advocate and solicitor, a foreign lawyer referred to in section 40A of that Act, or a qualified person referred to in section 41(1) of that Act) to apply to be admitted as a member of the Society.

Clause 16(i) replaces section 49(1)(a), (b) and (c) of the Legal Profession Act to change the composition of the elected members of the Council of the Society (in terms of the number of elected members and the number of years' standing, for each category of elected members) to better reflect the composition of the members of the Society who are entitled to vote for the election of the members of the Council.



Clause 16(*j*), (*k*) and (*l*) amends section 50(1) of the Legal Profession Act to change the number of years' standing, for each category of voters for the election of members of the Council of the Society, to match the changes made by clause 16(*i*) to the categories of elected members of the Council of the Society.

Clause 16(*m*) to (*q*) amends section 51 of the Legal Profession Act to remove the existing requirement for the election of the members of the Council of the Society to be conducted by ballot at a physical place.

Clause 16(*r*) amends section 75(10) of the Legal Profession Act to enable the Council of the Society to transfer certain amounts from the Compensation Fund (namely, interest, dividends and other accretions of capital arising from the whole or any part of the Compensation Fund) to a fund of the Society established for purchasing or maintaining a library for members of the Society, if in any year no grant is made from that Fund, and there is no application for a grant from that Fund that is pending at the end of that year.

Clause 16(*s*), (*t*) and (*u*) amends sections 83 and 83A of the Legal Profession Act to enable the Minister —

- (*a*) to make rules to exempt from section 83(2)(*d*) and (*e*) of that Act any advocate and solicitor who satisfies such requirements, and does an act referred to in section 83(2)(*d*) or (*e*) of that Act in such circumstances, as may be prescribed in those rules; and
- (*b*) to make rules to exempt from section 83A(2)(*d*) and (*e*) of that Act any regulated foreign lawyer who satisfies such requirements, and does an act referred to in section 83A(2)(*d*) or (*e*) of that Act in such circumstances, as may be prescribed in those rules.

Clause 16(*v*) replaces section 85(3) of, and inserts a new section 85(3A) into, the Legal Profession Act to include the Presiding Judge of the Family Justice Courts and the Presiding Judge of the State Courts in the list of judicial office holders who may, under section 85(3) of that Act —

- (*a*) refer to the Society information touching upon the conduct of a regulated legal practitioner; and
- (*b*) request that the matter be referred to a Disciplinary Tribunal.

Clause 16(*w*) replaces section 92 of the Legal Profession Act to include the Presiding Judge of the Family Justice Courts and the Presiding Judge of the State Courts in the list of judicial office holders referred to in that section. Where any such judicial office holder refers to the Society information touching upon the conduct of a regulated legal practitioner, every reference in Part VII of the Legal Profession Act to a person who made the complaint is to be construed as including a reference to the Attorney-General. This enables the Attorney-General to (among other things) —

- (a) be informed under section 87(4) of the Legal Profession Act of the determination of the Council of the Society under section 87(1) of that Act in relation to the information referred by that judicial office holder;
- (b) be informed under section 94(4) of the Legal Profession Act of the determination of a Disciplinary Tribunal under section 93 of that Act in relation to the information referred by that judicial office holder;
- (c) apply, or respond to an application by a regulated legal practitioner, under section 97(1) of the Legal Profession Act for a review of a determination or an order made by a Disciplinary Tribunal under section 93(1)(a) or (b), (2) or (2A) of that Act in relation to the information referred by that judicial office holder; and
- (d) make an application under section 98 of the Legal Profession Act, in relation to the information referred by that judicial office holder, if a Judge makes an order under section 97 of that Act directing the Attorney-General to do so.

Clause 17 makes the following amendments to the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169):

- (a) a new section 8(2A) is inserted to clarify how section 121 of the Women's Charter (Cap. 353) will apply to a registered order which has been registered or confirmed by a Family Court (or any other court in Singapore);
- (b) section 18 is substituted with new sections 18 and 18A to replace the existing power of the Minister to make rules for the Maintenance Orders (Reciprocal Enforcement) Act with —
  - (i) a new power conferred on the Family Justice Rules Committee to make Family Justice Rules to regulate and prescribe the procedure and practice for proceedings under the Maintenance Orders (Reciprocal Enforcement) Act; and
  - (ii) a new power conferred on the Minister to make regulations for giving effect to the provisions and purposes, and for the due administration, of the Maintenance Orders (Reciprocal Enforcement) Act.

Clause 18 amends section 6(1)(b) of the Maritime and Port Authority of Singapore Act (Cap. 170A) to increase the maximum number of members (other than the Chairman) of the Maritime and Port Authority of Singapore from 11 to 13.

Clause 19 inserts a new section 10A into the Massage Establishments Act (Cap. 173) to allow the Minister to designate a Second Minister, Senior Minister of State or Minister of State for his Ministry, or a Senior Parliamentary Secretary or

Parliamentary Secretary to his Ministry, to hear and determine, in his place, any appeal under section 6(5) or 7 of that Act.

Clause 20 amends section 43(3) of the Medical and Elderly Care Endowment Schemes Act (Cap. 173A) to make each of the following a “representative” who is able to give consent to the disclosure of information contained in the medical records, or which relates to the condition, treatment or diagnosis, of a person who lacks capacity within the meaning of the Mental Capacity Act:

- (a) a donee of a lasting power of attorney which is granted by that person under the Mental Capacity Act, and under which that person confers on the donee authority to consent on that person’s behalf to such disclosure;
- (b) a deputy who is appointed or deemed to be appointed for that person by the court under the Mental Capacity Act, and who is conferred power to consent on that person’s behalf to such disclosure.

Clause 21 inserts a new section 9A into the Nanyang Polytechnic Act (Cap. 191A) to deem all members of the Board of Governors of the Nanyang Polytechnic, and all officers, members of the academic staff and other employees of that Polytechnic, to be public servants for the purposes of the Penal Code (Cap. 224).

Clause 22 makes the following amendments to the National Arts Council Act (Cap. 193A):

- (a) a new section 11A is inserted to provide for the appointment and responsibilities of the secretary of the National Arts Council;
- (b) a new paragraph 12A is inserted in the First Schedule to enable the National Arts Council to transact its business by the circulation of papers among its members, and to make decisions in writing (instead of at a meeting).

Clause 23 makes an editorial amendment to section 4(a)(iii) of the National Emblems (Control of Display) Act (Cap. 196). The clause replaces the existing reference to “the Schedule” to the International Organisations (Immunities and Privileges) Act with a reference to “the Second Schedule” to that Act, as a consequence of the renaming, by clause 12(e), of the existing Schedule to that Act as the Second Schedule to that Act.

Clause 24 inserts a new section 19A into the Ngee Ann Polytechnic Act (Cap. 207) to deem all members of the Council of the Ngee Ann Polytechnic, and all officers, members of the academic and administrative staff and other employees of that Polytechnic, to be public servants for the purposes of the Penal Code.

Clause 25 amends the Passports Act (Cap. 220) —

- (a) by inserting a new section 28A to allow the Minister to designate a Second Minister, Senior Minister of State or Minister of State for his Ministry, or a

Senior Parliamentary Secretary or Parliamentary Secretary to his Ministry, to hear and determine, in his place, any appeal under section 28 of that Act; and

- (b) by deleting section 28(4) (which deals with the Minister’s existing power to designate a Minister of State to hear and determine the appeal) as a consequence.

Clause 26 repeals section 109 of the Patents Act (Cap. 221) to enable the rules made under section 115 of that Act to provide for a notice, an application or any other document under that Act or those rules to be given, made or filed (as the case may be) by a means other than by post.

Clause 27 replaces section 38(4) of the Prisons Act (Cap. 247) to restate who may sign an order under section 38 of that Act. The order may be signed by —

- (a) the Registrar of the Supreme Court, if the order is issued by the Court of Appeal or the High Court;
- (b) the registrar of the Family Justice Courts, if the order is issued by the Family Division of the High Court, a Family Court or a Youth Court;
- (c) the registrar of the State Courts, if the order is issued by a District Court, a Magistrate’s Court, a Coroner’s Court or any other State Court; or
- (d) the District Judge, Magistrate or Coroner who issued the order.

Clause 28 amends the definition of “post-secondary education” in paragraph 1 of the First Schedule to the Private Education Act (Cap. 247A) to clarify that the term “post-secondary education” refers to education normally for a person who is 16 years of age or above (regardless whether the person is still a child).

Clause 29 amends section 13(3) of the Private Hospitals and Medical Clinics Act (Cap. 248) to make each of the following a “representative” who is able to give consent to the disclosure of information contained in the medical record, or which relates to the condition, treatment or diagnosis, of a person who lacks capacity within the meaning of the Mental Capacity Act:

- (a) a donee of a lasting power of attorney which is granted by that person under the Mental Capacity Act, and under which that person confers on the donee authority to consent on that person’s behalf to such disclosure;
- (b) a deputy who is appointed or deemed to be appointed for that person by the court under the Mental Capacity Act, and who is conferred power to consent on that person’s behalf to such disclosure.

Clause 30 inserts a new section 26A into the Private Security Industry Act (Cap. 250A) to allow the Minister to designate a Second Minister, Senior Minister of State or Minister of State for his Ministry, or a Senior Parliamentary Secretary or

Parliamentary Secretary to his Ministry, to hear and determine, in his place, any appeal under section 26 of that Act.

Clause 31 amends section 62(3) of the Probate and Administration Act (Cap. 251) to replace the existing requirement for the Public Trustee to file in court a notice of a declaration made by the Public Trustee under section 62(1) of that Act (that the Public Trustee undertakes to administer the property of a person who dies leaving property in Singapore not exceeding \$50,000 in value) with a requirement for the Public Trustee to give notice of that declaration to the registrar of the Family Justice Courts.

Clause 32 inserts a new section 16AA into the Public Entertainments and Meetings Act (Cap. 257) to allow a Minister to designate a Second Minister, Senior Minister of State or Minister of State for his Ministry, or a Senior Parliamentary Secretary or Parliamentary Secretary to his Ministry, to hear and determine, in his place, any appeal under section 10(5), 11(6), 13(3), 14(5) or 15C(3) of that Act.

Clause 33 amends sections 2(2) and 3(4) of the Reciprocal Enforcement of Commonwealth Judgments Act (Cap. 264), replaces section 6 of that Act, and inserts a new section 7 into that Act, to expressly provide for the making of Rules of Court, and to enable the making of Family Justice Rules, to regulate and prescribe the procedure and practice to be followed in proceedings under that Act, including the fees payable for, and the evidence in, such proceedings.

Clause 34 amends sections 2(1) and (3), 4(5) and 8 of the Reciprocal Enforcement of Foreign Judgments Act (Cap. 265) to provide for the making of Family Justice Rules for the purposes of that Act.

Clause 35 inserts a new section 36A into the Remote Gambling Act 2014 (Act 34 of 2014) to enable a District Court or Magistrate's Court to try any offence under that Act, and to impose the full penalty or punishment in respect of that offence, despite any provision of the Criminal Procedure Code (Cap. 68) which limits the jurisdiction of the District Court or Magistrate's Court.

Clause 36 inserts a new section 9A into the Republic Polytechnic Act (Cap. 270) to deem all members of the Board of Governors of the Republic Polytechnic, and all officers, members of the academic staff and other employees of that Polytechnic, to be public servants for the purposes of the Penal Code.

Clause 37 replaces section 16(2)(c) of the Settled Estates Act (Cap. 293) to enable every notice under that Act to be given by or to either of the following persons, on behalf of an individual who lacks capacity within the meaning of the Mental Capacity Act:

- (a) a donee of a lasting power of attorney which is granted by that individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to that individual for the purposes of the Settled Estates Act;

- (b) a deputy who is appointed or deemed to be appointed for that individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to that individual for the purposes of the Settled Estates Act.

Clause 38 makes the following amendments to the Singapore Academy of Law Act (Cap. 294A):

- (a) section 5(1)(f) is amended to make the Dean of the School of Law of the SIM University a member of the Senate of the Singapore Academy of Law;
- (b) section 16(1)(c) is amended to disqualify a person from being a member of the Singapore Academy of Law if, being a member of the School of Law of the SIM University, the person is dismissed from that School for misconduct in the discharge of the person's duties.

Clause 39 replaces section 99, and repeals section 100, of the Singapore Armed Forces Act (Cap. 295).

Section 99 of the Singapore Armed Forces Act provides for a certificate referred to in that section to be admitted in evidence, in certain proceedings under that Act, as proof of the matters contained in the certificate.

Clause 39(a) replaces section 99 of the Singapore Armed Forces Act —

- (a) to extend the things to which such a certificate may relate to include a controlled substance as defined in section 2 of the Misuse of Drugs Act (Cap. 185); and
- (b) to update the list of persons who may sign such a certificate.

Section 100 of the Singapore Armed Forces Act enables a person subject to military law, who is required by a lawful order or general order under that Act to provide a specimen of the person's urine for a urine test, to apply for a second test of the person's urine specimen. The section also provides that if the person is convicted by a subordinate military court, as a result of the urine test, of the offence of consuming a controlled drug, the finding of and sentence imposed for that offence must be quashed, if the second test indicates that there is no controlled drug in the person's urine specimen.

Clause 39(b) repeals section 100 of the Singapore Armed Forces Act because that section is no longer required. Now, when a person subject to military law is required by a lawful order or general order under that Act to provide a specimen of the person's urine for a urine test, the person's urine specimen is divided into parts, and each part of the urine specimen is tested by a different individual. Therefore, there is no need for the person to apply for a second test of the person's urine specimen. The details of the processes for the collection and testing of the person's

urine specimen are set out in the Singapore Armed Forces (Urine Specimens and Urine Tests) Regulations 2014 (G.N. No. S 482/2014).

Clause 40 inserts a new section 14A into the Singapore Polytechnic Act (Cap. 303) to deem all members of the Board of Governors of the Singapore Polytechnic, and all officers, members of the academic and administrative staff and other employees of that Polytechnic, to be public servants for the purposes of the Penal Code.

Clause 41 inserts a new section 9(*fa*) into the Singapore Sports Council Act (Cap. 305), and deletes section 24(1)(*d*) of that Act —

- (*a*) to enable the Singapore Sports Council (with the approval of the Minister) —
  - (i) to impose fees or charges for services rendered by the Council, and for the use of any facilities controlled or managed by the Council; and
  - (ii) to determine the amount of each such fee or charge; and
- (*b*) to remove the requirement for the Council (with the approval of the Minister) to make regulations to prescribe fees or charges for the use of sports facilities controlled by the Council.

Clause 42 replaces the definition of “tourist public house” in section 2 of the Singapore Tourism (Cess Collection) Act (Cap. 305C) to make changes to that definition which are consequential to the replacement of public house licences issued under the repealed Part VIII of the Customs Act (Cap. 70) with liquor licences granted under the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015). The clause also inserts into section 2 of the Singapore Tourism (Cess Collection) Act definitions for the terms “licensed premises” and “liquor licence”, which are used in the new definition of “tourist public house”.

Clause 43(1) amends sections 34 and 79 of the Supreme Court of Judicature Act (Cap. 322). Clause 43(2) and (3) contains saving and transitional provisions for clause 43(1)(*a*), (*b*) and (*c*).

Section 34(1) of the Supreme Court of Judicature Act sets out the cases where no appeal can be brought to the Court of Appeal from a decision of the High Court. Section 34(2) of the Supreme Court of Judicature Act sets out the cases where an appeal can be brought to the Court of Appeal from a decision of the High Court only with the leave of the High Court or the Court of Appeal.

Under the existing section 34(4) and (6) of the Supreme Court of Judicature Act, section 34(1) and (2) of that Act does not apply to the following matters and proceedings:

- (*a*) any decision, judgment or order of the Family Division of the High Court;

- (b) any family proceedings (not being probate proceedings) commenced before 1 October 2014;
- (c) any contentious probate proceedings commenced in the High Court before 1 January 2015.

Clause 43(1)(a), (b) and (c) replaces section 34(2A), (4) and (6), respectively, of the Supreme Court of Judicature Act to refine the exceptions to section 34(1) and (2) of that Act which concern family proceedings (including probate proceedings).

When the new section 34(2A), (4) and (6) of the Supreme Court of Judicature Act comes into operation, under the new section 34(2A) of that Act, only section 34(2)(a) of that Act does not apply to the following cases and proceedings:

- (a) any case heard and determined by the Family Division of the High Court in the exercise of its original jurisdiction;
- (b) any family proceedings (not being probate proceedings) commenced in the High Court before 1 October 2014 and heard and determined by the High Court in the exercise of its original jurisdiction;
- (c) any contentious probate proceedings commenced in the High Court before 1 January 2015 and heard and determined by the High Court in the exercise of its original jurisdiction.

Under the new section 34(4) and (6) of the Supreme Court of Judicature Act, the non-application of section 34(1) and (2) of that Act is restricted to only the following decisions, judgments and orders:

- (a) any decision, judgment or order of the Family Division of the High Court involving the exercise of the appellate civil jurisdiction referred to in section 23 of the Family Justice Act 2014;
- (b) any decision, judgment or order of the High Court involving the exercise of the appellate civil jurisdiction of the High Court in any of the following circumstances:
  - (i) the hearing of any appeal from a District Court or Magistrate's Court when exercising jurisdiction of a quasi-criminal or civil nature in any family proceedings (not being probate proceedings), being an appeal commenced in the High Court before 1 October 2014;
  - (ii) the hearing of any appeal or special case from the Tribunal for the Maintenance of Parents, being an appeal or a special case commenced in the High Court before 1 October 2014;
  - (iii) the hearing of any appeal from any contentious probate proceedings commenced in a District Court, being an appeal commenced in the High Court before 1 January 2015.



Clause 43(1)(d) makes a technical change to section 34(7)(c) of the Supreme Court of Judicature Act, by replacing the reference to “the date specified under section 47(11) of the Family Justice Act 2014 for the purposes of section 47(7) of that Act” with the actual date concerned, namely, 1 January 2015.

Clause 43(1)(e) inserts a new section 79(4) into the Supreme Court of Judicature Act to confer, on a registered medical practitioner, psychologist, counsellor, social worker or mental health professional appointed by the High Court to examine or assess a child or person, protection from personal liability for certain acts in certain circumstances.

Clause 44 inserts a new section 8A into the Temasek Polytechnic Act (Cap. 323A) to deem all members of the Board of Governors of the Temasek Polytechnic, and all officers, members of the academic staff and other employees of that Polytechnic, to be public servants for the purposes of the Penal Code.

Clause 45 amends section 75 of the Trade Marks Act (Cap. 332) to enable a party in interlocutory proceedings between 2 or more parties to appeal from a decision of the Registrar of Trade Marks in those proceedings, if —

- (a) the decision terminates any matter concerning a trade mark or an application for a trade mark; and
- (b) the party is adversely affected by the termination of the matter.

Clause 46 replaces section 3(1) of the Travel Agents Act (Cap. 334) —

- (a) to confirm that a donee of a lasting power of attorney granted under the Mental Capacity Act is not required to hold a licence granted under the Travel Agents Act for the purpose of performing the donee’s functions, exercising the donee’s powers or carrying out the donee’s duties as such donee; and
- (b) to make technical improvements to that subsection.

The new section 3(1) of the Travel Agents Act maintains the existing position that each of the following persons is not required to hold a licence granted under that Act for the purpose of performing that person’s functions, exercising that person’s powers or carrying out that person’s duties as such person:

- (a) any executor or administrator;
- (b) any trustee;
- (c) any liquidator or official receiver;
- (d) any trustee in bankruptcy of a bankrupt’s estate;
- (e) any trustee under a composition or scheme of arrangement, a deed of arrangement, or a deed of assignment;

- (f) any deputy who is appointed or deemed to be appointed for an individual under the Mental Capacity Act.

Clause 47 replaces section 26(1) of the Trust Companies Act (Cap. 336) to prohibit a licensed trust company from being any of the following:

- (a) a guardian of the person of an infant;
- (b) a donee of a lasting power of attorney which is granted by an individual under the Mental Capacity Act, and under which that individual confers on the donee authority to make decisions in relation to the personal welfare of that individual;
- (c) a deputy who is appointed or deemed to be appointed for an individual by the court under the Mental Capacity Act, and who is conferred power to make decisions in relation to the personal welfare of that individual.

Clause 48 replaces the definition of “court” in section 3 of the Trustees Act (Cap. 337) so that a reference in that Act to “court” (which, at present, is confined to the High Court) includes, in any case where the trust concerned is an executorship or administratorship, a Family Court. With this change, a Family Court may exercise the powers of the High Court under Part V of the Trustees Act in an administration action under Division 53 of Part 18 of the Family Justice Rules 2014 (G.N. No. S 813/2014).

Clause 49 amends section 2(2) of the United Nations Act (Cap. 339) to replace the existing reference in that provision to the “directions of” the Monetary Authority of Singapore under section 27A of the Monetary Authority of Singapore Act (Cap. 186) with a reference to the “directions issued or regulations made by” that Authority under that section. This is because section 27A(1) of the Monetary Authority of Singapore Act empowers the Monetary Authority of Singapore to issue directions to a financial institution or class of financial institutions, and to make regulations concerning, or relating to the activities of, any financial institution or class of financial institutions.

Clause 50 inserts a new section 28 into the Wills Act (Cap. 352) to enable a court to order that a will be rectified so as to carry out the testator’s intentions, if the court is satisfied that, as a consequence of either or both a clerical error and a failure to understand the testator’s intentions, the will is so expressed that the will fails to carry out the testator’s intentions. Except with the permission of the court, an application for such an order must be made no later than 6 months after the date on which a grant authorising the administration of the testator’s estate is first made. The new section also enables the Family Justice Rules Committee to make Family Justice Rules to regulate and prescribe the procedure and practice to be followed in an application for such an order.

Clause 51 makes the following amendments to the Work Injury Compensation Act (Cap. 354):

- (a) section 9(1A)(a)(iii) is replaced to enable the Commissioner for Labour to authorise payment of compensation, in respect of injury which has resulted in the death or permanent incapacity of an employee, to be made directly to either of the following persons, where the employee has become a person who lacks capacity within the meaning of the Mental Capacity Act:
- (i) a donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive such payment;
  - (ii) a deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive such payment;
- (b) section 9(4A) is amended to enable compensation deposited under section 9(1) in respect of an accident resulting in the permanent incapacity of an employee, who becomes a person who lacks capacity within the meaning of the Mental Capacity Act, to be payable to either of the following persons, apart from a dependant of the employee:
- (i) a donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive such payment;
  - (ii) a deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive such payment;
- (c) section 12A(1), (2), (4), (5) and (6) is amended to replace the existing references in those provisions to an employee who is mentally incapacitated with references to an employee who lacks capacity within the meaning of the Mental Capacity Act, so that section 12A adopts the same terminology as section 4 of the Mental Capacity Act when describing a person who lacks mental capacity;
- (d) section 22(2) is replaced to clarify that where it appears to the Commissioner for Labour that compensation or interest is payable under the Work Injury Compensation Act to an employee who lacks capacity within the meaning of the Mental Capacity Act, it is lawful for the Commissioner for Labour to receive and pay the compensation or interest to one or more of the dependants of the employee for the benefit of the employee, even if —
- (i) there is no donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to receive the compensation or interest; and

- (ii) there is no deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to receive the compensation or interest;
- (e) the section heading of section 22 is amended to replace the existing reference to a dead or mentally incapacitated employee with a reference to an employee who is dead or lacks mental capacity, so that the section heading adopts the same terminology as the short title and section 4 of the Mental Capacity Act when describing a person who lacks mental capacity;
- (f) section 27(1)(ba) is amended to enable any of the following persons to make or do, with the leave of the Commissioner for Labour, any appearance, application or act required to be made or done before or to the Commissioner for Labour on behalf of a person who lacks capacity within the meaning of the Mental Capacity Act:
  - (i) any dependant of the person;
  - (ii) any donee of a lasting power of attorney which is granted by the person under the Mental Capacity Act, and under which the person confers on the donee authority to manage the person's property;
  - (iii) any deputy who is appointed or deemed to be appointed for the person by the court under the Mental Capacity Act, and who is conferred power to manage the person's property;
- (g) section 28A(2)(c) is replaced to enable any interest which an employer is liable to pay under section 28A(1) to be payable, where the employee lacks capacity within the meaning of the Mental Capacity Act, to such of the following persons as the Commissioner for Labour deems fit:
  - (i) one or more of the employee's dependants for the benefit of the employee;
  - (ii) any donee of a lasting power of attorney which is granted by the employee under the Mental Capacity Act, and under which the employee confers on the donee authority to manage the employee's property;
  - (iii) any deputy who is appointed or deemed to be appointed for the employee by the court under the Mental Capacity Act, and who is conferred power to manage the employee's property;

*(h)* section 45(2)*(h)* is amended to replace the existing reference in that provision to parties who are mentally incapacitated with a reference to parties who lack capacity within the meaning of the Mental Capacity Act, so that section 45(2)*(h)* adopts the same terminology as section 4 of the Mental Capacity Act when describing a person who lacks mental capacity.

Clause 52 deletes paragraph *(i)* of section 26 of the Statutes (Miscellaneous Amendments) Act 2012 (Act 2 of 2012) because that paragraph is superseded by clause 17*(a)*.

## EXPENDITURE OF PUBLIC MONEY

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

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