

Statutes (Miscellaneous Amendments) Bill

Bill No. 25/2013.

Read the first time on 11th November 2013.

A BILL

intituled

An Act to amend certain statutes of the Republic of Singapore.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Statutes (Miscellaneous Amendments) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of Amusement Rides Safety Act

2. Section 72(2) of the Amusement Rides Safety Act (Cap. 6A, 2012 Ed.) is amended by deleting the word “opened” in paragraph (b)(ii) and substituting the word “operated”.

Amendment of Casino Control Act

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

(a) by inserting, immediately after section 138, the following section:

“Customer due diligence measures to combat money laundering and terrorism financing

15 **139.**—(1) A casino operator shall, in the following circumstances, perform such customer due diligence measures to detect or prevent money laundering and the financing of terrorism as may be prescribed in regulations:

20 (a) when the casino operator opens a patron account;

(b) when the casino operator enters into a cash transaction with a patron involving \$10,000 or more in a single transaction;

25 (c) when the casino operator receives a sum of \$5,000 or more in a single transaction to be deposited in a deposit account;

30 (d) when the casino operator has a reasonable suspicion that a patron is engaged in any money laundering or terrorism financing activity;

(e) when the casino operator has doubts about the veracity or adequacy of any information previously obtained about a patron;

(f) when carrying out such other activities, or under such other circumstance, as may be prescribed. 5

(2) A casino operator shall not proceed with the opening of any patron account or with any transaction for any patron account, or with any cash transaction or deposit, as the case may be —

(a) if the casino operator is unable to complete the applicable customer due diligence measures for any reason; 10

(b) if the patron in question is unable or unwilling to provide any information requested by the casino operator, or decides to withdraw the application for the opening of the patron account or withdraw the cash transaction or deposit when requested to provide information; or 15

(c) under such other circumstances as may be prescribed. 20

(3) A casino operator shall keep all records obtained through the customer due diligence measures taken under subsection (1), including (but not limited to) all copies or records of any identification document, accounts and business correspondence, as well as the results of any analysis undertaken. 25

(4) Any casino operator which fails to comply with subsection (1), (2) or (3) shall be liable to disciplinary action.

(5) In this section — 30

“cash” means currency notes and coins (whether of Singapore or of a foreign country) which are legal tender and circulate as money in the country of issue;

“patron” means any person who —

(a) opens a patron account with a casino operator; or

(b) is involved in a cash transaction with a casino operator within its casino premises, whether or not that person participates in gaming in the casino;

“patron account” means a credit account, a cheque cashing account, a deposit account or any other account opened by or on behalf of a patron with a casino operator.”;

(b) by deleting paragraph (b) of section 143(1) and substituting the following paragraph:

“(b) retained for the applicable period in sub-paragraph (i) or (ii) or for such shorter period as the Authority may, on the application of the casino operator in any particular case, allow —

(i) in the case of any record referred to in section 139(3), for not less than 5 years after the date of closure of the patron account (within the meaning of section 139) to which the record relates, or after the date of the transaction to which the record relates, whichever is the later; or

(ii) in the case of any other record, for not less than 5 years after the completion of the transaction to which the record relates; and”;

(c) by inserting, immediately after subsection (1) of section 143, the following subsection:

“(1A) The casino operator shall ensure that all records relating to the operations of the casino are kept in such a

manner as to permit a reconstruction of individual transactions (including the amount and type of currency involved, if any) so as to provide, if necessary, evidence for prosecution of an offence.”;

(d) by inserting, immediately after the words “subsection (1)” in section 143(3), the words “or (1A)”; and 5

(e) by deleting paragraph (t) of section 200(2) and substituting the following paragraph:

“(t) requirements to detect or prevent money laundering and the financing of terrorism;” 10

Amendment of Criminal Law (Temporary Provisions) Act

4. Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67, 2000 Ed.) is amended by deleting the words “Ministry of Information, Communications and the Arts” in item 9 and substituting the words “Ministry of Communications and Information”. 15

Amendment of Criminal Procedure Code

5. Section 227 of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting the words “or retracts plea” in the section heading and substituting the word “, etc.”. 20

Amendment of Home Affairs Uniformed Services Superannuation Act

6. Section 6 of the Home Affairs Uniformed Services Superannuation Act (Cap. 126B, 2012 Ed.) is amended —

(a) by deleting the word “appointing” wherever it appears in subsection (2); and 25

(b) by deleting the words “this section” in subsection (3) and substituting the words “subsection (1)”; and

(c) by inserting, immediately after subsection (3), the following subsection: 30

“(4) In subsection (2), “relevant authority” means —

(a) in the case of a member who is a junior police officer, the Commissioner of Police; and

(b) in the case of a member who is a civil defence officer, an intelligence officer, a narcotics officer, a prison officer or a senior police officer, a Permanent Secretary to the Ministry of Home Affairs or any of his delegates.”.

Amendment of Patents Act

7.—(1) The Patents Act (Cap. 221, 2005 Ed.) is amended —

(a) by deleting the words “or any public officer” in section 5(1) and substituting the words “, any public officer, or any person with the relevant qualifications for or experience in the matter or class of matters,”;

(b) by inserting, immediately after subsection (2) of section 5, the following subsection:

“(3) A person with the relevant qualifications or experience referred to in subsection (1) shall, when exercising the delegated powers and functions, be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).”;

(c) by deleting the words “trust, whether express, implied or constructive,” in section 42(3) and substituting the words “implied or constructive trust”;

(d) by inserting, immediately after subsection (3) of section 42, the following subsection:

“(3A) A notice of an express trust or of the beneficiary of an express trust, or both, may be entered in the register; but —

(a) the Registrar shall not be affected by any such notice in the register; and

(b) for the avoidance of doubt, a failure to enter such notice in the register does not affect any rights or duties under the trust.”;

(e) by inserting, immediately after section 116, the following section:

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“Amendment of Schedule

116A.—(1) The Minister may, by order published in the *Gazette*, amend the Schedule.

(2) The Minister may prescribe in an order amending the Schedule such transitional provisions as may be necessary or expedient.”; and

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(f) by deleting paragraph 1 of the Schedule and substituting the following paragraph:

“1. In this Schedule, unless the context otherwise requires —

“Chinese proprietary medicine” means any medicinal product used in the system of therapeutics according to the traditional Chinese method, that is to say, any medicinal product —

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(a) which has been manufactured into a finished product;

(b) which contains one or more active substances derived wholly from any plant, animal or mineral, or any combination thereof; and

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(c) which is, or all of the active substances of which are, described in the current edition of “A Dictionary of Chinese Pharmacy” <<中药大辞典>> or “The Chinese Herbal Medicine Materia Medica” <<本草纲目>>,

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but does not include —

(i) any medicinal product to be administered by injection into a human body; or

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(ii) any medicinal product which contains as an active substance any chemically-defined isolated constituent of any plant, animal or mineral, or any combination thereof;

5 “current edition”, in relation to any publication which describes a Chinese proprietary medicine, means an edition which is current at the time the Chinese proprietary medicine in question is sold or supplied, and includes any amendment, addition or deletion made to that edition of the publication up to that time;

10 “homoeopathic medicine” means any substance used in the system of therapeutics in which a disease is treated by the use of minute amounts of one or more substances which, in their undiluted forms, are capable of producing in a healthy human being symptoms similar to those of the disease being treated;

15 “medicated oil or balm” means any external medicated embrocation, medicated cream, ointment or inhalant —

(a) which is used mainly for soothing purposes; and

(b) which contains one or more of the following substances as an active ingredient or as active ingredients:

(i) any essential oil;

20 (ii) any fixed oil derived from a plant;

(iii) methyl salicylate;

(iv) menthol;

(v) camphor;

(vi) peppermint;

25 “quasi-medicinal product” means —

(a) any anti-dandruff preparation;

(b) any medicated cosmetic product for the treatment of pimples or acne, except any preparation containing tretinate or 13-cis-retinoic acid;

30 (c) any medicated soap;

(d) any sweet for relieving coughs or throat irritations;

(e) any medicated plaster;

(f) any sunscreen or suntan preparation;

(g) any medicated beverage;

(h) any vitamin or nutritional preparation from any plant, animal or mineral, or any combination thereof; or

(i) any medicated toothpaste;

“traditional medicine” means any medicinal product consisting of one or more substances derived from any plant, animal or mineral, or any combination thereof, but does not include the following:

(a) any medicinal product to be administered by injection into a human body;

(b) any vaccine to be administered to a human being;

(c) any product derived from human blood;

(d) any item specified in the Poisons List in the Schedule to the Poisons Act (Cap. 234);

(e) any Chinese proprietary medicine.”.

(2) The Patents Act in force immediately before the date of the commencement of this subsection is amended —

(a) by inserting, immediately after the words “section 86(3)” in the definition of “related national phase application” in section 2(1), the words “, or a new application filed in accordance with section 26(11) which derived its filing date from an international application for a patent (Singapore)”; and

(b) by inserting, immediately after subsection (5) of section 29B, the following subsection:

“(5A) Where the Registrar has issued to the applicant a notice under subsection (5)(b)(i) —

(a) the applicant shall satisfy the conditions under section 30(a) and (c) within the prescribed period; and

(b) if the applicant fails to comply with paragraph (a), the application shall be treated as abandoned.”.

Amendment of Registered Designs Act

8. The Registered Designs Act (Cap. 266, 2005 Ed.) is amended —

(a) by deleting the words “or any public officer” in section 50(1) and substituting the words “, any public officer, or any person with the relevant qualifications for or experience in the matter or class of matters,”;

(b) by inserting, immediately after subsection (2) of section 50, the following subsection:

“(3) A person with the relevant qualifications or experience referred to in subsection (1) shall, when exercising the delegated powers and functions, be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).”;

(c) by deleting the words “trust, whether express, implied or constructive,” in section 53(3) and substituting the words “implied or constructive trust”; and

(d) by inserting, immediately after subsection (3) of section 53, the following subsection:

“(3A) A notice of an express trust or of the beneficiary of an express trust, or both, may be entered in the Register; but —

(a) the Registrar shall not be affected by any such notice in the Register; and

(b) for the avoidance of doubt, a failure to enter such notice in the Register does not affect any rights or duties under the trust.”.

Amendment of Road Traffic Act

9. The Road Traffic Act (Cap. 276, 2004 Ed.) is amended —

(a) by deleting the words “, whether or not the requirements of section 82 have been satisfied as respects that offence” in section 66(3); and

(b) by repealing section 82.

Amendment of Sale of Goods Act

10. Section 30(2A) of the Sale of Goods Act (Cap. 393, 1999 Ed.) is amended by deleting the words “who does no” and substituting the words “who does not”.

Amendment of Singapore Accountancy Commission Act 2013

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11. Section 25 of the Singapore Accountancy Commission Act 2013 (Act 5 of 2013) is amended by deleting the words “C.A. (Singapore)” in subsections (1)(b) and (2)(b)(ii) and substituting in each case the words “CA (Singapore)”.

Amendment of Terrorism (Suppression of Financing) Act

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12. Section 2(1) of the Terrorism (Suppression of Financing) Act (Cap. 325, 2003 Ed.) is amended by inserting, immediately after the definition of “entity”, the following definition:

““police officer” includes a Commercial Affairs Officer referred to in section 64 of the Police Force Act (Cap. 235);”.

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Amendment of Trade Marks Act

13. The Trade Marks Act (Cap. 332, 2005 Ed.) is amended —

(a) by deleting the words “trust (express, implied or constructive)” in section 40(1) and substituting the words “implied or constructive trust”;

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(b) by inserting, immediately after subsection (1) of section 40, the following subsection:

“(1A) A notice of an express trust or of the beneficiary of an express trust, or both, may be entered in the register; but —

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(a) the Registrar shall not be affected by any such notice in the register; and

(b) for the avoidance of doubt, a failure to enter such notice in the register does not affect any rights or duties under the trust.”;

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(c) by deleting the words “or any public officer” in section 63(1) and substituting the words “, any public officer, or any person with the relevant qualifications for or experience in the matter or class of matters,”; and

5 (d) by inserting, immediately after subsection (2) of section 63, the following subsection:

“(3) A person with the relevant qualifications or experience referred to in subsection (1) shall, when exercising the delegated powers and functions, be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).”.

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Amendment of United Nations Act

14. Section 5(1) of the United Nations Act (Cap. 339, 2002 Ed.) is amended by deleting the words “on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.” and substituting the following words:

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“on conviction —

(a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

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(b) in any other case, to a fine not exceeding \$1 million.”.

Savings

15. Notwithstanding section 9 of this Act, sections 66 and 82 of the Road Traffic Act in force immediately before the date of commencement of section 9 of this Act shall continue to apply to all offences committed at any time before that date.

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EXPLANATORY STATEMENT

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

Clause 1 relates to the short title and commencement.

Clause 2 corrects a clerical error in section 72(2) of the Amusement Rides Safety Act (Cap. 6A).

Clause 3 amends the Casino Control Act (Cap. 33A) —

- (a) to insert a new provision (section 139) to require a casino operator to take customer due diligence measures, under certain circumstances, in order to detect or prevent money laundering and terrorism financing, and to keep records and any analysis obtained from such measures. These circumstances are currently set out in regulation 6 of the Casino Control (Prevention of Money Laundering and Terrorism Financing) Regulations 2009 (G.N. No. S 507/2009);
- (b) to require records obtained from such measures to be kept for a specified time, and to require the records on the operations of a casino to be kept in a manner sufficient to permit a reconstruction of each transaction so that they can serve as evidence in a prosecution for an offence; and
- (c) to enable regulations to be made to detect or prevent both money laundering and terrorism financing.

Clause 4 amends item 9 of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67) due to the renaming of the Ministry of Information, Communications and the Arts as the Ministry of Communications and Information.

Clause 5 amends the section heading of section 227 of the Criminal Procedure Code (Cap. 68) to reflect more accurately its subject-matter, as the section does not deal with retraction of a plea.

Clause 6 amends section 6 of the Home Affairs Uniformed Services Superannuation Act (Cap. 126B) to replace the Public Service Commission with a Permanent Secretary to the Ministry of Home Affairs or his delegate, as the authority who has the power to reduce or withhold any benefit which a civil defence officer, intelligence officer, narcotics officer, prison officer or senior police officer who is a member of the INVEST Plan may be awarded under that Plan.

Clause 7 amends the Patents Act (Cap. 221) —

- (a) to amend the definition of “related national phase application” so that an international application for a patent (Singapore) that has entered the national phase in a foreign jurisdiction may be a related national phase application, not just of an international application for a patent (Singapore) that has entered the national phase in Singapore, but also

of an application which derived its filing date from an international application for a patent (Singapore) that has entered the national phase in Singapore;

- (b) to enable the Registrar of Patents to delegate any of his powers or functions under the Act to any person with the relevant qualifications or experience, and to deem such person as a public servant for the purposes of the Penal Code (Cap. 224) when exercising the power or function;
- (c) to provide, under section 29B (which deals with the review of an examination report, a search and examination report or a supplementary examination report), that an applicant given a notice of eligibility to proceed to the grant of a patent by the Registrar of Patents must comply with the formal requirements and file prescribed documents for the grant within the prescribed time;
- (d) to provide an option to file with the Registrar of Patents a notice of an express trust to be entered in the register of patents, though the Registrar will not be affected by such notice when carrying out his duties;
- (e) to enable the Minister to amend the Schedule (which sets out substances which are not pharmaceutical products for the purposes of the Act) to the Act by an order; and
- (f) to amend certain definitions in the Schedule for consistency with the Medicines (Traditional Medicines, Homoeopathic Medicines and other Substances) (Exemption) Order (O 6).

Regarding the amendment in paragraph (d) above and similar amendments under clauses 8 and 13, it should be noted that the general law as to when a person is affected by notice of a trust on a register is unaffected by the amendments.

Clause 8 amends the Registered Designs Act (Cap. 266) —

- (a) to enable the Registrar of Designs to delegate any of his powers or functions under the Act to any person with the relevant qualifications or experience, and to deem such person as a public servant for the purposes of the Penal Code (Cap. 224) when exercising the power or function; and
- (b) to provide an option to file with the Registrar of Designs a notice of an express trust to be entered in the Register of Designs, though the Registrar will not be affected by such notice when carrying out his duties.

Clause 9 repeals section 82 of the Road Traffic Act (Cap. 276). Section 82 provides that a person cannot be convicted of an offence under section 64 (reckless or dangerous driving) or 65 (driving without due care or reasonable consideration) or an offence of speeding, unless he has been issued with a warning, or served a summons or notice of intended prosecution within a prescribed time. The provision is no longer required as the person will already be notified of possible prosecution

action for the offence when he is issued with a notice under section 81 to give information of the particulars of the driver at the time of the offence.

Clause 10 corrects a clerical error in section 30(2A) of the Sale of Goods Act (Cap. 393).

Clause 11 amends section 25 of the Singapore Accountancy Commission Act 2013 (Act 5 of 2013) to reflect the new initials which a registered Chartered Accountant may use after his name.

Clause 12 amends the Terrorism (Suppression of Financing) Act (Cap. 325) to provide a definition for the term “police officer” to include a Commercial Affairs Officer. The term is used in section 8 (duty to disclose terrorist property, etc., to police officer), section 10 (duty to disclose information about terrorism financing to police officer), section 10B (tipping-off a person concerning an investigation or proposed investigation by police officer) and section 11 (application for warrant for seizure and order for restraint of property by police officer).

Clause 13 amends the Trade Marks Act (Cap. 332) —

- (a) to provide an option to file with the Registrar of Trade Marks a notice of an express trust to be entered in the register of trade marks, though the Registrar will not be affected by such notice when carrying out his duties; and
- (b) to enable the Registrar of Trade Marks to delegate any of his powers or functions under the Act to any person with the relevant qualifications or experience, and to deem this person as a public servant for the purposes of the Penal Code (Cap. 224) when exercising the power or function.

Clause 14 increases the penalty for a breach of regulations made under the United Nations Act (Cap. 339), to make it the same as that for terrorism financing offences under the Terrorism (Suppression of Financing) Act.

Clause 15 is a savings provision in relation to clause 9, and applies the provisions of the Road Traffic Act as amended or repealed by that clause to offences committed before the commencement of that clause.

EXPENDITURE OF PUBLIC MONEY

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