

Enlistment and Other Matters (Amendment) Bill

Bill No. 1/2024.

Read the first time on 9 January 2024.

A BILL

i n t i t u l e d

An Act to amend the Enlistment Act 1970 and the Requisition of Resources Act 1985 in relation to national service and voluntary service and to update provisions on service of documents, and to make consequential amendments to certain other Acts.

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 Enlistment and Other Matters (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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PART 1

AMENDMENT OF ENLISTMENT ACT 1970

Amendment of long title

2. In the Enlistment Act 1970 (called in this Part the principal Act), in the long title, after “Singapore”, insert “, the Singapore Police Force and the Singapore Civil Defence Force”.

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Amendment of section 2

3. In the principal Act, in section 2 —

(a) replace the definition of “armed forces” with —

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““armed forces” means any force constituted under the Singapore Armed Forces Act 1972, and such other force constituted under any written law, as the Minister may designate by notification in the *Gazette*.”;

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(b) in the definition of “national service”, after “service in”, insert “the Singapore Police Force and the Singapore Civil Defence Force or”;

(c) after the definition of “national serviceman”, insert —

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““officer” —

(a) in relation to the Singapore Armed Forces, has the meaning given by section 2(1) of the Singapore Armed Forces Act 1972;

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(b) in relation to the Singapore Police Force, means an officer of the Singapore Police Force of a rank not below Probationary Inspector; and

(c) in relation to the Singapore Civil Defence Force, means an officer of the Singapore Civil Defence Force of a rank not below Second Lieutenant;”;

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(d) in the definition of “person subject to this Act”, replace paragraphs (a) and (b) with —

“(a) is an officer of the Singapore Armed Forces, the Singapore Police Force or the Singapore Civil Defence Force (as the case may be) or a senior military expert;

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(b) is an officer of the armed forces of a rank as may be regarded by the proper authority to be equivalent to that of an officer of the Singapore Armed Forces; or

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(c) is skilled in an occupation which the Minister by notification in the *Gazette* designates as an occupation required to meet the needs of the armed forces, the Singapore Police Force or the Singapore Civil Defence Force, as the case may be,”;

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(e) replace the definition of “Special Constabulary” with —

““Singapore Civil Defence Force” means the Singapore Civil Defence Force constituted under the Civil Defence Act 1986;

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“Singapore Police Force” means the Singapore Police Force constituted under the Police Force Act 2004;”;

(f) replace the definition of “voluntary service” with —

““voluntary service in the Singapore Armed Forces” means service as a volunteer as defined in the Singapore Armed Forces Act 1972.”.

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Amendment of section 12

4. In the principal Act, in section 12(1) —

(a) replace paragraph (a) with —

“(a) is, during the period of service in —

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(i) the Singapore Armed Forces or the Singapore Civil Defence Force, promoted to a rank above the rank of Lance-Corporal in the Singapore Armed Forces or the Singapore Civil Defence Force, as the case may be;

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(ii) the Singapore Police Force, promoted to a rank above the rank of Special Constable 2 in the Singapore Police Force; or

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(iii) any of the other armed forces or in a force, body or organisation which is designated by the Minister for the purposes of national service, promoted to a rank as may be regarded by the proper authority as equal to a rank above the rank of Lance-Corporal in the Singapore Armed Forces;” and

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(b) replace paragraph (c) with —

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“(c) is, during the period of service in —

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(i) the Singapore Armed Forces, the Singapore Police Force or the Singapore Civil Defence Force, selected by the proper authority for training or a course intended to qualify the person to be an officer in the Singapore Armed Forces, the Singapore Police Force or the

Singapore Civil Defence Force, as the case may be; or

- (ii) any of the other armed forces, or in a force, body or organisation which is designated by the Minister for the purposes of national service, selected for training or a course intended to qualify the person for such rank, position or status as may be regarded by the proper authority as equal to the rank, position or status, as the case may be, of an officer in the Singapore Armed Forces; or”.

Amendment of section 14

5. In the principal Act, in section 14 — 15

(a) in subsection (1), replace paragraph (b) with —

“(b) serve, while fit for national service, for a period or periods not exceeding in the aggregate 40 days annually.”; and

(b) in subsection (2), replace “subsection (1)(b)(i) or (ii) if authorised” with “subsection (1)(b) if so authorised”.

Amendment of section 15

6. In the principal Act, in section 15(1), replace “section 14(1)(b)(ii)” with “section 14(1)(b)”.

Amendment of section 24

7. In the principal Act, in section 24 — 25

(a) in the section heading, replace “salaries and wages” with “civilian remuneration”;

(b) in subsection (1), delete paragraph (a);

(c) in subsection (1)(b), replace “section 14(1)(b)(ii)” with “section 14(1)(b)”;

(*d*) in subsection (7), in the definition of “civilian remuneration”, in paragraph (*a*), after “gainful employment”, insert “or self-employment”;

(*e*) in subsection (7), in the definition of “relevant service”,
5 replace paragraph (*b*) with —

“(b) voluntary service in the Singapore Armed Forces; or”; and

(*f*) in subsection (7), delete the definition of “service”.

Amendment of section 27

10 **8.** In the principal Act, in section 27 —

(*a*) in subsection (2), replace paragraphs (*c*) and (*d*) with —

15 “(c) any period during which he was serving or would have been serving, if he were not unlawfully at large, a term of imprisonment, special detention, detention under any written law or reformatory training;

20 (*d*) any period during which he was under close arrest or civil custody on a charge for an offence of which he was subsequently convicted by a subordinate military court or a civil court or at summary trial;

(*e*) any period during which he was —

25 (i) serving a term of imprisonment or other detention outside Singapore;

(ii) held in custody in a jurisdiction outside Singapore; or

30 (iii) prevented by any authority or court in a jurisdiction outside Singapore from returning to Singapore;

(*f*) any period during which he was on leave of absence that was authorised by the proper

authority and for which he did not receive any service remuneration as defined in section 24(7);

(g) any period during which he was on medical leave which was subsequently rescinded by the medical officer or medical practitioner who issued the medical certificate for the medical leave or by any other authority appointed by the relevant proper authority; or

(h) any period of such duration or description, or during which the person was subject to such circumstances, as may be prescribed.”; and

(b) replace subsection (3) with —

“(3) In this section —

“civil court” has the meaning given by section 2(1) of the Singapore Armed Forces Act 1972;

“civil custody” means any custody that does not fall within the definition of “military custody” in section 2(1) of the Singapore Armed Forces Act 1972 and includes the following:

(a) custody after arrest;

(b) custody on remand by a civil court;

(c) custody when bail is revoked;

(d) custody or detention authorised under any written law;

“summary trial” has the meaning given by section 2(1) of the Singapore Armed Forces Act 1972.”.

Amendment of section 30

9. In the principal Act, in section 30 —

(a) in subsection (2), replace “issued” with “issued or made”;

(b) in subsection (2), replace paragraph (j) (including the paragraph heading) with —

“Short message service

(j) by sending it by short message service to the mobile telephone number of the person to be served;”;

(c) in subsection (2)(k) (including the paragraph heading), delete “, telex”;

(d) in subsection (2)(k), replace the full-stop at the end with a semi-colon;

(e) in subsection (2), after paragraph (k), insert —

“Email

(l) subject to subsection (2A), by sending it by email to the last email address given to the proper authority by the person to be served as the email address for the service of orders or notices issued or made under this Act;

Electronic service platform

(m) subject to subsection (2A), by serving it to the account assigned to the person to be served and notifying the person of this fact by a message sent by short message service to the mobile telephone number of the person to be served;

Other means of service

(n) subject to subsection (2A), by sending an electronic notice to the person to be served by the person’s chosen means of

notification, stating that the order or notice is available and how the person may use the person's chosen means of access to access the contents of the order or notice; or

- (o) by any other method authorised by regulations made under this Act for the service of orders or notices of that kind if the person to be served consents to service of an order or notice of that kind in that way.”; 5 10

(f) after subsection (2), insert —

“Service by certain modes only with person’s consent

(2A) Service of any order or notice under this Act on a person under subsection (2)(l), (m) and (n) may be effected only with the person’s prior consent to service in that way.”; 15

(g) in subsection (3)(e)(ii), delete “or” at the end;

(h) in subsection (3)(f)(ii), replace the full-stop at the end with a semi-colon; 20

(i) in subsection (3), after paragraph (f), insert —

“(g) subsection (2)(l), it shall be —

(i) presumed, until the contrary is proved, to have been received and read or heard by the person to whom it applies at the time the email is capable of being retrieved by the person; and 25

(ii) deemed to have been received and read or heard by the person to whom it applies on the expiry of 6 hours from the time the email is capable of being retrieved by the person; 30

(h) subsection (2)(m), it shall be —

5 (i) presumed, until the contrary is
proved, to have been received and
read or heard by the person to whom
it applies at the time the contents of
the order or notice are capable of
being accessed by the person through
the electronic service platform, and
the message notifying the person that
10 the order or notice has been served to
the person's account on the electronic
service platform has been sent by
short message service to the person's
mobile telephone number; and

15 (ii) deemed to have been received and
read or heard by the person to whom
it applies on the expiry of 6 hours
from the time the contents of the
order or notice are capable of being
20 accessed by the person through the
electronic service platform, and the
message notifying the person that the
order or notice has been served to the
person's account on the electronic
25 service platform has been sent by
short message service to the person's
mobile telephone number; or

(i) subsection (2)(n), it shall be —

30 (i) presumed, until the contrary is
proved, to have been received and
read or heard by the person to whom
it applies at the time the electronic
notice is capable of being retrieved
by the person by the person's chosen
35 means of notification, and the
contents of the order or notice are

capable of being accessed by the person by the person’s chosen means of access; and

- (ii) deemed to have been received and read or heard by the person to whom it applies on the expiry of 6 hours from the time the electronic notice is capable of being retrieved by the person by the person’s chosen means of notification, and the contents of the order or notice are capable of being accessed by the person by the person’s chosen means of access.”; and

(j) after subsection (6), insert — 15

“Documents to be served in proceedings in court

(7) This section does not apply to documents to be served in proceedings in court.

Definitions

(8) In this section — 20

“account assigned to the person to be served” means the account (on the relevant electronic service platform) assigned under section 30A(2) by the proper authority to the person to be served; 25

“chosen means of access”, for a person on whom is or is to be served an order or notice issued or made under this Act, means an electronic means that the person agrees with the proper authority as the means by which the person may access the contents of that order or notice; 30

“chosen means of notification”, for a person on whom is or is to be served an order or notice issued or made under this Act, means an electronic means that the person nominates to the proper authority as the means by which the person may be notified that such an order or notice has been served on the person;

“mobile telephone number” means the last mobile telephone number given (in accordance with a legal requirement under this Act) to the proper authority by the person to be served, and which the person has acknowledged may be used by the proper authority for the service of any order or notice issued or made under this Act.”.

New section 30A

10. In the principal Act, after section 30, insert —

“Electronic service platform

30A.—(1) The proper authority may provide one or more electronic service platforms for the electronic service of orders or notices issued or made under this Act.

(2) For the purposes of each electronic service platform, the proper authority may assign to any person an account with the relevant electronic service platform.

(3) Subject to section 30(2A), the proper authority may serve an order or notice on that person by transmitting an electronic record of that order or notice to the account assigned to that person.

(4) The Minister may make regulations under section 37 which are necessary or expedient for carrying out the purposes of this section, including but not limited to regulations prescribing the procedure for the use of the electronic service platform and the manner of assignment of the accounts mentioned in subsection (2).”.

Amendment of section 32

11. In the principal Act, in section 32(1), replace “A person subject to this Act who has been registered under section 3 or is deemed to be registered or is liable to register under this Act,” with “Subject to any regulations made under section 37, a person subject to this Act”.

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Amendment of section 37

12. In the principal Act, in section 37 —

(a) replace subsection (1) with —

“(1) The Minister may make such regulations as may be necessary or expedient to carry out the purposes and provisions of this Act and for prescribing anything that may be required, authorised or permitted to be prescribed by this Act.”; and

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(b) in subsection (2)(g), after “exit permits”, insert “, including exemptions from the requirements under section 32 for any class of prescribed persons or in prescribed circumstances”.

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Miscellaneous amendments

13. In the principal Act —

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(a) in section 7(1), after “armed forces”, insert “, the Singapore Police Force or the Singapore Civil Defence Force, as the case may be”; and

(b) in the following provisions, replace “division of the Singapore Armed Forces known as the People’s Defence Force under the Singapore Armed Forces Act 1972 or in the Special Constabulary under the Police Force Act 2004” with “Singapore Armed Forces”:

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Section 22(1)(c)

Section 23(1)(c)

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Section 24(1)(c) and (6)(b).

PART 2

AMENDMENT OF REQUISITION OF RESOURCES ACT 1985

Amendment of section 41

14. In the Requisition of Resources Act 1985, in section 41 —

- 5 (a) in subsection (1)(c), replace “a firm, company or corporation” with “a partnership, a body corporate or an unincorporated association”;
- (b) in subsection (1)(d), replace “firms, companies or corporations” with “partnerships, bodies corporate or unincorporated associations”;
- 10 (c) in subsections (2) and (3), replace “any person, firm, company or corporation” with “any individual, partnership, body corporate or unincorporated association”;
- 15 (d) in subsection (2)(a)(i) and (ii), replace “person” wherever it appears with “individual”;
- (e) in subsection (2)(a), replace sub-paragraphs (iii), (iv) and (v) with —
 - 20 “(iii) to any partner, secretary or other similar officer of the partnership to be served;
 - (iv) to any secretary or other similar officer of the body corporate or unincorporated association to be served;
 - 25 (v) to any manager of the limited liability partnership to be served; or
 - (vi) to any individual having, on behalf of the body corporate or unincorporated association to be served, powers of control or management over the business, occupation, work or
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matter to which the order, notice, direction or requisition relates;”;

(f) in subsection (2), replace paragraphs (c) and (d) (including the paragraph headings) with —

“Delivery to residential address, business address, registered office or principal office

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(c) by leaving it —

- (i) at the residential address or business address of the individual to be served if the individual is within Singapore; 10
- (ii) at the business address of the partnership to be served; or
- (iii) at the registered office or principal office of the body corporate or unincorporated association to be served, 15

with an individual apparently above 16 years of age and apparently residing at that place or, in the case of a business address, registered office or principal office, apparently in charge of or employed at that place; 20

Registered post

(d) by sending it by registered post addressed to —

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- (i) the individual to be served at the residential address or business address of that individual if the individual is within Singapore;
- (ii) the partnership to be served at the business address of the partnership; or 30

- (iii) the body corporate or unincorporated association to be served at its registered office or principal office;

Email

- 5 (e) subject to subsection (2A), by sending it by email to the last email address of the addressee concerned;

Other means of service

- 10 (f) subject to subsection (2A), by sending an electronic notice to the addressee concerned by the addressee’s chosen means of notification, stating that the order, notice, direction or requisition is available and how the addressee concerned may use the addressee’s chosen means of access to access the contents of the order, notice, direction or requisition; or

- 15 (g) by any other method authorised by regulations made under this Act for the service of orders, notices, directions or requisitions of that kind if the addressee concerned consents to service of an order, notice, direction or requisition of that kind in that way.”;

- 20 (g) after subsection (2), insert —

“Service by certain modes only with addressee’s consent

- 25 (2A) Service of any order, notice, direction or requisition under this Act on an addressee concerned under subsection (2)(e) and (f) may be effected only with the addressee’s prior consent to service in that way.”;

- 30 (h) in subsection (3), replace paragraphs (b) to (f) (including the paragraph headings) with —

“Public address system and siren

(b) by audible signals given in the prescribed manner over a public address system or through a siren where such signals are audible from —

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(i) the residential address or business address of the individual to be served;

(ii) the business address of the partnership to be served; or

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(iii) the registered office or principal office of the body corporate or unincorporated association to be served;

Telephone conversation with member of family or household

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(c) by reading the contents of the notice of requisition, order or direction over the telephone to a member of the family or household of the individual to be served who is apparently above 16 years of age and apparently residing at the residential address of the individual to be served;

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Telephone conversation with employee or individual in charge of business address, registered office or principal office

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(d) by reading the contents of the notice of requisition, order or direction over the telephone to an individual who is apparently above 16 years of age and apparently in charge of or employed at —

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(i) the business address of the partnership to be served; or

- (ii) the registered office or principal office of the body corporate or unincorporated association to be served;

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Short message service

- (e) by sending it by short message service to the mobile telephone number of the addressee concerned; or

Fax and other means of telecommunication

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- (f) by sending it by fax or any other prescribed means of telecommunication —

- (i) to the individual to be served at the residential address or business address of that individual;

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- (ii) to the partnership to be served at the business address of the partnership; or

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- (iii) to the body corporate or unincorporated association to be served at its registered office or principal office:

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Provided that there is an acknowledgment by electronic or any other means to the effect that the notice, order or direction has been received at the residential address, business address, registered office or principal office, as the case may be.”;

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- (i) in subsections (4) and (5), replace “person, firm, company or corporation” with “individual, partnership, body corporate or unincorporated association”;

- (j) in subsection (4)(a), (b), (c), (d)(i) and (ii) and (e)(i) and (ii), replace “person” with “individual”;

(k) in subsection (4)(a), (b), (c), (d)(i) and (ii) and (e)(i) and (ii), replace “firm and every director, manager and secretary of the company or corporation” with “partnership, every secretary or other similar officer of the body corporate or unincorporated association and every manager of the limited liability partnership”; 5

(l) in subsection (4), after paragraph (b), insert —

“(ba) subsection (2)(e), it is —

(i) presumed, until the contrary is proved, to have been received and read or heard by the individual to whom it applies, all the partners of the partnership, every secretary or other similar officer of the body corporate or unincorporated association and every manager of the limited liability partnership to which it is directed, at the time the email is capable of being retrieved by the addressee concerned; and 10
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(ii) deemed to have been received and read or heard by the individual to whom it applies, all the partners of the partnership, every secretary or other similar officer of the body corporate or unincorporated association and every manager of the limited liability partnership to which it is directed, on the expiry of 6 hours from the time the email is capable of being retrieved by the addressee concerned; or 25
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(bb) subsection (2)(f), it is —

(i) presumed, until the contrary is proved, to have been received and read or heard by the individual to 35

whom it applies, all the partners of the partnership, every secretary or other similar officer of the body corporate or unincorporated association and every manager of the limited liability partnership to which it is directed, at the time the electronic notice is capable of being retrieved by the addressee concerned by the addressee’s chosen means of notification, and the contents of the notice of requisition, order or direction are capable of being accessed by the addressee concerned by the addressee’s chosen means of access; and

(ii) deemed to have been received and read or heard by the individual to whom it applies, all the partners of the partnership, every secretary or other similar officer of the body corporate or unincorporated association and every manager of the limited liability partnership to which it is directed, on the expiry of 6 hours from the time the electronic notice is capable of being retrieved by the addressee concerned by the addressee’s chosen means of notification, and the contents of the notice of requisition, order or direction are capable of being accessed by the addressee concerned by the addressee’s chosen means of access;”;

(m) replace subsection (7) (including the subsection heading) with —

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“Ignorance of order, notice, direction or requisition not an excuse

(7) Where an individual, a partnership, a body corporate or an unincorporated association has under subsection (4) been deemed to have knowledge of an order, notice, direction or requisition issued under this Act, ignorance of the fact that the order, notice, direction or requisition has been duly served on that individual, partnership, body corporate or unincorporated association in accordance with subsection (2) or (3) is not an excuse for failing to comply with that order, notice, direction or requisition.”; and

(n) after subsection (7), insert —

“Documents to be served in proceedings in court

(8) This section does not apply to notices, summonses and other documents to be served in proceedings in court.

Definitions

(9) In this section —

“addressee concerned” means the individual, partnership, body corporate or unincorporated association to be served, as the case may be;

“body corporate” includes a limited liability partnership;

“business address” means —

(a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or

(b) in the case of a partnership, the partnership’s principal or last known place of business in Singapore;

5 “chosen means of access”, for an addressee concerned on whom is or is to be served an order, notice, direction or requisition, means an electronic means that the addressee concerned agrees with the competent authority as the means by which the addressee concerned may access the contents of that order, notice, direction or requisition;

10 “chosen means of notification”, for an addressee concerned on whom is or is to be served an order, notice, direction or requisition, means an electronic means that the addressee concerned nominates to the competent authority as the means by which the addressee concerned may be notified that such an order, notice, direction or requisition has been served on the addressee concerned;

15 “last email address” means the last email address given to the competent authority by the addressee concerned as the email address for the service of an order, notice, direction or requisition;

20 “mobile telephone number” means the last mobile telephone number given (in accordance with a legal requirement under this Act) to the competent authority by the addressee concerned, and which the addressee concerned has acknowledged may be used by the competent authority for the service of any notice of requisition issued pursuant to section 12 or any order or direction issued pursuant to section 16 or 17;

25 “partnership” excludes a limited liability partnership;

“residential address” means an individual’s usual or last known place of residence in Singapore.”.

Replacement of section 46 and new section 46A

15. In the Requisition of Resources Act 1985, replace section 46 with — 5

“Offences by bodies corporate

46.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a body corporate in relation to a particular conduct, evidence that — 10

(a) an officer, employee or agent of the body corporate engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind, is evidence that the body corporate had that state of mind. 15

(2) Where a body corporate commits an offence under this Act, a person —

(a) who is —

(i) an officer of the body corporate; or

(ii) an individual involved in the management of the body corporate and in a position to influence the conduct of the body corporate in relation to the commission of the offence; and 20

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence; 25

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the body corporate; or 30

(iii) knew or ought reasonably to have known that the offence by the body corporate (or an offence

of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

5 shall be guilty of that same offence as is the body corporate and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the body corporate if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the body corporate would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

15 (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the body corporate for an offence under this Act, and applies whether or not the body corporate is convicted of the offence.

(6) In this section —

“body corporate” includes a limited liability partnership;

“officer”, in relation to a body corporate, means any director, partner, chief executive, manager, secretary or other similar officer of the body corporate, and includes —

(a) any person who was purporting to act in any such capacity; and

30 (b) for a body corporate whose affairs are managed by its members, any of those members as if the member were a director of the body corporate;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

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Offences by unincorporated associations or partnerships

46A.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

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- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

- (b) the employee or agent had that state of mind,

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is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —

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- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

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- (b) who —

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- (i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

5 (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the
10 commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

15 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

20 (4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

25 (5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

30 (6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity; 5

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and 10

(b) the person’s reasons for the intention, opinion, belief or purpose.”.

PART 3

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Amendment of Immigration Act 1959 15

16. In the Immigration Act 1959, in section 52 —

(a) in subsection (1), replace “who has been registered under section 3 of that Act or is deemed to be registered or is liable to be registered under that Act” with “who is not exempted from the requirement for an exit permit”; and 20

(b) in subsection (2), replace “have the meanings given by the Enlistment Act 1970” with “have the same meaning as “person subject to this Act” and “proper authority”, respectively, in section 2 of the Enlistment Act 1970”.

Amendment of Police Force Act 2004 25

17. In the Police Force Act 2004, in section 68A(1), after “22”, insert “, 23, 24, 25”.



EXPLANATORY STATEMENT

This Bill seeks to amend the Enlistment Act 1970 and the Requisition of Resources Act 1985, in relation to national service and voluntary service and to update provisions on service of documents. The Bill also makes consequential amendments to certain other Acts.

Part 1 amends the Enlistment Act 1970 in relation to national service and voluntary service and to update provisions on service of documents.

Part 2 amends the Requisition of Resources Act 1985 to update the provisions on service of documents and the liability of officers of offenders that are non-human entities.

Part 3 makes consequential amendments to the Immigration Act 1959 and the Police Force Act 2004.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF ENLISTMENT ACT 1970

Clauses 2 to 13 amend the Enlistment Act 1970.

Clause 2 amends the long title to the Enlistment Act 1970 to include express references to the “Singapore Police Force” (SPF) and the “Singapore Civil Defence Force” (SCDF).

Clause 3 amends section 2 to replace certain definitions and insert new definitions. The definition of “national service” is amended to include express references to service in the SPF and the SCDF. A new definition of “officer” is added to specify the description of an “officer” not only in the Singapore Armed Forces (SAF), but also in the SPF and the SCDF. The definition of “voluntary service” is modified to a definition of “voluntary service in the Singapore Armed Forces”, which includes only voluntary service in the SAF.

Clause 4 amends section 12 (on liability to render full-time service) to include express references to the SPF and the SCDF. Clause 4 also amends section 12(1)(a) to specify the ranks in the SPF and the SCDF which are equivalent to the rank of a Lance-Corporal in the SAF. Servicemen above those ranks are liable to serve for a longer period of 2 years and 6 months instead of only 2 years.

Clause 5 deletes section 14(1)(b)(ii) which is no longer relevant due to the cessation of the part-time national service scheme.

Clause 6 makes an amendment to section 15 which is consequential to the amendment in clause 5.

Clause 7 amends the definition of “civilian remuneration” in section 24 to include a reference to “self-employment”, to make explicit that section 24 allows persons who perform the types of service listed in section 24(1) to claim reimbursement for remuneration derived from self-employment. The definition of “relevant service” in section 24(7) is amended to remove the reference to voluntary service under the Police Force Act 2004, which is no longer necessary because of the amendment to section 24(1)(c) by clause 13.

Clause 8 amends section 27 (on release and unaccountable periods) to specify additional types of periods which are not to be considered in the computation of the period which a serviceman is liable to serve under the Enlistment Act 1970.

Clause 9 amends section 30 (on orders, notices, permits and appointments) to provide for newer modes of service of orders or notices under the Enlistment Act 1970.

The amended section 30(2) includes new modes of service of documents permitted or required by the Bill to be served on an individual in view of the technological advances in communications. These new modes are service by short message service (also known as SMS), email and an electronic service platform. In tandem with the introduction of the new modes of service, section 30(3) is amended to set out the conditions which must be met before a person served via one of the new modes of service may be presumed or deemed to have received and read or heard the order or notice.

Clause 10 inserts a new section 30A to provide for the proper authority’s electronic service platform for the service of orders or notices issued or made under the Enlistment Act 1970.

Clause 11 removes references to registration from section 32(1). A person subject to the Enlistment Act 1970 (as defined in section 2) and a relevant child (as defined in section 32(5)) are prohibited from leaving or remaining outside Singapore without an exit permit, unless an exemption is provided for in the regulations.

Clause 12 amends section 37 to clarify the scope of the Minister’s regulation-making powers.

Clause 13 makes certain miscellaneous amendments. First, the clause amends section 7 to include express references to the SPF and the SCDF. Second, the clause replaces the references to the People’s Defence Force of the SAF and the Special Constabulary under the Police Force Act 2004 in relation to voluntary service in sections 22(1)(c), 23(1)(c) and 24(1)(c) and (6)(b) of the Enlistment Act 1970 with references to only voluntary service in the SAF. The references to SAF volunteers in the People’s Defence Force are obsolete. The effect of the amendments is that all SAF volunteers (including volunteer ex-NSmen) will be protected under sections 23 and 24. All SAF volunteers subject to the Enlistment Act 1970 will also be protected under section 22.

Although the references to voluntary service in the Special Constabulary are removed, volunteer ex-NSmen in the SPF continue to be afforded the protection under Part 6 of the Enlistment Act 1970 by virtue of the incorporation of these provisions via section 68A of the Police Force Act 2004. For completeness, a consequential amendment will be made to the Police Force Act 2004 by clause 17. Volunteer ex-NSmen in the SCDF are similarly afforded protection via section 9A of the Civil Defence Act 1986. It is therefore not necessary to expressly mention volunteer ex-NSmen in the SPF and SCDF in the Enlistment Act 1970.

PART 2

AMENDMENT OF REQUISITION OF RESOURCES ACT 1985

Clauses 14 and 15 amend the Requisition of Resources Act 1985.

Clause 14 amends section 41 (on orders, notices and requisitions) to align the provisions on service of orders, notices, directions or requisitions with the amendments to be made by clause 9 to similar provisions in section 30 of the Enlistment Act 1970. Section 41 is also updated to clarify how they apply to partnerships, bodies corporate (including limited liability partnerships) and unincorporated associations and the officers of these entities.

Clause 15 replaces section 46 with an updated standard provision on proving the state of mind of a body corporate and the liability of officers of the body corporate for offences committed by the body corporate. The clause also inserts a new section 46A which is a standard provision similar to the new section 46, but which applies to officers of offenders that are unincorporated associations or partnerships.

PART 3

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Clause 16 makes an amendment to section 52(1) of the Immigration Act 1959 which is consequential to the amendment in clause 11 relating to exit permit requirements.

Clause 17 makes an amendment to section 68A(1) of the Police Force Act 2004 which is consequential to the amendment in clause 13, which removes the references to voluntary service in the Special Constabulary under the Police Force Act 2004 in sections 22(1)(c), 23(1)(c) and 24(1)(c) and (6)(b) of the Enlistment Act 1970. As a result, sections 23, 24 and 25 (as well as sections 21 and 22) of the Enlistment Act 1970 will continue to apply to every police officer in the Special Constabulary who is a volunteer ex-NSman. These sections will however not apply to a volunteer in the Special Constabulary who is not a volunteer ex-NSman, except when such a volunteer is mobilised under section 73 of the Police Force Act 2004.

EXPENDITURE OF PUBLIC MONEY

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