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Notification No. B 22— The Statutes (Miscellaneous Amendments and Repeal) Bill is hereby published for general information. It was introduced in Parliament on the 25th day of August 2000.

Statutes

(Miscellaneous Amendments and Repeal) Bill

Bill No. 22/2000.

Read the first time on 25th August 2000.

A BILL

intituled

An Act to amend certain statutes of the Republic of Singapore and to repeal certain statutes that are obsolete.

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

Short title and commencement

1.—(1) This Act may be cited as the Statutes (Miscellaneous
5 Amendments and Repeal) Act 2000 and, with the exception of

section 6, shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

(3) Section 6 shall come into operation on 1st October 2000. 5

Amendment of Interpretation Act

2.—(1) Section 2 of the Interpretation Act (Cap. 1, 1999 Ed.) is amended —

(a) by inserting, immediately after the definition of “animal” in subsection (1), the following definition: 10

“ “appoint” includes re-appoint”;

(b) by inserting, immediately after the definition of “consular officer” in subsection (1), the following definition:

“ “contravene”, in relation to a provision of a written law, includes a failure to comply with a requirement or 15 condition in that provision”; and

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

“(1A) Where a word or expression is defined in a written law, then, unless the contrary intention appears, 20 other parts of speech and grammatical forms of that word or expression, and cognate expressions, have corresponding meanings in that law.”.

(2) The Interpretation Act is amended by inserting, immediately after section 7, the following section: 25

“Examples and illustrations

7A. Where an Act includes an example or illustration of the operation of a provision —

(a) the example or illustration shall not be taken to be exhaustive; and 30

(b) if the example or illustration is inconsistent with the provision, the provision prevails.”.

(3) The Interpretation Act is amended by renumbering section 10 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Where a written law is to come into operation on a day specified by a notification made under the written law, the notification may specify different days for different provisions of the written law to come into operation.”.

(4) Section 16 of the Interpretation Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) A reference in this section to the repeal of a written law in whole or in part includes a reference to —

(a) a repeal effected by implication;

(b) the abrogation or limitation of the effect of the written law or part; and

(c) the exclusion of the application of the written law or part to any person, subject-matter or circumstance.

(3) Where a written law expires, lapses or otherwise ceases to have effect, this section applies as if the written law had been repealed by another written law.

(4) A reference in this section to a part of a written law includes a reference to any provision of, or words, figures, drawings or symbols in, the written law.”.

(5) The Interpretation Act is amended by inserting, immediately after section 26, the following section:

“Reference to Act to include subsidiary legislation

26A. Unless the contrary intention appears, a reference in any written law to an Act is to be construed so as to include a reference to any subsidiary legislation made under that Act.”.

(6) The Interpretation Act is amended by inserting, immediately after section 32, the following section:

“Power of majority, quorum, etc., of board, etc.

32A.—(1) Where a written law confers a power or function or imposes a duty upon a statutory body consisting of not fewer than 3 persons, the power may be exercised, or the function or duty may be performed, by a majority of those persons.

(2) Where a statutory body consists of 3 or more persons —

(a) a quorum is constituted at a meeting of the body by a number of members of the body equal to —

(i) at least one-half of the number of members provided for in the written law establishing the body, if that number is a fixed number; and 5

(ii) if the number of persons is not so fixed but is within a range having a maximum or minimum, at least one-half of the number of members in office; 10

(b) an act or thing done by a majority of the members of the body present at the meeting, if those members constitute a quorum, is to be regarded as having been done by the body.

(3) At a meeting of a statutory body, the chairman or other member presiding shall have a casting as well as a deliberative vote in all matters in which a decision is taken by vote. 15

(4) This section is subject to any provision to the contrary in any written law.

(5) In this section, “statutory body” means a board, commission, committee or similar body, whether corporate or unincorporate, established under a written law.”. 20

(7) The Interpretation Act is amended by inserting, immediately after section 48, the following section:

“Service of documents” 25

48A.—(1) Where a written law authorises or requires a document to be served on a person, whether the expression “serve”, “give” or “send” or any other expression is used, then, unless the contrary intention appears, the document may be served — 30

(a) in the case of an individual —

(i) by delivering it to the individual personally; or

(ii) by leaving it at, or by sending it by pre-paid post to, the usual or last known address of the place of residence or business of the individual; 35

(b) in the case of a partnership —

- (i) by delivering it to the secretary or other like officer of the partnership; or
- (ii) by leaving it at, or by sending it by pre-paid post to, the principal or last known place of business of the partnership in Singapore;

(c) in the case of a body corporate —

- (i) by delivering it to the secretary or other like officer of the body corporate; or
- (ii) by leaving it at, or by sending it by pre-paid post to, the registered office or a principal office of the body corporate in Singapore.

(2) Nothing in subsection (1) —

- (a) affects the operation of any written law that authorises the service of a document otherwise than as provided in that subsection; or
- (b) affects the power of a court to authorise service of a document otherwise than as provided in that subsection.”.

Amendment of Air Navigation Act

3. Section 3 of the Air Navigation Act (Cap. 6, 1985 Ed.) is amended —

- (a) by deleting the word “or” at the end of subsection (1) (a);
- (b) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

“(b) for the purpose of discharging an obligation binding on Singapore by virtue of its being a member of an international organisation or a party to an international agreement; or”;

- (c) by re-lettering the existing paragraph (b) of subsection (1) as paragraph (c);
- (d) by inserting, immediately after paragraph (l) of subsection (2), the following paragraph:

“(la) for prohibiting aircraft of a specified description or origin or registered in a specified country or

territory from landing in, flying over or taking off from Singapore, in order to discharge or facilitate the discharge of an obligation binding on Singapore by virtue of its being a member of an international organisation or a party to an international agreement;” and 5

(e) by deleting the marginal note and substituting the following section heading:

“Power to give effect to international obligations and regulate air navigation”. 10

Amendment of Legal Profession Act

4. The Legal Profession Act (Cap. 161, 1997 Ed.) is amended —

(a) by inserting, immediately after subsection (10) of section 130B, the following subsections:

“(11) Notwithstanding section 27 of the Companies Act (Cap. 50), a Joint Law Venture which is a limited company need not have the word “Limited” or “Berhad” as part of its name and a Joint Law Venture which is a private company need not have the word “Private” or “Sendirian” as part of its name. 15 20

(12) The directors of a Joint Law Venture which is a limited company shall ensure that every invoice or official correspondence of the Joint Law Venture bears the statement that it is incorporated with limited liability.”; and 25

(b) by deleting the words “resident in Singapore and practising in or employed by a foreign law firm” in paragraph (b) of section 130I (1) and substituting the words “practising in or employed by a foreign law firm, a Singapore law firm or a Joint Law Venture”. 30

Amendment of Medical Registration Act

5. The Medical Registration Act (Cap. 174, 1998 Ed.) is amended by inserting, immediately after section 57, the following section:

“Jurisdiction of Courts

57A. A Magistrate’s Court or a District Court shall have jurisdiction to hear and determine all offences under this Act 35

and, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), shall have power to impose the full penalty or punishment in respect of any offence under this Act.”.

Amendment of Mental Disorders and Treatment Act

- 5 **6.** The Mental Disorders and Treatment Act (Cap. 178, 1985 Ed.) is amended by deleting the definition of “medical officer” in section 2 and substituting the following definition:

10 ““medical officer” means a registered medical practitioner in the service of the Government and includes a registered medical practitioner who is employed in any hospital or medical institution and who is designated by name or office by the Director of Medical Services in writing for the purposes of this Act;”.

Amendment of Monetary Authority of Singapore Act

- 15 **7.** The Monetary Authority of Singapore Act (Cap. 186, 1999 Ed.) is amended by inserting, immediately after section 27, the following section:

“Directions to discharge Government’s international obligations

20 **27A.**—(1) The Authority may, from time to time, issue such directions to a financial institution or class of financial institutions as the Authority considers necessary in order to discharge or facilitate the discharge of any obligation binding on Singapore by virtue of a decision of the Security Council of the United Nations.

25 (2) A financial institution to which a direction is issued shall comply with it notwithstanding any other duty imposed on the financial institution by any rule of law, written law or contract; and the financial institution shall not in carrying out any act in compliance with the direction be treated as being in breach of
30 any such rule of law, written law or contract.

(3) A financial institution shall not disclose any direction issued to it if the Authority notifies the financial institution that the Authority is of the opinion that the disclosure of the direction is against the public interest.

(4) A financial institution which fails or refuses to comply with a direction issued to it, or which discloses a direction issued to it in contravention of subsection (3), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.”.

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Amendment of Moneylenders Act

8. The Moneylenders Act (Cap. 188, 1985 Ed.) is amended —

- (a) by repealing section 17;
- (b) by deleting the words “stamped” and “duly stamped” in the 3rd line and in the 6th line of section 20 (5), respectively; and 10
- (c) by deleting the words “stamp duties,” in the 4th and 5th lines of section 26.

Amendment of Motor Vehicles (Third-Party Risks and Compensation) Act

9.—(1) Section 2 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189, 1985 Ed.) is amended by inserting, immediately after the definition of “Registrar”, the following definition: 15

““relevant amount” means \$5,000 or, where an amount has been prescribed by the Minister for the purposes of sections 20
6 (1), 9 (2), 9 (8) and 18 (3A), the prescribed amount;”.

(2) Section 6 (1) of the Motor Vehicles (Third-Party Risks and Compensation) Act is amended —

- (a) by deleting “\$5,000” in the 1st line and substituting the words “the relevant amount”; and 25
- (b) by inserting, immediately after the word “payment” in the penultimate line, the words “, together with any sum payable in respect of costs,”.

(3) Section 9 of the Motor Vehicles (Third-Party Risks and Compensation) Act is amended by deleting “\$5,000” in subsection 30
(2) (a) and in the 1st line of subsection (8) and substituting in each case the words “the relevant amount”.

(4) Section 18 of the Motor Vehicles (Third-Party Risks and Compensation) Act is amended —

(a) by deleting subsection (3) and substituting the following subsections:

“(3) Notwithstanding the provisions of any other written law, a public officer or an advocate and solicitor, acting in respect of the matters referred to in subsection (2), shall not receive or accept any payment of money for so acting other than —

(a) such costs as are agreed between him and the Public Trustee;

(b) taxed costs, in default of such agreement with the Public Trustee; or

(c) such costs as the Public Trustee may determine to be the costs of the public officer or advocate and solicitor, if the public officer or advocate and solicitor fails to begin proceedings for taxation of costs within 3 months after the relevant date unless before that time the public officer or the advocate and solicitor has agreed with the Public Trustee on costs.

(3A) Subsection (3) shall not apply to a public officer or an advocate and solicitor claiming costs in respect of a judgment or settlement for a sum not exceeding the relevant amount.

(3B) For the purposes of subsection (3) (c), “relevant date” means —

(a) the date the Public Trustee accepts or the court approves the payment referred to in section 6, as the case may be; or

(b) the date the judgment of the court referred to in section 9 (1) is given,

as the case may be.”; and

(b) by deleting the words “taxed costs” in the 2nd line of subsection (5) and the 1st and 2nd lines of subsection (6) and substituting in each case the words “costs referred to in subsection 3 (a), (b) or (c)”.

(5) The Motor Vehicles (Third-Party Risks and Compensation) Act is amended by inserting, immediately after section 18, the following section:

“Public Trustee may appear in court

18A. The Public Trustee shall have the right to appear and be heard in a court in any proceedings under this Act or in relation to any claim or action for damages for the death or bodily injury of any person arising out of the use of a motor vehicle.”. 5

Amendment of Mutual Assistance in Criminal Matters Act

10. The Mutual Assistance in Criminal Matters Act 2000 (Act 12 of 2000) is amended by inserting, immediately after section 44, the following section:

“Regulations for provision of assistance to certain bodies 10

44A.—(1) The Minister may make regulations for the provision by Singapore of assistance in criminal matters to such international criminal tribunal as may be prescribed in order to discharge or facilitate the discharge of any obligation binding on Singapore by virtue of its being a member of an international 15 organisation or a party to an international agreement.

(2) Without prejudice to the generality of subsection (1), regulations may —

- (a) provide for the application of the provisions of Part III to the international criminal tribunal subject to such 20 modifications as may be specified in the regulations, including the provision of different or additional grounds for refusing assistance, providing assistance in respect of different offences, and a different manner of providing any form of assistance; 25
- (b) notwithstanding the provisions of the Act, provide for forms of assistance other than those set out in Part III, including assistance by way of arresting any accused person, keeping him in custody and surrendering him to the international criminal tribunal; 30
- (c) confer and impose on authorised officers powers and duties which may be necessary or expedient for the purpose of providing any assistance; and

- (d) provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment not exceeding 12 months or to both.”.

5 **Amendment of Securities Industry Act**

11. Section 103 (11) of the Securities Industry Act (Cap. 289, 1985 Ed.) is amended by inserting, immediately after the word “prosecution” in the 1st line, the words “or an action under section 104A”.

10 **Amendment of Trade Marks Act**

12.—(1) Section 22 of the Trade Marks Act (Cap. 332, 1999 Ed.) is amended by deleting subsection (5).

(2) Section 35 of the Trade Marks Act is amended by inserting, immediately after subsection (5), the following subsection:

- 15 “(6) Nothing in this section shall render an advocate and solicitor liable to an action under this section in respect of an act done by him in his professional capacity on behalf of a client.”.

Repeal of Acts

13. The following Acts are repealed:

- 20 (a) Land Officers Powers Act (Cap. 154);
 (b) Preservation of the Peace Act (Cap. 240);
 (c) Prevention of Crimes Act (Cap. 242); and
 (d) Tin and Tin-Ore (Disclosure of Smelters’ Stocks) Act (Cap. 326).

EXPLANATORY STATEMENT

This Bill seeks to amend certain statutes of the Republic of Singapore and to repeal certain statutes that are obsolete.

Clause 1 relates to the short title and commencement.

Clause 2 amends the Interpretation Act (Cap. 1) for the following purposes:

- (a) to prescribe definitions for “appoint” and “contravene” (clause 2 (1));
 (b) to provide that different grammatical forms of a defined word or expression bear corresponding meanings (clause 2 (1));

- (c) to provide that an example or illustration in relation to a provision of an Act is not to be taken to be exhaustive, and that in the event of an inconsistency between the provision and the example or illustration, the provision will prevail (clause 2 (2));
- (d) to provide that, where a Minister is given the power in any written law to specify, by notification, a day when the written law is to come into operation, the notification may specify different days for different provisions of the written law to come into operation (clause 2 (3));
- (e) to provide that the consequences of a repeal under section 16 (2) also applies to any amendment that has the effect of removing or limiting the effect of a written law, or of excluding the application of the written law to any person, subject-matter or circumstance (clause 2 (4));
- (f) to provide that a reference in a written law to an Act includes a reference to subsidiary legislation made under the Act (clause 2 (5));
- (g) to prescribe rules of substantive law to be implied into legislation in relation to the exercise of powers by a statutory body (clause 2 (6)) and service of documents (clause 2 (7)).

Clause 3 amends section 3 of the Air Navigation Act (Cap. 6) to enable the Minister to make orders to give effect to obligations of Singapore as a member of an international organisation or a party to an international agreement.

Clause 4 amends section 130B of the Legal Profession Act (Cap. 161) to provide that, notwithstanding section 27 of the Companies Act (Cap. 50), a Joint Law Venture that is a limited company need not have the word “Limited” or “Berhad” as part of its name, and a Joint Law Venture that is a private company need not have the word “Private” or “Sendirian” as part of its name. The clause also amends section 130I to provide for the registration of all foreign lawyers practising in or employed by a foreign law firm, a Singapore law firm or a Joint Law Venture.

Clause 5 amends the Medical Registration Act (Cap. 174) by inserting a new section 57A which empowers a Magistrate’s Court or a District Court to impose any punishment authorised by the Act.

Clause 6 amends section 2 of the Mental Disorders and Treatment Act (Cap. 178) to re-define the term “medical officer” to include registered medical practitioners who are designated by name or office by the Director of Medical Services in writing for the purposes of the Act (in addition to registered medical practitioners in the service of the Government).

Clause 7 amends the Monetary Authority of Singapore Act (Cap. 186) by inserting a new section 27A which enables the Monetary Authority of Singapore to issue directions to financial institutions to give effect to decisions of the Security Council of the United Nations.

Clause 8 amends the Moneylenders Act (Cap. 188) to do away with the requirement for a registered moneylender to deposit with the Commissioner of

Stamp Duties a copy of any note or memorandum setting out the contract for repayment of money lent by him.

Clause 9 amends section 2 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) to introduce a definition of “relevant amount”. “Relevant amount” is defined as \$5,000 or, if an amount has been prescribed, the prescribed amount. Sections 6 (1), 9 (2) and (8) and 18 of the Act are amended by replacing the reference to “\$5,000” with “relevant amount”. This is to enable future changes to the minimum sum in those sections to be made by rules. The clause also amends section 18 (3) of that Act —

- (a) to require the costs of a public officer or an advocate and solicitor acting on behalf of a claimant for damages in respect of death or injury arising out of the use of a motor vehicle, to be taxed only if there is no agreement between the Public Trustee and the public officer or advocate and solicitor as to the costs; and
- (b) to enable the Public Trustee to fix costs if taxation proceedings were not commenced within 3 months after a specified date, unless before that time an agreement as to costs has been reached.

The clause also inserts a new section 18A which gives the Public Trustee the right to appear and be heard in court in certain proceedings.

Clause 10 inserts a new section 44A in the Mutual Assistance in Criminal Matters Act 2000 (Act 12 of 2000) to enable assistance in criminal matters to be provided to prescribed international criminal tribunals.

Clause 11 amends section 103 of the Securities Industry Act (Cap. 289) to clarify that the defence in section 103 (11) applies also to a civil penalty action for insider trading under section 104A.

Clause 12 deletes section 22 (5) of the Trade Marks Act (Cap. 332) for purposes of consistency with section 7 (10). The clause also inserts a new subsection (6) in section 35 to clarify that an advocate and solicitor is not liable under section 35 (remedy for groundless threats of infringement proceedings) in respect of an act done in his professional capacity on behalf of a client.

Clause 13 repeals certain obsolete Acts.

EXPENDITURE OF PUBLIC MONEY

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