



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 36]

MONDAY, NOVEMBER 4

[2019

First published in the *Government Gazette*, Electronic Edition, on 4 November 2019 at 5 pm.

Notification No. B 36 — The Statutes (Miscellaneous Amendments) Bill is published for general information. It was introduced in Parliament on 4 November 2019.

Statutes (Miscellaneous Amendments) Bill

Bill No. 36/2019.

Read the first time on 4 November 2019.

A BILL

i n t i t u l e d

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.—(1) This Act is the Statutes (Miscellaneous Amendments) Act 2020 and, except for section 3, comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 (2) Section 3 is deemed to have come into operation on 30 November 2005.

Amendment of Building Maintenance and Strata Management Act

10 2. Section 55(7) of the Building Maintenance and Strata Management Act (Cap. 30C, 2008 Ed.) is amended by deleting the word “and” at the end of paragraph (b)(i) and substituting the word “or”.

Amendment of Control of Plants Act

15 3. Section 2 of the Control of Plants Act (Cap. 57A, 2000 Ed.) is amended by deleting the words “Tenth Schedule” in the definition of “prohibited pesticide” and substituting the words “Ninth Schedule”.

Amendment of National Arts Council Act

4.—(1) The National Arts Council Act (Cap. 193A, 2014 Ed.) is amended —

20 (a) by deleting the definition of “Chairman” in section 2 and substituting the following definition:

““Chairman” means a member of the Council who is appointed under paragraph 2A(1) of the First Schedule as the Chairman of the Council, and includes any person appointed under that Schedule to act as the Chairman;”;

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(b) by deleting the definition of “Deputy Chairman” in section 2 and substituting the following definition:

““Deputy Chairman” means a member of the Council who is appointed under paragraph 2A(1) of the First Schedule as the Deputy Chairman of the Council, and includes

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any person appointed under that Schedule to act as the Deputy Chairman;”;

- (c) by deleting subsection (1) of section 4 and substituting the following subsection:

“(1) The Council consists of not less than 11 but not more than 27 members.”;

- (d) by deleting the words “Chairman, the Deputy Chairman and other” in paragraph 1(1) of the First Schedule;

- (e) by deleting the words “Chairman, Deputy Chairman and other” in the paragraph heading of paragraph 1 of the First Schedule; and

- (f) by deleting paragraph 2 of the First Schedule and substituting the following paragraphs:

“Tenure of appointment as member

2.—(1) Subject to sub-paragraph (3), each member of the Council holds office for a period of 3 years or for a shorter period the Minister determines for that member.

(2) A member of the Council may be re-appointed.

(3) A member of the Council ceases to hold office if —

- (a) he dies;
- (b) his appointment is revoked by the Minister under paragraph 5;
- (c) he resigns under paragraph 6; or
- (d) he vacates his office under paragraph 7.

Tenure as Chairman or Deputy Chairman

2A.—(1) The Minister may appoint —

- (a) a member (other than the Chief Executive) to be the Chairman of the Council for a period the Minister determines, being not longer than 3 years; and
- (b) a member (other than the Chairman or Chief Executive) to be the Deputy Chairman of the Council for a period the Minister determines, being not longer than 3 years.

(2) The Chairman or Deputy Chairman may be re-appointed in accordance with this paragraph.

(3) The Chairman or Deputy Chairman holds office until whichever of the following first happens:

- (a) his term of office as Chairman or Deputy Chairman (as the case may be) expires;
- (b) he ceases to hold office as a member;
- (c) the Minister revokes the appointment as Chairman or Deputy Chairman, as the case may be.”.

(2) Every individual who, immediately before the date of commencement of subsection (1), holds office as a member or the Chairman or Deputy Chairman of the National Arts Council is, starting that date, deemed to be appointed as a member or the Chairman or Deputy Chairman (as the case may be) under the National Arts Council Act as amended by subsection (1).

Amendment of Penal Code

5. Section 40(2) of the Penal Code (Cap. 224, 2008 Ed.) is amended by inserting, immediately after the words “Chapters IV,”, “IVA,”.

Amendment of Singapore Corporation of Rehabilitative Enterprises Act

6.—(1) The Singapore Corporation of Rehabilitative Enterprises Act (Cap. 298, 1985 Ed.) is amended —

- (a) by deleting the words “section 3” in the definition of “Corporation” in section 2 and substituting the words “section 3(1)”;
- (b) by renumbering section 3 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The Corporation may perform any of its functions or carry out any of its duties under one or more business names as the Minister may, by notification in the *Gazette*, specify.”; and

- (c) by deleting the words “1st January and end on 31st December of each year except that the financial year of the Corporation for 1987 shall begin on 1st April and shall end on 31st December 1987” in section 24 and substituting the words “1 April each year and end on 31 March of the following year”. 5

(2) Where subsection (1)(c) comes into force before the end of the financial year of the Singapore Corporation of Rehabilitative Enterprises prescribed before the commencement of this section, that financial year is extended to end on 31 March of the following year. 10

Amendment of Singapore Sports Council Act

7.—(1) The Singapore Sports Council Act (Cap. 305, 2014 Ed.) is amended —

- (a) by deleting the definition of “Chairman” in section 2 and substituting the following definition: 15

““Chairman” means a member of the Council who is appointed under section 4A(1)(a) as the Chairman of the Council;”;

- (b) by inserting, immediately after the definition of “Council” in section 2, the following definition: 20

““Deputy Chairman” means a member of the Council who is appointed under section 4A(1)(b) as the Deputy Chairman of the Council;”;

- (c) by deleting subsection (1) of section 4 and substituting the following subsections: 25

“(1) The Council consists of not less than 7 but not more than 15 members, each of whom is to be appointed by the Minister. 30

(1A) One of the members (who is not the Chairman) may be the Chief Executive Officer.”; and

(d) by inserting, immediately after section 4, the following section:

“Tenure as Chairman or Deputy Chairman

4A.—(1) The Minister may appoint —

(a) a member (other than the Chief Executive Officer) to be the Chairman of the Council for a period the Minister determines, being not longer than 3 years; and

(b) a member (other than the Chairman or Chief Executive Officer) to be the Deputy Chairman of the Council for a period the Minister determines, being not longer than 3 years.

(2) The Chairman or Deputy Chairman may be re-appointed in accordance with this section.

(3) The Chairman or Deputy Chairman holds office until whichever of the following first happens:

(a) his term of office as Chairman or Deputy Chairman (as the case may be) expires;

(b) he ceases to hold office as a member;

(c) the Minister revokes the appointment as Chairman or Deputy Chairman, as the case may be.”.

(2) Every individual who, immediately before the date of commencement of subsection (1), holds office as a member or the Chairman or Deputy Chairman of the Singapore Sports Council is, starting that date, deemed to be appointed as a member or the Chairman or Deputy Chairman (as the case may be) under the Singapore Sports Council Act as amended by subsection (1).

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 55(7)(b) of the Building Maintenance and Strata Management Act (Cap. 30C) to correct a typographical error. The intent was to disqualify an individual from being a treasurer if he or she is already the chairperson or secretary or the re-appointment would result in him or her holding office as a treasurer for 3 consecutive terms.

Clause 3 amends the definition of “prohibited pesticide” in section 2 of the Control of Plants Act (Cap. 57A) to explicitly update the cross-reference to the Food Regulations (Cap. 283, Rg 1) in the definition. The Food Regulations had been revised on 30 November 2005 and its Schedules were renumbered during the revision.

By operation of section 20(2) of the Revised Edition of the Laws Act (Cap. 275), the cross-reference would be read as the Ninth Schedule to the Food Regulations instead of the Tenth Schedule, from the date the 2005 Revised Edition of the Food Regulations took effect. Hence, this amendment takes effect retrospectively from the same date the 2005 Revised Edition of the Food Regulations took effect.

Clause 4 amends the National Arts Council Act (Cap. 193A) with respect to its composition. The amendment enables the National Arts Council (NAC) to consist of at least 11 but not more than 27 members, from whom the Minister may appoint the Chairman and Deputy Chairman. It will no longer be mandatory to have an NAC Deputy Chairman.

The amendment provides that a member (other than the Chief Executive of the NAC) may be appointed as the Chairman of the NAC, and a member (other than the Chairman or Chief Executive of the NAC) may be appointed as the Deputy Chairman of the NAC. The term of office as an NAC Chairman or Deputy Chairman need not be identical to his or her office as a member. However, the Chairman or Deputy Chairman of the NAC stops holding that office when he or she ceases to hold office as a member of the NAC.

A saving provision is included to preserve the appointment of the present NAC members and office-holders. Clause 4 preserves the tenure of appointment of a member of the NAC as a period of 3 years or a shorter period the Minister determines for the member.

Clause 5 amends section 40(2) of the Penal Code (Cap. 224) so that the right of private defence remains available as a defence for offences outside of the Penal Code.

Clause 6(1)(a) amends the definition of “Corporation” in section 2 of the Singapore Corporation of Rehabilitative Enterprises Act (Cap. 298) consequent to the renumbering of section 3 (see clause 6(1)(b)).

Clause 6(1)(b) amends section 3 of the Singapore Corporation of Rehabilitative Enterprises Act to allow the Singapore Corporation of Rehabilitative Enterprises to perform any of its functions or carry out any of its duties under one or more business names specified by the Minister by notification in the *Gazette*.

Clause 6(1)(c) amends section 24 of the Singapore Corporation of Rehabilitative Enterprises Act to change the financial year of the Singapore Corporation of Rehabilitative Enterprises to 1 April each year to 31 March the following year.

Clause 6(2) is a transitional provision made necessary by the change in the financial year.

Clause 7 amends the Singapore Sports Council Act (Cap. 305) with respect to its composition. The amendment enables the Singapore Sports Council (SSC) to consist of at least 7 but not more than 15 members, from whom the Minister may appoint a Chairman and a Deputy Chairman. One of the members may be the Chief Executive Officer of the SSC. It will no longer be mandatory to have an SSC Deputy Chairman.

The amendment provides that a member (other than the Chief Executive Officer of the SSC) may be appointed as the Chairman of the SSC, and a member (other than the Chairman or Chief Executive Officer of the SSC) may be appointed as the Deputy Chairman of the SSC. The term of office as an SSC Chairman or Deputy Chairman need not be identical to his or her office as a member. However, the Chairman or Deputy Chairman of the SSC stops holding that office when he or she ceases to hold office as a member of the SSC.

A saving provision is included to preserve the appointment of present SSC members and office-holders.

EXPENDITURE OF PUBLIC MONEY

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