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Stillbirths and Births (Miscellaneous Amendments) Bill

Bill No. 39/2023.

Read the first time on 7 November 2023.

A BILL

i n t i t u l e d

An Act to amend the Registration of Births and Deaths Act 2021 in relation to stillbirths and births, to amend the Income Tax Act 1947 in relation to stillbirths, and to make consequential amendments to certain other Acts in relation to the Registration of Births and Deaths Act 2021.

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 Stillbirths and Births (Miscellaneous Amendments) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF REGISTRATION OF BIRTHS AND DEATHS ACT 2021

Amendment of section 2

2. In the Registration of Births and Deaths Act 2021 (called in this Part the RBD Act), in section 2(1) —

(a) in the definition of “birth particulars”, in paragraph (a), delete “, including a name for the child that complies with section 19(1) and is not refused by the Registrar-General under section 19(2)”;

(b) after the definition of “pathologist”, insert —

““permitted character”, for a name, means a character that the Registrar-General specifies by notification in the *Gazette*;”;

(c) replace the definition of “stillborn child” with —

““stillborn child” means a child that —

(a) issues from the child’s mother after the twenty-fourth week of pregnancy; and

(b) does not show any sign of life at any time after being completely expelled or extracted from the mother,

and, to avoid doubt, does not include a foetus that is aborted by or through treatment carried out for termination of pregnancy.”.

Amendment of section 8

3. In the RBD Act, in section 8 —

(a) after subsection (1), insert —

“(1A) If the Registrar-General registers a child’s birth under section 9(2) —

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(a) where the child’s birth is registered without a name for the child — the duty of a responsible person for the child under subsection (1)(a) to provide the child’s name continues despite the registration until the end of 7 years after the child’s birth;

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(b) where the child’s birth is registered without any other birth particular — the duty of a responsible person for the child under subsection (1)(a) to provide that birth particular continues despite the registration until that birth particular is provided to the Registrar-General; and

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(c) the registration does not affect the liability of a responsible person for the child for an offence under subsection (4).”;

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(b) in subsections (3) and (4), replace “subsection (1)” with “subsection (1)(a) or (b)”; and

(c) in subsection (3), replace “that subsection” with “that provision”.

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Amendment of section 9

4. In the RBD Act, in section 9 —

(a) in subsection (1), after “particulars”, insert “(whether from a responsible person mentioned in section 8(1) or any other person)”;

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(b) replace subsection (2) with —

“(2) The Registrar-General may (at any time during or after the period mentioned in section 8(1)(a)) register a child’s birth despite receiving incomplete birth particulars for the child, if the Registrar-General —

(a) is satisfied that the child is born in Singapore; and

(b) is of the opinion that the child’s birth is capable of being registered based on the birth particulars available to the Registrar-General at that time.”; and

(c) delete subsection (4).

Amendment of section 13

5. In the RBD Act, in section 13(2) —

(a) in paragraph (a), delete “and” at the end;

(b) in paragraph (b)(ii), replace the full-stop at the end with “; and”; and

(c) after paragraph (b), insert —

“(c) where the birth particulars for the child are incomplete — is of the opinion that the child’s birth is capable of being registered based on the birth particulars available to the Registrar-General at that time.”.

Amendment of section 14

6. In the RBD Act, in section 14 —

(a) in subsection (1), replace “If” with “Subject to subsection (3), if”;

(b) in subsection (1)(a) and (b), delete “in accordance with the adoption order and those particulars”;

(c) in subsection (2)(a), replace “section 19” with “subsection (3)”; and

(d) after subsection (2), insert —

“(3) If the name of an adopted child, as conferred by the adoption order, does not comply with section 19(1), or is refused by the Registrar-General under section 19(2), the Registrar-General may —

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(a) withhold registration or re-registration (as the case may be) of the child’s birth under subsection (1) until the adoption order is amended to confer a name for the child that complies with section 19(1) and is not refused by the Registrar-General under section 19(2); or

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(b) register or re-register (as the case may be) the child’s birth under subsection (1) without a name for the child.

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(4) If the Registrar-General registers or re-registers a child’s birth under subsection (1) without a name for the child, the Registrar-General may enter an identifier for the child (in the form the Registrar-General thinks fit) in the register of births.”.

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Amendment of section 16

7. In the RBD Act, in section 16, replace subsection (3) with —

“(3) If subsection (2)(a) or (b) applies in respect of the child, the Registrar-General may —

(a) in the case of registration under section 9 or 13(2) — register the child’s birth under section 9(2) or 13(2) (as the case may be) without entering the particulars of either or both of the parents in the register; or

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(b) in the case of registration being considered under section 13(1) — refuse to register the child’s birth under that provision.”.

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Amendment of section 19

8. In the RBD Act, in section 19, delete subsection (3).

New Division 3 of Part 5

9. In the RBD Act, in Part 5, after Division 2, insert —

“Division 3 — Name in register of stillbirths

Name for stillborn child

5 **36A.**—(1) A parent of a stillborn child may apply to the Registrar-General for a name to be entered for the stillborn child in the register of stillbirths if —

- (a) the stillbirth is registered under section 34;
- 10 (b) the stillbirth is reported under section 35(3) and the parent applies under section 36(1) for the stillbirth to be registered; or
- (c) the stillbirth is registered under section 36(4) without a name for the stillborn child.

15 (2) The application by the parent (called in this section the applicant) —

- (a) in the case of subsection (1)(a) or (c) — must be made within one year after the stillbirth; or
- 20 (b) in the case of subsection (1)(b) — may be made together with the application under section 36(1) or while the application under section 36(1) is pending the Registrar-General’s decision.

25 (3) The applicant must also provide to the Registrar-General any information or evidence the Registrar-General requires that supports the application, or verifies the accuracy of the matters contained in or accompanying the application, within the time the Registrar-General requires.

(4) The Registrar-General may enter the stillborn child’s name in the register if —

- 30 (a) the Registrar-General is satisfied that the applicant has complied with the requirements relating to the application; and

- (b) the name provided by the applicant for the stillborn child complies with section 36B(1), and the Registrar-General does not refuse the name under section 36B(2).

Name in register of stillbirths

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36B.—(1) The name of a stillborn child to be entered in the register of stillbirths —

- (a) must be in a form expressed in characters in the modern English alphabet;
- (b) may include a permitted character; and
- (c) must not exceed the number of characters permitted in the electronic form of the register for the entry of a name.

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(2) The Registrar-General may refuse to enter a stillborn child's name in the register if the name —

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- (a) contains anything that represents or resembles a title, a rank or an award;
- (b) where the name adopts a patronymic or matronymic naming system to signify lineage — includes any expression or abbreviation (for the purposes of that naming system) that does not correspond to the stillborn child's sex entered or to be entered in the register;
- (c) is obscene or offensive; or
- (d) is contrary to the public interest.”.

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PART 2

AMENDMENT OF INCOME TAX ACT 1947

Amendment of section 42A

10.—(1) In the Income Tax Act 1947, in section 42A, replace subsection (12C) with —

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“(12C) In subsection (12A), “stillborn child” means —

(a) a child that —

- (i) has issued from the child’s mother after the twenty-eighth week of pregnancy and before 29 May 2022; and
- (ii) did not show any sign of life at any time after being completely expelled from the mother;

(b) a child that —

- (i) has issued from the child’s mother after the twenty-second week of pregnancy and on or after 29 May 2022 but before the date of commencement of section 2(c) of the Stillbirths and Births (Miscellaneous Amendments) Act 2023; and
- (ii) did not show any sign of life at any time after being completely expelled or extracted from the mother; or

(c) a stillborn child as defined in section 2(1) of the Registration of Births and Deaths Act 2021 that issues from the child’s mother on or after the date of commencement of section 2(c) of the Stillbirths and Births (Miscellaneous Amendments) Act 2023.”.

(2) Subsection (1) has effect for the year of assessment 2025 and subsequent years of assessment.

Amendment of Fifth Schedule

11.—(1) In the Income Tax Act 1947, in the Fifth Schedule, in paragraph 7, replace sub-paragraph (aa) with —

“(aa) “stillborn child” has the meaning given by section 42A(12C); and”.

(2) Subsection (1) has effect for the year of assessment 2025 and subsequent years of assessment.

PART 3

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Amendment of Central Provident Fund Act 1953

12. In the Central Provident Fund Act 1953, in section 59(9), replace “Registration of Births and Deaths Act 1937” with “Registration of Births and Deaths Act 2021”. 5

Amendment of Coroners Act 2010

13. In the Coroners Act 2010, in the following provisions, replace “Registration of Births and Deaths Act 1937” with “Registration of Births and Deaths Act 2021”: 10

Section 2(1), definitions of “body” and “Registrar-General”

Section 42(1)(a).

Amendment of National Registration Act 1965

14. In the National Registration Act 1965, in section 8(3), replace “section 19(3)” with “section 2(1)”. 15

Amendment of Status of Children (Assisted Reproduction Technology) Act 2013

15. In the Status of Children (Assisted Reproduction Technology) Act 2013, in section 14(1)(b), replace “Registration of Births and Deaths Act 1937” with “Registration of Births and Deaths Act 2021”. 20

PART 4

SAVING AND TRANSITIONAL PROVISIONS

Saving and transitional provisions

16.—(1) Section 9 applies to a stillbirth (as defined in section 2(1) of the Registration of Births and Deaths Act 2021) that occurs before, on or after the date of commencement of that section. 25

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as the Minister considers necessary or expedient.

(3) Except as provided by or under this section, this section does not affect section 16 of the Interpretation Act 1965.

EXPLANATORY STATEMENT

This Bill seeks to amend 6 Acts and is divided into 4 Parts.

Part 1 consists of amendments to the Registration of Births and Deaths Act 2021 (the RBD Act) for the following main purposes:

- (a) to provide that the birth of a child that is not born alive is a stillbirth for the purposes of the RBD Act if the birth occurs after the 24th week of pregnancy;
- (b) to enable the name of a stillborn child to be entered in the register of stillbirths;
- (c) to make certain improvements to the RBD Act in relation to registration and re-registration of births.

Part 2 amends the definitions of “stillborn child” in the Income Tax Act 1947.

Part 3 makes consequential amendments to —

- (a) the National Registration Act 1965, in relation to the amendments to the RBD Act by clauses 2 and 8; and
- (b) the Central Provident Fund Act 1953, the Coroners Act 2010 and the Status of Children (Assisted Reproduction Technology) Act 2013, in relation to the RBD Act.

Part 4 provides for saving and transitional provisions.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF REGISTRATION OF BIRTHS AND DEATHS ACT 2021

Clauses 2 to 9 amend the RBD Act.

Clause 2 amends the definition of “stillborn child” in section 2(1) to provide that a child that is not born alive is a stillborn child for the purposes of the RBD Act if the child issues from the child’s mother after the 24th week of pregnancy

(instead of after the 22nd week of pregnancy provided in the current definition), and to clarify that a stillbirth does not include an aborted foetus (this is the case for the current definition of “stillborn child” and the clarification is being made in the definition for avoidance of doubt only).

The clause also inserts in section 2(1) the definition of “permitted character” that is currently found in section 19(3), and makes an editorial amendment to the definition of “birth particulars”.

Clause 3 amends section 8 (on responsibility to provide birth particulars) mainly to clarify that if a child’s birth is registered under section 9(2) without a name for the child, the duty of a responsible person for the child under section 8(1)(a) to provide the child’s name to the Registrar-General of Births and Deaths (the Registrar-General) continues until the end of 7 years after the child’s birth. This aligns with section 20 that states that if a child’s birth is registered without a name, a responsible person for the child has only until 7 years after the child’s birth to apply to the Registrar-General for the child’s name to be inserted in the register of births.

Clause 4 makes editorial and consequential amendments to section 9.

Clause 5 amends section 13(2) to provide that before the Registrar-General registers (on the Registrar-General’s own volition) the birth of a child in a conveyance bound for Singapore with incomplete birth particulars, the child’s birth must, in the Registrar-General’s opinion, be capable of being registered based on the birth particulars available to the Registrar-General at that time.

Clause 6 amends section 14 (on registration or re-registration of birth of adopted child) to clarify that in the event that an adopted child’s name (specified in the adoption order) does not comply with section 19(1) or is refused by the Registrar-General under section 19(2), the Registrar-General may —

- (a) withhold registration or re-registration of the adopted child’s birth until the adoption order is amended to confer a name for the child that addresses the requirements of section 19(1) and (2); or
- (b) register or re-register (as the case may be) the adopted child’s birth without the child’s name, and instead enter an identifier for the child in the register of births.

Clause 7 makes editorial amendments to section 16.

Clause 8 makes a consequential amendment to section 19 to delete the definition of “permitted character”.

Clause 9 inserts a new Division 3 under Part 5, comprising new sections 36A and 36B.

The new section 36A enables the parent of a stillborn child to apply to the Registrar-General for a name to be entered for the stillborn child in the register of stillbirths in the following cases:

- (a) when the stillbirth occurred in Singapore and is registered under section 34;
- (b) when the stillbirth occurred in a conveyance bound for Singapore and —
 - (i) the parent applies under section 36(1) for the stillbirth to be registered; or
 - (ii) the stillbirth is registered under section 36(4) without a name for the stillborn child.

The new section 36B replicates section 19(1) and (2) for a stillborn child's name to be entered in the register of stillbirths.

PART 2

AMENDMENT OF INCOME TAX ACT 1947

Clauses 10 and 11 amend the Income Tax Act 1947.

Clause 10 amends the definition of “stillborn child” in section 42A(12C) to provide that a child that is not born alive is a stillborn child for the purposes of section 42A (on rebate for children of family) if, among other things —

- (a) where the birth occurs before 29 May 2022 — the child has issued from the child's mother after the 28th week of pregnancy;
- (b) where the birth occurs on or after 29 May 2022 but before the date of commencement of clause 2(c) — the child has issued from the child's mother after the 22nd week of pregnancy; or
- (c) where the birth occurs on or after the date of commencement of clause 2(c) — the child has issued from the child's mother after the 24th week of pregnancy.

Clause 11 amends the definition of “stillborn child” in the Fifth Schedule (on child relief) in the same manner.

The purpose of these amendments is to align the definitions of “stillborn child” in the Income Tax Act 1947 with the definition of “stillborn child” in the repealed Registration of Births and Deaths Act 1937, and the old and new definitions of “stillborn child” in the Registration of Births and Deaths Act 2021.

The amended definitions of “stillborn child” in the Income Tax Act 1947 have effect for the year of assessment 2025 and subsequent years of assessment.

PART 3

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Clauses 12 to 15 make consequential amendments to the Central Provident Fund Act 1953, the Coroners Act 2010, the National Registration Act 1965 and the Status of Children (Assisted Reproduction Technology) Act 2013, respectively.

PART 4

SAVING AND TRANSITIONAL PROVISIONS

Clause 16 provides for saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

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