

## LEGISLATION WATCH

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers

### Subsidiary legislation published in May and June

The **Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2006** (GN No S 254/2006, wef 8 May 2006) amends the Second Schedule to the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A) to include various offences in certain other written laws as serious offences under the Act.

The **Commissioners for Oaths (Amendment) Rules 2006** (GN No S 258/2006, wef 15 May 2006) amend the Commissioners for Oaths Rules (Cap 322, R 3) to provide, among other things, that —

- (a) the Senate of the Singapore Academy of Law (“the Senate”) may appoint any employee from designated non-profit organisations as a commissioner for oaths;
- (b) the Senate may at any time revoke the designation of any non-profit organisation; and
- (c) the fee payable per annum to the Singapore Academy of Law for each appointment or reappointment of an employee of any designated non-profit organisation as a commissioner for oaths shall be \$100.

The **Telecommunications (Radio-communication) (Amendment) Regulations 2006** (GN No S 263/2006) amend the Telecommunications (Radio-communication) Regulations (Cap 323, Reg 5) as follows:

- (a) with effect from 1 May 2006, the fee payable to sit for the Radio Amateur Examination shall be \$20 for a full-time secondary, pre-university or tertiary student or a full-time student of the Institute of Technical Education, Singapore and \$40 for any other person; and
- (b) with effect from 1 June 2006 —
  - (i) it is a condition of every Ship Station Licence that the ship in respect of which the Ship Station Licence is granted remains registered or licensed in Singapore throughout the period of validity of the Ship Station Licence;
  - (ii) it is a condition of every Aircraft Station Licence that the aircraft in respect of which the Aircraft Station Licence is granted remains registered in Singapore throughout the period of validity of the Aircraft Station Licence; and

- (iii) the Info-communications Development Authority of Singapore may, by notice in writing, cancel a Ship Station Licence or an Aircraft Station Licence where the licensee has contravened the condition specified in sub-paragraph (i) or (ii).

The **Banking (Credit Card and Charge Card) (Amendment) Regulations 2006** (GN No S 268/2006, wef 24 May 2006) amend the Banking (Credit Card and Charge Card) Regulations 2004 (GN No S 27/2004) to provide that a supplementary credit card or charge card may be issued to a person below 18 years of age where the person requires the use of the supplementary card for the purposes of his overseas travel.

The **Public Entertainments and Meetings (Security) (Amendment) Notification 2006** (GN No S 284/2006, wef 1 June 2006) amends the Public Entertainments and Meetings (Security) Notification (Cap 257, N 1) to provide that the Licensing Officer may require a security of not less than \$1,000 but not more than \$5,000 per licence to be given in respect of any lecture, talk, address, debate or discussion.

The **Parks and Trees (Heritage Road Green Buffers) Order 2006** (GN No S 287/2006, wef 1 June 2006) sets out the maps depicting the green verges of the following roads to be designated as heritage road green buffers:

- (a) Mount Pleasant Road;
- (b) South Buona Vista Road;
- (c) Lim Chu Kang Road;
- (d) Arcadia Road; and
- (e) Mandai Road.

The **Companies (Central Depository System) (Section 130D — Supplementary Provisions for Business Trusts) Regulations 2006** (GN No S 293/2006, wef 2 June 2006) provide that where book-entry securities relating to units in any business trust within the meaning of the Securities and Futures Act (Cap 289) are deposited with the Central Depository System (“the Depository”) or its nominee —

- (a) the Depository or its nominee (as the case may be) shall be deemed not to be a holder of the book-entry securities; and
- (b) the persons named as the depositors in a Depository Register shall, for such period as the book-entry securities are entered against their names in the Depository Register, be deemed to be holders of the amount of the book-entry securities entered against their respective names in the Depository Register.

The **Smoking (Control of Advertisements and Sale of Tobacco) (Labelling) (Amendment) Regulations 2006** (GN No S 295/2006, wef 1 August 2006) amend the First Schedule to the Smoking (Control of Advertisements and Sale of Tobacco) (Labelling) Regulations (Cap 309, Reg 2) to provide —

- (a) for new warnings to be clearly and conspicuously printed on every container of smoked tobacco products; and
- (b) that any person may, until 31 October 2006, import, sell or supply any smoked tobacco product that has been clearly and conspicuously printed with the existing warnings.

The **Infectious Diseases (Notification of Infectious Diseases) (Exemption) Order 2006** (GN No S 300/2006, wef 1 June 2006) provides that —

- (a) section 6 of the Infectious Diseases Act (Cap 137) shall not apply to any registered medical practitioner practising in, or any employee of, any of the medical clinics set out in the Schedule therein in relation to the administration of an anonymous test on any person for Human Immunodeficiency Virus Infection (Non-Acquired Immune Deficiency Syndrome); but
- (b) the registered medical practitioner or employee is not exempted from the duty under s 6 of the Infectious Diseases Act to notify the Director of Medical Services if a person on whom an anonymous test is administered is found to be suffering from, or to be a carrier of, any infectious diseases other than Human Immunodeficiency Virus Infection (Non-Acquired Immune Deficiency Syndrome).

The **Employment (Recommendations for Annual Wage Adjustment) Notification 2006** (GN No S 327/2006) sets out the National Wages Council's wage guidelines for the period 1 July 2006 to 30 June 2007 (both dates inclusive) and the recommendations, amongst other things, as follows:

- (a) that built-in wage increases should continue to lag behind productivity growth in order to be sustainable and to maintain cost competitiveness;
- (b) that companies should continue to implement wage restructuring, move away from seniority-based wages and introduce the Monthly Variable Component in the wage structure (for companies which have yet to do so);
- (c) that companies should formulate and apply appropriate Key Performance Indicators in consultation with unions and workers, and to embark on job-based, competency-based and performance based wage systems;
- (d) that companies should hire mature and older workers and retain them beyond the retirement age of 62, and to step up their training and skills upgrading of workers, particularly the older workers, low wage workers and contract workers; and
- (e) that companies should continue to work actively with the National Trades Union Congress, Singapore National Employers Federation and Singapore Workforce Development Agency to achieve the target of re-creating and redesigning 10,000 jobs in 2006 to raise workers' productivity and earning capacity.

The **Payment Systems (Oversight) (Exemption) Regulations 2006** (GN No S 334/2006, wef 23 June 2006) provide that the Monetary Authority of Singapore exempts —

- (a) a holder of any single purpose stored value facility from ss 30 and 31 of the Payment Systems (Oversight) Act 2006 (Act 1 of 2006); and
- (b) any person in Singapore who acts on behalf of a holder of any single purpose stored value facility to offer or invite, or issue any advertisement containing any offer or invitation to, the public or any section of the public in Singapore to purchase or otherwise acquire a stored value facility or the value stored in the facility, whether in Singapore or elsewhere, from s 31(4) of the Payment Systems (Oversight) Act 2006.

The **Payment Systems (Oversight) (Designated Payment Systems) Order 2006** (GN No S 337/2006, wef 23 June 2006) sets out that the following payment systems are designated as designated payment systems for the purposes of the Payment Systems (Oversight) Act 2006 (Act 1 of 2006):

- (a) Singapore Dollar Cheque Clearing System operated by Banking Computer Services Pte Ltd;
- (b) Inter-bank GIRO System operated by Banking Computer Services Pte Ltd;
- (c) US Dollar Cheque Clearing System operated by Banking Computer Services Pte Ltd; and
- (d) MAS Electronic Payment System operated by the Monetary Authority of Singapore.

The **Smoking (Prohibition in Certain Places) (Amendment) Notification 2006** (GN No S 345/2006, wef 1 July 2006) amends the First Schedule to the Smoking (Prohibition in Certain Places) Notification (Cap 310, N 1) to provide that smoking shall not be permitted in —

- (a) any foodshop, except that the Director-General of Public Health (“the Director-General”) may designate for smoking, such part of the outdoor refreshment area of the foodshop not exceeding 20% of the total floor area of that outdoor refreshment area; and
- (b) any hawker centre, except that the Director-General may designate for smoking —
  - (i) such part of the outdoor refreshment area of the hawker centre not exceeding 20% of the total outdoor seating capacity; or
  - (ii) where the hawker centre does not have an outdoor refreshment area, such part of the indoor refreshment area of the hawker centre not exceeding 10% of the total indoor seating capacity.

The **Road Traffic (Public Service Vehicles) (Vocational Licences and Conduct of Drivers, Conductors and Passengers) (Amendment) Rules 2006** (GN No S 356/2006, wef 1 July 2006) amend the Road Traffic (Public Service Vehicles)

(Vocational Licences and Conduct of Drivers, Conductors and Passengers) Rules (Cap 276, R 8) to provide for —

- (a) the grant of provisional licences to act as bus conductors and omnibus drivers by the Registrar of Vehicles (“the Registrar”);
- (b) the age limit of applicants for a licence to act as a conductor of omnibuses and school buses;
- (c) the validity of licences; and
- (d) the requirement for the following licensees to furnish a medical certificate to the Registrar:
  - (i) taxi drivers, being the holders of valid licences, who, on or after 1 July 2006, are required to undergo, within six months before attaining 70 years of age, an assessment test to assess their fitness to drive at a clinic designated by the Registrar; and
  - (ii) taxi drivers, being the holders of valid licences, who, on or after 1 July 2006, are at least 70 years but below 73 years of age and who have not furnish medical certificates to the Registrar for at least one preceding year.

The **Central Provident Fund (Medisave Account Transfers) Regulations 2006** (GN No S 359/2006, wef 1 July 2006) provide the situations in which the Central Provident Fund Board shall transfer the amount standing to the credit of a member in his medisave account which is in excess of the medisave contribution ceiling to his special account, retirement account or ordinary account, as the case may be.

The **Central Provident Fund (Prescribed Amount for Medisave Account) Regulations 2006** (GN No S 360/2006, wef 1 July 2006) provide that the prescribed amount under s 16 of the Central Provident Fund Act (Cap 36) is \$28,000, except for members who are entitled to certain medical benefits.

The **Central Provident Fund (Minimum Sum Scheme Nominations) Rules 2006** (GN No S 374/2006, wef 1 July 2006) provide that where two parties to a marriage who are members of the Central Provident Fund desire to set aside jointly an amount which is less than two times the minimum sum under s 15(6A) of the Central Provident Fund Act (Cap 36), each party shall nominate the other party to receive, on his death, the amount of the minimum sum belonging to him.

The **Central Provident Fund (Prescribed Amount for Special Account) Notification 2006** (GN No S 377/2006, wef 1 July 2006) provides that the prescribed amount for the purposes of s 18B of the Central Provident Fund Act (Cap 36) is \$94,600.

The Minister for the Environment and Water Resources has, *vide* the **Notification relating to Assignment of Other Functions to Public Utilities Board** (GN No

S 388/2006), assigned to the Public Utilities Board (“the Board”) the additional functions of —

- (a) regulating vessel and other activities in reservoirs maintained by the Board;
- (b) managing any barrage and boat transfer facility in the reservoirs; and
- (c) acting as an agent of the Government in the construction of —
  - (i) public sewerage systems;
  - (ii) public sewers; and
  - (iii) storm water drainage systems, drains and drainage reserves belonging to the Government.

**The Nurses and Midwives (Amendment) Regulations 2006** (GN No S 391/2006, wef 1 July 2006) amend the Nurses and Midwives Regulations (Cap 209, Reg 1) to provide, amongst other things —

- (a) that, for the purposes of s 32(2)(a) of the Nurses and Midwives Act (Cap 209), the specialised branches of nursing approved by the Singapore Nursing Board (“the Board”) are as follows:
  - (i) Acute Care;
  - (ii) Medical or Surgical;
  - (iii) Mental Health; and
  - (iv) Community Nursing;
- (b) for the Advanced Practice Nurse Register to be in such form as the Board may determine;
- (c) for the requirements relating to certification of a person as an Advanced Practice Nurse (including provisional and temporary certification);
- (d) the constitution of the Advanced Practice Nurse Accreditation Committee and their functions thereof; and
- (e) the constitution of the Advanced Practice Nurse Training Committee and their functions thereof.

**The Public Transport Council (Bus Service Operator’s Licence) Regulations 2006** (GN No S 396/2006, wef 1 July 2006) provide, amongst other things —

- (a) that an application to the Public Transport Council (“the Council”) for the grant or renewal of a bus service operator’s licence (“the licence”) shall be accompanied by a non-refundable fee;
- (b) for the duration and periodic fee of the licence;
- (c) that the Council may waive or refund the whole or any part of the fees payable; and
- (d) that, for the purposes of s 26A of the Public Transport Council Act (Cap 259B), where any fee, contribution, financial penalty or other sum payable under Pt IVA of the Act remains due and unpaid by a licensee,

interest at an annual rate of 2% above the average of the prevailing annual prime lending rate of such bank in Singapore as the Council may determine shall be levied from the date the payment is due up to and including the date the payment is made.

The **Public Transport Council (Ticket Payment Service Licence) Regulations 2006** (GN No S 397/2006, wef 1 July 2006) provide, amongst other things —

- (a) that an application to the Public Transport Council (“the Council”) for the grant or renewal of a ticket payment service licence (“the licence”) shall be accompanied by a non-refundable fee;
- (b) for the duration and periodic fee of the licence; and
- (c) that, for the purposes of s 26A of the Public Transport Council Act (Cap 259B), where any fee, contribution, financial penalty or other sum payable under Pt IVB of the Act remains due and unpaid by a licensee, interest at an annual rate of 2% above the average of the prevailing annual prime lending rate of such bank in Singapore as the Council may determine shall be levied from the date the payment is due up to and including the date the payment is made.

The **Public Transport Council (Ticket Payment Service Licence) (Exemption) Order 2006** (GN No S 400/2006, wef 1 July 2006) provides that any ticket payment service provider (not being an entity that has been formed as a result of a consolidation) who has not been issued a ticket payment service licence shall be exempted from Pt IVB of the Public Transport Council Act (Cap 259B) if the total value of ticket transactions cleared by him at any time during the period of assessment does not exceed \$300m.

#### **Acts brought into operation in May and June**

1. **Electricity (Amendment) Act 2006** (Act 18 of 2006) (wef 1 May 2006 *vide* GN No S 238/2006)
2. **Enlistment (Amendment) Act 2006** (Act 14 of 2006) (wef 8 May 2006 *vide* GN No S 253/2006 except ss 3 and 4(a))
3. **Casino Control Act 2006** (Act 10 of 2006) (Section 2 wef 1 June 2006 *vide* GN No S 278/2006)
4. **Payment Systems (Oversight) Act 2006** (Act 1 of 2006) (wef 23 June 2006 *vide* GN No S 329/2006)

#### **Revision of Subsidiary Legislation**

The Law Revision Commissioners have published, in loose-leaf form, the 2006 Revised Edition of Subsidiary Legislation made under the following Acts (wef 5 June 2006 *vide* GN No S 288/2006), incorporating all the amendments up to 1 May 2006:

- (1) Bankruptcy Act (Cap 20): Bankruptcy Rules (R 1) (S 269/95)
- (2) Companies Act (Cap 50): Companies (Winding Up) Rules (R 1) (S 184/69)
- (3) Women's Charter (Cap 353): Women's Charter (Matrimonial Proceedings) Rules (R 4) (S 854/2005)