

THE STATUTES OF THE REPUBLIC OF SINGAPORE

RUBBER INDUSTRY ACT
(CHAPTER 280)

Act
37 of 1973
Amended by
12 of 1979

REVISED EDITION 1985

Rubber Industry Act

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An Act for the regulation and control of the manufacture of technically specified rubber and the packing and shipping of rubber for export and for matters connected therewith.

[1st January 1974]

1. This Act may be cited as the Rubber Industry Act. Short title.

Interpre-
tation.

Cap. 278.

2. In this Act, unless the context otherwise requires —

“Association” means the Rubber Association of Singapore established under the Rubber Association of Singapore (Incorporation) Act;

“licence” means a licence granted under the provisions of this Act;

“rubber” means marketable rubber prepared from the leaves, bark or latex of any rubber plant, but does not include any manufactured article made wholly or partly of rubber;

“rubber plant” includes any of the following plants:

(a) *Heavea brasiliensis* (Para rubber);

(b) *Manihot glaziovii* (Ceara rubber);

(c) *Castilloa elastica*;

(d) *Ficus elastica* (Rambong);

(e) any other plant which the Minister may by notification in the *Gazette* declare to be a rubber plant for the purposes of this Act;

“to pack rubber for export” means to pack rubber in Singapore for export to any country or place;

“to ship rubber for export” means to ship rubber in Singapore for export to any country or place outside Singapore.

No person to pack or ship rubber or manufacture technically specified rubber unless duly licensed for the purpose.

3.—(1) Notwithstanding the provisions of any other written law, no person shall —

(a) pack rubber for export;

(b) ship rubber for export; or

(c) manufacture or otherwise produce technically specified rubber,

unless he is for the time being the holder of a valid licence granted under this Act authorising him to do so or is a person employed by a person licensed as aforesaid.

(2) For the purpose of this section a person shall be deemed to have packed rubber for export if it is packed in any manner usually employed in Singapore when packing rubber for export.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine

not exceeding \$25,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) Subsection (1) shall not apply to a person who ships rubber for export if he is the holder of a licence issued to him under the provisions of the Rubber Shipping and Packing Control Ordinance 1949 of Malaysia or the Malaysian Rubber Exchange and Licensing Board Act 1972.

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M 74/49.

M 84/72.

(5) Subsection (4) shall have force and effect only so long as reciprocal arrangements exist between Singapore and Malaysia whereby a licence to ship rubber for export granted under this Act is deemed to be a valid licence to ship rubber for export issued by the competent authority in Malaysia under the provisions of the Rubber Shipping and Packing Control Ordinance 1949 of Malaysia or the Malaysian Rubber Exchange and Licensing Board Act 1972 or any other written law which repeals and re-enacts, with or without modifications, that Ordinance or that Act.

4.—(1) An application for a licence shall be made to the Association in the prescribed form and manner and shall be accompanied by the prescribed fee.

Application
for a
licence.

(2) Subject to subsection (3), the Association shall grant a licence if after considering —

(a) the character and financial position of the applicant or, if the applicant is a corporation, the character of the directors and the secretary of the corporation and of the corporation's financial position; and

(b) the interests of the public,

the Association is of the opinion that the applicant is a fit and proper person to hold the licence applied for.

(3) A licence shall not be granted to any applicant unless he is a registered member of the Association and the holder of a licence granted under section 4 of the Rubber Dealers Act.

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(4) Any person who is aggrieved by the decision of the Association in refusing to grant a licence may appeal to the Minister whose decision shall be final.

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(5) Where an appeal is made to the Minister pursuant to subsection (4), the Association shall furnish the Minister

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with such information as he requires for the purposes of the determination of the appeal. After consideration of the written representations made by the applicant, the Minister may, if he considers there is insufficient ground for interfering with the decision of the Association, dismiss the appeal or, if he is of the opinion that a licence should be granted to the applicant, reverse the decision of the Association and order the Association to grant a licence to the applicant.

Period of
licence.
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5. A licence shall expire on 31st December of the year in which it is granted and may be renewed for the following year.

Renewal
of licence.

6.—(1) An application for the renewal of a licence shall be made to the Association one month before the expiry of the licence.

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(2) The Association shall renew a licence unless —

(a) it is of the opinion that the holder thereof has contravened or failed to comply with any of the provisions of this Act or any rules made thereunder;

(b) it is satisfied that the holder thereof has ceased to be or will soon cease to be a member of the Association; or

(c) the holder thereof has ceased to hold a licence granted under section 4 of the Rubber Dealers Act.

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(3) Where the Association is of the opinion that a licence should not be renewed, the Association shall call upon the holder thereof to show cause why his licence should be renewed and section 9 (2) to (7) shall apply mutatis mutandis to any person who has been called upon to show cause why his licence should be renewed.

False
statement.

7. No person shall in connection with an application for a licence or for the renewal of a licence wilfully make a statement false or misleading in a material particular knowing it to be false or misleading or wilfully omit to state any matter or thing without which the application is misleading in a material respect.

8.—(1) Every holder of a licence shall cause the licence to be framed and exhibited in a conspicuous place on the premises in which the holder of the licence is carrying on the business of packing rubber for export or shipping rubber for export or manufacturing technically specified rubber, as the case may be.

Inspection of premises and display of licence.

(2) Every holder of a licence shall allow at all reasonable times the inspection of the premises in which he is carrying on the business of packing rubber for export or shipping rubber for export or manufacturing technically specified rubber, as the case may be, by any officer authorised in writing in that behalf by the Association. Any such authorisation shall have affixed thereto a photograph of the officer to whom it is issued.

(3) Every holder of a licence shall, on demand being made in that behalf by any such officer as is mentioned in subsection (2), produce for inspection —

(a) such books and other documents as are reasonably necessary to enable that officer to ascertain if the provisions of this Act and the rules made thereunder have been and are being complied with; and

(b) all rubber on such premises.

(4) Any person who fails without lawful excuse to produce any such books, documents or rubber upon demand being made in that behalf by any such officer as aforesaid or who wilfully impedes or obstructs that officer in the execution of the powers conferred upon him by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

9.—(1) If it appears to the Association that the holder of a licence has contravened any of the provisions of this Act or any of the rules made thereunder the Association may call upon the holder of the licence in the manner prescribed to show cause why his licence should not be cancelled.

Association may in certain circumstances call upon a person to show cause why his licence should not be cancelled.

(2) Any person called upon to show cause under subsection (1) —

(a) shall be supplied by the Association with the particulars in writing of the contravention complained of; and

- (b) may if he so desires be present at the hearing and be heard either in person or by any person duly authorised by him in that behalf.

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(3) If after such hearing the Association is of the opinion that the person called upon to show cause has contravened any of the provisions of this Act or of the rules made thereunder, the Association may —

- (a) revoke his licence;
- (b) suspend his licence for such period as the Association may determine;
- (c) in the event of an order of suspension being made under sub-paragraph (b), prohibit the renewal of his licence for such period as the Association may determine;
- (d) impose a fine not exceeding \$25,000, which shall be recoverable in the same manner as a judgment debt;
- (e) require such person as security for his future compliance with any provision of this Act or of the rules made thereunder to deposit or give a bank guarantee for any sum not exceeding \$25,000 for such period as the Association may determine; and any such sum or guarantee shall be deposited with or given, as the case may be, to the Association;
- (f) warn him of the consequences of a further contravention of any of the provisions of this Act or of the rules made thereunder; and
- (g) order such person to pay to the Association a sum not exceeding \$5,000 to cover the costs incurred by the Association as a result of the contravention by that person of any of the provisions of this Act or of the rules made thereunder.

(4) The Association shall regulate its own procedure at any such hearing and shall not be bound by any law or rule of practice relating to the admissibility of evidence.

(5) The amount of any fine imposed under subsection (3) (d) shall be paid into the Singapore Rubber Fund established under section 14 of the Rubber Association of Singapore (Incorporation) Act.

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(6) Execution of any decision of the Association given under subsection (3) shall be stayed pending the expiration of the period within which notice of appeal may be given or the decision on such appeal, as the case may be.

(7) The Association shall keep in writing a record of its proceedings and of all evidence received by it and the decisions of the Association shall be recorded in writing.

10.—(1) Any person aggrieved by a decision of the Association given under section 9 (3) may appeal to the Appeal Tribunal to be established under section 11.

Appeal from
decision of
Association.
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(2) Notice in writing of such appeal together with the grounds thereof shall be given to the Appeal Tribunal within 14 days of the receipt of the decision in writing of the Association by the person aggrieved, and a copy of that notice and the grounds of appeal shall be served upon the Association by the appellant. Every notice given to the Appeal Tribunal under this subsection shall be sent to such address in Singapore as may be prescribed by the Appeal Tribunal.

(3) The appellant may if he so desires be present at the hearing of his appeal and may be heard either in person or by any person authorised by him in that behalf.

(4) At the hearing of an appeal the Appeal Tribunal may allow the appeal, or confirm or vary, within the limits specified in section 9 (3) (a) to (g), the decision of the Association, and any decision of the Appeal Tribunal shall be final and conclusive and shall be enforceable in the same manner as a decision of the Association.

(5) The Appeal Tribunal shall regulate its own procedure at the hearing of any such appeal and shall not be bound by any law or rule of practice relating to the admissibility of evidence.

(6) The Appeal Tribunal may at its discretion from time to time extend any limit of time fixed for the giving of a notice of appeal.

11.—(1) For the purposes of section 10, there shall be established an Appeal Tribunal, which shall consist of a Chairman, who shall be a person holding or who has held high judicial office, and two other persons, all of whom shall be appointed by the Minister.

Appeal
Tribunal.

(2) The Appeal Tribunal may make rules governing the fees payable and the procedure to be followed on appeals under section 10. Any such fees shall be payable to the Association.

Entry of premises by officer of Association and seizure of article as evidence.

12.—(1) Any officer of the Association duly authorised in writing in that behalf may enter at all reasonable times any premises or place in which he has reasonable cause to believe there is evidence of a contravention of any of the provisions of this Act or of the rules made thereunder, and may search therein and seize any article in the premises or place that may be reasonably necessary as evidence in connection with the contravention.

(2) Any person who wilfully impedes or obstructs such officer in the exercise of the powers conferred upon him by subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Officer of Association to produce authority for inspection.

13. Any officer of the Association entering any premises or place in exercise of the powers conferred by this Act shall produce for the inspection of the person in charge of the premises or place or in his absence that person's agent his authority for such entry.

Personal immunity of members and officers of Association.

14. No member of the Management Committee of the Association and no agent or officer of the Association shall be personally liable for an act or default of the Association done or omitted to be done in good faith and without negligence in the course of carrying out the functions vested in the Association under this Act.

Revenue of Association.

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15. The fees and other sums paid to the Association under this Act shall be paid into the Singapore Rubber Fund established under section 14 of the Rubber Association of Singapore (Incorporation) Act and all expenses incurred by the Association in the administration of this Act may be paid out of moneys in the Fund.

Jurisdiction of District Court.

16. Notwithstanding anything in any other written law a District Court shall have power to try any offence under this Act and to impose the full penalty prescribed therefor.

17.—(1) The Association may, with the approval of the Minister, make rules — Power to make rules.

- (a) regulating the packing, grading and shipping of rubber;
- (b) for the purpose of ensuring that the quality of rubber to be exported is of the standard required by the contract governing the transaction and for the prevention of fraud or malpractices in connection therewith, and prescribing the marks to be stamped or otherwise inscribed on rubber packed or shipped for export or on technically specified rubber;
- (c) regulating the manufacture of technically specified rubber and to prescribe the specifications for technically specified rubber;
- (d) prescribing the testing and quality control procedures to be adopted and followed by manufacturers of technically specified rubber;
- (e) prescribing the conditions upon which any licence or a class of licences is issued under this Act;
- (f) prescribing anything which may be prescribed under the provisions of this Act;
- (g) prescribing the fees for licences granted under this Act;
- (h) prescribing the form of register to be kept for the purposes of this Act;
- (i) prescribing the fees and travelling and subsistence allowances to be paid to the Chairman and members of the Appeal Tribunal; and
- (j) generally for the better carrying out of the purposes of this Act.

(2) Rules made under subsection (1) shall be published in the *Gazette*.

18. The Minister may from time to time issue general directions not inconsistent with the provisions of this Act regarding the administration of this Act and the Association shall comply with those directions. Directions of Minister.

Savings and transitional provisions. 1970 Ed. Cap. 201.

19.—(1) Where any person who immediately before the commencement of this Act was registered as a packer or shipper of rubber for export under the Rubber Shipping and Packing Control Act (repealed by this Act) has done or omitted to do any act in respect of which the Malaysian Rubber Export Registration Board* (hereinafter referred to as the Board) may cancel his registration under or a certificate issued pursuant to that Act, he may be deprived of a licence granted under this Act as if the act was done or omitted to be done while he was duly licensed under this Act.

(2) An order, rule or direction made or given by the Board or the Tribunal of Appeal established and constituted under the Rubber Shipping and Packing Control Act (repealed by this Act) pursuant to this section shall be entered as an order, rule or direction of the Association or the Appeal Tribunal established under section 11 and shall have the same force or effect as if it had been made or given by the Association or the Appeal Tribunal pursuant to the authority vested therein under this Act. [20

Vesting of assets and property in Association.

20. Upon the date of commencement of this Act —

- (a) all property, movable and immovable, which immediately before that date was vested in and held by or for the Board shall be transferred to and vest in the Association without further assurance and the Association shall have all powers necessary to take possession of, recover and deal with such property;
- (b) all rights, obligations and liabilities of the Board which may have existed before that date shall be the rights, obligations and liabilities of the Association; and
- (c) every agreement, whether in writing or not, and every deed, bond or other instrument to which the Board was a party or which affected the Board, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the

*Ceased to exist on 1st January 1974.

Association were a party thereto or affected thereby instead of the Board and as if for every reference (however worded and whether expressed or implied) to the Board there were substituted in respect of anything to be done on or after that date a reference to the Association.

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