



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**AGENCY FOR SCIENCE, TECHNOLOGY AND RESEARCH
ACT**

(CHAPTER 5A)

(Original Enactment: Act 24 of 1990)

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2002

Agency for Science, Technology and Research Act

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An Act to establish the Agency for Science, Technology and Research and for matters connected therewith.

[26/2002]

[11th January 1991]

Short title

1. This Act may be cited as the Agency for Science, Technology and Research Act.

[26/2002]

Interpretation

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

“Agency” means the Agency for Science, Technology and Research established under section 3;

“chief executive officer” means the chief executive officer appointed under section 16 and includes any temporary chief executive of the Agency;

“commercial application”, in relation to any knowledge or technology, means the application, utilization or exploitation of such knowledge or technology in the manufacture, production, sale, distribution or provision of goods or services in the course of any trade, business, enterprise or profession, and includes any business or commercial activity that is necessary for or related to the promotion, development or growth of any such trade, business, enterprise or profession;

“financial assistance” includes assistance by way of grant, loan, loan guarantee, the purchase or guarantee of bonds, debentures, notes or other debt obligations or the purchase or acquisition of any stock, shares or other equity securities;

“member” means a member of the Agency and includes the Chairman.

[18/2000; 26/2002]

Establishment of the Agency for Science, Technology and Research

3.—(1) There is hereby established a body to be known as the Agency for Science, Technology and Research which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering such other acts or things as bodies corporate may lawfully do and suffer.

[26/2002]

(2) The Agency may perform any of its functions or carry out any of its duties under the business name of A*STAR, or such other business name as the Minister may from time to time, by notification in the *Gazette*, specify.

[26/2002]

Common seal

4.—(1) The Agency shall have a common seal and such seal may from time to time be broken, altered or made anew as the Agency thinks fit.

[26/2002]

(2) All deeds and other documents requiring the seal of the Agency shall be sealed with the common seal of the Agency in the presence of —

- (a) the Chairman or a Deputy Chairman of the Agency; and
- (b) an employee of the Agency who is authorised by resolution or otherwise in writing (either generally or specially) to act in that behalf,

and shall be signed by these persons.

[26/2002]

(3) Such signing shall be sufficient evidence that the common seal of the Agency has been duly and properly affixed and that the seal is the lawful common seal of the Agency.

[26/2002]

(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Agency affixed to any document and shall presume that it was duly affixed.

[26/2002]

(5) The Agency may, by resolution or otherwise in writing, appoint an employee of the Agency or any other agent, either generally or

specially, to execute or sign on behalf of the Agency any agreement or other instrument not under seal in relation to any matter coming within the powers of the Agency.

[26/2002]

(6) Section 12 of the Registration of Deeds Act (Cap. 269) shall not apply to any instrument purporting to have been executed under subsection (2).

[3A
[26/2002]

Constitution of Agency

5.—(1) The Agency shall consist of —

(a) a Chairman; and

(b) not less than 8 and not more than 20 other members.

[18/2000; 26/2002]

(2) The First Schedule shall apply to the Agency, its members and proceedings.

[4
[26/2002]

Functions of Agency

6.—(1) The functions of the Agency are —

(a) to initiate, promote, stimulate, encourage, facilitate and assist in the development of an environment that is conducive —

(i) to the creation and development of world class research and development capabilities in science (including biomedicine), engineering and technology in Singapore;

(ii) to the development and nurture of scientific talent and technical capability in scientific and technological knowledge, research and development that is desirable to support the private sector and public sector and to the creation of intellectual capital in Singapore; and

- (iii) to the commercial application of scientific knowledge or technology in Singapore;
- (b) to support, direct, stimulate and undertake research and development in the areas of science (including biomedicine), engineering and technology;
- (c) to stimulate, encourage, facilitate, co-ordinate and direct scientific and technological research and development by the Government, educational institutions and research communities within and outside Singapore, and to facilitate co-operation, communication, collaboration and exchange of ideas and knowledge between them;
- (d) to provide financial assistance for research and development in the areas of science (including biomedicine), engineering and technology;
- (e) to promote manpower training and development in the areas of science (including biomedicine), engineering and technology;
- (f) to provide advice and guidance to the Government in the formulation of its policies and laws on all aspects of science (including biomedicine), engineering and technology, and on any matter relating to or affecting the commercial application of scientific knowledge or technology;
- (g) to establish, develop and manage public institutes and research institutes in the areas of science (including biomedicine), engineering and technology;
- (h) to undertake the promotion of science (including biomedicine), engineering and technology among youths and to create, foster and encourage public awareness and understanding of the importance of science and technology in Singapore;
- (i) to create, develop, apply for, acquire and hold intellectual property and rights and enter into arrangements for the commercial application of any such intellectual property

and rights on such terms as to royalties or otherwise as the Agency thinks fit; and

- (j) to represent Singapore internationally in respect of matters relating to science (including biomedicine), engineering and technology.

[26/2002]

(2) In carrying out its functions, the Agency shall —

- (a) have regard to the needs of Singapore and its resources; and

- (b) promote developments, commercial applications and innovation in areas of science (including biomedicine), engineering and technology that increase the economic growth, productivity and employment opportunities in Singapore, that enjoy good export market prospects and that will enhance Singapore's international competitiveness.

[18/2000; 26/2002]

(3) In addition to the functions specified in subsection (1), the Agency may undertake such other functions as the Minister may assign to the Agency and in so doing, the Agency shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Agency in respect of such additional functions.

[18/2000; 26/2002]

(4) Nothing in this section shall be construed as imposing on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

[5

[18/2000; 26/2002]

Powers of Agency

7.—(1) The Agency shall have power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may —

- (a) appoint committees or councils consisting of persons who may or may not be members of the Agency and delegate to any such committee or council such of its powers and

functions which, in the opinion of the Agency, would be better regulated and managed by means of such committees or councils, except the power of delegation conferred by this paragraph;

- (b) form or participate in the formation of any company or enter into any joint venture or partnership for the purposes of this Act;
- (c) establish institutes for the conduct of research and development in the areas of science (including biomedicine), engineering and technology;
- (d) provide financial assistance (including scholarships) —
 - (i) for the training and development of manpower in Singapore required for or conducive to the conduct of scientific and technological research and development, or to the commercial application of scientific knowledge or technology; or
 - (ii) to any person in the public or private sector for scientific and technological research and development, or for any commercial application of scientific knowledge or technology, in areas defined by the Agency;
- (e) provide or develop incubator facilities for new enterprises, and business support facilities to growing enterprises, which are based on or involved in the commercial application of scientific knowledge or technology developed by any public institute, research institute, educational institution, hospital or other speciality centre, whether or not funded by the Agency;
- (f) receive, acquire, develop or hold, or sell, mortgage or otherwise dispose of any property, movable or immovable, or any interest therein;
- (g) establish and maintain offices within and outside Singapore;
- (h) promote or undertake publicity in any form;

- (i) publish, produce or sponsor the publication or production of periodicals, booklets, films and other materials in written, electronic or other media;
- (j) receive donations and contributions from any source and raise funds by all lawful means;
- (k) with the approval of the Minister, establish any scheme for the payment of gratuities, pensions, provident fund or other superannuation benefits to such employees or classes of employees of the Agency as it may determine on their death in or retirement from the service of the Agency or on their otherwise leaving the service of the Agency; and
- (l) generally do anything incidental to or consequential upon the exercise of any of its powers or the discharge of its functions under this Act.

[18/2000; 26/2002]

(2) The Agency may, with the approval of the Minister, make rules to regulate the proceedings of the Agency and generally to carry out the purposes of this Act.

[26/2002]

(3) The Agency may, in addition to the powers vested in it by subsection (1), exercise such other powers as the Minister may authorise the Agency in writing to exercise.

[6

[26/2002]

Grants-in-aid

8. For the purpose of enabling the Agency to carry out its functions under this Act, the Minister may from time to time make grants-in-aid to the Agency of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

[7

[26/2002]

Power to borrow

9. The Agency may from time to time for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

[8
[26/2002]

Issue of shares, etc.

10. As a consequence of the vesting of any property, rights or liabilities of the Government in the Agency under this Act, or of any capital injection or other investment by the Government in the Agency in accordance with any written law, the Agency shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[8A
[5/2002]

Bank accounts and application of revenue

11.—(1) The Agency shall open and maintain an account or accounts with such bank or banks as the Agency thinks fit.

[26/2002]

(2) Every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Agency.

[26/2002]

(3) The moneys of the Agency shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Agency and in making any payments that the Agency is authorised or required to make.

[9
[26/2002]

Powers of investment

12. The Agency may

- (a) invest its moneys in such securities and other investments as it thinks fit, including the deposit of moneys with

financial institutions and other business or professional bodies; and

- (b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.

[10
[26/2002]

Annual report

13.—(1) The Agency shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Agency during that financial year.

[26/2002]

(2) The Minister shall cause a copy of every such report to be presented to Parliament.

[11

Accounts

14. The financial provisions set out in the Second Schedule shall apply to the Agency.

[12
[26/2002]

Directions by Minister

15.—(1) The Minister may give to the Agency such directions, not inconsistent with the provisions of this Act, as to the exercise and performance by the Agency of its functions under this Act, and the Agency shall give effect to such directions.

[26/2002]

(2) The annual report for any year shall set out any directions given by the Minister under subsection (1) and shall contain a report of any action taken by the Agency during that year pursuant to the directions.

[13
[26/2002]

Appointment of chief executive officer and other employees

16.—(1) The Agency shall, with the approval of the Minister, appoint a chief executive officer on such terms and conditions as it may determine.

(2) The chief executive officer shall —

- (a) be known by such designation as the Agency may determine;
- (b) be responsible to the Agency for the proper administration and management of the functions and affairs of the Agency in accordance with the policy laid down by the Agency; and
- (c) not be removed from office without the consent of the Minister.

[26/2002]

(3) If the chief executive officer is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Agency to act in the place of the chief executive officer during any such period of absence from duty.

[26/2002]

(4) The Agency may from time to time appoint such other officers, employees and agents as it thinks fit for the effective performance of its functions on such terms and conditions as it may determine.

[14

[26/2002]

Protection from personal liability

17. No suit or other legal proceedings shall lie personally against any member, officer or employee of the Agency or other person acting under the direction of the Agency for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

[15

[26/2002]

Public servants

18. All members, officers and employees of the Agency shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224)

[16
[26/2002]

Preservation of secrecy

19.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no member, officer, employee or agent of the Agency shall disclose any information relating to the affairs of any person which has been obtained by the member, officer, employee or agent in the performance of his duties or the exercise of his functions.

[26/2002]

(2) Any person who contravenes 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 12 months or to both.

[17

Symbol or representation of Agency

20.—(1) The Agency shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

[26/2002]

(2) Any person who uses a symbol or representation identical with that of the Agency, or which so resembles the Agency's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, 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.

[19
[26/2002]

Saving and transitional provisions

21.—(1) The change of the name of the National Science and Technology Board to the Agency for Science, Technology and Research under the National Science and Technology Board (Amendment) Act 2002 (Act 26 of 2002) shall not —

- (a) operate to create a new legal entity;
- (b) prejudice or affect the identity of the body corporate constituted by the Board or its continuity as a body corporate;
- (c) affect the exercise of any right, or the enforcement of any obligation by or against the Board, or any other person; or
- (d) render defective any legal proceedings by or against the Board,

and any legal proceedings that might have been continued or started by or against it by its former name may be continued or started by or against it by its new name “Agency for Science, Technology and Research”.

[26/2002]

(2) Any reference in any written law or document to the National Science and Technology Board and to the National Science and Technology Board Act shall be read as a reference to the Agency for Science, Technology and Research and the Agency for Science, Technology and Research Act, respectively.

[26/2002]

(3) Any contract, arrangement or other transaction purporting to be entered into by the Agency for Science, Technology and Research, or by any person on behalf of the Agency, on or after 1st January 2002 but prior to the commencement of the National Science and Technology Board (Amendment) Act 2002 (Act 26 of 2002) shall bind the Agency as if the Agency had been a party to the contract, arrangement or transaction, as the case may be.

FIRST SCHEDULE

Section 5.

CONSTITUTION AND PROCEEDINGS OF AGENCY**Appointment of Chairman and other members**

- 1.—(1) The Chairman and other members shall be appointed by the Minister.
- (2) The Minister may appoint the chief executive officer to be a member of the Agency.

Tenure of office of members

2. A member shall hold office on such conditions and for such term, as the Minister may determine.

Deputy Chairmen

- 3.—(1) The Minister may appoint not more than 2 members to be Deputy Chairmen of the Agency.

(2) At any time when the Chairman is absent or otherwise incapable of acting and no temporary Chairman has been appointed —

- (a) such one of the Deputy Chairmen as the Chairman may designate; or
- (b) if there is only one Deputy Chairman, that Deputy Chairman,

may exercise any of the functions of the Chairman.

Temporary Chairman

4. The Minister may appoint any member to be a temporary Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman.

Temporary members

5. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

6. The Minister may, at any time, revoke the appointment of the Chairman or a Deputy Chairman or any member without assigning any reason.

FIRST SCHEDULE — *continued***Resignation**

7. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Chairman may delegate functions

8. The Chairman may, by instrument in writing, authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Vacation of office

9. The office of a member shall be vacated if the member —

- (a) has been absent, without leave of the Agency, from 3 consecutive meetings of the Agency; or
- (b) becomes in any manner disqualified from membership of the Agency.

Filling of vacancies

10. If a member resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint another person for the unexpired period of the term of office of the member in whose place he is appointed.

Disqualification from membership

11. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

Disclosure of interest by members

12.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Agency shall disclose the nature of his interest at the first meeting of the Agency at which he is present after the relevant facts have come to his knowledge;

FIRST SCHEDULE — *continued*

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Agency and, after the disclosure, that member shall not take part in any deliberation of the Agency with respect to that transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under sub-paragraph (2) he cannot vote or has withdrawn from the meeting.

Salaries, fees and allowances payable to members

13. There shall be paid to the Chairman and other members, out of the funds of the Agency, such salaries, fees and allowances as the Minister may from time to time determine.

Meetings and proceedings of Agency

14.—(1) The Chairman shall summon meetings as often as may be required.

(2) At every meeting of the Agency, a quorum shall consist of 3 members.

(3) A decision at a meeting of the Agency shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

(4) The Chairman or in his absence a Deputy Chairman shall preside at all meetings of the Agency.

(5) Where both the Chairman and every Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at that meeting.

(6) Where not less than 4 members of the Agency request the Chairman by notice in writing signed by them to convene a meeting of the Agency for any purpose specified in the notice, the Chairman shall, within 7 days from the receipt of the notice, convene a meeting for that purpose.

(7) The Agency may act notwithstanding any vacancy in its membership.

(8) Subject to the provisions of this Act, the Agency may make rules to regulate its own procedure generally, and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of acts

15. The acts of a member shall be valid notwithstanding any defect in his appointment or qualifications.

SECOND SCHEDULE

Section 14.

FINANCIAL PROVISIONS**Financial year**

1. The financial year of the Agency shall begin on 1st April of each year and end on 31st March of the succeeding year.

Accounts of Agency

2. The Agency shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Auditor

3. The accounts of the Agency shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

Appointment of auditor

4. A person shall not be qualified for appointment as an auditor under paragraph 3 unless he is an approved company auditor under the Companies Act (Cap. 50).

Remuneration of auditor

5. The remuneration of the auditor shall be paid out of the funds of the Agency.

Annual financial statements

6. The Agency shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of the preceding year to the auditor who shall audit and report on them.

Duties of auditor

7. The auditor shall in his report state —
- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Agency;
 - (b) whether proper accounting and other records have been kept, including records of all assets of the Agency whether purchased, donated or otherwise;

SECOND SCHEDULE — *continued*

- (c) whether receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the Agency during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers should be reported.

Auditor's report

8.—(1) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Agency.

(2) The auditor may at any other time report to the Minister through the Agency upon any matter arising out of the performance of his audit.

Powers of the auditor

9.—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Agency.

(2) The auditor or any person authorised by him may make copies of, or extracts from, any such accounting and other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

Penalty for obstructing auditor

10. Any person who —

- (a) fails without reasonable excuse to comply with any requirement of the auditor under paragraph 9; or
- (b) otherwise hinders, obstructs or delays the auditor or authorised person in the performance of his functions under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of audited financial statements and report of auditor

11. The Agency shall, as soon as practicable after the financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements signed by the Chairman, together with a copy of the auditor's report.

SECOND SCHEDULE — *continued***Copy of auditor's report for Auditor-General**

12. Where the Auditor-General is not the auditor of the Agency, a copy of the audited financial statements and the auditor's report shall be forwarded to the Auditor-General at the same time they are submitted to the Agency.

Presentation to Parliament

13. The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

[26/2002]

LEGISLATIVE HISTORY
AGENCY FOR SCIENCE, TECHNOLOGY AND RESEARCH
ACT
(CHAPTER 5A)

This Legislative History is provided for the convenience of users of the Agency for Science, Technology and Research Act. It is not part of this Act.

1. Act 24 of 1990 — National Science and Technology Board Act 1990

Date of First Reading : 4 October 1990
(Bill No. 25/90 published on
5 October 1990)

Date of Second and Third Readings : 9 November 1990

Date of commencement : 11 January 1991

**2. 1991 Revised Edition — National Science and Technology Board Act
(Cap. 201A)**

Date of operation : 1 March 1991

**3. Act 18 of 2000 — National Science and Technology Board (Amendment)
Act 2000**

Date of First Reading : 21 February 2000
(Bill No. 10/2000 published on
22 February 2000)

Date of Second and Third Readings : 25 April 2000

Date of commencement : 1 June 2000

**4. Act 26 of 2002 — National Science and Technology Board (Amendment)
Act 2002**

Date of First Reading : 27 July 2002
(Bill No. 26/2002 published on
28 July 2002)

Date of Second and Third Readings : 27 August 2002

Date of commencement : 1 January 2002
1 October 2002

**5. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002
(Consequential amendments made by)**

Date of First Reading : 3 May 2002
(Bill No. 7/2002 published on
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 15 July 2002
(item (18) in the Schedule)

6. 2002 Revised Edition — Agency for Science, Technology and Research Act

Date of operation : 31 December 2002

COMPARATIVE TABLE
AGENCY FOR SCIENCE, TECHNOLOGY AND RESEARCH
ACT
(CHAPTER 5A)

The following provisions in the 1991 Revised Edition of the National Science and Technology Board Act (Cap. 201A) (now known as the Agency for Science, Technology and Research Act) have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Agency for Science, Technology and Research Act.

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—	18 <i>(Repealed by Act 26/2002)</i>
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