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THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SINGAPORE INSTITUTE OF STANDARDS AND
INDUSTRIAL RESEARCH ACT**

(CHAPTER 301)

**Act
48 of 1973**

Amended by
9 of 1992

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Singapore Institute of Standards and Industrial Research Act

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An Act to establish the Singapore Institute of Standards and Industrial Research; and to provide for the publication by the Institute of standards in relation to products and processes; for the granting of licences for the use of the Marks of the Institute; for the quality control of specified export commodities; for the promotion of industrial research; and for matters connected therewith. 9/92.

[1st October 1973]

PART I

PRELIMINARY

1. This Act may be cited as the Singapore Institute of Standards and Industrial Research Act. Short title.

2. In this Act, unless the context otherwise requires — Inter-pretation.
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Cap. 85.
- “Board” means the Economic Development Board established under section 3 of the Economic Development Board Act;
- “Chairman” means the Chairman of the Institute appointed under section 4;
- “chief executive” means the chief executive of the Institute appointed under section 16 and includes any temporary chief executive of the Institute.
- “industry” includes any trade, manufacturing or service industry and other related activities;
- “inspector” means an inspector appointed under section 13;
- “Institute” means the Singapore Institute of Standards and Industrial Research established under section 3;
- “licence” means a licence granted or renewed by the Institute for the use of a Mark;
- “Mark” means a Mark of the Institute referred to in section 10 (b);
- “mark” includes any device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

- “notified commodity” means any commodity which is specified as being subject to quality control prior to export as provided in section 12;
- “other standard” means a standard other than a Singapore Standard;
- “process” means any practice, system, procedure or activity in industry, and includes any process for —
- (a) the design, manufacture, construction, installation, operation or maintenance of products, instruments, plant or equipment; and
 - (b) the design, administration or operation of any system of quality management or testing;
- “product” means any commodity, article or substance, artificial or natural or partly artificial or natural, or whether tangible or intangible, or whether raw or partly or wholly processed or manufactured, and includes any service;
- “quality control” means a process, carried out at any time, including inspection, tests, record keeping or otherwise, to ascertain whether or to ensure that a product satisfies any standard applicable to it;
- “quality management” includes the setting of quality objectives and quality control, organisation, delineation of responsibilities, training, control of documentation and management of rejects and complaints to achieve those quality objectives;
- “registering authority” means any authority competent under any written law to register a company, firm or other body of persons, or a trade mark or design, or to grant a patent;
- “Singapore Standard” means a standard published by the Institute as provided in section 10 (a);
- “standard” means a code, definition, classification, specification or description of a product or process, as far as possible, by reference to its procedure, safety requirement, mode of manufacture, nature, material, quality, strength, purity, composition,

quantity, dimensions, weight, grade, durability, origin, age or other characteristics or any combination of the same;

“trade mark” has the same meaning as in the Trade Marks Act. Cap. 332.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF INSTITUTE

3.—(1) There is hereby established in accordance with the provisions of this Act an institute to be called the Singapore Institute of Standards and Industrial Research which shall be a body corporate with perpetual succession and which may — Establishment of Institute.

- (a) acquire and dispose of property, both movable and immovable;
- (b) sue and be sued in its corporate name; and
- (c) perform such other acts as bodies corporate may by law perform.

(2) The Institute may be referred to by the abbreviation SISIR.

4.—(1) The Institute shall consist of the following members all of whom shall be appointed by the Minister on such terms as he may determine: Constitution of Institute. 9/92.

- (a) a Chairman who shall be a full-time or part-time officer of the Institute; and
- (b) not less than 6 and not more than 10 other members.

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

5.—(1) The Minister may give to the Institute such directions not inconsistent with the provisions of this Act as he thinks fit, as to the exercise of the functions of the Institute under this Act and the Institute shall give effect to such directions. Directions by Minister. 3/87.

(2) The Institute shall furnish the Minister with such information or facilities for obtaining information in respect of its property or the exercise of its functions in such manner and at such times as the Minister may reasonably require.

[11]

PART III

TRANSFER OF ASSETS, LIABILITIES,
FUNCTIONS AND EMPLOYEES

Transfer to
Institute of
assets and
liabilities.

6. As from 1st October 1973 —

- (a) the unincorporated body known as the Singapore Institute of Standards and Industrial Research being a department of the Board and operating under its control (referred to in this Act as the unincorporated body) shall cease to exist;
- (b) the Institute shall take over all the powers, duties and functions of the unincorporated body;
- (c) such lands, buildings and other property, movable or immovable, vested in or held by the Board as the Minister may determine shall be transferred to and vest in the Institute without further assurance and such transfer shall include all rights, privileges, obligations and liabilities held, enjoyed or incurred in connection therewith or appertaining thereto; and
- (d) all the rights, privileges, obligations and liabilities of the unincorporated body shall be transferred to and vest in the Institute without further assurance.

[12]

Existing
contracts.

7. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 1st October 1973 affecting the lands, buildings and other property, movable or immovable, transferred under section 6 (c) shall be of full force and effect against or in favour of the Institute and enforceable as fully and effectually as if, instead of the Board or any person acting on behalf of the Board, the Institute had been named therein or had been a party thereto.

[13]

8. As from 1st October 1973, every person employed by the Board in the unincorporated body immediately prior to that date shall be transferred to the service of the Institute on terms not less favourable than those they enjoyed immediately prior to their transfer and such terms (which shall be determined by the Institute) shall take into account the salaries and conditions of service, including any accrued rights to leave, enjoyed by them while in the employment of the Board. [14

Transfer of employees.

PART IV

FUNCTIONS AND POWERS OF INSTITUTE

9. The functions of the Institute shall be —

- (a) to promote the safety, quality and efficiency of products and processes in industry for local and international markets through standardisation, certification, quality management and the use of technology; and
- (b) to promote and undertake industrial research and development for the creation of new industries, the development of existing industries and the improvement and introduction of technical skills and technology in industry. [15

Functions of
Institute.
9/92.

10. The Institute shall have all such powers and may perform all such duties as it may consider necessary or expedient to enable it to exercise its functions under this Act, and without prejudice to the generality of the foregoing or to any other power conferred by this Act, it may —

Powers and
duties of
Institute.
9/92.

- (a) establish, accept or adopt and publish, from time to time, by notification in the *Gazette*, the Singapore Standard in relation to any product or process;
- (b) specify, by notification in the *Gazette*, Marks of the Institute for use in relation to any function of the Institute including the Singapore Quality Mark to certify the quality of products, the Good Manufacturing Practice Mark to certify quality management systems, the SISIR ISO 9000 Certification Mark to certify quality management

systems to standards published by the International Organisation for Standardisation and the Singapore Laboratory Accreditation Scheme Mark to certify the testing capabilities of laboratories, and to control the use of such Marks;

- (c) provide for a scheme of quality control of specified export commodities, products and processes in the manner provided in section 12;
- (d) establish, administer and operate any other schemes of standardisation and certification of products or processes;
- (e) inspect, examine or test materials, products and processes with a view to evaluating their quality, serviceability and other characteristics and report thereon, and for this purpose to establish such laboratories and other facilities as the Institute may think fit, and to control the use of such reports;
- (f) establish a national standard of weights, measures and other quantities as may be specified by the Minister, hold custody and disseminate the measurement parameters of physical standards of such weights, measures and quantities, and verify and develop methods for the measurement of such weights, measures and other quantities;
- (g) develop, verify, calibrate, repair and service instruments and equipment and issue certificates to the effect that an instrument or equipment complies with the specifications applicable to it and to control the use of such certificates;
- (h) undertake industrial research and development to adapt, develop and apply technical services, products, materials and processes;
- (i) initiate and undertake or enter into contractual testing, consultancy, research and development projects with the clients of the Institute in pursuance of its functions under this Act;
- (j) undertake the training of the personnel of the Institute and of other bodies or organisations in

- the fields covered by this Act and to arrange for the training of the personnel of the Institute with other local or overseas bodies or organisations;
- (k) advise the Government and industrial, commercial and trading organisations on scientific and technical matters;
 - (l) become a member or affiliate of any international body, the objects of which are similar to those of the Institute and to liaise with any national and international body having such objects;
 - (m) develop and maintain a service to collect and disseminate by any convenient means (including the publication of reports, pamphlets, booklets, journals and other communication media) scientific, technical and other information concerning matters pertaining to this Act and any regulations made thereunder;
 - (n) form or participate in the formation of a company or companies and enter into any joint venture or partnership for the purposes of this Act;
 - (o) acquire any property or any interest therein or any easement over any immovable property, whether by way of purchase, lease, exchange or otherwise for the purposes of this Act;
 - (p) with the approval of the Minister, sell, mortgage or dispose of any immovable property vested in the Institute;
 - (q) prescribe and levy fees for the grant and renewal of licences under this Act;
 - (r) prescribe and levy fees and charges for any of the purposes of this Act and any regulations made thereunder and recover any costs and expenses incurred as provided in such regulations;
 - (s) exercise all functions and powers and perform all duties which, under any other written law, are or may be or become vested in the Institute or are delegated to the Institute; and
 - (t) do all such matters and things as may be incidental to or consequential upon the exercise of its

powers or the discharge of its duties under this Act or any regulations made thereunder. [15A

Standards
Council.

11.—(1) The Institute may, with the approval of the Minister, appoint a Standards Council (consisting of a chairman and such number of persons as the Institute may think fit who may or may not be members of the Institute) to assist and advise the Institute in establishing Singapore Standards and any other standards, and in any other function, power or duty conferred on the Institute by this Act.

(2) The Standards Council may, with the approval of the Institute, appoint such number of committees and sub-committees as it thinks fit.

(3) The Standards Council shall report to the Institute on its activities as often as it thinks necessary and submit an annual report to the Institute. [16

Quality
control of
export
commodities.
9/92.

12.—(1) Where the Minister is of the opinion that it is necessary and expedient for the development, promotion and improvement of the export trade of Singapore to establish a scheme for the quality control of particular commodities exported from Singapore, he may, after consultation with the Institute, specify by notification in the *Gazette* the commodities which shall be subject to quality control prior to export and the date from which such commodities shall be so subject.

(2) Such scheme shall be administered and operated by the Institute.

(3) Where an exporter intends to export from Singapore a notified commodity, he shall first inform the Institute of the particulars thereof in respect of each consignment in such form and within such time as the Institute may require.

(4) The Institute shall, for the purpose of the quality control of such notified commodity, apply the standard stipulated in the export contract in respect thereof, or in the absence of such standard apply the Singapore Standard or any other standard, or modification thereof, acceptable to the Institute, and evaluate the quality of such notified commodity in such manner as the Institute may think fit.

(5) If such notified commodity conforms to the appropriate standard as provided in subsection (4), the Institute shall issue to the exporter a certificate to that effect in respect of each consignment, and upon the receipt of such certificate, and not otherwise, the exporter may export the consignment.

(6) The Institute or, with the written authority of the Institute, the exporter may affix or apply an inspection sign, of such design and in such manner as it may think fit, to the notified commodity in respect of which the Institute has issued a certificate, and except as provided in this subsection no person may affix or apply such inspection sign.

(7) The Institute may require every exporter to furnish such information, return or report, and such samples of each consignment of the notified commodity as the Institute may consider necessary for the purpose of carrying out the provisions of this section.

(8) A person who exports a notified commodity without obtaining a certificate from the Institute as provided in subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(9) A person who attempts to commit an offence punishable under subsection (8) or abets the commission of that offence shall be punished with the punishment provided for the offence.

(10) The Minister may, from time to time, add to, delete or amend a notification made under subsection (1).

(11) For the purposes of this section, “commodity” includes any product and process. [17

13. The Institute may appoint such number of inspectors Inspectors. as may be necessary to assist it in carrying out or exercising its powers, duties and functions as provided in this Act and any regulations made thereunder, and for this purpose the Institute may assign to them such duties, not inconsistent with the provisions of this Act, as it may think fit. [18

14. An inspector appointed under section 13, a senior officer of the Institute authorised in writing in that behalf by Power of entry and inspection. 9/92.

the Chairman or the chief executive or a police officer not below the rank of sergeant may between the hours of 6 a.m. and 6 p.m. enter and inspect, and take samples from, a place where he has reason to believe that there are —

- (a) products or processes in respect of which a Mark or colourable imitation thereof is being used in contravention of this Act or any regulations made thereunder;
- (b) products or processes which a person claims conform to a Singapore Standard or any other standard when in fact they do not;
- (c) notified commodities purporting to bear the inspection sign of the Institute which were not affixed or applied in the manner provided in section 12 (6); or
- (d) notified commodities which are about to be exported by a person without a certificate therefor as required under section 12 (8). [19

Appointment
of
committees
and
delegation of
powers.

15.—(1) The Institute may, in its discretion, appoint from among its own members or other persons who are not members of the Institute such number of committees consisting of members or other persons or members and other persons for purposes which, in the opinion of the Institute, would be better regulated and managed by means of those committees.

(2) The Institute may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or to the Chairman or any member of the Institute or to any employee thereof, any of the powers, functions and duties by this Act vested in the Institute, except the power to lend or borrow money; and any power, function or duty so delegated may be exercised or performed by that committee or by the Chairman, member or employee of the Institute, as the case may be, in the name and on behalf of the Institute.

(3) The Institute may continue to exercise any power conferred upon it, or perform any functions or duty under this Act, notwithstanding the delegation of such power, function or duty under this section. [20

PART V

PROVISIONS RELATING TO STAFF

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

Chief executive of Institute. 9/92.

(2) The chief executive shall be known by such designation as the Institute may determine and shall be responsible to the Institute for the proper administration and management of its functions and affairs in accordance with the policy laid down by the Institute.

(3) The Institute may appoint another person to be a temporary chief executive during the absence, or incapacity owing to illness or otherwise, of the chief executive. [20A

17.—(1) The Institute may, from time to time, appoint and employ such officers and employees as may be necessary for the purposes of this Act and on such terms as to remuneration and otherwise as the Institute may determine.

Appointment of officers and employees.

(2) All employees of the Institute shall be under the administrative control of the Institute.

(3) The termination of appointment, dismissal and disciplinary control of all officers and employees of the Institute shall be vested in the Institute. [21

18.—(1) No matter or thing done and no contract of any kind entered into by the Institute and no matter or thing done by a member of the Institute or by an employee thereof or any other person whomsoever acting under the direction of the Institute shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act, subject such member, employee or other person acting under the direction of the Institute personally to any action, liability, claim or demand whatsoever in respect thereof. All expenses incurred by the Institute or any member, employee or other person so acting under the direction of the Institute shall be borne by and repaid out of the funds of the Institute.

Protective from personal liability. 3/87 9/92.

(2) The fact that —

- (a) a product or process conforms or is alleged to conform to a Singapore Standard or any other standard;
- (b) a Mark is used in connection with, in respect of or in relation to a product or process; or
- (c) the Institute has issued a certificate in respect of a consignment of notified commodities under section 12 or that an inspection sign has been affixed or applied to a notified commodity under that section,

shall not give rise to a claim against the Institute or the Government. [22

PART VI

FINANCIAL PROVISIONS

Funds and
property of
Institute.
9/92.

19. The funds and property of the Institute shall consist of —

- (a) all money appropriated by Parliament for the purposes of the Institute;
- (b) all money paid to the Institute for services rendered by it or for a practice or process developed by it;
- (c) all money derived by the Institute from the sale of its publications;
- (d) all money paid to the Institute by way of grants, subsidies, donations, gifts, fees, charges, rent, interests, dividends and royalties;
- (e) all money derived from the sale of any property belonging to or held by or on behalf of the Institute;
- (f) all other moneys and property lawfully received by the Institute for the purposes of the Institute; and
- (g) all accumulations of income derived from any such moneys or property. [23

20.—(1) The revenue of the Institute in a financial year shall be applied in payment of the following charges: Use of income. 9/92.

- (a) the interest and principal on any loan payable by the Institute;
- (b) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Institute;
- (c) the salaries, fees and allowances of the members of the Institute;
- (d) the salaries, fees, allowances, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the employees, agents, and technical or other advisers of the Institute;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Institute, and the discharge of the functions of the Institute properly chargeable to revenue accounts;
- (f) such sums as the Institute, with the approval of the Minister, may consider appropriate to set aside in respect of the depreciation or renewal of the property of the Institute; and
- (g) any other expenditure authorised by the Institute and properly chargeable to revenue.

(2) The balance of the revenue of the Institute shall be applied for the creation of a general reserve or such other reserves or capital fund as the Institute may consider appropriate.

(3) Subject to the terms of any trust or endowment, money belonging to the Institute and available for investment may be invested in such securities as trustees may by any written law be authorised to invest or, with the written approval of the Minister, in any other securities or investments. [24

21. The financial provisions set out in the Second Schedule shall apply to the Institute. [25 Financial provisions. 9/92.

Estimates.

22.—(1) The Institute shall in every year cause to be prepared and adopt annual estimates of income and expenditure of the Institute for the ensuing year.

(2) Supplementary estimates may be adopted by the Institute.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Institute, be sent forthwith to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Institute and the Institute shall be bound thereby. [26

Grants.

23. For the purpose of enabling the Institute to carry out its functions under this Act, the Minister may, from time to time, make grants to the Institute of such sums of money as the Minister may determine out of moneys to be provided by Parliament. [27

Loans.
9/92.

24.—(1) The Institute 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, either by the creation and issue of debentures, stock or bonds, or otherwise, as the Minister may direct.

(2) The Institute shall pay interest on such loans at such rate and at such times, and shall make such provision for the mode and time or times of repayment of the principal, as may be approved by the Minister after consultation with the Institute.

(3) The Institute may, from time to time, borrow, by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require —

(a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or

(b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under subsection (1), expenses intended to be defrayed by any such loan.

(4) All loans raised by the Institute under this section, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Institute and shall rank equally one with another, with priority over any other charge on the revenues of the Institute. [28]

25.—(1) The Institute shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Institute during the preceding financial year and containing such information relating to the proceedings and policy of the Institute as the Minister may, from time to time, direct. Annual report. 9/92.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament. [29]

PART VII

MISCELLANEOUS

26.—(1) The Institute shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs. Symbol of Institute. 9/92.

(2) Any person who uses a symbol or representation identical with that of the Institute, or which so resembles the Institute'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. [33]

27.—(1) Except under a licence granted under this Act, no person shall use, in respect of or in relation to a product or process, or in the title of a patent, or in a trade mark or design, a Mark or a colourable imitation thereof. Prohibition of improper use of Mark, test report or certificate.

(2) No person shall, notwithstanding that he has been granted a licence under this Act, use in respect of or in relation to a product or process, a Mark or a colourable imitation thereof or a test report or certificate issued by the

Institute in contravention of this Act or any regulations made thereunder.

(3) No person shall forge or, without lawful authority, alter a test report or certificate issued by the Institute.

(4) A person who contravenes any of the provisions of subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Notwithstanding the provisions of any other written law, a District Court shall have the power to impose the maximum penalties prescribed under subsection (4).

(6) A court trying an offence under subsection (1), (2) or (3) may direct that any property in respect of which the offence has been committed shall be forfeited to the Government. [34

Prohibition of publication, etc., of Singapore Standard. 9/92.

28. Except as provided in this Act, no person shall establish, accept, adopt or publish in relation to a product or process any standard which purports, expressly or impliedly, to be a Singapore Standard or any other standard within the meaning of this Act. [35

False statements as to conformity with Singapore Standard.

29. No person shall make any statement or representation, whether in writing or not, or use any mark which conveys or is likely to convey the impression that a product or process conforms to a Singapore Standard or any other standard when in fact it does not. [36

Prohibition of registration in certain cases.

30. Notwithstanding anything in any written law, no registering authority shall —

- (a) register any company, firm or other body of persons which bears any name;
- (b) register a trade mark or design which bears any name or mark;
- (c) register a patent in respect of an invention which bears a title containing any name or mark,

if the use of the name or mark is in contravention of section 27 (1) or (2), or if the name or mark contains or consists of

the words “Singapore Standard” or “other standard” or the expression “SISIR” or the name of the Institute in any form, or if the name or mark so nearly resembles any of the same as to deceive or be likely to deceive the public. [37

31. Every applicant for a licence under this Act and every holder of the licence shall, at the request of the Institute, furnish it with such information and samples of any material or substance used in relation to a product or process in respect of which the licence is applied for or granted. [38

Power to obtain information. 9/92.

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

Common seal and execution of documents. 9/92.

(2) All deeds, documents and other instruments requiring the seal of the Institute shall be sealed with the common seal of the Institute and every instrument to which the common seal is affixed shall be signed by the Chairman or the chief executive and by some other person duly authorised by the Institute for that purpose, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Institute.

(3) The Institute may by resolution or otherwise appoint an officer of the Institute or any other agent either generally or in any particular case to execute or sign on behalf of the Institute any agreement or other instrument not under seal in relation to any matter coming within the powers of the Institute.

(4) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under subsection (2). [39

Cap. 269.

33. A person who obstructs or hinders an inspector or an officer of the Institute acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. [40

Obstructing officers of Institute.

34. Proceedings in respect of an offence under this Act or any regulations made thereunder may be conducted by an officer of the Institute or an officer of the Government

Proceedings conducted by officers of Institute. 9/92.

authorised in writing in that behalf by the Chairman or chief executive. [41]

Sanction of
Public
Prosecutor.

35. No court shall take cognizance of an offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor. [42]

General
penalty.
9/92.

36. A person guilty of a contravention of any of the provisions of this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both. [43]

Offence by
body
corporate.

37. Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. [44]

Power to
make
regulations.

38. The Institute may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act and for prescribing any matter which is authorised or required under this Act to be prescribed. [45]

Transitional
provisions.

39. Any contract, document, licence or permission prepared, made or granted by the Economic Development Board or the unincorporated body relating to such powers, functions and duties as are conferred or imposed on, or transferred to the Institute under this Act shall, except where otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been prepared, made or granted, as the case may be, under this Act. [46]

FIRST SCHEDULE

Section 4 (2).
9/92.

CONSTITUTION AND PROCEEDINGS OF INSTITUTE

1. The Minister may appoint one of the members of the Institute to be the Deputy Chairman; and the Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

Appointment
of Deputy
Chairman.

2.—(1) The Chairman, the Deputy Chairman and every other member of the Institute shall, unless their appointment is revoked under sub-paragraph (2) or they vacate their office during their term of office, hold office for a term of 3 years or such shorter period as the Minister may determine.

Term of
office of
members.

(2) The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member of the Institute without assigning any reason.

3. The Minister may appoint any member of the Institute to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

Temporary
Chairman or
Deputy
Chairman.

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

Vacation of
office.

(a) becomes in any manner disqualified for membership of the Institute; or

(b) resigns from his office.

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

Filling of
vacancies.

6. No person shall be appointed or shall continue to hold office as a member of the Institute if he —

Disqualifica-
tion from
membership.

(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.

FIRST SCHEDULE — *continued*

Disclosure of
interest by
members.

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

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Institute and, after the disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Institute with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Institute for such deliberation or decision.

(3) No act or proceedings of the Institute shall be questioned on the ground that a member of the Institute has contravened this paragraph.

Salaries, fees
and
allowances
payable to
members.

8. The Chairman, the Deputy Chairman and other members of the Institute may be paid out of the funds of the Institute such salaries, fees and allowances as the Minister may, from time to time, determine.

Meetings of
Institute.

9.—(1) The Chairman shall summon meetings as often as may be required but not less than once in 12 weeks.

(2) At every meeting of the Institute, a quorum shall comprise half the total number of members appointed for the time being.

(3) The Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Institute; and if both the Chairman and the Deputy Chairman are absent, the members present shall elect one of their number to preside.

(4) Decisions at meetings of the Institute shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

(5) The Institute may act notwithstanding any vacancy in its membership.

FIRST SCHEDULE — *continued*

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

10. The acts of a member of the Institute shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications. Validity of acts of members.

SECOND SCHEDULE

Section 21.
9/92.

FINANCIAL PROVISIONS

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

2. The Institute 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 Institute and over the expenditure incurred by the Institute. Accounts of Institute.

3. The Institute shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor of the Institute. Financial statements.

4.—(1) The accounts of the Institute 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. Auditor.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act. Cap. 50.

(3) The remuneration of the auditor shall be paid out of the funds of the Institute.

SECOND SCHEDULE — *continued*Auditor's
report.

5.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Institute;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Institute whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Institute during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

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

(3) The auditor shall submit such periodical and special reports to the Minister and to the Institute as may appear to him to be necessary or as the Minister or the Institute may require.

Powers of
auditor.

6.—(1) The auditor or any person authorised by him shall be 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 Institute.

(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
obstruction.

7. Any person who fails without any reasonable excuse to comply with any requirement of the auditor under paragraph 6 (3) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

SECOND SCHEDULE — *continued*

8.—(1) The Institute shall, as soon as 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.

Presentation
of audited
financial
statements
and auditor's
report.

(2) Where the Auditor-General is not the auditor of the Institute, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General when they are submitted to the Institute.

(3) 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.