

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**TOURIST PROMOTION (CESS COLLECTION) ACT
(CHAPTER 329)**

**Act
1 of 1972**

Amended by
S 51/78
S 153/78

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Tourist Promotion (Cess Collection) Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Interpretation.
 3. Delegation of functions.
 4. Cess to be paid into Fund.
 5. Imposition of cess.
 6. Person liable to pay cess.
 7. Recovery of cess from a customer.
 8. Power of Director to obtain information.
 9. Keeping of books of account and giving of receipts.
 10. Duty to inform.
 11. Recovery of cess.
 12. Recovery of cess on basis of Board's estimate.
 13. Penalty.
 14. Suit for cess and penalty by Board.
 15. Return of cess or penalty overpaid or erroneously paid.
 16. Payment of cess short levied or erroneously refunded.
 17. Incorrect return.
 18. Evasion of cess.
 19. Obstructing officers of Board.
 20. Power to remit and exempt.
 21. Security for payment of cess.
 22. Proceedings conducted by officer of Board.
 23. Sanction of Public Prosecutor.
 24. Priority of case in bankruptcy.
 25. Offence by body corporate.
 26. Regulations.
 27. Transitional provision.
- First Schedule — Rate of cess leviable.
Second Schedule — Services and facilities provided by tourist public houses.
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An Act for the collection of cess by the Singapore Tourist Promotion Board.

[6th February 1973]

Short title. **1.** This Act may be cited as the Tourist Promotion (Cess Collection) Act.

Inter-pretation. **2.** In this Act, unless the context otherwise requires —

Cap. 328. “Board” means the Singapore Tourist Promotion Board established under section 3 of the Tourist Promotion Board Act and includes any agent duly appointed by the Board to act on its behalf;

“Director” means the Director of the Board appointed under section 8 of the Tourist Promotion Board Act;

“Fund” means the Tourist Promotion Fund established under section 12 of the Tourist Promotion Board Act;

“proprietor”, in relation to —

Cap. 127. (a) a tourist hotel, includes any person responsible for the management thereof and also includes any person who holds a licence granted under the provisions of the Hotels Act in respect of that hotel;

Cap. 95. (b) a tourist food establishment, includes any person responsible for the management of the tourist food establishment and also includes any person who holds a licence issued under the provisions of the Environmental Public Health Act in respect of that food establishment;

Cap. 70. (c) a tourist public house, includes any person responsible for the management of the tourist public house and also includes any person who holds a licence issued under the Customs Act in respect of that public house;

“tourist food establishment” means any place or any premises or part thereof used for the sale or for the preparation for sale of food and drink, whether cooked or not, intended for human consumption which is declared by the Minister, by notification in the *Gazette*, to be a tourist food establishment;

“tourist hotel” means any premises registered as a hotel under the provisions of the Hotels Act which are declared by the Minister, by notification in the *Gazette*, to be a tourist hotel; Cap. 127.

“tourist public house” means any premises or part thereof in respect of which —

- (a) a Public House First Class Licence, a Public House First Class (Extended) Licence or a Public House First Class (Extended) (Tourist Hotel) Licence has been issued under the provisions of the Customs Act; Cap. 70.
- (b) a Public House (Temporary) (First Class) Licence has been issued under the provisions of the Customs Act, and such premises have been issued with that licence for a continuous period of more than 6 days; or
- (c) a public house licence of a category not enumerated in paragraphs (a) and (b) has been issued under the provisions of the Customs Act, and which is declared by the Minister, by notification in the *Gazette*, to be a tourist public house.

3.—(1) The Board may appoint such agents (including the Government) as may be necessary for the purposes of this Act. Delegation of functions.

(2) The Board may delegate all or any of the powers and functions under this Act relating to or appertaining to the collection of cess to any person including an officer or department of the Government.

(3) The Board may pay to any person appointed under subsection (1) a fee for the services rendered in connection with the collection of cess.

4. All moneys collected under the provisions of this Act shall be paid into the Fund. Cess to be paid into Fund.

5.—(1) Subject to subsection (2), there shall be levied — Imposition of cess.

- (a) in respect of every room or suite occupied each day in every tourist hotel; and

(b) in respect of all sales made and all charges levied or collected —

(i) by tourist food establishments; and

(ii) by tourist public houses,

a cess at the rate set out in the First Schedule.

(2) Subsection (1) (b) shall not apply to —

(a) sales made, or charges levied or collected for services rendered, by a shop or office which is situated within a tourist public house and does not have the facilities for the preparation of cooked food for sale;

(b) service charges or gratuities levied or collected by the tourist food establishment or tourist public house; and

(c) charges levied or collected by a tourist public house for the services, or for the use of facilities, set out in the Second Schedule.

(3) The Minister may, in the First Schedule, classify tourist hotels, tourist food establishments and tourist public houses and specify the rate of cess to be paid in respect of each such tourist hotel, tourist food establishment and tourist public house.

(4) The Minister may from time to time, by order published in the *Gazette*, add to, vary or revoke the whole or any part of the First and the Second Schedules.

(5) For the purposes of this section, “shop” includes a stall or space in a tourist public house which has been rented out or set aside exclusively for the purpose of selling goods or for providing services of any kind.

Person
liable to
pay cess.

6.—(1) The cess levied in respect of every room or suite occupied each day in a tourist hotel shall be accounted for and paid by the proprietor of the tourist hotel to the Board within the time and in the manner prescribed by the Board.

(2) The cess levied in respect of all sales made and all charges levied or collected by a tourist food establishment or a tourist public house shall be accounted for and paid by the proprietor of the tourist food establishment or the tourist public house to the Board within the time and in the manner prescribed by the Board.

7.—(1) Any person who is liable under section 6 to pay cess may recover such cess from a customer or from the person for whom services are rendered and the person so recovering the cess shall show on a receipt or other document issued by him the amount of cess which has been so recovered.

Recovery of
cess from a
customer.

(2) Any person who recovers the cess payable by him from a customer or the person for whom services are rendered shall not recover more than the amount of cess for which he is liable to pay under the provisions of this Act.

(3) No person shall charge or collect from any person any sum of money for the purpose of paying cess levied under the provisions of this Act in respect of any sale made or charges collected or levied by him or on his behalf unless he is liable under the provisions of this Act to pay such cess.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

8.—(1) The Director or any officer or agent of the Board authorised by the Director in that behalf shall at all times have full and free access to all buildings, places, books, documents and other papers for the purpose of ascertaining the amount of cess to be paid by any person under the provisions of this Act, and may, without fee or reward, inspect, copy or make extracts from any such books, documents or papers.

Power of
Director
to obtain
information.

(2) The Director or any officer or agent of the Board authorised by the Director in that behalf may take possession of any such books, documents or papers where in his opinion —

- (a) the inspection, copying or extraction thereof cannot reasonably be performed without taking possession;
- (b) the books, documents or papers may be interfered with or destroyed unless possession is taken; or
- (c) the books, documents or papers may be required as evidence in proceedings for an offence under this Act or in proceedings for the recovery of cess.

Keeping of
books of
account and
giving of
receipts.

9.—(1) Subject to subsection (2), every person liable to pay cess under the provisions of this Act —

- (a) shall keep and retain for a minimum period of two years in safe custody sufficient records to enable the amount of cess payable under this Act to be readily ascertained by the Director or any officer or agent of the Board authorised in that behalf by the Director;
- (b) shall issue a serially printed receipt for every sum of money in respect of all sales made and all charges collected or levied in a tourist food establishment and a tourist public house and shall retain a duplicate of every such receipt:

Provided that where a machine is used for recording sales and charges collected a receipt may be dispensed with if the Director or any officer or agent of the Board authorised by the Director in that behalf is satisfied that —

- (i) such machine substantially records all sales made and all charges collected; and
- (ii) the total of all sales made and all charges collected in each day is transferred at the end of such day to a record of sales and of charges collected.

(2) The Director, or an officer or agent of the Board duly authorised by the Director in that behalf, may in respect of any class or description of persons who are liable to pay cess under this Act —

- (a) direct them to keep and retain the records referred to in subsection (1) (a) in the form and manner approved by the Director, or an officer or agent of the Board, as the case may be;
- (b) direct them to issue and retain the receipts and their duplicates referred to in subsection (1) (b) in the form and manner approved by the Director, or an officer or agent of the Board, as the case may be.

(3) The Director, an officer or agent of the Board duly authorised by the Director in that behalf, may waive all or any of the provisions of subsection (1) in respect of any person or records or any class of persons or records.

- (4) For the purposes of this section, “records” includes —
- (a) books of account recording receipts or payments or income or expenditure; and
 - (b) invoices, vouchers, receipts and such other documents as in the opinion of the Director or an officer or agent of the Board, as the case may be, are necessary to verify the entries in any book of account.

(5) Any person who contravenes or fails to comply with this section or any direction of the Director or an officer or agent of the Board issued pursuant to this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

10.—(1) Every person liable to pay cess under the provisions of this Act shall, within 7 days of the date of commencement or cessation of any business carried on by him in respect of which cess may be levied on any transaction relating thereto, inform the Board in writing of the business carried on by him. Duty to inform.

(2) Every person liable to pay cess under the provisions of this Act shall inform the Board in writing of any change of his place of business.

(3) Any person who contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

11. Without prejudice to any other remedy any cess levied under the provisions of this Act may be recovered as a debt due to the Board from the person accountable therefor. Recovery of cess.

12.—(1) Where an amount is due from any person on account of cess, and such cess is not accounted for and paid to the Board within the prescribed time, the Board may estimate the amount of cess due. Recovery of cess on basis of Board's estimate.

(2) Where an amount is due from any person on account of cess, but by reason of his failure to keep or to produce or furnish to the Board the accounts, records or other documents required by this Act and any regulations made thereunder or to take or permit to be taken any other step which he is so required to take or permit to be taken or by

reason of the accounts, records or other documents kept, produced or furnished being materially incomplete or inaccurate, the Board is unable to ascertain the amount of cess properly due from him, the Board may estimate the amount of cess due.

(3) Where an estimate of the amount of cess due from any person has been made under subsection (1) or (2), then (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as cess properly due unless in an action relating thereto the person liable proves the amount properly due and that amount is less than the amount estimated.

(4) Where an estimate of the amount of cess due from any person has been made under subsection (1) or (2), that person shall pay the amount estimated together with the penalty (if any) imposed by section 13 within 7 days of the receipt of the notice from the Board requiring him to pay the cess.

Penalty.

13.—(1) Subject to subsection (2), if any cess is not accounted for and paid within the time prescribed by the Board, a sum equal to 5% of the amount of cess payable whether estimated or not shall be added thereto, and the provisions of this Act relating to the collection and recovery of cess shall apply to the collection and recovery of that sum.

(2) The Board may, for any good cause shown, reduce or remit the whole or part of the penalty due under subsection (1).

Suit for cess and penalty by Board.

14.—(1) Notwithstanding the provisions of any other written law, cess and any penalty imposed under this Act may be sued for by way of a specially endorsed writ of summons and the Board shall be entitled to all costs allowed by law against the person liable thereto.

(2) In any suit under subsection (1) the production of a certificate signed by the Director giving the name and address of the defendant and the amount of cess and penalty due by him shall be sufficient evidence of the amount so due and sufficient authority for the Court to give judgment for that amount.

15. It shall be lawful for the Board, if it is proved to the Board's satisfaction that any money has been over-paid or erroneously paid as cess or penalty under this Act, to order the refund of the money so over-paid or erroneously paid:

Return of cess or penalty overpaid or erroneously paid.

Provided that no such refund shall be allowed unless a claim in respect thereof is made in writing within one year after the over-payment or erroneous payment was made.

16. Whenever any cess or penalty under this Act has been short levied or erroneously refunded for any reason or owing to any cause, the person who should have paid the amount short levied or to whom the refund has been erroneously refunded shall pay the deficiency or repay the amount erroneously refunded to him on demand being made within one year of the date of the short levy or refund.

Payment of cess short levied or erroneously refunded.

17. Any person who makes an incorrect return under this Act or any regulations made thereunder by omitting therefrom any information or gives any incorrect information in relation to any matter affecting his own liability to cess or the liability of any other person or of a partnership shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Incorrect return.

18.—(1) Any person who wilfully with intent to evade or to assist any other person to evade cess —

Evasion of cess.

- (a) omits from a return made under this Act or any regulations made thereunder any information in relation to any matter affecting the amount of cess payable which should be included;
 - (b) makes a false statement or entry in any return made under this Act or any regulations made thereunder;
 - (c) gives any false answer whether verbally or in writing to any question or request for information asked or made in accordance with the provisions of this Act or any regulations made thereunder;
 - (d) prepares or maintains or authorises the preparation or maintenance of any false book of accounts or other records or falsifies or authorises the falsification of any book of accounts or records;
- or

(e) makes use of any fraud, art or contrivance whatsoever or authorises the use of any such fraud, art or contrivance,

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 of not less than 6 months or to both.

(2) Whenever in any proceeding under this section it is proved that any false statement or entry is made in any return furnished under this Act or any regulations made thereunder by or on behalf of any person or any book of accounts or other records maintained by or on behalf of any person, that person shall be presumed, until the contrary is proved, to have made that false statement or entry with intent to evade cess.

Obstructing
officers of
Board.

19. Any person who obstructs or hinders any officer or agent of the Board 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.

Power to
remit and
exempt.

20.—(1) The Minister may, if he thinks fit, remit the whole or any part of the cess paid under this Act.

(2) The Minister may, if he thinks fit, and upon such conditions as he may impose, exempt any tourist hotel, tourist food establishment and tourist public house from payment of cess levied under this Act.

Security for
payment of
cess.

21.—(1) The Board shall have the right to require and take from the proprietor of a tourist hotel or tourist food establishment or tourist public house security for payment of all cess and other moneys payable under the provisions of this Act for which he may become liable.

(2) The security shall be given in the manner and form approved by the Board and may, subject to that approval, be by bond, guarantee, cash deposit or any other method or by the combination of two or more such methods.

(3) Any person who without any reasonable cause fails to comply with the request of the Board to give the security required under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

22. Proceedings in respect of any offence under this Act or any regulations made thereunder may be conducted by an officer of the Board or an officer of the Government authorised in writing in that behalf by the Director. Proceedings conducted by officer of Board.

23. No court shall take cognizance of any offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor. Sanction of Public Prosecutor.

24.—(1) There shall be included among the debts which, under section 43 of the Bankruptcy Act, are to be paid in priority to all other debts in the distribution of property of a bankrupt or a person dying insolvent, the amount of any cess due from the bankrupt at the date of the receiving order, or from the person so dying at the date of his death, and having become due within 12 months before that date. Priority of case in bankruptcy. Cap. 20.

(2) There shall be included among the taxes which, under section 328 of the Companies Act, are to be paid in priority to all other unsecured debts in a winding up of a company, the amount of any cess due from the company and having become due within 12 months before the date of commencement of the winding up. Cap. 50.

25. Where any offence under this Act or any regulations made thereunder has been committed by a body corporate and is found to have been committed with the consent of, connivance of or to be attributable to any act or default on the part of any director, manager, secretary or other officer, the director, manager, secretary or other officer as well as the body corporate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. Offence by body corporate.

26. The Board may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act. Regulations.

27. Any subsidiary legislation made under the provisions of the Tourist Promotion Board Act* relating to the matters falling within the scope of this Act which is not inconsistent with the provisions of this Act shall remain in force and shall be deemed to be made under this Act until it has been revoked or replaced by subsidiary legislation issued or made under this Act. Transitional provision. Cap. 328.

[28†

*See G.N. No. S 69/70.

†The former section 27 is omitted.

Section 5.
S 51/78
S 153/78.

FIRST SCHEDULE

RATE OF CESS LEVIABLE

- (a) For every room or suite occupied each day in every tourist hotel ... 3% of the charge for the room or suite subject to a minimum of \$1 per day.
- (b) For every tourist food establishment ... 3% of the total of all sales and charges in respect of which cess is payable.
- (c) For every tourist public house ... 3% of the total of all sales and charges in respect of which cess is payable.

For the purposes of calculating the cess payable under paragraphs (b) and (c), fractions of a cent shall be ignored.

The minimum amount of cess payable under each receipt shall be 5 cents and thereafter in multiples of 5 cents rounded off to the next higher multiple of 5 cents.

Section 5.

SECOND SCHEDULE

SERVICES AND FACILITIES PROVIDED BY TOURIST PUBLIC HOUSES

1. Telephone, cable and telex services.
2. Laundry services.
3. Secretarial services.
4. Services of dance hostesses.
5. Services of tourist guides and other services pertaining to sight-seeing tours.
6. Hire of vehicles.
7. Bowling.
8. Facilities for fishing or catching crabs.
9. Boating facilities.
10. Facilities which are usually provided in health clubs.