

THE STATUTES OF THE REPUBLIC OF SINGAPORE

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Trade Unions Act

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[1st July 1941]

PART I

PRELIMINARY

1. This Act may be cited as the Trade Unions Act. Short title.
2. In this Act — Inter-pretation.
28/82.
 - “employer” includes the Government in respect of such employees or of such categories, classes or descriptions of such employees as from time to time are declared by the President by notification in the *Gazette* to be deemed to be workmen for the purposes of this Act;
 - “executive” means the body, by whatever name called, to which the management of the affairs of a trade union or of any branch thereof is entrusted;
 - “lock-out” means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those

persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“officer”, when used with reference to a trade union, includes any member of the executive thereof and any member of any committee, provision for which is made in the rules of the trade union, but does not include an auditor;

“register” means the register of trade unions maintained by the Registrar under section 7;

“registered office” means the office of a trade union which is registered under this Act as the head office of the trade union;

“registered trade union” means a trade union registered under this Act;

“Registrar” means the person for the time being appointed by the Minister under section 3 by name or by office to be or to act as Registrar of Trade Unions, and includes any person appointed by the Minister under section 4 to be or to act as an Assistant Registrar of Trade Unions;

“strike” means the cessation of work by a body of workmen employed in any trade, industry or calling acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of workmen who are or have been so employed to continue to work or to accept employment;

“trade dispute” means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of work, of any person;

“trade union” means any association or combination of workmen or employers, whether temporary or permanent, whose principal object is to regulate relations between workmen and employers for all or any of the following purposes:

(a) to promote good industrial relations between workmen and employers;

(b) to improve the working conditions of workmen or enhance their economic and social status; or

(c) to achieve the raising of productivity for the benefit of workmen, employers and the economy of Singapore,

and includes any federation of two or more trade unions;

“workman” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract is for manual labour, clerical work or otherwise, is express or implied, oral or in writing.

PART II

APPOINTMENT OF REGISTRAR AND OTHER OFFICERS

3. The Minister shall appoint a Registrar of Trade Unions who shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Act.

Appointment of Registrar.

4. The Minister may appoint one or more Assistant Registrars of Trade Unions and such other officers as may from time to time be required for the purposes of this Act.

Appointment of Assistant Registrars and other officers.

5. All officers appointed under sections 3 and 4 shall be deemed to be public servants for the purposes of the Penal Code.

All officers to be deemed to be public servants. Cap. 224.

6. No suit shall lie against any public servant for anything done or omitted to be done by him in good faith without negligence and in intended exercise of any power or performance of any duty provided or imposed by this Act.

Protection of public servants.

PART III

REGISTRATION

7.—(1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be registered the prescribed particulars relating to any registered trade union and any alteration or change which may from time to time be effected in the name, rules,

Register of trade unions.

officers or executives thereof or in the situation of the registered office thereof, and all such other matters as may be required to be registered therein under this Act.

(2) A certified copy of any entry in the register shall be conclusive proof of the facts specified therein as on the date of such certified copy.

Necessity for registration.

8.—(1) Every trade union established after the commencement of this Act shall apply to be registered under this Act within a period of one month reckoned from the date on which it is so established.

(2) The Registrar may, if he thinks fit, from time to time, grant an extension of the period specified in subsection (1), provided that no such period shall, in any particular case, be so extended as to exceed a period of 6 months in the aggregate.

(3) For the purposes of this Act, a trade union is established on the first date on which any workmen or employers agree to become or to create an association or combination for the furtherance of any one or more of the objects specified in the definition of a trade union in section 2.

(4) For the purpose of prosecuting any trade union which fails to apply for registration in accordance with this section, the date of establishment of that trade union shall, in the absence of proof of the date referred to in subsection (3), be deemed to be —

(a) the date on which any person is proved to have been accepted or admitted as a member of that trade union; or

(b) the date on which any act is proved to have been done by that trade union in furtherance of any one or more of the objects specified in the definition of a trade union in section 2,

and, in a case where proof is available of both the dates referred to in paragraphs (a) and (b), the earlier of such dates shall be deemed so to be the date of the establishment of that trade union.

Application for registration.

9.—(1) Every application for registration of any association or combination of workmen or employers as a trade union shall be made to the Registrar in the prescribed form and shall be signed by at least 7 members of the union, any of whom may be officers thereof.

(2) Every such application shall be accompanied by the prescribed fee and a copy of the rules of the trade union and a statement of the following particulars: ^{3/77.}

- (a) the names, occupations and addresses of the members making the application;
- (b) the name of the trade union and the address of its head office; and
- (c) the titles, names, ages, addresses and occupations of the officers of the trade union.

10. The Registrar, if he is satisfied —

- (a) that a trade union applying for registration has complied with the provisions of this Act and of the regulations made thereunder;
- (b) that the objects, rules and constitution of the trade union do not conflict with any of such provisions and are not unlawful and that such rules and constitution are not oppressive or unreasonable;
- (c) that the trade union is not likely to be used for unlawful purposes or for purposes inconsistent with its objects and rules; and
- (d) that, where the trade union is an association or combination of workmen in a particular trade, occupation or industry, it is not likely to be used against the interests of the workmen in that particular trade, occupation or industry,

may register the trade union in the prescribed manner:

Provided that if any one of the objects of such trade union is unlawful, the registration of the trade union shall be void.

11. The Registrar, on registering a trade union under section 10, shall issue to the trade union a certificate of registration in the prescribed form and that certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Act.

Registration.
28/82.

Certificate of
registration.

12. The Registrar may call for further information for the purpose of satisfying himself that any application complies with section 9 or that the trade union is entitled to registration under this Act.

Power of
Registrar
to call for
further
particulars.

Power of Registrar to require alteration of name.

13. If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles that name as to be likely to deceive or mislead the public or the members of either trade union, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the trade union until the alteration has been made.

Refusal of registration. 28/82.

14. The Registrar may refuse to register any trade union —

- (a) if he is not satisfied that the trade union has complied with the provisions of this Act or any regulations made thereunder;
- (b) if he is of opinion that any one of the objects or rules or the constitution of the union is unlawful or conflicts with any of the provisions of this Act or any regulations made thereunder;
- (c) if he is of the opinion that the constitution or any of the rules of the union is oppressive or unreasonable;
- (d) if he is of the opinion that the union is likely to be used for unlawful purposes or purposes inconsistent with its objects and rules;
- (e) if he is of the opinion, where the trade union is an association or combination of workmen in a particular trade, occupation or industry, that the union is likely to be used against the interests of the workmen in that particular trade, occupation or industry; or
- (f) if he is satisfied, where the trade union is an association or combination of workmen in a particular trade, occupation or industry, that there is an existing union registered in respect of that particular trade, occupation or industry.

Cancellation or withdrawal of registration. 28/82.

15.—(1) A certificate of registration of a trade union may be withdrawn or cancelled by the Registrar —

- (a) at the request of the trade union upon its dissolution to be verified in such manner as the Registrar may require;

- (b) if he is satisfied —
- (i) that the certificate of registration was obtained by fraud or mistake;
 - (ii) that any one of the objects or rules of the trade union is unlawful;
 - (iii) that the constitution of the trade union or of its executive is unlawful;
 - (iv) that the union is being used for any unlawful purpose or for any purpose inconsistent with its objects and rules;
 - (v) that the trade union has rescinded any rule providing for any matter for which provision is required by section 38 or has wilfully and after notice from the Registrar —
 - (A) contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision; or
 - (B) allowed any rule to continue in force which is in the opinion of the Registrar oppressive or unreasonable;
 - (vi) that the funds of the trade union are expended in an unlawful manner or on an unlawful object or on an object not authorised by the rules of the union;
 - (vii) that the trade union has ceased to exist;
- (c) if he is satisfied in the case of a trade union of workmen in a particular trade, occupation or industry, that it is being used or is likely to be used against the interests of workmen in that particular trade, occupation or industry; or
- (d) if he is of the opinion in the case of a trade union of workmen in a particular trade, occupation or industry and having regard to the existence of another trade union or other trade unions of workmen in the same trade, occupation or industry that it is necessary in the interests of the workmen in that particular trade, occupation or industry, to cancel or withdraw the certificate of registration of the trade union.

(2) Except in a case falling within subsection (1) (a), not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or to cancel its certificate of registration shall be given by the Registrar to a trade union before the certificate is withdrawn or cancelled.

(3) A trade union served with a notice under subsection (2) may, at any time within a period of two months reckoned from the date of the notice, show cause in writing against the proposal to withdraw or to cancel its certificate of registration, as the case may be; and, if such cause is shown, the Registrar may hold such inquiry as he may consider necessary in the circumstances.

(4) The Registrar may, after the expiration of the period of two months referred to in subsection (3), withdraw or cancel the certificate of registration of any trade union which has failed duly to show cause under that subsection, or which, having so shown cause, has failed to satisfy him that its certificate of registration should not be withdrawn or cancelled, as the case may be.

(5) An order made by the Registrar under this section withdrawing or cancelling the certificate of registration of any trade union shall be dated as of the date on which it was made, shall specify briefly the grounds for the withdrawal or cancellation of the certificate of registration and shall forthwith be served on the trade union affected thereby.

Power to
freeze
bank
account.
3/77.

16.—(1) Where a notice has been given by the Registrar to a trade union under section 15 (2), the Minister may, if he is satisfied that it is likely that the funds of the union may be misused, by notice in writing direct any bank not to pay any money out of or honour any cheques drawn on the account of the union for a specified period not exceeding 3 months, except with the written authorisation of the Registrar.

(2) Where an investigation is being conducted by a public authority regarding the improper use or misapplication of the funds of a trade union, the Minister may by notice in writing direct any bank not to pay any money out of or honour any cheques drawn on the account of the union for a specified period not exceeding 3 months, except with the written authorisation of the Registrar.

(3) A bank which complies with a notice of the Minister under subsection (1) or (2) shall be relieved of any liability to any other person in respect of the payment prohibited by such a notice.

(4) Any bank which fails to comply with a notice of the Minister under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Where an offence under subsection (4) is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, secretary, manager, accountant, sub-accountant or other similar officer of a bank, or a person who was purporting to act in such capacity, he as well as the bank shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) For the purposes of subsection (2), "public authority" means the Registrar, the Commissioner of Police, the Commissioner of Inland Revenue and the Director of the Corrupt Practices Investigation Bureau.

17. Any person aggrieved —

- (a) by the refusal of the Registrar to register a trade union;
- (b) by an order made by the Registrar under section 15; or
- (c) by the refusal of the Registrar to register a new rule or any alteration of any rule under section 38,

may appeal against the refusal or order to the Minister at any time within a period of 30 days reckoned from the date of the refusal or order.

Appeal to
Minister.
28/82.

18.—(1) Any appeal to the Minister under section 17 shall be presented, considered and disposed of in such manner and in such form as may be prescribed and it shall be competent for the Minister after considering any such appeal to confirm any refusal of registration or other order of the Registrar or to order the registration of any trade union or to order the registration of any new rule or alteration of any rule or to reverse any order made by the Registrar or to make such order or to give such directions as to the Minister shall seem just or necessary.

Procedure
on appeal.
28/82.

(2) The decision of the Minister on an appeal under section 17 shall be final and shall not be called in question in any court.

Consequences of failure to register or of cancellation of registration.

19. If any trade union does not apply for registration in due time, or if the registration of any trade union is refused, withdrawn or cancelled, then —

- (a) the trade union shall be deemed to be an unlawful association and shall cease to enjoy any of the rights, immunities or privileges of a registered trade union, but without prejudice to any liabilities incurred or to be incurred by the trade union which may be enforced against the union and its assets;
- (b) the trade union shall not, nor shall any of its officers, members or agents on behalf of the union, take part in any trade dispute or promote, organise or finance any strike or lock-out, or provide pay or other benefits for its members during a strike or lock-out;
- (c) the trade union shall be dissolved; and
- (d) no person shall, except for the purpose of defending proceedings against the union or dissolving the union and disposing of its funds in accordance with the rules, take any part in its management or organisation, or act or purport to act on behalf of the union or as an officer of the union.

Consequences upon dissolution of a trade union.
28/82.

20.—(1) Upon the dissolution of a trade union under section 19 —

- (a) the property of the trade union shall forthwith vest in the Official Assignee in Bankruptcy; and
- (b) the Official Assignee in Bankruptcy shall proceed to wind up the affairs of the trade union and after satisfying and providing for all debts and liabilities of the trade union and the costs of winding up shall pay the surplus assets, if any, of the trade union —
 - (i) where the Minister so directs, into the Workers' Fund established under the Workmen's Compensation Act; or
 - (ii) in the absence of a direction from the Minister, in accordance with the rules of the trade union.

(2) Where no direction is given by the Minister under subsection (1) and the surplus assets or part thereof cannot be distributed in accordance with the rules of the trade union either because the members cannot be found, or no meeting of the members is possible or for any other good and sufficient reason, the surplus assets shall be paid into the Workers' Fund. 28/82.

PART IV

RIGHTS AND LIABILITIES OF TRADE UNIONS

21. A trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union until it is registered. Disabilities of unregistered union. [22]

22. No suit or other legal proceedings shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the trade union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills. Immunity from civil suit in certain cases. [23]

23.—(1) A suit against a registered trade union or against any members or officers thereof on behalf of themselves and all other members of a trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any court. Liability in tort.

(2) Nothing in this section shall affect the liability of a trade union or any officer thereof to be sued in any court touching or concerning the property or rights of a trade union except in respect of any tortious act committed by or on behalf of the trade union in contemplation or in furtherance of a trade dispute. [24]

24. Every registered trade union shall be liable on any contract entered into by it or by an agent acting on its behalf: Liability in contract.

Provided that a trade union shall not be so liable on any contract which is void or unenforceable at law. [25]

Objects in restraint of trade not unlawful in case of registered trade union.

25. The objects of a registered trade union shall not, by reason only that they are in restraint of trade, be deemed to be unlawful so as to render any member of that trade union liable to criminal prosecution for conspiracy or otherwise or to render void or voidable any agreement or trust. [26

Proceedings by and against trade unions.

26.—(1) A registered trade union may sue and be sued and be prosecuted under its registered name.

(2) An unregistered trade union may be sued and prosecuted under the name by which it has been operating or is generally known.

(3) A trade union whose registration has been cancelled or withdrawn may be sued and prosecuted under the name by which it was registered.

(4) Execution for any money recovered from a trade union in civil proceedings may issue against any property belonging to or held in trust for the trade union other than the benevolent fund of a registered trade union.

(5) Any fine ordered to be paid by a trade union may be recovered by distress and sale of any movable property belonging to or held in trust for the trade union in accordance with the provisions of the Criminal Procedure Code.

Cap. 68.

(6) In any civil or criminal proceedings in which a registered trade union is a party such trade union may appear in such proceedings by any one of its officers or by an advocate and solicitor. [27

Strike or industrial action. 3/77.

27.—(1) A registered trade union shall not commence, promote, organise or finance any strike or any form of industrial action affecting the whole or any section of its members without obtaining the consent, by secret ballot, of the majority of the members so affected.

(2) Any registered trade union which, and every member of its executive who, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) The members of a trade union who commence, promote, organise, participate or otherwise act in furtherance of any strike or any form of industrial action —

(a) where the consent of the majority of the members so affected has not been obtained by secret ballot; or

(b) taken in contravention of the rules or by-laws of the trade union,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) Any person who instigates or incites others to take part in or otherwise acts in furtherance of a strike or any form of industrial action —

(a) where the consent of the majority of the members of a trade union so affected has not been obtained by secret ballot; or

(b) taken in contravention of the rules or by-laws of the trade union to which the majority of the persons taking part in the strike or industrial action belongs,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(5) For the purposes of investigating an offence under this section, the Registrar may by notice in writing require any person who he believes could assist him in his investigations to appear before him at such place and time as stated in the notice and any person who fails or neglects without reasonable excuse to comply with any such notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(6) Every person who has been required to appear before the Registrar under subsection (5) shall state truly the facts and circumstances of any strike or industrial action which he is acquainted with; and if such person fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(7) In any proceedings for an offence under this section, the onus of proving that the requirements specified in subsection (1), (2), (3) or (4) have been complied with shall be on the registered trade union, the member of its executive or a member of the trade union or any accused person, as the case may be.

(8) For the purposes of this section, “industrial action” means the adoption of any practice, procedure or method in the performance of work which would result in a limitation on output or production in any occupation, service, trade, industry or business.

PART V
CONSTITUTION

Membership
of minors and
Government
employees.
3/77.

28.—(1) A person above the age of 18 years may be a member of a registered trade union, unless provision is made in the rules thereof to the contrary, and may, subject to the rules of the trade union and subsection (2), enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules.

(2) A member of a registered trade union who is under the age of 21 years, but above the age of 18 years, shall not be a member of the executive or a trustee of the trade union unless he has obtained the written approval of the Minister therefor.

(3) No Government employee shall join or be a member of any trade union or shall be accepted as a member by any trade union:

Provided that the President may, by notification in the *Gazette*, exempt from this subsection either wholly or subject to such conditions as are in such notification specified, any Government employees or any classes, categories or descriptions of Government employees. [29

Membership
of employees
of specified
statutory
board or
body.

29.—(1) No workman employed by such statutory board or body as the Minister may by order specify, shall be a member of or shall be accepted as a member by any trade union unless the membership of such trade union is confined exclusively to persons employed by the aforesaid board or body.

(2) Any trade union whose membership is confined to persons employed by a statutory board or body specified by order under subsection (1) shall not, without the prior approval of the Minister, be affiliated to any other trade union or federation of trade unions whose membership is not otherwise so confined.

(3) Any order made by the Minister under subsection (1) shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [30

Officers of
trade union.
28/82.

30.—(1) A person shall not act as an officer of a trade union or any branch thereof, and shall be disqualified for election as such officer if he has been convicted by any

court of criminal breach of trust, extortion or criminal intimidation, or of any offence which, in the opinion of the Minister, renders him unfit to be an officer of a trade union.

(2) Subsection (1) shall not apply where the Minister is satisfied that the person so convicted has reformed and has become fit to be an officer of a trade union.

(3) No person who is not a citizen of Singapore shall act as an officer of a trade union or any branch thereof unless the prior written approval of the Minister has been obtained.

(4) Not less than two-thirds of the total number of the officers of every registered trade union shall be persons actually engaged or employed in a trade, occupation or industry with which the trade union is connected. [31

31.—(1) A registered trade union may, subject to subsections (2) and (4) and to the rules of the union, employ and pay such persons as may be necessary for the purposes of the union.

Employees
of a trade
union.
28/82.

(2) A person shall not be employed by a registered trade union under subsection (1) if he has been convicted by a court of a criminal offence and has not received a free pardon in respect thereof, and such conviction in the opinion of the Minister renders him unfit to be employed by a trade union.

(3) Subsection (2) shall not apply where the Minister is satisfied that the person so convicted has reformed and has become fit to be employed by a trade union.

(4) No person who is not a citizen of Singapore shall be employed by a registered trade union under subsection (1) unless the prior written approval of the Minister has been obtained. [32

32. The Minister may by order —

- (a) declare that section 30 or 31 shall not apply to any registered trade union or class of registered trade unions specified in the order; or
- (b) grant, either absolutely or subject to such conditions as he may consider reasonably necessary, exemption from all or any of the provisions of section 30 or 31 in respect of officers or

Powers of
Minister in
relation to
sections 30
and 31.

employees or such proportion or class of officers or employees of any registered trade union or class of registered trade unions as may be specified in the order. [33]

Change of name.

33. Any registered trade union may, with the consent of not less than two-thirds of the total number of its members and subject to section 35, change its name. [34]

Amalgamation.

34. Any two or more registered trade unions may become amalgamated together as one trade union with or without dissolution or division of the funds of those trade unions or either or any of them, provided that the votes of at least one-half of the members of each or every such trade union entitled to vote are recorded, and that at least 60% of the votes recorded are in favour of the proposal. [35]

Notice of change of name or amalgamation.

35.—(1) Notice in writing shall be given to the Registrar of every change of name and of every amalgamation, signed, in the case of a change of name, by the secretary and by 7 members of the registered trade union changing its name, and, in the case of an amalgamation, by the secretary and by 7 members of each and every registered trade union which is a party thereto.

(2) If the proposed name is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles that name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(3) Subject to subsection (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of the registration.

(4) If the Registrar is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the trade union formed thereby is entitled to registration under section 10, he shall register the trade union in the prescribed manner and the amalgamation shall have effect from the date of the registration.

(5) Any person aggrieved by the refusal of the Registrar to register either a change of the name of a registered trade union or the trade union formed by the amalgamation of any two or more registered trade unions, may appeal against the refusal in the manner provided by sections 17 and 18. [36]

36.—(1) A change in the name of a registered trade union shall not affect any rights or obligations of that trade union or render defective any legal proceeding by or against the trade union, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

Effect of change of name or amalgamation.

(2) An amalgamation of two or more registered trade unions shall not prejudice any right of either or any such trade unions or any right of a creditor of either or any of them. [37]

37.—(1) Every registered trade union shall have a registered office to which all communications and notices may be addressed.

Registered office.

(2) Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Act until such notice has been given.

(3) Every trade union which —

(a) operates without having a registered office, or without giving notice of the situation of its registered office as hereinbefore required; or

(b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar,

shall be guilty of an offence and shall be liable on conviction by a District Court or Magistrate’s Court to a fine not exceeding \$20 for every day during which it is so in operation; and every officer of any such trade union shall be liable to be convicted and fined a like amount in respect of the same offence. [38]

Rules.

38.—(1) The rules of every registered trade union shall provide for all matters specified in the Schedule and shall not be so altered or amended as to cease to contain provision in respect of all such matters.

(2) A copy printed in English and in Malay or Tamil or Chinese of the rules for the time being in force of any registered trade union shall be prominently exhibited at the registered office thereof and shall be furnished by the secretary of such trade union to any person on demand on payment of a sum not exceeding \$1.

28/82.

(3) A copy in English of every new rule and of every alteration made in the rules of a registered trade union shall be sent to the Registrar within 7 days of the making of that rule or alteration and shall, subject to subsection (4), be registered by the Registrar on payment of the prescribed fee.

28/82.

(4) The Registrar may refuse to register any alteration of the rules if he is of the opinion that the new rule or altered rule is unlawful or is oppressive or unreasonable.

(5) In the case of any difference or dispute the English version of any rule or of any alteration of any rule shall prevail.

(6) Every alteration of the rules of a trade union shall take effect from the date of registration by the Registrar unless some later date is specified in the rules. [39

Secret ballot.

39.—(1) The rules of a registered trade union relating to the taking of decisions by secret ballot shall ensure that every member thereof has an equal right, and a reasonable opportunity to record his vote freely, that the results of the voting are correctly ascertained and declared, and that the secrecy of the ballot is properly secured.

(2) For the purpose of satisfying himself that a secret ballot taken by a registered trade union has been properly conducted, the Registrar may order a person to deliver to him any ballot papers, envelopes, lists or other documents which have been used in connection with or are relevant to the secret ballot and which are in the possession or under the control of that person and may take possession of any such ballot papers, envelopes, lists or other documents and may inspect the same and retain them for such period as is

necessary for such purpose; but except as aforesaid or as may be provided in the rules of the trade union, no person shall be allowed to inspect or copy any such paper or document relating to a secret ballot.

(3) A registered trade union and every officer of a registered trade union who is able to do so shall, notwithstanding anything in the rules of the union, take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to a secret ballot shall be kept at the registered office of the union for a period of 6 months after the completion of the secret ballot.

(4) The results of a secret ballot taken to decide any of the matters set out in paragraph 8 of the Schedule shall be sent to the Registrar within 7 days after the holding of the secret ballot by the secretary of the trade union in such form as the Registrar may direct. [40]

40.—(1) A registered trade union shall, prominently and in such place that it may be easily read, exhibit at its registered office a notice showing the names and titles of the officers for the time being of the union and shall so exhibit at the office of each branch a notice showing the names and titles of the officers for the time being of the branch.

Notification
of change of
officers, etc.

(2) When a person becomes or ceases to be an officer of a registered trade union or a branch of a registered trade union or when the title of any officer is changed, notice thereof in the prescribed form shall be sent to the Registrar within 7 days thereafter by that trade union together with the prescribed fee and the Registrar shall, on being satisfied that the appointment or election of the officer or the change is not contrary to the rules of the union or of the provisions of this Act or any regulations made thereunder, thereupon alter the register accordingly. [41]

41. When a person becomes or ceases to be an employee of a registered trade union or a branch of a registered trade union, notice thereof shall be sent to the Registrar within 7 days thereafter by that trade union in such form as the Registrar may direct. [42]

Notification
of change of
employees.

Notification
of
dissolution.

42. When a registered trade union is dissolved, notice of the dissolution signed by 7 members and by the secretary of the trade union shall, within 14 days of the dissolution, be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union; and the dissolution shall have effect from the date of the registration. [43]

Trustees.
28/82.

43.—(1) The rules of a registered trade union shall provide for the appointment or election of trustees and for the filling of vacancies in the office of trustees so that, as far as may be, there shall always be at least 3 trustees of the union.

(2) No person who is holding the office of president, chairman, treasurer, secretary or other similar office in a trade union or who is not a citizen of Singapore shall be appointed or elected as a trustee of the trade union without the prior written approval of the Minister.

(3) When a person is appointed or elected as a trustee or ceases to be a trustee of a registered trade union or branch of a registered trade union, notice thereof shall be sent to the Registrar within 7 days thereafter by the trade union in such form as the Registrar may require.

28/82.

(4) Nothing in subsection (2) shall affect the appointment or election of any trustee of a trade union who was appointed or elected before 2nd April 1983. [44]

PART VI

PROPERTY

All property
vested in
trustees.

44. All property, movable or immovable, of a registered trade union shall be vested in its trustees for the use and benefit of the union and its members and shall be under the control of the trustees. [45]

Devolution
of property.

45. Upon any change in the office of any trustee, the Supreme Court may, upon an ex parte motion made to it in that behalf, make an order vesting the property of a registered trade union in the trustees for the time being of the union for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any transfer, conveyance or assignment. [46]

46. Subject to any provision in its rules, it shall be lawful for a registered trade union to purchase or to take upon lease for the purposes of the union and in the names of its trustees any land not exceeding 4,047 square metres in extent (unless the Minister in any particular case approves the purchase or taking upon lease of land that exceeds 4,047 square metres in extent) or any buildings and, subject to any written or other law which may be applicable, to sell, exchange, charge or lease any such land or building which may be so purchased. [47]

Purchase or lease of land or buildings. 1/73.

PART VII

FUNDS AND ACCOUNTS

47.—(1) The funds of a registered trade union may, subject to the rules thereof and to the provisions of this Act, be expended only for the following objects:

Application of funds.

- (a) the payment of salaries, allowances and expenses to officers of the trade union;
- (b) the payment of expenses for the administration of the trade union, including audit of the accounts of the funds of the trade union;
- (c) the prosecution or defence of any legal proceeding to which the trade union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the trade union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d) the conduct of trade disputes on behalf of the trade union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members; and
- (g) any other object which by notification in the *Gazette* the Minister may declare to be an object for which such funds may be expended.

(2) Any moneys received for a specific purpose by a trade union from its members, which the members are liable to

28/82.

pay in accordance with its rules, shall not be used or applied for any other purpose without the consent, by secret ballot, of the majority of its members and every such consent shall be notified to the Registrar by the secretary within 7 days thereof. [48]

Prohibition of payment of fines or penalties.

48. The funds of a registered trade union shall not be applied either directly or indirectly in payment of the whole or part of any fine or penalty imposed upon any person by sentence or order of a court of justice. [49]

Use of funds for political purposes and the investment of those funds.
28/82.

49.—(1) The funds of a registered trade union —

(a) shall not be applied either directly or indirectly in payment of contributions to a political party or for a political purpose; and

(b) shall, subject to the rules thereof and the provisions of this Act, be invested only in the investments authorised by law for the investment of trust money, in interest-earning deposits in banks or finance companies or in shares of co-operative societies established by any registered trade union.

28/82.

(2) Subsection (1) (b) shall not render unlawful the investment of the funds of a registered trade union which was lawfully made before 2nd April 1983. [50]

Injunction to restrain misuse of funds.

50. An injunction restraining any unauthorised or unlawful expenditure of the funds of a registered trade union may be granted on the application of any 5 or more persons having a sufficient interest in the relief sought, or of the Registrar, or of the Attorney-General. [51]

Treasurer to render accounts.

51.—(1) Every treasurer of a registered trade union and every other officer thereof who is responsible for the accounts of the union or for the collection, disbursement, custody or control of the funds or moneys thereof, shall, upon resigning or vacating his office and at least once in every year at such time as may be specified by the rules of the union and at any other times at which he may be required to do so by a resolution of the members of the union or by the rules thereof, render to the union and its

members a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office, or if he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his hands, at the time of rendering such account and of all bonds, securities, or other property of the trade union entrusted to his custody or under his control.

(2) The form of account may be prescribed by regulations.

(3) The account shall be verified by statutory declaration, and the union shall cause the account to be audited by some fit and proper person approved by the Registrar.

(4) No trade union shall cause the accounts to be audited under subsection (3) by the same person for a continuous period of more than 5 years without the prior written approval of the Minister. 28/82.

(5) After the account has been audited, the treasurer or other officer referred to in subsection (1) shall forthwith hand over to the trustees of the union, if required by them to do so, such balance as appears to be due from him, and also, if so required, all bonds, securities, effects, books, papers and property of the union in his hands or custody, or otherwise under his control.

(6) The Registrar may by notice in writing direct the attendance before him, at the place and time set out in the notice, of any person appointed to audit the accounts of a trade union for any purpose related to the audit. 28/82.

(7) The Registrar may, if he thinks it necessary, by notice in writing direct any trade union to —

(a) cause the accounts to be audited by any person other than the person who first audited the accounts; or

(b) cause the accounts to be further audited in such manner as the Registrar may require.

(8) All expenses incurred by a trade union in complying with the direction of the Registrar shall be borne by the trade union. 28/82.

(9) Any person who fails to comply with the direction of the Registrar under subsection (6) shall be guilty of an 28/82.

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.

28/82.

(10) Any trade union which fails to comply with the direction of the Registrar under subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [52

Production of documents, etc., for examination. 28/82.

52.—(1) For the purpose of carrying out the provisions of this Act, the Registrar may by notice in writing direct any officer or employee of a trade union to produce for his examination any books, accounts, records and documents and to answer such questions relating thereto as may be necessary.

(2) Any person who —

(a) wilfully refuses or without lawful excuse fails to comply with the direction of the Registrar under subsection (1); or

(b) who wilfully withholds any information, or refuses to answer, or wilfully gives a false answer to any question put to him by the Registrar,

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. [52A

Annual returns.

53.—(1) The secretary of every registered trade union shall furnish annually to the Registrar on or before the prescribed date in each and every year a general statement audited in the prescribed manner, of all receipts and expenditure during the period of 12 months ending on 31st March next preceding such prescribed date, and of the assets and liabilities of the trade union as at that date. The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement referred to in subsection (1), the secretary of each registered trade union shall furnish to the Registrar a copy of all alterations or amendments of rules, and of all new rules, and a list of all changes of officers, made by the union during the period of 12 months preceding that date, and a copy of the rules of the trade union in force on that date.

(3) In the case of a registered trade union which was established before the commencement of this Act, it shall be

lawful for the Registrar, on application made to him in that behalf, by writing under his hand to substitute the day on which the financial year of that trade union ends for 31st March mentioned in subsections (1) and (2) and, if necessary, some other date for the date prescribed for the purposes of subsection (1); and all the provisions of this section shall thereupon apply accordingly in the case of that registered trade union as though the date and the day so substituted were respectively the date referred to in subsection (1) and the day referred to in subsections (1) and (2).

(4) Every member of a registered trade union shall be entitled to receive free of charge a copy of the general statement referred to in subsection (1) and the secretary of each registered trade union shall deliver a copy of that statement to every member of his union who makes application to him therefor.

(5) Any secretary of a registered trade union who fails to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction before a District Court or Magistrate's Court to a fine not exceeding \$200.

(6) Every person who wilfully makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsections (1) and (2) shall be guilty of an offence and shall be liable on conviction before a District Court or Magistrate's Court to a fine not exceeding \$200 or to imprisonment for a term not exceeding 3 months or to both.

54. The account books of a registered trade union and a list of the members thereof shall be open to inspection by any officer or member of the trade union at such times as may be provided for in the rules of the trade union, and by the Registrar at any reasonable time.

Inspection of accounts and documents.

PART VIII
REGULATIONS

55.—(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) all matters stated or required in this Act to be prescribed;
- (b) the books and registers to be kept for the purposes of this Act and the forms thereof;
- (c) the manner in which trade unions and the rules of the trade unions shall be registered and the fees payable on registration;
- (d) the manner in which, and the qualifications of persons by whom, the accounts of registered trade unions or of any class of such unions shall be audited;
- (e) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of that inspection;
- (f) the due disposal and safe custody of the funds and moneys of a trade union;
- (g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto;
- (h) the presentation, consideration and disposal of appeals referred to in sections 17 and 18; and
- (i) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

(3) The Minister may by regulations declare that any regulations made under subsection (2) (g) shall apply to a specified trade union only or that any particular trade union or class of trade union shall be exempt from the operation of any regulations made under that paragraph.

(4) All regulations made under this section shall be published in the *Gazette* and shall come into force on such date as may be specified in the regulations.

(5) All such regulations shall be presented to Parliament as soon as possible after publication.

PART IX

OFFENCES AND PENALTIES

56.—(1) Where, on complaint made by a member of a registered trade union, it is shown to the satisfaction of a District Court or Magistrate's Court that any officer or member of that union has in his possession or control any property of the union except in accordance with the rules of the union, or has unlawfully expended or withheld any money of the union, the court shall, if it considers the justice of the case so requires, order that officer or member to deliver all such property to the trustees of the union and to pay to them the money so unlawfully expended or withheld.

Penalty for misuse of money or property of a registered trade union.

(2) A complaint made under subsection (1) shall not be entertained unless the court is satisfied that the complainant is, on the date of that complaint, a member of the registered trade union in respect of the property of which the complaint is so made.

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in that order shall be guilty of an offence and shall be liable on conviction by a District Court or Magistrate's Court to a fine not exceeding \$1,000.

(4) An order made under subsection (1) shall not affect or prevent a prosecution of, or civil proceedings against, any such officer or member. [57]

57. Any person who, with intent to deceive, gives to any member of a registered trade union or to any person intending or applying to become a member of that trade union any document purporting to be a copy of the rules of the trade union or of any alterations thereto which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered trade union to any person on the pretence that those rules are the rules of a registered trade union, shall be guilty of an offence and shall be liable on conviction by a District Court or Magistrate's Court to a fine not exceeding \$200 or to imprisonment for a term not exceeding 3 months or to both. [58]

Supplying false information regarding trade unions.

Failure
to submit
returns.

58. If default is made on the part of any registered trade union in doing any act, in giving any notice, or in sending any statement, return or other document as required by this Act or by the regulations made thereunder, every officer or other person bound by the rules of the trade union or under the provisions of this Act or the regulations made thereunder to do such act, or to give such notice, or to send such statement, return or document, or, if there is no such officer or person, every member of the executive of that registered trade union shall severally be guilty of an offence and shall be liable on conviction by a District Court or Magistrate's Court to a fine not exceeding \$1,000. [59]

General
penalty.

59.—(1) Every person who, and every trade union which, contravenes any provision of this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction by a District Court or Magistrate's Court to a fine not exceeding \$1,000 unless some other punishment is provided for that offence by this Act.

(2) Upon conviction of an unregistered trade union under subsection (1), every person proved to have been a member of the executive of that trade union at any time after the commencement of this Act shall be deemed severally to be guilty of the offence for which the trade union was so convicted and the District Court or Magistrate's Court shall, after necessary inquiry, declare in its finding and order the name of each person so deemed to be guilty and shall pass sentence upon him according to law. [60]

Limitation of
prosecutions.

60. No prosecution shall be instituted under this Act except by or at the instance of or with the written consent of the Attorney-General. [61]

Saving of
offences
under other
written law.

61. The offences and penalties specifically defined and provided in this Act are in addition to and not in substitution of those defined and provided in any other written law. [62]

PART X

MISCELLANEOUS

Act not
to affect
certain
agreements.

62. This Act shall not affect —

(a) any agreement between partners as to their own business;

- (b) any agreement between an employer and those employed by him as to such employment; or
- (c) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft. [63]

63. The provisions of any written law providing for the registration or recording of societies shall not, after the commencement of this Act, apply to a trade union and the registration under any such written law of a trade union shall thereupon be deemed to have been cancelled and to be void and of no effect for the purposes of this Act. [64]

Certain written laws not applicable to trade unions.

64. Every summons, notice or other document required to be served on a trade union in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union or if it is served personally on the president or the treasurer or the secretary or on any officer of the trade union provided that such service is otherwise in compliance with the requirements of any relevant written law. [65]

Service of legal process.

65. The fact that any trade union has been registered, the fact that the certificate of registration of any registered trade union has been withdrawn or cancelled, the fact that any change of name or amalgamation affecting any registered trade union has been registered, and the fact that any registered trade union has been dissolved shall be notified by the Registrar in the *Gazette*. [66]

Notification in *Gazette*.

THE SCHEDULE

MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF EVERY REGISTERED TRADE UNION

1. The name of the trade union and the place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, the conditions under which any member thereof may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member thereof.
3. The manner of making, altering, amending and rescinding rules.
4. The appointment or election and removal of an executive and of trustees, secretaries, treasurers and other officers of the trade union.

Sections 38 (1) and 39 (4).

5. The custody and investment of the funds of the trade union, the designation of the officer or officers responsible therefor, and the annual or periodical audit of its accounts.

6. The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.

7. The manner of the dissolution of the trade union and the disposal of the funds thereof available at the time of such dissolution.

8. The taking of all decisions in respect of the election of officers, the amendment of rules, strikes, dissolution and any other matter affecting the members of the union generally, by secret ballot.