



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TRADE UNIONS ACT 1940

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Trade Unions Act 1940

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation

PART 2

APPOINTMENT OF REGISTRAR AND OTHER OFFICERS

3. Appointment of Registrar
4. Appointment of Assistant Registrars and other officers
5. All officers to be deemed to be public servants
6. Protection of public servants

PART 3

REGISTRATION

7. Register of trade unions
8. Necessity for registration
9. Application for registration
10. Registration
11. Certificate of registration
12. Power of Registrar to call for further particulars
13. Power of Registrar to require alteration of name
14. Refusal of registration
15. Cancellation or withdrawal of registration
16. Power to stop payment of money held by financial institution
17. Appeal to Minister
18. Procedure on appeal
19. Consequences of failure to register or of cancellation of registration
20. Consequences upon dissolution of trade union

PART 4

RIGHTS AND LIABILITIES OF TRADE UNIONS

Section

21. Disabilities of unregistered trade union
22. Immunity from civil suit in certain cases
23. Liability in tort
24. Liability in contract
25. Objects in restraint of trade not unlawful in case of registered trade union
26. Proceedings by and against trade union
27. Strike or industrial action

PART 5

CONSTITUTION

28. Membership of minors and Government employees
29. Membership of employees of specified statutory board or body
30. Officers of trade union
- 30A. Authority of officers, etc., to bind union without ratification
31. Employees of trade union
32. Powers of Minister in relation to sections 30 and 31
33. Change of name
34. Amalgamation
35. Notice of change of name or amalgamation
36. Effect of change of name or amalgamation
37. Registered office
38. Rules of registered trade union
39. Secret ballot
40. Notification of change of officers, etc.
41. Notification of change of employees
42. Notice of dissolution
43. Trustees

PART 6

PROPERTY

44. All property vested in trustees
45. Devolution of property
46. Purchase or lease of land or buildings

PART 7

FUNDS AND ACCOUNTS

Section

47. Application of funds
48. Prohibition of payment of fines or penalties
49. Use of funds for political purposes and investment of those funds
50. Injunction to restrain misuse of funds
51. Treasurer to render accounts
52. Production of documents, etc., for examination
53. Annual returns
54. Inspection of accounts and documents

PART 8

OFFENCES AND PENALTIES

55. Penalty for misuse of money or property of registered trade union
56. Supplying false information regarding trade unions
57. Failure to submit returns
58. General penalty
59. Composition of offences
60. Limitation of prosecutions
61. Saving of offences under other written law

PART 9

MISCELLANEOUS

62. Act not to affect certain agreements
 63. Certain written laws not applicable to trade unions
 64. Service of legal process
 65. Notification in *Gazette*
 66. Regulations
- The Schedule — Matters for which provision must be made in the rules of registered trade union

An Act for the registration and control of the trade unions.

[1 July 1941]

PART 1
PRELIMINARY

Short title

1. This Act is the Trade Unions Act 1940.

Interpretation

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

“delegate” means —

- (a) in relation to a trade union which is not a federation, a person who is elected or appointed in accordance with the rules of the trade union to attend and vote at a meeting of the trade union on behalf of any number of members of the trade union; or
- (b) in relation to a federation, a person elected or appointed in accordance with the rules of the federation to attend and vote at a meeting of the federation on behalf of any of the constituent trade unions of the federation;

“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;

“executive employee”, in relation to an employer, means an employee who is employed in a managerial or an executive position by the employer;

“federation” means a federation of 2 or more trade unions;

“lockout” 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;

“non-executive employee”, in relation to an employer, means an employee other than an executive employee;

“officer”, in relation 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;

“requisite consent” —

(a) in relation to a trade union which is not a federation, means the consent, obtained by secret ballot, of —

(i) the majority of the members of the trade union voting on their own behalf on the matter for which consent is sought; or

(ii) where the rules of the trade union allow or require a decision on that matter to be taken by means of voting by delegates and the decision is taken using that means, two-thirds of the total number of delegates representing the members;
or

(b) in relation to a federation, means the consent, obtained by secret ballot, of two-thirds of the total number of delegates representing the constituent trade unions of the federation;

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

and includes any federation;

“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 2

APPOINTMENT OF REGISTRAR AND OTHER OFFICERS

Appointment of Registrar

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 Assistant Registrars and other officers

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.

All officers to be deemed to be public servants

5. All officers appointed under sections 3 and 4 shall be deemed to be public servants for the purposes of the Penal Code 1871.

Protection of public servants

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.

PART 3

REGISTRATION

Register of trade unions

7.—(1) The Registrar shall keep and maintain a register of trade unions which shall contain such particulars of each registered trade union as may be prescribed.

(2) The register may be kept in whole or in part in an electronic form.

(3) The Registrar may require an officer or member of a registered trade union to produce such document or provide such information as the Registrar may require for the purposes of maintaining the register.

(4) The Registrar may order the destruction of any document in the registry after the document has been microfilmed or converted to electronic form.

(5) 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 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.

(5) Where proof is available of both the dates referred to in subsection (4)(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 trade union, any of whom may be officers thereof.

(2) Every application shall be made in the prescribed form and shall be accompanied by —

- (a) the prescribed fee;
- (b) a copy of the rules of the trade union; and
- (c) a statement of the prescribed particulars of the members making the application and the officers of the trade union.

Registration

10.—(1) If the Registrar is satisfied —

- (a) that a trade union applying for registration has complied with the provisions of this Act;
- (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,

the Registrar may register the trade union in the prescribed manner.

(2) Notwithstanding subsection (1), if any one of the objects of a trade union is unlawful, the registration of the trade union shall be void.

Certificate of registration

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.

Power of Registrar to call for further particulars

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 require alteration of name

13.—(1) 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.

(2) The Registrar shall refuse to register the trade union until the alteration has been made.

Refusal of registration

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

- (a) not satisfied that the trade union has complied with the provisions of this Act;
- (b) of the opinion that any one of the objects or rules or the constitution of the trade union is unlawful or conflicts with any provision of this Act;
- (c) of the opinion that the constitution or any of the rules of the trade union is oppressive or unreasonable;
- (d) of the opinion that the trade union is likely to be used for unlawful purposes or purposes inconsistent with its objects and rules;

- (e) of the opinion, where the trade union is an association or combination of workmen in a particular trade, occupation or industry, that the trade union is likely to be used against the interests of the workmen in that particular trade, occupation or industry; or
- (f) satisfied, where the trade union is an association or combination of workmen in a particular trade, occupation or industry, that there is an existing trade union registered in respect of that particular trade, occupation or industry.

Cancellation or withdrawal of registration

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 trade 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 that 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 trade union;
or
- (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 2 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 2 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.

(4) If such cause under subsection (3) is shown, the Registrar may hold such inquiry as he may consider necessary in the circumstances.

(5) The Registrar may, after the expiration of the period of 2 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.

(6) An order made by the Registrar under this section withdrawing or cancelling the certificate of registration of any trade union —

- (a) shall be dated as of the date on which it was made;
- (b) shall specify briefly the grounds for the withdrawal or cancellation of the certificate of registration; and
- (c) shall immediately be served on the trade union.

Power to stop payment of money held by financial institution

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 trade union may be misused, by notice in writing direct any financial institution not to pay or cause to be paid any money out of or honour any cheque drawn on the account of the trade 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 financial institution not to pay or cause to be paid any money out of or honour any cheque drawn on the account of the trade union for a specified period not exceeding 3 months, except with the written authorisation of the Registrar.

(3) A financial institution 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 the notice.

(4) Any financial institution 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 financial institution, or a person who was purporting to act in such capacity, he as well as the financial institution shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“financial institution” means a bank, a finance company, or any co-operative society carrying on the business of managing and investing funds;

“public authority” means the Registrar, the Commissioner of Police, the Commissioner of Inland Revenue and the Director of the Corrupt Practices Investigation Bureau.

Appeal to Minister

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.

Procedure on appeal

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.

(2) It shall be competent for the Minister after considering any such appeal to —

- (a) confirm any refusal of registration or other order of the Registrar;
- (b) order the registration of any trade union;

- (c) order the registration of any new rule or alteration of any rule;
- (d) reverse any order made by the Registrar; or
- (e) make such order or give such direction as to the Minister seems just or necessary.

(3) 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 trade union and its assets;
- (b) the trade union shall not, nor shall any of its officers, members or agents on behalf of the trade union, take part in any trade dispute or promote, organise or finance any strike or lockout, or provide pay or other benefits for its members during a strike or lockout;
- (c) the trade union shall be dissolved; and
- (d) no person shall, except for the purpose of defending proceedings against the trade union or dissolving the trade 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 trade union or as an officer of the trade union.

Consequences upon dissolution of trade union

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

- (a) the property of the trade union shall immediately vest in the Official Receiver; and
- (b) the Official Receiver 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 as defined in the Work Injury Compensation Act 2019; or
 - (ii) in the absence of a direction from the Minister, in accordance with the rules of the trade union.

[5/2008; 27/2019]

(2) Where no direction is given by the Minister under subsection (1)(b)(i) 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.

(3) For the purpose of winding up the affairs of the trade union, the Official Receiver shall have all the powers vested in the Official Receiver under the Insolvency, Restructuring and Dissolution Act 2018 for the purpose of discovery of the property of a debtor, the realisation thereof and the winding up of a company, and the provisions of that Act shall apply, with the necessary modifications, to the winding up of the affairs of a trade union under this Act.

[40/2018]

PART 4

RIGHTS AND LIABILITIES OF TRADE UNIONS

Disabilities of unregistered trade union

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

Immunity from civil suit in certain cases

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 —

- (a) the act induces some other person to break a contract of employment; or
- (b) 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.

Liability in tort

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.

(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.

Liability in contract

24.—(1) Every registered trade union shall be liable on any contract entered into by it or by an agent acting on its behalf.

(2) Notwithstanding subsection (1), a trade union shall not be so liable on any contract which is void or unenforceable at law.

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.

Proceedings by and against trade union

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 2010.

(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.

Strike or industrial action

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) A registered trade union the majority of whose membership consists of non-executive employees shall not commence, promote, organise or finance any strike or any form of industrial action in connection with any trade dispute between members who are executive employees that are represented by the trade union under section 30A of the Industrial Relations Act 1960 and their employer.
[1/2015]

(3) Any registered trade union which, and every member of its executive who, contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

(4) 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 \$2,000.

(5) No member of a registered trade union who is an executive employee that is represented by the trade union under section 30A of the Industrial Relations Act 1960 shall commence, promote, organise, participate or otherwise act in furtherance of any strike or any form of industrial action taken by the trade union.
[1/2015]

(6) No member of a registered trade union the majority of whose membership consists of non-executive employees shall commence, promote, organise, participate or otherwise act in furtherance of any strike or any form of industrial action in connection with any trade dispute between members who are executive employees that are represented by the trade union under section 30A of the Industrial Relations Act 1960 and their employer.
[1/2015]

(7) Nothing in subsection (2) or (6) shall preclude a registered trade union referred to in those subsections or any member of a registered trade union that is recognised by the employer in the manner prescribed under Part 3 of the Industrial Relations Act 1960 as a registered trade union representing that member from commencing, promoting, organising, financing, participating or otherwise acting in furtherance of any strike or any form of industrial action affecting the member in accordance with subsection (1).

[1/2015]

(8) Any member of a registered trade union who contravenes subsection (5) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(9) 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;
- (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; or
- (c) taken in contravention of subsection (5) or (6),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

(10) 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.

(11) Any person who fails or neglects without reasonable excuse to comply with any notice under subsection (10) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(12) Every person who has been required to appear before the Registrar under subsection (10) shall state truly the facts and circumstances of any strike or industrial action which he is acquainted with.

(13) If any person fails to comply with subsection (12), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(14) In any proceedings for an offence under this section, the onus of proving that the requirements specified in subsection (1), (3), (4) or (9) 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.

(15) In 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.

(16) For the purposes of this section, where the majority of the membership of a registered trade union consists of non-executive employees, the consent of its members who are executive employees that are represented by the trade union under section 30A of the Industrial Relations Act 1960 shall not be taken into account in ascertaining whether the consent of the majority of the members have been obtained under subsection (1).

[1/2015]

PART 5

CONSTITUTION

Membership of minors and Government employees

28.—(1) A person above the age of 16 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.

(4) The President may, by notification in the *Gazette*, exempt from subsection (3) 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.

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 the trade union is confined exclusively to persons employed by that 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.

Officers of trade union

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 is an undischarged bankrupt or 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.

Authority of officers, etc., to bind union without ratification

30A.—(1) Notwithstanding any provision in any rules or resolution of any trade union, the officers of a trade union and any other persons duly appointed by the trade union to represent its members in negotiations with a view to a collective agreement shall have the authority to bargain collectively for and to bind all the members of the trade union by a collective agreement without the need for ratification by the members; and the decision of such officers or persons on any matter in such negotiations shall be the decision of all members of the trade union.

(2) Any provision in any rules or resolution of any trade union (whether made before, on or after 5 May 2004) that is inconsistent with subsection (1) shall be void to the extent of that inconsistency.

Employees of trade union

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

(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.

Powers of Minister in relation to sections 30 and 31

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 provision of section 30 or 31 in respect of officers or 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.

Change of name

33. A registered trade union shall not change its name except with the requisite consent of —

- (a) its members; or
- (b) where the trade union is a federation, its constituent trade unions.

Amalgamation

34.—(1) Any 2 or more registered trade unions may become amalgamated as one trade union if each of the trade unions has the requisite consent of —

- (a) its members; or
- (b) where the trade union is a federation, its constituent trade unions,

to the amalgamation.

(2) The amalgamation may be undertaken with or without dissolution or division of the funds of the trade unions or either or any of them.

Notice of change of name or amalgamation

35.—(1) Notice in writing shall be given to the Registrar of every change of name and every amalgamation, signed —

- (a) in the case of a change of name, by the secretary and 7 members of the registered trade union changing its name; and
- (b) in the case of an amalgamation, by the secretary and 7 members of every registered trade union which is a party to the amalgamation.

(2) Where the trade union referred to in subsection (1)(a) or (b) is a federation, the notice shall be signed by the secretary and 7 delegates representing one or more of the constituent trade unions of the federation.

(3) 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.

(4) Subject to subsection (3), 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.

(5) 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.

(6) 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 2 or more registered trade unions, may appeal against the refusal in the manner provided by sections 17 and 18.

Effect of change of name or amalgamation

36.—(1) A change in the name of a registered trade union shall not affect any rights or obligations of the 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.

(2) An amalgamation of 2 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.

Registered office

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

(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 required under this section; 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 \$50 for every day during which it is so in operation.

(4) Every officer of any trade union referred to in subsection (3) shall be liable to be convicted and fined a like amount in respect of the same offence.

Rules of registered trade union

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 the trade union to any person on demand on payment of the prescribed sum.

(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.

(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.

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 or delegate, as the case may be, 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) Notwithstanding subsection (1), where the majority of the membership of a registered trade union consists of non-executive employees, no rule of the trade union shall confer on any member who is an executive employee that is represented by the trade union under section 30A of the Industrial Relations Act 1960, the right to vote in any secret ballot taken for the purpose of obtaining the consent of its members to commence, organise, participate or otherwise act in furtherance of any strike or any form of industrial action under section 27(1).

[1/2015]

(3) For the purpose of satisfying himself that a secret ballot taken by a registered trade union has been properly conducted, the Registrar may —

- (a) 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;
- (b) take possession of any such ballot papers, envelopes, lists or other documents; and
- (c) inspect the same and retain them for such period as is necessary for such purpose.

(4) Subject to subsection (3) 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.

(5) 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 trade 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 trade union for a period of 6 months after the completion of the secret ballot.

(6) 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.

Notification of change of officers, etc.

40.—(1) A registered trade union shall, prominently and in such place that it may be easily read, exhibit —

- (a) at its registered office a notice showing the names and titles of the officers for the time being of the trade union; and
- (b) at the office of each branch a notice showing the names and titles of the officers for the time being of the branch.

(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.

(3) 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 trade union or of the provisions of this Act, thereupon alter the register accordingly.

Notification of change of employees

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.

Notice of dissolution

42.—(1) 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.

(2) The dissolution shall have effect from the date of the registration.

Trustees

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 trade union.

(2) No person who is an undischarged bankrupt —

(a) shall be appointed or elected as a trustee of a trade union;
or

(b) if so appointed or elected, shall remain as such.

(3) Except with the approval of the Minister, no person who has been convicted of an offence involving fraud or dishonesty or any other offence which, in the opinion of the Minister, renders him unfit to be a trustee of a trade union —

(a) shall be appointed or elected as a trustee of a trade union;

or

(b) if so appointed or elected, shall remain as such.

(4) 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.

(5) 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.

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

PART 6

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 trade union and its members and shall be under the control of the trustees.

Devolution of property

45. Upon any change in the office of any trustee, the Supreme Court may, upon an *ex parte* application by originating summons 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 trade 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.

[42/2005]

Purchase or lease of land or buildings

46.—(1) Subject to subsection (2) and to any provision in its rules, a registered trade union may —

- (a) purchase or take a lease of, for the purposes of the trade union and in the names of its trustees, any land or building; and
- (b) subject to any written or other law which may be applicable, sell, exchange, charge or lease any land or building purchased or leased by it.

(2) A registered trade union shall not purchase or take a lease of any land, or building, situated outside Singapore without having first obtained the requisite consent of —

- (a) its members; or
- (b) where the trade union is a federation, its constituent trade unions.

PART 7

FUNDS AND ACCOUNTS

Application of funds

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:

- (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;
- (g) any other object which the Minister may, by notification in the *Gazette*, 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 pay in accordance with its rules, shall not be used or applied for any other purpose without the requisite consent of the members of the trade union.

(3) Any moneys received for a specific purpose by a federation from its constituent trade unions, which the constituent trade unions are liable to pay to the federation in accordance with the rules of the federation, shall not be used or applied for any other purpose without the requisite consent of the constituent trade unions.

(4) Within 7 days from the date the requisite consent referred to in subsection (2) or (3) is obtained, the secretary of the trade union concerned shall notify the Registrar of the consent and provide to the Registrar such information in respect of the consent as the Registrar may require.

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.

Use of funds for political purposes and investment of those funds

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 —
 - (i) investments authorised by law for the investment of trust money;
 - (ii) interest-earning deposits in banks or finance companies;
 - (iii) shares of co-operative societies established by any registered trade union; or
 - (iv) such undertaking, enterprise or scheme, the promoter or proprietor of which is the Singapore Labour Foundation or a company formed by or related to the Singapore Labour Foundation, as the Minister may approve for the purposes of this paragraph.

(2) Subsection (1)(b)(i), (ii) and (iii) shall not render unlawful the investment of the funds of a registered trade union which was lawfully made before 2 April 1983.

(3) In this section, “Singapore Labour Foundation” means the Singapore Labour Foundation established under section 3 of the Singapore Labour Foundation Act 1977.

(4) For the purposes of this section, a company shall be deemed related to the Singapore Labour Foundation if it is related thereto within the meaning of section 6 of the Companies Act 1967.

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.

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 trade 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 trade union and at any other times at which he may be required to do so by a resolution of the members of the trade union or by the rules thereof, render to the trade union and its members a just and true account of —

- (a) 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;
 - (b) the balance remaining in his hands, at the time of rendering such account; and
 - (c) 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 trade 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.
- (5) After the account has been audited, the treasurer or other officer referred to in subsection (1) shall immediately hand over to the trustees of the trade 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 trade 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.

(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.

(9) Any person who fails to comply with the direction of the Registrar under subsection (6) 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.

(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.

Production of documents, etc., for examination

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) 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.

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 year a general statement audited in the prescribed manner, of all receipts and expenditure during the period of 12 months ending on the last day of March last preceding that prescribed date, and of the assets and liabilities of the trade union as at that day.

(2) The general statement referred to in subsection (1) 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.

(3) 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 trade union during the period of 12 months preceding the last day of March, and a copy of the rules of the trade union in force on that day.

(4) The Registrar may, on application made to him by a registered trade union, by writing under his hand, substitute the day on which the financial year of the trade union ends for the last day of March referred to in subsections (1) and (3) and, if necessary, some other date for the date prescribed for the purposes of subsection (1).

(5) All the provisions of this section shall apply accordingly in the case of the registered trade union referred to in subsection (4) as though the date and the day so substituted were respectively the prescribed date referred to in subsection (1) and the last day of March referred to in subsections (1) and (3).

(6) 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 trade union who makes application to him therefor.

(7) Any secretary of a registered trade union who fails to comply with any requirement 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 \$2,000.

(8) 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), (2) and (3) 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 \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Inspection of accounts and documents

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.

PART 8

OFFENCES AND PENALTIES

Penalty for misuse of money or property of registered trade union

55.—(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 the trade union —

- (a) has in his possession or control any property of the trade union except in accordance with the rules of the trade union; or

- (b) has unlawfully expended or withheld any money of the trade 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 trade union and to pay to them the money so unlawfully expended or withheld.

(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 \$2,000.

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

Supplying false information regarding trade unions

56. Any person who —

- (a) 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
- (b) with the like intent mentioned in paragraph (a), 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 \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Failure to submit returns

57. 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 —

- (a) every officer or other person bound by the rules of the trade union or under the provisions of this Act to do such act, to give such notice, or to send such statement, return or document; or
- (b) 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 \$2,000.

General penalty

58.—(1) Every person who, and every trade union which, contravenes any provision of this Act 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 \$2,000 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 shall be deemed severally to be guilty of the offence for which the trade union was so convicted.

(3) The District Court or Magistrate's Court shall, after necessary inquiry, declare in its finding and order the name of each person to be deemed to be guilty and shall pass sentence upon him according to law.

Composition of offences

59.—(1) The Minister may by regulations prescribe any offence under this Act as an offence which may be compounded.

(2) The Registrar may, in his discretion, compound any offence so prescribed by collecting from the person or trade union reasonably

suspected of having committed the offence a sum not exceeding \$200.

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 Public Prosecutor.

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.

PART 9

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.

Certain written laws not applicable to trade unions

63. The provisions of any written law providing for the registration or recording of societies shall not 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.

Service of legal process

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.

Notification in *Gazette*

- 65.** The Registrar shall notify in the *Gazette* the fact that —
- (a) any trade union has been registered;
 - (b) the certificate of registration of any registered trade union has been withdrawn or cancelled;
 - (c) any change of name or amalgamation affecting any registered trade union has been registered; and
 - (d) any registered trade union has been dissolved.

Regulations

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

(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 trade unions shall be audited;
- (e) the conditions subject to which the register or any document kept by the Registrar may be inspected and an extract from or copy of an entry in the register or the

document may be given, and the fees chargeable for the inspection, extract or copy;

- (f) the manner and method of filing applications, forms, notices, requests or returns under this Act or the regulations with the Registrar;
- (g) the due disposal and safe custody of the funds and moneys of a trade union;
- (h) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto;
- (i) the presentation, consideration and disposal of appeals referred to in sections 17 and 18;
- (j) 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 paragraph (h) of subsection (2) 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 presented to Parliament as soon as possible after publication.

THE SCHEDULE

Sections 38(1) and 39(6)

MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF 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.

THE SCHEDULE — *continued*

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.
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 trade union generally, by secret ballot.

LEGISLATIVE HISTORY

TRADE UNIONS ACT 1940

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Ordinance 3 of 1940 — Trade Unions Ordinance, 1940

Bill	:	G.N. No. 3786/1939
First Reading	:	11 December 1939
Second Reading	:	12 February 1940
Notice of Amendments	:	12 February 1940
Third Reading	:	12 February 1940
Commencement	:	1 July 1941

2. Ordinance 60 of 1941 — Trade Unions (Amendment) Ordinance, 1941

Bill	:	G.N. No. 2892/1941
First Reading	:	13 October 1941
Second Reading	:	5 November 1941
Notice of Amendments	:	5 November 1941
Third Reading	:	5 November 1941
Commencement	:	27 November 1941

3. Ordinance 33 of 1948 — Trade Unions (Amendment) Ordinance, 1948

Bill	:	G.N. No. S 326/1948
First Reading	:	19 October 1948
Second and Third Readings	:	9 November 1948
Commencement	:	24 November 1948

4. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 99 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952

Commencement : 30 April 1955 (section 2 read with item 99 of the Schedule)

5. 1955 Revised Edition — Trade Unions Ordinance (Chapter 154)

Operation : 1 July 1956

6. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill : 158/1958

First Reading : 16 July 1958

Second Reading : 13 August 1958

Notice of Amendments : 10 September 1958

Third Reading : 10 September 1958

Commencement : 25 September 1958 (section 2 read with the Schedule)

7. Ordinance 53 of 1959 — Trade Unions (Amendment) Ordinance, 1959

Bill : 4/1959

First Reading : 15 July 1959

Second Reading : 13 August 1959

Notice of Amendments : 13 August 1959

Third Reading : 2 September 1959

Commencement : 11 September 1959

8. Ordinance 62 of 1959 — State Advocate-General (Transfer of Powers) Ordinance, 1959

(Amendments made by section 5 read with the Schedule to the above Ordinance)

Bill : 22/1959

First Reading : 13 August 1959

Second and Third Readings : 2 September 1959

Commencement : 11 September 1959 (section 5 read with the Schedule)

9. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance, 1959
(Amendments made by section 2 read with the First Schedule to the above Ordinance)

Bill	:	31/1959
First Reading	:	22 September 1959
Second Reading	:	11 November 1959
Notice of Amendments	:	11 November 1959
Third Reading	:	11 November 1959
Commencement	:	20 November 1959 (section 2 read with the First Schedule)

10. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Commencement	:	20 November 1959
--------------	---	------------------

11. Ordinance 22 of 1963 — Trade Unions (Amendment) Ordinance, 1963

Bill	:	Information not available
First, Second and Third Readings	:	18 December 1963
Commencement	:	11 December 1963

12. Act 24 of 1966 — Trade Unions (Amendment) Act, 1966

Bill	:	69/1965
First Reading	:	23 December 1965
Second Reading	:	17 August 1966
Notice of Amendments	:	17 August 1966
Third Reading	:	17 August 1966
Commencement	:	25 August 1966

13. 1966 Reprint — Trade Unions Ordinance (Chapter 154)

Reprint	:	21 September 1966
---------	---	-------------------

14. Act 8 of 1967 — Trade Unions (Amendment) Act, 1967

Bill	:	4/1967
First Reading	:	27 February 1967
Second and Third Readings	:	24 May 1967
Commencement	:	2 June 1967

15. 1970 Revised Edition — Trade Unions Act (Chapter 129)

Operation : 30 April 1971

16. Act 1 of 1973 — Trade Unions (Amendment) Act, 1973

Bill : 43/1972

First Reading : 22 November 1972

Second and Third Readings : 16 February 1973

Commencement : 1 April 1973

17. Act 3 of 1977 — Trade Unions (Amendment) Act, 1977

Bill : 2/1977

First Reading : 28 February 1977

Second Reading : 23 March 1977

Notice of Amendments : 23 March 1977

Third Reading : 23 March 1977

Commencement : 15 April 1977

18. Act 28 of 1982 — Trade Unions (Amendment) Act, 1982

Bill : 20/1982

First Reading : 31 August 1982

Second Reading : 3 December 1982

Notice of Amendments : 3 December 1982

Third Reading : 3 December 1982

Commencement : 2 April 1983

19. 1985 Revised Edition — Trade Unions Act (Chapter 333)

Operation : 30 March 1987

20. G.N. No. S 143/1989 — Revised Edition of the Laws (Rectification) (No. 2) Order 1989

Operation : 30 March 1987

21. Act 4 of 1992 — Trade Unions (Amendment) Act 1992

Bill : 5/1992

First Reading : 13 January 1992

Second and Third Readings : 27 February 1992

- Commencement : 1 April 1992
- 22. Act 11 of 2000 — Trade Unions (Amendment) Act 2000**
- Bill : 6/2000
- First Reading : 17 January 2000
- Second and Third Readings : 22 February 2000
- Commencement : 15 December 2000
- 23. Act 23 of 2002 — Industrial Relations (Amendment) Act 2002**
(Amendments made by section 10 of the above Act)
- Bill : 25/2002
- First Reading : 8 July 2002
- Second and Third Readings : 23 July 2002
- Commencement : 1 September 2002 (section 10)
- 24. Act 9 of 2003 — Statutes (Miscellaneous Amendments) Act 2003**
(Amendments made by section 15 of the above Act)
- Bill : 7/2003
- First Reading : 20 March 2003
- Second and Third Readings : 24 April 2003
- Commencement : 16 May 2003 (section 15)
- 25. Act 14 of 2004 — Trade Unions (Amendment) Act 2004**
- Bill : 13/2004
- First Reading : 19 March 2004
- Second and Third Readings : 20 April 2004
- Commencement : 5 May 2004
- 26. 2004 Revised Edition — Trade Unions Act (Chapter 333)**
- Operation : 31 July 2004
- 27. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**
(Amendments made by section 5 read with item (33) of the First Schedule to the above Act)
- Bill : 30/2005
- First Reading : 17 October 2005
- Second and Third Readings : 21 November 2005

Commencement : 1 January 2006 (section 5 read with item (33) of the First Schedule)

28. Act 5 of 2008 — Workmen’s Compensation (Amendment) Act 2008

(Amendments made by section 40 read with item (16) of the Schedule to the above Act)

Bill : 50/2007
 First Reading : 12 November 2007
 Second and Third Readings : 22 January 2008
 Commencement : 1 April 2008 (section 40 read with item (16) of the Schedule)

29. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 110 of the Sixth Schedule to the above Act)

Bill : 11/2010
 First Reading : 26 April 2010
 Second Reading : 18 May 2010
 Third Reading : 19 May 2010
 Commencement : 2 January 2011 (section 430 read with item 110 of the Sixth Schedule)

30. Act 1 of 2015 — Industrial Relations (Amendment) Act 2015

(Amendments made by section 17 of the above Act)

Bill : 41/2014
 First Reading : 3 November 2014
 Second and Third Readings : 19 January 2015
 Commencement : 1 April 2015 (section 17)

31. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

(Amendments made by section 520 of the above Act)

Bill : 32/2018
 First Reading : 10 September 2018
 Second and Third Readings : 1 October 2018
 Commencement : 30 July 2020 (section 520)

32. Act 27 of 2019 — Work Injury Compensation Act 2019

(Amendments made by section 83(7) of the above Act)

Bill	:	21/2019
First Reading	:	5 August 2019
Second and Third Readings	:	3 September 2019
Commencement	:	1 September 2020 (section 83(7))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number