

COVID-19 (TEMPORARY MEASURES) ACT 2020

(No. 14 of 2020)

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An Act to provide temporary measures, and deal with other matters, relating to the COVID-19 pandemic, and to make a consequential amendment to the Property Tax Act (Chapter 254 of the 2005 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1.—(1) This Act is the COVID-19 (Temporary Measures) Act 2020 and, except for Parts 4, 5 and 7, comes into operation on a date that the Minister appoints by notification in the *Gazette*.

(2) Parts 1 (except section 2), 2 and 3 continue in force for a period of one year beginning on the date of their commencement.

(3) The expiry of Part 1, 2 or 3 does not —

(a) affect its operation as respects things previously done or omitted to be done; or

(b) apply to section 2, 6(5) to (7), 7(2) to (5), 8 or 26 or regulations made under section 26.

(4) Despite the expiry of Part 2, Division 4 of that Part (including regulations made under section 19 for that Division) continues to apply in relation to —

(a) any application for an assessor's determination that is pending on the date of the expiry; and

(b) any application for an assessor's determination made pursuant to saving and transitional provisions made under section 19(2)(f).

(5) Part 4 is deemed to have come into operation on 27 March 2020.

(6) Section 2 and Part 5 are deemed to have come into operation on 7 April 2020.

(7) Part 7 (except for section 34(1) and (2)) comes into operation on a date that the Minister appoints by notification in the *Gazette* and continues in force for a period of one year beginning on that date.

(8) Section 34(1) and (2) is deemed to have come into operation on 7 April 2020 and continues in force for a period of one year beginning on that date.

PART 1
PRELIMINARY

Interpretation

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

“assessor” means a person appointed to the panel of assessors under section 11;

“assessor’s determination” means a determination by an assessor under section 13 on an application under section 12;

“construction contract” has the meaning given by section 2 of the Building and Construction Industry Security of Payment Act (Cap. 30B);

“COVID-19” means the infectious disease known as Coronavirus Disease 2019;

“COVID-19 event” means —

(a) the COVID-19 epidemic or pandemic; or

(b) the operation of or compliance with any law of Singapore or another country or territory, or an order or direction of the Government or any statutory body, or of the government or other public authority of another country or territory, being any law, order or direction that is made by reason of or in connection with COVID-19;

“event contract” means a contract for the provision of a venue, accommodation, amenities, transport, entertainment, catering or other goods or services for —

(a) a business meeting, incentive travel, conference, exhibition, sales event, concert, show, wedding, party or other social gathering, or sporting event; or

(b) the participants, attendees, guests, patrons or spectators of any of the events mentioned in paragraph (a);

“Minister” means —

- (a) except as provided in paragraphs (b) and (c), the Minister charged with the responsibility for law;
- (b) for the purposes of Part 6, the Minister charged with the responsibility for finance; and
- (c) for the purposes of Part 7, the Minister charged with the responsibility for health;

“notification for relief” means a notification mentioned in section 9(1);

“prescribed period” means the period prescribed under section 3;

“Registrar” means the Registrar of assessors appointed under section 10(1), and includes any Deputy Registrar of assessors exercising the functions of the Registrar;

“scheduled contract” means a contract within a description of contracts set out in the Schedule, but not one that falls within such description of contracts as may be prescribed;

“supply contract” has the meaning given by section 2 of the Building and Construction Industry Security of Payment Act;

“tourism-related contract” means —

- (a) a contract for the international carriage of passengers by sea or land;
- (b) a contract for the provision of transport, short-term accommodation, entertainment, dining, catering, tours or other tourism-related goods or services for visitors to Singapore, domestic tourists or outbound tourists; or
- (c) a contract for the promotion of tourism in Singapore or the distribution for the purposes of trade or retail of products related to such tourism.

Prescribed period

3.—(1) The Minister may, by order in the *Gazette*, prescribe a period not exceeding 6 months for the purposes of this Part and Parts 2 and 3.

(2) The Minister may, by order in the *Gazette*, extend or shorten the prescribed period for or by a period determined by the Minister, and the period may be extended or shortened more than once.

(3) An order mentioned in subsection (2) may specify that the extension of the prescribed period does not apply in relation to any paragraph of section 5(3), and the provisions of Part 2 apply during such an extension as if that paragraph were omitted.

PART 2**TEMPORARY RELIEF FOR INABILITY
TO PERFORM CONTRACTS***Division 1 — Preliminary***Application**

4.—(1) This Part does not apply to a scheduled contract entered into or renewed (other than automatically) on or after 25 March 2020.

(2) A reference to a scheduled contract in this Act includes one to which the Government is a party.

*Division 2 — Relief measures***Temporary relief from actions for inability to perform
scheduled contract**

5.—(1) This section applies to a case where —

- (a) a party to a scheduled contract (called in this Division *A*) is unable to perform an obligation in the contract, being an obligation that is to be performed on or after 1 February 2020;
- (b) the inability is to a material extent caused by a COVID-19 event (called in this Division the subject inability); and

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- (c) *A* has served a notification for relief in accordance with section 9(1) on —
- (i) the other party or parties to the contract;
 - (ii) any guarantor or surety for *A*'s obligation in the contract; and
 - (iii) such other person as may be prescribed.

(2) Despite any law or anything in the contract, another party to the contract (called in this Division *B*) may not take any action described in subsection (3) in relation to the subject inability until after the earliest of the following:

- (a) the expiry of the prescribed period;
- (b) the withdrawal by *A* of *A*'s notification for relief;
- (c) on an application under section 9(2), the assessor makes a determination that the case in question is not one to which this section applies.

(3) The actions mentioned in subsection (2) are —

- (a) the commencement or continuation of an action in a court against *A* or *A*'s guarantor or surety;
- (b) the commencement or continuation of arbitral proceedings under the Arbitration Act (Cap. 10) against *A* or *A*'s guarantor or surety;
- (c) the enforcement of any security over any immovable property;
- (d) the enforcement of any security over any movable property used for the purpose of a trade, business or profession;

Example

Plant and machinery.

- (e) the making of an application under section 210(1) of the Companies Act (Cap. 50) for a meeting of creditors to be summoned to approve a compromise or an arrangement in relation to *A* or *A*'s guarantor or surety;

- (f) the making of an application for a judicial management order in relation to *A* or *A*'s guarantor or surety;
- (g) the making of an application for the winding up of *A* or *A*'s guarantor or surety;
- (h) the making of a bankruptcy application against *A* or *A*'s guarantor or surety;
- (i) the appointment of a receiver or manager over any property or undertaking of *A* or *A*'s guarantor or surety;
- (j) the commencement or levying of execution, distress or other legal process against any property of *A* or *A*'s guarantor or surety, except with the leave of the court and subject to such terms as the court imposes;
- (k) the repossession of any goods under any chattels leasing agreement, hire-purchase agreement or retention of title agreement, being goods used for the purpose of a trade, business or profession;

Example

A motor car used as a private hire car, that is the subject of a hire-purchase agreement.

- (l) the termination of a scheduled contract (being a lease or licence of immovable property) where the subject inability is the non-payment of rent or other moneys;
- (m) the exercise of a right of re-entry or forfeiture under a scheduled contract (being a lease or licence of immovable property), or the exercise of any other right that has a similar outcome;
- (n) the enforcement against *A* or *A*'s guarantor or surety of a judgment of a court, an award made by an arbitral tribunal in arbitral proceedings conducted under the Arbitration Act, or a determination by an adjudicator under the Building and Construction Industry Security of Payment Act; and
- (o) such other action as may be prescribed.

(4) The Minister may by regulations made under section 19 provide that any paragraph (or a part of it) in subsection (3) —

- (a) does not apply in relation to a description of scheduled contracts (or a part of such contract); or
- (b) applies in relation to a description of scheduled contracts (or a part of such contract) subject to modifications set out in the regulations,

and this Part applies in relation to that description of scheduled contracts (or part) as if that paragraph (or part) were omitted or modified in the manner so set out.

(5) For the purposes of paragraph (a) or (b) of subsection (3), where the proceedings relate to the subject inability and any other matter, that paragraph does not apply to the part of the proceedings relating to that other matter.

(6) Where the scheduled contract is one mentioned in sub-paragraph (a) or (b) of paragraph 1 of the Schedule, the actions in subsection (3) only apply in relation to a security mentioned in that sub-paragraph or the part of the obligation that is secured by such security.

(7) Any period of limitation prescribed by any law or in any contract for the taking of an action in relation to the subject inability is extended by a period equal to the period beginning on the date of service by *A* of the notification for relief in accordance with section 9(1) and ending on the earliest of the following:

- (a) the expiry of the prescribed period;
- (b) the withdrawal by *A* of *A*'s notification for relief;
- (c) on an application under section 9(2), the making of a determination by the assessor that the case in question is not one to which this section applies.

(8) Any of the following, namely:

- (a) proceedings before a court;
- (b) arbitral proceedings under the Arbitration Act;
- (c) such other proceedings as may be prescribed,

in relation to the subject inability, that are pending at the time *A* serves the notification for relief in accordance with section 9(1), must be stayed on the lodgment by *A* of a copy of the notification for relief with the court, arbitral tribunal, or other person or body before which the proceedings are brought, until the earliest of the following:

- (d) the expiry of the prescribed period;
- (e) the withdrawal by *A* of *A*'s notification for relief;
- (f) on an application under section 9(2), the assessor makes a determination that the case in question is not one to which this section applies.

(9) For the purposes of the winding up of *A* or *A*'s guarantor or surety, and despite anything in any law, each of the following periods is extended by a period equal to the period mentioned in subsection (7):

- (a) each period mentioned in sections 100(1)(a), (b) and (c) and 103(2) of the Bankruptcy Act (Cap. 20) (as applied by section 329 of the Companies Act, or section 329 of the Companies Act as applied by section 130 of the Variable Capital Companies Act 2018 (Act 44 of 2018));
- (b) each period mentioned in sections 330, 331(1) and (2) and 341(2) of the Companies Act (including those provisions as applied by section 130 of the Variable Capital Companies Act 2018);
- (c) each period mentioned in section 226(1)(a), (b) and (c) of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) (including that provision as applied by section 130 of the Variable Capital Companies Act 2018);
- (d) each period mentioned in sections 228(2), 229(2)(a) and (b) and 240(2) of the Insolvency, Restructuring and Dissolution Act 2018 (including those provisions as applied by section 130 of the Variable Capital Companies Act 2018);

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- (e) each period mentioned in paragraphs 79(1)(a), (b) and (c), 82(2), 84(1) and 85(1) and (2) of the Fifth Schedule to the Limited Liability Partnerships Act (Cap. 163A).

(10) For the purposes of a judicial management of *A* or *A*'s guarantor or surety, and despite anything in any law, each of the following periods is extended by a period equal to the period mentioned in subsection (7):

- (a) each period mentioned in sections 100(1)(a), (b) and (c) and 103(2) of the Bankruptcy Act (as applied by section 227T of the Companies Act);
- (b) the period mentioned in section 341(2) of the Companies Act (as applied by section 227X(b) of the Companies Act);
- (c) each period mentioned in sections 226(1)(a), (b) and (c), 228(2), 229(2)(a), (b) and (c) and 240(2) of the Insolvency, Restructuring and Dissolution Act 2018.

(11) For the purposes of the bankruptcy of *A* or *A*'s guarantor or surety, and despite anything in any law, each of the following periods is extended by a period equal to the period mentioned in subsection (7):

- (a) each period mentioned in sections 100(1)(a), (b) and (c) and 103(2) of the Bankruptcy Act;
- (b) each period mentioned in sections 363(1)(a), (b) and (c) and 366(2) of the Insolvency, Restructuring and Dissolution Act 2018.

(12) Regulations may be made under section 19 to extend any period specified in any other written law governing any other entity or matter that corresponds to any provision mentioned in subsection (9) or (10).

(13) This section does not affect the taking of any other action in relation to the subject inability, including an action pursuant to the Frustrated Contracts Act (Cap. 115) or a force majeure clause in the contract where applicable.

(14) This section does not apply in such circumstances as may be prescribed by regulations made under section 19.

Additional relief for inability to perform construction contract or supply contract

6.—(1) This section applies to a case mentioned in section 5 where the scheduled contract is a construction contract or supply contract and (to avoid doubt) does not limit the operation of that section.

(2) Despite anything in a performance bond or equivalent given pursuant to the construction contract or supply contract, *B* may not make a call on the performance bond or equivalent in relation to the subject inability at any time earlier than 7 days before —

- (a) the date of expiry of the performance bond or equivalent as stated in the performance bond or equivalent; or
- (b) where the term of the performance bond or equivalent is extended whether under subsection (3) or otherwise, the date of expiry of the performance bond or equivalent following such extension.

(3) Despite anything in a performance bond or equivalent given pursuant to the construction contract or supply contract, where —

- (a) *A* makes an application to the issuer of the performance bond or equivalent not less than 7 days before the date of expiry of the performance bond or equivalent, to extend the term of the performance bond or equivalent; and
- (b) *A* serves a notice of the application on *B* at the same time, then the term of the performance bond or equivalent is extended to a date that is 7 days after the end of the prescribed period, or such other date as may be agreed between *A*, *B* and the issuer, and that date or other date (as the case may be) is treated as the date of expiry of the performance bond or equivalent.

(4) Subsection (2) does not apply —

- (a) after *A* has withdrawn *A*'s notification for relief; or

- (b) on an application under section 9(2), after the assessor makes a determination that the case in question is not one to which section 5 applies,

and *A* may not thereafter make an application to the issuer of the performance bond or equivalent for an extension of its term under subsection (3).

(5) Despite anything in the contract, for the purposes of calculating the liquidated damages payable under the contract or assessing other damages in respect of the subject inability, where the subject inability occurs on or after 1 February 2020 but before the expiry of the prescribed period, any period for which the subject inability subsists and falling within that period is to be disregarded in determining the period of delay in performance by *A*.

(6) Despite anything in the contract, where the subject inability is the inability to supply goods or services in accordance with the terms of the contract and such inability occurs on or after 1 February 2020 but before the expiry of the prescribed period, the fact that the inability to perform the obligation in the contract was to a material extent caused by a COVID-19 event is a defence to a claim for a breach of contract in respect of the subject inability.

(7) To avoid doubt, subsection (6) does not affect —

- (a) any right or obligation under the contract that accrues or arises at any time before or after the period mentioned in subsection (6); or
- (b) any judgment, arbitral award, adjudication determination under the Building and Construction Industry Security of Payment Act, compromise or settlement given or made before the service of the notification for relief.

Additional relief for inability to perform event contract or tourism-related contract

7.—(1) This section applies to a case mentioned in section 5 where the scheduled contract is an event contract or a tourism-related contract and (to avoid doubt) does not limit the operation of that section.

(2) Despite any law or anything in the contract, another party to the contract may not, after being served with the notification for relief in accordance with section 9(1), at any time (whether during or after the prescribed period) forfeit any deposit (or part of any deposit) taken under the contract on the basis of the subject inability, unless the notification for relief is withdrawn or an assessor has made a determination that the forfeiture of the deposit or any part of the deposit is just and equitable in the circumstances of the case.

(3) Despite any law or anything in the contract, if the other party to the contract has already forfeited any deposit (or part of any deposit) taken under the contract on the basis of the subject inability, including at any time between 1 February 2020 and the date of commencement of this Part, the other party must on receipt of the notification for relief served in accordance with section 9(1), as soon as practicable restore the deposit or part of the deposit as if it had not been forfeited.

(4) Despite anything in the contract, where the subject inability occurs on or after 1 February 2020 but before the expiry of the prescribed period, the fact that the inability to perform the obligation in the contract was to a material extent caused by a COVID-19 event is a defence to a claim for the payment of a cancellation fee under the contract in respect of the subject inability.

(5) To avoid doubt, subsections (3) and (4) do not affect any judgment, arbitral award, compromise or settlement given or made before the service of the notification for relief.

Consequences for taking action in contravention of section 5, 6 or 7

8.—(1) Any person who, without reasonable excuse, contravenes section 5(2), 6(2) or 7(2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(2) Any proceedings commenced in breach of section 5(2) must, on the lodgment of a copy of the notification for relief with the court, arbitral tribunal or other person or body before which the proceedings are brought, be dismissed.

(3) The enforcement of any security in breach of section 5(2) is void except as against a bona fide purchaser for value without notice of the notification for relief.

(4) The following actions are void:

- (a) the appointment of a receiver or manager over any property or undertaking of a person made in breach of section 5(2);
- (b) a call on a performance bond or equivalent made in breach of section 6(2);
- (c) the forfeiture of a deposit or part of a deposit made in breach of section 7(2).

(5) Each of the following actions taken in breach of section 5(2) is invalid:

- (a) the repossession of any goods under any chattels leasing agreement, hire-purchase agreement or retention of title agreement;
- (b) the termination of a lease or licence of immovable property where the subject inability is the non-payment of rent or other moneys;
- (c) the exercise of a right of re-entry or forfeiture under a lease or licence of immovable property, or the exercise of any other right that has a similar outcome.

Division 3 — Notification for relief

Notification for relief

9.—(1) If a party to a scheduled contract (called in this section *A*) intends to seek relief under section 5 or 7, *A* must, within the period specified in regulations made under section 19, and whether with or without prior demand for performance, serve a notification for relief that contains the prescribed information on —

- (a) the other party or parties to the contract;
- (b) any guarantor or surety for *A*'s obligation in the contract;
and
- (c) such other person as may be prescribed.

(2) Any party to the contract may, within the period specified by regulations made under section 19, apply in accordance with section 12 to the Registrar to appoint an assessor to make a determination of the following:

- (a) whether the case is one to which section 5 applies;
- (b) in a case mentioned in section 7, whether it is just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited.

Division 4 — Assessor's determination

Registrar of assessors

10.—(1) For the purposes of appointing assessors under section 11 to determine applications, the Minister is to appoint a Registrar of assessors.

(2) The Minister may in addition appoint Deputy Registrars of assessors.

(3) Subject to regulations made under section 19, all the powers and duties conferred and imposed on the Registrar may be exercised by a Deputy Registrar.

Panel of assessors

11. For the purposes of section 12(3), the Minister must appoint a panel of assessors comprising such number of persons who satisfy the requirements prescribed for the purposes of this section.

Application for assessor's determination

12.—(1) An application for an assessor's determination must be made in the form and manner prescribed by regulations made under section 19 and must be accompanied by the prescribed fee.

(2) A copy of the application must be served within the period specified in the regulations made under section 19 on —

- (a) the other party or parties to the contract;
- (b) any guarantor or surety for the obligation in the contract that is the subject of the application; and

(c) such other person as may be prescribed.

(3) If the Registrar is satisfied that the application is made and served in accordance with subsections (1) and (2), the Registrar must appoint an assessor to determine the application and must serve a notice of the appointment on the applicant and on all the parties mentioned in subsection (2).

Assessor's determination

13.—(1) On an application for an assessor's determination, the assessor must —

- (a) make a determination whether the case in question is one to which section 5 applies; and
- (b) in a case to which section 7 applies, also make a determination whether it is just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited.

(2) When making a determination, the assessor —

- (a) may take into account the ability and financial capacity of the party concerned to perform the obligation that is the subject of the application, and other prescribed factors; and
- (b) must seek to achieve an outcome that is just and equitable in the circumstances of the case.

(3) Where the assessor determines under subsection (1)(a) in relation to such scheduled contracts as may be prescribed that the case is one to which section 5 applies, the assessor may make further determinations in order to achieve an outcome that is just and equitable in the circumstances of the case, including (but not limited to) —

- (a) requiring a party to the contract to do anything or pay any sum of money to discharge any obligation under the contract; and
- (b) in a case where a right of repossession of goods under the contract or of re-entry or forfeiture under a lease or licence of immovable property had been exercised by a party in

breach of section 5(2) — requiring the party to return the goods or give possession of the immovable property to the other party.

(4) Where the assessor determines under subsection (1)(b) that it is just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the deposit may be forfeited or retained (as the case may be) for the full amount or such amount as the assessor considers just and equitable.

(5) Where the assessor determines under subsection (1)(b) that it is not just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the deposit or part of the deposit must be restored as if it had not been forfeited.

(6) Where the assessor determines under subsection (1)(b) that it is not just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the assessor may make further determinations in order to achieve an outcome that is just and equitable in the circumstances of the case.

(7) An assessor's further determination under subsection (3) or (6), or determination under subsection (5) may, with leave of the court, be enforced in the same manner as a judgment or an order of the court to the same effect.

(8) Where leave of the court is so granted, judgment may be entered in the terms of the assessor's determination.

(9) The assessor's determination is binding on all the parties to the application and all parties claiming under or through them.

(10) There is no appeal from an assessor's determination.

(11) A person who, without reasonable excuse, fails to comply with a further determination made by an assessor under subsection (3) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(12) A person who, without reasonable excuse, fails to restore an amount of a deposit determined by an assessor to be restored shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

No representation by advocate and solicitor

14. No party may be represented by an advocate and solicitor at proceedings before an assessor.

Costs

15. Each party must bear the party's own costs for proceedings before an assessor.

Registrar and assessors treated as public servants

16. The Registrar or an assessor who, in the course of his or her duties under this Part, exercises any power as such, is treated as a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

Protection from liability

17. No liability shall lie against the Registrar or an assessor with respect to anything done or omitted to be done in good faith and with reasonable care in the discharge or purported discharge of the Registrar's or assessor's functions and duties under this Part.

*Division 5 — Miscellaneous***Amendment of Schedule**

18.—(1) The Minister may, by order in the *Gazette*, amend, add to or vary the Schedule.

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient.

(3) Any order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations for this Part

19.—(1) The Minister may make regulations for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) Without limiting subsection (1), regulations may be made for or with respect to —

- (a) the procedure and practice for a proceeding before an assessor;
- (b) the forms to be used and the information or documents to be furnished;
- (c) the manner in which the Registrar or an assessor is to exercise his or her functions or perform his or her duties;
- (d) the manner of service of any document and when it is deemed served;
- (e) the extension by the Registrar or an assessor of any time within which any document is to be filed or furnished; and
- (f) any saving and transitional provisions that may be necessary or expedient for the purposes of the regulations mentioned in section 5(4) or any variation or expiry of the prescribed period or the expiry of this Part.

PART 3

TEMPORARY RELIEF FOR FINANCIALLY DISTRESSED INDIVIDUALS, FIRMS AND OTHER BUSINESSES

Division 1 — Modifications relating to individuals and firms in financial distress

Modifications to Bankruptcy Act

20.—(1) During the prescribed period, the Bankruptcy Act applies as if —

- (a) the reference in section 56B(2)(a) of that Act to “\$100,000” were a reference to “\$250,000”;
- (b) the reference in section 56L(a) of that Act to “\$100,000” were a reference to “\$250,000”;
- (c) the reference in section 56L(b) of that Act to “\$50,000” were a reference to “\$125,000”;

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- (d) the reference in section 61(1)(a) of that Act to “\$15,000” were a reference to “\$60,000”;
 - (e) the reference in section 62(a)(ii) of that Act to “21 days” were a reference to “6 months”;
 - (f) the reference in section 63A of that Act to “21 days” were a reference to “6 months”;
 - (g) the references in section 65(1A) of that Act to “21 days” were references to “6 months”;
 - (h) the reference in section 65(7)(a) of that Act to “\$100,000” were a reference to “\$250,000”; and
 - (i) the reference in section 67(3)(a) of that Act to “\$100,000” were a reference to “\$250,000”.

(2) For the purposes of section 144 of the Bankruptcy Act, a bankrupt is not to be treated as having no reasonable ground of expectation of being able to pay a debt if the debt is incurred —

- (a) in the ordinary course of the bankrupt’s trade or business;
- (b) during the prescribed period; and
- (c) before the making of an application for voluntary arrangement or bankruptcy in respect of the bankrupt.

Modifications to Insolvency, Restructuring and Dissolution Act 2018

21.—(1) During the prescribed period, the Insolvency, Restructuring and Dissolution Act 2018 applies as if —

- (a) the reference in section 289(2)(a) of that Act to “the prescribed amount” were a reference to “\$250,000”;
- (b) the reference in section 299(a) of that Act to “the prescribed amount mentioned in section 289(2)(a)” were a reference to “\$250,000”;
- (c) the reference in section 299(b) of that Act to “a prescribed amount” were a reference to “\$125,000”;
- (d) the reference in section 311(1)(a) of that Act to “\$15,000” were a reference to “\$60,000”;

- (e) the reference in section 312(a)(i) of that Act to “21 days” were a reference to “6 months”;
 - (f) the reference in section 314 of that Act to “21 days” were a reference to “6 months”;
 - (g) the references in section 316(2) of that Act to “21 days” were references to “6 months”; and
 - (h) the reference in section 316(9)(a) of that Act to “the prescribed amount” were a reference to “\$250,000”.
- (2) For the purposes of section 415 of the Insolvency, Restructuring and Dissolution Act 2018, a bankrupt is not to be treated as having no reasonable ground of expectation of being able to pay a debt if the debt is incurred —
- (a) in the ordinary course of the bankrupt’s trade or business;
 - (b) during the prescribed period; and
 - (c) before the making of an application for voluntary arrangement or bankruptcy in respect of the bankrupt.

*Division 2 — Modifications relating to other businesses
in financial distress*

Modifications to Companies Act

22.—(1) During the prescribed period, the Companies Act (including that Act as applied by the Variable Capital Companies Act 2018) applies as if —

- (a) the reference in section 254(2)(a) of the Companies Act to “\$10,000” were a reference to “\$100,000”; and
 - (b) the reference in section 254(2)(a) of the Companies Act to “3 weeks” were a reference to “6 months”.
- (2) For the purpose of section 339(3) of the Companies Act (including that provision as applied by the Variable Capital Companies Act 2018), an officer of the company or (as the case may be) an officer, the manager or the custodian of the variable capital company is not to be treated as having no reasonable or

probable ground of expectation of the company or variable capital company being able to pay a debt if the debt is incurred —

- (a) in the ordinary course of the company's or variable capital company's business;
- (b) during the prescribed period; and
- (c) before the appointment of a judicial manager or liquidator of the company or variable capital company.

Modifications to Insolvency, Restructuring and Dissolution Act 2018

23.—(1) During the prescribed period, the Insolvency, Restructuring and Dissolution Act 2018 (including that Act as applied by the Variable Capital Companies Act 2018) applies as if —

- (a) the reference in section 125(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 to “\$15,000” were a reference to “\$100,000”; and
- (b) the reference in section 125(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 to “3 weeks” were a reference to “6 months”.

(2) For the purpose of section 239(6) of the Insolvency, Restructuring and Dissolution Act 2018 (including that provision as applied by the Variable Capital Companies Act 2018), a company or variable capital company is not to be treated as incurring debts or other liabilities without reasonable prospect of meeting them in full if the debt or other liability is incurred —

- (a) in the ordinary course of the company's or variable capital company's business;
- (b) during the prescribed period; and
- (c) before the appointment of a judicial manager or liquidator of the company or variable capital company.

Modifications to Limited Liability Partnerships Act

24.—(1) During the prescribed period, the Limited Liability Partnerships Act applies as if —

- (a) the reference in paragraph 3(2)(a) of the Fifth Schedule to that Act to “\$10,000” were a reference to “\$100,000”; and
- (b) the reference in paragraph 3(2)(a) of the Fifth Schedule to that Act to “3 weeks” were a reference to “6 months”.

(2) For the purpose of paragraph 93(3) of the Fifth Schedule to the Limited Liability Partnerships Act, an officer of the limited liability partnership is not to be treated as having no reasonable or probable ground of expectation of the limited liability partnership being able to pay a debt if the debt is incurred —

- (a) in the ordinary course of the business of the limited liability partnership;
- (b) during the prescribed period; and
- (c) before the appointment of a liquidator of the limited liability partnership.

Modifications to Business Trusts Act

25. For the purpose of section 50(1) of the Business Trusts Act (Cap. 31A), an officer of the trustee-manager is not to be treated as having no reasonable or probable ground of expectation of the trustee-manager being able to pay a debt from the trust property of the registered business trust if the debt is incurred —

- (a) in the ordinary course of the business of the registered business trust;
- (b) during the prescribed period; and
- (c) before the passing of a resolution approving or directing the winding up, or the making of a court order directing the winding up, of the registered business trust.

Saving and transitional provisions

26.—(1) Despite section 20(1)(a), section 56B(2)(a) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(a) continues to apply to or in relation to a bankruptcy application made before that date.

(2) Despite section 20(1)(b) and (c), section 56L(a) and (b) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(b) and (c) continues to apply to or in relation to a bankruptcy application made before that date.

(3) Despite section 20(1)(d), section 61(1)(a) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(d) continues to apply to or in relation to a bankruptcy application made before that date.

(4) Despite section 20(1)(e), section 62(a)(ii) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(e) continues to apply to or in relation to a statutory demand served before that date.

(5) Despite section 20(1)(f), section 63A of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(f) continues to apply to or in relation to a statutory demand served before that date.

(6) Despite section 20(1)(g), section 65(1A) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(g) continues to apply to or in relation to a statutory demand served before that date.

(7) Despite section 20(1)(h), section 65(7)(a) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(h) continues to apply to or in relation to a bankruptcy application made before that date.

(8) Despite section 20(1)(i), section 67(3)(a) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(i) continues to apply to or in relation to a bankruptcy application made before that date.

(9) Despite section 21(1)(a), section 289(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(a) continues to apply to or in relation to a bankruptcy application made before that date.

(10) Despite section 21(1)(b) and (c), section 299(a) and (b) of the Insolvency, Restructuring and Dissolution Act 2018 as in force

immediately before the date of commencement of section 21(1)(b) and (c) continues to apply to or in relation to a bankruptcy application made before that date.

(11) Despite section 21(1)(d), section 311(1)(a) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(d) continues to apply to or in relation to a bankruptcy application made before that date.

(12) Despite section 21(1)(e), section 312(a)(i) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(e) continues to apply to or in relation to a statutory demand served before that date.

(13) Despite section 21(1)(f), section 314 of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(f) continues to apply to or in relation to a statutory demand served before that date.

(14) Despite section 21(1)(g), section 316(2) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(g) continues to apply to or in relation to a statutory demand served before that date.

(15) Despite section 21(1)(h), section 316(9)(a) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(h) continues to apply to or in relation to a bankruptcy application made before that date.

(16) Despite section 21(1)(h), section 318(3)(a) of the Insolvency, Restructuring and Dissolution Act 2018 as in force immediately before the date of commencement of section 21(1)(h) continues to apply to or in relation to a bankruptcy application made before that date.

(17) Despite section 22(1)(a) and (b), section 254(2)(a) of the Companies Act (including that provision as applied by the Variable Capital Companies Act 2018) as in force immediately before the date of commencement of section 22(1)(a) and (b) continues to apply to or

in relation to a demand served on a company or variable capital company before that date.

(18) Despite section 23(1)(a) and (b), section 125(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 (including that provision as applied by the Variable Capital Companies Act 2018) as in force immediately before the date of commencement of section 23(1)(a) and (b) continues to apply to or in relation to a written demand served on a company or variable capital company before that date.

(19) Despite section 24(1)(a) and (b), paragraph 3(2)(a) of the Fifth Schedule to the Limited Liability Partnerships Act as in force immediately before the date of commencement of section 24(1)(a) and (b) continues to apply to or in relation to a demand served on a limited liability partnership before that date.

(20) Despite the expiry of the prescribed period or the expiry of Part 3, whichever is earlier —

- (a) section 20(1)(a), (b), (c), (h) and (i) continues to apply to or in relation to a bankruptcy application made during the prescribed period;
- (b) section 20(1)(e), (f) and (g) continues to apply to or in relation to a statutory demand served on a debtor during the prescribed period;
- (c) section 20(2) continues to apply to a bankrupt in respect of any debt incurred by the bankrupt during the prescribed period;
- (d) section 21(1)(a), (b), (c) and (h) continues to apply to or in relation to a bankruptcy application made during the prescribed period;
- (e) section 21(1)(e), (f) and (g) continues to apply to or in relation to a statutory demand served on a debtor during the prescribed period;
- (f) section 21(2) continues to apply to a bankrupt in respect of any debt incurred by the bankrupt during the prescribed period;

- (g) section 22(1)(b) continues to apply to or in relation to a demand served on a company or variable capital company during the prescribed period;
- (h) section 22(2) continues to apply to an officer of a company, or an officer or the manager or custodian of a variable capital company, in respect of debts contracted by the company or variable capital company during the prescribed period;
- (i) section 23(1)(b) continues to apply to or in relation to a written demand served on a company or variable capital company during the prescribed period;
- (j) section 23(2) continues to apply to a party to a wrongful trading in respect of debts or other liabilities incurred by a company or variable capital company during the prescribed period;
- (k) section 24(1)(b) continues to apply to or in relation to a demand served on a limited liability partnership during the prescribed period;
- (l) section 24(2) continues to apply to an officer of a limited liability partnership in respect of a debt contracted by the limited liability partnership during the prescribed period; and
- (m) section 25 continues to apply to an officer of the trustee-manager of a registered business trust in respect of the contracting of a debt on behalf of the registered business trust during the prescribed period.

(21) The Minister may, by regulations, prescribe any additional provisions of a saving or transitional nature consequent on the enactment of any provision in this Part or the variation or expiry of the prescribed period or the expiry of this Part, as the Minister may consider necessary or expedient.

PART 4

TEMPORARY MEASURES FOR CONDUCT OF MEETINGS

Alternative arrangements for meetings

27.—(1) Where personal attendance at any meeting or class of meetings is provided for in any written law or legal instrument, the Minister may, if the Minister considers that it would be inexpedient or impracticable for the meeting or class of meetings to be convened, held or conducted in the manner provided for in the written law or legal instrument in view of a control measure, by order prescribe alternative arrangements for the meeting or class of meetings.

- (2) The alternative arrangements that may be prescribed include —
- (a) provision for a meeting to be convened, held or conducted, whether wholly or partly, by electronic communication, video conferencing, tele-conferencing or other electronic means;
 - (b) provision of a period of notice for a meeting;
 - (c) provision for the quorum for a meeting to be reduced to a specified number;
 - (d) provision for voting by electronic means at a meeting;
 - (e) provision for voting at a meeting to be made by proxy and for the number of proxies to be limited to a specified number;
 - (f) provision for the person who may be appointed as proxy for a meeting;
 - (g) provision for questions to be tabled at a meeting by any of the following means:
 - (i) in writing;
 - (ii) by electronic communication, video conferencing, tele-conferencing or other electronic means;
 - (h) provision for responses to questions mentioned in paragraph (g) to be communicated by electronic

communication, video conferencing, tele-conferencing or other electronic means;

- (i) provision for notices for a meeting and proxies to be used at a meeting, appointment forms for proxies for a meeting, and circulars and other documents relating to a meeting, to be given or sent by electronic communication or other electronic means;
- (j) provision for notices for a meeting to supersede any previous notice that may have been given;
- (k) provision for a meeting to be deferred; and
- (l) any other measures that the Minister considers necessary or expedient.

(3) A meeting convened, held, conducted or deferred in accordance with the alternative arrangements prescribed by an order under subsection (1) is deemed to satisfy the requirements relating to the convening, holding, conduct or deferral of meetings under the relevant written law or legal instrument in respect of which the alternative arrangements were prescribed, despite anything to the contrary in any law or legal instrument.

(4) Any notice, form, circular or other document given or sent in accordance with the alternative arrangements prescribed by an order under subsection (1) is deemed to satisfy the requirements relating to the notice, form, circular or other document under the relevant written law or legal instrument in respect of which the alternative arrangements were prescribed, despite anything to the contrary in any law or legal instrument.

(5) An order under subsection (1) —

- (a) must identify the control measure in respect of which the order is made;
- (b) must be published in the *Gazette*;
- (c) may apply retrospectively to a date not earlier than the date that the control measure in respect of which the order was made came into force; and

(d) may provide for saving and transitional arrangements beyond the period that the control measure in respect of which the order was made is in force.

(6) This section does not apply to proceedings of Parliament or the courts.

(7) In this section —

“control measure” means any control order made under Part 7 or any of the following that is related to the infectious disease known as Coronavirus Disease 2019:

- (a) a notification given under section 17(1) of the Infectious Diseases Act (Cap. 137);
- (b) an order made under section 17A(1) or (2) of that Act;
- (c) a notice given under section 18(1) of that Act;
- (d) a notice given under section 19(1)(a) of that Act;
- (e) an order made under section 20(1) of that Act;
- (f) a direction given under section 21(1) of that Act;
- (g) an order made under section 55(1)(g) or (i) of that Act;
- (h) regulations made under section 73 of that Act prescribing any measure prohibiting or limiting the meeting or gathering of individuals;

“legal instrument” means —

- (a) in the case of a company incorporated under the Companies Act — the constitution of the company;
- (b) in the case of a variable capital company incorporated under the Variable Capital Companies Act 2018 — the constitution of the variable capital company;
- (c) in the case of a trust (including a business trust as defined in section 2 of the Business Trusts Act) — the trust deed of the trust;

- (d) in the case of a society registered under the Societies Act (Cap. 311) — the rules of the society;
 - (e) in the case of a co-operative society registered under the Co-operative Societies Act (Cap. 62) — the by-laws of the co-operative society;
 - (f) in the case of a school to which the Education Act (Cap. 87) applies — the constitution, written scheme or deed of trust in accordance with which the school is managed;
 - (g) in the case of a mutual benefit organisation registered under the Mutual Benefit Organisations Act (Cap. 191) — the rules of the mutual benefit organisation;
 - (h) in the case of a Town Council established under the Town Councils Act (Cap. 329A) — the standing orders of the Town Council;
 - (i) in the case of a trade union registered under the Trade Unions Act (Cap. 333) — the rules of the registered trade union;
 - (j) in the case of a society or unincorporated association not mentioned in paragraphs (a) to (i) — the rules of the society or unincorporated association;
 - (k) in the case of an entity not mentioned in paragraphs (a) to (i) — the entity's constituting document, however called, and the entity's governing rules and regulations, where applicable; and
 - (l) any other legal instrument as may be prescribed,
- and includes a class of such legal instruments.

PART 5

TEMPORARY MEASURES FOR COURT PROCEEDINGS
AND SYARIAH COURT PROCEEDINGS**Conduct of court proceedings and Syariah Court proceedings
using remote communication technology**

28.—(1) Despite any written law or rule of law requiring the presence of any accused person or any witness in any court proceedings (whether a trial, inquiry, appeal or other court proceedings) or the giving of evidence in person, a court may, if all the conditions specified in subsection (2) are satisfied, by order in those proceedings require an accused person or a witness —

- (a) to give evidence by means of a live video or live television link that is created using a remote communication technology approved by the Chief Justice; or
- (b) if the accused person or witness makes an appearance (other than to give evidence) in those proceedings, to so appear by means of a live video, live television link or live audio link that is created using a remote communication technology approved by the Chief Justice.

(2) The conditions mentioned in subsection (1) are —

- (a) in the case of an accused person, he or she makes an appearance or gives evidence —
 - (i) during the specified period; and
 - (ii) from a place within a court or a prison in Singapore, using the remote communication technology;
- (b) in the case of a witness (whether in Singapore or elsewhere), he or she makes an appearance or gives evidence during the specified period from a place specified by the court using the remote communication technology, but only if he or she —
 - (i) is an expert witness; or

- (ii) is a witness of fact and the parties to the proceedings consent to the use of the remote communication technology; and
- (c) the court is satisfied that —
 - (i) sufficient administrative and technical facilities and arrangements are made at the place where the accused person or witness is to make an appearance or to give evidence; and
 - (ii) it is in the interests of justice to do so.
- (3) Despite any written law or rule of law requiring the presence of any witness in any action or proceeding in the Syariah Court, or the giving of evidence in person, the Syariah Court may, if all the conditions specified in subsection (4) are satisfied, by order in any action or proceeding, require the witness —
 - (a) to give evidence by means of a live video or live television link that is created using a remote communication technology approved by the senior president of the Syariah Court; or
 - (b) if the witness makes an appearance (other than to give evidence) in that action or proceeding, to so appear by means of a live video, live television link or live audio link that is created using a remote communication technology approved by the senior president of the Syariah Court.
- (4) The conditions mentioned in subsection (3) are —
 - (a) the witness (whether in Singapore or elsewhere) makes an appearance or gives evidence during the specified period from a place specified by the Syariah Court using the remote communication technology, but only if he or she —
 - (i) is an expert witness; or
 - (ii) is a witness of fact and the parties to the action or proceeding consent to the use of the remote communication technology; and

(b) the Syariah Court is satisfied that —

- (i) sufficient administrative and technical facilities and arrangements are made at the place where the witness is to make an appearance or to give evidence; and
- (ii) it is in the interests of justice to do so.

(5) An order made under subsection (1) or (3) may specify all or any of the following matters:

- (a) the persons who may be present at the place where the accused person or witness is giving evidence;
- (b) that a person be excluded from the place where the accused person or witness is giving evidence;
- (c) the persons who must be able to be heard, or seen and heard, by the accused person or witness, and by the persons with the accused person or witness;
- (d) the persons who must not be able to be heard, or seen and heard, by the accused person or witness, and by the persons with the accused person or witness;
- (e) the persons who must be able to see and hear the accused person or witness, and the persons with the accused person or witness;
- (f) the stages in the proceedings during which a specified part of the order is to have effect;
- (g) any other order the court or the Syariah Court considers necessary in the interests of justice.

(6) The court or the Syariah Court may revoke, suspend or vary an order made under subsection (1) or (3) (as the case may be) if —

- (a) the live video, live television link or live audio link stops working and it would cause unreasonable delay to wait until a working system becomes available;
- (b) it is necessary for the court or the Syariah Court to do so to comply with its duty to ensure that the proceedings are conducted fairly to the parties in the proceedings;

- (c) it is necessary for the court or the Syariah Court to do so, so that the accused person or witness can identify a person or a thing or so that the accused person or witness can participate in or view a demonstration or an experiment;
- (d) there has been a material change in the circumstances after the court or the Syariah Court has made an order; or
- (e) it is necessary in the interests of justice to do so.

(7) The court or the Syariah Court is not to make an order under subsection (1) or (3) (as the case may be) or include a particular provision in such an order, if to do so would be inconsistent with the duty of the court or the Syariah Court to ensure that the proceedings are conducted fairly to the parties to the proceedings.

(8) Appearance and evidence given by the remote communication technology in any proceedings in accordance with a court's order under subsection (1) or the Syariah Court's order under subsection (3) are taken to be appearance and evidence given in person in those proceedings and form part of the record of the proceedings of that court or the Syariah Court, as the case may be.

(9) Evidence given by an accused person or a witness, whether in Singapore or elsewhere through a live video or live television link by virtue of this section is deemed for the purposes of sections 193, 194, 195, 196 and 205 of the Penal Code as having been given in the action or proceedings in which it is given.

(10) Despite any written law or rule of law requiring the exercise of the jurisdiction or power of a court or the Syariah Court in a court house or any other place, a court or the Syariah Court may exercise its jurisdiction and have the powers conferred under any written law if —

- (a) in the case of court proceedings, such proceedings are conducted during the specified period using a remote communication technology approved by the Chief Justice; or
- (b) in the case of any action or proceeding in the Syariah Court, such action or proceeding is conducted during the specified period using a remote communication

technology approved by the senior president of the Syariah Court.

(11) For the purpose of section 5(1)(a) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016), a reference to the use in court, or to bringing into court, of any audio recorder, electronic device or other instrument for audio or visual recording or both includes a reference to the use in or bringing of such instrument into any place in Singapore from where —

- (a) a judge conducts court proceedings during the specified period using a remote communication technology approved by the Chief Justice;
- (b) an accused person or a witness makes an appearance or gives evidence during the specified period using such remote communication technology; or
- (c) any person participates in, views or listens to the court proceedings conducted during the specified period using such remote communication technology.

(12) For the purpose of section 54A(1) and (4) of the Administration of Muslim Law Act (Cap. 3), a reference to the use in court, or bringing into court, of a recording device includes a reference to the use in or bringing of such recording device into any place in Singapore from where —

- (a) a specified judge hears any action or proceeding during the specified period using a remote communication technology approved by the senior president of the Syariah Court;
- (b) a witness makes an appearance or gives evidence during the specified period using such remote communication technology; or
- (c) any person participates in, views or listens to the action or proceeding conducted during the specified period using such remote communication technology.

(13) The Minister, in consultation with the Chief Justice, may by order in the *Gazette* declare that this section ceases to apply in relation to all or any proceedings in any court.

(14) The Minister, in consultation with the Minister charged with the responsibility for the portfolio of the Minister for Culture, Community and Youth as regards Muslim affairs, may by order in the *Gazette* declare that this section ceases to apply in relation to all or any action or proceeding in the Syariah Court.

(15) In this section, unless the context otherwise requires —

“accused person” includes a person against whom proceedings for contempt of court under the Administration of Justice (Protection) Act 2016 have commenced;

“control measure” means any control order made under Part 7 or any of the following that is related to the infectious disease known as Coronavirus Disease 2019:

- (a) a notification given under section 17(1) of the Infectious Diseases Act;
- (b) an order made under section 17A(1) or (2) of that Act;
- (c) a notice given under section 18(1) of that Act;
- (d) a notice given under section 19(1)(a) of that Act;
- (e) an order made under section 20(1) of that Act;
- (f) a direction given under section 21(1) of that Act;
- (g) an order made under section 55(1)(g) or (i) of that Act;
- (h) regulations made under section 73 of that Act prescribing any measure prohibiting or limiting the meeting or gathering of individuals;

“court” means —

- (a) the Supreme Court constituted under Article 94 of the Constitution of the Republic of Singapore;

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- (b) any State Court constituted under section 3 of the State Courts Act (Cap. 321);
 - (c) any Family Court constituted under section 3 of the Family Justice Act 2014 (Act 27 of 2014); or
 - (d) any Youth Court constituted under section 3 of the Family Justice Act 2014;

“judge” has the meaning given by section 2(1) of the Administration of Justice (Protection) Act 2016;

“specified judge” means —

- (a) every president of the Syariah Court;
- (b) every ad-hoc president of the Syariah Court;
- (c) the registrar of the Syariah Court; and
- (d) every deputy registrar of the Syariah Court;

“specified period” means —

- (a) any period a control measure relating to COVID-19 is in force;
- (b) for the purposes of subsection (2), (10)(a) or (11), any further period that the Chief Justice determines is necessary or expedient in order to conduct court proceedings in a safe and efficient manner and to prevent the spread of COVID-19; or
- (c) for the purposes of subsection (4), (10)(b) or (12), any further period that the senior president of the Syariah Court determines is necessary or expedient in order to conduct the hearing of any action or proceeding in a safe and efficient manner and to prevent the spread of COVID-19;

“Syariah Court” means the Syariah Court constituted under section 34 of the Administration of Muslim Law Act.

PART 6

TEMPORARY MEASURES CONCERNING
REMISSION OF PROPERTY TAX

Transfer of benefit in relation to property tax remitted

29.—(1) This section applies in relation to any remission of property tax given by an order made under section 6(8) of the Property Tax Act (Cap. 254) in response to the COVID-19 epidemic or pandemic, that is prescribed as a remission to which this section applies (called in this section the prescribed remission), and applies whether the order was made before, on or after the date of commencement of this section.

(2) Where any property to which the prescribed remission relates is leased or licensed by the owner of the property (called in this Part the owner), in whole or in part, to a prescribed lessee or a prescribed licensee (called in this Part the tenant) for any part of the period to which the prescribed remission relates, then the owner must pass the benefit of the reduction in property tax on the property (called in this Part the benefit) to the tenant in the amount or to the extent, in the manner, and in or by the time, prescribed; and the tenant is entitled to the same.

(3) Without limiting subsection (2), the manner in which the benefit must be passed may be prescribed as a single method, or a combination of methods, including (but not limited to) the following:

- (a) a payment of money, whether as a lump sum or by way of instalments;
- (b) an off-set against or a reduction of the whole or any part of any rent or licence fee payable by the tenant to the owner.

(4) The owner must not subject the passing of the benefit to any condition (whether a condition precedent or subsequent), including any change to any term or condition of the lease or licence agreement with the tenant; and any such condition which the owner purports to impose is void.

(5) The owner must keep and retain in safe custody, for a period of 3 years after the end of the period to which the prescribed remission

relates, records evidencing compliance by the owner with subsection (2).

(6) If the owner, without reasonable excuse, fails to pass the benefit to the tenant in accordance with subsection (2), or fails to comply with subsection (5), the owner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Disputes in relation to transfer of benefit

30.—(1) This section applies to any dispute between the owner and tenant on any of the following matters (called in this Part the dispute):

- (a) whether the owner is required under section 29(2) to pass any benefit to the tenant;
- (b) the amount, extent, manner, or time of the passing of such benefit;
- (c) any non-compliance with section 29(2) by the owner.

(2) The owner or tenant may apply for the dispute to be heard and determined by a Valuation Review Panel (called in this Part the Panel) comprising one or 3 persons, as may be determined and appointed by the Chairman of the Valuation Review Board appointed under Part IV of the Property Tax Act.

(3) Each member of the Panel must be a member of the Valuation Review Board.

(4) Each member of the Panel is to be paid such salaries, fees and allowances as the Minister determines.

(5) An application under subsection (2) in relation to a remission must be made no later than the prescribed period, not being a period less than 12 months after the end of the period to which the remission relates.

(6) For the purpose of determining any application, the Panel has the powers, rights and privileges vested in a District Court on the hearing of an action, including —

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise;

- (b) the compelling of the production of documents; and
- (c) the award of costs and expenses of and incidental to any proceedings before the Panel.

(7) A summons signed by the member comprising the Panel or a member of the Panel as may be authorised by the Panel (as the case may be), is equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(8) A witness before the Panel is entitled to the same immunities and privileges as if the witness were a witness before a District Court.

(9) An application under this section must be determined, having regard to the nature and complexity of the dispute, as soon as is reasonably practicable.

(10) In making a determination on the dispute that is the subject of the application, the Panel may make any further directions that are necessary to give effect to the determination.

(11) If the owner or tenant is dissatisfied with the determination or any further direction of the Panel made under subsection (10), the owner or tenant may, within 21 days after the date of the determination, appeal to the High Court upon any question of law or mixed law and fact.

(12) The following apply to an appeal to the High Court:

- (a) the appeal to the High Court is by way of rehearing;
- (b) the appeal to the High Court must be brought in the manner provided by the Rules of Court;
- (c) the High Court, after hearing the appeal, may —
 - (i) confirm, vary or reverse the determination or further direction of the Panel appealed against; and
 - (ii) make such directions as the High Court thinks necessary or appropriate.

Enforcement of determination, etc., of Panel

31.—(1) Subject to subsection (3), a determination and any further directions of the Panel under section 30 may, with leave of the court, be enforced in the same manner as a judgment or an order of the court to the same effect.

(2) Where leave of the court is so granted, judgment may be entered in the terms of the determination and further directions.

(3) Where an appeal to the High Court is brought under section 30(11) against a determination or any further direction of the Panel, the determination and further direction of the Panel must not be enforced under subsection (1) until the High Court makes its decision on the appeal or the appeal is withdrawn.

Regulations for this Part

32. The Minister may make regulations —

- (a) prescribing any matter required or permitted to be prescribed under this Part;
- (b) providing for the form and manner in which applications under section 30(2) are to be made;
- (c) providing for the procedure to be adopted by the Panel in determining applications and the records to be kept by the Panel;
- (d) providing for the places where and the times at which an application is to be heard by the Panel;
- (e) providing for the right of the Panel to make a determination and any further direction in the absence of the owner or tenant;
- (f) providing for any matter which the Minister considers incidental or expedient for the proper and efficient conduct of proceedings before the Panel;
- (g) prescribing the fees to be paid in respect of an application under section 30(2);

- (h) exempting any person from any requirement under this Part, whether in whole or in part; and
- (i) providing for any other matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Consequential amendment to Property Tax Act

33. Section 23(1) of the Property Tax Act is amended by deleting the words “15 members” and substituting the words “30 members”.

PART 7

COVID-19 CONTROL ORDERS

Control order to prevent spread of COVID-19

34.—(1) The Minister may make regulations (called in this Part a control order) for the purpose of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of COVID-19 in Singapore if the Minister is satisfied that —

- (a) the incidence and transmission of COVID-19 in the community in Singapore constitutes a serious threat to public health; and
- (b) a control order is necessary or expedient to supplement the Infectious Diseases Act and any other written law.

(2) Without limiting subsection (1), a control order may make provision as follows:

- (a) to require people or certain people to stay at or in, and not leave, a specified place (whether or not a place of accommodation);
- (b) to restrict movement of or contact between people, including prohibiting or limiting group activities or other activities of people within the specified place in paragraph (a), restricting the use of any facilities at that place and limiting movement to and from that place, whether by time or location;

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- (c) to require the doing of one or both of the following at a specified time, in a specified manner or to a specified extent, in relation to any premises or facility used to carry out any business, undertaking or work:
 - (i) close the premises or facility;
 - (ii) limit access to the premises or facility;
 - (d) to restrict the time, manner or extent for the carrying out of any business, undertaking or work, including prescribing restrictions on the maximum number of people, opening hours or facilities provided, for the carrying on of the business, undertaking or work;
 - (e) to prohibit or restrict the conduct of or participation in any event or gathering in any premises;
 - (f) to disapply any prohibition or restriction in paragraph (a), (b), (c), (d) or (e) to the extent specified in the control order or, where it is impracticable in the circumstances of the particular case for the Minister to make or amend any control order to this end, that is prescribed on the Internet website of the Government at <https://covid.gobusiness.gov.sg/essentialservices/>.

(3) A control order remains in force until its expiry, its revocation or the date subsection (7) ceases to be in force, whichever occurs first.

(4) A control order and any amendment thereof must be presented to Parliament as soon as possible after publication in the *Gazette*.

(5) If a resolution is passed by Parliament annulling a control order or any part of it, or any amendment thereof, as from a specified date, the control order or that part or amendment of it ceases to have effect as from that date, but without affecting anything previously done under that control order or part.

(6) The Minister must, in addition, cause to be published every control order, and any amendment thereof, so as to bring it to the notice of all persons who may be affected by the control order.

(7) A person who, without reasonable excuse, contravenes a control order, commits an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) Where a control order is in force and it appears to the Minister that it is necessary to facilitate the deployment of any land, undertaking or other resources for the purpose of the control order, that necessity is deemed as a necessity for the maintenance of supplies and services essential to the life of the community, for the purposes of section 2 of the Requisition of Resources Act (Cap. 273).

(9) In this section, “premises” includes any place, building or part of a building, whether open or enclosed, and whether public or private.

Enforcement of control order

35.—(1) The Minister may appoint the following persons as enforcement officers for the purposes of this Part, subject to any conditions or restrictions as the Minister thinks fit:

- (a) a police officer;
- (b) a Health Officer appointed under section 4(1)(a) or (b) of the Infectious Diseases Act;
- (c) a public officer;
- (d) an officer of a statutory body;
- (e) an auxiliary police officer;
- (f) an employee of a prescribed institution under the Infectious Diseases Act, except for the purposes of subsection (2)(b).

(2) Without affecting an offence under section 34(7), an enforcement officer may, for the purposes of enforcing compliance with a control order —

- (a) direct any individual or group of individuals to do one or more of the following:

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- (i) not to leave any premises as required by the control order;
 - (ii) to not enter, or to leave, any premises that is closed or entry to which is restricted by the control order;
 - (iii) to go to a specified place applicable to the individual or individuals, or for the time being to another place, or to take such other steps as may be required to comply with the control order;
 - (iv) to disperse; and
 - (b) direct any person carrying on a business or undertaking, or any individual working, at any premises or facility (other than at the time, in the manner and to the extent permitted under the control order) to do one or more of the following:
 - (i) to stop carrying on the business or undertaking, and stop working, at the premises or facility;
 - (ii) to take steps to comply with the restrictions in the control order with respect to the carrying on of the business, undertaking or work;
 - (iii) to close or limit access to the premises or facility.
- (3) A direction under subsection (2) may be given orally.
- (4) If an oral direction is given —
- (a) to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable; and
 - (b) to an officer, an employee, a manager, a partner or an agent of a person carrying on the business or undertaking, or working, at the premises or facility in subsection (2)(b), it is deemed to have been given to the person carrying on that business or undertaking at the premises or facility.
- (5) An enforcement officer has all the powers of a Health Officer authorised under sections 55A, 55B and 57 of the Infectious Diseases

Act for the purposes of ascertaining whether the control order is being complied with or investigating an offence under this Part, as the Health Officer has in relation to an offence under that Act.

(6) A police officer, or an enforcement officer appointed under subsection (1)(b), (c), (d) or (e) authorised in writing by the Minister, may arrest without warrant any person committing or who the police officer or enforcement officer has reason to believe has committed any offence under subsection (11) or section 34(7), and in so doing, the enforcement officer has the same powers as a Health Officer authorised under section 56 of the Infectious Diseases Act in relation to an arrest without warrant under that Act.

(7) An enforcement officer who, in the course of his or her duties under this Part, exercises any power as such, is treated as a public servant for the purposes of the Penal Code when exercising such power.

(8) No liability shall lie against an enforcement officer with respect to anything done or omitted to be done in good faith and with reasonable care in the discharge or purported discharge of the enforcement officer's functions and duties under this Part.

(9) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of an enforcement officer given to the individual under subsection (2)(a) or (b) or deemed to be given under subsection (4)(a).

(10) A body corporate, unincorporated association or partnership commits an offence if it, without reasonable excuse, refuses or fails to comply with a direction of an enforcement officer given to it under subsection (2)(b) or deemed to be given under subsection (4)(b).

(11) A person who commits an offence under subsection (9) or (10) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

THE SCHEDULE

Sections 2, 5(6) and 18(1)

SCHEDULED CONTRACTS

1. The following are scheduled contracts:

- (a) a contract for the grant of a loan facility by a bank licensed under the Banking Act (Cap. 19) or a finance company licensed under the Finance Companies Act (Cap. 108) to an enterprise, where such facility is secured, wholly or partially, against any commercial or industrial immovable property located in Singapore;
- (b) a contract for the grant of a loan facility by a bank licensed under the Banking Act or a finance company licensed under the Finance Companies Act to an enterprise —
 - (i) where such facility is secured, wholly or partially, against any plant, machinery or fixed asset located in Singapore; and
 - (ii) where such plant, machinery or fixed asset (as the case may be) is used for manufacturing, production or other business purposes;
- (c) a performance bond or equivalent that is granted pursuant to a construction contract or supply contract;
- (d) a hire-purchase agreement or conditional sales agreement as defined under the Hire-Purchase Act (Cap. 125), where the good hired or conditionally sold under the agreement is —
 - (i) any plant, machinery or fixed asset located in Singapore, where such plant, machinery or fixed asset is used for manufacturing, production or other business purposes; or
 - (ii) a commercial vehicle;
- (e) an event contract;
- (f) a tourism-related contract;
- (g) a construction contract or supply contract;
- (h) a lease or licence of non-residential immovable property.

1A. Paragraph 1 excludes a contract in relation to which section 4 of the International Interests in Aircraft Equipment Act (Cap. 144B) applies.

[S 301/2020 wef 20/04/2020]

THE SCHEDULE — *continued*

2. In this Schedule —

“commercial vehicle” means a vehicle in Singapore that is —

- (a) a goods vehicle as defined in section 2 of the Road Traffic Act (Cap. 276), but does not include a goods-cum-passengers vehicle as defined in rule 2 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5);
- (b) an excursion bus, private bus, private hire bus, omnibus or school bus as described in the Second Schedule to the Road Traffic Act;
- (c) a private hire car as described in the Second Schedule to the Road Traffic Act;
- (d) a taxi as described in the Second Schedule to the Road Traffic Act; or
- (e) an engineering plant, such as a tractor, a road roller, an excavator, a forklift, a dumper, a grader, a concrete pump, a dozer, a loader, a skidder, a compactor, a scrapper, a pipe-layer, a handcraft, a pax step or an airport service equipment;

“enterprise” means a body corporate or unincorporate that is incorporated, formed or established, and carries on business, in Singapore, where —

- (a) not less than 30% of its shares or other ownership interest is held by citizens of Singapore or permanent residents of Singapore or both; and
 - (b) the turnover of the group (within the meaning of the Accounting Standards applicable to it) to which it belongs does not exceed \$100 million in the latest financial year.
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