



THE STATUTES OF THE REPUBLIC OF SINGAPORE

HEALTH SCIENCES AUTHORITY ACT

(CHAPTER 122C)

(Original Enactment: Act 4 of 2001)

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Health Sciences Authority Act

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An Act to establish the Health Sciences Authority, to provide for its functions and powers, and for matters connected therewith.

[1st April 2001]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Health Sciences Authority Act.

Interpretation

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

“Authority” means the Health Sciences Authority established under section 3;

“Chairman” means the Chairman of the Authority and includes a temporary Chairman appointed under section 8;

“Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;

[Act 5 of 2018 wef 01/04/2018]

“member” means a member of the Authority and includes a temporary member appointed under section 8.

PART II
ESTABLISHMENT, INCORPORATION AND CONSTITUTION
OF AUTHORITY

Establishment and incorporation of Health Sciences Authority

3. There is hereby established a body to be known as the Health Sciences Authority which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;

- (b) acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

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

(2) All deeds and other documents requiring the seal of the Authority shall be sealed with the common seal of the Authority.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Authority for the purpose or by one member and the Chief Executive.

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

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

Constitution of Authority

5.—(1) The Authority shall consist of —

- (a) a Chairman; and
- (b) not less than 6 but not more than 10 other members,

all of whom shall be appointed by the Minister.

(2) The Minister may appoint the Chief Executive to be a member of the Authority.

Chairman may delegate functions

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Term of office of members

7.—(1) A member of the Authority (including the Chairman) shall hold office on such conditions and for such term not exceeding 3 years as the Minister shall specify in his appointment, and may from time to time be re-appointed.

(2) Any member of the Authority may resign from his office at any time by giving not less than one month's notice in writing to the Minister.

(3) The Minister may at any time revoke the appointment of any member as he considers necessary in the interest of the effective performance of the functions of the Authority under this Act, or in the public interest.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Authority shall pay to the Chairman and other members of the Authority, out of the funds of the Authority, such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman and temporary members

8. The Minister may appoint any person as a temporary Chairman or as a temporary member if the Chairman or any member is absent from Singapore or for any other reason is unable to discharge his functions.

Meetings and proceedings of Authority

9.—(1) At all meetings of the Authority, 5 members shall form a quorum.

(2) The Chairman shall preside at all meetings of the Authority and, in his absence, the members present shall elect one of their number to preside.

(3) Meetings of the Authority shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Authority, the Chairman or, in his absence, the member presiding at the meeting shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Authority may regulate its own proceedings.

[Act 5 of 2018 wef 01/04/2018]

10. *[Repealed by Act 5 of 2018 wef 01/04/2018]*

PART III

FUNCTIONS, OBJECTS, DUTIES AND POWERS OF AUTHORITY

Functions, objects and duties of Authority

11.—(1) Subject to the provisions of this Act, the functions, objects and duties of the Authority shall be —

(a) to regulate the manufacture, import, export, sale, supply, advertisement and use of health products, tobacco products, radioactive materials and irradiating apparatuses in accordance with the applicable written laws;

[15/2007 wef 01/11/2007]

(b) to conduct technological assessments of health products for the purpose of determining their quality, safety, efficacy and suitability for consumption and use in Singapore and to advise the Government thereon;

[15/2007 wef 01/11/2007]

- (c) to collect and co-ordinate the collection of blood from donors and to test, process and distribute such blood and the products thereof for the purpose of building and maintaining a safe and adequate national blood supply;
- (d) to provide professional, investigative, analytical and other services in health sciences and chemical metrology (relating to human health) to the Government and to any other person or body (whether in Singapore or elsewhere);
[54/2007 wef 01/01/2008]
- (e) to conduct or engage any other person to conduct research in health sciences, and generally to promote the development of health sciences;
- (f) to act internationally as the national authority or representative of Singapore in respect of matters relating to health sciences; and
- (g) to carry out such other functions as are imposed upon the Authority by or under this Act or any other written law.

(2) The Minister may give to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018.

[Act 5 of 2018 wef 01/04/2018]

(3) Nothing in this section shall be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(4) In discharging its regulatory functions, the Authority shall have regard to recognised international standards.

(5) In this section —

“chemical metrology” means the science of achieving traceable analytical data in chemistry;

[30/2008 wef 17/12/2008]

“health product” means any substance, preparation or device that —

- (a) is represented for use by humans;
- (b) whether because of its presentation or otherwise, is likely to be taken for use by humans; or

- (c) is included in a class of substances, preparations or devices which are or are ordinarily intended for use by humans,

solely or principally for a therapeutic, preventive, palliative, diagnostic or cosmetic purpose, or any other purpose for the promotion or preservation of human health and well-being, including the following:

- (i) preventing, diagnosing, monitoring, treating, curing or alleviating any disease, disorder, ailment, injury, handicap or abnormal physical or mental state, or the symptoms thereof, in humans;
- (ii) compensating for any injury or handicap in humans;
- (iii) investigating, modifying or replacing any part of the human anatomy or any physiological process in humans;
- (iv) testing the susceptibility of humans to any disease, disorder or ailment;
- (v) influencing, controlling or preventing conception in humans;
- (vi) testing for pregnancy in humans;
- (vii) inducing anaesthesia in humans;
- (viii) destroying or inhibiting micro-organisms that may be harmful to humans; and
- (ix) cleansing, fragrancng, deodorising, beautifying, preserving, improving, altering or restoring the complexion, skin, hair, nails or teeth of humans;

“health sciences” includes forensic medicine, forensic science, clinical pharmacology, pharmaceutical science, radiation science, transfusion medicine and any other applied science or specialised scientific field that relates to human health;

“tobacco product” means any cigarette, cigar or any other form of tobacco which may be consumed through smoking, chewing or otherwise.

[15/2007 wef 01/11/2007]

Powers of Authority

12. The Authority shall have power to do anything for the purpose of discharging its functions, objects and duties under this Act, or which is incidental or conducive to the discharge of those functions, objects or duties and, in particular, may —

- (a) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions, objects or duties;
- (b) with the approval of the Minister, acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act and for the same purposes may sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired;
- (c) with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity and to share profits;
- (d) provide technical, consultancy, advisory or other services to the Government or to any other person or body in Singapore or elsewhere on any matter related to or connected with the functions, objects or duties of the Authority;

[54/2007 wef 01/01/2008]

- (e) become a member or affiliate of any international body the functions, objects or duties of which are similar to those of the Authority;
- (f) charge fees or commissions for services rendered by the Authority or for the use of any of its facilities;
- (g) receive donations, grants, gifts, subsidies and contributions from any source, and raise funds by all lawful means;

- (h) publish or sponsor the publication of works concerning any matter related to the functions, objects or duties of the Authority;
- (i) grant loans to officers or employees of the Authority for any purposes specifically approved by the Authority as are likely to increase the efficiency of its officers or employees;
- (j) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the Authority and members of their families; and
- (k) provide training for employees of the Authority and to award scholarships or otherwise pay for such training.

Committees

13.—(1) The Authority may, from time to time, appoint committees consisting of one or more persons (whether members of the Authority or not) and define or vary the terms of reference of those committees.

(2) Subject to this Act and the Public Sector (Governance) Act 2018 and to the control of the Authority, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

[Act 5 of 2018 wef 01/04/2018]

Delegation of powers

14.—(1) The Authority may, from time to time, in respect of a specified matter or class of matters, by writing, delegate any of its powers to a member, officer or committee of the Authority.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) *[Deleted by Act 5 of 2018 wef 01/04/2018]*

PART IV**PROVISIONS RELATING TO STAFF****Chief Executive, officers and employees, etc.**

15.—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

[Act 5 of 2018 wef 01/04/2018]

Protection from personal liability

16.—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) Where the Authority provides a service to the public whereby information is supplied to the public, neither the Authority nor any of its members, officers or employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such members, officers or employees.

17. *[Repealed by Act 5 of 2018 wef 01/04/2018]*

PART V

FINANCIAL PROVISIONS

Financial year

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

Estimates

19.—(1) [*Deleted by Act 5 of 2018 wef 01/04/2018*]

(2) [*Deleted by Act 5 of 2018 wef 01/04/2018*]

(3) [*Deleted by Act 5 of 2018 wef 01/04/2018*]

(4) A summary of the annual estimates and supplementary estimates adopted by the Authority shall be published in the *Gazette*.

Funds of Authority

20. The funds of the Authority shall consist of —

- (a) all moneys transferred to the Authority under section 30;
- (b) all moneys received by the Authority by way of grants or subsidies;
- (c) all gifts, donations and contributions to the Authority;
- (d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Authority;
- (e) all moneys borrowed by the Authority under this Act;
- (f) all moneys recovered or collected by the Authority or any officer or employee thereof (including sums collected for the composition of offences) under this Act or any other written law administered by the Authority; and
- (g) all other moneys lawfully received by the Authority for the purposes of the Authority.

Grants-in-aid

21. For the purpose of enabling the Authority to carry out its functions under this Act, the Minister may, from time to time, make

grants-in-aid to the Authority of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Borrowing powers

22. The Authority may, from time to time, for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

Issue of shares, etc.

22A. *As a consequence of the vesting of any property, rights or liabilities of the Government in the Authority under this Act, or of any capital injection or other investment by the Government in the Authority in accordance with any written law, the Authority shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[5/2002]

Bank accounts

23. The Authority shall open and maintain one or more accounts with such bank or banks as the Authority thinks fit and every such account shall be operated by such person or persons as may, from time to time, be authorised in that behalf by the Authority.

Application of funds

24. The funds of the Authority shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority and in making any payment that the Authority is authorised or required to make.

Power of investment

25. The Authority may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

[45/2004 wef 15/12/2004]

26. to 29. [*Repealed by Act 5 of 2018 wef 01/04/2018*]

* This section came into operation on 15th July 2002 (G.N. No. S 342/2002).

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND
EMPLOYEES**Transfer to Authority of property, assets and liabilities**

30.—(1) As from 1st April 2001, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the departments as specified in the Schedule and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to any such department shall be transferred to and shall vest in the Authority without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) shall be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

Transfer of employees

31.—(1) As from 1st April 2001, such persons or categories of persons as the Minister may determine who, immediately before that date, were employed by the Government in any of the departments as specified in the Schedule shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Authority under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not transferred.

(3) Until such time as terms and conditions of service are drawn up by the Authority, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

32.—(1) The terms and conditions to be drawn up by the Authority shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Authority under section 31 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Authority shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Authority.

(3) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Authority under section 31, the Government shall be liable to pay to the Authority such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Authority.

(5) Where any person in the service of the Authority, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority thinks fit, such allowance or gratuity as the Authority may determine.

No benefits in respect of abolition or reorganisation of office

33. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Authority under section 31 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Authority.

Existing contracts

34. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1st April 2001 to which the Government is a party and which relates to any of the departments as specified in the Schedule or to any person transferred to the service of the Authority under section 31 shall continue in force on and after that date and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary and other legal proceedings

35.—(1) Where on 1st April 2001, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Authority, the proceedings shall be carried on and completed by the Authority.

(2) Where on 1st April 2001, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the Authority and have the same force or effect as if it had been made by the Authority pursuant to the authority vested in the Authority under this Act.

(4) All proceedings or causes of action pending or existing immediately before 1st April 2001 by or against the Government in respect of any of the departments specified in the Schedule may be continued, completed and enforced by or against the Authority.

Misconduct or neglect of duty by employee before transfer

36. The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

PART VII

MISCELLANEOUS

37. [*Repealed by Act 5 of 2018 wef 01/04/2018*]

Symbol or representation of Authority

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

(2) Any person who uses a symbol or representation identical with that of the Authority, or which so resembles the Authority's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Preservation of secrecy

39.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or where required or allowed by the provisions of any written law, no person who is or has been a member, an officer, an employee or an agent of the Authority or a member of a committee of the

Authority shall disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

[Act 5 of 2018 wef 01/04/2018]

(2) Any person who contravenes subsection (1) 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 12 months or to both.

Composition of offences

40.—(1) The Chief Executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

Regulations

41. The Authority may, with the approval of the Minister, make regulations for any or both of the following purposes:

- (a) regulating the proceedings of the Authority or of the committees of the Authority; and
- (b) providing for or prescribing any matters which are necessary or convenient to be provided for or prescribed for carrying out or giving effect to the provisions of this Act.

Savings

42. In so far as it is necessary to preserve the effect of any document issued by or relating to any of the departments specified in the Schedule, any reference in such document to any such department shall be construed as a reference to the Authority.

[43

THE SCHEDULE

Sections 30(1), 31(1), 34, 35(4) and 42

DEPARTMENTS

1. Institute of Science and Forensic Medicine.
2. Singapore Blood Transfusion Service.
3. National Pharmaceutical Administration.
4. Centre for Drug Evaluation.
5. Product Regulation Department.

LEGISLATIVE HISTORY
HEALTH SCIENCES AUTHORITY ACT
(CHAPTER 122C)

This Legislative History is provided for the convenience of users of the Health Sciences Authority Act. It is not part of the Act.

1. Act 4 of 2001 — Health Sciences Authority Act 2001

Date of First Reading : 12.1.2001
(Bill No. 3/2001 published on
13.1.2001)

Date of Second and Third Readings : 22.2.2001

Date of commencement : 1.4.2001

2. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002
(Consequential amendments made by)

Date of First Reading : 3.5.2002
(Bill No. 7/2002 published on
4.5.2002)

Date of Second and Third Readings : 24.5.2002

Date of commencement : 15.7.2002

3. 2002 Revised Edition — Health Sciences Authority Act

Date of operation : 31 July 2002

4. Act 45 of 2004 — Trustees (Amendment) Act 2004

Date of First Reading : 21 September 2004
(Bill No. 43/2004 published on
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

5. Act 27 of 2007 — Radiation Protection Act 2007

Date of First Reading : 9 April 2007
(Bill No. 14/2007 published on
10 April 2007)

Date of Second and Third Readings : 21 May 2007

Date of commencement : 1 July 2007

6. Act 15 of 2007 — Health Products Act 2007

Date of First Reading	:	22 January 2007 (Bill No. 3/2007 published on 23 January 2007)
Date of Second and Third Readings	:	12 February 2007
Date of commencement	:	1 November 2007

7. Act 54 of 2007 — Agency for Science, Technology and Research (Amendment) Act 2007

Date of First Reading	:	22 October 2007 (Bill No. 45/2007 published on 23 October 2007)
Date of Second and Third Readings	:	12 November 2007
Date of commencement	:	1 January 2008

8. Act 30 of 2008 — Statutes (Miscellaneous Amendments) (No. 2) Act 2008

Date of First Reading	:	15 September 2008 (Bill No. 27/2008 published on 16 September 2008)
Date of Second and Third Readings	:	17 November 2008
Date of commencement	:	17 December 2008

9. Act 5 of 2018 — Public Sector (Governance) Act 2018

Date of First Reading	:	6 November 2017 (Bill No. 45/2017 published on 6 November 2017)
Date of Second and Third Readings	:	8 January 2018
Date of commencement	:	1 April 2018

COMPARATIVE TABLE
HEALTH SCIENCES AUTHORITY ACT
(CHAPTER 122C)

The following provisions in the Health Sciences Authority Act 2001 (Act 4 of 2001) have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Health Sciences Authority Act.

2002 Ed.	Act 4 of 2001
<i>Omitted</i>	42
42	43