



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SINGAPORE FOOD AGENCY ACT 2019

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Singapore Food Agency Act 2019

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An Act to establish the Singapore Food Agency.

[1 April 2019: Except sections 55, 56 and 63 ;
2 April 2019: Section 55 ; 1 June 2019: Section 56 ;
1 September 2019: Section 63]

PART 1**PRELIMINARY****Short title**

1. This Act is the Singapore Food Agency Act 2019.

Interpretation

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

“accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Agency;

“Agency” means the Singapore Food Agency established by section 3;

“animal” includes —

(a) any amphibian, bird, crustacean, fish, insect, mammal (other than a human being), mollusc, reptile or any form of aquatic life; and

(b) any egg, embryo, ova or sperm of any thing in paragraph (a);

“Chairperson”, in relation to the Agency, means the member of the Agency who is appointed under section 12 as the Chairperson of the Agency, and includes any person appointed under section 14 to act in that capacity;

“Chief Executive” means the Chief Executive of the Agency appointed under section 31, and includes any person acting in that capacity;

“committee” means a committee of the Agency appointed under section 27;

“committee member” means an individual appointed to be a member of a committee;

“delegate” means a person to whom the Agency under section 29(1) delegates the performance or exercise of any of its functions or powers;

“Deputy Chairperson”, in relation to the Agency, means a member of the Agency who is appointed under section 12 as a Deputy Chairperson of the Agency;

“food” has the meaning given by section 2A of the Sale of Food Act 1973;

“food business” has the meaning given by section 2B of the Sale of Food Act 1973;

“food industry” means an industry consisting of —

- (a) food businesses; and
- (b) persons who carry on any business in connection with one or more, or any part, or any combination, of the following:
 - (i) the production of primary produce;
 - (ii) the supply of food or the safety of food;
 - (iii) activities involving agricultural science or agri-biotechnology in relation to food or food biotechnology;

“food standard” means a standard about any of the following matters:

- (a) the composition of food, including —
 - (i) the maximum amounts of contaminants or residues that may be present in the food;
 - (ii) the maximum or minimum amount of additives that must or may not be present in the food;
 - (iii) its microbiological status and safety; and
 - (iv) the method of sampling and testing the food to determine its composition;
- (b) the production of food;
- (c) the packaging, storage or handling of food;
- (d) any information about food including labelling, promotion or advertising;

- (e) the interpretation of food standards;
- (f) such other public health matters relating to food as are prescribed;

“functions”, in relation to the Agency, means functions conferred on the Agency by this Act or any other Act;

“member”, in relation to the Agency, means a member of the Agency appointed under section 10, and includes any person appointed under section 14 to act in that capacity;

“primary produce” means —

- (a) food from or involved in the production of primary produce;
- (b) an animal or plant intended for human or animal consumption;
- (c) raw material taken from an animal or plant for food which is in substantially the same condition as when it was taken from the animal or plant; or
- (d) a substance, other than food —
 - (i) that is labelled as not intended for consumption by humans or animals;
 - (ii) that the Minister is satisfied is likely to be consumed by humans or animals and if so consumed, poses a food safety hazard to the humans or animals; and
 - (iii) that is prescribed to be primary produce;

“production of primary produce” includes the following:

- (a) the growing, cultivation, picking, harvesting, collection or catching (including fishing) of animals or plants;
- (b) the transport or delivery of primary produce;
- (c) the sorting or grading of primary produce;
- (d) the freezing, packaging, refrigeration, storage, treating or washing of primary produce, including —

- (i) enhancing the appearance of the primary produce (such as by waxing or oiling it); and
- (ii) dealing with the primary produce solely to kill bacteria or germs in the produce, or to ripen it;
- (e) the dismembering, filleting, peeling or shucking of seafood, or adding brine to seafood;
- (f) the pasteurisation or homogenisation of milk, or manufacturing of other dairy produce;
- (g) meat processing;
- (h) the processing of primary produce intended for consumption by animals where the animal, or any part or product of the animal, is intended for human consumption,

but does not include a process (such as manufacturing or canning) in which the nature of the primary produce is substantially changed, and an activity which is carried on incidentally to the carrying on of a retail business and is prescribed;

“public authority” means a body corporate established by a public Act for the purposes of a public function;

“subdelegate” means a person to whom a delegate under section 29(2) further delegates the performance or exercise of any of the Agency’s functions or powers;

“transfer date”, for the purposes of Part 8, is 1 April 2019.

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

Singapore Food Agency

3. A body called the Singapore Food Agency is established by this section.

Agency is body corporate

4.—(1) The Agency —

- (a) is a body corporate with perpetual succession;
- (b) may acquire, hold and dispose of real and personal property; and
- (c) may sue and be sued in its corporate name.

(2) The Agency may use, and operate under, one or more trading names approved by the Minister.

(3) A trading name can be an abbreviation or adaptation of the Agency's corporate name, or a name other than the Agency's corporate name.

(4) The Agency must cause notice of every trading name approved under subsection (2) to be published in the *Gazette*; but failure to do so does not invalidate the approval or use of that name.

Functions of Agency

5.—(1) The Agency has the following functions:

- (a) to support regulation of the production of primary produce and animal feed to ensure the safety and wholesomeness of food supply in Singapore;
- (b) to support regulation of the handling and supply of food to ensure that it is safe and suitable for human consumption and to promote public health;
- (c) to support assessing and otherwise requiring that food produced in or imported into Singapore complies with Singapore food standards so as to ensure that it is safe and suitable for human consumption;
- (d) to support regulation of the construction, hygiene and operating procedures of premises, vehicles and equipment used for the handling or supply of food;
- (e) to support regulation of businesses engaged in the handling or supply of food so as to minimise food safety risks and to

ensure the provision of information relating to food to enable consumers to make informed choices;

- (f) to undertake or facilitate the education and training of persons engaged in the handling or supply of food to enable them to minimise food safety risks;
- (g) to support regulation of street hawking and trade fairs, whether or not engaged in the handling or supply of food;
- (h) to develop food education initiatives, including the publication of information to increase public awareness of food supply resilience, food safety, food standards and food labels;
- (i) to protect and conserve fisheries and to regulate the fisheries industry, including the use and control of fishing ports and harbours;
- (j) to promote and develop the food industry, including any enterprise based on or using agri-biotechnology, agrotechnology or food biotechnology;
- (k) to develop, manage and control the common property of the food processing facilities, food-distribution facilities and fishing ports in Singapore, and to provide and improve services or amenities to persons working in these facilities or ports to enhance the operations of businesses operating in them;
- (l) to advise the Government on matters relating to the food industry and to food, food safety and food supply, and on matters that may be included in food standards;
- (m) to represent the Government internationally on matters relating to fisheries, and to food, food businesses, food safety, food supply and on matters that may be included in food standards;
- (n) to collect, compile and analyse data about food, the food industry, food businesses, food safety, food supply and matters that may be included in food standards, and to

publish the results of any such compilation and analysis or abstracts of those results;

- (o) to accredit, or facilitate accreditation by others in Singapore of, persons in the food industry;
- (p) to promote or undertake research into matters relating to food, the food industry, food businesses, food safety, food supply and on any matter which may be included in food standards;
- (q) to cooperate and collaborate in particular with —
 - (i) any public officer or other public authority or Health Officer in the administration of the Infectious Diseases Act 1976;
 - (ii) the Health Sciences Authority in the administration of the Health Products Act 2007;
 - (iii) the Director-General of Public Health in the administration of the Environmental Public Health Act 1987; and
 - (iv) the National Parks Board in the discharge of its functions;
- (r) to perform such other functions as may be conferred on the Agency by any other Act.

(2) In performing the functions conferred on the Agency by subsection (1), the Agency is to have regard to —

- (a) the protection of public health and safety;
- (b) the resilience of the food supply chain for Singapore and the need to enhance the capacity of parties involved in the food supply chain to better prepare for and manage the impact of natural or man-made disasters, climate change and other adverse disruptions on food sources and supply;
- (c) the extent of consistency between food standards in Singapore with those used internationally, based on the best available scientific evidence;

- (d) the provision of adequate information relating to food to enable consumers to make informed choices and to prevent fraud and deception;
- (e) the promotion of fair trading in food; and
- (f) the promotion of trade and commerce in the food industry.

(3) In addition to the functions conferred by this section, the Agency may undertake such other functions as the Minister may assign to the Agency, by notification in the *Gazette*, and in so undertaking —

- (a) the Agency is deemed to be fulfilling the purposes of this Act; and
- (b) the provisions of this Act apply to the Agency in respect of those other functions and duties.

(4) Nothing in this section imposes on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Agency would not otherwise be subject.

Powers of Agency

6.—(1) The Agency has power to do all things necessary or expedient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the powers of the Agency include the following:

- (a) to enter into contracts, agreements or arrangements;
- (b) to acquire, develop, hold and dispose of real or personal property;
- (c) to appoint and act through agents;
- (d) to employ staff and engage consultants;
- (e) to publish or provide any information, or publish or sponsor the publication of works;
- (f) to apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;

- (g) to enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise;
- (h) with the approval of the Minister, to form or join in the formation of a company, association, trust or partnership or enter into a joint venture with any person;
- (i) to be a member of a company, association, trust or partnership;
- (j) to provide financial incentives, support, grant, aid or assistance to any person;
- (k) to charge for the provision of goods or services, or the performance of work, by or on behalf of the Agency;
- (l) to waive the payment of fees and charges payable to the Agency;
- (m) to accept gifts, grants, bequests and devises made to the Agency, and act as trustee of money and other property vested in the Agency on trust;
- (n) to enter into agreements or arrangements with persons, authorities or organisations in Singapore or overseas with respect to the food industry, food safety, food supply and matters that may be included in food standards;
- (o) to provide technical, consultancy or advisory services to the Government or any other person in Singapore or overseas on any matter related to, or connected with, the food industry, food safety, food supply and matters that may be included in food standards;
- (p) to become a member or an affiliate of any international body whose functions, objects or duties relate to food, food safety or any matter that may be included in food standards;
- (q) to participate in international, regional and bilateral negotiations on matters relating to the food industry, food safety, food supply and matters that may be included in food standards;

(*r*) to establish, manage and administer any accreditation, certification or inspection scheme or a register, for any purpose relating to any function of the Agency, including specifying, by notification in the *Gazette*, accreditation marks, certification marks or inspection marks of the Agency and controlling the use of those accreditation, certification or inspection marks;

(*s*) to do any other thing that is incidental or conducive to the performance of its functions.

(3) To avoid doubt, subsection (1) does not limit any other power given to the Agency by any other provision in this Act or by any other Act.

(4) However, the Agency must not acquire shares or another interest in an entity holding an accreditation under this Act.

(5) The Agency may exercise its powers inside or outside Singapore.

Directions of Minister, etc.

7.—(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.

(2) To avoid doubt, the Minister is entitled —

(*a*) to have information in the possession of the Agency; and

(*b*) where the information is in or on a document, to have, and make and retain copies of, that document.

(3) For the purposes of subsection (2), the Minister may request the Agency —

(*a*) to provide information to the Minister; or

(*b*) to give the Minister access to information.

(4) The Agency must comply with a request under subsection (3).

(5) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Agency.

Agency’s symbol, etc.

8.—(1) The Agency has the exclusive right to the use of one or more symbols or representations as the Agency may select or devise (each called in this section the Agency’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Agency’s activities or affairs.

(2) A person who —

- (a) uses, without the prior written permission of the Agency, a symbol or representation identical with the Agency’s symbol or representation; or
- (b) uses a symbol or representation which so resembles the Agency’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.

PART 3

CONSTITUTION AND MEMBERSHIP OF AGENCY

Division 1 — Appointment, resignation and removal

Membership of Agency

9.—(1) The Agency consists of at least 7 and not more than 14 members.

(2) One of the members (who is not the Chairperson) may be the Chief Executive.

Appointment of Agency members

10.—(1) Each member of the Agency is to be appointed by the Minister.

(2) Every appointment must be made by instrument in writing given to the member.

(3) The instrument must state —

- (a) the term of the appointment; and
- (b) the date the appointment takes effect, which must not be a date earlier than the date the instrument is received by the member.

Membership disqualification

11.—(1) In appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively possess the appropriate knowledge, skills and experience to assist the Agency to perform its functions effectively.

(2) However, the following individuals are disqualified from being a member of the Agency:

- (a) an undischarged bankrupt or an individual who has an arrangement with any of his or her creditors;
- (b) a Judge or judicial officer;
- (c) an individual who has been sentenced to imprisonment for a term of 6 months or more, and has not received a free pardon;
- (d) an individual who is —
 - (i) disqualified under section 154(1) of the Companies Act 1967 from acting as a director, or taking part (whether directly or indirectly) in the management, of a company during the period of disqualification in that section; or
 - (ii) disqualified from being a director or in any way, whether directly or indirectly, being concerned in, or from taking part in, the management of a company by a court order under section 149(1), 149A(1) or 154(2) of the Companies Act 1967 during the period of disqualification in the court order;

- (e) an individual who lacks capacity in respect of his or her duties as a member within the meaning of the Mental Capacity Act 2008, or in respect of whom an order is made under section 10 of the Mental Health (Care and Treatment) Act 2008.

Chairperson and Deputy Chairperson

12.—(1) The Minister may, by instrument in writing, appoint —

- (a) a member (other than the Chief Executive) to be the Chairperson of the Agency for such period as is specified in the instrument; and
- (b) one or more members (other than the Chairperson) to be a Deputy Chairperson of the Agency for such period as is specified in the instrument.

(2) The Chairperson or a Deputy Chairperson holds office until whichever of the following first happens:

- (a) his or her term of office as Chairperson or Deputy Chairperson (as the case may be) expires;
- (b) he or she ceases to hold office as a member of the Agency;
- (c) the Minister terminates the appointment as Chairperson or Deputy Chairperson, as the case may be.

(3) A Deputy Chairperson has and may exercise all of the functions and powers of the Chairperson in relation to a matter if —

- (a) the Chairperson is unavailable; or
- (b) the Chairperson is interested in the matter (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018).

Premature vacancies

13.—(1) If a premature vacancy occurs in the office of any member of the Agency, the Minister may, subject to sections 9, 10 and 11, appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

(2) In this section, “premature vacancy”, for an office, means a vacancy that occurs in that office by virtue of section 20(1) or for any reason other than the expiry of the term of office.

Acting Chairperson and members

14.—(1) The Minister may appoint an individual to act temporarily as the Chairperson during any period, or during all periods, when the Chairperson —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

(2) The Minister may appoint an individual to act temporarily as a member of the Agency (other than the Chairperson) during any period, or during all periods, when the member —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

(3) An individual is ineligible for appointment under this section to act as the Chairperson or a member of the Agency if the individual is disqualified under section 11(2) for appointment as a member.

Removal of member

15.—(1) The Minister may, at any time and without giving any reason, remove a member of the Agency from office.

(2) Every removal under subsection (1) must be made by written notice given to the member with a copy to the Agency.

(3) The notice must state the date the removal takes effect, which must not be a date earlier than the date the notice is received by the member.

Resignation from office

16.—(1) A member of the Agency may resign his or her office by written notice to the Minister (with a copy to the Agency) signed by the member.

(2) The resignation is effective when the notice in subsection (1) is received by the Minister or at any later time specified in the notice.

Validity of acts, etc.

17.—(1) Despite section 33 of the Interpretation Act 1965, the exercise of any power or performance of any function of the Agency by the Agency is not affected merely because at the relevant time —

- (a) there was a vacancy in the membership of the Agency, including a vacancy arising from the failure to appoint a member;
- (b) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or
- (c) there was an irregularity in the Agency’s decision-making procedure that does not affect the merits of the decision made.

(2) The acts of an individual as a member of the Agency are not affected merely because —

- (a) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or
- (b) in the case of an individual acting in the capacity of the Chairperson, member or Chief Executive, the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended.

Division 2 — Terms and conditions for members

Term of appointment

18.—(1) Subject to section 20, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

(2) A member of the Agency may be re-appointed.

Remuneration, etc.

19. The members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister determines.

Vacation of office

20.—(1) A member of the Agency ceases to hold office if he or she —

- (a) dies;
- (b) is adjudicated a bankrupt or makes an arrangement with any of his or her creditors;
- (c) becomes otherwise disqualified from being a member under section 11(2);
- (d) is removed from office in accordance with section 15;
- (e) resigns in accordance with section 16;
- (f) without reasonable cause, fails to disclose any interest required under Division 1 of Part 4 of the Public Sector (Governance) Act 2018 and a notice is given under that Act to the Minister about that default;
- (g) fails to attend 3 consecutive meetings of the Agency without the approval of the Agency; or
- (h) is not re-appointed when his or her term of office expires.

(2) A member of the Agency is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

PART 4

DECISION-MAKING BY AGENCY

*Division 1 — Meetings***Procedure generally**

21. Subject to this Act and the Public Sector (Governance) Act 2018, the members of the Agency may regulate their own proceedings and business.

Notice of meetings

22.—(1) The Agency must hold such meetings as are necessary for the performance of its functions.

(2) The Chairperson must appoint the times and places of the meetings of the Agency, and cause notice of those meetings to be given to each member not present when the appointment is made.

(3) The meetings of the Agency must be held in accordance with the provisions of this Act and Part 4 of the Public Sector (Governance) Act 2018.

Quorum

23.—(1) The quorum is the number that is one-third the number of members of the Agency.

(2) No business may be transacted at a meeting of the Agency if a quorum is not present.

Presiding at meetings

24.—(1) At a meeting of the Agency, the following person presides:

- (a) if there is a Chairperson and he or she is present and is not interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter — the Chairperson;
- (b) if there is no Chairperson, or the Chairperson is not present or is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter, and a

Deputy Chairperson who is not so interested in the matter is present — a Deputy Chairperson;

- (c) in any other case, the member of the Agency elected from among themselves to preside.

(2) The Deputy Chairperson or member mentioned in subsection (1)(b) or (c) may exercise all the powers and functions of the Chairperson for the purposes of the meeting.

Voting at meetings

25.—(1) Each member of the Agency has one vote.

(2) In addition to his or her general vote, the member presiding at a meeting has, in the case of an equality of votes, a casting vote.

(3) A resolution of the Agency is passed if it is agreed by all members present without dissent, or if a majority of the members who are entitled to vote on the matter cast votes in favour of it.

(4) A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the Agency unless he or she expressly dissents from or votes against the resolution at the meeting or is prevented from voting by section 26 of the Public Sector (Governance) Act 2018.

Execution of documents

26.—(1) The Agency must have a seal.

(2) The seal of the Agency is to be kept and used as authorised by the Agency.

(3) A document is duly executed by the Agency if —

(a) the seal of the Agency is affixed to the document in the presence of one of its members who must sign the document to attest that the seal was so affixed, and the document is signed —

(i) by any 2 members generally or specially authorised by the Agency for the purpose; or

(ii) by one member and the Chief Executive; or

- (b) the document is signed on behalf of the Agency by a person or persons authorised to do so by the Agency and in accordance with the terms of that authorisation.

(4) A document purporting to be executed in accordance with this section is presumed to be duly executed until the contrary is shown.

(5) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Agency appearing on a document.

(6) When a document is produced bearing a seal purporting to be the seal of the Agency, it must be presumed that the seal is the seal of the Agency until the contrary is shown.

Division 2 — Committees and delegation

Appointment of committees

27.—(1) The Agency may, by resolution, appoint any number of committees that the Agency thinks fit for purposes which, in the opinion of the Agency, would be better regulated and managed by means of those committees.

(2) A committee appointed under this section may consist of any number of individuals that the Agency thinks fit, and may include individuals who are not members of the Agency.

(3) Without limiting subsection (1), the Agency may appoint committees —

- (a) to advise the Agency on any matters relating to the Agency's functions and powers that are referred to the committee by the Agency; or
- (b) to perform or exercise any of the Agency's functions and powers that are delegated to the committee, if the committee includes at least one member of the Agency.

(4) An individual may not be appointed as a member of a committee unless, before appointment, he or she discloses to the Agency the details of any interest (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) the individual may have if he or she were a member of that committee.

Proceedings of committees

28.—(1) Section 17 applies to a committee, and to committee members or individuals purporting to be committee members, with the necessary modifications.

(2) Subject to this Act, the Public Sector (Governance) Act 2018 and any restrictions by a resolution under section 29(1), a committee may regulate its own proceedings and business.

Ability to delegate, etc.

29.—(1) The Agency may delegate the performance or exercise of any of its functions or powers, either generally or specially, to any of the following persons by resolution and written notice to the person or persons:

- (a) a member of the Agency;
- (b) the Chief Executive, any employee of the Agency or any other person performing duties in the Agency;
- (c) a committee;
- (d) a wholly-owned subsidiary company of the Agency;
- (e) a person engaged as a contractor by the Agency.

(2) A delegation by the Agency under subsection (1) of the performance or exercise of any of its functions or powers —

- (a) to a person in subsection (1)(a), (b) or (c) may authorise the delegate to subdelegate the performance or exercise of the function or power to another member, an appropriately qualified employee of the Agency or person performing duties in the Agency (called in this Act a subdelegate); or
- (b) to a person in subsection (1)(d) or (e) may authorise the delegate to subdelegate the performance or exercise of the function or power to an appropriately qualified employee of that delegate (also called in this Act a subdelegate),

but subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

(3) Subsections (1) and (2) do not apply to any power under this Act or any other Act administered by the Agency that is declared by that Act to be non-delegable.

(4) A delegation or subdelegation in accordance with this Act is not affected by any change in the membership of the Agency or of any committee or by any change in the Chief Executive or employee.

(5) In this section —

- (a) a reference to a wholly-owned subsidiary company of the Agency includes a company limited by guarantee the sole member of which is the Agency; and
- (b) a reference to a person performing duties in the Agency includes a person performing duties in the Agency under a contract, or under an arrangement making available temporarily to the Agency the services of public officers (or secondment).

Power of delegate, etc.

30.—(1) A delegate (or subdelegate) who purports to perform a function or exercise a power under delegation (or subdelegation) —

- (a) is taken to be in accordance with the terms of a delegation (or subdelegation) under section 29, unless the contrary is shown; and
- (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

(2) A subdelegate to whom a function or power of the Agency is subdelegated under section 29(2) is not authorised to further delegate that power or function to anyone else.

PART 5**PERSONNEL MATTERS****Appointment of Chief Executive**

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

(2) The Agency 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.

Officers, etc.

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

Public servants

33. Without affecting sections 20 and 21 of the Public Sector (Governance) Act 2018, every delegate and subdelegate of the Agency —

- (a) is taken to be a public servant for the purposes of the Penal Code 1871; and
- (b) is, in relation to his or her administration, assessment, collection and enforcement of payment of —
 - (i) any financial penalty imposed under any written law administered by the Agency; or
 - (ii) any composition sum collected under this Act or any other written law administered by the Agency,

taken to be public officers for the purposes of the Financial Procedure Act 1966; and section 20 of that Act applies to each of these persons even though they are not or were not in the employment of the Government.

Preservation of secrecy

34.—(1) A member of the Agency, an employee, a delegate or subdelegate of the Agency, the Chief Executive or a committee member, who has information in his or her capacity as such that would not otherwise be available to him or her, must not disclose that information to any person except —

- (a) in the performance of the Agency's functions;
- (b) with the prior authorisation from the Agency to do so;
- (c) for the purposes of any proceedings for an offence under this Act, or any report of those proceedings;
- (d) as required by an order of court;
- (e) in complying with the requirements in this Act for members to disclose interests; or
- (f) as required of or allowed by the Agency, the Chief Executive, the member, employee, delegate or subdelegate of the Agency or the committee member, by or under this Act or any other Act.

(2) A 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.

Protection from personal liability

35. No liability shall lie against any member, any committee member, the Chief Executive or any employee, delegate or subdelegate of the Agency or any other person acting under the direction of the Agency, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

- (a) the exercise or purported exercise of any power under this Act; or
- (b) the performance or purported performance of any function under this Act.

PART 6

FINANCIAL PROVISIONS

Financial year

36. The financial year of the Agency begins on 1 April of each year and ends on 31 March of the succeeding year.

Revenue and property of Agency

37. The funds and property of the Agency include —

- (a) all moneys paid to the Agency by way of grants, subsidies, donations, gifts and contributions for the purposes of the Agency;
- (b) all moneys paid to, and all other moneys and property lawfully received by, the Agency for the purposes of the Agency;
- (c) all fees and charges payable to the Agency under this Act or any other Act administered by the Agency;
- (d) all moneys, dividends, royalties, interest or income received from any transaction made pursuant to the powers of the Agency under this Act or any other Act administered by the Agency;
- (e) all moneys borrowed by the Agency under this Act; and
- (f) all accumulations of income derived from any property or money mentioned in paragraphs (a) to (e).

Bank accounts

38.—(1) The Agency must open and maintain one or more accounts with such bank or banks as the Agency thinks fit.

(2) Every such account may only be operated by a person who is authorised to do so by the Agency.

Financial accounts and records

39. The Agency must —

- (a) keep proper accounts and records of its transactions and affairs; and
- (b) do all things necessary to ensure that —
 - (i) all payments out of its moneys are correctly made and properly authorised; and
 - (ii) adequate control is maintained over the property and assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Power of investment

40. The Agency may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

Issue of shares, etc.

41. As a consequence of —

- (a) the vesting of any property, rights or liabilities in the Agency under this Act; or
- (b) any capital injection or other investment by the Government in the Agency in accordance with any other written law,

the Agency must issue such shares or other securities to the Minister for Finance as that Minister may direct.

Borrowing power

42.—(1) The Agency cannot raise loans for the performance of its functions under this Act or any other Act administered by the Agency except in accordance with this section.

- (2) Subject to subsection (3), the Agency may raise loans by —
- (a) mortgage, overdraft or other means, with or without security;
 - (b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or
 - (c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.
- (3) The Agency may raise loans —
- (a) from the Government; or
 - (b) with the approval of the Minister, from another source, whether within or outside Singapore.
- (4) For the purposes of this section, the power to raise loans includes the power to make any financial agreement under which credit facilities are granted to the Agency for the purchase of goods, materials or things.

PART 7

GENERAL

Improper use of accreditation, certification or inspection mark

43.—(1) A person must not use any accreditation, certification or inspection mark, or a colourable imitation of any accreditation, certification or inspection mark, in respect of any product or process or in any trade mark or design, unless the person —

- (a) holds a valid accreditation or certification authorising the person to use that accreditation, certification or inspection mark in respect of that product or process or in that trade mark or design; or
 - (b) is authorised by the Agency to use that accreditation, certification or inspection mark.
- (2) A person must not use any report or certificate issued or purportedly issued by or on behalf of the Agency to convey the

impression that the person holds a valid accreditation, certification or inspection mark, when in fact the person does not.

(3) A person must not forge or without lawful authority alter an accreditation, certification or inspection mark, or a report or certificate issued by the Agency.

(4) A person who, without reasonable excuse, contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has power to impose the full penalty or punishment prescribed under subsection (4).

(6) A court trying an offence under subsection (1), (2) or (3) may direct that any property in respect of which the offence has been committed be forfeited to the Government.

Composition of offences

44.—(1) The Chief Executive, or an employee of the Agency authorised in writing by the Agency, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

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

(3) All sums collected under this section must be paid into the Consolidated Fund.

Offences by corporations

45.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
 - (b) the officer, employee or agent had that state of mind,
- is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual who is involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 4(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

46.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual who is involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Service of documents

47.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or,

if no address is so specified, the individual's residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

- (a) by giving it to the body corporate's secretary or other similar officer, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office in Singapore;

(c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's last email address.

(5) Service of a document under subsection (1) takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) However, service of any document under this Act on a person by email may be effected only with the person's prior consent to service in that way.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means —

(a) the last email address given by the addressee concerned to the person giving or serving the

document as the email address for the service of documents under this Act; or

- (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

Regulations

48. The Agency may, with the approval of the Minister, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART 8

TRANSFER OF UNDERTAKINGS TO AGENCY

Interpretation of this Part

49. In this Part, unless the context otherwise requires —

“Agri-Food and Veterinary Authority” or “AVA” means the Agri-Food and Veterinary Authority established by section 3 of the repealed Agri-Food and Veterinary Authority Act (Cap. 5, 2012 Revised Edition);

“asset”, in relation to a transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any —

- (a) legal or equitable interest in real or personal property, whether situated in Singapore or elsewhere;
- (b) chose in action;
- (c) money or securities;
- (d) plant and equipment, whether situated in Singapore or elsewhere;

- (e) intellectual property;
- (f) infrastructure, whether situated in Singapore or elsewhere;
- (g) records; and
- (h) right;

“Health Sciences Authority” or “HSA” means the Health Sciences Authority established by section 3 of the Health Sciences Authority Act 2001;

“liability”, in relation to a transferor, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly or jointly and severally with any other person) of the transferor on the eve of the transfer date;

“National Environment Agency” or “NEA” means the National Environment Agency established by section 3 of the National Environment Agency Act 2002;

“records”, in relation to a transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of that transferor existing on the eve of the transfer date;

“right”, in relation to a transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transferable AVA undertaking” means the following departments of the AVA:

- (a) the Communications and Service Quality Group;
- (b) the Compliance Management Group;
- (c) the Corporate Development Group;
- (d) the Food Infrastructure Development and Management Group;
- (e) the Food Regulatory Management Group;
- (f) the Food Supply Resilience Group;

- (g) the Industry Development and Partnership Group;
- (h) the International Relations Group;
- (i) the Licensing and Permits Group;
- (j) the National Centre for Food Science;
- (k) the office of the Chief Executive of the AVA and the internal audit unit;
- (l) the Planning and Organisation Group;
- (m) the Research Planning and Systems Integration Group;
- (n) the Urban Food Solutions Group;

“transferor” means one of the following, as the case may be:

- (a) the Agri-Food and Veterinary Authority;
- (b) the Health Sciences Authority;
- (c) the National Environment Agency;

“transferring AVA employee” means an employee of the Agri-Food and Veterinary Authority who, on the eve of the transfer date, is in any department of the Agri-Food and Veterinary Authority comprised in the transferable AVA undertaking;

“transferring HSA employee” means an employee of the Health Sciences Authority who, on the eve of the transfer date, is in the Food Safety Division of the Health Sciences Authority;

“transferring NEA employee” means an employee of the National Environment Agency who, on the eve of the transfer date, is in the Food and Environmental Hygiene Department of the National Environment Agency.

Transfer of undertakings to Agency

50.—(1) On the transfer date, the following assets and liabilities are transferred to the Agency:

- (a) all assets and liabilities of the Agri-Food and Veterinary Authority that relate solely to the functions of any

department comprised in the transferable AVA undertaking;

- (b) all assets and liabilities of the National Environment Agency that relate solely to the functions of the Food and Environmental Hygiene Department of the National Environment Agency;
- (c) all assets and liabilities of the Health Sciences Authority that relate solely to the functions of the Food Safety Division of the Health Sciences Authority.

(2) When any assets or liabilities are transferred under subsection (1), the following provisions have effect:

- (a) the assets of the transferor that are the subject of the transfer vest in the Agency by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance;
- (b) the liabilities of the transferor that are the subject of the transfer become by virtue of this section the liabilities of the Agency;
- (c) all legal or other proceedings relating to those assets or liabilities that are started before the transfer date by or against the transferor or a predecessor of the transferor and pending immediately before that date are taken to be proceedings pending by or against the Agency;
- (d) any legal or other proceedings relating to those assets or liabilities which could have been started immediately before the transfer date by or against the transferor or a predecessor of the transferor may be started by or against the Agency;
- (e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the transferor or a predecessor of the transferor relating to those assets or liabilities may be enforced by or against the Agency;
- (f) any document relating to legal or other proceedings relating to those assets or liabilities that has been served

on or by a transferor or a predecessor of the transferor before the transfer date is taken, where appropriate, to have been served on or by the Agency;

- (g) any act, matter or thing done or omitted to be done before the transfer date in relation to those assets or liabilities by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Agency;
- (h) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to the transferor or a predecessor of the transferor, to the extent to which the reference relates to those assets or liabilities, is taken to be, or includes, a reference to the Agency.

(3) In particular —

- (a) all security deposits deposited with the transferor in relation to any asset or liability transferred under subsection (1) and not forfeited before the transfer date; and
- (b) the benefits of all indemnities, guarantees or warranties given to the transferor in relation to any asset or liability transferred under subsection (1) and not discharged before that date,

are, without further assurance, transferred and deemed deposited with or given to the Agency.

(4) The operation of this section does not —

- (a) constitute a breach of, or default under, an Act or other law, or otherwise a civil wrong or criminal wrong;
- (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);
- (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or

transfer of assets or liabilities or the disclosure of any information;

- (d) terminate an agreement or obligation or fulfil any condition that allows a person to terminate any agreement or obligation, or gives rise to any right or remedy in respect of any agreement or obligation;
- (e) cause any contract or other instrument to be void or otherwise unenforceable;
- (f) frustrate any contract;
- (g) release a surety or other obligor or obligee wholly or in part from an obligation; or
- (h) constitute an event of breach of, or default under, any contract or other instrument.

(5) No attornment to the Agency by a lessee from a transferor is required for the purpose of this section.

Transferring secondments and employees to Agency

51.—(1) On the transfer date, every transferring AVA employee —

- (a) stops being an employee of the Agri-Food and Veterinary Authority; and
- (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.

(2) On the transfer date, every transferring NEA employee —

- (a) stops being an employee of the National Environment Agency; and
- (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.

- (3) On the transfer date, every transferring HSA employee —
- (a) stops being an employee of the Health Sciences Authority; and
 - (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.
- (4) The transfer under subsection (1), (2) or (3) of a transferring AVA employee, a transferring NEA employee or a transferring HSA employee (as the case may be) to the Agency —
- (a) does not interrupt continuity of service;
 - (b) does not constitute a retrenchment or redundancy; and
 - (c) does not entitle any employee so transferred to any payment or other benefit merely because he or she stops being employed by the Agri-Food and Veterinary Authority, the National Environment Agency or the Health Sciences Authority, as the case may be.
- (5) A certificate purporting to be signed by the Minister certifying that an individual named in the certificate was, with effect from the transfer date, employed by virtue of this section by the Agency, is admissible in evidence in any proceedings as evidence of the matters stated in it.
- (6) Nothing in this section prevents —
- (a) any of the terms and conditions of employment of an individual transferred under this section from being altered by or under any law, award or agreement with effect from any time after the transfer date; or
 - (b) an individual transferred under this section from resigning from the Agency at any time after the transfer date, in accordance with the terms and conditions of his or her employment then applicable.
- (7) To avoid doubt, section 18A of the Employment Act 1968 does not apply to the transfer under this Part of any transferring AVA

employee, transferring NEA employee or transferring HSA employee to the Agency.

(8) On the transfer date, every public officer or employee of any other public authority whose services are made available (or is seconded) to the departments of the Agri-Food and Veterinary Authority or the National Environment Agency mentioned in section 50(1) (as the case may be) under an agreement or arrangement that —

(a) is between the Government or that other public authority and the Agri-Food and Veterinary Authority or the National Environment Agency, as the case may be; and

(b) is in force on the eve of the transfer date,

continues on secondment to the Agency.

General preservation of employment terms

52.—(1) The service with the Agency of an employee transferred under section 51 (called in this section a transferred employee) must be regarded for all purposes as having been continuous with the service of the employee with the transferor concerned immediately before the transfer date.

(2) On the transfer date —

(a) a transferred employee retains all accrued rights as if employment with the Agency were a continuation of employment with the transferor;

(b) the liabilities of the transferor relating to the transferred employee's accrued rights to leave and superannuation become the liabilities of the Agency; and

(c) a reference to a transferor in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Agency.

(3) For any conduct of the transferred employee when he or she was employed by the relevant transferor which would have rendered the

employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by the transferor, the Agency may —

- (a) start any disciplinary proceedings against the employee;
- (b) carry on and complete any disciplinary proceedings started by the transferor against the transferred employee if those proceedings are pending on the eve of the transfer date; and
- (c) reprimand, reduce in rank, retire, dismiss or otherwise punish a transferred employee, as if the employee were not transferred.

(4) Where, on the eve of the transfer date, any matter about the conduct of a transferred employee during his or her employment with the Agri-Food and Veterinary Authority, the National Environment Agency or the Health Sciences Authority, as the case may be —

- (a) was in the course of being heard or investigated by a committee of the relevant transferor acting under due authority; or
- (b) had been heard or investigated by a committee of the relevant transferor acting under due authority but no order, ruling or direction had been made,

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before the transfer date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Agency.

(5) Until such time as conditions of employment are drawn up by the Agency for a transferred employee, every transferred employee is to be regarded as being employed by the Agency on the same conditions of his or her employment with the relevant transferor on the eve of the transfer date.

(6) Any term or condition of employment drawn up by the Agency for a transferred employee must recognise the length of service of the transferred employee while in the employment of a transferor (including any previous service of the employee taken to be service with the transferor) to be service with the Agency.

(7) However, the Agency must not draw up any term or condition of employment that adversely affects the conditions that would have been applicable to any transferred employee as regards any pension or gratuity payable under the Pensions Act 1956.

(8) Despite the provisions of the Pensions Act 1956, a transferred employee who is transferred to the service of the Agency is not entitled to claim any benefit under that Act on the ground that he or she has been retired from the public service on account of abolition or reorganisation of office in consequence of the establishment of the Agency.

(9) Nothing in section 51(8) —

- (a) breaks the continuity of service of the public officer or employee of another public authority whose secondment continues with the Agency because of that provision; or
- (b) affects any rights, powers or immunities that such a public officer or employee of a public authority has, or the extent to which such a public officer or employee (as the case may be) is subject to obligations or liabilities in relation to discipline, by virtue of holding the office or position to which the officer or employee is seconded.

Transfer of records

53. On the transfer date, the following records become the record of the Agency:

- (a) every record, or part of any record, of the Agri-Food and Veterinary Authority that relates to —
 - (i) any asset or liability transferred to the Agency under section 50; or
 - (ii) any transferring AVA employee;
- (b) every record, or part of any record, of the National Environment Agency that relates to —
 - (i) any asset or liability transferred to the Agency under section 50; or
 - (ii) any transferring NEA employee;

- (c) every record, or part of any record, of the Health Sciences Authority that relates to —
 - (i) any asset or liability transferred to the Agency under section 50; or
 - (ii) any transferring HSA employee.

Confirmation of transfers

54.—(1) If any dispute arises —

- (a) as to whether an asset or a liability or a record is transferred under section 50 or 53; or
- (b) as to whether any, or any part of any, contract or document relates to an asset or a liability or a record transferred under section 50 or 53,

the Minister for Finance may determine the matter and is to provide the concerned parties with written notice of that determination.

(2) The determination of the Minister for Finance under subsection (1) is final and binding on the transferor concerned and the Agency.

55. to 66. [*Omitted as having had effect*]

PART 9

SAVING AND TRANSITIONAL PROVISIONS

Transitional arrangements for AVA financial statements, etc.

67. The last members and the last Chief Executive of the Agri-Food and Veterinary Authority remain responsible —

- (a) for the preparation and submission of the financial statements in respect of the financial year (or part thereof) before the dissolution of the Agri-Food and Veterinary Authority, to the last appointed auditor of that Authority;
- (b) to send, as soon as those accounts and financial statements have been audited in accordance with the provisions of the

Public Sector (Governance) Act 2018, to the Minister last charged with the responsibility for the Agri-Food and Veterinary Authority a copy of the audited financial statements, signed by the last Chairman and last Chief Executive of the Agri-Food and Veterinary Authority; and

- (c) to cause to be prepared and transmitted to the Minister last charged with the responsibility for the Agri-Food and Veterinary Authority, a report dealing generally with the activities of the Agri-Food and Veterinary Authority during that financial year (or part thereof) containing such information relating to the proceedings and policy of the Authority as that Minister may direct.

Saving and transitional provisions for amendments to Environmental Public Health Act 1987

68.—(1) Every licence, permit, approval or authorisation that —

- (a) is granted, before 1 April 2019, under Part 4 or 9 of the Environmental Public Health Act 1987, by the Director-General of Public Health; and

- (b) is in force on that date,

is, so far as it is not inconsistent with the provisions of the Environmental Public Health Act 1987 as amended by this Act, to continue as if, and is deemed to be, a licence, permit, approval or authorisation granted by the Director-General, Food Administration under Part 4 or 9 (as the case may be) of the Environmental Public Health Act 1987 as amended by this Act.

(2) However, every licence, permit, approval or authorisation mentioned in subsection (1) lapses on the date it would have if the Environmental Public Health Act 1987 had not been amended by this Act, unless the licence, permit, approval or authorisation is earlier revoked or cancelled.

(3) Where —

- (a) an application or other document is lodged for approval under Part 4 or 9 of the Environmental Public Health Act 1987 before 1 April 2019; and

- (b) the application or other document was not approved by the Director-General of Public Health before that date,

the application or other document is, where applicable, deemed to be an application or a document lodged for approval with the Director-General, Food Administration under the corresponding provisions in Part 4 or 9 of the Environmental Public Health Act 1987 as amended by this Act.

(4) Anything that has been started by the Director-General of Public Health in connection with an application or a document under subsection (3) may be carried on and completed by the Director-General, Food Administration under the corresponding provisions in Part 4 or 9 of the Environmental Public Health Act 1987 as amended by this Act.

(5) Every direction, notice, order or requirement affecting matters regulated under Part 4 or 9 of the Environmental Public Health Act 1987 that —

- (a) is issued or given, before 1 April 2019, by the Director-General of Public Health under the Environmental Public Health Act 1987; and

- (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of the Environmental Public Health Act 1987 as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Environmental Public Health Act 1987 as amended by this Act.

(6) Where an appeal has been made to the Minister responsible for environmental public health —

- (a) under section 84 of the Environmental Public Health Act 1987 before 1 April 2019 against any notice, order or decision of the Director-General of Public Health made under Part 4 or 9 of that Act; and

- (b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may continue to be dealt with in accordance with section 84 of the Environmental Public Health Act 1987 as if this Act had not been enacted.

(7) All subsidiary legislation made under Part 4 or 9 of the Environmental Public Health Act 1987 and in force immediately before 1 April 2019 continues in force as if made under the Environmental Public Health Act 1987 as amended by this Act until the subsidiary legislation is revoked under that Act as amended by this Act.

Saving and transitional provisions for amendments to various Acts

69.—(1) Every licence, permit, approval or authorisation that —

(a) is granted, before 1 April 2019 under the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) by the Director-General, Agri-Food and Veterinary Services appointed under section 3(1) of the Animals and Birds Act 1965; and

(b) is in force on that date,

is, so far as it is not inconsistent with the provisions of the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) as amended by this Act, to continue as if, and is deemed to be, a licence, permit, approval or authorisation granted by the Director-General, Food Administration under that Act as amended by this Act.

(2) However, every licence, permit, approval or authorisation mentioned in subsection (1) lapses on the date it would have if the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) had not been amended by this Act, unless the licence, permit, approval or authorisation is earlier revoked or cancelled.

(3) Where —

(a) an application or other document is lodged for approval under the Feeding Stuffs Act 1965, the Fisheries Act 1966,

the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999, before 1 April 2019, as the case may be; and

- (b) the application or other document was not approved by the Director-General, Agri-Food and Veterinary Services before that date,

the application or other document is, where applicable, deemed to be an application or a document lodged for approval with the Director-General, Food Administration under the corresponding provisions in the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) as amended by this Act.

(4) Anything that has been started by the Director-General, Agri-Food and Veterinary Services in connection with an application or a document under subsection (3) may be carried on and completed by the Director-General, Food Administration under the corresponding provisions in the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 as amended by this Act, whichever being applicable.

(5) Every direction, notice, order or requirement that —

- (a) is issued or given, before 1 April 2019 by the Director-General, Agri-Food and Veterinary Services under the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 and the Wholesome Meat and Fish Act 1999, respectively; and

- (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of those Acts as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) as amended by this Act.

(6) Where an appeal has been made to the Minister responsible for animal health and welfare —

- (a) under the Feeding Stuffs Act 1965, the Fisheries Act 1966, the Sale of Food Act 1973 or the Wholesome Meat and Fish Act 1999 (as the case may be) before 1 April 2019 against any notice, order or decision of the Director-General, Agri-Food and Veterinary Services made under any of those Acts; and
- (b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may continue to be dealt with by that Minister in accordance with those Acts as if this Act had not been enacted.

(7) Every direction, notice, order or requirement that —

- (a) is issued or given, before 1 April 2019 by the Agri-Food and Veterinary Authority under Part 2A of the Sale of Food Act 1973; and
- (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of the Sale of Food Act 1973 as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Sale of Food Act 1973 as amended by this Act.

Saving for amendments to Sale of Food Act 1973

70. Section 30(3) and (4) of the Sale of Food Act 1973 continues to apply to and in relation to the following as if section 64(1)(n) had not been enacted:

- (a) any food or any food contact article which was purchased or procured from any person (for test purposes) before 1 April 2019;
- (b) any offence under the Sale of Food Act 1973 committed before 1 April 2019.

Saving and transitional regulations

71.—(1) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe

such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(2) Nothing in this Part affects section 16 of the Interpretation Act 1965.

LEGISLATIVE HISTORY
SINGAPORE FOOD AGENCY
ACT 2019

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

1. Act 11 of 2019 — Singapore Food Agency Act 2019

Bill	:	5/2019
First Reading	:	15 January 2019
Second and Third Readings	:	12 February 2019
Commencement	:	1 April 2019 (except sections 55, 56 and 63) 2 April 2019 (section 55) 1 June 2019 (section 56) 1 September 2019 (section 63)

**2. 2020 Revised Edition — Singapore Food Agency
Act 2019**

Operation	:	31 December 2021
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Abbreviations

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

COMPARATIVE TABLE
SINGAPORE FOOD AGENCY
ACT 2019

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	Act 11 of 2019
—	PART 9
[Omitted as having had effect]	55
[Omitted as having had effect]	56
[Omitted as having had effect]	57—(1)
[Omitted as having had effect]	(2)
[Omitted as having had effect]	58
[Omitted as having had effect]	59
[Omitted as having had effect]	60
[Omitted as having had effect]	61
[Omitted as having had effect]	62
[Omitted as having had effect]	63
[Omitted as having had effect]	64—(1)
[Omitted as having had effect]	(2)
[Omitted as having had effect]	65
[Omitted as having had effect]	66—(1)
[Omitted as having had effect]	(2)
[Omitted as having had effect]	(3)
[Omitted as having had effect]	(4)
[Omitted as having had effect]	(5)
[Omitted as having had effect]	(6)
[Omitted as having had effect]	(7)
PART 9	PART 10