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The following Act was passed by Parliament on 5th December 1995 and assented to by the President on 10th January 1996:—

**SINGAPORE PRODUCTIVITY AND STANDARDS BOARD
ACT 1995**

(No. of 1996)

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An Act to establish and incorporate the Singapore Productivity and Standards Board, to provide for its functions and powers and for matters connected therewith, and to repeal the National Productivity Board Act (Chapter 200 of the 1992 Revised Edition) and the Singapore Institute of Standards and Industrial Research Act (Chapter 301 of the 1993 Revised Edition) and to make consequential amendments to certain other Acts.

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

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Singapore Productivity and Standards Board Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“appointed day” means the date of commencement of this Act;

“Board” means the Singapore Productivity and Standards Board established under section 3;

“certification mark” means a certification mark of the Board referred to in section 7(1)(j);

“Chairman” means the Chairman of the Board and includes any temporary Chairman of the Board;

“chief executive” means the chief executive of the Board appointed under section 12 and includes any person acting in that capacity;

“industry” includes any trade, manufacturing or services industry and other related activities;

“inspector” means an inspector appointed under section 9;

“licence” means a licence granted or renewed by the Board for the use of a certification mark;

“mark” includes any device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

“process” means any practice, system, procedure or activity in any industry, and includes any process for —

- (a) the design, manufacture, construction, installation, operation or maintenance of products, instruments, plant or equipment, and

(b) the design, administration or operation of any system of quality management or testing;

“product” means any commodity, article or substance, artificial or natural or partly artificial or natural, or whether tangible or intangible, or whether raw or partly or wholly processed or manufactured, and includes any service;

“quality control” means a process, carried out at any time, including inspection, tests, record keeping or otherwise, to ascertain whether or to ensure that a product satisfies any standard applicable to it;

“quality management” includes the setting of quality objectives and quality control, organisation, delineation of responsibilities, training, control of documentation and management of rejects and complaints to achieve those quality objectives;

“registering authority” means any authority competent under any written law to register a company, firm or other body of persons, or a trade mark or design;

“Singapore Standard” means a standard referred to in section 7(1)(i);

“standard” means a code, definition, classification, specification or description of a product or process, as far as possible, by reference to its procedure, safety requirement, mode of manufacture, nature, material, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics or any combination of the same;

“trade mark” has the same meaning as in the Trade Marks Act [Cap. 332].

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION
OF BOARD**Establishment and incorporation of Singapore Productivity
and Standards Board**

3. There is hereby established a body to be known as the Singapore Productivity and Standards Board 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 acts or things as bodies corporate may lawfully do or suffer.

Common seal

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

(2) All deeds, documents or other instruments requiring the seal of the Board shall be sealed with the common seal of the Board in the presence of the Chairman and one other member of the Board or the chief executive, who shall sign every deed, document or other instrument to which the common seal is affixed and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Board.

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

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

Constitution of Board

5.—(1) The Board shall consist of the following members:

- (a) a Chairman;
- (b) the chief executive; and
- (c) not less than 6 and not more than 16 other members representing the interests of the Government, employers, trade unions, professionals and the academic staff of the institutions of higher learning in Singapore.

(2) The First Schedule shall apply to the Board, its members and proceedings.

PART III

FUNCTIONS AND POWERS OF BOARD

Functions Of Board

6.—(1) The functions of the Board shall be —

- (a) to raise productivity and improve competitiveness through manpower development, economic restructuring, technical progress, standardisation and any other activity considered necessary or desirable;
- (b) to promote, facilitate and assist in the development and upgrading of skills and expertise of persons preparing to join the workforce, persons in the workforce and persons rejoining the workforce;
- (c) to administer the Skills Development Fund in accordance with the Skills Development Levy Act [Cap. 306];
- (d) to promote, facilitate and assist in the development and upgrading of industry and enterprises and support the growth of small and medium enterprises;
- (e) to serve as the national standards body and to promote and facilitate the national standardisation programme and the participation of Singapore in international standardisation activities;

- (f) to promote and facilitate the adoption of practices that enhance the safety, efficiency and quality of products, processes and technology in industry;
- (g) to promote, facilitate and assist in the development, application and diffusion of technology in industry;
- (h) to advise the Government and industrial, commercial, trading and other organisations in respect of matters relating to productivity and standards;
- (i) to represent the Government internationally in respect of matters relating to productivity, standards and conformity assessment; and
- (j) to perform such other functions as are conferred on the Board by any other written law.

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

(3) In addition to the functions and duties imposed by this section, the Board may undertake such other functions as the Minister may assign to the Board and in so doing the Board shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Board in respect of such functions.

Powers of Board

7.—(1) The Board shall have all such powers and may perform all such duties as it may consider necessary or expedient to enable it to carry out its functions under this Act, and without prejudice to the generality of the foregoing or to any other power conferred by this Act, the Board may —

- (a) establish, administer and operate any scheme considered necessary or desirable to the development and upgrading of skills and expertise of persons preparing to join the workforce, persons in the workforce and persons rejoining the workforce, the development and upgrading of industry, and any other matter relating to productivity and standards;

- (b) collect, compile, analyse and disseminate by any convenient means information of a statistical nature or otherwise concerning matters relating to its functions;
- (c) provide a library of books and other materials on matters relating to productivity and standards;
- (d) publish or sponsor the publication of periodicals, booklets and other written materials and produce or sponsor the production of films and other audio-visual works on matters relating to productivity and standards;
- (e) promote and undertake publicity in any form on matters relating to productivity and standards;
- (f) organise courses in furtherance of its functions and award certificates of proficiency to persons who attend courses organised by the Board;
- (g) conduct tests of proficiency on matters relating to productivity and standards;
- (h) provide training facilities for the training of persons in any way connected with the promotion or raising of productivity;
- (i) establish and publish, from time to time, by notification in the *Gazette*, the Singapore Standard in relation to any product or process;
- (j) specify, by notification in the *Gazette*, all the certification marks of the Board for use in relation to any function of the Board and control the use of such certification marks;
- (k) inspect, examine or test materials, products and processes with a view to evaluating their quality, serviceability and other characteristics and report thereon, and for this purpose may establish such laboratories and other facilities as the Board may think fit, and control the use of such reports;
- (l) establish a national standard of weights, measures and other quantities, hold custody and disseminate the measurement parameters of physical standards of such

weights, measures and quantities, and verify and develop methods for the measurement of such weights, measures and other quantities;

- (m) develop, verify and calibrate instruments and equipment and issue certificates to the effect that an instrument or equipment complies with the specifications applicable to it and control the use of such certificates;
- (n) undertake such measurement and conformity assessment activities as the Board considers necessary for the upgrading of quality standards in industry or for gaining international recognition and acceptance of conformity declarations issued by accredited certification bodies;
- (o) initiate and undertake or enter into contractual testing, consultancy, research and development projects with the clients of the Board in pursuance of its functions under this Act;
- (p) prescribe and levy fees and charges for any of the purposes of this Act and any regulations made thereunder and recover any costs and expenses incurred as provided by such regulations;
- (q) receive donations, grants, gifts and contributions from any source and raise funds by all lawful means;
- (r) act as agent for the Government or, with the approval of the Government, for any other person in the transaction of any business with a business enterprise in respect of loans or advances granted or debentures subscribed by the Government or such other person;
- (s) form or participate —
 - (i) in the formation of any company for the purpose of carrying out all or any of the functions of the Board;
 - (ii) with the approval of the Minister in the formation of any company for such other purposes as may be approved by the Minister; and
 - (iii) in any joint venture or partnership;

- (*t*) admit as a subscribing member of the Board any person, company or firm whose activities relate to the functions of the Board;
- (*u*) grant loans to officers or employees of the Board for any purposes specifically approved by the Board as are likely to increase the efficiency of its officers or employees;
- (*v*) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers and employees of the Board and members of their families;
- (*w*) provide training for officers or employees of the Board and award scholarships or otherwise pay for such training; and
- (*x*) do such other acts as appear to the Board to be incidental or necessary to the discharge of its functions under this Act.

(2) This section shall not be construed as limiting any power of the Board conferred by or under any other written law.

Directions by Minister

8.—(1) The Minister may give to the Board such directions not inconsistent with the provisions of this Act as he thinks fit as to the carrying out by the Board of its functions under this Act and the Board shall give effect to such directions.

(2) The Board shall furnish the Minister with such information or facilities for obtaining information in respect of its property or the carrying out of its functions in such manner and at such times as the Minister may reasonably require.

Appointment of inspectors

9. The Board may appoint such number of inspectors as may be necessary to assist it in carrying out its functions or in exercising its powers, as provided in this Act or any regulations made thereunder, and for this purpose the Board may assign to them such duties, not inconsistent with the provisions of this Act, as it may think fit.

Power of entry and inspection

10. An inspector appointed under section 9, a senior officer of the Board authorised in writing in that behalf by the Chairman or the chief executive or a police officer not below the rank of sergeant may between the hours of 6 a.m. and 6 p.m. enter and inspect, and take examples from, a place where he has reason to believe that there are —

- (a) products or processes in respect of which a certification mark or colourable imitation thereof is being used in contravention of this Act or any regulations made thereunder; or
- (b) products or processes which a person claims conform to a Singapore Standard when in fact they do not.

Appointment of committees and delegation of powers

11.—(1) The Board may, in its discretion, appoint from among its own members or from among other persons who are not members of the Board such number of committees for purposes which, in the opinion of the Board, would be better regulated and managed by means of those committees.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any committee appointed under subsection (1) or to the Chairman or any member, officer or employee of the Board or to any other person as the Board thinks fit, any of its functions or powers under section 6 or 7, and any function or power so delegated may be exercised or performed by the committee or the person to whom it has been delegated, as the case may be, in the name and on behalf of the Board.

(3) The Board may continue to exercise any of its functions or powers under this Act, notwithstanding the delegation of such function or power under this section.

PART IV
PROVISIONS RELATING TO STAFF

Appointment of chief executive

12.—(1) The Board shall, with the approval of the Minister, appoint a chief executive of the Board on such terms and conditions as the Board may think fit.

(2) The chief executive shall —

- (a) be known by such designation as the Board may determine;
- (b) be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board; and
- (c) not be removed from office without the consent of the Minister.

(3) If the chief executive is temporarily absent from Singapore, or is temporarily incapacitated by illness or for any other reason temporarily unable to perform his duties, another person may be appointed by the Board to act in the place of the chief executive during any such period of absence from duty.

Appointment of employees

13. The Board may —

- (a) appoint such number of employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their services or exercise disciplinary control over them in accordance with their terms of service; and
- (b) engage and remunerate for their services such persons or agents as the Board considers necessary for carrying out its functions and duties.

Protection from personal liability

14.—(1) No suit or other legal proceedings shall lie against any member, officer or employee of the Board or other person acting under the direction of the Board for anything which is in good faith

done or intended to be done in the execution or purported execution of this Act.

(2) The fact that —

- (a) a product or process conforms or is alleged to conform to a Singapore Standard; or
- (b) a certification mark is used in connection with, in respect of or in relation to, a product or process,

shall not give rise to a claim against the Board or the Government.

Public servants

15. All members, officers and employees of the Board (including persons seconded to the Board for any period) shall be deemed to be public servants for the purposes of the Penal Code [Cap. 224].

PART V

FINANCIAL PROVISIONS

Funds and property of Board

16. The funds and property of the Board shall consist of —

- (a) any moneys appropriated by Parliament for the purposes of the Board;
- (b) all moneys paid to the Board for the purposes of the Board;
- (c) all moneys paid to the Board by way of grants, subsidies, donations, gifts, fees, charges, rents, interest, dividends and royalties;
- (d) all moneys derived from the sale of any property belonging to or held by or on behalf of the Board;
- (e) all moneys derived by the Board from the sale of its publications;
- (f) all moneys received by the Board for services rendered by it or by any practice or process developed by it;

- (g) all moneys, dividends or income received from any transactions made pursuant to the powers conferred on the Board by this Act;
- (h) all other moneys and property lawfully received by the Board for the purposes of the Board by this Act;
- (i) all accumulations of income derived from any such property or money.

Application of revenue

17.—(1) The revenue of the Board in a financial year shall be applied in payment of the following charges:

- (a) the interest and principal on any loan payable by the Board;
- (b) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Board;
- (c) the salaries, fees, and allowances of the members of the Board;
- (d) the salaries, fees, allowances, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the employees, agents, and technical or other advisers of the Board;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Board, and the discharge of the functions of the Board properly chargeable to revenue accounts;
- (f) such sums as the Board, with the approval of the Minister, may consider appropriate to set aside in respect of the depreciation or renewal of the property of the Board; and
- (g) any other expenditure authorised by the Board and properly chargeable to revenue.

(2) The balance of the revenue of the Board shall be applied for the creation of a general reserve or such other reserves or capital fund as the Board may consider appropriate.

Bank accounts and application of moneys

18.—(1) The Board may open and maintain an account or accounts with such bank or banks as the Board thinks fit; and every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

(2) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

Investment

19. The Board may from time to time invest any of its funds in such manner or securities as trustees may by any written law be authorised to invest and, with the approval of the Minister, in any other securities or investments or in any other manner.

Estimates

20.—(1) The Board shall in every year prepare or cause to be prepared and adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates of expenditure may be adopted by the Board.

Grants

21. For the purpose of enabling the Board to carry out its functions under this Act, the Minister may from time to time make grants to the Board of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

Power to borrow

22. The Board may, for the purposes of this Act, raise loans from the Government or, with the approval of the Minister, raise capital from banks and other financial institutions whether in Singapore or elsewhere by way of mortgage, overdraft or otherwise, with or

without security, as it may require for the discharge of its functions under this Act.

Financial provisions

23. The financial provisions set out in the Second Schedule shall apply to the Board.

PART VI

TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

Transfer to Board of property, assets and liabilities of National Productivity Board and Singapore Institute of Standards and Industrial Research

24.—(1) As from the appointed day, all movable and immovable property vested in —

- (a) the National Productivity Board; and
- (b) the Singapore Institute of Standards and Industrial Research,

and all assets, interests, rights, privileges, liabilities and obligations of the National Productivity Board and the Singapore Institute of Standards and Industrial Research shall be transferred to and shall vest in the Board without further assurance.

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

Transfer of employees

25.—(1) As from the appointed day, such categories of persons employed immediately before that day in —

- (a) the National Productivity Board; and
- (b) the Singapore Institute of Standards and Industrial Research,

as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Board, the schemes and terms and conditions of service in the National Productivity Board or the Singapore Institute of Standards and Industrial Research, as the case may be, shall continue to apply to every person transferred to the service of the Board under subsection (1) as if he were still in the service of the National Productivity Board or the Singapore Institute of Standards and Industrial Research.

Existing contracts

26. All deeds, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the National Productivity Board or the Singapore Institute of Standards and Industrial Research is a party shall continue in force on and after that day and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the National Productivity Board or the Singapore Institute of Standards and Industrial Research as the case may be.

Pending legal proceedings

27. Any proceedings or cause of action pending or existing immediately before the appointed day by or against the National Productivity Board or the Singapore Institute of Standards and Industrial Research may be continued and shall be enforced by or against the Board.

Continuation and completion of disciplinary proceedings

28.—(1) Where on the appointed day —

- (a) any disciplinary proceedings were pending against any employee of the National Productivity Board or the Singapore Institute of Standards and Industrial Research transferred to the service of the Board under section 25, the proceedings shall be carried on and completed by the Board; and

(b) 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 or decision had been rendered thereon, the committee shall 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 appointed day.

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

Misconduct or neglect of duty by employee before transfer

29. The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under section 25 for any misconduct or neglect of duty committed prior to the appointed day 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 National Productivity Board or the Singapore Institute of Standards and Industrial Research, as the case may be, and if this Act had not been enacted.

PART VII

MISCELLANEOUS PROVISIONS

Annual report

30. The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister, a report of its activities and operations during the preceding financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

Symbol of Board

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

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the Board'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 \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Prohibition of improper use of certification mark, test report or certificate

32.—(1) Except under a licence granted under this Act or any regulations made thereunder, no person shall use, in respect of or in relation to a product or process, or in a trade mark or design, a certification mark or a colourable imitation thereof.

(2) No person shall, notwithstanding that he has been granted a licence under this Act, use in respect of or in relation to a product or process a certification mark or a colourable imitation thereof or a test report or a certificate issued by the Board in contravention of this Act or any regulations made thereunder.

(3) No person shall forge or, without lawful authority, alter a test report or a certificate issued by the Board.

(4) A person who contravenes any of the provisions of subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 3 years or to both.

(5) Notwithstanding the provisions of any other written law, a District Court shall have the power to impose the maximum penalties 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 shall be forfeited to the Government.

Prohibition of publication, etc., of Singapore Standard

33.—(1) Except as provided in this Act, no person shall establish, accept, adopt or publish in relation to a product or process any standard which purports, expressly or impliedly, to be a Singapore Standard within the meaning of this Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence.

False statements as to conformity with Singapore Standard

34.—(1) No person shall make any statement or representation, whether in writing or not, or use any mark which conveys or is likely to convey the impression that a product or process conforms to a Singapore Standard when in fact it does not.

(2) A person who contravenes subsection (1) shall be guilty of an offence.

Prohibition of registration in certain cases

35. Notwithstanding anything in any written law, no registering authority shall —

- (a) register any company, firm or other body of persons which bears any name; or
- (b) register a trade mark or design which bears any name or mark,

if the use of the name or mark is in contravention of section 32(1) or (2), or if the name or mark contains or consists of the words “Singapore Standard” or the expression “SISIR” or “SISIR Mark” or the name of the Board in any form, or if the name or mark so nearly resembles any of the same as to deceive or be likely to deceive the public.

Obstructing officers of Board

36. A person who obstructs or hinders an inspector or an officer of the Board acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Proceedings conducted by officers of Board

37. Proceedings in respect of an offence under this Act or any regulations made thereunder may, with the consent of the Attorney-General, be conducted by an officer of the Board who is authorised in writing in that behalf by the Chairman or the chief executive.

Offence by body corporate

38. Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of, any director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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 under the provisions of any written law, no person who is or has been a member, an officer, an employee or an agent of the Board or a member of a committee of the Board shall disclose any information relating to the affairs of the Board or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(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 one year or to both.

General penalty

40. A person guilty of a contravention of any provision of this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Composition of offences

41.—(1) The Board may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) All sums collected under this section shall be paid to the Board.

Regulation

42.—(1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act and for prescribing any matter which may be prescribed under this Act.

(2) Without prejudice to the generality of subsection (1), the Board may make regulations with regard to the following matters:

- (a) the test of proficiency in courses conducted by the Board;
- (b) subscribing members;
- (c) the manner of appointment, conduct and discipline and the terms and conditions of service of the officers and employees of the Board;
- (d) the prescribing of fees and charges for the purposes of this Act; and
- (e) the prescribing of offences which may be compounded under section 41.

(3) The Board may in making any regulations provide that any person who contravenes or fails to comply with the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Repeal

43.—(1) The National Productivity Board Act and the Singapore Institute of Standards and Industrial Research Act are repealed.

(2) Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed National Productivity Board Act or repealed Singapore Institute of Standards and Industrial Research Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under this Act.

(3) Any subsidiary legislation made under the repealed National Productivity Board Act [Cap. 200] or the repealed Singapore Institute of Standards and Industrial Research Act [Cap. 301] shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked by subsidiary legislation made under this Act.

Consequential amendments

44. The Acts specified in the first column of the Third Schedule are amended in the manner set out in the second column thereof.

FIRST SCHEDULE

Section 5(2)

CONSTITUTION AND PROCEEDINGS OF BOARD**Appointment of Chairman, Deputy Chairman and other members**

1.—(1) The Minister shall appoint the Chairman and the other members of the Board.

(2) The Minister may appoint one of the members of the Board to be the Deputy Chairman; and the Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

Term of office of members

2. The Chairman, the Deputy Chairman and every other member of the Board shall, unless their appointment is revoked or they resign during their term of

FIRST SCHEDULE — *continued*

office, hold office on such terms and conditions and for such period as the Minister may determine, and shall be eligible for reappointment.

Temporary Chairman or Deputy Chairman

3. The Minister may appoint any member of the Board to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore of the Chairman or the Deputy Chairman, as the case may be.

Temporary members

4. The Minister may appoint any person to be a temporary member of the Board during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

5. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member of the Board without assigning any reason.

Resignation

6. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Chairman may delegate functions

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

Vacation of office

8. The office of a member of the Board shall become vacant —

- (a) if the member becomes in any manner disqualified for membership of the Board;
- (b) if he has been absent, without sufficient cause (the sufficiency thereof to be decided by the Board) from 3 consecutive meetings of the Board;
- (c) if he resigns from his office; and
- (d) on his death.

FIRST SCHEDULE — *continued***Filling of vacancies**

9. If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

Disqualification from membership

10. No person shall be appointed or shall continue to hold office as a member of the Board if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

Disclosure of interest by members

11.—(1) A member of the Board who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Board and, after disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

(3) No act or proceedings of the Board shall be questioned on the ground that a member of the Board has contravened this paragraph.

(4) This paragraph shall apply to any member of a committee appointed in accordance with section 11(1) when any member of the Board is present at a meeting of the committee.

Salaries, fees and allowances payable to members

12. There shall be paid to the Chairman, Deputy Chairman and other members of the Board out of the funds of the Board such salaries, fees and allowances as the Minister may, from time to time, determine.

FIRST SCHEDULE — *continued*

Meetings of Board

13.—(1) The Board shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) The Chairman shall summon meetings as often as may be required but not less than once in 3 months.

(3) At every meeting of the Board, 6 members shall form a quorum.

(4) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Board.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the Chairman appoints shall preside at that meeting.

(6) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

(7) The Board may act notwithstanding any vacancy in its membership.

(8) Subject to the provisions of this Act, the Board may make rules to regulate its own procedure and, in particular, for the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of proceedings

14. The validity of any proceedings of the Board shall not be affected by any defect in the appointment of any member or by any contravention of paragraph 11 by any member.

SECOND SCHEDULE

Section 23

FINANCIAL PROVISIONS**Financial year**

1. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Board shall begin on the appointed day and shall end on 31st March 1997.

Accounts of Board

2. The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its

SECOND SCHEDULE — *continued*

moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

Financial statements

3. The Board shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that financial year to the auditor who shall audit and report on them.

Appointment of auditor

4.—(1) The accounts of the Board shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act [Cap. 50].

Remuneration of auditor

5. The remuneration of the auditor shall be paid out of the funds of the Board.

Duties of auditor

6.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Board whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Board during the financial year have been in accordance with this Act; and
- (d) such other matters arising from the audit as he considers should be reported.

(2) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Board.

(3) The auditor may at any other time report to the Minister through the Board upon any matter arising out of the performance of his audit.

 SECOND SCHEDULE — *continued*
Powers of auditor

7.—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to financial transactions of the Board.

(2) The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

Failure to furnish information to auditor

8. The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

Penalty for obstruction

9. Any person who fails without reasonable excuse to comply with any requirement of the auditor under paragraph 8 or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of audited financial statements and auditor's report

10.—(1) As soon as the accounts of the Board and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman and certified by the auditor, together with a copy of any report made by the auditor, shall be submitted to the Minister.

(2) Where the Auditor-General is not the auditor of the Board, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.

THIRD SCHEDULE

Section 44

CONSEQUENTIAL AMENDMENTS

*First column**Second column*

THIRD SCHEDULE — *continued*

1. Building Control Act
(Chapter 29) Delete the words “Singapore Institute of Standards and Industrial Research” wherever they appear in section 51(1)(a), (2) and (3) and substitute in each case the words “Singapore Productivity and Standards Board”.
2. Central Provident Fund Act
(Chapter 36) (a) Delete item (23) of paragraph 6 of the First Schedule.

(b) Delete item (36) of paragraph 6 of the First Schedule and substitute the following item:
“(36) Singapore Productivity and Standards Board.”.
3. Evidence Act
(Chapter 97) Delete item 15 of the Schedule and substitute the following item:

"15. Singapore Singapore Productivity Productivity and and Standards Board Act Standards Board 1995.".
4. Factories Act
(Chapter 104) Delete the words “Singapore Institute of Standards and Industrial Research” in the eighth and ninth lines of section 96(4) and substitute the words “Singapore Productivity and Standards Board”.
5. Fire Safety Act
(Chapter 109A) Delete the words “Singapore Institute of Standards and Industrial Research” in section 55(1)(a) and substitute the words “Singapore Productivity and Standards Board”.
6. Income Tax Act
(Chapter 134) (a) Delete item 35 of paragraph A of the First Schedule.

(b) Delete item 49 of paragraph A of the First Schedule and substitute the following item:

THIRD SCHEDULE — *continued*

“49. Singapore Productivity and Standards Board.”.

7. Skills Development Levy Act
(Chapter 306)

Delete the definition of “Board” in section 2 and substitute the following definition:

““Board” means the Singapore Productivity and Standards Board established under the Singapore Productivity and Standards Board Act 1995;”.

8. Statutory Bodies and Government Companies
(Protection of Secrecy) Act
(Chapter 319)

Delete item 17 of Part I of the Schedule and substitute the following item:

"17. Singapore Singapore Productivity and Standards Board Act 1995."
