



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 19]

TUESDAY, APRIL 7

[2020

First published in the *Government Gazette*, Electronic Edition, on 7 April 2020 at 8 pm.

Notification No. B 19 — The COVID-19 (Temporary Measures) Bill is published for general information. It was introduced in Parliament on 7 April 2020.

COVID-19 (Temporary Measures) Bill

Bill No. 19/2020 [Urgent Bill].

Read the first time on 7 April 2020 and, under Standing Order 86, proceeded with throughout all its stages and read the third time on the same day.

COVID-19 (TEMPORARY MEASURES) ACT 2020

(No. of 2020)

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A BILL

intituled

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

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

Short title and commencement

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

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

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

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

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

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

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

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

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

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

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

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

PART 1
PRELIMINARY

Interpretation

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

“assessor” means a person appointed to the panel of assessors under section 11; 5

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

“construction contract” has the meaning given by section 2 of the Building and Construction Industry Security of Payment Act (Cap. 30B); 10

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

“COVID-19 event” means —

(a) the COVID-19 epidemic or pandemic; or 15

(b) the operation of or compliance with any law of Singapore or another country or territory, or an order or direction of the Government or any statutory body, or of the government or other public authority of another country or territory, being any law, order or direction that is made by reason of or in connection with COVID-19; 20

“event contract” means a contract for the provision of a venue, accommodation, amenities, transport, entertainment, catering or other goods or services for — 25

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

(b) the participants, attendees, guests, patrons or spectators of any of the events mentioned in paragraph (a); 30

“Minister” means —

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

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

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

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

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

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

“tourism-related contract” means —

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

Prescribed period

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

(2) The Minister may, by order in the *Gazette*, extend or shorten the prescribed period for or by a period determined by the Minister, and the period may be extended or shortened more than once. 5

(3) An order mentioned in subsection (2) may specify that the extension of the prescribed period does not apply in relation to any paragraph of section 5(3), and the provisions of Part 2 apply during such an extension as if that paragraph were omitted. 10

PART 2

TEMPORARY RELIEF FOR INABILITY TO PERFORM CONTRACTS

Division 1 — Preliminary

 15

Application

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

(2) A reference to a scheduled contract in this Act includes one to which the Government is a party. 20

Division 2 — Relief measures

Temporary relief from actions for inability to perform scheduled contract

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

(a) a party to a scheduled contract (called in this Division *A*) is unable to perform an obligation in the contract, being an obligation that is to be performed on or after 1 February 2020; 25

(b) the inability is to a material extent caused by a COVID-19 event (called in this Division the subject inability); and 30

(c) *A* has served a notification for relief in accordance with section 9(1) on —

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

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

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

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

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

Example

Plant and machinery.

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

- (f) the making of an application for a judicial management order in relation to *A* or *A*'s guarantor or surety;
- (g) the making of an application for the winding up of *A* or *A*'s guarantor or surety;
- (h) the making of a bankruptcy application against *A* or *A*'s guarantor or surety; 5
- (i) the appointment of a receiver or manager over any property or undertaking of *A* or *A*'s guarantor or surety;
- (j) the commencement or levying of execution, distress or other legal process against any property of *A* or *A*'s guarantor or surety, except with the leave of the court and subject to such terms as the court imposes; 10
- (k) the repossession of any goods under any chattels leasing agreement, hire-purchase agreement or retention of title agreement, being goods used for the purpose of a trade, business or profession; 15

Example

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

- (l) the termination of a scheduled contract (being a lease or licence of immovable property) where the subject inability is the non-payment of rent or other moneys; 20
- (m) the exercise of a right of re-entry or forfeiture under a scheduled contract (being a lease or licence of immovable property), or the exercise of any other right that has a similar outcome; 25
- (n) the enforcement against *A* or *A*'s guarantor or surety of a judgment of a court, an award made by an arbitral tribunal in arbitral proceedings conducted under the Arbitration Act, or a determination by an adjudicator under the Building and Construction Industry Security of Payment Act; and 30
- (o) such other action as may be prescribed.

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

(a) does not apply in relation to a description of scheduled contracts (or a part of such contract); or

5 (b) applies in relation to a description of scheduled contracts (or a part of such contract) subject to modifications set out in the regulations,

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

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

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

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

25 (a) the expiry of the prescribed period;

(b) the withdrawal by *A* of *A*'s notification for relief;

(c) on an application under section 9(2), the making of a determination by the assessor that the case in question is not one to which this section applies.

30 (8) Any of the following, namely:

(a) proceedings before a court;

(b) arbitral proceedings under the Arbitration Act;

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

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

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

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

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

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

10 (a) each period mentioned in sections 100(1)(a), (b) and (c) and 103(2) of the Bankruptcy Act (as applied by section 227T of the Companies Act);

(b) the period mentioned in section 341(2) of the Companies Act (as applied by section 227X(b) of the Companies Act);

15 (c) each period mentioned in sections 226(1)(a), (b) and (c), 228(2), 229(2)(a), (b) and (c) and 240(2) of the Insolvency, Restructuring and Dissolution Act 2018.

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

(a) each period mentioned in sections 100(1)(a), (b) and (c) and 103(2) of the Bankruptcy Act;

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

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

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

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

Additional relief for inability to perform construction contract or supply contract

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

(2) Despite anything in a performance bond or equivalent given pursuant to the construction contract or supply contract, *B* may not make a call on the performance bond or equivalent in relation to the subject inability at any time earlier than 7 days before — 10

(a) the date of expiry of the performance bond or equivalent as stated in the performance bond or equivalent; or

(b) where the term of the performance bond or equivalent is extended whether under subsection (3) or otherwise, the date of expiry of the performance bond or equivalent following such extension. 15

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

(a) *A* makes an application to the issuer of the performance bond or equivalent not less than 7 days before the date of expiry of the performance bond or equivalent, to extend the term of the performance bond or equivalent; and 20

(b) *A* serves a notice of the application on *B* at the same time, then the term of the performance bond or equivalent is extended to a date that is 7 days after the end of the prescribed period, or such other date as may be agreed between *A*, *B* and the issuer, and that date or other date (as the case may be) is treated as the date of expiry of the performance bond or equivalent. 25

(4) Subsection (2) does not apply — 30

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

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

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

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

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

20

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

(a) any right or obligation under the contract that accrues or arises at any time before or after the period mentioned in subsection (6); or

25 (b) any judgment, arbitral award, adjudication determination under the Building and Construction Industry Security of Payment Act, compromise or settlement given or made before the service of the notification for relief.

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

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

(2) Despite any law or anything in the contract, another party to the contract may not, after being served with the notification for relief in accordance with section 9(1), at any time (whether during or after the prescribed period) forfeit any deposit (or part of any deposit) taken under the contract on the basis of the subject inability, unless the notification for relief is withdrawn or an assessor has made a determination that the forfeiture of the deposit or any part of the deposit is just and equitable in the circumstances of the case. 5

(3) Despite any law or anything in the contract, if the other party to the contract has already forfeited any deposit (or part of any deposit) taken under the contract on the basis of the subject inability, including at any time between 1 February 2020 and the date of commencement of this Part, the other party must on receipt of the notification for relief served in accordance with section 9(1), as soon as practicable restore the deposit or part of the deposit as if it had not been forfeited. 10 15

(4) Despite anything in the contract, where the subject inability occurs on or after 1 February 2020 but before the expiry of the prescribed period, the fact that the inability to perform the obligation in the contract was to a material extent caused by a COVID-19 event is a defence to a claim for the payment of a cancellation fee under the contract in respect of the subject inability. 20

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

Consequences for taking action in contravention of section 5, 6 or 7 25

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

(2) Any proceedings commenced in breach of section 5(2) must, on the lodgment of a copy of the notification for relief with the court, arbitral tribunal or other person or body before which the proceedings are brought, be dismissed. 30

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

(4) The following actions are void:

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

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

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

Division 3 — Notification for relief

Notification for relief

25 **9.—(1)** If a party to a scheduled contract (called in this section *A*) intends to seek relief under section 5 or 7, *A* must, within the period specified in regulations made under section 19, and whether with or without prior demand for performance, serve a notification for relief that contains the prescribed information on —

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

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

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

Division 4 — Assessor's determination

Registrar of assessors 10

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

(2) The Minister may in addition appoint Deputy Registrars of assessors. 15

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

Panel of assessors

11. For the purposes of section 12(3), the Minister must appoint a panel of assessors comprising such number of persons who satisfy the requirements prescribed for the purposes of this section. 20

Application for assessor's determination

12.—(1) An application for an assessor's determination must be made in the form and manner prescribed by regulations made under section 19 and must be accompanied by the prescribed fee. 25

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

- (a) the other party or parties to the contract;
- (b) any guarantor or surety for the obligation in the contract that is the subject of the application; and 30

(c) such other person as may be prescribed.

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

Assessor's determination

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

(a) make a determination whether the case in question is one to which section 5 applies; and

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

(2) When making a determination, the assessor —

(a) may take into account the ability and financial capacity of the party concerned to perform the obligation that is the subject of the application, and other prescribed factors; and

(b) must seek to achieve an outcome that is just and equitable in the circumstances of the case.

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

(a) requiring a party to the contract to do anything or pay any sum of money to discharge any obligation under the contract; and

(b) in a case where a right of repossession of goods under the contract or of re-entry or forfeiture under a lease or licence of immovable property had been exercised by a party in

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

(4) Where the assessor determines under subsection (1)(b) that it is just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the deposit may be forfeited or retained (as the case may be) for the full amount or such amount as the assessor considers just and equitable. 5

(5) Where the assessor determines under subsection (1)(b) that it is not just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the deposit or part of the deposit must be restored as if it had not been forfeited. 10

(6) Where the assessor determines under subsection (1)(b) that it is not just and equitable in the circumstances of the case for the deposit or any part of the deposit to be forfeited, the assessor may make further determinations in order to achieve an outcome that is just and equitable in the circumstances of the case. 15

(7) An assessor's further determination under subsection (3) or (6), or determination under subsection (5) may, with leave of the court, be enforced in the same manner as a judgment or an order of the court to the same effect. 20

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

(9) The assessor's determination is binding on all the parties to the application and all parties claiming under or through them. 25

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

(11) A person who, without reasonable excuse, fails to comply with a further determination made by an assessor under subsection (3) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. 30

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

No representation by advocate and solicitor

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

Costs

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

Registrar and assessors treated as public servants

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

Protection from liability

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

Division 5 — Miscellaneous

Amendment of Schedule

20 18.—(1) The Minister may, by order in the *Gazette*, amend, add to or vary the Schedule.

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

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

Regulations for this Part

30 19.—(1) The Minister may make regulations for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Part.

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

- (a) the procedure and practice for a proceeding before an assessor;
- (b) the forms to be used and the information or documents to be furnished; 5
- (c) the manner in which the Registrar or an assessor is to exercise his or her functions or perform his or her duties;
- (d) the manner of service of any document and when it is deemed served; 10
- (e) the extension by the Registrar or an assessor of any time within which any document is to be filed or furnished; and
- (f) any saving and transitional provisions that may be necessary or expedient for the purposes of the regulations mentioned in section 5(4) or any variation or expiry of the prescribed period or the expiry of this Part. 15

PART 3

TEMPORARY RELIEF FOR FINANCIALLY DISTRESSED INDIVIDUALS, FIRMS AND OTHER BUSINESSES

Division 1 — Modifications relating to individuals and firms in financial distress 20

Modifications to Bankruptcy Act

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

- (a) the reference in section 56B(2)(a) of that Act to “\$100,000” were a reference to “\$250,000”; 25
- (b) the reference in section 56L(a) of that Act to “\$100,000” were a reference to “\$250,000”;
- (c) the reference in section 56L(b) of that Act to “\$50,000” were a reference to “\$125,000”; 30

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

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

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

20 **Modifications to Insolvency, Restructuring and Dissolution Act 2018**

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

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

- (e) the reference in section 312(a)(i) of that Act to “21 days” were a reference to “6 months”;
- (f) the reference in section 314 of that Act to “21 days” were a reference to “6 months”;
- (g) the references in section 316(2) of that Act to “21 days” were references to “6 months”; and
- (h) the reference in section 316(9)(a) of that Act to “the prescribed amount” were a reference to “\$250,000”.

(2) For the purposes of section 415 of the Insolvency, Restructuring and Dissolution Act 2018, a bankrupt is not to be treated as having no reasonable ground of expectation of being able to pay a debt if the debt is incurred —

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

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

Modifications to Companies Act

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

- (a) the reference in section 254(2)(a) of the Companies Act to “\$10,000” were a reference to “\$100,000”; and
- (b) the reference in section 254(2)(a) of the Companies Act to “3 weeks” were a reference to “6 months”.

(2) For the purpose of section 339(3) of the Companies Act (including that provision as applied by the Variable Capital Companies Act 2018), an officer of the company or (as the case may be) an officer, the manager or the custodian of the variable capital company is not to be treated as having no reasonable or

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

(a) in the ordinary course of the company’s or variable capital company’s business;

5 (b) during the prescribed period; and

(c) before the appointment of a judicial manager or liquidator of the company or variable capital company.

Modifications to Insolvency, Restructuring and Dissolution Act 2018

10 **23.**—(1) During the prescribed period, the Insolvency, Restructuring and Dissolution Act 2018 (including that Act as applied by the Variable Capital Companies Act 2018) applies as if —

15 (a) the reference in section 125(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 to “\$15,000” were a reference to “\$100,000”; and

(b) the reference in section 125(2)(a) of the Insolvency, Restructuring and Dissolution Act 2018 to “3 weeks” were a reference to “6 months”.

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

25 (a) in the ordinary course of the company’s or variable capital company’s business;

(b) during the prescribed period; and

(c) before the appointment of a judicial manager or liquidator of the company or variable capital company.

30 Modifications to Limited Liability Partnerships Act

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

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

(2) For the purpose of paragraph 93(3) of the Fifth Schedule to the Limited Liability Partnerships Act, an officer of the limited liability partnership is not to be treated as having no reasonable or probable ground of expectation of the limited liability partnership being able to pay a debt if the debt is incurred — 5

- (a) in the ordinary course of the business of the limited liability partnership; 10
- (b) during the prescribed period; and
- (c) before the appointment of a liquidator of the limited liability partnership.

Modifications to Business Trusts Act 15

25. For the purpose of section 50(1) of the Business Trusts Act (Cap. 31A), an officer of the trustee-manager is not to be treated as having no reasonable or probable ground of expectation of the trustee-manager being able to pay a debt from the trust property of the registered business trust if the debt is incurred — 20

- (a) in the ordinary course of the business of the registered business trust;
- (b) during the prescribed period; and
- (c) before the passing of a resolution approving or directing the winding up, or the making of a court order directing the winding up, of the registered business trust. 25

Saving and transitional provisions

26.—(1) Despite section 20(1)(a), section 56B(2)(a) of the Bankruptcy Act as in force immediately before the date of commencement of section 20(1)(a) continues to apply to or in relation to a bankruptcy application made before that date. 30

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

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

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

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

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

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

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

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

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

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

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

5

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

10

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

15

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

20

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

25

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

30

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

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

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

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

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

(a) section 20(1)(a), (b), (c), (h) and (i) continues to apply to or in relation to a bankruptcy application made during the prescribed period;

20 (b) section 20(1)(e), (f) and (g) continues to apply to or in relation to a statutory demand served on a debtor during the prescribed period;

(c) section 20(2) continues to apply to a bankrupt in respect of any debt incurred by the bankrupt during the prescribed period;

(d) section 21(1)(a), (b), (c) and (h) continues to apply to or in relation to a bankruptcy application made during the prescribed period;

30 (e) section 21(1)(e), (f) and (g) continues to apply to or in relation to a statutory demand served on a debtor during the prescribed period;

(f) section 21(2) continues to apply to a bankrupt in respect of any debt incurred by the bankrupt during the prescribed period;

- (g) section 22(1)(b) continues to apply to or in relation to a demand served on a company or variable capital company during the prescribed period;
- (h) section 22(2) continues to apply to an officer of a company, or an officer or the manager or custodian of a variable capital company, in respect of debts contracted by the company or variable capital company during the prescribed period; 5
- (i) section 23(1)(b) continues to apply to or in relation to a written demand served on a company or variable capital company during the prescribed period; 10
- (j) section 23(2) continues to apply to a party to a wrongful trading in respect of debts or other liabilities incurred by a company or variable capital company during the prescribed period; 15
- (k) section 24(1)(b) continues to apply to or in relation to a demand served on a limited liability partnership during the prescribed period;
- (l) section 24(2) continues to apply to an officer of a limited liability partnership in respect of a debt contracted by the limited liability partnership during the prescribed period; and 20
- (m) section 25 continues to apply to an officer of the trustee-manager of a registered business trust in respect of the contracting of a debt on behalf of the registered business trust during the prescribed period. 25

(21) The Minister may, by regulations, prescribe any additional provisions of a saving or transitional nature consequent on the enactment of any provision in this Part or the variation or expiry of the prescribed period or the expiry of this Part, as the Minister may consider necessary or expedient. 30

PART 4

TEMPORARY MEASURES FOR CONDUCT OF MEETINGS

Alternative arrangements for meetings

5 27.—(1) Where personal attendance at any meeting or class of meetings is provided for in any written law or legal instrument, the Minister may, if the Minister considers that it would be inexpedient or impracticable for the meeting or class of meetings to be convened, held or conducted in the manner provided for in the written law or legal instrument in view of a control measure, by order prescribe
10 alternative arrangements for the meeting or class of meetings.

(2) The alternative arrangements that may be prescribed include —

15 (a) provision for a meeting to be convened, held or conducted, whether wholly or partly, by electronic communication, video conferencing, tele-conferencing or other electronic means;

(b) provision of a period of notice for a meeting;

(c) provision for the quorum for a meeting to be reduced to a specified number;

(d) provision for voting by electronic means at a meeting;

20 (e) provision for voting at a meeting to be made by proxy and for the number of proxies to be limited to a specified number;

(f) provision for the person who may be appointed as proxy for a meeting;

25 (g) provision for questions to be tabled at a meeting by any of the following means:

(i) in writing;

(ii) by electronic communication, video conferencing, tele-conferencing or other electronic means;

30 (h) provision for responses to questions mentioned in paragraph (g) to be communicated by electronic

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

- (i) provision for notices for a meeting and proxies to be used at a meeting, appointment forms for proxies for a meeting, and circulars and other documents relating to a meeting, to be given or sent by electronic communication or other electronic means; 5
- (j) provision for notices for a meeting to supersede any previous notice that may have been given;
- (k) provision for a meeting to be deferred; and 10
- (l) any other measures that the Minister considers necessary or expedient.

(3) A meeting convened, held, conducted or deferred in accordance with the alternative arrangements prescribed by an order under subsection (1) is deemed to satisfy the requirements relating to the convening, holding, conduct or deferral of meetings under the relevant written law or legal instrument in respect of which the alternative arrangements were prescribed, despite anything to the contrary in any law or legal instrument. 15

(4) Any notice, form, circular or other document given or sent in accordance with the alternative arrangements prescribed by an order under subsection (1) is deemed to satisfy the requirements relating to the notice, form, circular or other document under the relevant written law or legal instrument in respect of which the alternative arrangements were prescribed, despite anything to the contrary in any law or legal instrument. 20 25

(5) An order under subsection (1) —

- (a) must identify the control measure in respect of which the order is made;
- (b) must be published in the *Gazette*; 30
- (c) may apply retrospectively to a date not earlier than the date that the control measure in respect of which the order was made came into force; and

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

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

(7) In this section —

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

(*a*) a notification given under section 17(1) of the Infectious Diseases Act (Cap. 137);

(*b*) an order made under section 17A(1) or (2) of that Act;

(*c*) a notice given under section 18(1) of that Act;

(*d*) a notice given under section 19(1)(*a*) of that Act;

(*e*) an order made under section 20(1) of that Act;

(*f*) a direction given under section 21(1) of that Act;

(*g*) an order made under section 55(1)(*g*) or (*i*) of that Act;

(*h*) regulations made under section 73 of that Act prescribing any measure prohibiting or limiting the meeting or gathering of individuals;

“legal instrument” means —

(*a*) in the case of a company incorporated under the Companies Act — the constitution of the company;

(*b*) in the case of a variable capital company incorporated under the Variable Capital Companies Act 2018 — the constitution of the variable capital company;

(*c*) in the case of a trust (including a business trust as defined in section 2 of the Business Trusts Act) — the trust deed of the trust;

- (d) in the case of a society registered under the Societies Act (Cap. 311) — the rules of the society;
 - (e) in the case of a co-operative society registered under the Co-operative Societies Act (Cap. 62) — the by-laws of the co-operative society; 5
 - (f) in the case of a school to which the Education Act (Cap. 87) applies — the constitution, written scheme or deed of trust in accordance with which the school is managed;
 - (g) in the case of a mutual benefit organisation registered under the Mutual Benefit Organisations Act (Cap. 191) — the rules of the mutual benefit organisation; 10
 - (h) in the case of a Town Council established under the Town Councils Act (Cap. 329A) — the standing orders of the Town Council; 15
 - (i) in the case of a trade union registered under the Trade Unions Act (Cap. 333) — the rules of the registered trade union;
 - (j) in the case of a society or unincorporated association not mentioned in paragraphs (a) to (i) — the rules of the society or unincorporated association; 20
 - (k) in the case of an entity not mentioned in paragraphs (a) to (i) — the entity’s constituting document, however called, and the entity’s governing rules and regulations, where applicable; and 25
 - (l) any other legal instrument as may be prescribed,
- and includes a class of such legal instruments.

PART 5

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

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

(a) to give evidence by means of a live video or live television link that is created using a remote communication technology approved by the Chief Justice; or

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

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

(a) in the case of an accused person, he or she makes an appearance or gives evidence —

(i) during the specified period; and

(ii) from a place within a court or a prison in Singapore, using the remote communication technology;

(b) in the case of a witness (whether in Singapore or elsewhere), he or she makes an appearance or gives evidence during the specified period from a place specified by the court using the remote communication technology, but only if he or she —

(i) is an expert witness; or

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

(b) the Syariah Court is satisfied that —

(i) sufficient administrative and technical facilities and arrangements are made at the place where the witness is to make an appearance or to give evidence; and

(ii) it is in the interests of justice to do so.

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

(a) the persons who may be present at the place where the accused person or witness is giving evidence;

(b) that a person be excluded from the place where the accused person or witness is giving evidence;

(c) the persons who must be able to be heard, or seen and heard, by the accused person or witness, and by the persons with the accused person or witness;

(d) the persons who must not be able to be heard, or seen and heard, by the accused person or witness, and by the persons with the accused person or witness;

(e) the persons who must be able to see and hear the accused person or witness, and the persons with the accused person or witness;

(f) the stages in the proceedings during which a specified part of the order is to have effect;

(g) any other order the court or the Syariah Court considers necessary in the interests of justice.

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

(a) the live video, live television link or live audio link stops working and it would cause unreasonable delay to wait until a working system becomes available;

(b) it is necessary for the court or the Syariah Court to do so to comply with its duty to ensure that the proceedings are conducted fairly to the parties in the proceedings;

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

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

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

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

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

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

technology approved by the senior president of the Syariah Court.

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

10 (a) a judge conducts court proceedings during the specified period using a remote communication technology approved by the Chief Justice;

(b) an accused person or a witness makes an appearance or gives evidence during the specified period using such remote communication technology; or

15 (c) any person participates in, views or listens to the court proceedings conducted during the specified period using such remote communication technology.

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

25 (a) a specified judge hears any action or proceeding during the specified period using a remote communication technology approved by the senior president of the Syariah Court;

(b) a witness makes an appearance or gives evidence during the specified period using such remote communication technology; or

30 (c) any person participates in, views or listens to the action or proceeding conducted during the specified period using such remote communication technology.

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

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

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

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

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

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

“court” means —

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

(b) any State Court constituted under section 3 of the State Courts Act (Cap. 321);

(c) any Family Court constituted under section 3 of the Family Justice Act 2014 (Act 27 of 2014); or

5 (d) any Youth Court constituted under section 3 of the Family Justice Act 2014;

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

“specified judge” means —

10 (a) every president of the Syariah Court;

(b) every ad-hoc president of the Syariah Court;

(c) the registrar of the Syariah Court; and

(d) every deputy registrar of the Syariah Court;

“specified period” means —

15 (a) any period a control measure relating to COVID-19 is in force;

(b) for the purposes of subsection (2), (10)(a) or (11), any further period that the Chief Justice determines is necessary or expedient in order to conduct court proceedings in a safe and efficient manner and to prevent the spread of COVID-19; or

20

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

25

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

PART 6

TEMPORARY MEASURES CONCERNING
REMISSION OF PROPERTY TAX**Transfer of benefit in relation to property tax remitted**

29.—(1) This section applies in relation to any remission of property tax given by an order made under section 6(8) of the Property Tax Act (Cap. 254) in response to the COVID-19 epidemic or pandemic, that is prescribed as a remission to which this section applies (called in this section the prescribed remission), and applies whether the order was made before, on or after the date of commencement of this section. 5 10

(2) Where any property to which the prescribed remission relates is leased or licensed by the owner of the property (called in this Part the owner), in whole or in part, to a prescribed lessee or a prescribed licensee (called in this Part the tenant) for any part of the period to which the prescribed remission relates, then the owner must pass the benefit of the reduction in property tax on the property (called in this Part the benefit) to the tenant in the amount or to the extent, in the manner, and in or by the time, prescribed; and the tenant is entitled to the same. 15 20

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

- (a) a payment of money, whether as a lump sum or by way of instalments; 25
- (b) an off-set against or a reduction of the whole or any part of any rent or licence fee payable by the tenant to the owner.

(4) The owner must not subject the passing of the benefit to any condition (whether a condition precedent or subsequent), including any change to any term or condition of the lease or licence agreement with the tenant; and any such condition which the owner purports to impose is void. 30

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

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

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

Disputes in relation to transfer of benefit

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

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

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

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

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

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

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

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

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

(7) A summons signed by the member comprising the Panel or a member of the Panel as may be authorised by the Panel (as the case may be), is equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents. 5

(8) A witness before the Panel is entitled to the same immunities and privileges as if the witness were a witness before a District Court. 10

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

(10) In making a determination on the dispute that is the subject of the application, the Panel may make any further directions that are necessary to give effect to the determination. 15

(11) If the owner or tenant is dissatisfied with the determination or any further direction of the Panel made under subsection (10), the owner or tenant may, within 21 days after the date of the determination, appeal to the High Court upon any question of law or mixed law and fact. 20

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

- (a) the appeal to the High Court is by way of rehearing;
- (b) the appeal to the High Court must be brought in the manner provided by the Rules of Court; 25
- (c) the High Court, after hearing the appeal, may —
 - (i) confirm, vary or reverse the determination or further direction of the Panel appealed against; and
 - (ii) make such directions as the High Court thinks necessary or appropriate. 30

Enforcement of determination, etc., of Panel

5 **31.**—(1) Subject to subsection (3), a determination and any further directions of the Panel under section 30 may, with leave of the court, be enforced in the same manner as a judgment or an order of the court to the same effect.

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

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

Regulations for this Part

15 **32.** The Minister may make regulations —

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

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

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Consequential amendment to Property Tax Act

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

PART 7

COVID-19 CONTROL ORDERS

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Control order to prevent spread of COVID-19

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

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

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

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

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(c) to require the doing of one or both of the following at a specified time, in a specified manner or to a specified extent, in relation to any premises or facility used to carry out any business, undertaking or work:

- (i) close the premises or facility;
- (ii) limit access to the premises or facility;

(d) to restrict the time, manner or extent for the carrying out of any business, undertaking or work, including prescribing restrictions on the maximum number of people, opening hours or facilities provided, for the carrying on of the business, undertaking or work;

(e) to prohibit or restrict the conduct of or participation in any event or gathering in any premises;

(f) to disapply any prohibition or restriction in paragraph (a), (b), (c), (d) or (e) to the extent specified in the control order or, where it is impracticable in the circumstances of the particular case for the Minister to make or amend any control order to this end, that is prescribed on the Internet website of the Government at <https://covid.gobusiness.gov.sg/essentialservices/>.

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

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

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

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

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

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

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

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

Enforcement of control order

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

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

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

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

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

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

(6) A police officer, or an enforcement officer appointed under subsection (1)(b), (c), (d) or (e) authorised in writing by the Minister, may arrest without warrant any person committing or who the police officer or enforcement officer has reason to believe has committed any offence under subsection (11) or section 34(7), and in so doing, the enforcement officer has the same powers as a Health Officer authorised under section 56 of the Infectious Diseases Act in relation to an arrest without warrant under that Act. 5 10

(7) An enforcement officer who, in the course of his or her duties under this Part, exercises any power as such, is treated as a public servant for the purposes of the Penal Code when exercising such power. 15

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

(9) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of an enforcement officer given to the individual under subsection (2)(a) or (b) or deemed to be given under subsection (4)(a). 20

(10) A body corporate, unincorporated association or partnership commits an offence if it, without reasonable excuse, refuses or fails to comply with a direction of an enforcement officer given to it under subsection (2)(b) or deemed to be given under subsection (4)(b). 25

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

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or 30
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

THE SCHEDULE

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

SCHEDULED CONTRACTS

1. The following are scheduled contracts:

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

2. In this Schedule —

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

- 35 (a) a goods vehicle as defined in section 2 of the Road Traffic Act (Cap. 276), but does not include a goods-cum-passengers vehicle as defined in rule 2 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5);

THE SCHEDULE — *continued*

- (b) an excursion bus, private bus, private hire bus, omnibus or school bus as described in the Second Schedule to the Road Traffic Act;
- (c) a private hire car as described in the Second Schedule to the Road Traffic Act; 5
- (d) a taxi as described in the Second Schedule to the Road Traffic Act; or
- (e) an engineering plant, such as a tractor, a road roller, an excavator, a forklift, a dumper, a grader, a concrete pump, a dozer, a loader, a skidder, a compactor, a scrapper, a pipe-layer, a handcraft, a pax step or an airport service equipment; 10
- “enterprise” means a body corporate or unincorporate that is incorporated, formed or established, and carries on business, in Singapore, where —
- (a) not less than 30% of its shares or other ownership interest is held by citizens of Singapore or permanent residents of Singapore or both; and 15
- (b) the turnover of the group (within the meaning of the Accounting Standards applicable to it) to which it belongs does not exceed \$100 million in the latest financial year. 20

EXPLANATORY STATEMENT

This Bill seeks to provide temporary measures concerning the COVID-19 epidemic or pandemic. The measures in the Bill are targeted and temporary. They are designed to alleviate the unexpected pressures COVID-19 has caused to individuals, firms and other businesses, as well as the day-to-day operation of the courts and to empower the making of control orders to control the incidences and transmission of COVID-19. In particular, the Bill provides for the following:

- (a) temporary relief for the inability to perform obligations arising from scheduled contracts (clause 5) if the inability to perform is materially caused by a COVID-19 event as defined in clause 2. Temporary relief will apply for 6 months in the first instance (clause 3) but may be extended or shortened by the Minister for Law (the Minister). The total duration of the temporary relief provided for under Part 2 must not exceed one year (clause 1(2)). The Minister may alter the types of scheduled contracts to which relief applies by an order made under clause 18. The Minister may disapply any of the reliefs to a description

of scheduled contracts or apply the reliefs with modifications, by regulations made under clause 19 (clause 5(4));

- (b) temporary relief for financially distressed individuals, firms and other businesses in the current economic climate. These measures involve temporary amendments to bankruptcy and insolvency laws in light of the challenges COVID-19 poses to otherwise viable and profitable businesses. Safe harbour provisions have also been introduced to provide a safety net to certain individuals so that they or their entities may be able to carry out trading while insolvent. The temporary amendments will apply for 6 months in the first instance (clause 3) but may be extended or shortened by the Minister. The total duration of the temporary relief provided for under Part 3 must not exceed one year (clause 1(2));
- (c) temporary alternative arrangements that may be prescribed for the conduct of meetings, where (i) personal attendance at a meeting or class of meetings is provided for in written law and certain legal instruments, and (ii) the Minister considers it inexpedient or impracticable for the meeting or class of meetings to be convened, held or conducted in the manner provided for in the written law or legal instrument in view of certain control measures imposed under the Bill or under the Infectious Diseases Act (Cap. 137);
- (d) temporary measures to allow court proceedings and actions and proceedings in the Syariah Court to be conducted using a remote communication technology, which encompasses live video link and television link. Court proceedings and Syariah Court proceedings conducted through the use of a live audio link will also be allowed in limited circumstances. These measures will enable accused persons and witnesses to give evidence in court proceedings and Syariah Court proceedings remotely, and the Judiciary and the Syariah Court to conduct any proceedings remotely, if certain conditions are met. Safeguards have been included to ensure that only suitable cases are ordered to be heard remotely, and that the court proceedings and Syariah Court proceedings are conducted fairly;
- (e) the duty of an owner of property benefitting from any prescribed property tax remission relating to the property, to transfer the benefit to tenants of the owner, and the right of a tenant to take action against the owner for failing to do so;
- (f) power of the Minister charged with the responsibility for health to make regulations (called a control order) to provide for widespread prohibitions and restrictions on movement of people, closures of premises, and restrictions as to the time, manner or extent of conducting any business, undertaking or work.

The Bill also makes a consequential amendment to the Property Tax Act (Cap. 254).

Clause 1 relates to the short title and commencement. It provides that Parts 1, 2 and 3 are effective for a one year period beginning on the date the Act comes into force. It also provides that Part 4 is deemed to have come into operation on 27 March 2020 (being the date the Infectious Diseases (Measures to Prevent Spread of COVID-19) Regulations 2020 (G.N. No. S 185/2020) came into force), in order to regularise meetings held on or after that date that complied with alternative arrangements prescribed under clause 27(1), in lieu of any provision in the relevant written law or legal instrument.

Clause 1 further provides that Part 5 is deemed to have come into operation on 7 April 2020, in order to allow remote proceedings in a court and the Syariah Court to be conducted on or after that date.

PART 1

PRELIMINARY

Clause 2 defines certain terms used in the Bill. In particular, the clause defines the term “COVID-19 event” as the COVID-19 epidemic or pandemic, or any law or administrative order or direction of any country made by reason of or in connection with COVID-19.

Clause 3 enables the Minister to prescribe by order a period (called a prescribed period) for the operation of Parts 1, 2 and 3. The initial period is a period of 6 months. The Minister may extend or shorten the period.

PART 2

TEMPORARY RELIEF FOR INABILITY TO PERFORM CONTRACTS

Part 2 applies to an inability to carry out an obligation under a scheduled contract that is caused to a material extent by a COVID-19 event. Part 2 sets out various relief measures for such inability.

Clause 4 provides that Part 2 does not apply to a scheduled contract entered into, or renewed (other than automatically), on or after 25 March 2020. The clause also extends Part 2 to Government contracts.

Clause 5(1) sets out the case to which clause 5 applies. The clause applies to a case where —

- (a) a party to a scheduled contract is unable to perform an obligation to be performed on or after 1 February 2020;

- (b) the inability is caused to a material extent by a COVID-19 event (called the subject inability); and
- (c) the party in default has served a notification for relief on the other party or parties to the contract and other specified persons.

Clause 5(2) provides for a moratorium on the taking of certain actions in relation to the subject inability. Those actions are set out in clause 5(3) and include —

- (a) the commencement or continuation of court proceedings or arbitral proceedings under the Arbitration Act (Cap. 10);
- (b) the enforcement of a security over immovable property, or movable property used for a trade, business or profession;
- (c) an application for a meeting of creditors to be summoned to approve a compromise or an arrangement;
- (d) an application for a judicial management order;
- (e) an application for winding up or bankruptcy;
- (f) the appointment of a receiver or manager over property or undertaking;
- (g) the commencement or levying of execution, distress or other legal process against property, except with the leave of court;
- (h) the repossession of goods used for the purpose of a trade, business or profession under certain agreements;
- (i) the termination of a lease or licence of immovable property for non-payment of rent or other moneys;
- (j) the exercise of a right of re-entry or forfeiture under a lease or licence of immovable property;
- (k) the enforcement of a judgment, an award or a determination by a court, an arbitral tribunal under the Arbitration Act, or an adjudicator under the Building and Construction Industry Security of Payment Act (Cap. 30C); and
- (l) any other prescribed action.

Clause 5(4) enables the Minister to disapply any of those actions to a description of scheduled contracts or to apply any of those actions with modifications.

Clause 5(5) clarifies that the moratorium on the commencement or continuation of court proceedings or arbitral proceedings under the Arbitration Act only applies to that part of the proceedings that concerns the subject inability, and not any other matter.

Clause 5(6) provides that for a scheduled contract in paragraph 1(a) or (b) of the Schedule (contract for the grant of a loan facility to an enterprise secured by certain properties), the moratorium only applies in relation to a security mentioned in that sub-paragraph or that part of the obligation that is secured by such security.

Clause 5(7) extends the limitation period for the taking of action for a subject inability by a period between the date of service of the notification for relief to other parties to the contract and the end of the prescribed period, the withdrawal of the notification for relief, or the making of a determination by an assessor that the case is not one to which clause 5 applies.

Clause 5(8) stays certain proceedings concerning the subject inability that are pending at the time of service of the notification for relief.

Clause 5(9), (10) and (11) extends various periods as a result of the moratorium on actions by the same period as in clause 5(7). The periods include —

- (a) a period in section 100(1) of the Bankruptcy Act (Cap. 20) as applied by section 227T or 329 of the Companies Act (Cap. 50) or section 329 of the Companies Act as applied by section 130 of the Variable Capital Companies Act 2018 (Act 44 of 2018) (which sets out, in relation to companies and variable capital companies, certain consequences relating to undervalued transactions entered into or the giving of an unfair preference at “the relevant time”);
- (b) the periods in sections 330 and 331 of the Companies Act (including those provisions as applied by section 130 of the Variable Capital Companies Act 2018) (which invalidates certain floating charges created within a certain period, and enables the recovery by the liquidator of property, etc., acquired or sold by a company or variable capital company from or to a director within a certain period);
- (c) the periods in section 226(1) of the Insolvency, Restructuring and Dissolution Act 2018 (including that provision as applied by section 130 of the Variable Capital Companies Act 2018) (which has the same purpose as the provisions mentioned in paragraph (a));
- (d) the period in section 103(2) of the Bankruptcy Act as applied by section 227T or 329 of the Companies Act or section 329 of the Companies Act as applied by section 130 of the Variable Capital Companies Act 2018 (which enables a court, in relation to companies and variable capital companies, to make certain orders in relation to an extortionate credit transaction entered into within a certain period);
- (e) the periods in sections 228(2) and 229(2) of the Insolvency, Restructuring and Dissolution Act 2018 (including those provisions as applied by section 130 of the Variable Capital Companies Act 2018) (which enables a court to make certain orders in relation to an

extortionate credit transaction entered into within a certain period, and invalidates certain floating charges created within a certain period, respectively);

- (f) the periods in section 341(2) of the Companies Act (including that provision as applied by section 227X(b) of the Companies Act) and section 240(2) of the Insolvency, Restructuring and Dissolution Act 2018 (including those provisions as applied by section 130 of the Variable Capital Companies Act 2018) (which enables a court to compel an officer to repay or restore money or property that such officer received within a certain period in relation to the misfeasance or breach of trust or duty by the officer);
- (g) the periods in paragraph 79 of the Fifth Schedule to the Limited Liability Partnerships Act (Cap. 163A) (which has the same purpose as the provisions mentioned in paragraph (a) but in relation to a limited liability partnership);
- (h) the periods in sections 100(1) and 103(2) of the Bankruptcy Act and sections 363(1) and 366(2) of the Insolvency, Restructuring and Dissolution Act 2018 (which have a similar purpose as the provisions in paragraphs (a), (d) and (e) but in relation to individuals).

Clause 5(12) provides that the Minister may make regulations to extend a period in other written law corresponding to the provisions mentioned in clause 5(9) and (10) that govern other types of entities or matters.

Clause 5(13) makes clear that clause 5 does not affect the ability to take any other action for the subject inability, including an action under the Frustrated Contracts Act (Cap. 115) or under a force majeure clause.

Clause 5(14) provides that regulations may be made to disapply clause 5 to prescribed circumstances.

The operation of clause 5 is illustrated by the following examples:

Example 1

A leases premises from *B* for a restaurant business. The COVID-19 pandemic resulted in a sharp decline in the restaurant's business. Because of this, *A* did not have sufficient money to pay the rent that is due on 29 February 2020.

On 6 March 2020, *B* sends a letter of demand to *A* for the rent.

A may serve a notification for relief in accordance with clause 9(1) on *B*. Once served with the notification for relief, *B* may not terminate the lease, exercise any right of re-entry or forfeiture, or take any of the other actions set out in clause 5(3) (called a prohibited action) in relation to the non-payment of the rent.

B may however take a prohibited action from the earliest of the following (called the end date):

- (a) the expiry of the prescribed period;
- (b) the withdrawal by *A* of *A*'s notification for relief;
- (c) a determination by an assessor that the case is not one to which clause 5 applies.

Example 2

A carries on a manufacturing business. *B* is a bank. *A* took a loan facility from *B* that is partially secured against *A*'s machinery and stock-in-trade. The loan facility is further guaranteed by *Z*. Under the loan facility, an instalment is due and payable on 20 April 2020.

A imports materials from other countries for *A*'s manufacturing business. Due to the outbreak of COVID-19 globally, the import of such materials into Singapore is adversely affected. *A* has not been able to manufacture a sufficient amount of goods and its sales revenue falls sharply. Because of this, *A* is not able to repay the instalment on 20 April 2020.

A may serve a notification for relief in accordance with clause 9(1) on *B*. Once served with the notification for relief, *B* may not take any prohibited action before the end date in relation to the non-payment of the instalment. For example, *B* may not —

- (a) enforce the security over *A*'s machinery; or
- (b) in respect of *A*'s obligation that is secured by *A*'s machinery —
 - (i) commence an action in court against *A* or *Z*; or
 - (ii) appoint a receiver or manager over any property or undertaking of *A*.

B may however do any of the following, by virtue of clause 5(6):

- (a) enforce the security over *A*'s stock-in-trade;
- (b) commence an action in court against *A* in relation to any part of the loan facility that is unsecured;
- (c) take any action against *A* in relation to any part of the loan facility that is unsecured;
- (d) commence an action against *Z* in relation to the guarantee that *Z* gave to *B*, in relation to any part of the loan facility that is unsecured.

Example 3

A is a hirer under a hire-purchase agreement with *B* for a motor vehicle which *A* uses as a private hire car.

A's income was reduced since the beginning of February 2020 as more people started to work from home, and the number of visitors to Singapore fell, due to the COVID-19 pandemic. Because of this, *A* was unable to pay the monthly instalment due on 30 March 2020 under the hire-purchase agreement.

A may serve a notification for relief in accordance with clause 9(1) on *B*. Once served with the notification for relief, *B* may not take any prohibited action before the end date in relation to the non-payment of the instalment, such as repossessing the motor vehicle, or commencing an action in court in relation to the unpaid instalment.

Clause 6 provides for additional relief where the case to which clause 5 applies concerns a construction contract or supply contract.

Clause 6(2) and (4) provides for a moratorium on a call on a performance bond or equivalent given pursuant to such contract until 7 days or less before the date of the expiry of the bond, including any extension of that date whether pursuant to clause 6(3) or otherwise.

Clause 6(3) provides that where the party in default applies to the issuer of such performance bond or equivalent to extend its term, and at the same time serves notice of the application on the other party to the contract, the term is automatically extended by a specified period or any other period agreed between the parties to the contract and the issuer.

Clause 6(5) provides that in computing liquidated or other damages in relation to the subject inability, the period in which the subject inability subsists in the period between 1 February 2020 and the end of the prescribed period must be disregarded in determining the period of delay.

Clause 6(6) provides that the fact that the subject inability (being the inability to supply goods or services) occurring on or after 1 February 2020 and before the end of the prescribed period was to a material extent caused by a COVID-19 event is a defence to a claim for a breach of contract.

The operation of clause 6 is illustrated by the following examples:

Example 1

B engaged *A* to construct a building, to be completed on 31 March 2020. By the terms of the contract, *A* procured a bank to issue a performance bond in favour of *B*.

A had placed orders for construction materials from several overseas factories. However, these factories suspended operations in early February 2020 due to the COVID-19 pandemic. As a result, *A* was unable to complete the construction of the building by 31 March 2020.

A may serve a notification for relief in accordance with clause 9(1) on *B*. Once served with the notification for relief, *B* may not make a call on the performance

bond at any time before 7 days of the original expiry date of the bond or the extended expiry date of the bond under clause 6(3).

Example 2

B engaged *A* to install fittings in *B*'s building. The contract provides for *A* to complete the work by 10 March 2020.

Most of *A*'s employees travelled to Country *X* in early February 2020.

On 15 February 2020, Country *X* closed its borders to curb the spread of COVID-19. *A*'s employees who were in Country *X* were therefore not allowed to return to Singapore. Because of this, *A* did not have sufficient employees to complete the work by 10 March 2020.

A is not liable for liquidated or other damages for the period of the delay before the expiry of the prescribed period insofar as the delay is caused to a material extent by the fact that *A*'s employees were not allowed to return to Singapore. *A* is also not liable to *B* under the contract for failing to complete the work by 10 March 2020.

Clause 7 provides for additional relief where the case to which clause 5 applies concerns an event contract or a tourism-related contract. A party to the contract must not, after being served with the notification for relief, forfeit any part of a deposit placed pursuant to the contract. This applies even after the end of the prescribed period. If the party has already forfeited the whole or a part of a deposit placed pursuant to the contract because of the subject inability, the party must restore the deposit or part as soon as is practicable.

Further, the fact that the inability to perform the obligation was to a material extent caused by a COVID-19 event is a defence to a claim for the payment of a cancellation fee under the contract.

The operation of clause 7 is illustrated by the following examples:

Example 1

A couple entered into a contract with a hotel to hold their wedding banquet there on 22 February 2020 and placed a deposit for the wedding.

When the Ministry of Health raised the health risk assessment to DORSCON Orange on 7 February 2020, the couple decided for safety reasons not to proceed with the wedding banquet on 22 February 2020. The couple and the hotel have not been able to agree on an arrangement to deal with the deposit.

The couple may serve a notification for relief in accordance with clause 9(1) on the hotel. Once served with the notification for relief, the hotel may not at any time forfeit the deposit or any part of it, unless an assessor makes a determination that the forfeiture is just and equitable in the circumstances of the case under clause 13.

Example 2

A entered into a contract with a travel agent for a tour of Country *X* for a period starting on 20 March 2020, and placed a deposit with the travel agent for it.

In February 2020, there was an outbreak of COVID-19 in Country *X*. On 1 March 2020, *A* informed the travel agent that due to the outbreak, *A* decided not to proceed with the tour. The travel agent informed *A* that the deposit would be forfeited.

Once *A* serves a notification for relief on the travel agent in accordance with clause 9(1), the travel agent must as soon as practicable restore the deposit, unless an assessor makes a determination that the forfeiture was just and equitable in the circumstances of the case under clause 13.

Clause 8 sets out various consequences when a party to a scheduled contract takes any action in relation to the subject inability in contravention of clause 5, 6 or 7. That party commits an offence. Any proceedings started in contravention of clause 5 must be dismissed. The clause further invalidates various other actions taken in breach of those clauses.

Clause 9 provides that a party seeking relief under clause 5 or 7 must serve a notification for relief on the other party or parties to the contract and certain other parties. Any party to the contract may then apply to the Registrar of assessors (the Registrar) to appoint an assessor to make a determination as to —

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

Clause 10 requires the Minister to appoint a Registrar of assessors for the purpose of appointing assessors.

Clause 11 requires the Minister to appoint a panel of assessors.

Clause 12 sets out requirements for the making of an application for an assessor's determination to the Registrar.

Clause 13 deals with the determinations which an assessor is to make on an application for determination.

The clause allows the assessor to take into account various factors in making his or her determination. It requires the assessor to seek to achieve an outcome that is just and equitable in the circumstances of the case.

The assessor may make the following determinations:

- (a) a determination whether the case is one to which clause 5 applies;

- (b) in connection with a determination in paragraph (a), a further determination to achieve a just and equitable outcome in the circumstances of the case;
- (c) in a case mentioned in clause 7 (and in addition to the determinations in paragraphs (a) and (b)), a determination —
 - (i) that it is just and equitable in the circumstances of the case to forfeit the deposit or a part of it; or
 - (ii) that it is not just and equitable in the circumstances of the case to forfeit the deposit or a part of it;
- (d) in connection with a determination under paragraph (c)(ii), a further determination to achieve an outcome that is just and equitable in the circumstances of the case.

The determinations in paragraphs (b), (c)(ii) and (d) may, with the leave of court, be enforced as a judgment or order of the court.

The clause provides that an assessor's determination is binding on all the parties to the application and all parties claiming under or through them, and further that there is no appeal from the determination.

Finally, the clause provides for an offence for failing to comply with an assessor's determination.

Clause 14 provides that no party may be represented by an advocate and solicitor at a proceeding before an assessor.

Clause 15 provides that each party to a proceeding before an assessor must bear the party's own costs.

Clause 16 provides that the Registrar or an assessor is treated as a public servant for the purposes of the Penal Code (Cap. 224).

Clause 17 is an immunity provision for the Registrar and an assessor when carrying out their duties under the Part.

Clause 18 enables the Minister to amend, add to or vary the Schedule, which sets out the contracts to which the Part applies.

Clause 19 empowers the Minister to make regulations for carrying out the purposes and provisions of the Part.

PART 3

TEMPORARY RELIEF FOR FINANCIALLY DISTRESSED
INDIVIDUALS, FIRMS AND OTHER BUSINESSES

Part 3 modifies various Acts for the purpose of giving temporary relief to financially distressed individuals, firms and other businesses during the prescribed period mentioned in clause 3.

Clause 20 provides that during the prescribed period, the Bankruptcy Act is modified for the following purposes:

- (a) to raise the aggregate debt amount threshold under section 56B(2)(a) of that Act which triggers a report by the Official Assignee on the unsuitability of an individual for a debt repayment scheme;
- (b) to raise the aggregate debt amount thresholds under section 56L(a) and (b) of that Act which trigger the issue by the Official Assignee of a certificate of inapplicability of a debt repayment scheme;
- (c) to raise the minimum aggregate debt amount under section 61(1)(a) of that Act for making a bankruptcy application;
- (d) to extend the minimum number of days under section 62(a)(ii) of that Act that must elapse since the service of a statutory demand for the presumption of a debtor's inability to pay a debt to arise, and to make consequential amendments to sections 63A and 65(1A);
- (e) to raise the maximum aggregate debt amounts under sections 65(7)(a) and 67(3)(a) of that Act for which a court may adjourn a bankruptcy application to enable the Official Assignee to determine if a debtor is suitable for a debt repayment scheme.

Clause 20 also provides a defence to an offence under section 144 of the Bankruptcy Act for a bankrupt to incur a debt without expectation of being able to pay it. The defence is available if the debt is incurred in the ordinary course of the bankrupt's trade or business, during the prescribed period, and before an application for voluntary arrangement or bankruptcy.

Clause 21 makes modifications to the Insolvency, Restructuring and Dissolution Act 2018 for the same purposes as those in clause 20.

Clause 22 provides that during the prescribed period, the Companies Act (including that Act as applied by the Variable Capital Companies Act 2018) is modified for the following purposes:

- (a) to raise the minimum debt amount under section 254(2)(a) of the Companies Act for which a company or variable capital company that is served with a demand is deemed to be unable to pay its debts;

- (b) to extend the period of non-satisfaction of a demand for payment under section 254(2)(a) of the Companies Act pursuant to which a company or variable capital company is deemed to be unable to pay its debts.

Clause 22 also provides a defence to an offence under section 339(3) of the Companies Act for an officer of a company or variable capital company to knowingly contract a debt without expectation of the entity being able to pay it. The defence is available if the debt is incurred in the ordinary course of the entity's business, during the prescribed period, and before the appointment of a judicial manager or liquidator of the entity.

Clause 23 makes modifications to the Insolvency, Restructuring and Dissolution Act 2018 (including that Act as applied by the Variable Capital Companies Act 2018) for the same purposes as those in clause 22.

Clause 24 provides that during the prescribed period, the Limited Liability Partnerships Act is modified for the following purposes:

- (a) to raise the minimum debt amount under paragraph 3(2)(a) of the Fifth Schedule to that Act for which a limited liability partnership that is served with a demand is deemed to be unable to pay its debts;
- (b) to extend the period of non-satisfaction of a demand for payment under paragraph 3(2)(a) of the Fifth Schedule to that Act pursuant to which a limited liability partnership is deemed to be unable to pay its debts.

Clause 24 also provides a defence to an offence under paragraph 93(3) of the Fifth Schedule to the Limited Liability Partnerships Act for an officer of a limited liability partnership to knowingly contract a debt without expectation of the partnership being able to pay it. The defence is available if the debt is incurred in the ordinary course of the partnership's business, during the prescribed period, and before the appointment of a liquidator of the partnership.

Clause 25 modifies the Business Trusts Act (Cap. 31A) to provide a defence to an offence under section 50(1) of that Act for an officer of the trustee-manager of a registered business trust to knowingly contract a debt without expectation of the trustee-manager being able to pay the debt from the trust property of the trust. The defence is available if the debt is incurred in the ordinary course of the business of the trust, during the prescribed period, and before the passing of a resolution approving or directing the winding up of the trust, or the making of a court order directing such winding up.

Clause 26 contains saving and transitional provisions relating to Part 3.

PART 4

TEMPORARY MEASURES FOR CONDUCT OF MEETINGS

Part 4 provides for temporary alternative arrangements for meetings.

The new clause 27(1) provides that where personal attendance at any meeting or class of meetings is provided for in any written law or legal instrument (as defined in the clause), the Minister may, if the Minister considers that it would be inexpedient or impracticable for the meeting or class of meetings to be convened, held or conducted in the manner provided for in the written law or legal instrument in view of a control measure (defined in the clause to include a control order under Part 7 and certain notices, orders, regulations, etc., under the Infectious Diseases Act), by order prescribe alternative arrangements for the meeting or class of meetings.

The new clause 27(2) sets out various alternative arrangements that may be prescribed and these include any other measures that the Minister considers necessary or expedient.

The new clause 27(3) and (4) provides that —

- (a) a meeting convened, held, conducted or deferred in accordance with the alternative arrangements prescribed by an order under the new clause 27(1); and
- (b) any notice, form, circular or other document given or sent in accordance with the alternative arrangements prescribed by an order under the new clause 27(1),

are deemed to satisfy the requirements relating to the convening, holding, conduct or deferral of meetings and the giving or sending of notices, forms, circulars or other documents (as the case may be) under the relevant written law or legal instrument in respect of which the alternative arrangements were prescribed, despite anything to the contrary in any law or legal instrument.

The new clause 27(5) sets out certain requirements applicable to orders under the new clause 27(1) and provides that an order —

- (a) may apply retrospectively to a date not earlier than the date that the control measure in respect of which the order was made came into force; and
- (b) may provide for saving and transitional arrangements beyond the period that the control measure in respect of which the order was made is in force.

The new clause 27(6) provides that the new clause does not apply to proceedings of Parliament or the courts.

The new clause 27(7) defines the terms “control measure” and “legal instrument”. The term “control measure” is defined to include a control order under Part 7, and certain specified notices, orders, regulations, etc., made under the Infectious Diseases Act, which could affect the meeting and gathering of individuals. The term “legal instrument” is defined to include the constitution of companies, trust deeds of trusts, various other constituting documents or governing rules and regulations of entities, societies and associations, and any other legal instrument as may be prescribed.

PART 5

TEMPORARY MEASURES FOR COURT PROCEEDINGS AND SYARIAH COURT PROCEEDINGS

Part 5 contains amendments to facilitate the conduct of court proceedings and Syariah Court proceedings using a remote communication technology approved by the Chief Justice (for court proceedings) or the senior president of the Syariah Court (for Syariah Court proceedings) during the specified period. The specified period is defined in clause 28(15).

Clause 28(1) empowers the court to require, by order, an accused person or a witness to give evidence in any court proceedings by a live video or live television link. If the accused person or witness appears in court proceedings for a purpose other than to give evidence, the court may by order, require that person to appear by means of a live video, live television link or live audio link.

A court may exercise the power in clause 28(1) even if there is any written law or rule of law requiring the presence of an accused person or a witness in any court proceedings. For example, despite section 281 of the Criminal Procedure Code (Cap. 68) (which only empowers a court to allow the evidence of a person in Singapore other than an accused person to be given in criminal proceedings through a live video or live television link), a court may exercise the power under clause 28(1) to require an accused person to appear or to give evidence using a remote communication technology approved by the Chief Justice. The clause does not affect any other power of a court, provided under any other written law or rule of law, to allow the evidence of an accused person or a witness to be given remotely.

Clause 28(2) specifies the conditions which need to be satisfied before the court may make an order in clause 28(1). An accused person may only make an appearance or give evidence using the remote communication technology from a place within a court or a prison in Singapore. A witness may only make an appearance or give evidence using the remote communication technology from a place specified by the court. In addition, for a witness of fact, the parties to the proceedings must all consent to the use of the remote communication technology.

Before a court makes an order, it must also be satisfied of certain administrative requirements and that it is in the interests of justice to do so.

Clause 28(3) empowers the Syariah Court to require, by order, a witness to give evidence in any action or proceeding in the Syariah Court by a live video or live television link. Such a witness could be any party to any action or proceeding heard by the Syariah Court or any other witness giving evidence in that action or proceeding. If the witness appears in such action or proceeding for a purpose other than to give evidence, the Syariah Court may, by order, require that witness to appear by means of a live video, live television link or live audio link.

The Syariah Court may exercise the power in clause 28(3) even if there is any written law or rule of law requiring the presence of any witness in any action or proceeding in the Syariah Court. The clause does not affect any other power of the Syariah Court, provided under any other written law or rule of law, to allow the evidence of a witness to be given remotely.

Clause 28(4) specifies the conditions which need to be satisfied before the Syariah Court may make an order in clause 28(3). A witness may only make an appearance or give evidence using the remote communication technology from a place specified by the Syariah Court. In addition, for a witness of fact, the parties to the proceedings must all consent to the use of the remote communication technology. Before the Syariah Court makes an order, it must also be satisfied of certain administrative requirements and that it is in the interests of justice to do so.

Clause 28(5) sets out the matters that a court or the Syariah Court may specify when making an order.

Clause 28(6) empowers a court or the Syariah Court to revoke, suspend or vary an order under certain circumstances.

Clause 28(7) prohibits a court or the Syariah Court from making an order, or including a particular provision in such an order, if to do so would be inconsistent with the duty of that court or the Syariah Court to ensure that the proceedings are conducted fairly to the parties to the proceedings.

Clause 28(8) and (9) contains deeming provisions.

Clause 28(10) provides that a court or the Syariah Court may exercise its jurisdiction and have the powers conferred under any written law in court proceedings or Syariah Court proceedings conducted during the specified period using a remote communication technology approved by the Chief Justice (for court proceedings) or the senior president of the Syariah Court (for Syariah Court proceedings) despite any written law or rule of law requiring the court or the Syariah Court to exercise its jurisdiction or power in a court house or any other place.

Clause 28(11) provides that section 5(1)(a) of the Administration of Justice (Protection) Act 2016 (Act 19 of 2016) (relating to contempt by unauthorised

audio or visual recordings) applies to unauthorised recordings in certain places other than in a court. Currently, it is unclear if section 5(1)(a) of the Administration of Justice (Protection) Act 2016 applies where the unauthorised recording takes place in a place other than a court where a judge conducts the proceedings using a remote communication technology, where the accused person or witness appears or gives evidence in proceedings using such technology, or where any person participates in, views or listens to the proceedings using such technology. The amendment is intended to clarify that section 5(1)(a) of the Administration of Justice (Protection) Act 2016 applies in this scenario.

Clause 28(12) provides that section 54A(1) and (4) of the Administration of Muslim Law Act (Cap. 3) (relating to unauthorised audio or visual recording in the Syariah Court) applies to unauthorised recordings in certain places other than in the Syariah Court. Currently, it is unclear if section 54A(1) and (4) of the Administration of Muslim Law Act applies where the unauthorised recording takes place in a place other than a court where a specified judge hears any action or proceeding using a remote communication technology, where the witness appears or gives evidence in the Syariah Court proceedings using such technology, or where any person participates in, views or listens to the Syariah Court proceedings using such technology. The amendment is intended to clarify that section 54A(1) and (4) of the Administration of Muslim Law Act applies in this scenario.

Clause 28(13) allows the Minister, in consultation with the Chief Justice, to declare that clause 28 ceases to apply in relation to all or any proceedings in any court.

Clause 28(14) allows the Minister, in consultation with the Minister charged with the responsibility for the portfolio of the Minister for Culture, Community and Youth as regards Muslim affairs, to declare that clause 28 ceases to apply in relation to all or any action or proceeding in the Syariah Court.

Clause 28(15) contains certain definitions.

PART 6

TEMPORARY MEASURES CONCERNING REMISSION OF PROPERTY TAX

Part 6 provides for the rights and obligations of owners and tenants in relation to the benefits from remissions of property tax given in response to the COVID-19 epidemic or pandemic.

Clause 29 imposes on an owner of property who benefits from a prescribed remission of property tax, an obligation to pass the benefit on to a tenant of the property. The tenant could be a prescribed lessee or a prescribed licensee of the owner. The owner must pass on the benefit in the amount or to the extent, in the manner, and in the time, prescribed. The owner must also keep records evidencing

that the owner has so passed on the benefit. Failure to pass on the benefit, or to keep the records, is an offence.

Clause 30 provides the tenant with an avenue of redress should the owner fail to pass on the benefit as required under clause 29 in the amount or to the extent, in the manner and in or by the time required, or if there is a dispute over whether clause 29 applies to the owner. The tenant may apply for a Valuation Review Panel, comprising either one or 3 members drawn from the Valuation Review Board appointed under the Property Tax Act, to determine the dispute. The Valuation Review Panel may make further directions for compliance by the owner. A determination and any further direction of a Valuation Review Panel are appealable to the High Court.

Clause 31 provides for how and when the determination and further directions of a Valuation Review Panel may be enforced.

Clause 32 empowers the Minister charged with the responsibility for finance to make regulations for the Part.

Clause 33 makes a consequential amendment to section 23(1) of the Property Tax Act, to enable more members to be appointed to the Valuation Review Board, to ensure that there are sufficient members to undertake appeals under the Property Tax Act as the Valuation Review Board, as well as applications under the Part as members of a Valuation Review Panel.

PART 7

COVID-19 CONTROL ORDERS

Part 7 relates to temporary control orders made by the Minister charged with the responsibility for health to prevent, protect against, delay and control the spread of COVID-19.

Clause 34 empowers the Minister charged with the responsibility for health to make regulations (called a control order) where the incidence and transmission of COVID-19 constitutes a serious threat to public health in Singapore and measures are necessary to prevent, protect against, delay and control the incidence or transmission of the disease. In particular, a control order may require an individual to stay at a specified place and not to leave except for certain purposes, require the closure of premises such as workplaces, and impose restrictions such as relating to the manner of carrying on business or work or the gathering of individuals in any place.

A control order remains in force until it expires, it is revoked or clause 34(7) ceases to be in force.

A control order and any amendment of the control order must be presented to Parliament as soon as possible after publication in the *Gazette* and Parliament may

pass a resolution annulling the control order or any part of it, or the amendment, upon which the control order or that part or amendment of it, ceases to have effect.

The Minister charged with the responsibility for health must, in addition, cause the control order and any amendment to be published in a manner that brings it to the notice of all persons who are affected by it.

Contravention of a control order, without reasonable excuse, is an offence.

When a control order is in force, there is deemed to be a necessity for the maintenance of supplies and services essential to the life of the community for the purposes of section 2 of the Requisition of Resources Act (Cap. 273). This will enable the Minister charged with the responsibility for that Act to bring into operation the provisions of Part III of that Act.

Clause 35 provides for the appointment of enforcement officers by the Minister charged with the responsibility for health. This is to enable officers from other Ministries and statutory bodies and auxiliary police officers to be appointed to enforce the control order within their respective sectors of regulation.

The clause empowers an enforcement officer to give certain directions to individuals and non-natural persons to bring about compliance with a control order. Failure to comply with a direction given to the person without reasonable excuse is an offence. This is in addition to any offence for a failure to comply with a control order.

The enforcement officers are conferred certain powers under the Infectious Diseases Act to ascertain compliance and investigate offences under the Part. In the performance of their functions and duties under the Part, the enforcement officers are treated as public servants for the purposes of the Penal Code (hence the offences in Chapter X of the Penal Code will apply), and are given immunity from liability where they perform their functions and duties in good faith and with reasonable care.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
