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Statutes
(Miscellaneous Amendments) (No. 2) Bill

Bill No. 28/2024.

Read the first time on 9 September 2024.

A BILL

i n t i t u l e d

An Act to make miscellaneous amendments to certain Acts.

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

Short title and commencement

1. This Act is the Statutes (Miscellaneous Amendments) (No. 2) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 **Amendment of Building Maintenance and Strata Management Act 2004**

2.—(1) In the Building Maintenance and Strata Management Act 2004, in section 92(4)(b), replace “interrogatories” with “discovery of facts”.

10 (2) In subsection (1), “Building Maintenance and Strata Management Act 2004” means —

(a) the Building Maintenance and Strata Management Act 2004; or

15 (b) the Building (Strata Management) Act 2004, on or after the date of commencement of section 48(b) of the Building Control (Amendment) Act 2020.

Amendment of Copyright Act 2021

3. In the Copyright Act 2021 —

(a) in section 61(1)(c), replace “in way” with “in a way”;

20 (b) in section 313, replace the definition of “network services provider” or “NSP” with —

““network service provider” or “NSP” means a person who provides, or operates facilities for, online services or network access; and —

25 (a) includes a network connection provider; but

(b) does not include any prescribed person or class of persons;”;

(c) in section 450(2), replace paragraph (a) with —

“(a) the person does an act that causes a protected performance to be seen or heard live in public (or both);” and

(d) in section 450, after subsection (2), insert —

“(3) A person commits an offence if —

(a) the person does an act that causes a recording of a protected performance to be heard in public;

(b) the act is done for the person’s private profit; and

(c) the person knows or ought reasonably to know that the recording is an infringing copy of the protected performance.”.

Amendment of Criminal Procedure Code 2010

4. In the Criminal Procedure Code 2010 —

(a) in section 2(1), in the definition of “juvenile”, replace “7 years of age or above and” with “10 years of age or older but”;

(b) in section 2(1), in the definition of “juvenile”, replace “16 years of age” with “18 years of age”;

(c) in section 319(1)(f), after “process of law”, insert “, and the offender must be released from detention in prison as soon as reasonably practicable”;

(d) in section 319(1)(g), replace “then the imprisonment must end;” with —

“then —

(i) the imprisonment must end; and

(ii) the offender must be released from detention in prison as soon as reasonably practicable;”;

(e) in section 319(1)(h), replace the full-stop at the end with a semi-colon;

(f) in section 319(1), after paragraph (h), insert —

“(i) the fine must be paid using a designated mode of payment, and within a designated time, specified in a payment advice issued by the court to the offender.”;

(g) in section 360(5), after “process of law”, insert “, and the person must be released from detention in prison as soon as reasonably practicable”; and

(h) in section 360(6), replace “then the imprisonment must end.” with —

“then —

(a) the imprisonment must end; and

(b) the person must be released from detention in prison as soon as reasonably practicable.”.

Amendment of Insolvency, Restructuring and Dissolution Act 2018

5.—(1) In the Insolvency, Restructuring and Dissolution Act 2018 (called in this section the principal Act) —

(a) in section 250(7), in the definition of “relevant company”, delete paragraph (j);

(b) in section 327(4)(a), replace “30 days” with “60 days”;

(c) in section 368(4), delete “within the time mentioned in subsection (3)”; and

(d) in section 368(4)(a), before “notice is served”, insert “within the time mentioned in subsection (3),”.

(2) Section 250(3)(c) read with section 250(7) of the principal Act (as in force immediately before the date of commencement of subsection (1)(a)) continues to apply, in relation to a foreign company if the proceeding for the foreign company’s liquidation or dissolution (as the case may be) had commenced in its place of formation or incorporation before that date.

(3) Section 327(4)(a) of the principal Act (as amended by subsection (1)(b)) applies to a bankruptcy order made on or after the 30th day before the date of commencement of subsection (1)(b).

(4) Section 368(4) of the principal Act (as amended by subsection (1)(c) and (d)) applies in relation to an enforcement order for seizure and sale of property issued before, on or after the date of commencement of subsection (1)(c) and (d).

Amendment of Interpretation Act 1965

6. In the Interpretation Act 1965, in section 2(1), after the definition of “High Court”, insert —

““His Majesty”, “Her Majesty”, “King”, “Queen” or “Sovereign”, in relation to the United Kingdom, means the Sovereign of the United Kingdom for the time being, and “His Britannic Majesty” and “Her Britannic Majesty” have corresponding meanings;”.

Amendment of Legal Aid and Advice Act 1995

7. In the Legal Aid and Advice Act 1995 —

(a) after section 2, insert —

“PART 1A

**APPOINTMENT OF DIRECTOR OF LEGAL AID,
SOLICITORS, ETC.”;**

(b) after section 4, insert —

“Protection from personal liability

4A.—(1) Subsection (2) applies where an act is done or omission is made —

(a) by the Director or any public officer appointed under section 3(3)(a) in the exercise or purported exercise of a function under this Act (except the provision of any legal advice or legal representation to an aided person in any

proceedings to which a Grant of Aid relates);

(b) by an appointed solicitor in the exercise or purported exercise of a function under section 4(1) (including, if applicable, in discharging a duty of a solicitor mentioned in section 4(6));

(c) by an appointed solicitor who is a member of a board mentioned in section 8(1)(b)(ii) in the exercise or purported exercise of the function under that provision (including, if applicable, in discharging a duty of a solicitor mentioned in section 4(6)); or

(d) by a person authorised by the Minister under section 8(5), in the exercise or purported exercise of the power under section 8(4)(b).

(2) No liability shall lie personally against any person mentioned in subsection (1) who did the act or made the omission, if the act was done or the omission was made in good faith and with reasonable care.

(3) In subsection (1) —

“appointed solicitor” means a solicitor appointed to the panel of solicitors mentioned in section 4(1);

“exercise of a function” includes the performance of a duty.”;

(c) after section 6, insert —

“Application for legal aid in relation to appointment of deputy, etc.

6A.—(1) This section applies where —

(a) a person (*P*) lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008; and

(b) a professional deputy makes an application for legal aid under section 6 in relation to —

(i) a proceeding to be appointed as *P*'s deputy under section 20(2)(b) of the Mental Capacity Act 2008; or

(ii) a proceeding to vary or amend an order made under section 20 of the Mental Capacity Act 2008, in relation to *P*.

(2) Despite section 8, in considering an application by a professional deputy mentioned in subsection (1), the Director is to —

(a) make inquiries under section 7(a) as to the means and condition of *P* (instead of the professional deputy); and

(b) consider under section 8(1)(a) or (2)(b) whether *P* satisfies the prescribed means criteria (instead of the professional deputy).

(3) The Minister may exercise his or her powers under section 8(4)(b) or (5) even though the Director is of the opinion that *P* does not satisfy or is not likely to satisfy the prescribed means criteria, and the reference in section 8(5) to the financial circumstances of an applicant is to be read as a reference to the financial circumstances of *P*.

(4) The privileges mentioned in section 22(1) do not arise in relation to any information tendered to the Director concerning the property or income of *P* in relation to the professional deputy's application for a Grant of Aid.

(5) In this section, "professional deputy" means a person who —

(a) is registered as a professional deputy under section 25A of the Mental Capacity Act 2008; or

(b) meets such other criteria as may be prescribed.”;

(d) in section 12(6)(a), replace “where, in respect of such property, there is a charge created under section 22A(3) in favour of any fund established under this Act;” with “; or”;

(e) in section 12(6)(b), replace “; or” at the end with a comma;

(f) in section 12(6), delete paragraph (c);

(g) in section 14(4), replace “taxed” with “assessed”;

(h) in section 16, after subsection (6), insert —

“(7) The Director may, in the Director’s discretion and in accordance with any regulations made under this Act, reduce any costs, or waive or refund the whole or any part of any costs, that a person is liable to pay to the Director under subsection (3).”;

(i) in section 22A, replace subsections (3) and (4) with —

“(3) Unless the regulations made under this Act provide otherwise, any sum remaining unpaid on account of a person’s contribution in respect of any matter for which legal aid has been granted may be deducted from any property that is recovered or preserved for that person in the proceedings connected to the matter.

(4) For the purposes of subsection (3), a reference to any property recovered or preserved for a person in any proceedings includes a reference to both of the following:

(a) the person’s rights under any settlement or compromise to avoid, or to end, those proceedings;

(b) any sums recovered by the person as damages or costs under an order made in the person's favour in those proceedings (other than any sums payable to the Director under section 14 or 16),

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but excludes a reference to any compensation paid or payable to the person under the Work Injury Compensation Act 2019 or the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) in those proceedings.”;

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(j) in section 22A(5), replace “The charge under subsection (3)” with “Subsection (3)”;

(k) after section 22A, insert —

“Recovery as debt due to Government

22B.—(1) The Director may take proceedings to recover the following as a debt due to the Government:

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(a) any money remaining unpaid that the aided person is liable to pay to the Director under section 13(6) or 16(3);

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(b) any contribution remaining unpaid that the aided person is required to make under section 22A(1).

(2) Without affecting the Limitation Act 1959 and any other written law, the Director may take proceedings to recover any money or contribution under subsection (1) that was due before the date of commencement of section 7(k) of the Statutes (Miscellaneous Amendments) (No. 2) Act 2024 and remains unpaid on or after that date.”;

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(l) in section 23, delete subsection (4); and

(m) in the Schedule, in Part 1, in paragraph 1, after “General Division of the High Court,” insert “the Family Division of the High Court,”.

Dissolution of Legal Aid Fund

8.—(1) The Legal Aid Fund established under the Legal Aid and Advice Act 1995 is dissolved.

(2) Upon the dissolution of the fund mentioned in subsection (1) during any term of office of the Government (within the meaning of the Constitution), the balance of the moneys remaining in the fund must be transferred to the Consolidated Fund and be added to the reserves of the Government not accumulated by it during that term of office.

Amendment of Moneylenders Act 2008

9.—(1) In the Moneylenders Act 2008 —

(a) in section 2, in the definition of “excluded moneylender”, replace paragraph (d) with —

“(d) any person who carries on the business of pawnbroking in accordance with section 6(2)(a), (b), (c) or (d) of the Pawnbrokers Act 2015;”;

(b) in section 66(1), replace paragraph (b) with —

“(b) if the applicant is a body corporate other than a limited liability partnership —

(i) its name, the address of its place of business or registered office, its telephone number, the date and place of its incorporation and its incorporation number;

(ii) the name, personal identification number (such as national registration identity card number, birth certificate number or passport number) and residential address of each of its officers;

(iii) the name, place of incorporation, incorporation number and address

of the place of business or registered office of each of its substantial shareholders that are corporations, if any; and

- (iv) the name, personal identification number (such as national registration identity card number, birth certificate number or passport number) and residential address of each of its substantial shareholders who are individuals, if any;

(*ba*) if the applicant is a limited liability partnership —

- (i) its name, the address of its place of business or registered office, its telephone number, the date and place of its incorporation and its incorporation number;
- (ii) the name, personal identification number (such as national registration identity card number, birth certificate number or passport number) and residential address of each of its managers;
- (iii) the name, place of incorporation, incorporation number and address of the place of business or registered office of each of its partners that are corporations, if any; and
- (iv) the name, personal identification number (such as national registration identity card number, birth certificate number or passport number) and residential address of

each of its partners who are individuals, if any;” and

(c) in section 66A(2)(a), replace “and (4)(a)” with “and (4)”.

5 (2) Section 66 of the Moneylenders Act 2008 (as in force immediately before the date of commencement of subsection (1)(b)) continues to apply in relation to an application for a loan that is pending immediately before that date.

Amendment of Pawnbrokers Act 2015

10 **10.—**(1) In the Pawnbrokers Act 2015 —

(a) in section 2(1), in the definition of “identification information”, in paragraph (a), replace sub-paragraph (v) with —

15 “(v) if the individual is not a citizen or permanent resident of Singapore, the individual’s foreign identification number or foreign passport number; and”;

(b) in section 7(2)(b), replace “the prescribed fee” with “a non-refundable application fee of a prescribed amount”;

20 (c) in section 9(3)(b), replace “the prescribed fee” with “a non-refundable application fee of a prescribed amount”;

(d) after section 9, insert —

“Licence fees

25 **9A.—**(1) An applicant for the grant or renewal of a licence must pay the prescribed licence fee to the Registrar before the licence is granted or renewed.

(2) Different licence fees may be prescribed in respect of different classes of licences.

(3) The licence fee is not refundable if —

30 (a) the licence is revoked or suspended; or

(b) the licensee ceases to carry on the business of pawnbroking before the licence expires.

- (4) Despite subsection (3), the Registrar may, in any particular case that the Registrar considers appropriate, refund or remit the whole or any part of the licence fee paid or payable under this Act.”;
- (e) in section 10(3)(a), replace “fee for the grant or renewal (as the case may be) of the licence” with “licence fee”;
- (f) in section 10(3), replace paragraph (e) with —
- “(e) a substantial shareholder of the applicant —
- (i) is a disqualified person;
- (ii) is, in the Registrar’s opinion, not of good character;
- (iii) is, in the Registrar’s opinion, not a fit and proper person to have a substantial shareholding in the applicant’s business of pawnbroking; or
- (iv) has carried on the business of pawnbroking in Singapore or elsewhere in a way that, in the Registrar’s opinion, makes the applicant unfit to hold a licence;”;
- (g) in section 12, replace subsection (2) with —
- “(2) In relation to subsection (1), the Registrar may —
- (a) on application by a licensee, approve a person to become a substantial shareholder of the licensee by an increase of the person’s shareholding;
- (b) on application by a licensee, approve an increase of a person’s substantial shareholding in the licensee; or

(c) subject to section 16, direct a substantial shareholder to reduce its shareholding in a licensee.”;

(h) in section 13, replace paragraphs (a) and (b) with —

5 “(a) the relevant person is a disqualified person;

(b) the relevant person is, in the Registrar’s opinion, not of good character;

10 (c) the relevant person is, in the Registrar’s opinion, not a fit and proper person to have a substantial shareholding in the applicant’s business of pawnbroking;

15 (d) the relevant person has carried on the business of pawnbroking in Singapore or elsewhere in a way that, in the Registrar’s opinion, makes the person unfit to hold a licence.”;

(i) in section 38(2), replace paragraph (b) with —

20 “(b) the date on which the decision takes effect unless the licensee makes representations under subsection (4).”;

(j) in section 38, replace subsection (5) with —

“*(5)* The Registrar must, before making a final decision, consider any representation made by the licensee under subsection (4).”;

25 (k) in section 38(6), replace “, on or after the date in subsection (2)(b),” with “, if representations were made under subsection (4),”;

(l) in section 38(7), replace “In the case of a decision to suspend or revoke a licence, the” with “The”;

30 (m) replace section 39 with —

“Appeal to Minister

39.—(1) A person aggrieved by the Registrar’s decision under section 36 or 37 may appeal to the Minister not later than 14 days after the day on which —

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(a) the Registrar’s decision is to take effect under section 38(2)(b); or

(b) the written notice under section 38(6) is given to the licensee.

(2) The decision appealed against under subsection (1) does not take effect unless it is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or is withdrawn.”;

10

(n) in section 41(1)(b), delete “or” at the end;

(o) in section 41(1), replace paragraph (c) with —

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“(c) where a licensee —

(i) has been given written notice under section 38(2) of the Registrar’s intention to revoke the licence under section 36(2)(b); and

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(ii) has not made representations before the date specified in that written notice,

even if the licensee has appealed against the Registrar’s decision; or

25

(d) where —

(i) the licensee has made representations; and

(ii) the Registrar has, under section 38(6), notified the licensee of the Registrar’s final decision to revoke the licence under section 36(2)(b),

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even if the licensee has appealed against the Registrar’s decision.”;

(p) in section 43(4)(c), replace “the prescribed fee” with “a non-refundable application fee of a prescribed amount”;

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(q) in section 83(1)(f), after “including”, insert “application fees and”;

(r) in the Second Schedule, in paragraph 4, after “fee of”, insert “up to”; and

15

(s) in the Second Schedule, in paragraph 4(b), delete “for the fee”.

(2) Section 10(3)(e) of the Pawnbrokers Act 2015 (as amended by subsection (1)(f)) only applies in relation to an application for a grant or renewal of a licence, that is made on or after the date of commencement of subsection (1)(f).

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(3) Section 13 of the Pawnbrokers Act 2015 (as amended by subsection (1)(h)) only applies in relation to an application for a person to become a substantial shareholder of a licensee or to increase the person’s substantial shareholding in a licensee, that is made on or after the date of commencement of subsection (1)(h).

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(4) Sections 38, 39 and 41 of the Pawnbrokers Act 2015 (as amended by subsection (1)(i) to (o)) only apply to decisions in respect of which a written notice of the Registrar’s intention to make a decision, under section 38(2) of the Pawnbrokers Act 2015, is given on or after the date of commencement of subsection (1)(i) to (o).

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Amendment of Public Defenders Act 2022

11. In the Public Defenders Act 2022 —

(a) in section 12(1)(c)(ii), before “of the opinion”, insert “, by the majority of its members,”;

- (b) in section 19(3), replace “taxed” with “assessed”; and
 (c) replace the Schedule with —

“THE SCHEDULE

Section 8(2) and (3)

EXCLUDED OFFENCES AND
 EXCLUDED CLASSES OF OFFENCES

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PART 1

GENERAL

Capital offences

1. An offence is an excluded offence if it is punishable by death. 10

Part 2 offences

2. An offence under any Act mentioned in Part 2 of this Schedule, or under any subsidiary legislation made under any of those Acts, is an excluded offence. 15

Part 3 offences prosecuted in certain ways

3. An offence is an excluded offence if —
- (a) it is an offence under an Act mentioned in Part 3 of this Schedule or under any subsidiary legislation made under any of those Acts; and 20
 - (b) the accused person is served a notice to attend court or a summons for the offence.

Offences prosecuted by statutory bodies, etc.

- 4.—(1) An offence is an excluded offence if the accused person is served a notice to attend court or a summons for the offence by an officer of a statutory body. 25

(2) In this paragraph, “statutory body” has the meaning given by paragraph (b) of the definition of “public body” in section 2(1) of the Criminal Procedure Code 2010.

Offences prosecuted by private persons

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5. An offence is an excluded offence if it is prosecuted or to be prosecuted by a private person under section 11(10) of the Criminal Procedure Code 2010.

PART 2

PART 2 OFFENCES

1. Betting Act 1960 (as in force before 1 August 2022)
2. Casino Control Act 2006
- 5 3. Common Gaming Houses Act 1961 (as in force before
1 August 2022)
4. Gambling Control Act 2022
5. Massage Establishments Act 2017
6. Organised Crime Act 2015
- 10 7. Remote Gambling Act 2014 (as in force before 1 August
2022)
8. Terrorism (Suppression of Bombings) Act 2007
9. Terrorism (Suppression of Financing) Act 2002
- 15 10. Terrorism (Suppression of Misuse of Radioactive Material)
Act 2017

PART 3

PART 3 OFFENCES

1. Advance Medical Directive Act 1996
- 20 2. Bankruptcy Act (Cap. 20, 2009 Revised Edition) (as in
force before 30 July 2020)
3. Child Development Co-Savings Act 2001
4. Customs Act 1960
5. Employment Act 1968
6. Employment Agencies Act 1958
- 25 7. Employment Claims Act 2016
8. Employment of Foreign Manpower Act 1990
9. Enlistment Act 1970
10. Fire Safety Act 1993
11. Foreign Employee Dormitories Act 2015
- 30 12. Goods and Services Tax Act 1993
13. Health Products Act 2007

14. Health Promotion Board Act 2001
15. Health Sciences Authority Act 2001
16. Immigration Act 1959
17. Infectious Diseases Act 1976
18. Insolvency, Restructuring and Dissolution Act 2018 5
19. Medical and Elderly Care Endowment Schemes Act 2000
20. Medicines (Advertisement and Sale) Act 1955
21. Medicines Act 1975
22. Moneylenders Act 2008
23. National Registration Act 1965 10
24. Passports Act 2007
25. Pawnbrokers Act 2015
26. Personal Data Protection Act 2012
27. Poisons Act 1938
28. Registration of Births and Deaths Act 2021 15
29. Regulation of Imports and Exports Act 1995
30. Retirement and Re-employment Act 1993
31. Road Traffic Act 1961
32. Sale of Drugs Act 1914 (as in force before 1 June 2024)
33. Singapore Armed Forces Act 1972 20
34. Termination of Pregnancy Act 1974
35. Tobacco (Control of Advertisements and Sale) Act 1993
36. Town Councils Act 1988
37. Traditional Chinese Medicine Practitioners Act 2000
38. Work Injury Compensation Act 2019 25
39. Workplace Safety and Health Act 2006”.

Amendment of Revised Edition of the Laws Act 1983

12. In the Revised Edition of the Laws Act 1983 —

- (a) in section 2, in the definition of “revised edition of Acts”,
replace “section 3” with “this Act”;

(b) in section 2, in the definition of “revised edition of subsidiary legislation”, replace “the revised edition, prepared under the authority of section 3” with “a revised edition, prepared under the authority of this Act”;

(c) in section 3(1), replace “a revised edition of subsidiary legislation” with “one or more revised editions of subsidiary legislation”;

(d) in section 3, after subsection (5), insert —

“(6) Where any power is conferred by this Act upon the Commissioners to make any notification or order, or authorise any thing or matter to be done, it is sufficient if the exercise of such power by the Commissioners is signified by the Attorney-General or any other Commissioner.”;

(e) in section 15(1), replace “There must be issued, as supplementary to the revised edition of Acts, a revised edition” with “The Commissioners may issue, as supplementary to the revised edition of Acts, one or more revised editions”;

(f) in section 15(2), replace “In the preparation of the revised edition of subsidiary legislation” with “In the preparation of a revised edition of subsidiary legislation”;

(g) in section 15(3), replace “the revised edition” wherever it appears with “a revised edition”;

(h) in section 15, after subsection (4), insert —

“(5) Where the Commissioners, in exercise of their powers under subsection (2) read with section 4(1)(f), have (whether before, on or after the date of commencement of section 12 of the Statutes (Miscellaneous Amendments) (No. 2) Act 2024) consolidated into one subsidiary legislation (called the consolidated subsidiary legislation) any 2 or more pieces of subsidiary legislation in pari materia and made by or under the same authority (whether or not

those pieces of subsidiary legislation had been revised by the Commissioners), the consolidated subsidiary legislation may be amended by or under that same authority as if it were made by or under that authority.”;

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(i) replace section 16 with —

“Subsidiary legislation not revised remains in force

16. Despite anything to the contrary in this Act, any subsidiary legislation that is not revised by the Commissioners remains in force until it has been expressly revoked or has expired, become spent or had effect.”;

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(j) in section 17(1), replace “the revised edition” with “every revised edition”;

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(k) in section 17(3), replace “The revised edition” with “Every revised edition”;

(l) in section 17(5), replace “As soon as practicable after 1 January of the year in which the revised edition of subsidiary legislation comes into force and thereafter after 1 January of each succeeding year, the Commissioners must, with the intent that the revised edition of subsidiary legislation must be annually revised,” with “Despite anything in section 15, the Commissioners may from time to time”;

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(m) in section 17(5), replace paragraph (b) with —

“(b) of any single piece of subsidiary legislation, whether or not it has been amended after it came into force and whether or not it is made under or by virtue of any Act.”;

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(n) in sections 17(6), 23(1)(b) and 24, replace “the revised edition of subsidiary legislation” with “any revised edition of subsidiary legislation”; and

(o) in section 20(2), replace “revised edition” with “relevant revised edition”.

Amendment of Women’s Charter 1961

5 **13.** In the Women’s Charter 1961, in section 126B(1)(a) (as inserted by section 35 of the Women’s Charter (Amendment) Act 2022), replace “section 126(2)(d)” with “section 126”.

Amendment of Statutes (Miscellaneous Amendments) Act 2022

14. In the Statutes (Miscellaneous Amendments) Act 2022, in section 12(5), delete paragraph (a).

EXPLANATORY STATEMENT

This Bill seeks to make various amendments to certain Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 92(4)(b) of the Building Maintenance and Strata Management Act 2004 to update the terminology used, from “interrogatories” to “discovery of facts” in line with the terminology in the Rules of Court 2021.

Clause 3 amends the Copyright Act 2021.

Clause 3(a) and (b) makes typographical corrections to sections 61(1)(c) and 313, respectively.

Clause 3(c) and (d) splits the offence in section 450(2) into 2 separate offences, with different mental elements.

Clause 4 amends the Criminal Procedure Code 2010.

Clause 4(a) and (b) amends section 2(1) to update the age of a juvenile, consequential to the increase in the minimum age of criminal responsibility by section 25 of the Criminal Law Reform Act 2019 and the increase in the maximum age of “juvenile” under the Children and Young Persons Act 1993 as amended by section 2 of the Children and Young Persons (Amendment) Act 2019.

Clause 4(c) to (h) amends sections 319 and 360 to provide that, where a term of imprisonment in default of payment of a fine or compensation sum ends, the person serving the term of imprisonment must be released from detention in prison as soon as reasonably practicable. It also provides that fines must be paid using a mode of payment and within the timing designated in a payment advice issued by the court.

Clause 5 amends the Insolvency, Restructuring and Dissolution Act 2018.

Clause 5(1)(a) amends the definition of “relevant company” in section 250(7) to delete a reference to a Registered Fund Management Company following the removal of its regime on 1 August 2024. Clause 5(2) is a saving provision for this amendment.

Clause 5(1)(b) amends section 327(4)(a) to extend the time, after making a bankruptcy order, by which a secured creditor may notify the Official Assignee of the secured creditor’s intention to claim an interest in the debt. Clause 5(3) is a transitional provision for this amendment.

Clause 5(1)(c) and (d) amends section 368(4) to provide that the time limit mentioned in section 368(3) only applies to the serving of a notice on the Sheriff, and not to the making of bankruptcy order. Clause 5(4) is a transitional provision for this amendment.

Clause 6 amends section 2(1) of the Interpretation Act 1965 to insert a definition of certain terms so that they can refer to the Sovereign of the United Kingdom for the time being, regardless of whether that Sovereign is a King or a Queen.

Clause 7 amends the Legal Aid and Advice Act 1995.

Clause 7(b) inserts a new section 4A to provide certain individuals protection from personal liability in the course of their duties, similar to section 7 of the Public Defenders Act 2022. Clause 7(a) is a consequential amendment.

Clause 7(c) inserts a new section 6A that applies when a professional deputy applies for legal aid for a proceeding to be appointed as deputy or to vary the order appointing him or her as deputy in relation to a person who lacks capacity. The means test in such a situation will be applied on the person who lacks capacity, rather than the applicant. The professional deputy in the new section 6A refers to a person who is registered as a professional deputy under the Mental Capacity Act 2008 or a person who meets the prescribed criteria.

Clause 7(d), (e), (f) and (i) to (l) relates to the dissolution of the Legal Aid Fund (which is provided for by clause 8). It provides that contributions may be set off against properties recovered, and that the Director of Legal Aid may recover certain unpaid moneys payable under the Act as a debt due to the Government.

Clause 7(g) updates the terminology from the taxation of costs to the assessment of costs in section 14(4), consequential to the Rules of Court 2021.

Clause 7(h) amends section 16 to provide that costs payable to the Director of Legal Aid may be waived either partially or completely.

Clause 7(m) amends Part 1 of the Schedule to include a reference to proceedings in the Family Division of the High Court.

Clause 8 dissolves the Legal Aid Fund and provides for the balance of moneys in the Legal Aid Fund to be transferred to the Consolidated Fund and added to the past reserves of the Government.

Clause 9 amends the Moneylenders Act 2008.

Clause 9(1)(a) amends section 2 by expanding the definition of “excluded moneylenders” to pawnbrokers who carry on the business of pawnbroking in accordance with the Registrar of Pawnbroker’s direction, waiver certificate or class waiver, and not just those who are licensed.

Clause 9(1)(b) amends section 66(1) to achieve parity between the information required if the loan applicant is a body corporate and if the loan applicant is a partnership or an unincorporated association. In particular, the clause expands the information to be obtained, if the loan applicant is a body corporate, to the information mentioned in section 66(1)(c)(iii). Clause 9(2) is a saving provision for this amendment.

Clause 9(1)(c) amends section 66A(2)(a) so that the licensee must inform each surety of the applicant of certain things mentioned in section 66(4)(b).

Clause 10 amends the Pawnbrokers Act 2015.

Clause 10(1)(a) amends section 2(1) to provide that an individual’s foreign identification number may be used as identification information for a foreigner, and not just the individual’s foreign passport number.

Clause 10(1)(b), (c), (e), (p) and (q) contains amendments which, among other things, clarify that application fees are not refundable and to specify which fees the respective provisions refer to. Clause 10(1)(d) inserts a new section 9A to provide that licence fees can be refunded under certain circumstances.

Clause 10(1)(f) and (h) amends sections 10 and 13, respectively, to provide that the Registrar of Pawnbrokers may refuse to grant or renew a licence, or approve substantial shareholding, on the ground that a substantial shareholder of the applicant (or licensee, if the licence had already been granted or renewed) is not of good character or a fit and proper person. Clause 10(1)(g) amends section 12 to mention that the approval in relation to a substantial shareholder of the licensee is by application. Clause 10(2) and (3) are transitional provisions for these amendments.

Clause 10(1)(i) to (m) amends sections 38 and 39 to clarify the procedure relating to the decision of the Registrar of Pawnbrokers under section 36 or 37. The main changes are as follows:

- (a) to provide that the notice will take effect from a date specified in the notice if the licensee does not make representations;
- (b) to provide that a person may appeal against the Registrar’s decision not later than 14 days from the date that the Registrar’s decision had taken

effect (if no representations had been made) or from the date that the notice of the Registrar's final decision was given to the person (if representations had been made).

Clause 10(1)(*n*) and (*o*) makes consequential amendments to section 41 for these amendments. Clause 10(4) is a saving provision for the amendments to sections 38, 39 and 41.

Clause 10(1)(*r*) and (*s*) amends paragraph 4 of the Second Schedule to provide that a licensee may charge a fee of up to \$2. The clause also provides that the pawnbroker may charge a fee if the pawnbroker offers any specified mode of payment, without limiting that the mode of payment is offered for paying the fee.

Clause 11 amends the Public Defenders Act 2022.

Clause 11(*a*) amends section 12(1) to provide that the assessment is made by the board, in accordance with the decision of the majority of its members.

Clause 11(*b*) updates the terminology from the taxation of costs to the assessment of costs in section 19(3), consequential to the Rules of Court 2021.

Clause 11(*c*) restructures the Schedule on excluded offences and excluded classes of offences. The clause also provides for excluded offences under the Bankruptcy Act (Cap. 20, 2009 Revised Edition), the Pawnbrokers Act 2015, the Sale of Drugs Act 1914 (as in force before its repeal) and the Town Councils Act 1988.

Clause 12 amends the Revised Edition of the Laws Act 1983 (RELA) mainly to cater for revised editions of subsidiary legislation to be prepared in batches with different revision dates and operative dates.

Clause 12(*a*) and (*b*) amends the definitions of "revised edition of Acts" and "revised edition of subsidiary legislation" in section 2 to refer to the preparation of the revised edition of Acts and of subsidiary legislation under the authority of the RELA, instead of specifically section 3, as other sections of the RELA also apply. The definition of "revised edition of subsidiary legislation" is also amended to cater for the revision of subsidiary legislation in batches with different revision dates and operative dates.

Clause 12(*c*) amends section 3(1) to refer to the preparation and publication of one or more revised editions of subsidiary legislation, in line with the Law Revision Commission's power to revise subsidiary legislation in batches with different revision dates and operative dates.

Clause 12(*d*) inserts a new section 3(6) to enable the Attorney-General or any other Law Revision Commissioner to sign notifications and orders, or authorise any thing or matter to be done, under the RELA on behalf of all the Law Revision Commissioners, which reflects the existing practice.

Clause 12(e) amends section 15(1) to provide for the issuance of one or more revised editions of subsidiary legislation as supplementary to the revised edition of Acts. This will enable the revision of subsidiary legislation to be done in batches with different revision dates and operative dates. The replacement of “must” with “may” in section 15(1) is to give the Law Revision Commissioners discretion not to revise certain types of subsidiary legislation where there is no or minimal utility in revising them. Examples are subsidiary legislation that is temporal in nature, which already conforms to the revised house style and drafting practices that were introduced in the revised edition of Acts or subsidiary legislation that is frequently replaced.

Clause 12(f) and (g) makes miscellaneous amendments to section 15(2) and (3) as a consequence of the amendment to section 15(1).

Clause 12(h) inserts a new section 15(5) to enable consolidated subsidiary legislation to be amended by or under the same authority as the making of the individual pieces of subsidiary legislation that were consolidated.

Clause 12(i) replaces section 16. The new section 16 deletes the requirement to publish a notification in the *Gazette* specifying the omitted subsidiary legislation because that requirement was premised on the issuance of a single revised edition of subsidiary legislation. As a consequence, the new section 16 and section heading refer to subsidiary legislation that is not revised instead of omitted.

Clause 12(j) and (k) makes miscellaneous amendments to section 17(1) and (3) as a consequence of the amendment to section 15(1) to provide for the issuance of one or more revised editions of subsidiary legislation.

Clause 12(l) amends section 17(5) to remove the requirement for annual revision of subsidiary legislation and allow subsidiary legislation to be revised on an ad hoc basis.

Clause 12(m) replaces section 17(5)(b). The new section 17(5)(b) makes clear that in an ad hoc revision of subsidiary legislation, any single piece of subsidiary legislation may be revised. Such subsidiary legislation need not have been amended after it came into force and need not be subsidiary legislation that is made under or by virtue of any Act.

Clause 12(n) makes a technical amendment to section 17(6). The clause also makes miscellaneous amendments to sections 23(1)(b) and 24 as a consequence of the amendment to section 15(1) to provide for the issuance of one or more revised editions of subsidiary legislation.

Clause 12(o) amends section 20(2) to refer to the relevant revised edition of subsidiary legislation in the case where more than one revised edition of subsidiary legislation is issued.

Clause 13 amends section 126B(1)(a) of the Women’s Charter 1961 (as inserted by section 35 of the Women’s Charter (Amendment) Act 2022) by replacing the

reference to “section 126(2)(d)” with “section 126”, so that the enforcement mechanism in section 126B applies to all access orders made under section 126.

Clause 14 amends the Statutes (Miscellaneous Amendments) Act 2022 to delete section 12(5)(a) (relating to the amendment of the Schedule to the Public Defenders Act 2022) so that offences under the Medicines (Advertisement and Sale) Act 1955 (as in force before its repeal) continue to be excluded under the Public Defenders Act 2022, even after its repeal.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
