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Rubber Industry Bill

Bill No. 41/1973.

Read the first time on 11th July 1973.

RUBBER INDUSTRY ACT 1973

(No. of 1973)

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Section

The Schedule — Amendments to the Rubber Association of
Singapore (Incorporation) Act (Chapter 200)

A BILL

intituled

An Act to provide for the regulation and control of the manufacture of technically specified rubber and the packing and shipping of rubber for export and for matters connected therewith; and to amend the Rubber Association of Singapore (Incorporation) Act (Chapter 200 of the Revised Edition) and for the repeal of the Rubber Shipping and Packing Control Act (Chapter 201 of the 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. This Act may be cited as the Rubber Industry Act, 1973 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Interpretation

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

“Association” means the Rubber Association of Singapore established under the Rubber Association of Singapore (Incorporation) Act (Cap. 200);

10 “licence” means a licence issued under the provisions of this Act;

“rubber” means marketable rubber prepared from the leaves, bark or latex of any rubber plant, but does not include any manufactured article made wholly or partly of rubber;

“rubber plant” includes any of the following plants: —

15 (a) *Heavea brasiliensis* (Para rubber);

(b) *Manihot glaziovii* (Ceara rubber);

(c) *Castilloa elastica*;

(d) *Ficus elastica* (Rambong);

20 (e) any other plant which the Minister may by notification in the *Gazette* declare to be a rubber plant for the purposes of this Act;

“to pack rubber for export” means to pack rubber in Singapore for export to any country or place;

25 “to ship rubber for export” means to ship rubber in Singapore for export to any country or place outside Singapore.

No person to pack or ship rubber or manufacture technically specified rubber unless duly licensed for the purpose

3.—(1) Notwithstanding the provisions of any other written law, no person shall —

30 (a) pack rubber for export; or

(b) ship rubber for export; or

(c) manufacture or otherwise produce technically specified rubber;

unless he is for the time being the holder of a valid licence issued under this Act authorising him to do so or is a person employed by a person licensed as aforesaid.

(2) For the purpose of this section a person shall be deemed to have packed rubber for export if it is packed in any manner usually employed in Singapore when packing rubber for export.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Application for a licence

4.—(1) An application for a licence shall be made to the Association in the prescribed form and manner and shall be accompanied by the prescribed fee.

(2) The Association may require an applicant to supply the Association with such further information as the Association considers necessary in relation to the applicant.

(3) The Association shall grant a licence if after consideration of —

(a) the character and financial position of the applicant or, if the applicant is a corporation, the character of the directors and the secretary of the corporation and of the corporation's financial position; and

(b) the interests of the public,

the Association is of the opinion that the applicant is a fit and proper person to hold the licence applied for.

(4) Any person who is aggrieved by the decision of the Association in refusing to grant a licence may appeal to the Minister whose decision thereon will be final.

Period of licence

5. A licence shall be in force for a period of one year from the date of issue thereof and may be renewed thereafter from time to time.

Renewal of licence

5 6.—(1) An application for the renewal of a licence shall be made to the Association within one month before the expiry of the licence.

(2) The Association shall renew a licence unless it is of the opinion that the holder thereof has contravened or failed to comply with any of the provisions of this Act or any of the rules made thereunder.

10 (3) Where the Association is of the opinion that a licence should not be renewed, the Association shall call upon the holder thereof to show cause why his licence should be renewed and the provisions of subsections (2) to (7) of section 9 shall apply *mutatis mutandis* to any person who has been called upon to show cause why his licence
15 should be renewed.

False statement

7. No person shall in connection with an application for a licence or for the renewal of a licence wilfully make a statement false or misleading in a material particular knowing it to be false or misleading
20 or wilfully omit to state any matter or thing without which the application is misleading in a material respect.

Inspection of premises and display of licence

8.—(1) Every holder of a licence shall cause the licence to be framed and exhibited in a conspicuous place on the premises in which
25 the holder of such licence is carrying on the business of packing rubber for export or shipping rubber for export or manufacturing technically specified rubber, as the case may be.

(2) Every holder of a licence shall allow at all reasonable times the inspection of the premises in which he is carrying on the business of
30 packing rubber for export or shipping rubber for export or manufacturing technically specified rubber, as the case may be, by any officer authorised in writing in that behalf by the Association. Any

such authorisation shall have affixed thereto a photograph of the officer to whom it is issued.

(3) Every holder of a licence shall, on demand being made in that behalf by any such officer as is mentioned in subsection (2), produce for inspection —

(a) such books and other documents as are reasonably necessary to enable such officer to ascertain if the provisions of this Act and the rules made thereunder have been and are being complied with; and

(b) all rubber on such premises.

(4) Any person who fails without lawful excuse to produce any such books, documents or rubber upon demand being made in that behalf by any such officer as aforesaid or who wilfully impedes or obstructs such officer in the execution of the powers conferred upon him by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Association may in certain circumstances call upon a person to show cause why his licence should not be cancelled

9.—(1) If it appears to the Association that the holder of a licence has contravened any of the provisions of this Act or any of the rules made thereunder the Association may call upon such person in the manner prescribed to show cause why his licence should not be cancelled.

(2) Any person called upon to show cause under the provisions of subsection (1) —

(a) shall be supplied by the Association with the particulars in writing of the contravention complained of; and

(b) may if he so desires be present at the hearing and be heard either in person or by any person duly authorised by him in that behalf.

(3) If after such hearing the Association is of the opinion that the person called upon to show cause has contravened any of the

provisions of this Act or any of the rules made thereunder, the Association may —

- (a) revoke his licence;
- 5 (b) suspend his licence for such period as the Association may determine;
- (c) in the event of an order of suspension being made under the provisions of sub-paragraphs (b), prohibit the renewal of his licence for such period as the Association may determine;
- 10 (d) impose a fine not exceeding ten thousand dollars, which shall be recoverable in the same manner as a judgment debt;
- (e) require such person as security for his future compliance with any provision of this Act or any of the rules made thereunder to deposit or give a bank guarantee for any sum not exceeding ten thousand dollars for such period as the Association may determine; and any such sum or guarantee shall be deposited with or given to, as the case may be, the Association; and
- 15 (f) order such person to pay to the Association a sum not exceeding five thousand dollars to cover the costs incurred by the Association as a result of the contravention by that person of any of the provisions of this Act or any of the rules made thereunder.
- 20

(4) The Association shall regulate its own procedures on any such hearing and shall not be bound by any law or rule of practice relating to the admissibility of evidence.

25 (5) The amount of any fine imposed under the provisions of paragraph (d) of subsection (3) shall be paid into the Singapore Rubber Fund established under section 13 of the Rubber Association of Singapore (Incorporation) Act (Cap. 200).

30 (6) Execution of any decision of the Association given under the provisions of subsection (3) shall be stayed pending the expiration of the period within which notice of appeal may be given or the decision on such appeal, as the case may be.

(7) The Association shall keep in writing a record of its proceedings and of all evidence received by it and the decisions of the Association shall be recorded in writing.

Appeal from decision of Association

10.—(1) Any person aggrieved by a decision of the Association given under the provisions of subsection (3) of section 9 may appeal to the Tribunal of Appeal to be established under the provisions of section 11. 5

(2) Notice in writing of such appeal together with the grounds thereof shall be given to the Tribunal of Appeal within fourteen days of the receipt of the decisions in writing of the Association by the person aggrieved, and a copy of such notice and the grounds of appeal shall be served upon the Association by the appellant. Every notice given to the Tribunal of Appeal under the provisions of this subsection shall be sent to such address in Singapore as may be prescribed by the Tribunal of Appeal. 10 15

(3) The appellant may if he so desires be present at the hearing of his appeal and may be heard either in person or by any person authorised by him in that behalf.

(4) At the hearing of an appeal the Tribunal of Appeal may allow the appeal, or confirm or vary, within the limits specified in paragraphs (a) to (f) of subsection (3) of section 9, the decision of the Association, and any decision of the Tribunal of Appeal shall be final and conclusive and shall be enforceable in the same manner as a decision of the Association. 20 25

(5) The Tribunal of Appeal shall regulate its own procedure on the hearing of any such appeal and shall not be bound by any law or rule of practice relating to the admissibility of evidence.

(6) The Tribunal of Appeal may at its discretion from time to time extend any limit of time fixed for the giving of a notice of appeal. 30

Tribunal of Appeal

11.—(1) For the purposes of section 10, there shall be established a Tribunal of Appeal, which shall consist of a Chairman, who shall be a

person holding or who has held high judicial office, and two other persons, all of whom shall be appointed by the Minister.

5 (2) The Tribunal of Appeal may make rules governing the fees payable and the procedure to be followed on appeals under the provisions of section 10. Any such fees shall be payable to the Association.

Entry of premises by officer of Association and seizure of article as evidence

10 **12.**—(1) Any officer of the Association duly authorised in writing in that behalf may enter at all reasonable times any premises or place in which he has reasonable cause to believe there is evidence of a contravention of any of the provisions of this Act or of any of the rules made thereunder, and may search therein and seize any article in the premises or place that may be reasonably necessary as evidence in
15 connection with the contravention.

(2) Any person who wilfully impedes or obstructs such officer in the exercise of the powers conferred upon him by subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not
20 exceeding six months or to both such fine and imprisonment.

Officer of Association to produce authority for inspection

13. Any officer of the Association entering any premises or place in exercise of the powers conferred by this Act shall produce for the inspection of the person in charge of the premises or place or in his
25 absence that person's agent his authority for such entry.

Personal immunity of members and officers of Association

14. No member of the Management Committee of the Association and no agent or officer of the Association shall be personally liable for an act or default of the Association done or omitted to be done in good
30 faith and without negligence in the course of carrying out the functions vested in the Association under this Act.

Revenue of the Association

15. The fees and other sums paid to the Association under this Act shall be paid into the Singapore Rubber Fund established under section 13 of the Rubber Association of Singapore (Incorporation) Act (Cap. 200) and all expenses incurred by the Association in the administration of this Act may be paid out of moneys in the Fund. 5

Jurisdiction of District Court

16. Notwithstanding anything contained in any other written law a District Court shall have power to try any offence under this Act and to impose the full penalty prescribed therefor. 10

Power to make rules

17.—(1) The Association may, with the approval of the Minister, make rules —

- (a) regulating the packing, grading and shipping of rubber;
- (b) for the purpose of ensuring that the quality of rubber to be exported is of the standard required by the contract governing the transaction and for the prevention of fraud or malpractices in connection therewith, and prescribing the marks to be stamped or otherwise inscribed on rubber packed or shipped for export or on technically specified rubber; 15 20
- (c) regulating the manufacture of technically specified rubber and to prescribe the specifications for technically specified rubber;
- (d) prescribing the testing and quality control procedures to be adopted and followed by manufacturers of technically specified rubber; 25
- (e) prescribing the conditions upon which any licence or a class of licences is issued under this Act;
- (f) prescribing anything which may be prescribed under the provisions of this Act; 30
- (g) prescribing the fees for licences issued under the Act;

- (h) prescribing the form of register to be kept for the purposes of this Act;
- (i) prescribing the fees and travelling and subsistence allowances to be paid to the Chairman and members of the Tribunal of Appeal; and
- (j) generally for the better carrying out of the purposes of this Act.

(2) Rules made under the provisions of subsection (1) shall be published in the *Gazette*.

Directions of Minister

18. The Minister may from time to time issue general directions not inconsistent with the provisions of this Act regarding the administration of this Act and the Association shall comply with those directions.

Repeal

19. The Rubber Shipping and Packing Control Act (Cap. 201) is hereby repealed and the Malayan Rubber Export Registration Board (hereinafter in this Act called “the Board”) established and constituted under the said Act shall cease to exist.

Savings and transitional provisions

20.—(1) Any certificate granted under the Rubber Shipping and Packing Control Act shall not be invalidated by the repeal of that enactment but shall have effect as if granted under the corresponding provision of this Act and shall continue until its date of expiry.

(2) Where any person who immediately before the date of commencement of this Act was registered as a packer or shipper of rubber for export under the Rubber Shipping and Packing Control Act has done or omitted to do any act in respect of which the Board may cancel his registration under or a certificate issued pursuant to that enactment, he may be deprived of a licence issued under this Act as if the act was done or omitted to be done while he was duly licensed under this Act.

(3) Where on the date of commencement of this Act any proceedings were pending before the Board for the cancellation of the registration of a packer or shipper of rubber for export under the Rubber Shipping and Packing Control Act and a certificate issued pursuant thereto, the proceedings shall be taken up and continued under and in conformity with the provisions of this Act, so far as consistently may be; but where on the date of commencement of this Act any matter was in the course of being heard or was investigated by the Board or the Tribunal of Appeal established under section 14 of that Act (hereinafter referred to as “the former Tribunal”) or had been heard or investigated by the Board or the former Tribunal but no order or decision had been rendered thereon, the Board or the former Tribunal shall continue to exist, notwithstanding the provisions of this Act, for the purpose of completing the hearing or investigation and making an order or rendering a decision, as the case may be.

(4) For the purpose of completing a hearing or investigation before it or making an order or rendering a decision on a matter heard or investigated before the commencement of this Act, the Board or the former Tribunal shall complete the hearing or investigation in accordance with the authority vested in it immediately before the commencement of this Act and make such order, rule or directions as it could have made under the authority vested in it immediately before the commencement of this Act.

(5) An order, rule or direction made or given by the Board or the former Tribunal pursuant to this section shall be entered as an order, rule or direction of the Association or the Tribunal of Appeal established under section 11 of this Act and have the same force or effect as if it had been made or given by the Association or the Tribunal of Appeal pursuant to the authority vested therein under this Act.

(6) Notwithstanding the provisions of subsection (1) of section 3, a person who immediately before the date of commencement of this Act was manufacturing technically specified rubber shall be entitled to do the same without a licence —

(a) for the period of two months beginning from the date of commencement of this Act; and

- (b) if before the expiration of that period he applies for a licence in respect of the same, until the licence is granted, or finally refused or the application withdrawn.

Vesting of assets and property in the Association

5 **21.** Upon the date of commencement of this Act —

- (a) all property, movable and immovable, which immediately before the commencement of this Act were vested in and held by or for the Board shall be transferred to and vest in the Association without further assurance and the Association shall have all powers necessary to take possession of, recover and deal with such property;
- 10
- (b) all rights, obligations and liabilities of the Board which may have existed before the commencement of this Act shall be the rights, obligations and liabilities of the Association;
- (c) every agreement, whether in writing or not, and every deed, bond or other instrument to which the Board was a party or which affected the Board, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Association were a party thereto or affected thereby instead of the Board and as if for every reference (however worded and whether expressed or implied) to the Board there were substituted in respect of anything to be done on or after the date of commencement of this Act a reference to the Association.
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25 Amendment

22. The Rubber Association of Singapore (Incorporation) Act (Cap. 200) is hereby amended in the manner specified in the Schedule.

THE SCHEDULE

(Section 22).

AMENDMENTS TO THE RUBBER ASSOCIATION OF SINGAPORE (INCORPORATION) ACT (CHAPTER 200)

- | | |
|--|----|
| 1. In section 6 — | 5 |
| (a) insert immediately after paragraph (t) thereof the following new paragraph: — | |
| “(u) to perform any functions which are vested upon the Association under any written law;”; and | |
| (b) renumber the paragraph (u) thereof as paragraph (v). | 10 |
| 2. In subsection (2) of section 10 — | |
| (a) delete the word “and” appearing at the end of paragraph (b) thereof; | |
| (b) delete the comma appearing at the end of paragraph (c) thereof and substitute therefor the expression “; and”; and | |
| (c) insert immediately after paragraph (c) thereof the following new paragraph — | 15 |
| “(d) an officer of the Singapore Institute of Standards and Industrial Research.”. | |
| 3. In section 12 delete the words “by the rules” appearing in the third line thereof and substitute therefor the words “any written law or the rules made thereunder”. | 20 |

EXPLANATORY STATEMENT

This Bill seeks to repeal the Rubber Shipping and Packing Control Act (Cap. 201) and to confer upon the Rubber Association of Singapore (hereinafter referred to as “the Association”) the functions which were carried out by the Malayan Rubber Export Registration Board established and constituted under the Rubber Shipping and Packing Control Act. The Association will also issue licences to manufacturers of technically specified rubber.

Where an application is made to the Association for a licence to —

- (a) pack rubber for export; or
- (b) ship rubber for export; or
- (c) manufacture or otherwise produce technically specified rubber,

the Association will grant the licence applied for if it is satisfied that the applicant is a fit and proper person to hold the licence. Any person who is aggrieved by a decision of the Association in refusing to grant a licence may appeal to the Minister whose decision thereon is final.

A licence will be in force for a period of one year from the date of issue thereof and may be renewed thereafter from time to time. Where an application is made for the renewal of a licence the Association shall renew the licence unless it is of the opinion that the holder thereof has contravened any of the provisions of the Bill or of any of the rules made thereunder. Where the Association is of the opinion that a licence should not be renewed the holder thereof will be given an opportunity to show cause as to why his licence should be renewed. Where the Association has decided not to renew a licence, the holder thereof shall have the right to appeal to the Tribunal of Appeal established and constituted under clause 11 of the Bill.

The Association may cancel a licence issued under the Bill if the holder thereof has contravened any of the provisions of the Bill or any of the rules made thereunder. Where the Association intends to cancel a licence it shall call upon the holder thereof to show cause why the licence should not be cancelled and such person will be entitled to a hearing before the Association. Where the Association has decided to cancel the licence the person who is aggrieved by a decision of the Association will have the right to appeal to the Tribunal of Appeal established and constituted under clause 11 of the Bill.

There are provisions in the Bill which confer upon the officers of the Association powers which are necessary for the enforcement of the provisions of the Bill. The District Court is empowered to try offences under the Act and impose the full penalties prescribed therefor. The Association is empowered to make rules generally for the better carrying out of the purposes of the Bill.

The Bill also seeks to make miscellaneous amendments to the Rubber Association of Singapore (Incorporation) Act (Cap. 200) to enable the Association to perform its functions under the Bill.

EXPENDITURE OF PUBLIC MONEY

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