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Statute Law Reform Bill

Bill No. 45/2020.

Read the first time on 3 November 2020.

A BILL

intituled

An Act to amend the Revised Edition of the Laws Act (Chapter 275 of the 1995 Revised Edition) in support of a universal revision of Acts and to make related amendments to the Interpretation Act (Chapter 1 of the 2002 Revised Edition), to amend the Interpretation Act in relation to the delegation of Ministerial functions, to amend the Parliament (Privileges, Immunities and Powers) Act (Chapter 217 of the 2000 Revised Edition) in support of sittings of Parliament under continuity arrangements, and to repeal or amend certain other 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 Statute Law Reform Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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PART 1

UNIVERSAL REVISION OF ACTS

Amendment of long title

2. The long title to the Revised Edition of the Laws Act (Cap. 275) (called in this Part the principal Act) is amended by deleting the words “the annual revision” and substituting the words “subsequent revisions”.

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Amendment of section 3

3. Section 3(1) of the principal Act is amended by deleting the words “an annual revision” and substituting the words “subsequent revisions”.

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Amendment of section 4

4. Section 4(1) of the principal Act is amended —

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(a) by deleting the words “shall have power in their discretion” and substituting the words “have power, without changing the meaning of any Act”;

(b) by deleting the words “supply or alter” in paragraph (d) and substituting the words “supply, alter or omit”;

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(c) by deleting the words “rules, regulations or by-laws” in paragraph (e)(iii) and substituting the words “subsidiary legislation”;

(d) by deleting paragraph (i) and substituting the following paragraphs:

- “(i) to change the order of sections or other provisions of an Act, and to number or renumber the sections or other provisions of an Act;
- (ia) to make the following editorial changes to bring an Act in line, or more closely in line, with current legislative drafting practice:
- (i) changes to spelling, punctuation, grammar or syntax, or the use of conjunctives and disjunctives;
 - (ii) changes to the way of referring to or expressing a number, year, date, time, amount of money or of other things, penalty, quantity, measurement or other matter, idea or concept;
 - (iii) changes to language that indicates or could be taken to indicate gender;”;
- (e) by deleting the words “not affecting the meaning of any Act” in paragraph (l); and
- (f) by inserting, immediately after the word “correct” in paragraph (n), the words “or update”.

Amendment of section 8

5. Section 8 of the principal Act is amended —

- (a) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:
- “(b) all Acts wholly or substantially in force on 31 December 2020, and any other Acts coming wholly or substantially into force after that date that the Commissioners think fit to include;”;
- (b) by deleting the words “into so many Titles, Chapters and Parts” in subsection (2);

(c) by deleting subsection (3) and substituting the following subsection:

“*(3)* The Acts contained in the revised edition of Acts may be arranged alphabetically or in any other way the Commissioners think fit, regardless of their date of enactment.”; and

(d) by inserting, immediately after the words “in the revised edition of Acts” in subsection (4), the words “the Chapter number (if any) and”.

Amendment of section 9

6. Section 9(1) of the principal Act is amended —

(a) by deleting sub-paragraph (ii) of paragraph (a) and substituting the following sub-paragraph:

“(ii) “2020 Revised Edition”; and”; and

(b) by deleting the words “1985 Ed.” in paragraph (b) and substituting the words “2020 Ed.”.

Amendment of section 10

7. Section 10 of the principal Act is amended —

(a) by deleting the words “As soon as practicable after 1st January of the year in which the revised edition of Acts comes into force and thereafter after 1st January of each succeeding year, the Commissioners shall, subject to this section and with the intent that the revised edition of Acts shall be annually revised” in subsection (1) and substituting the words “The Commissioners may, from time to time after the revised edition of Acts comes into force”;

(b) by deleting the words “which has been amended during the period of 12 months ending on the preceding 31st December (referred to in this section as the relevant period)” in subsection (1)(a) and substituting the words “that they consider has been extensively amended”;

- (c) by deleting the words “any new Act enacted during the relevant period, other than Acts” in subsection (1)(b) and substituting the words “a revised edition of any new Act enacted, other than an Act”;
- (d) by deleting the words “which has been amended during the relevant period” in subsection (1)(c) and substituting the words “that they consider has been extensively amended”;
- (e) by deleting the words “during the relevant period” in subsections (1)(d) and (2);
- (f) by deleting subsections (3), (3A), (4), (5), (6) and (7) and substituting the following subsection: 10
- “(3) A publication under subsection (1) or (2) may —
- (a) be in the form of a booklet or in a loose-leaf form; and 15
- (b) include any notes, indexes, instructions or other information that the Commissioners consider useful.”; and
- (g) by deleting the word “Annual” in the section heading and substituting the word “Subsequent”. 20

Amendment of section 11

8. Section 11(2) of the principal Act is amended by deleting the words “1985 Edition” and substituting the words “2020 Revised Edition”.

Amendment of section 17

9. Section 17(6) of the principal Act is amended by deleting the words “to (7)”.

Miscellaneous amendments

10. The principal Act is amended by deleting the word “annual” wherever it appears in sections 14, 20(1) and 24 and substituting in each case the word “subsequent”. 30

Related amendments to Interpretation Act

11. The Interpretation Act (Cap. 1) is amended —

(a) by repealing section 8 and substituting the following section:

5 **“Mode of referring to written laws**

8.—(1) It is sufficient for all purposes to refer to a written law —

(a) in the case of an Act —

10 (i) by the year of its enactment and its number among the Acts enacted in that year;

(ii) where the Act, as enacted or revised, provides that it may be cited by a short title — by that short title; and

15 (iii) where the Act is a revised edition published before the date of commencement of section 5 of the Statute Law Reform Act 2021 under any law providing for a revised edition — by its chapter number and the year of the revised edition; and

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(b) in the case of a piece of subsidiary legislation that, as made or revised, provides for the manner of its citation — by that citation.

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(2) A reference for the purposes of subsection (1) may be made according to copies of written laws printed by the Government Printer.

30 (3) Unless the contrary intention appears, a reference to a written law in accordance with subsection (1) is to be read as a reference to the written law as amended from time to time by any other written law.

(4) Where —

(a) a written law is referred to by its short title or citation, whether in any other written law or in any document; and

(b) the short title or citation is subsequently changed, 5

the reference is to be read, unless the contrary intention appears, as a reference to the changed short title or citation.”;

(b) by inserting, immediately after section 9A, the following section: 10

“Changes to style not to affect meaning

9B. Where —

(a) a provision of an Act has expressed an idea in a particular form of words; and 15

(b) a revised edition or a later provision of that Act, or a later Act, appears to have expressed the same idea in a different form of words for the purpose of using a clearer style, 20

the ideas are not to be taken to be different merely because different forms of words were used.”;

(c) by inserting, immediately after the words “the Act or that part confers power” in section 22, the words “(or amends another Act to confer power)”; 25

(d) by inserting, immediately after the words “for the purposes of the Act or that part” in section 22, the words “(or the Act being amended)”; and

- (e) by inserting, immediately after the words “the Act or that part” in section 22(b), the words “(or the other Act as amended)”.

PART 2

5 DELEGATION OF MINISTERIAL FUNCTIONS

Amendment of Interpretation Act

12. Section 36 of the Interpretation Act (called in this Part the old section) is repealed and the following section (called in this Part the new section) substituted therefor:

10 “**Delegation of functions of Minister**

36.—(1) Where an Act confers or imposes a function on a Minister (called in this section the responsible Minister), the Minister may delegate the function in accordance with this section.

15 (2) Unless any Act expressly provides otherwise, the function may, with the Prime Minister’s approval, be delegated to any Minister, Minister of State or Parliamentary Secretary assigned by the Prime Minister to assist the responsible Minister.

(3) Unless the contrary intention appears in any Act, the function may be delegated to a public body or a public officer.

(4) Where a function is delegated under this section —

(a) the delegate may or must (as the case may be) exercise the function; and

25 (b) if the Act that created the function provides that the exercise of the function depends on the Minister’s opinion, belief or state of mind, the delegate may exercise the function based on the delegate’s opinion, belief or state of mind.

(5) A delegation under this section —

30 (a) must be made by order in the *Gazette*;

(b) may be general or limited;

- (c) may be subject to conditions that are consistent with the nature of the delegated function;
 - (d) may be to a named person or to the holder of an office;
 - (e) may be to 2 or more persons at the same time; and
 - (f) does not prevent the responsible Minister from personally exercising the delegated function. 5
- (6) This section does not permit the delegation of —
- (a) any power to make subsidiary legislation; and
 - (b) the power of delegation in this section.
- (7) A function delegated under this section may not be further delegated by the delegate. 10
- (8) This section does not affect the operation of any rule of law by which any function conferred or imposed on a Minister may be exercised by another person on behalf of the Minister.
- (9) In this section — 15
- (a) “function” includes power and duty, and the exercise of a function includes the performance of a duty;
 - (b) “public body” has the meaning given by section 2(1) of the Public Sector (Governance) Act 2018 (Act 5 of 2018), and “public officer” includes a person deemed to be a public officer by section 21(1) of that Act; and 20
 - (c) a reference to an Act does not include any subsidiary legislation made under the Act.”.

Existing delegations

5 **13.** A purported delegation of a power or duty under the old section is valid in relation to any act done before the date of commencement of section 12 if the power or duty could have been delegated under the new section.

PART 3

CONTINUITY ARRANGEMENTS FOR PARLIAMENT

Amendment of Parliament (Privileges, Immunities and Powers) Act

10 **14.** The Parliament (Privileges, Immunities and Powers) Act (Cap. 217) is amended —

15 (a) by deleting the words “Parliament House and the precincts thereof” in the definition of “Parliament” in section 2 and substituting the words “the place or places appointed under Article 64(2) of the Constitution for holding sessions of Parliament”; and

 (b) by deleting the full-stop at the end of paragraph (q) of section 31 and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

20 “(r) when Parliament is sitting and meeting under continuity arrangements made under Article 64A of the Constitution, knowingly or rashly do any act that interferes or is likely to interfere with the means by which Members located at different places contemporaneously communicate with one another.”.

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PART 4

REPEALS AND AMENDMENTS

Repeals, etc., of spent or obsolete transitional provisions

15.—(1) Section 69 of the Accountants Act (Cap. 2, 2005 Ed.) is amended by deleting subsection (2). 5

(2) Section 94 of the Competition Act (Cap. 50B, 2006 Ed.) is repealed.

(3) Section 29 of the Currency Act (Cap. 69, 2002 Ed.) is amended by deleting subsection (6).

(4) Section 67 of the Dental Registration Act (Cap. 76, 2009 Ed.) is repealed. 10

(5) Section 78 of the Environmental Protection and Management Act (Cap. 94A, 2002 Ed.) is amended by deleting subsection (1).

(6) Section 105 of the Financial Advisers Act (Cap. 110, 2007 Ed.) is repealed. 15

(7) Section 62 of the Fire Safety Act (Cap. 109A, 2000 Ed.) is amended by deleting subsection (4).

(8) Section 101 of the Gas Act (Cap. 116A, 2002 Ed.) is amended by deleting subsection (2).

(9) Section 61 of the Limited Liability Partnerships Act (Cap. 163A, 2006 Ed.) is repealed. 20

(10) Section 120 of the Maritime and Port Authority of Singapore Act (Cap. 170A, 1997 Ed.) is repealed.

(11) Section 49 of the Nurses and Midwives Act (Cap. 209, 2012 Ed.) is repealed. 25

(12) The Public Utilities Act (Cap. 261, 2002 Ed.) is amended —

(a) by deleting the words “under section 10(6)” in the definition of “authorised officer” in section 2; and

(b) by deleting subsection (10) of section 73.

(13) Section 47 of the Rapid Transit Systems Act (Cap. 263A, 2004 Ed.) is amended by deleting subsection (5). 30

(14) Section 44 of the Regulation of Imports and Exports Act (Cap. 272A, 1996 Ed.) is amended by deleting subsection (6).

(15) Section 38 of the Singapore Land Authority Act (Cap. 301, 2002 Ed.) is repealed.

5 (16) Section 38 of the Traditional Chinese Medicine Practitioners Act (Cap. 333A, 2001 Ed.) is repealed.

(17) Section 50 of the Workforce Singapore Agency Act (Cap. 305D, 2004 Ed.) is repealed.

10 **Repeals, etc., of uncommenced and superseded consequential amendments**

16.—(1) Section 65 of the CareShield Life and Long-Term Care Act 2019 (Act 26 of 2019) is repealed.

(2) Section 94 of the Companies (Amendment) Act 2014 (Act 36 of 2014) is amended by deleting paragraph (*e*).

15 (3) The Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) is amended —

(*a*) by deleting paragraph (*b*) of section 495; and

(*b*) by repealing section 499.

20 (4) Section 16 of the Mediation Act 2017 (Act 1 of 2017) is repealed.

(5) Section 52 of the Shared Mobility Enterprises (Control and Licensing) Act 2020 (Act 8 of 2020) is repealed.

(6) Section 83(8) of the Work Injury Compensation Act 2019 (Act 27 of 2019) is amended by deleting paragraphs (*a*) and (*c*).

25 **Amendment of Application of English Law Act**

17. Part I of the First Schedule to the Application of English Law Act (Cap. 7A, 1994 Ed.) is amended by deleting item 1.

Amendment of Appraisers Act

18. The Appraisers Act (Cap. 16, 2000 Ed.) is amended —

- (a) by deleting the word “property” wherever it appears in section 2(a) and substituting in each case the words “immovable property”;
- (b) by deleting the words “movable or immovable; or” in section 2(a);
- (c) by deleting paragraph (b) of section 2;
- (d) by deleting paragraph (a) of section 7(1); and
- (e) by repealing sections 8 and 9 and the Second Schedule.

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Repeal of Cinematograph Film Hire Duty Act

19. The Cinematograph Film Hire Duty Act (Cap. 40, 2001 Ed.) is repealed.

Repeal of Emergency (Essential Powers) Act, etc.

20.—(1) The Emergency (Essential Powers) Act (Cap. 90, 1985 Ed.) is repealed.

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(2) The Proclamation mentioned in the preamble to the Emergency (Essential Powers) Act repealed by subsection (1) does not apply to Singapore from the date on which the repeal takes effect (whether or not apart from this subsection it would so apply).

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(3) Section 5 of the Singapore Armed Forces Act (Cap. 295, 2000 Ed.) is repealed.

Repeal of Entertainments Duty Act, etc.

21.—(1) The Entertainments Duty Act (Cap. 94, 2014 Ed.) is repealed.

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(2) Section 22 of the Betting Act (Cap. 21, 2011 Ed.) is amended by deleting subsection (4).

(3) Section 14 of the Singapore Totalisator Board Act (Cap. 305A, 2012 Ed.) is amended by deleting subsection (2).

Repeal of HUDC Housing Estates Act, etc.

22.—(1) The HUDC Housing Estates Act (Cap. 131, 1985 Ed.) is repealed.

(2) The Building Control Act (Cap. 29, 1999 Ed.) is amended —

5 (a) by deleting the words “or any subdivided building in a housing estate under the HUDC Housing Estates Act (Cap. 131)” in paragraph (b) of the definition of “owner” in section 2(1);

10 (b) by deleting the words “or the HUDC Housing Estates Act, as the case may be;” in paragraph (b)(i) of the definition of “owner” in section 2(1) and substituting the word “; and”;

(c) by deleting the word “and” at the end of paragraph (b)(ii) of the definition of “owner” in section 2(1);

15 (d) by deleting sub-paragraph (iii) of paragraph (b) of the definition of “owner” in section 2(1);

(e) by inserting the word “and” at the end of paragraph (b)(i) of the definition of “owner” in section 26(1); and

(f) by deleting sub-paragraph (ii) of paragraph (b) of the definition of “owner” in section 26(1).

20 (3) Section 50 of the Building Control (Amendment) Act 2020 (Act 12 of 2020) is amended —

(a) by deleting paragraph (d) of subsection (1); and

(b) by deleting paragraph (d) of subsection (2).

25 (4) Section 2 of the Environmental Protection and Management Act is amended by deleting the words “or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131)” in paragraph (c) of the definition of “owner”.

(5) Section 2 of the Environmental Public Health Act (Cap. 95, 2002 Ed.) is amended by deleting the words “or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131)” in paragraph (c) of the definition of “owner”.

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(6) The Land Titles (Strata) Act (Cap. 158, 2009 Ed.) is amended —

(a) by deleting “, 126A” in section 6(5);

(b) by deleting the words “126, 126A or 127” in sections 14 and 128(2) and substituting in each case the words “126 or 127 or the repealed section 126A”;

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(c) by inserting, immediately after subsection (14) of section 84A, the following subsection:

“(14A) Where an application under subsection (1) relates to any land or housing estate to which the repealed section 126A or the repealed HUDC Housing Estates Act (Cap. 131) applied immediately before the date of commencement of section 22(6) of the Statute Law Reform Act 2021 —

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(a) any reference in subsection (1)(a) or (b) to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan is a reference to the date of completion of the construction of the last building (not being any common property) comprised in the strata title plan as certified by the relevant authority;

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(b) any reference in subsection (1)(a) or (b) to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan is a reference to the date of the issue of the Certificate of Fitness for any building (not

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being any common property) comprised in the strata title plan for land specified in the First Schedule to the repealed HUDC Housing Estates Act; and

5 (c) a certificate purporting to be under the hand of an officer of the relevant authority specifying the date of completion of the construction of the last building (not being
10 any common property) comprised in the strata title plan referred to in paragraph (a) is, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, sufficient evidence of the matters specified therein.”;

15 (d) by repealing sections 126A and 126B; and

(e) by inserting, immediately after the words “as defined in” in item 3 of the Fourth Schedule, the words “the repealed”.

(7) Section 33 of the Residential Property Act (Cap. 274, 2009 Ed.) is amended by deleting the words “(whether alone or read with section 126A of that Act, as the case may be)” in paragraph (g)(ii).
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(8) Section 36 of the Stamp Duties Act (Cap. 312, 2006 Ed.) is amended by deleting the words “except where the transfer relates to any designated land as defined in section 126A of that Act” in paragraph (i).

25 (9) Section 2 of the Telecommunications Act (Cap. 323, 2000 Ed.) is amended —

(a) by deleting the words “or a subdivided building in a housing estate as defined in section 2(1) of the HUDC Housing Estates Act (Cap. 131) (called a HUDC housing estate)” in paragraph (b) of the definition of “owner”;
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(b) by deleting the words “or section 2(1) of the HUDC Housing Estates Act, as the case may be” in paragraph (b)(i) of the definition of “owner”;

(c) by inserting the word “and” at the end of paragraph (b)(ii) of the definition of “owner”;

(d) by deleting the word “and” at the end of paragraph (b)(iii) of the definition of “owner”; and

(e) by deleting sub-paragraph (iv) of paragraph (b) of the definition of “owner”. 5

(10) The Town Councils Act (Cap. 329A, 2000 Ed.) is amended —

(a) by deleting paragraph (a) of section 2(2);

(b) by deleting the words “such other” in section 2(2)(c) and substituting the word “any”; 10

(c) by deleting subsection (10) of section 33; and

(d) by deleting the definition of “designated land” in section 33(12).

(11) Section 3(1) of the Wildlife Act (Cap. 351, 2000 Ed.) is amended by deleting paragraph (j). 15

Repeal of Indecent Advertisements Act

23. The Indecent Advertisements Act (Cap. 135, 2014 Ed.) is repealed.

Repeal of Malaysia Revenue Vessels Act

24. The Malaysia Revenue Vessels Act (Cap. 170, 1985 Ed.) is repealed. 20

Amendment of Medicines Act

25. The Medicines Act (Cap. 176, 1985 Ed.) is amended —

(a) by deleting the definitions of “registered pharmacy” and “retail pharmacy business” in section 2(1); 25

(b) by deleting the words “registered pharmacy or” in section 7(1) and (3);

(c) by deleting subsection (2) of section 7;

(d) by deleting the words “subsections (1) and (2)” in section 7(3) and substituting the words “subsection (1)”; 30

- (e) by deleting the words “or (2)” in section 7(3)(b);
- (f) by deleting the words “subsections (1) to (4)” in section 7(5) and substituting the words “subsections (1), (3) and (4)”;
- 5 (g) by deleting paragraph (a) of section 24;
- (h) by repealing Part IV; and
- (i) by deleting subsection (2) of section 67.

Repeal of Personal Injuries (Emergency Provisions) Act, etc.

10 **26.**—(1) The Personal Injuries (Emergency Provisions) Act (Cap. 228, 1985 Ed.) is repealed.

(2) The Schedule to the Pension Fund Act (Cap. 224A, 2014 Ed.) is amended by deleting item 6.

EXPLANATORY STATEMENT

This Bill seeks to —

- (a) amend the Revised Edition of the Laws Act (Cap. 275) in support of a universal revision of Acts and to make related amendments to the Interpretation Act (Cap. 1);
- (b) amend the Interpretation Act in relation to the delegation of Ministerial functions;
- (c) amend the Parliament (Privileges, Immunities and Powers) Act (Cap. 217) in support of sittings of Parliament under continuity arrangements; and
- (d) repeal or amend spent or obsolete Acts and provisions.

Clause 1 relates to the short title and commencement.

PART 1

UNIVERSAL REVISION OF ACTS

Clauses 2 to 10 amend the Revised Edition of the Laws Act to support the preparation of a revised edition of all Acts on the Statute Book of Singapore (the new revised edition). The main amendments are as follows.

Clause 4 amends section 4(1) to provide additional powers for the Law Revision Commissioners (the Commissioners) in preparing the new revised edition. Among other things, the amendments provide that the Commissioners may change the order of, and renumber, the provisions of an Act. The Commissioners may also make editorial changes to bring an Act in line, or more closely in line, with current legislative drafting practice, for example the practice of gender-neutral drafting. Section 4(1) is also amended to clarify that the Commissioners' powers in preparing the new revised edition do not extend to changing the meaning of any Act.

Clause 5(a) amends section 8(1)(b) to provide that the new revised edition will include all Acts wholly or substantially in force on 31 December 2020. The Commissioners will have the discretion to include Acts coming into force after that date.

Clause 5(b) and (c) amends section 8(2) and (3) to remove the need to assign a chapter number to a revised Act. This is because (a) chapter numbers provide limited information about an Act, and (b) the reassignment of chapter numbers when existing Acts are repealed, and new Acts enacted, may cause confusion. In preparing the new revised edition, the Commissioners intend to include the year of enactment of each revised Act in its short title. This would be more useful than chapter numbers.

Clause 6 amends section 9(1) to provide that the new revised edition will be known as the "2020 Revised Edition".

Clause 7 amends section 10 to provide that, after the new revised edition comes into force, subsequent ad hoc revisions may be done when the Commissioners consider that an Act has been extensively amended. This is more efficient than revising an Act every time it is amended, which is now required.

Clause 11 makes certain related amendments to the provisions of the Interpretation Act that relate to the operation of written law.

Clause 11(a) repeals and re-enacts section 8. The new section 8 updates the modes of referring to a written law. An Act may be referred to in 3 ways:

- (a) by its year of enactment and its number among the Acts enacted that year, e.g. "Act 1 of 2020";
- (b) by any short title provided when the Act is enacted or revised, e.g. "Supply Act 2020" or "Penal Code 1871". This will be the main way to cite an Act in the new revised edition;
- (c) when referring to a previous revised edition, by the chapter number and the year of the revised edition, e.g. "Chapter 275 of the 1995 Revised Edition". With the abolition of chapter numbers, this mode of reference will apply only when referring to previous versions of an Act.

Separately, the new section 8 also provides that a reference to an Act by its short title continues to be valid even if the short title is subsequently changed.

Clause 11(b) inserts a new section 9B relating to changes in legislative drafting styles. Legislative drafting styles change to reflect changes in the use of language and to improve the readability of legislative text. For instance, the phrase “for the avoidance of doubt” in older legislation has been shortened to “to avoid doubt” in newer legislation. These changes in drafting styles are not, in themselves, to be taken to be changes in meaning.

Clause 11(c) and (d) clarifies the operation of section 22 in relation to amending Acts.

PART 2

DELEGATION OF MINISTERIAL FUNCTIONS

Clause 12 repeals section 36 of the Interpretation Act and re-enacts a new section. The new section 36 creates a 2-tier approach to the delegation of Ministerial functions, with 2 categories of possible delegates.

The first category is Ministers, Ministers of State and Parliamentary Secretaries who have been assigned by the Prime Minister to assist the responsible Minister (e.g. a Second Minister for Law can be a delegate for the Minister for Law but not for the Minister for Home Affairs). A statutory function may be delegated by the responsible Minister to these persons with the Prime Minister’s approval unless any Act expressly provides otherwise.

The second category is public bodies and public officers. A statutory function may be delegated by the responsible Minister to these bodies and officers unless the contrary intention appears in any Act. A contrary intention may be express, or implied by the statutory context.

The broader scope for delegation to the first category of delegates reflects the fact that these delegates, like the responsible Minister, are directly accountable to Parliament for the exercise of statutory functions. At the same time, the Prime Minister’s approval is required for delegations to these persons, consistent with the Prime Minister’s prerogative of assigning responsibilities to Ministers and Parliamentary Secretaries under Articles 30(1) and 31(1) of the Constitution.

The new section 36 does not affect the operation of any rule of law under which a Ministerial function may be exercised by another person on behalf of the responsible Minister, specifically the principle in *Carltona Ltd v Commissioners of Works* [1943] 2 All ER 560, which has been applied in Singapore by the Court of Appeal in *Asia Development Pte Ltd v Attorney-General* [2020] 1 SLR 886.

Clause 13 validates delegations under the existing section 36 of the Interpretation Act if these delegations could have been made under the new section 36.

PART 3

CONTINUITY ARRANGEMENTS FOR PARLIAMENT

Clause 14 amends the Parliament (Privileges, Immunities and Powers) Act in consequence of the enactment of Article 64A of the Constitution, which permits Parliament to sit and meet under continuity arrangements with Members of Parliament in 2 or more places proclaimed by the President under Article 64(2) of the Constitution and in contemporaneous communication with each other. Specifically —

- (a) clause 14(a) amends the definition of “Parliament” in section 2 to include not just Parliament House, but also any other place proclaimed under Article 64(2) of the Constitution; and
- (b) clause 14(b) amends section 31 to make it an offence for any person to interfere with the means by which Members at different places contemporaneously communicate with one another when Parliament is sitting under continuity arrangements.

PART 4

REPEALS AND AMENDMENTS

Clauses 15 to 26 repeal or amend Acts or provisions of Acts that are spent or obsolete.

EXPENDITURE OF PUBLIC MONEY

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