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# Singapore Food Agency Bill

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**Bill No. 5/2019.**

*Read the first time on 15 January 2019.*

## SINGAPORE FOOD AGENCY ACT 2019

(No. of 2019)

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A BILL

*intituled*

An Act to establish the Singapore Food Agency, to repeal the Agri-Food and Veterinary Authority Act (Chapter 5 of the 2012 Revised Edition) and the Cattle Act (Chapter 34 of the 2002 Revised Edition), and to make consequential and related amendments to certain other Acts.

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

PART 1  
PRELIMINARY

**Short title and commencement**

5     **1.** This Act is the Singapore Food Agency Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

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

10     “accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Agency;

“Agency” means the Singapore Food Agency established by section 3;

“animal” includes —

15     (a) any amphibian, bird, crustacean, fish, insect, mammal (other than a human being), mollusc, reptile or any form of aquatic life; and

(b) any egg, embryo, ova or sperm of any thing in paragraph (a);

20     “Chairperson”, in relation to the Agency, means the member of the Agency who is appointed under section 12 as the Chairperson of the Agency, and includes any person appointed under section 14 to act in that capacity;

25     “Chief Executive” means the Chief Executive of the Agency appointed under section 31, and includes any person acting in that capacity;

“committee” means a committee of the Agency appointed under section 27;

“committee member” means an individual appointed to be a member of a committee;

30     “delegate” means a person to whom the Agency under section 29(1) delegates the performance or exercise of any of its functions or powers;



“Deputy Chairperson”, in relation to the Agency, means a member of the Agency who is appointed under section 12 as a Deputy Chairperson of the Agency;

“food” has the meaning given by section 2A of the Sale of Food Act (Cap. 283);

5

“food business” has the meaning given by section 2B of the Sale of Food Act;

“food industry” means an industry consisting of —

(a) food businesses; and

(b) persons who carry on any business in connection with one or more, or any part, or any combination, of the following:

10

(i) the production of primary produce;

(ii) the supply of food or the safety of food;

(iii) activities involving agricultural science or agri-biotechnology in relation to food or food biotechnology;

15

“food standard” means a standard about any of the following matters:

(a) the composition of food, including —

20

(i) the maximum amounts of contaminants or residues that may be present in the food;

(ii) the maximum or minimum amount of additives that must or may not be present in the food;

(iii) its microbiological status and safety; and

25

(iv) the method of sampling and testing the food to determine its composition;

(b) the production of food;

(c) the packaging, storage or handling of food;

(d) any information about food including labelling, promotion or advertising;

30

(e) the interpretation of food standards;

(f) such other public health matters relating to food as are prescribed;

“functions”, in relation to the Agency, means functions conferred on the Agency by this Act or any other Act;

“member”, in relation to the Agency, means a member of the Agency appointed under section 10, and includes any person appointed under section 14 to act in that capacity;

“primary produce” means —

(a) food from or involved in the production of primary produce;

(b) an animal or plant intended for human or animal consumption;

(c) raw material taken from an animal or plant for food which is in substantially the same condition as when it was taken from the animal or plant; or

(d) a substance, other than food —

(i) that is labelled as not intended for consumption by humans or animals;

(ii) that the Minister is satisfied is likely to be consumed by humans or animals and if so consumed, poses a food safety hazard to the humans or animals; and

(iii) that is prescribed to be primary produce;

“production of primary produce” includes the following:

(a) the growing, cultivation, picking, harvesting, collection or catching (including fishing) of animals or plants;

(b) the transport or delivery of primary produce;

(c) the sorting or grading of primary produce;

(d) the freezing, packaging, refrigeration, storage, treating or washing of primary produce, including —

- (i) enhancing the appearance of the primary produce (such as by waxing or oiling it); and
- (ii) dealing with the primary produce solely to kill bacteria or germs in the produce, or to ripen it;
- (e) the dismembering, filleting, peeling or shucking of seafood, or adding brine to seafood; 5
- (f) the pasteurisation or homogenisation of milk, or manufacturing of other dairy produce;
- (g) meat processing;
- (h) the processing of primary produce intended for consumption by animals where the animal, or any part or product of the animal, is intended for human consumption, 10

but does not include a process (such as manufacturing or canning) in which the nature of the primary produce is substantially changed, and an activity which is carried on incidentally to the carrying on of a retail business and is prescribed; 15

“public authority” means a body corporate established by a public Act for the purposes of a public function; 20

“subdelegate” means a person to whom a delegate under section 29(2) further delegates the performance or exercise of any of the Agency’s functions or powers;

“transfer date” means a date specified by the Minister by order in the *Gazette* for the purposes of Part 8. 25

## PART 2

### ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

#### **Singapore Food Agency**

**3.** A body called the Singapore Food Agency is established by this section. 30

## Agency is body corporate

4.—(1) The Agency —

(a) is a body corporate with perpetual succession;

(b) may acquire, hold and dispose of real and personal property; and

(c) may sue and be sued in its corporate name.

(2) The Agency may use, and operate under, one or more trading names approved by the Minister.

(3) A trading name can be an abbreviation or adaptation of the Agency's corporate name, or a name other than the Agency's corporate name.

(4) The Agency must cause notice of every trading name approved under subsection (2) to be published in the *Gazette*; but failure to do so does not invalidate the approval or use of that name.

## Functions of Agency

5.—(1) The Agency has the following functions:

(a) to support regulation of the production of primary produce and animal feed to ensure the safety and wholesomeness of food supply in Singapore;

(b) to support regulation of the handling and supply of food to ensure that it is safe and suitable for human consumption and to promote public health;

(c) to support assessing and otherwise requiring that food produced in or imported into Singapore complies with Singapore food standards so as to ensure that it is safe and suitable for human consumption;

(d) to support regulation of the construction, hygiene and operating procedures of premises, vehicles and equipment used for the handling or supply of food;

(e) to support regulation of businesses engaged in the handling or supply of food so as to minimise food safety risks and to

ensure the provision of information relating to food to enable consumers to make informed choices;

- (f) to undertake or facilitate the education and training of persons engaged in the handling or supply of food to enable them to minimise food safety risks; 5
- (g) to support regulation of street hawking and trade fairs, whether or not engaged in the handling or supply of food;
- (h) to develop food education initiatives, including the publication of information to increase public awareness of food supply resilience, food safety, food standards and food labels; 10
- (i) to protect and conserve fisheries and to regulate the fisheries industry, including the use and control of fishing ports and harbours;
- (j) to promote and develop the food industry, including any enterprise based on or using agri-biotechnology, agrotechnology or food biotechnology; 15
- (k) to develop, manage and control the common property of the food processing facilities, food-distribution facilities and fishing ports in Singapore, and to provide and improve services or amenities to persons working in these facilities or ports to enhance the operations of businesses operating in them; 20
- (l) to advise the Government on matters relating to the food industry and to food, food safety and food supply, and on matters that may be included in food standards; 25
- (m) to represent the Government internationally on matters relating to fisheries, and to food, food businesses, food safety, food supply and on matters that may be included in food standards; 30
- (n) to collect, compile and analyse data about food, the food industry, food businesses, food safety, food supply and matters that may be included in food standards, and to

publish the results of any such compilation and analysis or abstracts of those results;

(*o*) to accredit, or facilitate accreditation by others in Singapore of, persons in the food industry;

5 (*p*) to promote or undertake research into matters relating to food, the food industry, food businesses, food safety, food supply and on any matter which may be included in food standards;

(*q*) to cooperate and collaborate in particular with —

10 (i) any public officer or other public authority or Health Officer in the administration of the Infectious Diseases Act (Cap. 137);

(ii) the Health Sciences Authority in the administration of the Health Products Act (Cap. 122D);

15 (iii) the Director-General of Public Health in the administration of the Environmental Public Health Act (Cap. 95); and

(iv) the National Parks Board in the discharge of its functions;

20 (*r*) to perform such other functions as may be conferred on the Agency by any other Act.

(2) In performing the functions conferred on the Agency by subsection (1), the Agency is to have regard to —

(*a*) the protection of public health and safety;

25 (*b*) the resilience of the food supply chain for Singapore and the need to enhance the capacity of parties involved in the food supply chain to better prepare for and manage the impact of natural or man-made disasters, climate change and other adverse disruptions on food sources and supply;

30 (*c*) the extent of consistency between food standards in Singapore with those used internationally, based on the best available scientific evidence;

(d) the provision of adequate information relating to food to enable consumers to make informed choices and to prevent fraud and deception;

(e) the promotion of fair trading in food; and

(f) the promotion of trade and commerce in the food industry. 5

(3) In addition to the functions conferred by this section, the Agency may undertake such other functions as the Minister may assign to the Agency, by notification in the *Gazette*, and in so undertaking —

(a) the Agency is deemed to be fulfilling the purposes of this Act; and 10

(b) the provisions of this Act apply to the Agency in respect of those other functions and duties.

(4) Nothing in this section imposes on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Agency would not otherwise be subject. 15

### **Powers of Agency**

6.—(1) The Agency has power to do all things necessary or expedient to be done for, or in connection with, the performance of its functions. 20

(2) Without limiting subsection (1), the powers of the Agency include the following:

(a) to enter into contracts, agreements or arrangements;

(b) to acquire, develop, hold and dispose of real or personal property; 25

(c) to appoint and act through agents;

(d) to employ staff and engage consultants;

(e) to publish or provide any information, or publish or sponsor the publication of works;

(f) to apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights; 30

- (g) to enter into agreements or arrangements for the commercial exploitation of those intellectual property rights, whether by assignment, licensing or otherwise;
- 5 (h) with the approval of the Minister, to form or join in the formation of a company, association, trust or partnership or enter into a joint venture with any person;
- (i) to be a member of a company, association, trust or partnership;
- 10 (j) to provide financial incentives, support, grant, aid or assistance to any person;
- (k) to charge for the provision of goods or services, or the performance of work, by or on behalf of the Agency;
- (l) to waive the payment of fees and charges payable to the Agency;
- 15 (m) to accept gifts, grants, bequests and devises made to the Agency, and act as trustee of money and other property vested in the Agency on trust;
- (n) to enter into agreements or arrangements with persons, authorities or organisations in Singapore or overseas with  
20 respect to the food industry, food safety, food supply and matters that may be included in food standards;
- (o) to provide technical, consultancy or advisory services to the Government or any other person in Singapore or overseas on any matter related to, or connected with, the  
25 food industry, food safety, food supply and matters that may be included in food standards;
- (p) to become a member or an affiliate of any international body whose functions, objects or duties relate to food, food  
30 safety or any matter that may be included in food standards;
- (q) to participate in international, regional and bilateral negotiations on matters relating to the food industry, food safety, food supply and matters that may be included in food standards;



(*r*) to establish, manage and administer any accreditation, certification or inspection scheme or a register, for any purpose relating to any function of the Agency, including specifying, by notification in the *Gazette*, accreditation marks, certification marks or inspection marks of the Agency and controlling the use of those accreditation, certification or inspection marks; 5

(*s*) to do any other thing that is incidental or conducive to the performance of its functions.

(3) To avoid doubt, subsection (1) does not limit any other power given to the Agency by any other provision in this Act or by any other Act. 10

(4) However, the Agency must not acquire shares or another interest in an entity holding an accreditation under this Act.

(5) The Agency may exercise its powers inside or outside Singapore. 15

#### **Directions of Minister, etc.**

7.—(1) The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018 (Act 5 of 2018).

(2) To avoid doubt, the Minister is entitled — 20

(*a*) to have information in the possession of the Agency; and

(*b*) where the information is in or on a document, to have, and make and retain copies of, that document.

(3) For the purposes of subsection (2), the Minister may request the Agency — 25

(*a*) to provide information to the Minister; or

(*b*) to give the Minister access to information.

(4) The Agency must comply with a request under subsection (3).

(5) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored; 30

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Agency.

### **Agency’s symbol, etc.**

5     **8.**—(1) The Agency has the exclusive right to the use of one or more symbols or representations as the Agency may select or devise (each called in this section the Agency’s symbol or representation), and to display or exhibit those symbols or representations in connection with the Agency’s activities or affairs.

10    (2) A person who —

(a) uses, without the prior written permission of the Agency, a symbol or representation identical with the Agency’s symbol or representation; or

15    (b) uses a symbol or representation which so resembles the Agency’s symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

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## PART 3

### CONSTITUTION AND MEMBERSHIP OF AGENCY

#### *Division 1 — Appointment, resignation and removal*

#### **Membership of Agency**

25     **9.**—(1) The Agency consists of at least 7 and not more than 14 members.

(2) One of the members (who is not the Chairperson) may be the Chief Executive.

#### **Appointment of Agency members**

30     **10.**—(1) Each member of the Agency is to be appointed by the Minister.

(2) Every appointment must be made by instrument in writing given to the member.

(3) The instrument must state —

(a) the term of the appointment; and

(b) the date the appointment takes effect, which must not be a date earlier than the date the instrument is received by the member.

5

### **Membership disqualification**

**11.—**(1) In appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively possess the appropriate knowledge, skills and experience to assist the Agency to perform its functions effectively.

10

(2) However, the following individuals are disqualified from being a member of the Agency:

(a) an undischarged bankrupt or an individual who has an arrangement with any of his or her creditors;

15

(b) a Judge or judicial officer;

(c) an individual who has been sentenced to imprisonment for a term of 6 months or more, and has not received a free pardon;

20

(d) an individual who is —

(i) disqualified under section 154(1) of the Companies Act (Cap. 50) from acting as a director, or taking part (whether directly or indirectly) in the management, of a company during the period of disqualification in that section; or

25

(ii) disqualified from being a director or in any way, whether directly or indirectly, being concerned in, or from taking part in, the management of a company by a court order under section 149(1), 149A(1) or 154(2) of the Companies Act during the period of disqualification in the court order; and

30

- (e) an individual who lacks capacity in respect of his or her duties as a member within the meaning of the Mental Capacity Act (Cap. 177A), or in respect of whom an order is made under section 10 of the Mental Health (Care and Treatment) Act (Cap. 178A).

### **Chairperson and Deputy Chairperson**

12.—(1) The Minister may, by instrument in writing, appoint —

- (a) a member (other than the Chief Executive) to be the Chairperson of the Agency for such period as is specified in the instrument; and
- (b) one or more members (other than the Chairperson) to be a Deputy Chairperson of the Agency for such period as is specified in the instrument.

(2) The Chairperson or a Deputy Chairperson holds office until whichever of the following first happens:

- (a) his or her term of office as Chairperson or Deputy Chairperson (as the case may be) expires;
- (b) he or she ceases to hold office as a member of the Agency; or
- (c) the Minister terminates the appointment as Chairperson or Deputy Chairperson, as the case may be.

(3) A Deputy Chairperson has and may exercise all of the functions and powers of the Chairperson in relation to a matter if —

- (a) the Chairperson is unavailable; or
- (b) the Chairperson is interested in the matter (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018).

### **Premature vacancies**

13.—(1) If a premature vacancy occurs in the office of any member of the Agency, the Minister may, subject to sections 9, 10 and 11, appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

(2) In this section, “premature vacancy”, for an office, means a vacancy that occurs in that office by virtue of section 20(1) or for any reason other than the expiry of the term of office.

### **Acting Chairperson and members**

**14.—**(1) The Minister may appoint an individual to act temporarily as the Chairperson during any period, or during all periods, when the Chairperson —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(2) The Minister may appoint an individual to act temporarily as a member of the Agency (other than the Chairperson) during any period, or during all periods, when the member —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) An individual is ineligible for appointment under this section to act as the Chairperson or a member of the Agency if the individual is disqualified under section 11(2) for appointment as a member.

### **Removal of member**

**15.—**(1) The Minister may, at any time and without giving any reason, remove a member of the Agency from office.

(2) Every removal under subsection (1) must be made by written notice given to the member with a copy to the Agency.

(3) The notice must state the date the removal takes effect, which must not be a date earlier than the date the notice is received by the member.

### **Resignation from office**

**16.—**(1) A member of the Agency may resign his or her office by written notice to the Minister (with a copy to the Agency) signed by the member.

(2) The resignation is effective when the notice in subsection (1) is received by the Minister or at any later time specified in the notice.

**Validity of acts, etc.**

5 17.—(1) Despite section 33 of the Interpretation Act (Cap. 1), the exercise of any power or performance of any function of the Agency by the Agency is not affected merely because at the relevant time —

- (a) there was a vacancy in the membership of the Agency, including a vacancy arising from the failure to appoint a member;
- 10 (b) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or
- (c) there was an irregularity in the Agency’s decision-making procedure that does not affect the merits of the decision made.

15 (2) The acts of an individual as a member of the Agency are not affected merely because —

- 20 (a) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency; or
- (b) in the case of an individual acting in the capacity of the Chairperson, member or Chief Executive, the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended.

25 *Division 2 — Terms and conditions for members*

**Term of appointment**

18.—(1) Subject to section 20, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

30 (2) A member of the Agency may be re-appointed.

### **Remuneration, etc.**

**19.** The members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister from time to time determines.

### **Vacation of office**

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**20.—(1)** A member of the Agency ceases to hold office if he or she —

- (a) dies;
- (b) is adjudicated a bankrupt or makes an arrangement with any of his or her creditors; 10
- (c) becomes otherwise disqualified from being a member under section 11(2);
- (d) is removed from office in accordance with section 15;
- (e) resigns in accordance with section 16;
- (f) fails, without reasonable cause, to disclose any interest required under Division 1 of Part 4 of the Public Sector (Governance) Act 2018 and a notice is given under that Act to the Minister about that default; 15
- (g) fails to attend 3 consecutive meetings of the Agency without the approval of the Agency; or 20
- (h) is not re-appointed when his or her term of office expires.

(2) A member of the Agency is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

## PART 4

## DECISION-MAKING BY AGENCY

*Division 1 — Meetings***Procedure generally**

5     **21.** Subject to this Act and the Public Sector (Governance) Act 2018, the members of the Agency may regulate their own proceedings and business.

**Notice of meetings**

10    **22.—**(1) The Agency must hold such meetings as are necessary for the performance of its functions.

(2) The Chairperson must appoint the times and places of the meetings of the Agency, and cause notice of those meetings to be given to each member not present when the appointment is made.

15    (3) The meetings of the Agency must be held in accordance with the provisions of this Act and Part 4 of the Public Sector (Governance) Act 2018.

**Quorum**

**23.—**(1) The quorum is the number that is one-third the number of members of the Agency.

20    (2) No business may be transacted at a meeting of the Agency if a quorum is not present.

**Presiding at meetings**

**24.—**(1) At a meeting of the Agency, the following person presides:

25       (a) if there is a Chairperson and he or she is present and is not interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter — the Chairperson;

30       (b) if there is no Chairperson, or the Chairperson is not present or is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter, and a



Deputy Chairperson who is not so interested in the matter is present — a Deputy Chairperson;

- (c) in any other case, the member of the Agency elected from among themselves to preside.

(2) The Deputy Chairperson or member mentioned in subsection (1)(b) or (c) may exercise all the powers and functions of the Chairperson for the purposes of the meeting. 5

### **Voting at meetings**

**25.**—(1) Each member of the Agency has one vote.

(2) In addition to his or her general vote, the member presiding at a meeting has, in the case of an equality of votes, a casting vote. 10

(3) A resolution of the Agency is passed if it is agreed by all members present without dissent, or if a majority of the members who are entitled to vote on the matter cast votes in favour of it.

(4) A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the Agency unless he or she expressly dissents from or votes against the resolution at the meeting or is prevented from voting by section 26 of the Public Sector (Governance) Act 2018. 15

### **Execution of documents** 20

**26.**—(1) The Agency must have a seal.

(2) The seal of the Agency is to be kept and used as authorised by the Agency.

(3) A document is duly executed by the Agency if —

(a) the seal of the Agency is affixed to the document in the presence of one of its members who must sign the document to attest that the seal was so affixed, and the document is signed — 25

(i) by any 2 members generally or specially authorised by the Agency for the purpose; or 30

(ii) by one member and the Chief Executive; or

(b) the document is signed on behalf of the Agency by a person or persons authorised to do so by the Agency and in accordance with the terms of that authorisation.

5 (4) A document purporting to be executed in accordance with this section is presumed to be duly executed until the contrary is shown.

(5) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of the Agency appearing on a document.

10 (6) When a document is produced bearing a seal purporting to be the seal of the Agency, it must be presumed that the seal is the seal of the Agency until the contrary is shown.

### *Division 2 — Committees and delegation*

#### **Appointment of committees**

15 **27.—**(1) The Agency may, by resolution, appoint such number of committees as the Agency thinks fit for purposes which, in the opinion of the Agency, would be better regulated and managed by means of such committees.

20 (2) A committee appointed under this section may consist of such number of individuals as the Agency thinks fit, and may include individuals who are not members of the Agency.

(3) Without limiting subsection (1), the Agency may appoint committees —

25 (a) to advise the Agency on any matters relating to the Agency's functions and powers that are referred to the committee by the Agency; or

(b) to perform or exercise any of the Agency's functions and powers that are delegated to the committee, if the committee includes at least one member of the Agency.

30 (4) An individual may not be appointed as a member of a committee unless, before appointment, he or she discloses to the Agency the details of any interest (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) the individual may have if he or she were a member of that committee.

## Proceedings of committees

**28.**—(1) Section 17 applies to a committee, and to committee members or individuals purporting to be committee members, with the necessary modifications.

(2) Subject to this Act, the Public Sector (Governance) Act 2018 and any restrictions by a resolution under section 29(1), a committee may regulate its own proceedings and business.

## Ability to delegate, etc.

**29.**—(1) The Agency may delegate the performance or exercise of any of its functions or powers, either generally or specially, to any of the following persons by resolution and written notice to the person or persons:

- (a) a member of the Agency;
- (b) the Chief Executive, any employee of the Agency or any other person performing duties in the Agency;
- (c) a committee;
- (d) a wholly-owned subsidiary company of the Agency;
- (e) a person engaged as a contractor by the Agency.

(2) A delegation by the Agency under subsection (1) of the performance or exercise of any of its functions or powers —

- (a) to a person in subsection (1)(a), (b) or (c) may authorise the delegate to subdelegate the performance or exercise of the function or power to another member, an appropriately qualified employee of the Agency or person performing duties in the Agency (called in this Act a subdelegate);
- (b) to a person in subsection (1)(d) or (e) may authorise the delegate to subdelegate the performance or exercise of the function or power to an appropriately qualified employee of that delegate (also called in this Act a subdelegate),

but subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

(3) Subsections (1) and (2) do not apply to any power under this Act or any other Act administered by the Agency that is declared by that Act to be non-delegable.

5 (4) A delegation or subdelegation in accordance with this Act is not affected by any change in the membership of the Agency or of any committee or by any change in the Chief Executive or employee.

(5) In this section —

10 (a) a reference to a wholly-owned subsidiary company of the Agency includes a company limited by guarantee the sole member of which is the Agency; and

15 (b) a reference to a person performing duties in the Agency includes a person performing duties in the Agency under a contract, or under an arrangement making available temporarily to the Agency the services of public officers (or secondment).

### **Power of delegate, etc.**

**30.**—(1) A delegate (or subdelegate) who purports to perform a function or exercise a power under delegation (or subdelegation) —

20 (a) is taken to be in accordance with the terms of a delegation (or subdelegation) under section 29, unless the contrary is shown; and

(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

25 (2) A subdelegate to whom a function or power of the Agency is subdelegated under section 29(2) is not authorised to further delegate that power or function to anyone else.

## PART 5

## PERSONNEL MATTERS

**Appointment of Chief Executive**

**31.**—(1) There must be a Chief Executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018. 5

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive — 10

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

**Officers, etc.**

**32.** The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as the Agency may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions. 15

**Public servants** 20

**33.** Without affecting sections 20 and 21 of the Public Sector (Governance) Act 2018, every delegate and subdelegate of the Agency —

(a) is taken to be a public servant for the purposes of the Penal Code (Cap. 224); and 25

(b) is, in relation to his or her administration, assessment, collection and enforcement of payment of —

(i) any financial penalty imposed under any written law administered by the Agency; or

(ii) any composition sum collected under this Act or any other written law administered by the Agency,

taken to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to each of these persons even though they are not or were not in the employment of the Government.

### **Preservation of secrecy**

**34.**—(1) A member of the Agency, an employee, a delegate or subdelegate of the Agency, the Chief Executive or a committee member, who has information in his or her capacity as such that would not otherwise be available to him or her, must not disclose that information to any person except —

- (a) in the performance of the Agency's functions;
- (b) with the prior authorisation from the Agency to do so;
- (c) for the purposes of any proceedings for an offence under this Act, or any report of those proceedings;
- (d) as required by an order of court;
- (e) in complying with the requirements in this Act for members to disclose interests; or
- (f) as required of or allowed by the Agency, the Chief Executive, the member, employee, delegate or subdelegate of the Agency or the committee member, by or under this Act or any other Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Protection from personal liability**

**35.** No liability shall lie against any member, any committee member, the Chief Executive or any employee, delegate or subdelegate of the Agency or any other person acting under the direction of the Agency, for anything which is done or purported to be

done, or omitted to be done, in good faith and with reasonable care in —

- (a) the exercise or purported exercise of any power under this Act; or
- (b) the performance or purported performance of any function under this Act. 5

## PART 6

### FINANCIAL PROVISIONS

#### **Financial year**

**36.** The financial year of the Agency begins on 1 April of each year and ends on 31 March of the succeeding year except that the first financial year of the Agency begins on the date of commencement of this Act and ends on 31 March of the succeeding year. 10

#### **Revenue and property of Agency**

- 37.** The funds and property of the Agency include — 15
- (a) all moneys paid to the Agency by way of grants, subsidies, donations, gifts and contributions for the purposes of the Agency;
  - (b) all moneys paid to, and all other moneys and property lawfully received by, the Agency for the purposes of the Agency; 20
  - (c) all fees and charges payable to the Agency under this Act or any other Act administered by the Agency;
  - (d) all moneys, dividends, royalties, interest or income received from any transaction made pursuant to the powers of the Agency under this Act or any other Act administered by the Agency; 25
  - (e) all moneys borrowed by the Agency under this Act; and
  - (f) all accumulations of income derived from any property or money mentioned in paragraphs (a) to (e). 30

### **Bank accounts**

**38.**—(1) The Agency must open and maintain one or more accounts with such bank or banks as the Agency thinks fit.

5 (2) Every such account may only be operated by a person who is authorised to do so by the Agency.

### **Financial accounts and records**

**39.** The Agency must —

(a) keep proper accounts and records of its transactions and affairs; and

10 (b) do all things necessary to ensure that —

(i) all payments out of its moneys are correctly made and properly authorised; and

15 (ii) adequate control is maintained over the property and assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

### **Power of investment**

**40.** The Agency may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act.

### **Issue of shares, etc.**

**41.** As a consequence of —

(a) the vesting of any property, rights or liabilities in the Agency under this Act; or

25 (b) any capital injection or other investment by the Government in the Agency in accordance with any other written law,

the Agency must issue such shares or other securities to the Minister for Finance as that Minister may, from time to time, direct.



## **Borrowing power**

**42.**—(1) The Agency cannot raise loans for the performance of its functions under this Act or any other Act administered by the Agency except in accordance with this section.

(2) Subject to subsection (3), the Agency may raise loans by — 5

(a) mortgage, overdraft or other means, with or without security;

(b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or 10

(c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.

(3) The Agency may raise loans —

(a) from the Government; or

(b) with the approval of the Minister, from another source, whether within or outside Singapore. 15

(4) For the purposes of this section, the power to raise loans includes the power to make any financial agreement under which credit facilities are granted to the Agency for the purchase of goods, materials or things. 20

## PART 7

### GENERAL

#### **Improper use of accreditation, certification or inspection mark**

**43.**—(1) A person must not use any accreditation, certification or inspection mark, or a colourable imitation of any accreditation, certification or inspection mark, in respect of any product or process or in any trade mark or design, unless the person — 25

(a) holds a valid accreditation or certification authorising the person to use that accreditation, certification or inspection mark in respect of that product or process or in that trade mark or design; or 30

(b) is authorised by the Agency to use that accreditation, certification or inspection mark.

(2) A person must not use any report or certificate issued or purportedly issued by or on behalf of the Agency to convey the impression that the person holds a valid accreditation, certification or inspection mark, when in fact the person does not.

(3) A person must not forge or without lawful authority alter an accreditation, certification or inspection mark, or a report or certificate issued by the Agency.

(4) A person who, without reasonable excuse, contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Despite any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court has power to impose the full penalty or punishment prescribed under subsection (4).

(6) A court trying an offence under subsection (1), (2) or (3) may direct that any property in respect of which the offence has been committed be forfeited to the Government.

## **Composition of offences**

**44.—**(1) The Chief Executive, or an employee of the Agency authorised in writing by the Agency, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$2,000.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

## Offences by corporations

45.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and 5

(b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person — 10

(a) who is —

(i) an officer of the corporation; or

(ii) an individual who is involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and 15

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence; 20

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, 25

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly. 30

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the

offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

**46.—**(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,  
is evidence that the unincorporated association or partnership had that  
state of mind.

(2) Where an unincorporated association or a partnership commits  
an offence under this Act, a person — 5

(a) who is —

- (i) an officer of the unincorporated association or a  
member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual who is involved in the management of 10  
the unincorporated association or partnership and in  
a position to influence the conduct of the  
unincorporated association or partnership (as the  
case may be) in relation to the commission of the  
offence; and 15

(b) who —

- (i) consented or connived, or conspired with others, to  
effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, 20  
knowingly concerned in, or is party to, the  
commission of the offence by the unincorporated  
association or partnership; or
- (iii) knew or ought reasonably to have known that the  
offence by the unincorporated association or 25  
partnership (or an offence of the same type) would  
be or is being committed, and failed to take all  
reasonable steps to prevent or stop the commission of  
that offence,

shall be guilty of the same offence as is the unincorporated  
association or partnership (as the case may be), and shall be liable 30  
on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that  
would be available to the unincorporated association or partnership if

it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- 5           (a) Chapters V and VA of the Penal Code; or  
              (b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

10       (5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

15       “officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

             (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

20       (b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

             (a) the knowledge, intention, opinion, belief or purpose of the person; and

25       (b) the person’s reasons for the intention, opinion, belief or purpose.

### **Service of documents**

**47.—**(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

30       (2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address; 5
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address; 10
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address. 15

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership; 20
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address. 25

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

- (a) by giving it to the body corporate's secretary or other similar officer, or the limited liability partnership's manager; 30

(b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office in Singapore;

5 (c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's last email address.

(5) Service of a document under subsection (1) takes effect —

10 (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

15 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

20 (6) However, service of any document under this Act on a person by email may be effected only with the person's prior consent to service in that way.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

25 "business address" means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

30 (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

"document" includes a notice or an order permitted or required by this Act to be served;



“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

5

“residential address” means an individual’s usual or last known place of residence in Singapore.

## **Regulations**

10

**48.** The Agency may, with the approval of the Minister, make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## **PART 8**

15

### **TRANSFER OF UNDERTAKINGS TO AGENCY**

#### **Interpretation of this Part**

**49.** In this Part, unless the context otherwise requires —

“Agri-Food and Veterinary Authority” or “AVA” means the Agri-Food and Veterinary Authority established by section 3 of the Agri-Food and Veterinary Authority Act (Cap. 5);

20

“asset”, in relation to a transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any —

25

- (a) legal or equitable interest in real or personal property, whether situated in Singapore or elsewhere;
- (b) chose in action;
- (c) money or securities;

30

(d) plant and equipment, whether situated in Singapore or elsewhere;

(e) intellectual property;

5

(f) infrastructure, whether situated in Singapore or elsewhere;

(g) records; and

(h) right;

10

“Health Sciences Authority” or “HSA” means the Health Sciences Authority established by section 3 of the Health Sciences Authority Act (Cap. 122C);

15

“liability”, in relation to a transferor, means any liability, duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly or jointly and severally with any other person) of the transferor on the eve of the transfer date;

“National Environment Agency” or “NEA” means the National Environment Agency established by section 3 of the National Environment Agency Act (Cap. 195);

20

“records”, in relation to a transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of that transferor existing on the eve of the transfer date;

25

“right”, in relation to a transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transferable AVA undertaking” means the following departments of the AVA:

(a) the Communications and Service Quality Group;

(b) the Compliance Management Group;

30

(c) the Corporate Development Group;

(d) the Food Infrastructure Development and Management Group;

- (e) the Food Regulatory Management Group;
- (f) the Food Supply Resilience Group;
- (g) the Industry Development and Partnership Group;
- (h) the International Relations Group;
- (i) the Licensing and Permits Group; 5
- (j) the National Centre for Food Science;
- (k) the office of the Chief Executive of the AVA and the internal audit unit;
- (l) the Planning and Organisation Group;
- (m) the Research Planning and Systems Integration Group; 10
- (n) the Urban Food Solutions Group;

“transferor” means one of the following, as the case may be:

- (a) the Agri-Food and Veterinary Authority;
- (b) the Health Sciences Authority; 15
- (c) the National Environment Agency;

“transferring AVA employee” means an employee of the Agri-Food and Veterinary Authority who, on the eve of the transfer date, is in any department of the Agri-Food and Veterinary Authority comprised in the transferable AVA undertaking; 20

“transferring HSA employee” means an employee of the Health Sciences Authority who, on the eve of the transfer date, is in the Food Safety Division of the Health Sciences Authority;

“transferring NEA employee” means an employee of the National Environment Agency who, on the eve of the transfer date, is in the Food and Environmental Hygiene Department of the National Environment Agency. 25

## Transfer of undertakings to Agency

**50.**—(1) On the transfer date, the following assets and liabilities are transferred to the Agency:

- 5       (a) all assets and liabilities of the Agri-Food and Veterinary Authority that relate solely to the functions of any department comprised in the transferable AVA undertaking;
- 10       (b) all assets and liabilities of the National Environment Agency that relate solely to the functions of the Food and Environmental Hygiene Department of the National Environment Agency;
- 15       (c) all assets and liabilities of the Health Sciences Authority that relate solely to the functions of the Food Safety Division of the Health Sciences Authority.

15       (2) When any assets or liabilities are transferred under subsection (1), the following provisions have effect:

- 20       (a) the assets of the transferor that are the subject of the transfer vest in the Agency by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance;
- 25       (b) the liabilities of the transferor that are the subject of the transfer become by virtue of this section the liabilities of the Agency;
- 30       (c) all legal or other proceedings relating to those assets or liabilities that are started before the transfer date by or against the transferor or a predecessor of the transferor and pending immediately before that date are taken to be proceedings pending by or against the Agency;
- (d) any legal or other proceedings relating to those assets or liabilities which could have been started immediately before the transfer date by or against the transferor or a predecessor of the transferor may be started by or against the Agency;

- (e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the transferor or a predecessor of the transferor relating to those assets or liabilities may be enforced by or against the Agency;
- (f) any document relating to legal or other proceedings relating to those assets or liabilities that has been served on or by a transferor or a predecessor of the transferor before the transfer date is taken, where appropriate, to have been served on or by the Agency; 5
- (g) any act, matter or thing done or omitted to be done before the transfer date in relation to those assets or liabilities by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Agency; 10 15
- (h) a reference in any written law, in any instrument made under any Act, in any contract, agreement, arrangement or undertaking, or in any document of any kind to the transferor or a predecessor of the transferor, to the extent to which the reference relates to those assets or liabilities, is taken to be, or includes, a reference to the Agency. 20
- (3) In particular —
- (a) all security deposits deposited with the transferor in relation to any asset or liability transferred under subsection (1) and not forfeited before the transfer date; and 25
- (b) the benefits of all indemnities, guarantees or warranties given to the transferor in relation to any asset or liability transferred under subsection (1) and not discharged before that date, 30
- are, without further assurance, transferred and deemed deposited with or given to the Agency.

(4) The operation of this section does not —

(a) constitute a breach of, or default under, an Act or other law, or otherwise a civil wrong or criminal wrong;

5 (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);

(c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;

10 (d) terminate an agreement or obligation or fulfil any condition that allows a person to terminate any agreement or obligation, or gives rise to any right or remedy in respect of any agreement or obligation;

15 (e) cause any contract or other instrument to be void or otherwise unenforceable;

(f) frustrate any contract;

(g) release a surety or other obligor or obligee wholly or in part from an obligation; or

20 (h) constitute an event of breach of, or default under, any contract or other instrument.

(5) No attornment to the Agency by a lessee from a transferor is required for the purpose of this section.

### **Transferring secondments and employees to Agency**

**51.—**(1) On the transfer date, every transferring AVA employee —

25 (a) stops being an employee of the Agri-Food and Veterinary Authority; and

(b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.

30

- (2) On the transfer date, every transferring NEA employee —
- (a) stops being an employee of the National Environment Agency; and
  - (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date. 5
- (3) On the transfer date, every transferring HSA employee —
- (a) stops being an employee of the Health Sciences Authority; and 10
  - (b) is each transferred to the service, and becomes an employee, of the Agency on terms no less favourable than those enjoyed by the employee on the eve of the transfer date.
- (4) The transfer under subsection (1), (2) or (3) of a transferring AVA employee, a transferring NEA employee or a transferring HSA employee (as the case may be) to the Agency — 15
- (a) does not interrupt continuity of service;
  - (b) does not constitute a retrenchment or redundancy; and
  - (c) does not entitle any employee so transferred to any payment or other benefit merely because he or she stops being employed by the Agri-Food and Veterinary Authority, the National Environment Agency or the Health Sciences Authority, as the case may be. 20
- (5) A certificate purporting to be signed by the Minister certifying that an individual named in the certificate was, with effect from the transfer date, employed by virtue of this section by the Agency, is admissible in evidence in any proceedings as evidence of the matters stated in it. 25
- (6) Nothing in this section prevents — 30
- (a) any of the terms and conditions of employment of an individual transferred under this section from being altered

by or under any law, award or agreement with effect from any time after the transfer date; or

- 5 (b) an individual transferred under this section from resigning from the Agency at any time after the transfer date, in accordance with the terms and conditions of his or her employment then applicable.

10 (7) To avoid doubt, section 18A of the Employment Act (Cap. 91) does not apply to the transfer under this Part of any transferring AVA employee, transferring NEA employee or transferring HSA employee to the Agency.

15 (8) On the transfer date, every public officer or employee of any other public authority whose services are made available (or is seconded) to the departments of the Agri-Food and Veterinary Authority or the National Environment Agency mentioned in section 50(1) (as the case may be) under an agreement or arrangement that —

- (a) is between the Government or that other public authority and the Agri-Food and Veterinary Authority or the National Environment Agency, as the case may be; and

20 (b) is in force on the eve of the transfer date,  
continues on secondment to the Agency.

### **General preservation of employment terms**

25 **52.—**(1) The service with the Agency of an employee transferred under section 51 (called in this section a transferred employee) must be regarded for all purposes as having been continuous with the service of the employee with the transferor concerned immediately before the transfer date.

(2) On the transfer date —

- 30 (a) a transferred employee retains all accrued rights as if employment with the Agency were a continuation of employment with the transferor;



(b) the liabilities of the transferor relating to the transferred employee's accrued rights to leave and superannuation become the liabilities of the Agency; and

(c) a reference to a transferor in the contract of employment that had effect in relation to the transferred employee immediately before the transfer date is taken to be, or includes, a reference to the Agency.

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(3) For any conduct of the transferred employee when he or she was employed by the relevant transferor which would have rendered the employee liable to be reprimanded, reduced in rank, retired, dismissed or punished by the transferor, the Agency may —

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(a) start any disciplinary proceedings against the employee;

(b) carry on and complete any disciplinary proceedings started by the transferor against the transferred employee if those proceedings are pending on the eve of the transfer date; and

15

(c) reprimand, reduce in rank, retire, dismiss or otherwise punish a transferred employee, as if the employee were not transferred.

(4) Where, on the eve of the transfer date, any matter about the conduct of a transferred employee during his or her employment with the Agri-Food and Veterinary Authority, the National Environment Agency or the Health Sciences Authority, as the case may be —

20

(a) was in the course of being heard or investigated by a committee of the relevant transferor acting under due authority; or

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(b) had been heard or investigated by a committee of the relevant transferor acting under due authority but no order, ruling or direction had been made,

that committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before the transfer date, and that order, ruling or direction is to be regarded as an order, ruling or direction of the Agency.

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(5) Until such time as conditions of employment are drawn up by the Agency for a transferred employee, every transferred employee is to be regarded as being employed by the Agency on the same conditions of his or her employment with the relevant transferor on the eve of the transfer date.

(6) Any term or condition of employment drawn up by the Agency for a transferred employee must recognise the length of service of the transferred employee while in the employment of a transferor (including any previous service of the employee taken to be service with the transferor) to be service with the Agency.

(7) However, the Agency must not draw up any term or condition of employment that adversely affects the conditions that would have been applicable to any transferred employee as regards any pension or gratuity payable under the Pensions Act (Cap. 225).

(8) Despite the provisions of the Pensions Act, a transferred employee who is transferred to the service of the Agency is not entitled to claim any benefit under that Act on the ground that he or she has been retired from the public service on account of abolition or reorganisation of office in consequence of the establishment of the Agency.

(9) Nothing in section 51(8) —

(a) breaks the continuity of service of the public officer or employee of another public authority whose secondment continues with the Agency because of that provision; or

(b) affects any rights, powers or immunities that such a public officer or employee of a public authority has, or the extent to which such a public officer or employee (as the case may be) is subject to obligations or liabilities in relation to discipline, by virtue of holding the office or position to which the officer or employee is seconded.

### **Transfer of records**

**53.** On the transfer date, the following records become the record of the Agency:

- (a) every record, or part of any record, of the Agri-Food and Veterinary Authority that relates to —
  - (i) any asset or liability transferred to the Agency under section 50; or
  - (ii) any transferring AVA employee; 5
- (b) every record, or part of any record, of the National Environment Agency that relates to —
  - (i) any asset or liability transferred to the Agency under section 50; or
  - (ii) any transferring NEA employee; 10
- (c) every record, or part of any record, of the Health Sciences Authority that relates to —
  - (i) any asset or liability transferred to the Agency under section 50; or
  - (ii) any transferring HSA employee. 15

### **Confirmation of transfers**

**54.**—(1) If any dispute arises —

- (a) as to whether an asset or a liability or a record is transferred under section 50 or 53; or
- (b) as to whether any, or any part of any, contract or document relates to an asset or a liability or a record transferred under section 50 or 53, 20

the Minister for Finance may determine the matter and is to provide the concerned parties with written notice of that determination.

(2) The determination of the Minister for Finance under subsection (1) is final and binding on the transferor concerned and the Agency. 25

### **Repeal of Agri-Food and Veterinary Authority Act**

**55.** The Agri-Food and Veterinary Authority Act (Cap. 5) is repealed. 30

## PART 9

RELATED AND CONSEQUENTIAL  
AMENDMENTS TO OTHER ACTS*Division 1 — Cattle Act*5 **Repeal of Cattle Act**

**56.** The Cattle Act (Cap. 34) is repealed.

*Division 2 — Environmental Public Health Act***Amendments to Environmental Public Health Act**

10 **57.**—(1) The Environmental Public Health Act (Cap. 95, 2002 Ed.)  
is amended —

(a) by inserting, immediately after the definition of  
“Director-General” in section 2, the following definition:

15 ““Director-General, Food Administration” means  
the Director-General, Food Administration  
appointed under section 3(1) of the Sale of  
Food Act (Cap. 283);”;

(b) by inserting, immediately after the definition of  
“showboard” in section 2, the following definition:

20 ““Singapore Food Agency” means the Singapore  
Food Agency established by the Singapore  
Food Agency Act 2019;”;

(c) by deleting the words “and any other written law” in  
section 3(1) and substituting the words “except where  
expressly provided otherwise”;

25 (d) by inserting, immediately before section 32 in Part IV, the  
following section:

**“Administration of this Part and Part IX**

30 **31W.**—(1) The Director-General, Food  
Administration is responsible for the administration  
of this Part and Part IX, subject to the general or

special directions of the Minister charged with the responsibility for food safety.

(2) The Director-General, Food Administration may, subject to the directions of the Minister charged with the responsibility for food safety, appoint any of the following persons to be an authorised officer for the purpose of assisting the Director-General, Food Administration in administering and carrying out the provisions of this Part and Part IX:

- (a) an employee of the Singapore Food Agency;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

(3) The Director-General, Food Administration may delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General, Food Administration by any provision of this Act (except the power of delegation conferred by this subsection) to an authorised officer appointed under subsection (2); and any reference in any provision of this Act to the Director-General, Food Administration includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Minister charged with the responsibility for food safety may specify.

(5) The Director-General, Food Administration may, for any reason that appears to him to be sufficient, at any time revoke a person's

appointment under subsection (2) as an authorised officer.

(6) A person mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Singapore Food Agency.”;

(e) by deleting the words “, stage show” in section 35;

(f) by inserting, immediately after section 42, the following section:

**“Regulations for this Part**

**42A.**—(1) The Minister charged with the responsibility for food safety may make regulations for or in respect of every purpose which the Minister considers necessary or expedient for carrying out the provisions of this Part, and in particular —

(a) the control, regulation and supervision of markets (and anything in a market and places in the vicinity of a market) and of persons engaged or employed in a market;

(b) the seizure and disposal of unwholesome meat, fish, fruit, vegetables or other food or drink exposed or intended for sale;

(c) the use and management of stalls, tables or showboards set up for the sale of any goods in public streets or places of public resort;

(d) specifying of streets, places and areas (or parts thereof) at which hawkers are prohibited;

(e) prescribing the articles, or types or classes of articles, that may be sold from or exposed for sale in or on any stall, vehicle or other receptacle in any public street or place or by any itinerant hawker, and premises where any such article is

prepared or stored and the manner in which any such article is prepared or transported;

- (f) the form and manner in which, and the time within which, an application for a licence or permit or an application to renew a licence or permit may be made, and the information and evidence required to be provided in connection with such an application; and 5
- (g) the fees to be paid to the Singapore Food Agency in respect of applications for and the grant and renewal or late renewal of any licence or permit, and otherwise in connection with the administration of this Part, and the waiver, reduction or refund of fees charged. 10 15

(2) In addition, the regulations made under subsection (1) may —

- (a) prescribe the offences under this Part which may be compounded, designate the officers of the Singapore Food Agency who may compound such offences and the maximum sum for which any such offence may be compoundable, which must not exceed one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower; 20 25
- (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$20,000 and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; and 30 35

(c) provide for such transitional, saving and other consequential, incidental and supplemental provisions as are necessary or expedient.

5 (3) All regulations made under this section must be published in the *Gazette* and be presented to Parliament as soon as possible after publication.”;

(g) by inserting, immediately before the definition of “general appearance” in section 78, the following definition:

10 ““authorised officer” means an individual appointed under section 31W(2) by the Director-General, Food Administration to be an authorised officer;”;

15 (h) by inserting, immediately after the words “the Minister” in paragraph (v) of the definition of “provide” in section 78, the words “charged with the responsibility for food safety”;

20 (i) by inserting, immediately after the word “Director-General” wherever it appears in section 79(3)(b), (4)(e) and (f) and (5), the words “, Food Administration”;

(j) by inserting, immediately after section 80, the following section:

**“Regulations for this Part**

25 **80A.**—(1) The Minister charged with the responsibility for food safety may make regulations for or in respect of every purpose which the Minister considers necessary or expedient for carrying out the provisions of this Part.

30 (2) In particular, the regulations made under subsection (1) may —



- (a) prescribe the offences under this Part which may be compounded, designate the officers of the Singapore Food Agency who may compound such offences and the maximum sum for which any such offence may be compoundable, which must not exceed one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower; 5
- (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$20,000 and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; 10 15
- (c) prescribe the fees to be paid to the Singapore Food Agency in connection with the administration of this Part, and the waiver, reduction or refund of fees charged; and 20
- (d) provide for such transitional, saving and other consequential, incidental and supplemental provisions as are necessary or expedient. 25
- (3) All regulations made under this section must be published in the *Gazette* and be presented to Parliament as soon as possible after publication.”;
- (k) by renumbering section 82 as subsection (1) of that section, and by inserting immediately thereafter the following subsections: 30
- “(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by any authorised officer (including an authorised officer 35

within the meaning of section 31W) who fails to declare his office and refuses to produce his identification card on demand being made by that person.

5 (3) In subsection (2), “identification card”, for an authorised officer (including an authorised officer within the meaning of section 31W), means such identification card as the Director-General or the Director-General, Food Administration may require the authorised officer to carry at all times when exercising powers under this Act.”;

10 (l) by deleting the words “Director-General may” in section 83(1) and (2) and substituting in each case the words “Director-General or Director-General, Food Administration may”;

15 (m) by inserting, immediately after the words “in the opinion of the Director-General” in section 83(1), the words “or Director-General, Food Administration (as the case may be)”;

20 (n) by inserting, immediately after the word “Director-General” in the section heading of section 83, the words “or Director-General, Food Administration”;

(o) by inserting, immediately after section 84, the following section:

25 **“Appeal against decisions under Part IV or IX**

30 **84A.**—(1) Any person who is aggrieved by any notice, order or decision of the Director-General, Food Administration made under Part IV or IX may, within 7 days after the person receives the notice, order or decision, appeal in writing to the Minister charged with the responsibility for food safety.

(2) After considering an appeal made under this section, the Minister charged with the responsibility for food safety may —

- (a) reject the appeal and confirm the notice, order or decision (as the case may be) of the Director-General, Food Administration;
- (b) allow the appeal and rescind the notice, order or decision (as the case may be) of the Director-General, Food Administration; or
- (c) substitute or vary the notice, order or decision appealed against and make any notice, order or decision which the Director-General, Food Administration is competent to make under Part IV or IX, as the case may be.
- (3) The Minister’s decision on an appeal is final.
- (4) Every appellant must be notified of the Minister’s decision under subsection (2).
- (5) Where an appeal is lodged by a person under this section against any notice, order or decision of the Director-General, Food Administration made under Part IV or IX, the execution of the notice, order or decision appealed against must be stayed until the outcome of the appeal.”;
- (p) by deleting the words “section 20 or 23, the Director-General or any authorised officer” in section 87(1) and substituting the words “this Act, the Director-General or the Director-General, Food Administration (as the case may be) or any authorised officer (including an authorised officer within the meaning of section 31W)”;
- (q) by deleting subsection (4) of section 87 and substituting the following subsections:
- “(4) If any person fails to attend as required by an order under subsection (1)(b), the Director-General, the Director-General, Food Administration or the authorised officer (including an authorised officer within the meaning of section 31W) may report such

failure to a Magistrate who may then issue a warrant to secure the attendance of that person as required by the order.

(5) The Director-General, the Director-General, Food Administration (as the case may be) or any authorised officer (including an authorised officer within the meaning of section 31W) may photograph (which includes making a digital image or a moving visual record) or otherwise record —

(a) any place or vehicle where an offence under this Act was committed, is reasonably suspected to have been committed, or is about to be committed;

(b) any place or vehicle associated with, or relevant to, the commission or suspected commission of the offence under this Act; or

(c) any thing or individual in a place or vehicle mentioned in paragraph (a) or (b).”;

(r) by deleting the words “under sections 20 and 23” in the section heading of section 87;

(s) by deleting the words “or any authorised officer in connection with any function or duty of the police officer or authorised officer” in section 88A(a) and substituting the words “, the Director-General, the Director-General, Food Administration or any authorised officer (including an authorised officer within the meaning of section 31W) in connection with any of his functions or duties”;

(t) by inserting, immediately after the words “Agency property” in section 90(1), the words “or property of the Singapore Food Agency (as the case may be)”;

(u) by inserting, immediately after the word “Agency” in the section heading of section 90, the words “and Singapore Food Agency”;

(v) by deleting the words “and section 31N” in section 91(1) and substituting the words “, section 31N and regulations made under section 42A or 80A”;

(w) by inserting, immediately after subsection (12) of section 99, the following subsections: 5

“(12A) Subject to subsection (12B), it is lawful for the Director-General to modify the conditions of a licence without compensating the licensee concerned.

(12B) Before modifying any conditions of a licence, the Director-General must give notice to the licensee holding that licence — 10

(a) stating that the Director-General proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than a prescribed period after the date of service of notice on the licensee) within which the licensee may make written representations to the Director-General with respect to the proposed modification.”; 15 20

(x) by deleting the words “as the Director-General thinks fit” in section 99(13)(ii) and substituting the words “unless the breach in paragraph (a) is an offence under this Act”;

(y) by inserting, immediately after paragraph (a) of section 99(14), the following paragraph: 25

“(aa) the decision of the Director-General to modify the conditions of a licence under subsection (12A);”;

(z) by inserting, immediately after subsection (14A) of section 99, the following subsection: 30

“(14B) The provisions of this section affecting any licence or permit apply (so far as relevant) to any licence or permit granted or renewed under Parts IV

and IX by the Director-General, Food Administration —

(a) as if the licence or permit were granted or renewed under any other Parts of this Act pursuant to an application to the Director-General;

(b) as if the reference to the Director-General in this section were a reference to the Director-General, Food Administration;

(c) as if the reference to the Agency in this section were a reference to the Singapore Food Agency;

(d) as if the reference to the Minister in this section were a reference to the Minister charged with the responsibility for food safety; and

(e) with such other exceptions, modifications and adaptations as the differences between Parts IV and IX and other Parts require.”;

(za) by deleting the words “by the Director-General” in section 99(15);

(zb) by inserting, immediately after section 108, the following section:

**“Modification of provisions**

**108A.** Sections 82, 85(3) and (4), 93(1), 94(1) and (2), 96, 97, 100, 101, 107 and 108 apply (so far as relevant) to anything done or required to be done under Parts IV and IX by the Director-General, Food Administration —

(a) as if the reference in those provisions to the Director-General includes a reference to the Director-General, Food Administration;

- (b) as if the reference in those provisions to the Agency were a reference to the Singapore Food Agency;
- (c) as if the reference in those provisions to an authorised officer includes a reference to an authorised officer within the meaning of section 31W; and
- (d) with such other exceptions, modifications and adaptations as the differences between Parts IV and IX and other Parts require.”;
- (zc) by inserting, immediately after the words “provisions of this Act” in section 110, the words “, except Parts IV and IX”;
- (zd) by renumbering section 110 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:
- “(2) The Singapore Food Agency may, subject to the general or special directions of the Minister charged with the responsibility for food safety, either permanently or for such period as the Singapore Food Agency thinks fit, exempt any person or premises or any class of persons or premises from any of the provisions of Part IV or IX.”; and
- (ze) by inserting, immediately after the words “regulations made under this Act” in section 111(4), the words “(except sections 42A and 80A)”.
- (2) The Environmental Public Health Act is amended —
- (a) by deleting the word “Director-General” wherever it appears in the following provisions and substituting in each case the words “Director-General, Food Administration”:
- Section 32(1), (2) and (3)
- Section 33
- Section 34(1), (2) and (3)

Section 35 and the section heading

Section 36

Section 37(1), (2), (3), (4), (5) and (6)

Section 38(1) and (2)

5

Section 39(3)

Section 40(2), (3), (4), (5) and (9)

Section 41(2)

Section 42(8);

10

(b) by deleting the word “Agency” in the following provisions and substituting in each case the words “Singapore Food Agency”:

Section 40(8)

Section 42(16) and (18);

15

(c) by deleting paragraphs 2, 6, 7 and 8 of the Third Schedule; and

(d) by deleting sub-paragraphs (a) and (b) of paragraph 3 of the Third Schedule.

### *Division 3 — Feeding Stuffs Act*

#### **Amendments to Feeding Stuffs Act**

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**58.** The Feeding Stuffs Act (Cap. 105, 2000 Ed.) is amended —

(a) by inserting, immediately before the definition of “animal feed” in section 2, the following definition:

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““Agency” means the Singapore Food Agency established by the Singapore Food Agency Act 2019;”;

(b) by deleting the definition of “Authority” in section 2;

(c) by deleting the definition of “Director-General” in section 2 and substituting the following definition:

30

““Director-General” means the Director-General, Food Administration appointed under



section 3(1) of the Sale of Food Act (Cap. 283);”;

- (d) by deleting the words “the Authority or of any other statutory authority” in section 3(2) and substituting the words “the Agency or any other statutory authority, or an auxiliary police officer appointed under the Police Force Act (Cap. 235),”;
- (e) by inserting, immediately after the words “powers conferred or duties imposed upon him by this Act” in section 3(3), the words “(except the power of delegation conferred by this subsection)”;
- (f) by inserting, immediately after subsection (3) of section 3, the following subsections:
- “(4) The Director-General may, for any reason that appears to the Director-General to be sufficient, at any time revoke a person’s appointment as an authorised officer.
- (5) An auxiliary police officer who is appointed as an authorised officer under subsection (2) does not, by virtue only of the appointment, become an employee or agent of the Agency.”;
- (g) by inserting, immediately after subsection (2) of section 8, the following subsections:
- “(3) The Director-General or an authorised officer may arrest without warrant any person committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence under this Act or any rules made thereunder, if —
- (a) the person refuses to furnish his name and address or furnishes an address out of Singapore; or
- (b) there are reasonable grounds for believing that the person has furnished a false name

or address or that the person is likely to abscond.

(4) The Director-General or an authorised officer making an arrest without warrant must without unnecessary delay bring the person arrested before a Magistrate’s Court.”; and

(h) by repealing section 9 and substituting the following sections:

**“Other powers of investigation**

**8A.—**(1) For the purpose of investigating any offence under this Act or any rules made thereunder, the Director-General or an authorised officer may —

(a) require any person in Singapore whom the Director-General or authorised officer (as the case may be) has reason to believe to be acquainted with any facts or circumstances relevant to that investigation —

(i) to furnish any document or information in that person’s possession; or

(ii) to attend before the Director-General or authorised officer to answer any question to the best of that person’s knowledge, information and belief; or

(b) examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person mentioned in subsection (1)(b) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which

would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

(3) Any statement made by any person in answer to a question under subsection (1) must —

- (a) be reduced to writing; 5
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person. 10

(4) If any person fails to attend before the Director-General or an authorised officer as required under subsection (1), the Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order. 15

#### **Fees, etc., payable to Agency**

9. All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Agency.”. 20

#### *Division 4 — Fisheries Act*

#### **Amendments to Fisheries Act**

59. The Fisheries Act (Cap. 111, 2002 Ed.) is amended —

- (a) by inserting, immediately before the definition of “authorised officer” in section 2, the following definition: 25
  - ““Agency” means the Singapore Food Agency established by the Singapore Food Agency Act 2019;”;

(b) by deleting the definitions of “Authority” and “Director-General” in section 2 and substituting the following definition:

““Director-General” means the Director-General, Food Administration appointed under section 3(1) of the Sale of Food Act (Cap. 283);”;

(c) by deleting the words “the Authority or of any other statutory authority” in section 3(2) and substituting the words “the Agency or any other statutory authority, or an auxiliary police officer appointed under the Police Force Act (Cap. 235),”;

(d) by inserting, immediately after the words “powers conferred or duties imposed upon him by this Act” in section 3(3), the words “(except the power of delegation conferred by this subsection)”;

(e) by inserting, immediately after subsection (3) of section 3, the following subsections:

“(4) The Director-General may, for any reason that appears to the Director-General to be sufficient, at any time revoke a person’s appointment as an authorised officer.

(5) An auxiliary police officer who is appointed as an authorised officer under subsection (2) does not, by virtue only of the appointment, become an employee or agent of the Agency.”;

(f) by deleting subsections (4) and (5) of section 13;

(g) by deleting the word “Authority” in section 15(3) and substituting the word “Agency”;

(h) by inserting, immediately after subsection (2) of section 18, the following subsections:

“(3) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

(4) All composition sums collected under this section must be paid into the Consolidated Fund.”;

(i) by repealing section 26 and substituting the following section:

**“Fees, etc., payable to Agency**

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**26.** All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Agency.”; and

(j) by inserting, immediately after paragraph (c) of section 27(2), the following paragraph:

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“(ca) to set out requirements and procedures for document control and recording by any fishery or persons involved in the cultivation of fish so as to monitor the supply of fish in Singapore for human consumption, including —

15

(i) the information that must be collected about the fish or a particular species of fish;

(ii) the periods for which the information must be kept; and

20

(iii) how, when and to whom that information must be reported;”.

*Division 5 — Health Promotion Board Act*

**Amendment to Health Promotion Board Act**

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**60.** Section 11(1) of the Health Promotion Board Act (Cap. 122B, 2002 Ed.) is amended by deleting paragraph (e) and substituting the following paragraph:

“(e) to encourage and facilitate healthier food choices in Singapore;”.

30

*Division 6 — Infectious Diseases Act***Amendments to Infectious Diseases Act**

**61.** The Infectious Diseases Act (Cap. 137, 2003 Ed.) is amended —

- 5           (a) by inserting, immediately after the words “the Director-General” in paragraph (a)(i) of the definition of “appropriate Minister” in section 2, the words “or the Director-General, Food Administration”;
- 10           (b) by inserting, immediately after the definition of “Director-General” in section 2, the following definition:
- ““Director-General, Food Administration” means the Director-General, Food Administration appointed under section 3(1) of the Sale of Food Act (Cap. 283);”;
- 15           (c) by inserting, immediately after the words “the Director-General” in the definition of “Health Officer” in section 2, the words “, the Director-General, Food Administration”;
- 20           (d) by inserting, immediately after the words “the Director-General” in section 3(2), the words “and the Director-General, Food Administration”;
- (e) by inserting, immediately after the words “the Director-General” in section 3(3), the words “or the Director-General, Food Administration”;
- 25           (f) by inserting, immediately after the words “the Director-General” in section 3(4), the words “or the Director-General, Food Administration, as the case may be”;
- 30           (g) by inserting, immediately after the word “Director-General” wherever it appears in the following provisions, the words “, the Director-General, Food Administration”:

Section 4(1) and (2)

Section 5

Section 29(1) and (2)

Section 42(1), (2), (3) and (4)

Section 44(1) and (2)

Section 55A(1)

5

Section 56(2)

Section 57(1) and (2)

Section 63(1) and (2)

Section 67;

(h) by inserting, immediately after the word “Director-General” wherever it appears in section 39(1) and (2) and in the section heading, the words “, Food Administration”;

10

(i) by inserting, immediately after the words “subsection (2)” in section 68(1), the words “or (2A)”;

15

(j) by deleting the words “and 33 to 45” in section 68(2) and substituting the words “, 33 to 37 and 40 to 45”;

(k) by inserting, immediately after subsection (2) of section 68, the following subsection:

“(2A) The Director-General, Food Administration may compound any offence under section 38 or 39 if that is prescribed as a compoundable offence by the appropriate Minister under section 73, by collecting from a person reasonably suspected of having committed the offence a sum described in subsection (3).”; and

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25

(l) by deleting the words “, composition sums” in section 69(1) and (2).

*Division 7 — National Environment Agency Act*

**Amendments to National Environment Agency Act**

30

**62.** The National Environment Agency Act (Cap. 195, 2003 Ed.) is amended —

- (a) by deleting the words “matters concerning food hygiene in the food retail industry, and in relation to the” in section 11(1)(b);
- (b) by deleting paragraph (c) of section 11(1);
- 5 (c) by deleting the words “to ensure high standards of food hygiene in food retail outlets through licensing and inspections, and” in section 11(1)(d);
- (d) by deleting the words “or composition fines” in section 21; and
- 10 (e) by inserting, immediately after subsection (3) of section 46, the following subsection:
  - “(4) All composition sums collected under this section must be paid into the Consolidated Fund.”.

*Division 8 — Planning Act*

15 **Amendment to Planning Act**

**63.** Section 3(2) of the Planning Act (Cap. 232, 1998 Ed.) is amended by deleting the words “agriculture or” in paragraph (g).

*Division 9 — Sale of Food Act*

**Amendments to Sale of Food Act**

- 20 **64.—**(1) The Sale of Food Act (Cap. 283, 2002 Ed.) is amended —
- (a) by inserting, immediately after the definition of “advertisement” in section 2, the following definition:
    - 25 ““Agency” means the Singapore Food Agency established by the Singapore Food Agency Act 2019;”;
  - (b) by deleting the definitions of “Authority” and “Director-General” in section 2 and substituting the following definition:



““Director-General” means the Director-General, Food Administration appointed under section 3(1);”;

- (c) by deleting the words “the Authority” in paragraph (d) of the definition of “requirement of this Act” in section 2 and substituting the words “the Director-General”; 5
- (d) by deleting the words “The Director-General” in section 3(1) and substituting the words “The Minister must appoint from among officers of the Agency the Director-General, Food Administration, who”; 10
- (e) by deleting the words “the Authority or of any statutory authority” in section 3(2) and substituting the words “the Agency or any other statutory authority, or an auxiliary police officer appointed under the Police Force Act (Cap. 235),”; 15
- (f) by inserting, immediately after the words “powers conferred or duties imposed upon him by this Act” in section 3(4), the words “(except the power of delegation conferred by this subsection)”; 20
- (g) by inserting, immediately after subsection (4) of section 3, the following subsections: 25
- “(5) The Director-General may, for any reason that appears to the Director-General to be sufficient, at any time revoke a person’s appointment as an authorised officer or authorised analyst.
- (6) An auxiliary police officer who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Agency.”;
- (h) by deleting the word “Authority” wherever it appears in the following provisions and substituting in each case the word “Agency”: 30

Section 4(3)

Section 10F(6)

Section 10I(1), (2), (3), (4) and (5)

Section 38 (including the section heading)

Section 42(1) and (2);

(i) by repealing sections 9 and 35;

5 (j) by deleting the word “Authority” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 10A

10 Section 10B(3), (4)(a)(i), (iii) and (iv), (c) and (d), (5)(b), (6)(b), (7) and (8)

Section 10C(2)(b)(i)

Section 10D(1)

Section 10E(1), (4)(h) and (6)(c)

Section 10F(1), (2)(e)(ii), (4) and (5)

15 Section 10G(1)

Section 10H(1), (2), (3) and (4)

Section 16A(7)(b)

Section 40(5)(b);

20 (k) by deleting the word “Authority’s” in sections 10C(2)(b)(ii) and 10I(3) and substituting in each case the word “Agency’s”;

(l) by deleting the word “it” in section 10E(1) and substituting the words “the Director-General”;

(m) by deleting paragraph (b) of section 10L;

25 (n) by deleting subsections (3) and (4) of section 30; and

(o) by deleting the words “including an analysis made under section 35,” in section 37(1).

(2) Section 56 of the Sale of Food Act is amended —

30 (a) by inserting, immediately after the words “the safety and suitability of food” in subsection (1)(eb), the words “and to support a secure and reliable supply of food”;

- (b) by inserting, immediately after the words “safe and suitable” in subsection (1)(ec), the words “and to support a secure and reliable supply of imported food in Singapore”; and
- (c) by inserting, immediately after subsection (3C), the following subsection: 5
- “(3D) The Minister may, in making any regulations, prescribe the circumstances when a trade mark may or may not be used on or in relation to any packaging or container of any particular food, or on any particular food, or in any advertisement relating to any particular food, but these circumstances and the operation of those regulations are not circumstances that make it reasonable or appropriate — 10
- (a) to not register the trade mark under the Trade Marks Act (Cap. 332); 15
- (b) to revoke the acceptance of an application for registration of the trade mark under that Act;
- (c) to register the trade mark subject to conditions or limitations under that Act; 20
- (d) to revoke the registration of the trade mark under that Act; or
- (e) to declare invalid under that Act the registration of the trade mark.”. 25

*Division 10 — Wholesome Meat and Fish Act*

**Amendments to Wholesome Meat and Fish Act**

**65.** The Wholesome Meat and Fish Act (Cap. 349A, 2000 Ed.) is amended —

- (a) by inserting, immediately before the definition of “animal” in section 2(1), the following definition: 30

““Agency” means the Singapore Food Agency established by the Singapore Food Agency Act 2019;”;

(b) by deleting the definition of “Authority” in section 2(1);

5 (c) by deleting the definition of “Director-General” in section 2(1) and substituting the following definition:

““Director-General” means the Director-General, Food Administration appointed under section 3(1) of the Sale of Food Act (Cap. 283);”;

10

(d) by deleting the words “the Authority or of any other statutory authority” in section 3(2) and substituting the words “the Agency or any other statutory authority, or an auxiliary police officer appointed under the Police Force Act (Cap. 235),”;

15

(e) by inserting, immediately after the words “powers conferred or duties imposed upon him by this Act” in section 3(3), the words “(except the power of delegation conferred by this subsection)”;

20

(f) by inserting, immediately after subsection (5) of section 3, the following subsections:

“(6) The Director-General may, for any reason that appears to the Director-General to be sufficient, at any time revoke a person’s appointment as an authorised officer or a person’s or body’s designation under subsection (5).

25

(7) An auxiliary police officer who is appointed as an authorised officer under subsection (2) does not, by virtue only of the appointment, become an employee or agent of the Agency.”;

30

(g) by inserting, immediately after subsection (1) of section 7, the following subsections:

“(1A) In deciding whether to grant a licence under section 5 for the import of any meat product or fish

product, the Director-General may make inquiries and investigations that are reasonable and appropriate in the circumstances so as to be satisfied as to the experience and resources of the applicant in providing a secure and reliable supply in Singapore of the meat product or fish product.

5

(1B) Without limiting subsection (1A), those inquiries and investigations may include whether the applicant for a licence to import any meat product or fish product has a procurement plan stating —

10

(a) the risks (including assessments thereof) of any disruption occurring to the import of the meat product or fish product from the markets from which they are to be procured; and

15

(b) any plan of action (including preventive strategies) for the purpose of —

(i) ensuring, so far as is reasonably practicable, that the applicant can still provide a secure and reliable supply in Singapore of the meat product or fish product of acceptable quality; or

20

(ii) otherwise reducing or mitigating the effect of any disruption to the supply of the meat product or fish product from any such market from which they are to be procured.”;

25

(h) by inserting, immediately after subsection (2) of section 7, the following subsection:

30

“(2A) Without limiting subsection (2), the Director-General may grant a licence under section 5 subject to such conditions as the Director-General thinks fit, including but not limited to the conditions necessary or related to

35

ensuring a secure and reliable supply in Singapore of any meat product or fish product.”;

- (i) by deleting the words “the Authority” in sections 8(1)(b)(iii) and 14(1)(b)(iii) and substituting in each case the words “the Director-General”;
- (j) by inserting, immediately after section 24, the following section:

**“Other powers of investigation**

**24A.**—(1) For the purpose of investigating any offence under this Act or the rules, the Director-General or an authorised officer may —

(a) require any person in Singapore whom the Director-General or authorised officer (as the case may be) has reason to believe to be acquainted with any facts or circumstances relevant to that investigation to attend before the Director-General or authorised officer to answer any question (to the best of that person’s knowledge, information and belief); or

(b) examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person mentioned in subsection (1)(b) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

(3) Any statement made by any person in answer to a question under subsection (1) must —

(a) be reduced to writing;

(b) be read over to the person;

(c) if the person does not understand English, be interpreted in a language that the person understands; and

(d) after correction (if necessary), be signed by the person.

5

(4) If any person fails to attend before the Director-General or an authorised officer as required under subsection (1), the Director-General or authorised officer may report the failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.”;

10

(k) by inserting, immediately after subsection (2) of section 39, the following subsection:

“(3) All composition sums collected under this section must be paid into the Consolidated Fund.”;

15

(l) by repealing section 41 and substituting the following section:

**“Fees, etc., payable to Agency**

**41.** All fees, charges and moneys collected under this Act or any rules made thereunder (except composition sums) must be paid to the Agency.”; and

20

(m) by inserting, immediately after paragraph (u) of section 42(2), the following paragraph:

“(ua) setting out requirements and procedures for document control and recording by persons licensed under this Act so as to monitor the supply of meat products and fish products of acceptable quality in Singapore, including —

25

(i) the information that must be collected about the meat product or fish product;

30

(ii) the periods for which the information must be kept; and

- (iii) how, when and to whom that information must be reported;”.

*Division 11 — Other Acts*

**Consequential amendments to other Acts**

5     **66.**—(1) Item 3 of the Schedule to the Accounting Standards Act (Cap. 2B, 2008 Ed.) is deleted and the following item substituted therefor:

“3. Singapore Food Agency                      Singapore Food Agency  
Act 2019”.

10     (2) Item 23 of the Schedule to the Attorney-General (Additional Functions) Act (Cap. 16A, 2017 Ed.) is deleted and the following item substituted therefor:

“23. Singapore Food Agency”.

15     (3) Paragraph 6 of the First Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended by deleting item (4) and substituting the following item:

“(4) Singapore Food Agency.”.

20     (4) Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67, 2000 Ed.) is amended by deleting item 23 and substituting the following items:

“23. Animal health services provided by the National Parks Board, including the control of zoonotic diseases.

23A. Food safety services provided by the Singapore Food Agency, including inspection and laboratory analysis of food.”.

25     (5) Part 1 of the First Schedule to the Public Sector (Governance) Act 2018 (Act 5 of 2018) is amended —

(a) by deleting item 3; and

(b) by inserting, immediately after item 39, the following item:

“39A. Singapore Food Agency                      Singapore Food Agency  
Act 2019”.



(6) Part I of the Schedule to the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319, 2004 Ed.) is amended by inserting, immediately after item 21A, the following item:

“21B. Singapore Food Agency      Singapore Food Agency      5  
Act 2019”.

(7) Item 3 of the Schedule to the Statutory Corporations (Contributions to Consolidated Fund) Act (Cap. 319A, 2004 Ed.) is deleted and the following item substituted therefor:

“3. Singapore Food Agency      Singapore Food Agency      10  
Act 2019”.

## PART 10

### SAVING AND TRANSITIONAL PROVISIONS

#### **Transitional arrangements for AVA financial statements, etc.**

**67.** Despite section 55, the last members and the last Chief Executive of the Agri-Food and Veterinary Authority remain responsible — 15

(a) for the preparation and submission of the financial statements in respect of the financial year (or part thereof) before the dissolution of the Agri-Food and Veterinary Authority, to the last appointed auditor of that Authority; 20

(b) to send, as soon as those accounts and financial statements have been audited in accordance with the provisions of the Public Sector (Governance) Act 2018, to the Minister last charged with the responsibility for the Agri-Food and Veterinary Authority a copy of the audited financial statements, signed by the last Chairman and last Chief Executive of the Agri-Food and Veterinary Authority; and 25

(c) to cause to be prepared and transmitted to the Minister last charged with the responsibility for the Agri-Food and Veterinary Authority, a report dealing generally with the activities of the Agri-Food and Veterinary Authority 30

during that financial year (or part thereof) containing such information relating to the proceedings and policy of the Authority as that Minister may, from time to time, direct.

### **Saving and transitional provisions for section 57**

5 **68.**—(1) Despite section 57(1), every licence, permit, approval or authorisation that —

(a) is granted, before the date of commencement of section 57(1)(d) and (i), under Part IV or IX of the Environmental Public Health Act, by the Director-General of Public Health; and

(b) is in force on that date,

is, so far as it is not inconsistent with the provisions of the Environmental Public Health Act as amended by this Act, to continue as if, and is deemed to be, a licence, permit, approval or authorisation granted by the Director-General, Food Administration under Part IV or IX, as the case may be, of the Environmental Public Health Act as amended by this Act.

(2) However, every licence, permit, approval or authorisation mentioned in subsection (1) lapses on the date it would have if section 57(1)(d) or (i) had not been enacted, unless the licence, permit, approval or authorisation is earlier revoked or cancelled.

(3) Where —

(a) an application or other document is lodged for approval under Part IV or IX of the Environmental Public Health Act before the date of commencement of section 57(1)(d) or (i); and

(b) the application or other document was not approved by the Director-General of Public Health before that date,

the application or other document is, where applicable, deemed to be an application or a document lodged for approval with the Director-General, Food Administration under the corresponding provisions in Part IV or IX of the Environmental Public Health Act as amended by this Act.

(4) Anything that has been started by the Director-General of Public Health in connection with an application or a document under subsection (3) may be carried on and completed by the Director-General, Food Administration under the corresponding provisions in Part IV or IX of the Environmental Public Health Act as amended by this Act. 5

(5) Every direction, notice, order or requirement affecting matters regulated under Part IV or IX of the Environmental Public Health Act that —

(a) is issued or given, before the date of commencement of section 57(1)(d) or (i), by the Director-General of Public Health under the Environmental Public Health Act; and 10

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of the Environmental Public Health Act as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Environmental Public Health Act as amended by this Act. 15

(6) Where an appeal has been made to the Minister charged with the responsibility for environmental public health — 20

(a) under section 84 of the Environmental Public Health Act before the date of commencement of section 57(1)(o) against any notice, order or decision of the Director-General of Public Health made under Part IV or IX of that Act; and 25

(b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may continue to be dealt with in accordance with section 84 of the Environmental Public Health Act as if this Act had not been enacted. 30

(7) All subsidiary legislation made under Part IV or IX of the Environmental Public Health Act and in force immediately before the date of commencement of section 57(1)(f) and (j), respectively, continue in force as if made under the Environmental Public Health

Act as amended by this Act until the subsidiary legislation is revoked under that Act as amended by this Act.

### **Saving and transitional provisions for sections 58, 59, 64 and 65**

5 **69.**—(1) Despite sections 58, 59, 64(1)(d) and 65, every licence, permit, approval or authorisation that —

(a) is granted, before the date of commencement of section 58, 59, 64(1)(d) or 65, under the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act (as the case may be) by the Director-General, Agri-Food and Veterinary Services appointed under section 3(1) of the Animals and Birds Act; and

(b) is in force on that date,

15 is, so far as it is not inconsistent with the provisions of the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act (as the case may be) as amended by this Act, to continue as if, and is deemed to be, a licence, permit, approval or authorisation granted by the Director-General, Food Administration under that Act as amended by this Act.

20 (2) However, every licence, permit, approval or authorisation mentioned in subsection (1) lapses on the date it would have if section 58, 59, 64(1)(d) or 65 (as the case may be) had not been enacted, unless the licence, permit, approval or authorisation is earlier revoked or cancelled.

25 (3) Where —

(a) an application or other document is lodged for approval under the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act, before the date of commencement of section 58, 59, 64(1)(d) or 65, as the case may be; and

30 (b) the application or other document was not approved by the Director-General, Agri-Food and Veterinary Services before that date,

the application or other document is, where applicable, deemed to be an application or a document lodged for approval with the Director-General, Food Administration under the corresponding provisions in the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act (as the case may be) as amended by this Act. 5

(4) Anything that has been started by the Director-General, Agri-Food and Veterinary Services in connection with an application or a document under subsection (3) may be carried on and completed by the Director-General, Food Administration under the corresponding provisions in the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act as amended by this Act, whichever being applicable. 10

(5) Every direction, notice, order or requirement that —

(a) is issued or given, before the dates of commencement of sections 58, 59, 64(1)(d) and 65 by the Director-General, Agri-Food and Veterinary Services under the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act and the Wholesome Meat and Fish Act, respectively; and 15

(b) is in force immediately before that date, 20

is, so far as it is not inconsistent with the provisions of those Acts as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Fisheries Act, the Feeding Stuffs Act, the Sale of Food Act or the Wholesome Meat and Fish Act (as the case may be) as amended by this Act. 25

(6) Where an appeal has been made to the Minister charged with the responsibility for animal health and welfare —

(a) under the Feeding Stuffs Act, the Fisheries Act, the Sale of Food Act or the Wholesome Meat and Fish Act (as the case may be) before the date of commencement of section 58, 59, 64(1)(d) or 65 against any notice, order or decision of the Director-General, Agri-Food and Veterinary Services made under any of those Acts; and 30

(b) the appeal has not been dealt with or disposed of immediately before that date,

the appeal may continue to be dealt with by that Minister in accordance with those Acts as if this Act had not been enacted.

5 (7) Every direction, notice, order or requirement that —

(a) is issued or given, before the date of commencement of section 64(1)(j) by the Agri-Food and Veterinary Authority under Part IIA of the Sale of Food Act; and

(b) is in force immediately before that date,

10 is, so far as it is not inconsistent with the provisions of the Sale of Food Act as amended by this Act, to continue as if the Director-General, Food Administration issued or gave the direction, notice, order or requirement under the Sale of Food Act as amended by this Act.

15 **Saving for amendments in section 64(1)(n)**

**70.** Section 30(3) and (4) of the Sale of Food Act continues to apply to and in relation to the following as if section 64(1)(n) had not been enacted:

20 (a) any food or any food contact article which was purchased or procured from any person (for test purposes) before the date of commencement of section 64(1)(n);

(b) any offence under the Sale of Food Act committed before the date of commencement of section 64(1)(n).

**Saving and transitional regulations**

25 **71.—(1)** For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

30 (2) Nothing in this Part affects section 16 of the Interpretation Act.

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## EXPLANATORY STATEMENT

This Bill seeks to establish the Singapore Food Agency (called the Agency), to repeal the Agri-Food and Veterinary Authority Act (Cap. 5) and the Cattle Act (Cap. 34), and to make consequential and related amendments to certain other Acts.

Part 1 introduces the fundamental concepts used in the Bill.

Part 2 establishes the Agency and sets out its functions and powers.

Part 3 deals with the constitution of the Agency.

Part 4 provides for decision-making by the Agency.

Part 5 deals with personnel matters.

Part 6 sets out the financial provisions of the Agency.

Part 7 provides for enforcement powers necessary for the administration of the Bill, as well as a variety of general provisions.

Part 8 contains provisions that transfer the relevant undertakings from the Agri-Food and Veterinary Authority (AVA), the National Environment Agency (NEA) and the Health Sciences Authority (HSA) to the Agency.

Part 9 makes consequential and related amendments to other Acts.

Part 10 contains saving and transitional provisions.

### PART 1

#### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in several Parts of the Bill.

### PART 2

#### ESTABLISHMENT, FUNCTIONS AND POWERS OF AGENCY

Clause 3 establishes the Singapore Food Agency.

Clause 4 defines the nature and legal capacity of the Agency. The Agency is a body corporate with perpetual succession, and proceedings may be taken by or against the Agency in its corporate name. The Agency may also operate under a trading name approved by the Minister.

Clause 5 describes the functions of the Agency.

Clause 6 provides the Agency with broad powers to do all things necessary to perform its functions.

Clause 7 provides the Minister with power to give directions of a general nature to the Agency. The clause also provides for the Minister to have access to information in the possession of the Agency.

Clause 8 confers on the Agency the exclusive right to the use of one or more symbols or representations it selects or devises and to display or exhibit those symbols or representations in connection with the Agency's activities or affairs.

### PART 3

#### CONSTITUTION AND MEMBERSHIP OF AGENCY

Clause 9 deals with the membership of the Agency. It is to consist of at least 7, and not more than 14, members. One of those members may be the Chief Executive.

Clause 10 provides for the appointment of Agency members by the Minister charged with the responsibility for the Agency.

Clause 11 provides that in appointing members of the Agency, the Minister must have regard to whether the members of the Agency will collectively possess the appropriate knowledge, skills and experience to assist the Agency to perform its functions effectively.

However, clause 11 does disqualify certain individuals from being members of the Agency.

Clause 12 provides for the appointment and tenure of a Chairperson and Deputy Chairperson from among members appointed.

Clause 13 deals with premature vacancies occurring in the office of any member of the Agency and empowers the Minister to appoint an individual to fill the vacancy and hold that office for the remainder of the term for which the vacating member was appointed.

Clause 14 provides for the appointment of an acting Chairperson and acting members to act temporarily as the Chairperson of the Agency or member (as the case may be) during any period, or during all periods, when the Chairperson or member is absent from duty or Singapore, or is, for any reason, unable to perform the duties of the office.

Clause 15 provides that the Minister has power, at any time and without giving any reason, to remove a member of the Agency from office.

Clause 16 deals with resignation from office by a member of the Agency.

Clause 17 provides that the powers and functions of the Agency are not affected merely because of any vacancy in the membership of the Agency, or of



any defect or irregularity about the appointment of a member, or of the failure by a member or the Agency to disclose a conflict of interest as per the requirements under the Public Sector (Governance) Act 2018 (Act 5 of 2018). The acts of an individual as a member of the Agency are not to be affected merely because there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Agency, or in the case of an individual acting in the capacity of the Chairperson, member or Chief Executive, the occasion for the individual so acting, or for his or her appointment, had not arisen or had ended.

Clause 18 provides that unless earlier vacated, each member of the Agency holds office for a period of 3 years or any shorter period specified in the instrument of appointment.

Clause 19 provides that the members of the Agency may be paid, out of the funds of the Agency, such salaries, fees and allowances as the Minister from time to time determines.

Clause 20 outlines the circumstances in which the office of a member may become vacant.

## PART 4

### DECISION-MAKING BY AGENCY

Clause 21 provides that the Agency must determine its own meeting procedures to the extent they are not fixed by the Bill or the Public Sector (Governance) Act 2018.

Clause 22 requires notices of meetings of the Agency to be given to all members.

Clause 23 prescribes the quorum to be one-third the number of members.

Clause 24 provides for presiding at meetings.

Clause 25 specifies the process of voting at an Agency meeting. A member present at a meeting of the Agency is presumed to have agreed to, and to have voted in favour of, a resolution of the Agency unless he or she expressly dissents from or votes against the resolution at the meeting or is prevented from voting under section 26 of the Public Sector (Governance) Act 2018. Abstentions are thus impermissible.

Clause 26 provides the process for execution of documents by the Agency.

Clause 27 empowers the Agency, by resolution, to appoint such number of committees as it thinks fit for purposes which, in the opinion of the Agency, would be better regulated and managed by means of such committees. With the

enactment of the clause, section 28 of the Public Sector (Governance) Act 2018 applies.

Clause 28 allows a committee of the Agency to regulate its own procedure, subject to the Public Sector (Governance) Act 2018.

Clause 29 allows the Agency to delegate some of its functions or powers, either generally or specially, by resolution and written notice, to a member of the Agency, the Chief Executive or any employee of the Agency (including persons on secondment to the Agency or on a contract for service), a committee or a wholly-owned subsidiary company of the Agency. The delegation may authorise subdelegation to appropriately qualified persons. With the enactment of the clause, section 32 of the Public Sector (Governance) Act 2018 applies.

Clause 30 provides the powers of the delegate and subdelegate, and what a delegate and subdelegate may do.

## PART 5

### PERSONNEL MATTERS

Clause 31 relates to the appointment of the Chief Executive of the Agency, which is also governed by Division 1 of Part 3 of the Public Sector (Governance) Act 2018. The Agency must appoint the Chief Executive with the prior approval of the Minister and the prior concurrence of the Public Service Commission.

Clause 32 provides for the Agency to appoint and employ officers, consultants and agents.

Clause 33 provides that all subdelegates of the Agency are deemed to be public servants for the purposes of the Penal Code (Cap. 224).

For the subdelegates of the Agency and its committee members who will be involved in the administration, assessment, collection and enforcement of payment of any moneys which are payable to the Consolidated Fund, e.g. any composition sum, they will be treated as public officers for the purposes of the Financial Procedure Act (Cap. 109). Those moneys are public moneys that must be accounted for in the Consolidated Fund. Section 20 of the Financial Procedure Act (disciplinary punishment for loss of public moneys, etc.) applies to these persons of the Agency even though they are not or were not in the employment of the Government.

Clause 34 imposes on the members and a delegate and subdelegate of the Agency, the Chief Executive, officers, agents and committee members of the Agency (collectively called personnel of the Agency), the duty to preserve secrecy in relation to information obtained in that capacity.

Clause 35 protects personnel of the Agency from personal liability for anything done in good faith and with reasonable care in the discharge of the functions or exercise of the powers of the Agency.

## PART 6 FINANCIAL PROVISIONS

Part 6 of the Bill is to be read with Part 5 of the Public Sector (Governance) Act 2018.

Clause 36 prescribes the financial year of the Agency.

Clause 37 sets out the revenue and property of the Agency.

Clause 38 requires the Agency to open and maintain one or more bank accounts to be operated only by persons duly authorised by the Agency.

Clause 39 further requires the Agency to keep proper accounts and records of its transactions and affairs, and to do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised, and that adequate control is maintained over the property and assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Clause 40 confers on the Agency the standard power of investment of moneys as defined in section 33A of the Interpretation Act (Cap. 1).

Clause 41 requires the Agency to issue shares to the Minister for Finance where required, as a consequence of the vesting of any property, rights or liabilities in the Agency under the Bill or any capital injection or other investment by the Government in the Agency.

Clause 42 sets out the borrowing powers of the Agency.

## PART 7 GENERAL

Clause 43 penalises the improper use of any accreditation, certification or inspection mark or a colourable imitation of such a mark, misuse of a report or certificate to convey the impression of valid accreditation or certification and the forging or unlawful altering of any accreditation, certification or inspection mark, report or certificate issued by the Agency.

Clause 44 provides the power to compound offences that are prescribed as compoundable.

Clauses 45 and 46 are standard provisions regarding the liability of officers of corporations, unincorporated associations and partnerships which have committed an offence under the Bill.

Clause 47 deals with the service of documents as required or allowed under the Bill.

Clause 48 empowers the Agency, with the Minister's approval, to make regulations about matters that are required or permitted by this Bill or are necessary or convenient to be made for giving effect to this Bill.

## PART 8

### TRANSFER OF UNDERTAKINGS TO AGENCY

Clause 49 contains definitions used for the purposes of Part 8. In particular, it describes the various undertakings to be transferred to the Agency by Part 8.

Clause 50 provides for the transfer, on the transfer date (which is the operative date of Part 8), to the Agency of all assets, rights and liabilities of the AVA relating to specified AVA departments, all assets, rights and liabilities of the NEA relating to the Food and Environmental Hygiene Department of the NEA, and all assets, rights and liabilities of the HSA relating to the Food Safety Division of the HSA.

Clause 50 also contains a series of saving and transitional provisions, the general purpose of which is to put the Agency in the same legal position as the AVA, the NEA and the HSA, from which assets or liabilities are transferred.

Clause 50 further declares that the transfer does not constitute a breach of, or default under, an Act or other law, does not constitute a breach of, or default under, a contract, agreement, understanding or undertaking, does not constitute a breach of a duty of confidence, does not constitute a civil or criminal wrong, does not terminate an agreement or obligation, or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy, and does not release a surety or other obligee wholly or in part from an obligation.

Clause 51 provides for the transfer of AVA, NEA and HSA employees to the employment of the Agency, on the transfer date. This clause also provides for civil servants who are seconded to the AVA, NEA or HSA (as the case may be) to continue on secondment to the Agency.

Clause 52 declares that the transfer of employees does not affect remuneration, leave rights or continuity of service and does not constitute a retrenchment or redundancy. It further declares that such a transfer is not to give rise to any right to damages or compensation.

Clause 53 provides for the transfer of records from the AVA, NEA and HSA to the Agency.

Clause 54 provides for any dispute relating to any transfer to be determined by the Minister for Finance.

Clause 55 repeals the Agri-Food and Veterinary Authority Act. This will be brought into force after the Singapore Food Agency is formed and the relevant undertakings are transferred to that Agency.

## PART 9

### RELATED AND CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Clauses 56 to 66 make consequential amendments to several Acts because of the transfer of functions to the Agency.

Other amendments require composition sums to be paid into the Consolidated Fund instead of the funds of the statutory board, so as to give effect to a new policy of the Ministry of Finance.

Clause 56 repeals the Cattle Act (Cap. 34).

Clause 57 contains consequential amendments to Environmental Public Health Act (Cap. 95), to enable the Act to be administered by the Director-General, Food Administration and the Director-General of Public Health. Specifically, Parts IV and IX of the Environmental Public Health Act will be administered by the Director-General, Food Administration.

Clause 57 also makes an amendment to section 35 of the Environmental Public Health Act by abolishing the control over stage shows, since this is being regulated under the Public Entertainments Act (Cap. 257).

Clause 58 contains consequential amendments to the Feeding Stuffs Act (Cap. 105), which is to be administered by the Director-General, Food Administration from the Singapore Food Agency who takes over from the Director-General, Agri-Food and Veterinary Services of the AVA.

Clause 59 contains consequential amendments to the Fisheries Act (Cap. 111), which is to be administered by the Director-General, Food Administration from the Singapore Food Agency who takes over from the Director-General, Agri-Food and Veterinary Services of the AVA.

A related amendment is also made by clause 59 to repeal provisions which relate to the prohibition, regulation or control of the species of fish known as piranha or any other dangerous species of fish. The prohibition, regulation or control of the species of fish known as piranha or other dangerous species of fish will be effected through the Animals and Birds Act (Cap. 7), which is administered by the National Parks Board.

Clause 59 also amends section 27(2) of the Fisheries Act to confer the power to make rules prescribing the records that must be kept by fisheries and persons involved in fish cultivation, and the provision of returns and other information by fisheries and persons involved in fish cultivation, in connection with monitoring the supply of fish for human consumption in Singapore. This is to enable the

collection of current and accurate data such as data about the level of fish stocks, and thereby better support measures to ensure a secure and reliable food supply in Singapore.

Clause 60 amends section 11(1)(e) of the Health Promotion Board Act (Cap. 122B) to remove the overlap in functions as regards food, clarifying that the function of the Health Promotion Board is to encourage and facilitate healthier food choices in Singapore.

Clause 61 amends the Infectious Diseases Act (Cap. 137) so that the Director-General, Food Administration may exercise powers under sections 38 and 39 of that Act. The amendments also provide that the Director-General, Food Administration will act subject to directions of the Minister charged with the responsibility for health and sanitary measures in relation to vessels, aircraft, vehicles and persons entering or leaving Singapore.

Clause 62 contains consequential amendments to the National Environment Agency Act (Cap. 195) as a consequence of the transfer to the Singapore Food Agency of functions in matters concerning food hygiene in the food retail industry, and ensuring high standards of food hygiene in food retail outlets through licensing and inspections.

Clause 63 amends section 3(2)(g) of the Planning Act (Cap. 232) so as to treat the use of any land for the purposes of agriculture as a development within the coverage of that Act.

Clause 64 contains amendments to the Sale of Food Act (Cap. 283), which is to be administered by the Director-General, Food Administration from the Singapore Food Agency who takes over from the Director-General, Agri-Food and Veterinary Services of the AVA.

Section 56(1) of the Sale of Food Act is also amended by clause 64 to expand the record-keeping requirements that may be set out in food regulations to include prescribing the records that must be kept by food businesses and importers of food or food articles (whether or not licensed under that Act), and the provision of returns and other information by such food businesses and importers of food or food articles, in connection with ensuring a secure and reliable food supply in Singapore. This is to enable the collection of current and accurate data such as data about the level of such imports or the level of stores of food held by food businesses.

Clause 64 also contains a related amendment to enable the making of food regulations to prescribe the circumstances when a trade mark may or may not be used on or in relation to any packaging or container of any particular food, or on any particular food, or in any advertisement relating to food. However, those circumstances are not circumstances that make it reasonable or appropriate not to register the trade mark, to revoke the acceptance of an application for registration of the trade mark, to register the trade mark subject to conditions or limitations, to

revoke the registration of the trade mark or to declare invalid the registration of a trade mark.

Clause 65 contains consequential amendments to the Wholesome Meat and Fish Act (Cap. 349A), which is to be administered by the Director-General, Food Administration from the Singapore Food Agency who takes over from the Director-General, Agri-Food and Veterinary Services of the AVA.

The amendments in clause 65 also empower the Director-General, Food Administration, to take into account, before granting a licence to import meat products and fish products for human consumption, whether the applicant has the experience and resources to provide a secure and reliable supply in Singapore of those meat products and fish products and to impose a licence condition to ensure that outcome.

Clause 65 also amends section 42 of the Wholesome Meat and Fish Act to confer the power to make rules prescribing the records that must be kept by licensees like importers, slaughterhouses and meat processing establishments, and the provision of returns and other information by such licensees, in connection with monitoring the supply of meat products and fish products for human consumption in Singapore. This is to enable the collection of current and accurate data such as data about the level of imports of meat products and fish products and stocks of these products, and thereby better support measures to ensure a secure and reliable food supply in Singapore.

Clause 66 contains several consequential amendments to other Acts on account of the formation of the Agency.

## PART 10

### SAVING AND TRANSITIONAL PROVISIONS

Part 10 consists of clauses 67 to 71.

Clauses 67 to 70 are a range of saving and transitional provisions, mainly to deal with the renamed officers in charge of the administration of the various Acts, the handling of pending appeals and the continuation of subsidiary legislation made by an authority which will be changed by the Bill.

Clause 71 also empowers the Minister charged with the responsibility for the Singapore Food Agency to make regulations prescribing such provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to make such regulations only within 2 years after the date of commencement of the provision.

## EXPENDITURE OF PUBLIC MONEY

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

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