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FOREIGN EMPLOYEE DORMITORIES ACT 2015 (ACT 3 OF 2015)

FOREIGN EMPLOYEE DORMITORIES (APPEALS) REGULATIONS 2017

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Appeals Secretary
 4. Addresses for service
 5. Commencement of appeals
 6. Notice of appeal
 7. Defective notices of appeal
 8. Summary disposal of appeal
 9. Amendment of notice of appeal
 10. Withdrawal of appeal
 11. Decision of Minister to be notified, etc.
 12. Time
 13. Irregularities
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In exercise of the powers conferred by section 34 of the Foreign Employee Dormitories Act 2015, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Foreign Employee Dormitories (Appeals) Regulations 2017 and come into operation on 1 April 2017.

Definitions

2. In these Regulations, unless the context otherwise requires —
“appeal” means an appeal under section 22 of the Act;

“appealable decision” means any decision of the Commissioner under section 14(1) of the Act to revoke a licence;

“Appeals Secretary” means an Appeals Secretary appointed under regulation 3;

“appellant” means a licensee who is aggrieved by and appealing to the Minister against an appealable decision relating to the appellant;

“Minister”, in relation to any appeal, includes any person designated by the Minister under section 23 of the Act to hear the appeal;

“parties”, in relation to any appeal against an appealable decision, means the appellant against the appealable decision and the Commissioner, and “party” means either one of them;

“working day” means any day except a Saturday, Sunday or public holiday.

Appeals Secretary

3.—(1) The Minister may appoint one or more public officers to perform the functions of an Appeals Secretary for the purposes of these Regulations.

(2) An Appeals Secretary is to provide administrative and secretarial support to the Minister in relation to every appeal under section 22 of the Act.

(3) An Appeals Secretary must act in accordance with such instructions as may be given by the Minister from time to time and is, in particular, responsible for —

- (a) the acceptance, transmission, service and custody of documents in accordance with these Regulations; and
- (b) the establishment and maintenance of a list of all notices of appeal lodged with the Minister.

Addresses for service

4. Any document to be lodged with, sent to or served on the Minister under these Regulations must be addressed to the “Appeals Secretary” and sent to the Foreign Manpower Management Division, Ministry of Manpower Services Centre, 1500 Bendemeer Road, Singapore 339946.

Commencement of appeals

5.—(1) An appeal to the Minister must be made by lodging a notice of appeal in accordance with regulation 6.

(2) A notice of appeal must be lodged within a period of 14 days after the appellant is notified of the decision.

(3) The Minister may, on the application of the appellant, allow an extension of the period delimited under paragraph (2) for the lodgment of the notice of appeal.

(4) On receiving the notice of appeal, an Appeals Secretary must forward a copy of the notice of appeal to the Minister.

Notice of appeal

6.—(1) Every notice of appeal —

(a) must state —

- (i) the name and address of the appellant;
- (ii) the name and address of the appellant’s authorised representative or legal representative (if any); and
- (iii) an address in Singapore for the service of documents;

(b) must contain —

- (i) a concise statement of the circumstances under which the appeal arises, the facts and the issues in the appeal;
- (ii) a summary of the grounds for appealing against the appealable decision of the Commissioner, identifying, in particular —

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- (A) the extent (if any) to which the appellant contends that the appealable decision was based on an error of fact or was wrong in law; and
 - (B) the extent (if any) to which the appellant is appealing against the Commissioner's exercise of discretion in making the appealable decision;
 - (iii) a succinct presentation of the arguments of fact or law supporting each ground of appeal; and
 - (iv) the relief or directions (if any) sought by the appellant;
- (c) must be signed and dated by the appellant, or on his or her behalf by his or her authorised representative or legal representative; and
- (d) must be accompanied by —
- (i) a copy of the appealable decision; and
 - (ii) any documents supporting the arguments of fact or law.

(2) Unless the Minister otherwise directs, the appellant must lodge the duly signed original of the notice of appeal and its accompanying documents with the Minister.

Defective notices of appeal

7. If the Minister considers that a notice of appeal is not lodged in accordance with regulation 6, is materially incomplete, unduly prolix or lacking in clarity, the Minister may give such directions to the appellant as may be necessary to remedy the notice.

Summary disposal of appeal

8.—(1) The Minister may, after giving the parties to an appeal an opportunity to be heard, at any stage in the appeal proceedings and without calling for a defence from the Commissioner, determine the appeal by confirming the appealable decision of the Commissioner if —

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- (a) the Minister considers that the notice of appeal discloses no valid ground of appeal;
 - (b) the Minister considers that the appellant is not a person entitled to appeal under section 22 of the Act;
 - (c) the Minister is satisfied that the appellant has habitually and persistently, and without any reasonable ground —
 - (i) made vexatious appeals to the Minister; or
 - (ii) made vexatious applications in the appeal proceedings or other appeal proceedings before the Minister; or
 - (d) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of these Regulations for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Minister under these Regulations.

(2) Where the Minister determines an appeal under paragraph (1), the Minister may make such consequential order as the Minister considers appropriate.

Amendment of notice of appeal

9.—(1) The appellant may, with the permission of the Minister, amend the appellant's notice of appeal.

(2) Where the Minister grants permission under paragraph (1), the Minister may do so on such terms or conditions as he or she thinks fit to impose, and the Minister must give such further or consequential directions as is necessary.

(3) No permission to amend a notice of appeal in order to add a new ground of appeal may be granted unless the Minister is satisfied that —

- (a) such ground is based on any matter of fact or law which came to light after the notice of appeal was lodged;
- (b) it was not practicable to include such ground in the notice of appeal at the time the notice of appeal was lodged; or

(c) there are exceptional circumstances to do so.

Withdrawal of appeal

10.—(1) An appellant may, at any time before the Minister makes his or her decision on the appellant's appeal, withdraw the appellant's appeal by lodging a notice of withdrawal of the appeal with the Minister.

(2) An Appeals Secretary must, as soon as practicable, notify the Commissioner of any appeal that is withdrawn under paragraph (1).

Decision of Minister to be notified, etc.

11. An Appeals Secretary must notify the appellant and the Commissioner of the Minister's decision in respect of the appeal, and the reasons for the decision.

Time

12.—(1) A period expressed in days or months after or from the happening of an event or the doing of any act or thing excludes the day on which the event happens or the act or thing is done.

(2) A period expressed in months ends with the expiry of whichever day in the last month is the same day of the month as the day on which the event or the act or thing after or from which the period is to be calculated happens or is done.

(3) If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period ends with the expiry of the last day of that month.

(4) Where the time specified by the Minister or these Regulations for doing any act expires on a Saturday, Sunday or public holiday, the act is in time if done on the next following working day.

Irregularities

13.—(1) Any irregularity resulting from a failure to comply with any provision of these Regulations before the Minister has reached his or her decision does not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Minister, the Minister may give such directions as he or she thinks just to cure or waive the irregularity before reaching his or her decision if the Minister considers that any person may have been prejudiced by the irregularity.

Made on 21 March 2017.

AUBECK KAM
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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(To be presented to Parliament under section 34(6) of the Foreign Employee Dormitories Act 2015).