

# **Statutes (Miscellaneous Amendments) Bill**

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**Bill No. 4/2004.**

*Read the first time on 5th January 2004.*

A BILL

*i n t i t u l e d*

An Act to amend certain statutes of the Republic of Singapore.

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

### Short title and commencement

1. This Act may be cited as the Statutes (Miscellaneous Amendments) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of Bankruptcy Act

2. The Bankruptcy Act (Cap. 20, 2000 Ed.) is amended —

(a) by renumbering section 129 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

10 “(2) Where a bankrupt has changed his residential address and has made a report of the change under section 8 of the National Registration Act (Cap. 201) —

(a) he shall be deemed to have informed the Official Assignee of the change of his residential address in compliance with subsection (1)(n); and

15 (b) the new residential address as reported by him under section 8 of the National Registration Act shall, unless he informs the Official Assignee in writing to the contrary, be deemed to be his last known address for the purpose of subsection (3).

20 (3) Any notice or process given or served upon the bankrupt at his last known address shall be deemed to have been duly given or served and shall be conclusive evidence of the fact of service.”; and

(b) by repealing section 163 and substituting the following section:

#### 25 “List of undischarged bankrupts to be kept

**163.**—(1) The Official Assignee shall maintain, in such form or manner as he thinks fit —

(a) a list of undischarged bankrupts; and

30 (b) a record of every bankruptcy order and every order rescinding, annulling or discharging any bankruptcy order,

and may allow any person, on payment of the prescribed fee, to inspect or otherwise have access to any part of such list or record as the Official Assignee may determine.

5 (2) Where the question arises as to whether a person is an undischarged bankrupt, a certificate from the Official Assignee stating whether or not that person is an undischarged bankrupt shall be prima facie evidence of the facts stated therein.”.

### **Amendment of Community Mediation Centres Act**

10 **3.** Section 15(1) of the Community Mediation Centres Act (Cap. 49A, 1998 Ed.) is amended by deleting the words “with the consent” and substituting the words “with or without the consent”.

### **Amendment of Criminal Procedure Code**

**4.** The Criminal Procedure Code (Cap. 68, 1985 Ed.) is amended —

15 (a) by deleting the marginal note to section 199 and inserting the following section heading:

**“Compounding of offences under Penal Code”;** and

(b) by inserting, immediately after section 199, the following section:

#### **“Compounding of offences under other written laws**

20 **199A.**—(1) This section shall apply in relation to any Act (other than the Penal Code (Cap. 224)) in which there is no provision for the composition of offences thereunder.

(2) Any offence under —

25 (a) any Act to which this section applies; or

(b) any subsidiary legislation made under that Act,

may be compounded under this section if the offence is prescribed under that Act as a compoundable offence.

30 (3) For the purpose of subsection (2), the power conferred on any Minister, statutory authority or other person to make subsidiary legislation under any Act to which this section applies shall include the power —

- (a) to prescribe the offences under that Act or any subsidiary legislation made thereunder as offences that may be compounded under this section;
- (b) to designate the person who may compound such offences; and
- (c) to specify the maximum sum for which any such offence may be compoundable, except that the maximum sum so specified shall not exceed —
- (i) one half of the amount of the maximum fine that is prescribed for the offence; or
- (ii) \$2,000,
- whichever is the lower.

(4) The person designated under subsection (3)(b) may compound any offence prescribed under subsection (3)(a) by collecting from a person who is reasonably suspected of having committed the offence a sum of money not exceeding the maximum sum that is specified under subsection (3)(c) in respect of that offence.

(5) On payment of such sum of money, no further proceedings shall be taken against that person in respect of such offence.”.

#### **Amendment of Land Transport Authority of Singapore Act**

5. Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended by deleting the words “in contravention of any written law” in the first column of item 5(a) and substituting the words “without the contravention of any written law”.

#### **Amendment of Legal Aid and Advice Act**

6. Part I of the First Schedule to the Legal Aid and Advice Act (Cap. 160, 1996 Ed.) is amended by deleting item 6.

#### **Amendment of Private Hospitals and Medical Clinics Act**

7. The Private Hospitals and Medical Clinics Act (Cap. 248, 1999 Ed.) is amended —

- (a) by deleting the words “to prohibit trading in human blood,” in the long title; and
- (b) by repealing section 4.

**Amendment of Probate and Administration Act**

5     **8.** The Probate and Administration Act (Cap. 251, 2000 Ed.) is amended —

- (a) by deleting the definition of “official assignee” in section 2;
- (b) by inserting, immediately after the definition of “probate action” in section 2, the following definition:

10                     “ “Public Trustee” means the Public Trustee appointed under the Public Trustee Act (Cap. 260) and includes an Assistant Public Trustee appointed under that Act;”;

- (c) by deleting the words “, the official assignee” in section 28(2);
- (d) by deleting the words “but neither the official assignee nor the Public Trustee shall” in section 41 and substituting the words “but the Public Trustee shall not”;
- (e) by repealing section 68 and substituting the following section:

**“Where funds of estate cannot be immediately distributed**

20     **68.**—(1) Where, upon the conclusion of the administration of the estate of a person dying testate or intestate, there remain in the hands of the personal representative funds of which he is unable to dispose immediately by distribution in accordance with law by reason of the inability of the person entitled to give a discharge, through lack of legal capacity or otherwise, or for any other cause which to the Public Trustee appears sufficient, the personal representative may, if the Public Trustee consents to accept the same, pay those funds to the Public Trustee who —

- (a) shall not be required to make any enquiry whether the administration has been conducted in accordance with law;
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(b) may accept those funds as a trustee for the person entitled, and apply the same for the benefit of such person; and

5 (c) may for such purpose exercise all the powers conferred on him under section 63.

(2) The receipt of the Public Trustee may be accepted by the personal representative and shall constitute a full and sufficient discharge in respect of such funds.”;

(f) by inserting, immediately after section 69, the following section:

10 **“Transitional provision**

**70.** As from the date of commencement of section 8 of the Statutes (Miscellaneous Amendments) Act 2004 —

(a) any letters of administration granted to the official assignee;

15 (b) any application made by the official assignee (whether for letters of administration or otherwise);

(c) any estate or part thereof of a deceased person vested in or being administered by the official assignee; and

20 (d) any other action (whether for the administration of the estate of a deceased person or otherwise) begun by the official assignee,

25 under the provisions of this Act in force immediately before that date shall be deemed to have been so granted to, made by, vested in or administered or begun by the Public Trustee under the provisions of this Act in force as from that date, and any such application, administration or other action still pending on that date may be continued with by the Public Trustee in accordance with the provisions of this Act in force as from that date.”; and

30 (g) by deleting the words “official assignee” wherever they appear in the following provisions and substituting in each case the words “Public Trustee”:

Sections 29(4), 39, 55(1) and (2) and section heading, 62(1), (2) and (4) and section heading, 63(1), (2) and (3) and section heading, 64(1), (2) and (3)(b) and 65(1).

### **Amendment of Street Works Act**

5     **9.** Section 32A of the Street Works Act (Cap. 320A, 1996 Ed.) is amended —

- (a) by deleting the words “employee of the Authority” in subsections (3), (4)(b), (6) and (10) and substituting in each case the words “authorised officer”;
- 10    (b) by deleting the words “as the Chief Executive may direct” in subsection (4)(b) and substituting the words “as the authorised officer may determine”; and
- (c) by inserting, immediately after subsection (11), the following subsection:

15           “(12) In this section, “authorised officer” means any employee of the Authority and any other person appointed by the Authority under section 4 to assist in the enforcement of this section.”.

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### **EXPLANATORY STATEMENT**

This Bill seeks to make certain miscellaneous housekeeping amendments to certain statutes of the Republic of Singapore.

Clause 1 relates to the short title and commencement.

Clause 2 makes 2 amendments to the Bankruptcy Act (Cap. 20).

Firstly, section 129 is amended to include a provision that allows undischarged bankrupts to take advantage of the “One-Stop Change of Address Reporting System” administered by the Immigration & Checkpoints Authority for the purposes of the National Registration Act (Cap. 201), when reporting changes in their residential addresses to the Official Assignee.

Secondly, section 163 is repealed and re-enacted to require the Official Assignee to maintain —

- (a) a list of undischarged bankrupts; and

- (b) a record of every bankruptcy order and every order rescinding, annulling or discharging any bankruptcy order,

and to allow any person, on payment of the prescribed fee, to inspect or otherwise have access to any part of such list or record as the Official Assignee may determine.

Provision is also made for a certificate issued by the Official Assignee stating whether or not a person is an undischarged bankrupt to be prima facie evidence of the facts so stated.

Clause 3 amends section 15(1) of the Community Mediation Centres Act (Cap. 49A) to empower a Magistrate to refer complaints made under section 128 of the Criminal Procedure Code (Cap. 68) for mediation by a mediator of a Community Mediation Centre without the consent of the parties.

Clause 4 inserts a new section 199A in the Criminal Procedure Code to allow for the composition of offences under Acts that do not currently have a provision for the composition of offences thereunder and makes a technical amendment to section 199.

Clause 5 makes a technical amendment to item 5(a) in Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act (Cap. 158A).

Clause 6 amends Part I of the First Schedule to the Legal Aid and Advice Act (Cap. 160) to remove an item that is no longer applicable.

Clause 7 repeals section 4 of the Private Hospitals and Medical Clinics Act (Cap. 248) as that section is no longer required in view of the fact that the prohibition against trading in blood is now being dealt with under Part IV of the Human Organ Transplant Act (Cap. 131A).

Clause 8 amends the Probate and Administration Act (Cap. 251) to provide for the Public Trustee to take over the functions of the official assignee thereunder.

Clause 9 amends section 32A of the Street Works Act (Cap. 320A) to allow for the Land Transport Authority of Singapore to appoint officers of other statutory boards to assist in the enforcement of that section, which relates to the prevention of obstruction of public streets, five-footways and private footways.

## EXPENDITURE OF PUBLIC MONEY

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

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