

# **Statutes (Miscellaneous Amendments and Repeal) Bill**

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**Bill No: 7/2005**

***Read the first time: 18th April 2005***

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## **Statutes (Miscellaneous Amendments and Repeal) Bill**

### **Bill No. 7/2005**

*Read the first time on 18th April 2005.*

An Act to amend certain statutes of the Republic of Singapore and to repeal the Government Hospitals Act (Chapter 119 of the 1985 Revised Edition).

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

### **Short title and commencement**

1. This Act may be cited as the Statutes (Miscellaneous Amendments and Repeal) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of Bankruptcy Act**

2. Section 83 of the Bankruptcy Act (Cap. 20, 2000 Ed.) is amended by deleting subsections (9) and (10) and substituting the following subsections:

“(9) The court shall cause to be made such record of the examination as the court thinks proper and any record so made may thereafter be used in evidence against the person in the course of whose examination the record was made.

(10) Any record made under subsection (9) shall, at all reasonable times and upon payment of the prescribed fee, be made available to any creditor for review at the court premises.”.

### **Amendment of Companies Act**

3. The Companies Act (Cap. 50, 1994 Ed.) is amended —

(a) by deleting subsection (2) of section 285 and substituting the following subsection:

“(2) The Court may examine him on oath concerning the matters mentioned in subsection (1) either by word of mouth or on written interrogatories and may cause to be made a record of his answers, and any such record may be used in evidence in any legal proceedings against him.”; and

(b) by deleting subsection (7) of section 286 and substituting the following

subsection:

“(7) The record of the examination —

- (a) may be used in evidence in any legal proceedings against the person examined; and
- (b) shall, at all reasonable times, be made available to any creditor or contributory for review at the court premises.”.

### **Repeal of Government Hospitals Act**

4. The Government Hospitals Act (Cap. 119, 1985 Ed.) is repealed.

### **Amendment of Government Proceedings Act**

5. The Government Proceedings Act (Cap. 121, 1985 Ed.) is amended —

- (a) by deleting the sub-heading immediately above section 17 and substituting the following sub-heading:

*“Subordinate Courts”;*

- (b) by deleting the words “District Court” wherever they appear in section 17(1) and (2) and in the marginal note and substituting in each case the words “subordinate court”; and
- (c) by deleting the words “District Court” in the 2nd line of section 25(1) and substituting the words “subordinate court”.

### **Amendment of Housing Developers (Control and Licensing) Act**

6. The Housing Developers (Control and Licensing) Act (Cap. 130, 1985 Ed.) is amended —

- (a) by deleting the word “or” at the end of paragraph (c) of the definition of “housing developer” in section 2;
- (b) by deleting the comma at the end of paragraph (d) of the definition of “housing developer” in section 2 and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

*“(e) limited liability partnership,”;*

- (c) by deleting the full-stop at the end of the definition of “licensed housing developer” in section 2 and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““limited liability partnership” and “limited liability partnership agreement” have the same meanings as in section 2(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

“manager”, in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005.”;

(d) by deleting subsections (2) and (3) of section 4 and substituting the following subsections:

“(2) A housing developer that desires to carry out or undertake housing development in Singapore may apply to the Controller in the prescribed form for a licence and shall supply —

- (a) if a company, a copy of the memorandum of association and articles of association or other instrument under which the company is incorporated;
- (b) if a group of persons or a partnership, a copy of any agreement between those persons or the partnership agreement, as the case may be;
- (c) if a society, the rules or by-laws of the society;
- (d) if a limited liability partnership, a copy of its limited liability partnership agreement or, in the absence of such agreement in writing, any other document which sets out the mutual rights and duties of the partners of the limited liability partnership;
- (e) a copy of the latest balance-sheet of the partnership, society, company or limited liability partnership or, in the case of a person or group of persons, the balance-sheet, if any, relating to any housing development undertaken by the person or group of persons; and
- (f) such other information as may be required by the Controller.

(3) Any copy of any memorandum, articles of association, agreement, partnership agreement, limited liability partnership agreement or other document to that effect, rules or by-laws of a society or balance-sheet which is supplied to the Controller under

subsection (2) shall be duly verified by a statutory declaration by the following person:

- (a) in the case of a company, by a senior officer of the company;
  - (b) in the case of a partnership, by a partner;
  - (c) in the case of a society, by the president or the secretary or person holding a position analogous to that of president or secretary;
  - (d) in the case of a person or group of persons, by that person or by any person in the group of persons; and
  - (e) in the case of a limited liability partnership, by its manager.”;
- (e) by deleting the words “or society” in section 5(b) and substituting the words “, society or limited liability partnership”;
- (f) by deleting the word “or” at the end of section 5(c)(ii);
- (g) by inserting, immediately after sub-paragraph (iii) of section 5(c), the following sub-paragraph:
  - “(iv) a limited liability partnership, as manager or in a position analogous to that of manager; or”;
- (h) by deleting the comma at the end of paragraph (c) of section 8(1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:
  - “(d) if a limited liability partnership, in the limited liability partnership agreement or other document to that effect,”;
- (i) by inserting, immediately after the words “co-operative societies, societies” in the 2nd line of section 25(1), the words “, limited liability partnerships”; and
- (j) by inserting, immediately after the word “society” in the 2nd line of section 27(1), the words “, limited liability partnership”.

## **Amendment of Medicines Act**

7. Section 20(5) of the Medicines Act (Cap. 176, 1985 Ed.) is amended by deleting the words “subsection (1), (2) or (3)” and substituting the words “subsection (1), (2), (3)