

Skills Development Levy (Amendment) Bill

Table of Contents

Bill No: 25/1996

Read the first time: 27th August 1996

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 3

3 Amendment of section 6

4 Amendment of section 8

5 Repeal and re-enactment of section 9

6 Amendment of section 10

7 Repeal and re-enactment of section 11

8 Amendment of section 12

9 New section 12A

10 New sections 13A and 13B

11 Amendment of section 14

12 Repeal of section 16

13 Repeal of sections 17 and 18 and re-enactment of section 17

14 Repeal and re-enactment of section 22

15 Repeal and re-enactment of section 23

16 Repeal of Schedule and new First and Second Schedules

Explanatory Statement

Expenditure of Public Money

Skills Development Levy (Amendment) Bill

Bill No. 25/1996

Read the first time on 27th August 1996.

An Act to amend the Skills Development Levy Act (Chapter 306 of the 1992 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 Skills Development Levy (Amendment) Act 1996 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 3

2. Section 3(4) of the Skills Development Levy Act (referred to in this Act as the principal Act) is amended by deleting the word “Government” and substituting the word “Board”.

Amendment of section 6

3. Section 6 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) The Fund shall consist of —

- (a) the proceeds of the skills development levy collected under this Act;
- (b) all penalties, fines and costs recovered from proceedings under this Act;
- (c) all sums received for the composition of any offence under section 14;
- (d) all moneys contributed by the Government to the Fund under section 7 and such other contributions to the Fund as the Minister may specify from moneys provided by Parliament;
- (e) all donations and gifts accepted by the Board for the Fund;
- (f) all honorariums and other payments accepted by the Board for any services rendered by the Board in connection with the performance of its functions under this Act; and
- (g) any interest, dividends and other income derived from the investment of moneys in the Fund.”.

Amendment of section 8

4. Section 8 of the principal Act is amended —

- (a) by deleting the words “persons in employment” in subsections (1)(a) and (2)(a) and substituting in each case the words “persons preparing to join the workforce, persons in the workforce and persons rejoining the workforce”; and
- (b) by deleting paragraphs (c) and (d) of subsection (2) and substituting the following paragraphs:
 - “(c) for defraying or subsidising the costs incurred by the Board or by any employer or training institution in the training or retraining of persons preparing to join the workforce, persons in the workforce and persons rejoining the workforce to acquire better skills or expertise; and
 - (d) for such other purposes, not inconsistent with the objects of the Fund, as the Minister may approve.”.

Repeal and re-enactment of section 9

5. Section 9 of the principal Act is repealed and the following section substituted

therefor:

“Transfer to Board of moneys in Fund and administration of Fund

9.—(1) Upon the commencement of the Skills Development Levy (Amendment) Act 1996, all moneys in and belonging to the Fund and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to the Fund shall be transferred to and shall vest in the Board without further assurance.

(2) The Board shall administer the Fund in accordance with the provisions of this Act and shall collect the skills development levy and disburse grants and loans from the Fund for the purposes of this Act.

(3) The Board shall have power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.”.

Amendment of section 10

6. Section 10 of the principal Act is amended —

- (a) by deleting the words “, with the approval of the Minister,” in subsections (1) and (2);
- (b) by deleting the words “, not exceeding such percentage of the total amount of contributions as the Minister may direct,” in the second and third lines of subsection (3); and
- (c) by deleting subsection (5).

Repeal and re-enactment of section 11

7. Section 11 of the principal Act is repealed and the following section substituted therefor:

“Investment

11. The Board may invest the moneys belonging to the Fund and available for investment in accordance with the provisions of the Trustees Act [Cap. 337] as to the investment of trust funds or, with the approval of the Minister, in any other manner.”.

Amendment of section 12

8. Section 12 of the principal Act is amended by deleting subsection (2).

New section 12A

9. The principal Act is amended by inserting, immediately after section 12, the following section:

“Offences by body corporate, etc.

12A. Where an offence under this Act or any regulations made thereunder has been committed by any body corporate, partnership, society or other unincorporated association of persons, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer thereof, or was purporting to act in any such capacity shall be guilty of that offence unless he proves that —

- (a) the offence was committed without his consent or connivance; and
- (b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.”.

New sections 13A and 13B

10. The principal Act is amended by inserting, immediately after section 13, the following sections:

“Power to obtain information and call for returns

13A.—(1) The Board or any officer, employee or agent of the Board authorised by the Board in that behalf may by notice in writing require —

- (a) any person to furnish, within the time specified in the notice, any information that may be required by the Board or the officer, employee or agent of the Board (as the case may be) for the purpose of inquiring into or ascertaining —
 - (i) the liability of such person or any other person to pay the levy, or whether the levy has been duly paid;
 - (ii) the truth or correctness of any statement which has been made, or of any information which has been given, by a person who has applied to the Board for a grant or loan from the Fund; or
 - (iii) whether any grant or loan from the Fund has been properly applied by the person to whom the grant or loan has been made; and
- (b) any employer, within the time specified in the notice, to complete and deliver to the Board or the officer, employee or agent of the Board (as