

PART I PRELIMINARY

PART I PRELIMINARY

1 Short title

Short title

1.

This Act may be cited as the Standards, Productivity and Innovation Board Act.

[18/2002]

2 Interpretation

Interpretation

2.

In this Act, unless the context otherwise requires —

"Board" means the Standards, Productivity and Innovation Board established under section 3;

"certification mark" means a certification mark of the Board referred to in section 7 (2) (i);

"Chairman" means the Chairman of the Board and includes any temporary Chairman of the Board;

"chief executive" means the chief executive of the Board appointed under section 12 and includes any person acting in that capacity;

"industry" includes any trade, manufacturing or service industry and other related activities;

"inspector" means an inspector appointed under section 9;

"licence" means a licence granted or renewed by the Board for the use of a certification mark;

"mark" includes any device, brand, heading, label, ticket, pictorial

representation, name, signature, word, letter or numeral or any combination thereof;

"process" means any practice, system, procedure or activity in any industry, and includes any process for —

(a) the design, manufacture, construction, installation, operation or maintenance of products, instruments, plant or equipment; and

(b) the design, administration or operation of any system of quality management or testing;

"product" means any commodity, article or substance, artificial or natural or partly artificial or natural, or whether tangible or intangible, or whether raw or partly or wholly processed or manufactured, and includes any service;

"quality control" means a process, carried out at any time, including inspection, tests, record keeping or otherwise, to ascertain whether or to ensure that a product satisfies any standard applicable to it;

"quality management" includes the setting of quality objectives and quality control, organisation, delineation of responsibilities, training, control of documentation and management of rejects and complaints to achieve those quality objectives;

"registering authority" means any authority competent under any written law to register a company, firm or other body of persons, or a trade mark or design;

"Singapore Standard" means a standard referred to in section 7 (2) (h);

"standard" means a code, definition, classification, specification or description of a product or process, as far as possible, by reference to its procedure, safety requirement, mode of manufacture, nature, material, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics or any combination of the same;

"trade mark" has the same meaning as in the Trade Marks Act (Cap. 332).

[18/2002]

PART II ESTABLISHMENT, INCORPORATION AND

CONSTITUTION OF BOARD

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

3 Establishment and incorporation of Standards Productivity and Innovation Board

Establishment and incorporation of Standards, Productivity and Innovation Board

3.

— (1) There is hereby established a body to be known as the Standards, Productivity and Innovation Board which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of

(a) suing and being sued;

(b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and

(c) doing and suffering all such acts or things as bodies corporate may lawfully do or suffer.

[18/2002]

(2) The Board may perform any of its functions or carry out any of its duties under the business name of SPRING Singapore, or such other business name as the Minister may, by notification in the *Gazette*, specify.

[18/2002]

4 Common seal

Common seal

4.

— (1) The Board shall have a common seal, and such seal may, from time to time, be broken, changed, altered and made anew as the Board thinks fit.

(2) All deeds, documents or other instruments requiring the seal of the Board shall be sealed with the common seal of the Board in the presence of the

Chairman and one other member of the Board or the chief executive, who shall sign every deed, document or other instrument to which the common seal is affixed.

(3) Such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Board.

(4) The Board may, by resolution or otherwise in writing, appoint an employee of the Board or any other agent either generally or in a particular case to execute or sign on behalf of the Board an agreement or other instrument not under seal in relation to any matter within the functions of the Board.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

5 Constitution of Board

Constitution of Board

5.

— (1) The Board shall consist of the following members:

(a) a Chairman;

(b) the chief executive; and

(c) not less than 6 and not more than 16 other members from such sectors or classes of persons as the Minister may consider appropriate, including the Government, employers, trade unions, businesses, professionals and the academic staff of the institutions of higher learning in Singapore.

[18/2002]

(2) The First Schedule shall apply to the Board, its members and proceedings.

PART III FUNCTIONS AND POWERS OF BOARD

PART III

FUNCTIONS AND POWERS OF BOARD

6 Functions of Board

Functions of Board

6.

— (1) The functions of the Board shall be —

(a) to raise total factor productivity and improve Singapore' s competitiveness through productivity and innovation promotion, domestic sector development, standards, conformance and any other activity considered necessary or desirable;

(b) to promote, facilitate and assist in the development and upgrading of skills and expertise of persons preparing to join the workforce, persons in the workforce and persons rejoining the workforce, and to support the growth of small and medium enterprises and any other enterprise requiring its assistance;

(c) *Deleted by Act 14/2003, wef 01/09/2003.*

(d) to assess and certify persons for achievements in productivity, innovation, skills or standards;

(e) to register management systems personnel;

(f) to promote and facilitate the national standardisation programme and the participation of Singapore in international standardisation activities;

(g) to be the accreditation body for the assessment and accreditation of bodies and institutions whose activities include sampling, testing, calibration, inspection or certification;

(h) to designate, appoint, authorise or recognise for any purpose any person who performs conformity assessment and any person who performs any test relating to conformity assessment, and to perform all functions necessary or incidental thereto, including —

(i) determining the qualifications of such persons;

(ii) controlling and regulating the practice of such persons;

(iii) suspending, lifting the suspension of or withdrawing the designation, appointment, authorisation or recognition of such persons; and

(iv) establishing, maintaining and developing the standards of practice, and professional conduct and ethics, of such persons;

- (i) to serve as the national productivity, innovation and standards body, and to advise the Government and industrial, commercial, trading and other organisations in respect of matters relating to productivity, innovation and standards;
- (j) to represent the Government internationally in respect of matters relating to productivity, innovation, standards and conformity assessment; and
- (k) to administer the Weights and Measures Act (Cap. 349); and
- (l) to perform such other functions as are conferred on the Board by any other written law.

[18/2002]

- (1A) In carrying out its functions, the Board shall have regard to the policies and directions of the Research, Innovation and Enterprise Council established under the National Research Fund Act 2006.
- (2) Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.
- (3) In addition to the functions and duties imposed by this section, the Board may undertake such other functions as the Minister may assign to the Board and in so doing, the Board shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Board in respect of such functions.

7 Powers of Board

Powers of Board

7.

— (1) The Board shall have all such powers and may perform all such duties as it may consider necessary or expedient to enable it to carry out its functions under this Act.

(2) Without prejudice to the generality of subsection (1) or to any other power conferred by this Act, the Board may —

(a) establish, administer and operate any scheme considered necessary or desirable to the development and upgrading of skills and expertise of persons

preparing to join the workforce, persons in the workforce and persons rejoining the workforce, the development and upgrading of the domestic sectors, the promotion of productivity, innovation, standards, standardisation and conformity assessment;

(b) collect, compile, analyse and disseminate by any convenient means information of a statistical nature or otherwise concerning matters relating to its functions;

(c) provide information resources on matters relating to productivity, innovation and standards;

(d) publish or sponsor the publication of periodicals, booklets and other written materials and produce or sponsor the production of films and other audio-visual works on matters relating to productivity and standards;

(e) promote and undertake publicity in any form on matters relating to productivity and standards;

(f) organise courses, seminars, workshops and conferences in furtherance of its functions and award certificates of proficiency to persons who attend such courses, seminars, workshops and conferences;

(g) conduct tests of proficiency on matters relating to productivity, innovation and standards;

(h) establish and publish, from time to time, by notification in the *Gazette*, the Singapore Standard in relation to any product or process;

(i) specify, by notification in the *Gazette*, all the certification marks of the Board for use in relation to any function of the Board and control the use of such certification marks;

(j) inspect, examine or test materials, products and processes with a view to evaluating their quality, safety, serviceability and other characteristics and report thereon, and control the use of such reports;

(k) *Deleted by Act 54/2007, wef 01/01/2008.*

(l) *Deleted by Act 54/2007, wef 01/01/2008.*

(m) undertake such accreditation and conformity assessment activities as the Board considers necessary for the upgrading of quality standards in industry or for gaining international recognition and acceptance of conformity declarations issued by accredited certification bodies;

- (n) initiate and undertake or enter into contractual testing, consultancy, research and development projects in pursuance of its functions under this Act;
- (o) prescribe and levy fees and charges for any of the purposes of this Act and recover any costs and expenses incurred as provided by regulations;
- (p) receive donations, grants, gifts and contributions from any source and raise funds by all lawful means;
- (q) act as agent for the Government or, with the approval of the Government, for any other person in the transaction of any business with a business enterprise in respect of loans or advances granted or debentures subscribed by the Government or such other person;
- (r) form or participate —
- (i) in the formation of any company for the purpose of carrying out all or any of the functions of the Board;
- (ii) with the approval of the Minister, in the formation of any company for such other purposes as may be approved by the Minister; and
- (iii) in any joint venture or partnership;
- (s) admit as a subscribing member of the Board any person, company or firm whose activities relate to the functions of the Board;
- (t) grant loans to officers or employees of the Board for any purposes specifically approved by the Board as are likely to increase the efficiency of its officers or employees;
- (u) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers and employees of the Board and members of their families;
- (v) provide training for officers or employees of the Board and award scholarships or otherwise pay for such training; and
- (w) do such other acts as appear to the Board to be incidental or necessary to the discharge of its functions under this Act.

[18/2002]

(3) This section shall not be construed as limiting any power of the Board conferred by or under any other written law.

8 Directions by Minister

Directions by Minister

8.

— (1) The Minister may give to the Board such directions not inconsistent with the provisions of this Act as he thinks fit as to the carrying out by the Board of its functions under this Act and the Board shall give effect to such directions.

(2) The Board shall furnish the Minister with such information or facilities for obtaining information in respect of its property or the carrying out of its functions in such manner and at such times as the Minister may reasonably require.

9 Appointment of inspectors

Appointment of inspectors

9.

The Board may appoint such number of inspectors as may be necessary to assist it in carrying out its functions or in exercising its powers, as provided in this Act, and for this purpose the Board may assign to them such duties, not inconsistent with the provisions of this Act, as it may think fit.

10 Power of entry and inspection

Power of entry and inspection

10.

An inspector appointed under section 9, a senior officer of the Board authorised in writing in that behalf by the Chairman or the chief executive or a police officer not below the rank of sergeant may between the hours of 6 a.m. and 6 p.m. enter and inspect, and take samples from, a place where he has reason to believe that there are —

(a) products or processes in respect of which a certification mark or

colourable imitation thereof is being used in contravention of this Act; or

(b) products or processes which a person claims conform to a Singapore Standard when in fact they do not.

11 Appointment of committees and delegation of powers

Appointment of committees and delegation of powers

11.

— (1) The Board may, in its discretion, appoint from among its own members or from among other persons who are not members of the Board such number of committees for purposes which, in the opinion of the Board, would be better regulated and managed by means of those committees.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any committee appointed under subsection (1) or to the Chairman or any member, officer or employee of the Board or to any other person as the Board thinks fit, any of its functions or powers under section 6 or 7.

(3) Any function or power delegated under subsection (2) may be exercised or performed by the committee or the person to whom it has been delegated, as the case may be, in the name and on behalf of the Board.

(4) The Board may continue to exercise any of its functions or powers under this Act, notwithstanding the delegation of such function or power under this section.

PART IV PROVISIONS RELATING TO STAFF

PART IV
PROVISIONS RELATING TO STAFF

12 Appointment of chief executive

Appointment of chief executive

12.

— (1) The Board shall, with the approval of the Minister, appoint a chief

executive of the Board on such terms and conditions as the Board may think fit.

(2) The chief executive shall —

(a) be known by such designation as the Board may determine;

(b) be responsible to the Board for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board; and

(c) not be removed from office without the consent of the Minister.

(3) If the chief executive is temporarily absent from Singapore, or is temporarily incapacitated by illness or for any other reason temporarily unable to perform his duties, another person may be appointed by the Board to act in the place of the chief executive during any such period of absence from duty.

13 Appointment of employees

Appointment of employees

13.

The Board may —

(a) appoint such number of employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their services or exercise disciplinary control over them in accordance with their terms of service; and

(b) engage and remunerate for their services such persons or agents as the Board considers necessary for carrying out its functions and duties.

14 Protection from personal liability

Protection from personal liability

14.

—(1) No suit or other legal proceedings shall lie against any member, officer or employee of the Board or any other person acting under the direction of the Board for anything which is in good faith done or intended to be done in the

execution or purported execution of this Act.

(2) The fact that —

(a) a product or process conforms or is alleged to conform to a Singapore Standard; or

(b) a certification mark is used in connection with, in respect of or in relation to, a product or process,

shall not give rise to a claim against the Board or the Government.

15 Public servants

Public servants

15.

All members, officers and employees of the Board (including persons seconded to the Board for any period) shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

PART V FINANCIAL PROVISIONS

PART V
FINANCIAL PROVISIONS

16 Funds and property of Board

Funds and property of Board

16.

The funds and property of the Board shall consist of —

(a) any moneys appropriated by Parliament for the purposes of the Board;

(b) all moneys paid to the Board for the purposes of the Board;

(c) all moneys paid to the Board by way of grants, subsidies, donations, gifts, fees, charges, rents, interest, dividends and royalties;

(d) all moneys derived from the sale of any property belonging to or held by

or on behalf of the Board;

- (e) all moneys derived by the Board from the sale of its publications;
- (f) all moneys received by the Board for services rendered by it or by any practice or process developed by it;
- (g) all moneys, dividends or income received from any transactions made pursuant to the powers conferred on the Board by this Act;
- (h) all other moneys and property lawfully received by the Board for the purposes of the Board; and
- (i) all accumulations of income derived from any such property or money.

17 Application of revenue

Application of revenue

17.

— (1) The revenue of the Board in a financial year shall be applied in payment of the following charges:

- (a) the interest and principal on any loan payable by the Board;
- (b) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Board;
- (c) the salaries, fees and allowances of the members of the Board;
- (d) the salaries, fees, allowances, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the employees, agents, and technical or other advisers of the Board;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Board, and the discharge of the functions of the Board properly chargeable to revenue accounts;
- (f) such sums as the Board may, with the approval of the Minister, consider appropriate to set aside in respect of the depreciation or renewal of the property of the Board; and

(g) any other expenditure authorised by the Board and properly chargeable to revenue.

(2) The balance of the revenue of the Board shall be applied for the creation of a general reserve or such other reserves or capital fund, or for such other purposes, as the Board may consider appropriate.

[18/2002]

18 Bank accounts and application of moneys

Bank accounts and application of moneys

18.

— (1) The Board may open and maintain an account or accounts with such bank or banks as the Board thinks fit.

(2) Every such account under subsection (1) shall be operated upon by such person or persons as may from time to time be authorised in that behalf by the Board.

[18/2002]

(3) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

19 Power of investment

Power of investment

19.

The Board may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

20 Estimates

Estimates

20.

— (1) The Board shall in every year prepare or cause to be prepared and adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates of expenditure may be adopted by the Board.

21 Grants

Grants

21.

For the purpose of enabling the Board to carry out its functions under this Act, the Minister may from time to time make grants to the Board of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

22 Power to borrow

Power to borrow

22.

The Board may, for the purposes of this Act —

- (a) raise loans from the Government; or
- (b) with the approval of the Minister, raise capital from banks and other financial institutions whether in Singapore or elsewhere by way of mortgage, overdraft or otherwise, with or without security,

as it may require for the discharge of its functions under this Act.

23 Issue of shares etc.

Issue of shares, etc.

23.

As a consequence of the vesting of any property, rights or liabilities of the Government in the Board under this Act, or of any capital injection or other investment by the Government in the Board in accordance with any written law,

the Board shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[22A
[5/2002]

24 Financial provisions

Financial provisions

24.

The financial provisions set out in the Second Schedule shall apply to the Board.

[23

PART VI TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

25 Transfer to Board of property assets and liabilities of National Productivity Board and Singapore Institute of Standards and Industrial Research

Transfer to Board of property, assets and liabilities of National Productivity Board and Singapore Institute of Standards and Industrial Research

25.

— (1) As from 1st April 1996, all movable and immovable property vested in —

(a) the National Productivity Board; and

(b) the Singapore Institute of Standards and Industrial Research,

and all assets, interests, rights, privileges, liabilities and obligations of the National Productivity Board and the Singapore Institute of Standards and

Industrial Research shall be transferred to and shall vest in the Board without further assurance.

(2) Any immovable property to be transferred to and vested in the Board under subsection (1) shall be held by the Board upon such tenure and subject to such terms and conditions as the President may determine.

[24

26 Transfer of employees

Transfer of employees

26.

— (1) As from 1st April 1996, such categories of persons employed immediately before that date in —

(a) the National Productivity Board; and

(b) the Singapore Institute of Standards and Industrial Research,

as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Board, the schemes and terms and conditions of service in the National Productivity Board or the Singapore Institute of Standards and Industrial Research, as the case may be, shall continue to apply to every person transferred to the service of the Board under subsection (1) as if he were still in the service of the National Productivity Board or the Singapore Institute of Standards and Industrial Research.

[25

27 Existing contracts

Existing contracts

27.

All deeds, bonds, agreements, instruments and arrangements subsisting immediately before 1st April 1996 to which the National Productivity Board or the Singapore Institute of Standards and Industrial Research is a party shall —

(a) continue in force on and after that date; and

(b) be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the National Productivity Board or the Singapore Institute of Standards and Industrial Research, as the case may be.

[26

28 Pending legal proceedings

Pending legal proceedings

28.

Any proceedings or cause of action pending or existing immediately before 1st April 1996 by or against the National Productivity Board or the Singapore Institute of Standards and Industrial Research may be continued and shall be enforced by or against the Board.

[27

29 Continuation and completion of disciplinary proceedings

Continuation and completion of disciplinary proceedings

29.

— (1) Where on 1st April 1996 —

(a) any disciplinary proceedings were pending against any employee of the National Productivity Board or the Singapore Institute of Standards and Industrial Research transferred to the service of the Board under section 26, the proceedings shall be carried on and completed by the Board; and

(b) any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

(2) Any order, ruling or direction made by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the Board and

have the same force or effect as if it had been made by the Board pursuant to the authority vested in the Board under this Act.

[28

30 Misconduct or neglect of duty by employee before transfer

Misconduct or neglect of duty by employee before transfer

30.

The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under section 26 for any misconduct or neglect of duty committed prior to 1st April 1996 which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the National Productivity Board or the Singapore Institute of Standards and Industrial Research, as the case may be, and if this Act had not been enacted.

[29

PART VII MISCELLANEOUS PROVISIONS

PART VII
MISCELLANEOUS PROVISIONS

31 Annual report

Annual report

31.

The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister, a report of its activities and operations during the preceding financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

[30

32 Symbol or representation of Board

Symbol or representation of Board

32.

— (1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the Board'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 \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[31]

33 Prohibition of improper use of certification mark report or certificate

Prohibition of improper use of certification mark, report or certificate

33.

— (1) Except under a licence granted under this Act, no person shall use, in respect of or in relation to a product or process, or in a trade mark or design, a certification mark or a colourable imitation thereof.

(2) No person shall, notwithstanding that he has been granted a licence under this Act, use in respect of or in relation to a product or process a certification mark or a colourable imitation thereof or a report or a certificate issued by the Board in contravention of this Act.

[18/2002]

(3) No person shall forge or, without lawful authority, alter a report or a certificate issued by the Board.

[18/2002]

(4) Any person who contravenes any of the provisions of 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) Notwithstanding the provisions of any other written law, a District Court shall have the power to impose the maximum penalties 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 shall be forfeited to the Government.

[32

34 Prohibition of publication etc. of Singapore Standard

Prohibition of publication, etc., of Singapore Standard

34.

—(1) Except as provided in this Act, no person shall establish, accept, adopt or publish in relation to a product or process any standard which purports, expressly or impliedly, to be a Singapore Standard within the meaning of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

[33

35 False statements etc. as to conformity with Singapore Standard

False statements, etc., as to conformity with Singapore Standard

35.

—(1) No person shall make any statement or representation, whether in writing or not, or use any mark which conveys or is likely to convey the impression that a product or process conforms to a Singapore Standard when in fact it does not.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

[34

36 Prohibition of registration in certain cases

Prohibition of registration in certain cases

36.

Notwithstanding anything in any written law, except where consent has been granted by the Board, no registering authority shall —

(a) register any company, firm or other body of persons which bears any name; or

(b) register a trade mark or design which bears any name or mark,

if the use of the name or mark is in contravention of section 33 (1) or (2), or if the name or mark contains or consists of the words “Singapore Standard” or the expression “SISIR” or “SISIR Mark” or the names “Standards, Productivity and Innovation Board”, “SPRING Singapore” or “Singapore Productivity and Standards Board” in any form, or if the name or mark so nearly resembles any of the same as to deceive or be likely to deceive the public.

[35
[18/2002]

37 Obstructing officers of Board

Obstructing officers of Board

37.

A person who obstructs or hinders an inspector or an officer of the Board acting in the discharge of his duty under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[36

38 Proceedings conducted by officers of Board

Proceedings conducted by officers of Board

38.

Proceedings in respect of an offence under this Act may, with the consent of the Attorney-General, be conducted by an officer of the Board who is authorised in writing in that behalf by the Chairman or the chief executive.

[37

39 Offence by body corporate

Offence by body corporate

39.

Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

40 Preservation of secrecy

Preservation of secrecy

40.

—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been a member, an officer, employee or agent of the Board or a member of a committee of the Board shall disclose any information relating to the affairs of the Board or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(2) Any 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.

41 General penalty

General penalty

41.

A person guilty of a contravention of any provision of this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

42 Composition of offences

Composition of offences

42.

— (1) The Board may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) All sums collected under this section shall be paid to the Board.

43 Regulations

Regulations

43.

— (1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act and for prescribing any matter which may be prescribed under this Act.

(2) Without prejudice to the generality of subsection (1), the Board may make regulations with regard to the following matters:

(a) the test of proficiency in courses conducted by the Board;

(b) subscribing members;

(c) the manner of appointment, conduct and discipline and the terms and conditions of service of the officers and employees of the Board;

(d) the prescribing of fees and charges for the purposes of this Act; and

(e) the prescribing of offences which may be compounded under section 42.

(3) The Board may in making any regulations provide that any person who contravenes the regulations 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 2 years or to both.

[18/2002]

(4) All such regulations shall be presented to Parliament as soon as possible

44 Saving and transitional provisions

Saving and transitional provisions

44.

— (1) The change of the name of the Singapore Productivity and Standards Board to the Standards, Productivity and Innovation Board under the Singapore Productivity and Standards Board (Amendment) Act 2002 (Act 18 of 2002) shall not —

- (a) operate to create a new legal entity;
- (b) prejudice or affect the identity of the body corporate constituted by the Board or its continuity as a body corporate;
- (c) affect the exercise of any right, or the enforcement of any obligation by or against the Board, or any other person; or
- (d) render defective any legal proceedings by or against the Board,

and any legal proceedings that might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name “Standards, Productivity and Innovation Board” .

[18/2002]

(2) Any reference in any document to the Singapore Productivity and Standards Board and to the Singapore Productivity and Standards Board Act shall be read as a reference to the Standards, Productivity and Innovation Board and the Standards, Productivity and Innovation Board Act, respectively.

[18/2002]

(3) Any contract, arrangement or other transaction purporting to be entered into by the Standards, Productivity and Innovation Board, or by any person on behalf of the Standards, Productivity and Innovation Board, on or after 1st April 2002 but prior to the enactment of this Act shall bind the Standards, Productivity and Innovation Board and the Board shall be entitled to the benefit thereof as if it had been a party to the contract, arrangement or transaction, as the case may be.

[18/2002]

CONSTITUTION AND PROCEEDINGS OF BOARD

Appointment of Chairman, Deputy Chairman and other members

1.

— (1) The Minister shall appoint the Chairman and the other members of the Board.

(2) The Minister may appoint one of the members of the Board to be the Deputy Chairman; and the Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

Term of office of members

2.

The Chairman, the Deputy Chairman and every other member of the Board shall, unless their appointment is revoked or they resign during their term of office, hold office on such terms and conditions and for such period as the Minister may determine.

Temporary Chairman or Deputy Chairman

3.

The Minister may appoint any member of the Board to be a temporary Chairman or Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

Temporary members

4.

The Minister may appoint any person to be a temporary member of the Board during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

5.

The Minister may, at any time, revoke the appointment of the Chairman, Deputy Chairman or any member of the Board without assigning any reason.

Resignation

6.

Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Chairman may delegate functions

7.

The Chairman may, in writing, authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Vacation of office

8.

The office of a member of the Board shall become vacant —

- (a) if he becomes in any manner disqualified from membership of the Board;
- (b) if he fails to attend 3 consecutive meetings of the Board without sufficient cause (the sufficiency thereof to be decided by the Board);
- (c) if he resigns from his office; and
- (d) on his death.

Filling of vacancies

9.

If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

Disqualification from membership

10.

No person shall be appointed or shall continue to hold office as a member of the Board if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

Disclosure of interest by members

11.

— (1) A member of the Board who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

(3) No act or proceedings of the Board shall be questioned on the ground that a member of the Board has contravened this paragraph.

(4) This paragraph shall apply to any member of a committee appointed in accordance with section 11 (1) when any member of the Board is present at a meeting of the committee.

Salaries, fees and allowances payable to members

12.

There shall be paid to the Chairman, Deputy Chairman and other members of the Board out of the funds of the Board such salaries, fees and allowances as the

Minister may, from time to time, determine.

Meetings and proceedings of Board

13.

— (1) The Board shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) The Chairman shall summon meetings as often as may be required but not less than once in 3 months.

(3) At every meeting of the Board, 4 members shall form a quorum.

(4) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Board.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the Chairman appoints shall preside at that meeting.

(6) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

(7) The Board may act notwithstanding any vacancy in its membership.

(8) Subject to the provisions of this Act, the Board may make rules to regulate its own procedure and, in particular, for the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of proceedings

14.

The validity of any proceedings of the Board shall not be affected by any defect in the appointment of any member or by any contravention of paragraph 11 by any member.

[18/2002]

SECOND SCHEDULE

Section 24

FINANCIAL PROVISIONS

Financial year

1.

The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year.

Accounts of Board

2.

The Board shall keep proper accounts and records of its transactions and affairs and shall 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 assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

Financial statements

3.

The Board shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that financial year to the auditor who shall audit and report on them.

Auditor

4.

The accounts of the Board shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

Appointment of auditor

5.

A person shall not be qualified for appointment as an auditor under paragraph 4 unless he is an approved company auditor under the Companies Act (Cap. 50).

Remuneration of auditor

6.

The remuneration of the auditor shall be paid out of the funds of the Board.

Duties of auditor

7.

The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Board whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Board during the financial year have been in accordance with this Act; and
- (d) such other matters arising from the audit as he considers should be reported.

Auditor' s report

8.

— (1) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Board.

(2) The auditor may at any other time report to the Minister through the Board upon any matter arising out of the performance of his audit.

Powers of auditor

9.

— (1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Board.

(2) The auditor or a person authorised by him may make copies of, or extracts from, any such accounting and other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which

that person has access as the auditor considers necessary for the purposes of his functions under this Act.

Penalty for obstructing auditor

10.

Any person who —

(a) fails, without reasonable excuse, to comply with any requirement of the auditor or authorised person under paragraph 9; or

(b) otherwise hinders, obstructs or delays the auditor or authorised person in the performance of his functions under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of audited financial statements and auditor' s report

11.

As soon as the accounts of the Board and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman and certified by the auditor, together with a copy of any report made by the auditor, shall be submitted to the Minister.

Copy of auditor' s report for Auditor-General

12.

Where the Auditor-General is not the auditor of the Board, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.

Presentation to Parliament

13.

The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor' s report to be presented to

Parliament.

LEGISLATION HISTORY

1. Act 1 of 1996 — Singapore Productivity and Standards Board Act 1995

Date of First Reading : 1.11.95 (Bill No. 39/95 published on 2.11.95)
Date of Second and Third Readings : 5.12.95
Date of commencement : 1.4.96

2. Act 46 of 1998 — Trade Marks Act 1998 (Consequential amendments made by)

Date of First Reading : 12.10.98 (Bill No. 42/98 published on 13.10.98)
Date of Second and Third Readings : 26.11.98
Date of commencement : 15.1.99 (except section 54)
31.10.2000 (section 54)

3. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002 (Consequential amendments made by)

Date of First Reading : 3.5.2002 (Bill No. 7/2002 published on 4.5.2002)
Date of Second and Third Readings : 24.5.2002
Dates of commencement : 15.7.2002 (except item (18) of Schedule)
29.7.2002 (item (18) of Schedule)

4. Act 18 of 2002 — Singapore Productivity and Standards Board (Amendment) Act 2002

Date of First Reading : 14.5.2002 (Bill No. 15/2002 published on 15.5.2002)
Date of Second and Third Readings : 8.7.2002
Date of commencement : 1.4.2002
1.8.2002 (sections 9, 10, 11, 14 and 15)

COMPARATIVE TABLE

The following provisions in the 1996 Revised Edition of the Singapore Productivity and Standards Board Act (Cap. 303A) (now known as the Standards, Productivity and Innovation Board Act) have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Standards, Productivity and Innovation Board Act.

2002 Ed.	1996Ed.
4—(2) and (3)	4—(2)
(4) and (5)	(3) and (4)
7—(1) and (2)	7—(1)
(3)	(2)
11—(2) and (3)	11—(2)
(4)	(3)
18—(1) and (2)	18—(1)
23	22A
24	23
25	24
26	25
27	26
28	27
29	28
30	29
31	30
32	31
33	32
34	33
35	34
36	35
37	36
38	37
39	38
40	39
41	40

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43

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44—(1), (2) and (3)

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42

43—(1) and (2) (*spent*)

17 (saving and transitional provisions) of Singapore Productivity and Standards Board (Amendment) Act 2002 (Act 18/2002)

