

Employment of Foreign Manpower (Infringement and Appeal Board Proceedings) Regulations 2013

Table of Contents

Enacting Formula

Part I Preliminary

1 Citation and commencement

2 Definitions

Part II Commissioner for foreign manpower and other officers

3 Commissioner, Deputy and Assistant Commissioners

4 Secretary to Appeal Board

Part III Procedures for determination of prescribed infringements

5 Pre-inquiry conferences

6 Representative of Respondent

7 Discovery

8 Fixing of inquiry

9 Failure to attend inquiry

10 Taking of evidence at inquiry

11 Power to recall witnesses

12 Determination

13 Duplicate applications and concurrent applications and appeals

14 Procedure in connected cases

Part IV Appeal board

15 Service address for Appeal Board

16 Notice of appeal

17 Commissioner's record of proceedings

18 Submissions of appeal

19 Discontinuance

20 Withdrawal of appeal

21 Representative of Appellant

22 Quorum

23 Consideration of appeal outside meetings

24 Waiver of fees

Part V Offences

25 Offences in relation to Commissioner and Appeal Board

26 Recording and transmitting devices

THE SCHEDULE Fees

No. S 732

EMPLOYMENT OF FOREIGN MANPOWER ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER
(INFRINGEMENT AND APPEAL BOARD PROCEEDINGS)
REGULATIONS 2013

In exercise of the powers conferred by section 29 of the Employment of Foreign Manpower Act, Mr Tan Chuan-Jin, Senior Minister of State, charged with the responsibility of the Minister for Manpower, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Employment of Foreign Manpower (Infringement and Appeal Board Proceedings) Regulations 2013 and shall come into operation on 6th December 2013.

Definitions

2. In these Regulations —

“Appellant” means the person who is appealing against a determination or direction of the Commissioner;

“Chairman” means the chairman of the Appeal Board appointed under section 25H(1) of the Act;

“Commissioner” —

(a) means the Commissioner for Foreign Manpower referred to in regulation 3(a); and

(b) includes a Deputy Commissioner for Foreign Manpower and an Assistant Commissioner for Foreign Manpower referred to in regulation 3(b) and (c), respectively;

“inquiry” means an inquiry by the Commissioner into an alleged prescribed infringement under section 25C of the Act;

“Respondent” means a person who is alleged to have committed a prescribed infringement under the Act;

“secretary to the Appeal Board” means the secretary to the Appeal Board appointed under regulation 4.

PART II

COMMISSIONER FOR FOREIGN MANPOWER AND OTHER OFFICERS

Commissioner, Deputy and Assistant Commissioners

3. The authorised officers to whom the Controller of Work Passes has delegated the functions and powers conferred on the Controller under Part V of the Act are —

- (a) the Commissioner for Foreign Manpower;
- (b) any Deputy Commissioner for Foreign Manpower; and
- (c) any Assistant Commissioner for Foreign Manpower.

Secretary to Appeal Board

4. The Minister may appoint an authorised officer as secretary to the Appeal Board to provide administrative support to the Appeal Board.

PART III

PROCEDURES FOR DETERMINATION OF PRESCRIBED INFRINGEMENTS

Pre-inquiry conferences

5.—(1) For the purpose of any inquiry into an alleged prescribed infringement, the Commissioner may hold a pre-inquiry conference to settle any administrative matter in relation to the inquiry where the Commissioner considers it appropriate to do so.

(2) The Commissioner may —

- (a) fix the pre-inquiry conference at such date, time and place as the Commissioner may determine; and
- (b) cause a notice of the pre-inquiry conference to be served on the Respondent and in the notice call upon the Respondent to produce all evidence and witnesses which the Respondent wishes to tender at the pre-inquiry conference.

(3) At a pre-inquiry conference, the Commissioner may do all or any of the

following:

- (a) direct the Respondent to provide any evidence at the inquiry in such form and manner as the Commissioner may require;
- (b) give all such orders as appear to be necessary or desirable for securing the just, expeditious and economical disposal of the inquiry.

Representative of Respondent

6. Any appearance, application or act required to be made or done by the Respondent before or to the Commissioner may be made or done by the Respondent himself or by any of the following persons on behalf of the Respondent:

- (a) where the Respondent is a body corporate, by an authorised employee or officer of the body corporate in his permanent and exclusive employment;
- (b) where the Respondent is a society or an unincorporated association, by an authorised employee or officer of the society or unincorporated association, as the case may be.

Discovery

7.—(1) Pursuant to section 25C(2)(c) of the Act, the Commissioner may at any time order the Respondent to give discovery of the documents or articles which are or have been in the Respondent's possession, custody or power.

(2) Where an order for discovery is made, the Respondent remains under a duty to give discovery of all documents or articles falling within the scope of the order until the proceedings for the prescribed infringement are concluded.

(3) If the Respondent fails to comply with an order for discovery under paragraph (1), the Commissioner may do all or any of the following:

- (a) adjourn the inquiry to a later date;
- (b) draw such adverse inferences against the Respondent as may be appropriate;
- (c) make such determination or order as the Commissioner thinks appropriate.

Fixing of inquiry

8.—(1) If an inquiry is to be conducted by the Commissioner into an alleged prescribed infringement, it shall be held on such date, time and place as the Commissioner may determine.