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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 1 February 2021 and assented to by the President on 25 February 2021:—

REPUBLIC OF SINGAPORE

No. 5 of 2021.

I assent.

HALIMAH YACOB,

President.

25 February 2021.



An Act to amend the Electronic Transactions Act (Chapter 88 of the 2011 Revised Edition) and to make consequential and related amendments to the Bills of Lading Act (Chapter 384 of the 1994 Revised Edition) and the Contracts (Rights of Third Parties) Act (Chapter 53B of the 2002 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 is the Electronic Transactions (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of long title

2. The long title to the Electronic Transactions Act (called in this Act the principal Act) is amended by inserting, immediately after the words “23rd November 2005”, the words “, to adopt the UNCITRAL Model Law on Electronic Transferable Records adopted by the United Nations Commission on International Trade Law on 13 July 2017”.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by inserting, immediately after the definition of “electronic record” in subsection (1), the following definition:

““electronic transferable record” has the meaning given by section 16A;”;

(b) by inserting, immediately after the words “formation of a contract” in subsection (3)(c)(i), the words “, or the creation or use of electronic transferable records;”;

(c) by deleting the words “or an electronic mail address” in subsection (3)(d) and substituting the words “, an electronic mail address or other electronic address, or other elements of an information system”.

Amendment of section 3

4. Section 3 of the principal Act is amended —

(a) by deleting the word “and” at the end of paragraph (f); and

(b) by deleting the full-stop at the end of paragraph (g) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(h) to adopt the UNCITRAL Model Law on Electronic Transferable Records adopted by the United Nations Commission on International Trade Law on 13 July 2017 in its application to an electronic transferable record, whether the electronic transferable record is issued or used in Singapore or outside Singapore.”.

Amendment of section 13

5. Section 13(4) of the principal Act is amended by deleting the words “subsection (3)” and substituting the words “subsections (2) and (3)”.

New Part IIA

6. The principal Act is amended by inserting, immediately after section 16, the following Part:

“PART IIA

ELECTRONIC TRANSFERABLE RECORDS

Division 1 — General provisions

Interpretation of this Part

16A.—(1) In this Part, unless the context otherwise requires —

“bill of exchange” includes a bill of exchange within the meaning of the Bills of Exchange Act, or under any other rule of law, or the law of a country or territory outside Singapore;

“bill of lading” includes a bill of lading within the meaning of the Carriage of Goods by Sea Act, the Bills of Lading Act, or under any other rule of law, or the law of a country or territory outside Singapore;

“electronic record” means a record generated, communicated, received or stored by electronic means, including (where appropriate) all information

logically associated with or otherwise linked together so as to become part of the record, whether generated contemporaneously or not;

“electronic transferable record” means an electronic record that complies with all the requirements of section 16H;

“electronic transferable records management system” means an information system for the issuance, transfer, control, presentation and storage of electronic transferable records;

“Model Law” means the UNCITRAL Model Law on Electronic Transferable Records adopted by the United Nations Commission on International Trade Law on 13 July 2017;

“promissory note” includes a promissory note within the meaning of the Bills of Exchange Act, or under any other rule of law, or the law of a country or territory outside Singapore;

“provider”, in relation to an electronic transferable records management system, means a person that provides to another person the use of an electronic transferable records management system;

“transferable document or instrument” means a document or an instrument issued on paper that entitles the holder to claim the performance of the obligation indicated in the document or instrument and to transfer the right to performance of the obligation indicated in the document or instrument through the transfer of that document or instrument, and includes —

- (a) a bill of exchange;
- (b) a promissory note; and
- (c) a bill of lading.

(2) In the interpretation of any provision of this Part —

- (a) regard is to be had to the international origin of the Model Law and the need to promote uniformity in its application;
- (b) the following documents are relevant documents for the purposes of section 9A(3)(f) of the Interpretation Act:
 - (i) any document relating to the Model Law that is issued by, or that forms part of the record on the preparation of the Model Law maintained by, the United Nations Commission on International Trade Law and its working group for the preparation of the Model Law;
 - (ii) the Explanatory Note to the UNCITRAL Model Law on Electronic Transferable Records; and
- (c) any question concerning matters governed by this Part which are not expressly settled in this Part are to be settled in conformity with the general principles on which the Model Law is based.

Adoption of Model Law

16B.—(1) This Part adopts the Model Law in its application to an electronic transferable record in accordance with the provisions of this Part.

(2) Unless otherwise provided, nothing in this Part affects the application to an electronic transferable record of any rule of law governing a transferable document or instrument.

Additional information in electronic transferable records

16C. Nothing in this Part precludes the inclusion of any information in an electronic transferable record in addition to any information contained in a transferable document or instrument.