

Statutes (Miscellaneous Amendments) Bill

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Bill No: 14/2006

Read the first time: 8th November 2006

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Explanatory Statement

Expenditure of Public Money

Statutes (Miscellaneous Amendments) Bill

Bill No. 14/2006

Read the first time on 8th November 2006.

An Act to amend certain statutes of the Republic of Singapore.

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

Short title and commencement

1.—(1) This Act may be cited as the Statutes (Miscellaneous Amendments) Act 2006 and shall, with the exception of sections 2 and 3, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Section 2 shall have effect for the financial year ending on any date in 2007 and subsequent financial years.

(3) Section 3 shall have effect for —

- (a) records in respect of the basis period relating to the year of assessment 2008; and
- (b) records in respect of the basis period relating to each subsequent year of assessment.

PART I

AMENDMENTS TO WRITTEN LAWS RELATING TO RECORD-KEEPING

Amendment of Charities Act

2. The Charities Act (Cap. 37, 1995 Ed.) is amended —

- (a) by deleting the words “7 years” in section 12(3) and (4) and substituting in each case the words “5 years”; and
- (b) by deleting the words “7 years” in section 13(4) and substituting the words “5 years”.

Amendment of Income Tax Act

3. Section 67(1) of the Income Tax Act (Cap. 134, 2004 Ed.) is amended by deleting the words “7 years” in paragraph (a) and substituting the words “5 years”.

Amendments to other written laws

4. The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

Transitional provision

5.—(1) The amendment made to each Act by each item in the Schedule in respect of record-keeping shall apply in relation to any book, document or record required to be kept or retained under the relevant provision as specified in that item, whether the obligation to keep or retain such book, document or record first arises before, on or after the date of commencement of the amendment.

(2) Subsection (1) shall not apply in relation to any book, document or record if the period for which it is to be kept or retained under the relevant provision in force immediately before the date of commencement of the amendment made to that provision by the Schedule has expired by that date.

PART II

AMENDMENTS TO WRITTEN LAWS RELATING TO INTELLECTUAL PROPERTY

Amendment of Patents Act

6.—(1) The Patents Act (Cap. 221, 2005 Ed.) is amended —

(a) by deleting the definition of “formal requirements” in section 2(1) and substituting the following definition:

““formal requirements” means those requirements of this Act and the rules which are designated by the rules as formal requirements for the purposes of this Act;”;

(b) by inserting, immediately after the definition of “medicinal product” in section 2(1), the following definition:

““missing part”, in relation to an application for a patent, means —

(a) any drawing; or

(b) any part of the description of the invention for which the patent is sought,

which was missing from the application at the date of filing of the application;”;

(c) by deleting subsection (2) of section 17 and substituting the following subsections:

“(2) Where in or in connection with an application for a patent (referred to in this section as the application in suit) a declaration is made, whether by the applicant or any predecessor in title of his, complying with the relevant requirements of the rules and specifying one or more earlier relevant applications for the purposes of this section made by the applicant or a predecessor in title of his, and the application in suit has a date of filing, within the period referred to in

subsection (2A)(a) or (b), then —

- (a) if an invention to which the application in suit relates is supported by matter disclosed in the earlier relevant application or applications, the priority date of that invention shall, instead of being the date of filing the application in suit, be the date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them; and
- (b) the priority date of any matter contained in the application in suit which was also disclosed in the earlier relevant application or applications shall be the date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them.

(2A) For the purposes of subsection (2), the period is —

- (a) the period of 12 months immediately following the date of filing of the specified earlier relevant application or, if there is more than one relevant application, the earliest of them; or
- (b) where the Registrar has granted a request under subsection (2B), the period commencing immediately after the period referred to in paragraph (a) and ending at the end of such period as may be prescribed.

(2B) The applicant may make a request to the Registrar for the declaration referred to in subsection (2) to be made after the period referred to in subsection (2A)(a).

(2C) Where the applicant makes a request under subsection (2B), he shall, if he has failed to file the application in suit within the period referred to in subsection (2A)(a), indicate in the request whether his failure to file the application in suit within the period referred to in subsection (2A)(a) —

- (a) occurred in spite of due care required by the circumstances having been taken; or
- (b) was unintentional.