

Skills Development Levy (Amendment) Bill

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Bill No: 15/1991

Read the first time: 11th March 1991

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Expenditure of Public Money

Skills Development Levy (Amendment) Bill

Bill No. 15/1991

Read the first time on 11th March 1991.

An Act to amend the Skills Development Levy Act (Chapter 306 of the 1985 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 1991 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Skills Development Levy Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definitions of “Comptroller” and “Council”; and
- (b) by inserting, immediately before the definition of “employee”, the following definition:

“ “Board” means the National Productivity Board established under the National Productivity Board Act [Cap. 329];”.

Amendment of section 3

3. Section 3 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Without prejudice to any other remedy, the levy may be recovered as a debt due to the Board from the person accountable therefor.”.

Repeal of section 5

4. Section 5 of the principal Act is repealed.

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) by deleting the words “which shall be under the control and management of the Minister” in subsection (1);
- (b) by deleting the words “recovered for late payment,” in subsection (2) and substituting the words “, fines and costs recovered for proceedings under this Act,”; and
- (c) by deleting subsection (3) and substituting the following subsection:

“(3) The Fund shall, upon the commencement of the Skills Development Levy (Amendment) Act 1991, be transferred to and shall vest in the Board without further assurance.”.

Amendment of section 8

6. Section 8 (2) of the principal Act is amended by deleting the word “Minister” in the first line and substituting the word “Board”.

Repeal and re-enactment of sections 9 and 10, and new section 10A

7. Sections 9 and 10 of the principal Act are repealed and the following sections substituted therefor:

“Control and administration of the Fund

9.—(1) The Board shall control and administer the Skills Development Fund established under section 6, including the collection of the skills development levy and the disbursement of grants and loans from the Fund for the purposes of this Act.

(2) 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.

Delegation of functions of Board and reimbursement

10.—(1) The Board may, with the approval of the Minister, appoint such agents

(including the Government) as may be necessary for the purposes of this Act.

(2) The Board may, with the approval of the Minister, delegate all or any of its powers and functions under this Act to any employees or agents (including the Government) as they may appoint under subsection (1).

(3) The Board may pay to any person appointed under subsection (1) a fee, not exceeding such percentage of the total amount of contributions as the Minister may direct, for any services rendered in exercise of any powers and functions delegated to that person under this Act.

(4) The Board may use moneys from the Fund for all expenses incurred by the Board for the purposes of this Act.

(5) Any appointments and delegations made under this section shall be published in the *Gazette*.

Limitation of liability

10A. The liabilities of the Board arising from any matter concerning the Fund shall be limited to the amount of the Fund.”.

Amendment of section 11

8. Section 11 of the principal Act is amended by deleting the words “from time to time be invested in such manner or in any securities as may be authorised by the Minister” and substituting the words “be invested in such manner or securities as trustees may by any written law be authorised to invest or, with the approval of the Minister, in any other securities or investments”.

New section 11A

9. The principal Act is amended by inserting, immediately before section 12 in Part IV, the following section:

“Penalty for false return or information

11A.—(1) Any person who negligently or without reasonable excuse —

- (a) makes a return which is false in any material particulars; or
- (b) gives any false information in relation to any matter affecting his own or any other person’s liability to pay the levy,

shall be guilty of an offence and shall be liable on conviction to a penalty equal to the amount of the levy due and unpaid and to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person who wilfully with intent to evade payment of the levy or to aid or abet any other person to evade payment of the levy —

- (a) omits from a form or return any remuneration which ought to be included;
- (b) gives any false answer, whether verbally or in writing, to any question or request for information asked or made under this Act or any regulations made thereunder;
- (c) prepares or maintains or authorises the preparation or maintenance of any false books of account or other records or falsifies or authorises the falsification of any books of account or records,

shall be guilty of an offence and shall be liable on conviction to a penalty equal to double the amount of the levy due and unpaid and to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) For the purposes of this section, where it is proved that any false statement is made in any return by or on behalf of any employer, or in any payroll register, books of account or other records maintained by or on behalf of any employer, that employer, or person answerable for the employer, shall be presumed, until the contrary is proved, to have made that false statement with intent to evade payment of the levy.

(4) For the purposes of this section, “levy due and unpaid” means the levy that is due and unpaid at the time when the offence is committed.

(5) The institution of proceedings for or the imposition of a penalty, fine or term of imprisonment under this section shall not relieve any employer from liability to pay any levy for which he is or may be liable.”.

Amendment of section 12

10. Section 12 (2) of the principal Act is amended by deleting the words “subsection (1)” in the first line and substituting the words “this Act”.

Repeal and re-enactment of sections 14 and 15, and new sections 16 to 23

11. Sections 14 and 15 of the principal Act are repealed and the following sections substituted therefor:

“Power to compound

14.—(1) The Board may abate any penalty or compound any offence under this Act or any regulations made thereunder by accepting from the person who is