

AGRI-FOOD AND VETERINARY AUTHORITY ACT

(CHAPTER 5)

(Original Enactment: Act 16 of 2000)

REVISED EDITION 2012
(31st December 2012)

An Act to establish the Agri-Food and Veterinary Authority, to provide for its functions and powers, and for matters connected therewith.

[8/2002]

[1st April 2000]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Agri-Food and Veterinary Authority Act.

[8/2002]

Interpretation

2. In this Act, unless the context otherwise requires —

“accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Authority specified under section 12(q);

“agri-food and veterinary sectors” means the sectors connected with the supply of food and ornamental fish and plants, safety of food, veterinary public health, fisheries, aquaculture, horticulture, animal health, fish health, plant health, veterinary medicine, veterinary science, agriculture science, agri-biotechnology, agrotechnology, food biotechnology, animal welfare, feeding stuffs, trade in endangered species, protection of wild animals and birds, and includes the farming, cultivation, keeping, rearing, holding, catching, harvesting, processing and trading of animals, birds, plants, fish, reptiles, amphibians, molluscs, crustaceans, and any form of aquatic life, including their young, eggs and products derived therefrom;

“Authority” means the Agri-Food and Veterinary Authority established under section 3;

“Chairman” means the Chairman of the Authority and includes a temporary Chairman of the Authority;

“Chief Executive” means the Chief Executive of the Authority appointed under section 15 and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Authority and includes a temporary Deputy Chairman of the Authority;

“member” means a member of the Authority and includes a temporary member of the Authority.

[8/2002]

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AUTHORITY

Establishment and incorporation of Authority

3. There is hereby established a body to be known as the Agri-Food and Veterinary Authority 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 other acts or things as a body corporate may lawfully do and suffer.

[8/2002]

Common seal

4.

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

(2) All deeds and other documents requiring the seal of the Authority shall be sealed with the common seal of the Authority.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Authority for the purpose or by one member and the Chief Executive.

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

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

Membership of Authority

5.

—(1) The Authority shall consist of —

(a)

a Chairman;

(b)

a Deputy Chairman; and

(c)

not less than 5 nor more than 12 other members,
all of whom shall be appointed by the Minister.

(2) The Minister may appoint the Chief Executive to be a member.

Chairman may delegate functions

6. 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.

Term of office of members

7.

—(1) A member shall hold office for such term not exceeding 3 years as the Minister shall specify in his appointment, and may from time to time be re-appointed.

(2) Any member may at any time by notice in writing to the Minister resign from his office.

(3) The Minister may at any time revoke the appointment of any member without assigning any reason.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Authority shall pay to the Chairman, the Deputy Chairman and other members such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman, etc.

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

Meetings and proceedings of Authority

9.

—(1) The quorum at every meeting of the Authority shall be one-third of the total number of members in office or 4 members, whichever is the higher.

[2/2012]

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Authority and, in the absence of the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside.

(3) Meetings of the Authority shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Authority, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Authority may regulate its own proceedings.

Disclosure of interest of members

10.

—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Authority shall disclose the nature of his interest at a meeting of the Authority.

(2) The disclosure by a member of his interest shall be recorded in the minutes of the Authority and that member shall not take part in any deliberation of the Authority with respect to the transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

PART III

FUNCTIONS AND POWERS OF AUTHORITY

Functions of Authority

11.

—(1) Subject to the provisions of this Act, the functions and duties of the Authority shall be —

- (a) to regulate the safety and wholesomeness of food for supply to Singapore;
- (b) to promote and regulate animal and fish health, animal welfare and plant health;
- (c) to promote, facilitate and regulate the production, processing and trade of food and products related to or connected with the agri-food and veterinary sectors;
- (d) to develop, manage and regulate any agrotechnology park, agri-biotechnology park, mari-culture park, fishing harbour, and any other agri-food and veterinary centre or establishment;
- (e) to promote the development of the agri-food and veterinary sectors;
- (f) to advise and make recommendations to the Government on matters, measures and regulations related to or connected with the agri-food and veterinary sectors;
- (g) to represent the Government internationally on matters related to or connected with the agri-food and veterinary sectors; and
- (h) to carry out such other functions as are imposed upon the Authority by or under this Act or any other written law.

[8/2002]

(2) The Minister may give such directions, not inconsistent with the provisions of this Act, as to the performance of the functions and the exercise of its powers by the Authority and the Authority shall give effect to any such directions.

(3) Nothing in this section shall be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

Powers of Authority

12. The Authority shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and, in particular, may —

- (a) prescribe, regulate or implement measures and standards on any matter related to or connected with the agri-food and veterinary sectors, and liaise or collaborate with any organisation for the purpose of determining the standards to be prescribed;
- (b) implement an integrated food safety system that regulates the safety of food supply in Singapore;
- (c)

regulate the importation, production, processing, storage and distribution of food and products related to or connected with the agri-food and veterinary sectors;

(d)

control and manage pests and diseases of animals, birds, plants, fish, reptiles, amphibians, molluscs, crustaceans, or any form of aquatic life, including their young and eggs;

(e)

inspect, test and certify any food, veterinary biologics, animals, birds, plants, fish, reptiles, amphibians, molluscs, crustaceans, or any form of aquatic life, including their young and eggs, or premises or products related to or connected with the agri-food and veterinary sectors;

(f)

regulate, accredit or certify any person, company, corporation or organisation to carry out any activity or service related to or connected with the agri-food and veterinary sectors;

(g)

regulate, accredit, certify or implement any system, scheme or standard which is related to or connected with the agri-food and veterinary sectors;

(h)

regulate, control or supervise any activity related to or connected with the agri-food and veterinary sectors in any agrotechnology park, agri-biotechnology park, mariculture park, fishing harbour or any other agri-food and veterinary centre or establishment;

(i)

engage in research, technology development studies or technical cooperation projects related to or connected with the agri-food and veterinary sectors;

(j)

collect, analyse, compile, publish or disseminate information of a statistical nature relating to the agri-food and veterinary sectors or such other subject matter as may be necessary for the performance of the functions of the Authority;

(k)

prescribe training requirements for matters related to or connected with the agri-food and veterinary sectors, and provide training, conduct tests or award diplomas or certificates of proficiency;

(l)

provide technical, consultancy or advisory services to any Government agency, person, company, corporation or organisation on any matter related to or connected with the agri-food and veterinary sectors;

(m)

with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity;

(n)

charge fees or commissions for services rendered by the Authority or for the use of any facilities of the Authority;

(o)

carry out promotion or publicity in any form;

(p)

receive grants, donations or contributions from any source, or raise funds by all lawful means and apply such funds for any of its functions or duties;

(q)

specify, by notification in the *Gazette*, all the accreditation, certification or inspection marks of the Authority for use in relation to any function of the Authority, and control the use of such marks; and

(r)

do anything incidental to any of its functions or powers.

[8/2002]

Committees

13.

—(1) The Authority may, from time to time, appoint, alter or discharge committees, consisting of one or more persons (whether members of the Authority or not), and define or vary the terms of reference of those committees.

(2) Subject to this Act and to the control of the Authority, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

Delegation of powers

14.

—(1) The Authority may, from time to time, in respect of a specified matter or class of matters, by writing, delegate any of its powers to a member, an officer or a committee of the Authority.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no delegated person shall prevent the exercise of any power, function or duty by the Authority.

PART IV

PROVISIONS RELATING TO STAFF

Appointment of Chief Executive and other staff

15.

—(1) The Authority shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Authority may determine.

(2) The Chief Executive shall —

(a)

be known by such designation as the Authority may determine;

(b)

be responsible to the Authority for the proper administration and management of its functions and affairs in accordance with all policies laid down by the Authority; 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 unable to perform his duties by reason of illness or otherwise, another person may be

appointed by the Authority, with the approval of the Minister, to act in the place of the Chief Executive during any such period of absence from duty.

(4) The Authority may, from time to time, appoint such other officers, employees, consultants or agents as it thinks fit for the effective performance of its functions.

Protection from personal liability

16.

—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) The fact that —

(a)
a product or process conforms to or is alleged to conform to a standard accepted by the Authority; or

(b)
a certificate, brand, marking or any other thing is issued for use or is used by the Authority in connection with, in respect of or in relation to, a product or process, shall not give rise to a claim against the Authority or the Government.

(3) Where the Authority provides a service to the public whereby information is supplied to the public, neither the Authority nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

Public servants for purposes of Penal Code

17. The members, officers and employees of the Authority shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

PART V

FINANCIAL PROVISIONS

Financial year

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

Estimates

19.

—(1) The Authority shall, in every financial year, prepare and adopt annual estimates of income and expenditure of the Authority for the ensuing financial year.

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

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Authority, be sent to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Authority, and the Authority shall be bound thereby.

(4) Notwithstanding any provision of this section, the Authority may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

All moneys recovered to be paid to Authority

20. All moneys recovered or charges or composition fines collected under this Act shall be paid into and form part of the moneys of the Authority.

Grants-in-aid

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

Borrowing powers

22. The Authority may, from time to time, for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

Issue of shares, etc.

22A. As a consequence of the vesting of any property, rights or liabilities of the Government in the Authority under this Act, or of any capital injection or other investment by the Government in the Authority in accordance with any written law, the Authority shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[5/2002]

Bank accounts

23.

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

(2) Every such account shall be operated by such person or persons as may, from time to time, be authorised in that behalf by the Authority.

Application of moneys

24. The moneys of the Authority shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority and in making any payment that the Authority is authorised or required to make.

Power of investment

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

[45/2004]

Accounts

26. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —

(a)

all payments out of its moneys are correctly made and properly authorised; and

(b)

adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

Audit of accounts

27.

—(1) The accounts of the Authority 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 (referred to in this Act as the auditor).

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is a public accountant within the meaning of the Companies Act (Cap. 50).

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

(4) The auditor shall in his report state —

(a)

whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;

(b)

whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;

(c)

whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the financial year were in accordance with the provisions of this Act; and

(d)

such other matters arising from the audit as he considers necessary.

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

(6) The auditor shall submit such periodical and special reports to the Minister and to the Authority as may appear to him to be necessary or as the Minister or the Authority may require.

Powers of auditor

28.

—(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 Authority.

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

(3) The auditor or any person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or any duly authorised person considers necessary for the purpose of the functions of the auditor under this Act.

(4) Any officer of the Authority who refuses or fails without any reasonable cause to allow the auditor access to any accounting and other records of the Authority in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the auditor in the performance of the auditor's duties or the exercise of the auditor's powers shall be guilty of an offence and shall be liable on conviction —

(a)

to a fine not exceeding \$1,000; and

(b)

in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

29.

—(1) The Authority shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Authority, 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 that they are submitted to the Authority.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Transfer to Authority of property, assets and liabilities

30.

—(1) As from 1st April 2000, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by the Primary Production Department and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to the Primary Production Department shall be transferred to and shall vest in the Authority without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

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

(4) All proceedings in respect of the transferred properties by or against the Primary Production Department which are pending on 1st April 2000 may be continued, completed and enforced by or against the Authority.

(5) Every agreement relating to any of the transferred properties to which the Primary Production Department was a party immediately before 1st April 2000, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that date as if —

(a)

the Authority had been a party to such an agreement; and

(b)

for any reference to the Primary Production Department there were substituted in respect of anything to be done on or after 1st April 2000 a reference to the Authority.

Transfer of employees

31.

—(1) As from 1st April 2000, all persons employed immediately before that date by the Primary Production Department shall be transferred to the service of the Authority 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 Authority, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

32.

—(1) The terms and conditions to be drawn up by the Authority shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Authority under section 31 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Authority shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Authority.

(3) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Authority under section 31, the Government shall be liable to pay to the Authority such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Authority.

(5) Where any person in the service of the Authority, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority thinks fit, such gratuity or allowance as the Authority may determine.

No benefits in respect of abolition or reorganisation of office

33. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Authority under section 31 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Authority.

Existing contracts

34. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1st April 2000 to which the Government is a party and relating to the Primary Production Department or to any person transferred to the service of the Authority under section 31 shall continue in force on and after that date and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary proceedings

35.

—(1) Where on 1st April 2000 any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Authority under section 31, the proceedings shall be carried on and completed by the Authority.

(2) Where on 1st April 2000 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 or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made or given by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the Authority and have the same force or effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

Misconduct or neglect of duty by employee before transfer

36. The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty 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 Government and if this Act had not been enacted.

Transfer to Authority of property, employees, existing contracts, etc.

36A.

—(1) As from 1st July 2002¹, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by the Food Control Department and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to the Food Control Department shall be transferred to and shall vest in the Authority without further assurance, act or deed.

¹ Date of commencement of the Agri-food and Veterinary Authority (Amendment) Act 2002 (Act 8 of 2002).

[8/2002]

(2) As from 1st July 2002¹, all persons employed immediately before that date by the Food Control Department shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

[8/2002]

(3) All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1st July 2002¹ to which the Government is a party and relating to the Food Control Department or to any person transferred to

the service of the Authority under subsection (2) shall continue in force on and after that date and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Government.

[8/2002]

(4) Section 30(2) to (5) shall apply, with the necessary modifications, to the transfer of property, assets, interests, rights, privileges, liabilities and obligations referred to in subsection (1).

[8/2002]

(5) Sections 31(2), 32, 33, 35 and 36 shall apply, with the necessary modifications, to the transfer of persons referred to in subsection (2).

[8/2002]

PART VII MISCELLANEOUS

Annual report

37.

—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Symbol or representation of Authority

38.

—(1) The Authority 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 Authority, or which so resembles the Authority'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 \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Powers of enforcement, etc.

39.

—(1) In addition to the powers conferred on him by this Act or any other written law, an officer or employee of the Authority may, on declaration of his office and production to the person against whom he is acting such identification card as the Chief Executive may direct to be carried by officers or employees of the Authority, in relation to any offence under this Act or such other written law —

(a)

require any person whom he reasonably believes to have committed an offence under this Act or such other written law to furnish evidence of the person's identity;

(b)

require any person, for the purposes of this Act or such other written law, to furnish any information or produce any book, document or copy thereof in the possession of

that person, and may, without fee or reward, inspect, copy or make extracts from such book or document; or

(c)

when conducting any investigation under this Act or such other written law, require, by order in writing, the attendance before the officer or employee of any person within the limits of Singapore who, from any information given or otherwise obtained by the officer or employee, appears to be acquainted with the circumstances of the case, and the person so ordered shall attend as so required.

(2) Any person who —

(a)

refuses to give access to, or assaults, obstructs, hinders or delays, an officer or employee of the Authority in the discharge of the duties by such officer or employee of the Authority under this Act or any other written law;

(b)

wilfully mis-states or without lawful excuse refuses to give any information or produce any book, document or copy thereof required of him by an officer or employee of the Authority under subsection (1); or

(c)

fails to comply with a lawful demand of an officer or employee of the Authority in the discharge of the duties by such officer or employee of the Authority under this Act or any other written law,

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 6 months or to both.

Offences committed by bodies corporate and by agents and servants

40.

—(1) Where an offence under this Act has been committed by a body corporate, a partnership or an unincorporated association of persons, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other officer acting in a similar capacity thereof, or was purporting to act in any such capacity shall be guilty of that offence unless he proves that —

(a)

the offence was committed without his consent or connivance; and

(b)

he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Where an offence under this Act is committed by any person acting as an agent or a servant of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

Jurisdiction of courts

41. Notwithstanding anything to the contrary contained in the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate's Court shall have jurisdiction to try any offence under this Act and to impose the full penalty or punishment in respect of any such offence.

Evidence

42.

—(1) Subject to subsection (3) a document or certificate, purporting to be a report under the hand of the Chief Executive or any officer authorised by him upon any matter or thing in connection with the administration or enforcement of this Act or with an investigation carried out under this Act, shall be admissible as evidence in any proceedings under this Act and shall be prima facie evidence of the facts stated therein.

(2) For the purposes of this section, a document purporting to be a certificate referred to in subsection (1) on its production by the prosecution shall, unless the contrary is proved, be deemed to be such a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence in pursuance of that subsection unless the person charged has been given —

(a)

a copy of the certificate; and

(b)

notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

not less than 10 clear days before the commencement of the proceedings.

(4) Where a certificate of the Chief Executive or any officer authorised by him is admitted in evidence under subsection (1), the person charged may require the Chief Executive or any officer authorised by him to be called as a witness for the prosecution and be cross-examined as if he had given evidence of the matters stated in the certificate.

Composition of offences

43.

—(1) The Chief Executive or any officer authorised by him may in his 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 of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

Preservation of secrecy

44.

—(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, an employee or an agent of the Authority or a member of a committee of the Authority shall disclose any information relating to the affairs of the Authority 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.

Regulations

45.

—(1) The Authority may, with the approval of the Minister, make regulations for all or any of the following purposes:

(a) regulating the proceedings of the Authority or of the committees of the Authority;

(b) prescribing the form and duration of certificates and accreditation, certification and inspection marks for use in relation to any function of the Authority, the terms and conditions upon which and the circumstances in which —

(i) the certificates may be granted, suspended or cancelled; or

(ii) the accreditation, certification and inspection marks may be affixed, used or removed, and the fees payable in respect thereof;

(c) prescribing any matters which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Such regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

References in other written law

46.

—(1) Where in any written law reference is made to —

(a) the Primary Production Department, such reference shall be read as a reference to the Agri-Food and Veterinary Authority; and

(b) the Director of Primary Production, such reference shall be read as a reference to the Director-General, Agri-Food and Veterinary Services.

(2) Where, in any written law or document, any reference is made to the “Agri-food and Veterinary Authority” or to the “Agri-food and Veterinary Authority Act”, such reference shall, upon 1st July 2002², be read as the “Agri-Food and Veterinary Authority” or the “Agri-Food and Veterinary Authority Act”, as appropriate.

² Date of commencement of the Agri-food and Veterinary Authority (Amendment) Act 2002 (Act 8 of 2002).

[8/2002]

LEGISLATIVE HISTORY

AGRI-FOOD AND VETERINARY AUTHORITY ACT (CHAPTER 5)

This Legislative History is provided for the convenience of users of the Agri-Food and Veterinary Authority Act. It is not part of the Act.

1. Act 16 of 2000—Agri-food and Veterinary Authority Act 2000

Date of First Reading : 21 February 2000
(Bill No. 11/2000 published on 22 February 2000)

Date of Second and Third Readings : 17 March 2000

Date of commencement : 1 April 2000

2. 2001 Revised Edition—Agri-food and Veterinary Authority Act (Chapter 5)

Date of operation : 31 December 2001

3. Act 5 of 2002—Statutory Corporations (Capital Contribution) Act 2002

(Consequential amendments made to Act by)

Date of First Reading : 3 May 2002
(Bill No. 7/2002 published on 4 May 2002)

Date of Second and Third Readings : 24 May 2002

Dates of commencement : 15 July 2002 (except item (18) of the Schedule)

4. Act 8 of 2002—Agri-food and Veterinary Authority (Amendment) Act 2002

Date of First Reading : 3 May 2002
(Bill No. 11/2002 published on 4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 1 July 2002

5. Act 45 of 2004—Trustees (Amendment) Act 2004

(Consequential amendments made to Act by)

Date of First Reading : 21 September 2004
(Bill No. 43/2004 published on 22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

6. Act 2 of 2012—Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading : 21 November 2011
(Bill No. 22/2011 published on 21 November 2011)

Date of Second and Third Readings : 18 January 2012

Date of commencement : 1 March 2012 (Section 7 – Amendment of Agri-Food and Veterinary Authority Act)

7. 2012 Revised Edition—Agri-Food and Veterinary Authority Act (Chapter 5)

Date of operation : 31 December 2012