

Competition (Amendment) Bill

Bill No. 5/2025.

Read the first time on 5 March 2025.

A BILL

intituled

An Act to amend the Competition Act 2004 and the Enterprise Singapore Board Act 2018 to transfer the product safety functions and the legal metrology functions of the Enterprise Singapore Board to the Competition and Consumer Commission of Singapore and to make related and consequential amendments to the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 and the Weights and Measures Act 1975.

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 Competition (Amendment) Act 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF COMPETITION ACT 2004

Amendment of section 2

2. In the Competition Act 2004, in section 2(1) —

(a) after the definition of “Commission”, insert —

““consumer” and “consumer transaction” have the meanings given by section 2(1) of the Consumer Protection (Fair Trading) Act 2003;

“consumer goods” means any goods to which Part 3 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 applies, whether or not supplied in the course of a consumer transaction;

“consumer protection” means all or any of the following:

(a) promoting fair trading practices among suppliers and consumers and enabling consumers to make informed decisions about consumer transactions in Singapore;

(b) preventing suppliers in Singapore from engaging in unfair trading practices in relation to consumer transactions;

- (c) promoting and enforcing the supply of safe consumer goods in Singapore and the provision of relevant safety information about consumer goods;”;
and

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(b) after the definition of “investigating officer”, insert —

““legal metrology” means —

- (a) the use of uniform weights and measures;
- (b) the use of accurate weighing or measuring instruments for trade; and
- (c) the provision of relevant information relating to quantity in the supply of goods;”.

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Amendment of section 6

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3. In the Competition Act 2004, in section 6(1) —

(a) in paragraphs (e) and (i), replace “and consumer protection matters” with “, consumer protection and legal metrology”;

(b) after paragraph (f), insert —

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“(fa) to promote among suppliers in Singapore, and educate consumers on, the following practices:

- (i) the supply of safe consumer goods;
- (ii) the provision of relevant safety information about consumer goods;
- (iii) legal metrology;”;

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(c) in paragraph (g), after “unfair practices”, insert “and prevent the supply of unsafe consumer goods in Singapore”; and

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(d) after paragraph (h), insert —

“(ha) to administer and enforce the Weights and Measures Act 1975;”.

Amendment of section 8

5 **4.** In the Competition Act 2004, in section 8 —

(a) replace the section heading with —

“Directions of Minister, etc.”;

(b) renumber the section as subsection (1) of that section; and

(c) after subsection (1), insert —

10 “(2) Without limiting subsection (1), the Minister may give any direction to the Commission that is necessary in the circumstances if it appears to the Minister to be requisite or expedient to do so —

15 (a) in the interests of relations with the government of another country; or

 (b) in order to —

20 (i) discharge or facilitate the discharge of an obligation binding on the Government by virtue of it being a member of an international organisation or a party to an international agreement;

25 (ii) attain or facilitate the attainment of any other object the attainment of which is in the Minister’s opinion requisite or expedient in view of the Government being a member of an international organisation or a party to an international agreement; or

30 (iii) enable the Government to become a member of an international

organisation or a party to an international agreement.

(3) To avoid doubt, the Minister is entitled —

(a) to information in the possession of the Commission; and 5

(b) where the information is in or on a document, to have, and make and retain copies of, that document.

(4) For the purposes of this section, the Minister may request the Commission — 10

(a) to provide information to the Minister; or

(b) to give the Minister access to information.

(5) The Commission must give effect to any direction given to it under subsection (1) or (2) and must comply with a request under subsection (4). 15

(6) The Commission must not disclose any direction given or request made under this section if the Minister notifies the Commission that, in the Minister's opinion, disclosure of the direction or request is against the public interest. 20

(7) In this section, "information" means information specified, or of a description specified, by the Minister that relates to the functions of the Commission."

Amendment of section 90 25

5. In the Competition Act 2004, in section 90(b), replace "or agent" with ", agent or committee member".

Amendment of Part 7 heading

6. In the Competition Act 2004, in Part 7, in the Part heading, after "TRANSFER OF UNDERTAKINGS", insert "RELATING TO FAIR TRADING FUNCTIONS". 30

New Part 8

7. In the Competition Act 2004, after Part 7, insert —

“PART 8

TRANSFER OF UNDERTAKINGS RELATING TO PRODUCT SAFETY FUNCTIONS AND LEGAL METROLOGY FUNCTIONS TO COMMISSION

Interpretation of this Part

101. In this Part —

“asset”, in relation to the transferor, means property of any kind (whether tangible or intangible, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether actual or contingent) of the transferor on the eve of the transfer date and includes, without limitation, any —

- (a) legal or equitable interest in real or personal property, whether situated in Singapore or elsewhere;
- (b) chose in action;
- (c) money or securities;
- (d) plant and equipment, whether situated in Singapore or elsewhere;
- (e) intellectual property;
- (f) infrastructure, whether situated in Singapore or elsewhere;
- (g) records; and
- (h) right;

“legal metrology functions” means the following functions:

- (a) promoting among suppliers in Singapore, and educating consumers on, legal metrology;

- (b) administering and enforcing the Weights and Measures Act 1975;
 - (c) acting internationally as the national body representative of Singapore in respect of legal metrology; 5
 - (d) advising the Government, any public authority or any consumer protection organisation on national needs and policies in respect of legal metrology;
- “liability”, in relation to the transferor, means any liability, 10
 duty or obligation (whether actual or contingent, liquidated or unliquidated, and whether owed alone or jointly, or jointly and severally, with any other person) of the transferor on the eve of the transfer date;
- “product safety functions” means the following functions: 15
- (a) promoting among suppliers in Singapore, and educating consumers on, the supply of safe consumer goods and the provision of relevant safety information about consumer goods;
 - (b) preventing the supply of unsafe consumer goods in Singapore; 20
 - (c) acting internationally as the national body representative of Singapore in respect of promoting and enforcing —
 - (i) the supply of safe consumer goods in Singapore; and 25
 - (ii) the provision of relevant safety information about consumer goods;
 - (d) advising the Government, any public authority or any consumer protection organisation on national needs and policies in respect of promoting and enforcing — 30
 - (i) the supply of safe consumer goods in Singapore; and

(ii) the provision of relevant safety information about consumer goods;

“records”, in relation to the transferor, means registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, of the transferor existing on the eve of the transfer date;

“right”, in relation to the transferor, means any right, power, privilege or immunity of the transferor on the eve of the transfer date;

“transfer date” means the date of commencement of section 7 of the Competition (Amendment) Act 2025;

“transferor” means the Enterprise Singapore Board established by section 3 of the Enterprise Singapore Board Act 2018.

Transfer of undertakings to Commission

102.—(1) On the transfer date, all the assets and liabilities of the transferor that relate solely or mainly to the product safety functions or legal metrology functions, or both, are transferred to the Commission.

(2) When any asset or liability of the transferor is transferred under subsection (1), the following provisions have effect:

(a) the asset that is the subject of the transfer vests in the Commission by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance;

(b) the liability that is the subject of the transfer becomes by virtue of this section the liability of the Commission;

(c) all legal or other proceedings relating to that asset or liability started before the transfer date by or against the transferor (or a predecessor of the transferor) and pending immediately before that date are taken to be proceedings pending by or against the Commission;

- (d) any legal or other proceedings relating to that asset or liability which could have been started immediately before the transfer date by or against the transferor (or a predecessor of the transferor) may be started by or against the Commission; 5
- (e) a judgment or order of a court or other tribunal obtained before the transfer date by or against the transferor (or a predecessor of the transferor) relating to that asset or liability may be enforced by or against the Commission; 10
- (f) any document relating to legal or other proceedings relating to that asset or liability that has been served on or by the transferor (or a predecessor of the transferor) before the transfer date is taken, where appropriate, to have been served on or by the Commission; 15
- (g) any act, matter or thing done or omitted to be done before the transfer date in relation to that asset or liability by, to or in respect of the transferor (or a predecessor of the transferor) is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Commission; 20
- (h) a reference to the transferor (or a predecessor of the transferor) in any written law, any instrument made under any Act, any contract, agreement, arrangement or undertaking, or any document of any kind, to the extent to which the reference relates to that asset or liability, is taken to be, or to include, a reference to the Commission; 25 30
- (i) any agreement relating to that asset or liability and to which the transferor (or a predecessor of the transferor) is a party becomes enforceable by or against the Commission.

(3) The operation of this section does not —

(a) constitute a breach of, or default under, any Act or other law, or otherwise a civil wrong or criminal wrong;

5 (b) constitute a breach of duty of confidence (whether arising by contract, in equity, by custom, or in any other way);

10 (c) constitute a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities or the disclosure of any information;

15 (d) terminate any agreement or obligation, or fulfil any condition that allows a person to terminate any agreement or obligation, or give rise to any right or remedy in respect of any agreement or obligation;

(e) frustrate any contract or cause any contract or instrument to be void or otherwise unenforceable;

(f) release any surety, other obligor or other obligee wholly or in part from any obligation; or

20 (g) constitute an event of breach of, or default under, any contract or other instrument.

Transfer of records

25 **103.** On the transfer date, the records of the transferor that relate solely or mainly to the product safety functions or legal metrology functions, or both, become the records of the Commission.

Confirmation of transfers

104.—(1) If any dispute arises —

30 (a) as to whether an asset or a liability, or a record, is transferred under section 102 or 103; or

(b) as to whether any, or part of any, contract or document relates to an asset, a liability or a record transferred under section 102 or 103,

the Minister charged with the responsibility for finance may determine the matter and must provide the concerned parties with written notice of that determination.

(2) The determination of the Minister charged with the responsibility for finance under subsection (1) is final and binding on the transferor and the Commission.”.

Amendment of Second Schedule

8. In the Competition Act 2004, in the Second Schedule —

(a) after item 5, insert —

“5A. To designate or recognise any person that performs conformity assessment, testing or certification, relating to the product safety of consumer goods, and to regulate such persons.

5B. To perform any conformity assessment or testing relating to the product safety of consumer goods.”; and

(b) after item 7, insert —

“7A. To enter into memoranda of understanding or other similar arrangements with any person in or outside Singapore for the purpose of performing its functions or discharging its duties.

7B. Without affecting section 9, to appoint any person or committee (from among the members of the Commission or persons who are not members) to advise the Commission on matters relating to the Commission’s functions and powers that are referred to that person or committee by the Commission.”.

PART 2

AMENDMENT OF ENTERPRISE SINGAPORE BOARD ACT 2018

Amendment of section 5

9. In the Enterprise Singapore Board Act 2018, in section 5(1), delete paragraph (f).

PART 3

RELATED AND CONSEQUENTIAL AMENDMENTS

Amendment of Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975

5 **10.**—(1) In the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975, in section 2(1), after the definition of “premises”, insert —

10 ““Safety Authority” means the Competition and Consumer Commission of Singapore established by section 3 of the Competition Act 2004;”.

(2) In the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975, in section 32 —

(a) renumber the section as subsection (1) of that section; and

(b) after subsection (1), insert —

15 “(2) Without limiting subsection (1), the Minister may make regulations for all or any of the following matters:

20 (a) the registration and regulation of certain suppliers and goods before the goods may be supplied in Singapore;

25 (b) the designation of persons to perform conformity assessment, testing or certification in relation to prescribed safety standards and the recognition of foreign conformity assessment, testing or certification;

30 (c) the fees to be charged in respect of anything done or any services rendered by or on behalf of the Safety Authority under or by virtue of this Act, or any regulations made under this Act, including the recovery of any costs incurred.

(3) Regulations made under this Act may incorporate by reference (with or without modification) any matter contained in any code, standard, rule, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the regulations deal. 5

(4) The Minister may, in making any regulations, provide that any contravention of a provision of the regulations (if such contravention is not an offence under section 9(2), 10(3) or 11(2)) shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 2 years or with both.”. 10

Amendment of Weights and Measures Act 1975 15

11.—(1) In the Weights and Measures Act 1975, in section 2(1) —

(a) delete the definition of “Board”; and

(b) after the definition of “check-weighed”, insert —

““Commission” means the Competition and Consumer Commission of Singapore established by section 3 of the Competition Act 2004;”. 20

(2) In the Weights and Measures Act 1975, in section 40, after subsection (4), insert —

“(5) Any approval, appointment, order, notification or decision granted or made or anything done by the Board under this Act before the appointed date, which was valid immediately before that date, remains valid and continues on and after that date as if it were granted, made or done by the Commission, until such time the Commission invalidates, revokes, cancels or otherwise ceases the approval, appointment, order, notification or decision. 25 30

(6) Any application made before the appointed date to the Board under section 29A(2) that is pending immediately before

that date is deemed on and after that date to be an application made to the Commission under section 29A(2).

(7) In this section —

“appointed date” means the date of commencement of section 11 of the Competition (Amendment) Act 2025;

“Board” means the Enterprise Singapore Board established by section 3 of the Enterprise Singapore Board Act 2018.”.

(3) In the Weights and Measures Act 1975 —

(a) in the following provisions, replace “Board” wherever it appears with “Commission”:

Section 2(1), definition of “Authorised Verifier”

Section 7A(5)

Section 7B(4)

Section 29(1) and (2)

Section 29A(1), (2) and (3)

Section 36A

Section 36B

Section 40(4); and

(b) in section 36A, in the section heading, replace “**Board**” with “**Commission**”.

PART 4

SAVING AND TRANSITIONAL PROVISION

Saving and transitional provision

12. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Competition Act 2004 and the Enterprise Singapore Board Act 2018 to transfer the product safety functions and legal metrology functions, and assets, liabilities and records relating to those functions, from the Enterprise Singapore Board (the Board) to the Competition and Consumer Commission of Singapore (the Commission).

The Bill also makes related and consequential amendments to the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 and the Weights and Measures Act 1975.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF COMPETITION ACT 2004

Part 1 (clauses 2 to 8) amends the Competition Act 2004.

Clause 2 amends section 2(1) to insert new definitions of “consumer goods”, “consumer protection” and “legal metrology” which are related to the new functions to be performed by the Commission. “Consumer goods” refers to the goods to which the new product safety functions of the Commission will apply. “Consumer protection” is defined broadly to encompass the fair trading functions that the Commission currently performs and the new product safety functions that the Commission will perform. “Legal metrology” encompasses the new legal metrology functions that the Commission will perform.

Clause 3 amends section 6 to transfer certain functions relating to product safety and legal metrology, from the Board to the Commission.

The effect of the amendments to section 6 by clause 3 is that the following functions are transferred from the Board to the Commission:

- (a) promoting among suppliers in Singapore, and educating consumers on, the following practices:
 - (i) the supply of safe consumer goods;
 - (ii) the provision of relevant safety information about consumer goods;
 - (iii) legal metrology;
- (b) preventing the supply of unsafe consumer goods in Singapore;
- (c) administering and enforcing the Weights and Measures Act 1975;
- (d) acting internationally as the national body representative of Singapore in respect of the following matters:

- (i) promoting and enforcing the supply of safe consumer goods in Singapore and the provision of relevant safety information about consumer goods;
 - (ii) legal metrology;
- (e) advising the Government, any public authority or any consumer protection organisation on national needs and policies in respect of the matters mentioned in paragraph (d).

Clause 4 amends section 8 to empower the Minister to give certain directions to the Commission, to specifically enable the Minister to request for information in the possession of the Commission, and to provide that the Commission must comply with such requests and any directions given under the renumbered section 8(1) and the new section 8(2).

Clause 5 amends section 90 to provide that committee members are protected from personal liability for anything done or purported to be done, or omitted to be done, in good faith and with reasonable care in the performance or purported performance of any function of the Commission or the exercise or purported exercise of any power of the Commission under the Competition Act 2004 or any other written law.

Clause 6 amends the Part heading of Part 7 to make it clear that Part 7 relates to the transfer of undertakings relating to fair trading functions to the Commission.

Clause 7 inserts a new Part 8 (comprising new sections 101 to 104) to transfer assets, liabilities and records relating to product safety functions and legal metrology functions, from the Board to the Commission.

The new section 101 defines the terms used in the new Part 8. In particular, the terms “legal metrology functions” and “product safety functions” are defined.

The new section 102 effects the transfer of assets and liabilities that relate solely or mainly to the product safety functions or legal metrology functions, or both, from the Board to the Commission.

The new section 103 transfers the records of the Board that relate solely or mainly to the product safety functions or legal metrology functions, or both, to the Commission.

The new section 104 provides for any dispute relating to any transfer to be determined by the Minister charged with the responsibility for finance.

Clause 8 amends the Second Schedule to empower the Commission to do the following:

- (a) to designate or recognise any person that performs conformity assessment, testing or certification, relating to the product safety of consumer goods, and to regulate such persons;

- (b) to perform any conformity assessment or testing relating to the product safety of consumer goods;
- (c) to enter into memoranda of understanding or other similar arrangements with any person in or outside Singapore for the purpose of performing its functions or discharging its duties;
- (d) without affecting section 9, to appoint any person or committee (from among the Commission's own members or persons who are not members of the Commission) to advise the Commission on matters relating to the Commission's functions and powers that are referred to that person or committee by the Commission.

PART 2

AMENDMENT OF ENTERPRISE SINGAPORE BOARD ACT 2018

Part 2 (clause 9) amends the Enterprise Singapore Board Act 2018.

Clause 9 amends section 5(1) to delete the function of administering the Weights and Measures Act 1975 as this function will be transferred from the Board to the Commission.

PART 3

RELATED AND CONSEQUENTIAL AMENDMENTS

Part 3 (clauses 10 and 11) amends the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 and the Weights and Measures Act 1975.

Clause 10(1) amends section 2(1) of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 to insert a new definition of "Safety Authority" and to make clear that the Commission will fulfil the role of "Safety Authority". The "Safety Authority" is currently defined as the Board in the Consumer Protection (Safety Requirements) Regulations (Rg 1) and in the Consumer Protection (Consumer Goods Safety Requirements) Regulations 2011 (G.N. No. S 113/2011).

Clause 10(2) amends section 32 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 to expressly provide for certain matters to be set out in regulations. These include regulations to provide for the designation of persons to perform conformity assessment, testing or certification in relation to prescribed safety standards. Such regulations are currently made under the Enterprise Singapore Board Act 2018.

The new section 32(3) provides that regulations made under the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 may

incorporate by reference (with or without modification) any matter contained in any code, standard, rule, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the regulations deal.

The new section 32(4) empowers the Minister, in making any regulations under the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975, to provide that any contravention of a provision of the regulations shall be an offence punishable with certain penalties (if such contravention is not an offence under section 9(2), 10(3) or 11(2)).

Clause 11(1) amends section 2(1) of the Weights and Measures Act 1975 to delete the definition of “Board” and to insert a new definition of “Commission”.

Clause 11(2) amends section 40 of the Weights and Measures Act 1975 to set out saving and transitional provisions consequent on the transfer of functions from the Board to the Commission.

Clause 11(3) makes consequential amendments to the Weights and Measures Act 1975 consequent on the transfer of functions from the Board to the Commission.

PART 4

SAVING AND TRANSITIONAL PROVISION

Part 4 (clause 12) provides for a saving and transitional provision.

Clause 12 empowers the Minister to make regulations to prescribe provisions of a saving or transitional nature consequent on the enactment of any provision of the Bill that the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
