

Annex B-1

OVERVIEW OF KEY PROPOSED CHANGES TO THE CPFTA

This is not an exhaustive list of all proposed changes to the CPFTA. Please refer to the draft CPFTA (Amendment) Bill at Annex B-2 for the detailed proposed changes.

Section No.	Current Provisions	Proposed Provisions	Reason for Amendments
Amendment of Section 9	<p>Declaration or injunction</p> <p>9.—(1) Where a supplier has engaged, is engaging or is likely to engage in an unfair practice, the District Court or High Court may, on the application of a specified body —</p> <p>(a) make a declaration that the practice engaged in or about to be engaged in by the supplier is an unfair practice;</p> <p>(b) grant an injunction restraining the supplier from engaging in the unfair practice; and</p> <p>(c) if the Court grants relief under paragraph (a) or (b), make a further order requiring the supplier to advertise to the public in a manner that will ensure prompt and reasonable communication to consumers, on any terms or conditions the Court considers reasonable and just, particulars of any declaration or injunction granted against the supplier under paragraph (a) or (b).</p> <p>(2) Where an application is made to the District Court or High Court for the grant of a declaration or an injunction under subsection (1), the power of the Court to grant the declaration or injunction may be exercised —</p> <p>(a) if the Court is satisfied that the supplier has engaged in the unfair practice, whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or</p> <p>(b) if it appears to the Court that, in the event that a declaration or an injunction is not granted, it is likely that the supplier will engage in the unfair practice, whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.</p> <p>(3) Where an application is made to the District Court or High Court for an injunction under subsection (1), the Court may (pending determination of the application) grant an interim injunction restraining the supplier from engaging in the unfair</p>	<p>Declaration or injunction</p> <p>9.—(1) Where a supplier has engaged, is engaging or is likely to engage in an unfair practice, the District Court or High Court may, on the application of the Board —</p> <p>(a) make a declaration that the practice engaged in or about to be engaged in by the supplier is an unfair practice;</p> <p>(b) grant an injunction restraining the supplier from engaging in the unfair practice; and</p> <p>(c) if the Court grants relief under paragraph (a) or (b), any one or more of the additional orders set out in subsection (4);</p> <p>(2) Where an application is made to the District Court or High Court for the grant of a declaration or an injunction under subsection (1), the power of the Court to grant the declaration or injunction may be exercised —</p> <p>(a) if the Court is satisfied that the supplier has engaged in the unfair practice, whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or</p> <p>(b) if the Court is satisfied that, in the event that a declaration or an injunction is not granted, it is likely that the supplier will engage in the unfair practice, whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.</p> <p>(3) Where an application is made to the District Court or High Court for an injunction under subsection (1), the Court may (pending determination of the application) grant an interim injunction restraining the supplier from engaging in the unfair practice, if the Court considers it desirable to do so —</p> <p>(a) whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or</p>	<p>The proposed amendments aim to raise consumers' awareness of suppliers who are under injunction and avoid the problem of errant suppliers side-stepping injunction orders by setting up new entities and persisting with unfair practices.</p>

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	<p>practice, if the Court is of the opinion that it is desirable to do so —</p> <p>(a) whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or</p> <p>(b) whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.</p> <p>(4) A specified body shall not, except with the endorsement of the Panel under section 10(5)(b), make an application for a declaration or an injunction under subsection (1).</p> <p>(5) In any legal proceedings, a certificate purporting to be under the hand of the Chairman stating that the Panel has, pursuant to section 10(5)(b), endorsed a proposal by a specified body to make an application for a declaration or an injunction against a supplier under this section shall be admissible as prima facie evidence of those facts.</p> <p>(6) If a practice of the supplier has been declared or permanently enjoined by the District Court or High Court as being an unfair practice under this section, the order shall be, in any other civil proceedings involving the supplier except an appeal from the order, conclusive proof that the practice in question is an unfair practice.</p> <p>(7) Where a specified body makes an application to the District Court or High Court for the grant of a declaration or an injunction under subsection (1) or for an interim injunction under subsection (3), the Court may order the specified body to furnish security for costs in any amount that the Court considers proper.</p>	<p>(b) whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.</p> <p>(4) The orders referred to in subsection (1)(c) are —</p> <p>(a) that the supplier must publish, at the supplier's expense, for a specified period so long as the supplier continues to be a supplier, the details of the declaration or injunction in such form and manner and at such intervals as the Court considers will ensure prompt and reasonable communication to members of the public;</p> <p>(b) that before any consumer enters into a contract in relation to a consumer transaction with the supplier during a specified period, the supplier must —</p> <p>(i) notify the consumer in writing about the declaration or injunction against the supplier; and</p> <p>(ii) obtain a written acknowledgement from the consumer that the consumer has been notified of the declaration or injunction;</p> <p>(c) that the supplier must include a statement that the Court has granted a declaration or injunction against the supplier under subsection (1)(a) or (b) in every invoice or receipt issued by the supplier to a consumer during a specified period;</p> <p>(d) that the supplier must, within 14 days after the occurrence of any of the following events within a specified period, notify the Board in writing:</p> <p>(i) a change in the premises or number of premises at which the supplier carries on business as a supplier;</p> <p>(ii) a change in the internet address or number of internet addresses through which consumer transactions with the supplier may be entered;</p> <p>(iii) the supplier converts from a firm or company to a limited liability partnership under section 20 or 21 of the Limited Liability Partnership Act (Cap. 163A);</p> <p>(iv) the supplier undergoes any arrangement, reconstruction or amalgamation under Part VII of the Companies Act (Cap. 50);</p> <p>(v) the supplier is subject to receivership under Part VIII of the</p>	

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		<p>Companies Act;</p> <p>(vi) the supplier is subject to judicial management under Part VIIIA of the Companies Act;</p> <p>(vii) the supplier is subject to winding up under Part X of the Companies Act;</p> <p>(viii) any other event prescribed under this Act;</p> <p>(e) where the supplier is an individual, that the individual must inform the Board in writing if a notifiable event occurs within a specified period;</p> <p>(f) where the supplier is a partnership that has one or more partners who are individuals, that any one or all of those individuals must inform the Board in writing if a notifiable event occurs within a specified period;</p> <p>(g) that the supplier must reimburse the Board's reasonable cost for publishing in any public medium, a notice of either or both of the following:</p> <p>(i) that the Board has commenced an action under section 9 against the supplier;</p> <p>(ii) the details of any injunction or declaration granted against the supplier under section 9(1), or any interim injunction granted against the supplier under section 9(3).</p> <p>(5) For the purposes of subsection (4)(a) and (g)(ii), a reference to the details of a declaration, an injunction or an interim injunction granted against a supplier include the following:</p> <p>(a) particulars of the injunction, interim injunction or declaration (as the case may be);</p> <p>(b) name of the supplier;</p> <p>(c) whether the supplier is subject to any other declaration or injunction, or both, pursuant to any other action commenced under section 9;</p> <p>(d) the address at which the supplier is carrying on the supplier's business; and</p> <p>(e) where the supplier carries on business through the internet, the internet address at which the supplier may enter into a contract in</p>	

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		<p>relation to a consumer transaction with a consumer.</p> <p>(6) Where the Court makes 2 or more orders under subsection (4)(a), (b), (c) and (d) against a supplier, the duration of the specified period in respect of each of the orders must be the same.</p> <p>(7) Subject to subsections (8) and (9), a reference to a specified period in subsection (4) is a reference to such period specified by the Court, not exceeding 5 years or such other period as the Minister may prescribe, in place of the first period.</p> <p>(8) If a supplier fails to comply with an order made under subsection (4)(a) to (d), the court which made the declaration or injunction may, on the application of the Board extend the specified period referred to in the order to such time not exceeding the maximum period specified in subsection (10).</p> <p>(9) If an individual fails to comply with an order made under subsection (4)(e) or (f) in relation to a declaration or an injunction made under subsection (1), the court which made the declaration or injunction may, on the application of the Board, extend the specified period referred to in the order to such time not exceeding the maximum period specified in subsection (10).</p> <p>(10) The maximum period referred to in subsections (8) and (9) is 10 years after the date on which the order under subsection (4) was made or such other period as the Minister may prescribe, in place of the first period.</p> <p>(11) Without prejudice to subsection (8), if a supplier has entered a consumer transaction with a consumer in breach of an order made under subsection (4)(b), within 6 months after the date on which the contract was entered into, the consumer may cancel the contract in accordance with regulations made under section 20(2)(m).</p> <p>(12) Subsections (8), (9) and (11) apply despite any proceedings which may be commenced against the supplier or individual, as the case may be, for contempt of court.</p> <p>(13) If a practice of the supplier has been declared or permanently enjoined by the District Court or High Court as being an unfair practice under this section, the order is, in any other civil proceedings involving the supplier except an appeal from the order, conclusive proof that the practice in question is an unfair practice.</p> <p>(14) In this section and section 10 a “notifiable event” means an</p>	

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Repeal and Re-enactment of Section 10	<p>Injunction Proposals Review Panel</p> <p>10. —(1) The Minister may, by notification in the <i>Gazette</i>, appoint an Injunction Proposals Review Panel consisting of —</p> <p>(a) a Chairman;</p> <p>(b) a Deputy Chairman who shall be a public officer or an officer of any statutory board; and</p> <p>(c) at least one other member.</p> <p>(2) The members of the Panel shall hold office for such period as may be determined by the Minister and shall, on ceasing to be a member, be eligible for reappointment.</p> <p>(3) The Minister may, at any time, revoke the appointment of any member of the Panel without assigning any reason.</p> <p>(4) A member of the Panel may resign his office at any time by giving notice in writing to the Minister.</p> <p>(5) The Panel shall have the power to do anything necessary, incidental or conducive for the purpose of discharging its functions under this Act and, in particular, may —</p> <p>(a) consider any proposal by a specified body to apply for a declaration or an injunction against a supplier under section 9 referred to the Panel by the Chairman; and</p> <p>(b) if the Panel is satisfied that it is in the public interest, endorse the proposal referred to in paragraph (a).</p> <p>(6) The constitution and the proceedings of the Panel shall be governed by the provisions in the Third Schedule.</p> <p>(7) No act or thing done by or under the authority of the Panel shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.</p> <p>(8) Subject to subsection (9), except insofar as may be necessary for the purposes of giving effect to any decision of the Panel, confidentiality shall be maintained in all proceedings conducted by the Panel.</p> <p>(9) The Chairman shall, as soon as practicable after the end of each calendar year, submit to the Minister an annual report on the activities of the Panel.</p> <p>(10) No action or proceedings shall lie against the Panel or any member thereof for any act or thing done under this Act unless it is</p>	<p>event specified in the Fifth Schedule.</p> <p>Injunction against person from knowingly abetting, aiding, permitting or procuring supplier to engage in unfair practice</p> <p>10.—(1) The District Court or High Court may, on the application of the Board grant an injunction restraining a person from knowingly abetting, aiding, permitting or procuring a supplier to engage in an unfair practice if —</p> <p>(a) the Court is satisfied that the person has knowingly abetted, aided, permitted or procured the supplier to engage in the unfair practice; or</p> <p>(b) the Court is satisfied that, in the event that an injunction is not granted, it is likely that the person will knowingly abet, aid, permit or procure the supplier to engage in the unfair practice.</p> <p>(2) An order under subsection (1)(a) may be made whether or not it appears to the Court that the person intends to continue to abet, aid, permit or procure the supplier to engage in the unfair practice.</p> <p>(3) An order under subsection (1)(b) may be made whether or not —</p> <p>(a) the person has previously abetted, aided, permitted or procured the supplier to engage in the unfair practice; or</p> <p>(b) there is any likelihood of irreparable harm to any consumer or class of consumers —</p> <p>(i) if the person abets, aids, permits or procures the supplier to engage in the unfair practice; or</p> <p>(ii) if the supplier engages in the unfair practice.</p> <p>(4) Pending the determination of an application by the Board made under subsection (1), the District Court or High Court hearing the application may grant an interim injunction restraining the person from knowingly abetting, aiding, permitting or procuring the supplier to engage in an unfair practice, if the Court considers it desirable to do so.</p> <p>(5) A District Court or High Court may grant an interim injunction under subsection (4) —</p> <p>(a) whether or not it appears to the Court that the person intends to continue to abet, aid, permit or procure the supplier to engage in the unfair practice; or</p> <p>(b) whether or not —</p> <p>(i) the person has previously abetted, aided, permitted or procured the supplier to engage in the unfair practice; or</p> <p>(ii) there is any likelihood of irreparable harm to any consumer or</p>	<p><u>Removal of the Injunction Proposals Review Panel (IPRP)</u></p> <p>The IPRP was put in place under the CPFTA to consider CASE and STB's injunction applications before they were filed with the courts, to ensure that only serious cases were filed. This was in view that CASE and STB are not able to investigate cases under the current CPFTA framework.</p> <p>As part of the proposed amendments, SPRING Singapore, the proposed appointed administering agency, would be granted powers to investigate and gather evidence before filing injunction applications with the courts. As such, the role of the IPRP is no longer necessary.</p> <p><u>Proposed amendment for injunctions that may be taken against third parties</u></p> <p>The proposed amendment would allow injunction actions to be taken against third parties who knowingly abet, aid, permit or procure the supplier to engage in unfair practices.</p>

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	<p>proved to the court that the act or thing was done in bad faith or with malice.</p>	<p>class of consumers —</p> <p>(A) if the person abets, aids, permits or procures the supplier to engage in the unfair practice; or</p> <p>(B) if the supplier engages in the unfair practice.</p> <p>(6) If the Court makes an injunction under subsection (1) against a person, the Court may, in addition, order —</p> <p>(a) that the person must publish, at the person's expense, the particulars of the injunction in such form and manner as the Court considers will ensure prompt and reasonable communication to members of the public;</p> <p>(b) that the person must reimburse the Board's reasonable cost for publishing in any public medium, a notice of either or both of the following:</p> <p>(i) that the Board has commenced an action under section 10 against the person;</p> <p>(ii) the details of any injunction granted against the person under section 10(1) or any interim injunction granted against the person under section 10(4); and</p> <p>(c) where the person is an individual, that the individual must, if a notifiable event occurs within the specified period, inform the Board in writing within 14 days after the event.</p> <p>(7) For the purposes of subsection (6)(b)(ii), a reference to the details of an injunction or interim injunction granted against a person include —</p> <p>(a) the particulars of the injunction or interim injunction (as the case may be);</p> <p>(b) the name of the person; and</p> <p>(c) whether the person is subject to any other injunction pursuant to any other action commenced under section 10.</p> <p>(8) Subject to subsection (9), a reference to a specified period in subsection (6)(c) is a reference to such period specified by the Court, not exceeding 5 years or such other period as the Minister may prescribe, in place of the first period.</p> <p>(9) If an individual fails to comply with an order made under subsection (6)(c), the court which made the injunction may, on the application of the Board extend the specified period referred to in the order to such time not exceeding 10 years after the date on which the order under subsection (6)(c) was made or such other period as the Minister may prescribe, in place of the first period.</p>	

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		(10) Subsection (9) applies despite any proceedings which may be commenced against the individual for contempt of court.	
New Parts IIIA and IIIB	Not applicable.	<p>PART IIIA</p> <p>INVESTIGATION POWERS</p> <p>Power to investigate</p> <p>12G.—(1) The Board may conduct an investigation if there are reasonable grounds for suspecting —</p> <p>(a) that a supplier has engaged, is engaging or is likely to engage in an unfair practice; or</p> <p>(b) that a person —</p> <p>(i) has knowingly abetted, aided, permitted or procured; or</p> <p>(ii) is knowingly abetting, aiding, permitting or procuring, a supplier to engage in an unfair practice.</p> <p>(2) The chief executive may appoint, by name or office —</p> <p>(a) any officer or employee of the Board; or</p> <p>(b) any auxiliary police officer,</p> <p>to be an investigation officer for the purpose of conducting investigations under this Part.</p> <p>(3) Every investigation officer, when exercising any of the investigation officer’s powers under this Act, must —</p> <p>(a) be in uniform if the investigation officer is an auxiliary police officer;</p> <p>(b) declare the investigation officer’s office if the officer, being an officer or employee of the Board, is not in uniform; and</p> <p>(c) on demand, produce to any person affected by the exercise of that power such identification card as the chief executive may issue for this purpose.</p> <p>(4) It is not an offence for any person to refuse to comply with any request, demand or order of an investigation officer if the investigation officer does not comply with subsection (3).</p> <p>(5) In this section, “auxiliary police officer” means a person appointed as such under Part IX of the Police Force Act (Cap. 235).</p> <p>Power to require documents, articles or information</p> <p>12H.—(1) The Board may, by notice in writing to a supplier or person referred to in section 12G(1) (called in this Part the person under investigation), require the person to produce to the Board a specified document or article, or to provide the Board with specified information, which the Board considers to be relevant to an investigation referred to in section 12G(1).</p>	The proposed investigation powers will enable the appointed administering agency, to gather evidence and take timely injunction action against errant suppliers.

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		<p>(2) A notice under subsection (1) must indicate —</p> <p>(a) the purpose for which the specified document or article or specified information is required by the Board; and</p> <p>(b) the nature of the offences created under sections 12N to 12Q.</p> <p>(3) The Board may also specify in the notice —</p> <p>(a) the time and place at which the specified document or article is to be produced or specified information is to be provided; and</p> <p>(b) the manner and form in which it is to be produced or provided.</p> <p>(4) The power under this section to require a person under investigation to produce a document includes the power —</p> <p>(a) if the document is produced —</p> <p>(i) to take copies of, or extracts from, the document; and</p> <p>(ii) to require that person under investigation, or any other person who is a present or past officer of that person, or is or was at any time employed by that person, to provide an explanation of the document; or</p> <p>(b) if the document is not produced, to require the person under investigation or the other person to state, to the best of that person's knowledge and belief, where the document is.</p> <p>(5) In subsection (1), "specified" means —</p> <p>(a) specified or described in the notice; or</p> <p>(b) falling within a category which is specified or described in the notice.</p> <p>Power to enter premises without warrant</p> <p>12I.—(1) In connection with an investigation under section 12G(1), an investigation officer and such other persons as the Board has authorised in writing to accompany and assist the investigation officer (called in this section and section 12J the authorised person) may enter any premises reasonably suspected of being used by the person under investigation in connection with an unfair practice.</p> <p>(2) An investigation officer or an authorised person must not enter any premises in the exercise of the powers under this section unless the investigation officer has given the occupier of the premises a written notice which —</p> <p>(a) gives at least 2 working days' notice of the intended entry;</p> <p>(b) indicates the subject matter and purpose of the investigation; and</p> <p>(c) indicates the nature of the offences created under sections</p>	

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		<p>12N to 12Q.</p> <p>(3) Subsection (2) does not apply if the investigation officer has taken all such steps as are reasonably practicable to give notice but has not been able to do so.</p> <p>(4) Where subsection (3) applies, the power of entry conferred by subsection (1) may be exercised on the production of —</p> <p>(a) evidence of the investigation officer’s authorisation and the authorisation of every authorised person accompanying him; and</p> <p>(b) a document containing the information referred to in subsection (2)(b) and (c).</p> <p>(5) An investigation officer or an authorised person entering any premises under this section may —</p> <p>(a) inspect and search the premises;</p> <p>(b) take such photographs or audio or video recording as the investigation officer thinks necessary, of the premises and persons on the premises reasonably believed to be acquainted with the facts and circumstances relevant to the investigation;</p> <p>(c) seize and detain any goods found at the premises that the investigation officer reasonably believes to be relevant to the investigation, and carry out tests on such goods to ascertain whether the supplier concerned has engaged in any unfair practice under investigation;</p> <p>(d) bring any equipment which the investigation officer considers to be necessary;</p> <p>(e) require any person on the premises —</p> <p>(i) to produce any document which the investigation officer considers relevant to the investigation;</p> <p>(ii) if the document is produced, to provide an explanation of it; and</p> <p>(iii) if the document is not produced, to state, to the best of the person’s knowledge and belief, where any such document is to be found;</p> <p>(f) take copies of, or extracts from, any document that is produced;</p> <p>(g) if the investigation officer considers any information that is stored in any electronic form and is accessible from the premises to be relevant to the investigation, require that information to be produced in a form in which the information —</p> <p>(i) can be taken away; and</p> <p>(ii) is visible and legible; and</p> <p>(h) take any step which appears to be necessary to preserve or</p>	

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		<p>prevent interference with any document which the investigation officer considers relevant to the investigation.</p> <p>(6) The investigation officer or authorised person must, on seizing any goods, document or information under subsection 5(c), (f) and (g), respectively, in the exercise of the investigation officer's or authorised person's powers under this section, inform the following persons of the seizure:</p> <p>(a) the owner of the goods, document or information; and</p> <p>(b) in the case of goods seized from a vending machine, the person whose name and address are stated on the machine as being the proprietor or, if no name and address are so stated, the occupier of the premises on which the machine stands or to which the machine is affixed.</p> <p>(7) If the investigation officer or authorised person has taken possession of, seized or detained any goods, document or information under subsection (5), the investigation officer or authorised person (as the case may be) —</p> <p>(a) must place the goods, document or information in safe custody; and</p> <p>(b) unless ordered otherwise by a court, may retain the goods, document or information until the completion of any proceedings under section 9 or 10 (including proceedings on appeal) in which the goods, document or information retained may be evidence.</p> <p>Power to enter premises under warrant</p> <p>12J.—(1) If any of the conditions in subsection (2)(a) to (d) in relation to the premises referred to in any of those conditions are satisfied, the court may, on the application of the Board, issue a warrant authorising an investigation officer and any authorised person referred to in section 12I(1) to do all or any of the actions in subsection (3) in relation to the premises. (2) The conditions are —</p> <p>(a) there are reasonable grounds for suspecting that there are on any premises, documents which have not been produced as required by the Board under section 12H or 12I(5)(e);</p> <p>(b) there are reasonable grounds for suspecting that —</p> <p>(i) there are on any premises documents which the Board has power under section 12H to require to be produced; and</p> <p>(ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed;</p> <p>(c) there are reasonable grounds for suspecting that —</p> <p>(i) there are on any premises documents or goods which the Board has power under section 12I to require to be produced or to seize and detain, respectively; and</p>	

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		<p>(ii) if notice is given under section 12I(2), the documents or goods would be concealed, removed, tampered with or destroyed; or</p> <p>(d) an investigation officer or an authorised person has attempted to enter the premises in the exercise of the investigation officer's or the authorised person's powers (as the case may be) under section 12I but has been unable to do so and there are reasonable grounds for suspecting that there are on the premises —</p> <p>(i) documents the production of which could have been required under that section; or</p> <p>(ii) goods which may be seized and detained under that section.</p> <p>(3) The actions, in relation to the premises referred to in subsection (2)(a) to (d), are as follows:</p> <p>(a) enter those premises, using such force as is reasonably necessary for the purpose;</p> <p>(b) search any person on those premises if there are reasonable grounds for believing that the person has in the person's possession any document, goods, equipment or article which is relevant to the investigation;</p> <p>(c) take such photographs or audio or video recording as the investigation officer thinks necessary, of the premises and persons of the premises reasonably believed to be acquainted with the facts and circumstances relevant to the investigation;</p> <p>(d) seize and detain any goods found at the premises that the investigation officer reasonably believes to be relevant to the investigation, and carry out tests on such goods to ascertain whether the supplier concerned has engaged in any unfair practice under investigation;</p> <p>(e) bring any equipment which the investigation officer considers to be necessary;</p> <p>(f) search the premises and take copies of, or extracts from, any document appearing to be relevant to the investigation;</p> <p>(g) take possession of any document at the premises appearing to be relevant to the investigation if —</p> <p>(i) such action appears to be necessary to preserve or prevent interference with the document; or</p> <p>(ii) it is not reasonably practicable to take copies of the document on the premises;</p> <p>(h) take any other step which appears to be necessary for the purpose mentioned in paragraph (g)(i);</p> <p>(i) require any person on the premises —</p> <p>(ii) to produce any document which the investigation officer</p>	

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		<p>considers relevant to the investigation;</p> <p>(ii) if the document is produced, to provide an explanation of it; and</p> <p>(iii) if the document is not produced, to state, to the best of the person's knowledge and belief, where any such document is to be found;</p> <p>(j) if the investigation officer considers any information that is stored in any electronic form and is accessible from the premises to be relevant to the investigation, require that information to be produced in a form in which the information —</p> <p>(i) can be taken away; and</p> <p>(ii) is visible and legible; and</p> <p>(k) remove from those premises for examination any equipment or article which is relevant to the investigation.</p> <p>(4) If the court issues a warrant on the grounds in subsection (2)(b) or (c), the court may also, on the application of the Board, authorise the named investigation officer and any authorised person to exercise the power under the warrant in respect of any other document relating to the investigation concerned that the court is satisfied it is reasonable to suspect are on the premises.</p> <p>(5) Where the named investigation officer or authorised person has taken possession of any document under subsection (3)(g) or (4), the named investigation officer or authorised person must, at the request of the person from whose possession the document was taken, provide a copy of the document to that person.</p> <p>(6) The named investigation officer or authorised person must, on seizing any goods, documents or information under subsection (3)(d), (f), (g) and (j) respectively, in the exercise of the investigation officer's or authorised person's powers under this section, inform the following persons of the seizure:</p> <p>(a) the owner of the goods, document or information; and</p> <p>(b) in the case of goods seized from a vending machine, the person whose name and address are stated on the machine as being the proprietor or, if no name and address are so stated, the occupier of the premises on which the machine stands or to which the machine is affixed.</p> <p>(7) If the named investigation officer or authorised person has taken possession of, seized or detained any goods, document or information under subsection (3), the named investigation officer or authorised person (as the case may be) —</p> <p>(a) must place the goods, document or information in safe custody; and</p> <p>(b) unless ordered otherwise by a court, may retain the goods,</p>	

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		<p>document or information until the completion of any proceedings under section 9 or 10 (including proceedings on appeal) in which the goods, document or information retained may be evidence.</p> <p>(8) If any equipment or article may be removed from any premises for examination under subsection (3)(k), the named investigation officer or authorised person may instead allow the equipment or article to be retained on those premises subject to such conditions as the named investigation officer or authorised person may impose on the owner or occupier of the premises.</p> <p>(9) Any owner or occupier who fails to comply with any condition imposed under subsection (8) shall be guilty of an offence.</p> <p>(10) A warrant issued under this section must indicate —</p> <p>(a) the subject matter and purpose of the investigation; and</p> <p>(b) the nature of the offences created under sections 12N to 12Q,</p> <p>and continues in force for one month beginning on the day on which the warrant is issued.</p> <p>(11) The named investigation officer or authorised person must, before exercising any power under the warrant against any person, produce the warrant to that person.</p> <p>(12) If there is no one at the premises when the named investigation officer or authorised person intends to execute the warrant, the named investigation officer or authorised person must, before executing the warrant —</p> <p>(a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and</p> <p>(b) if the occupier is so informed, give the occupier or the occupier’s legal or other representative a reasonable opportunity to be present when the warrant is executed.</p> <p>(13) If the named investigation officer or authorised person is unable to inform the occupier of the intended entry, the named investigation officer or authorised person must, when executing the warrant, leave a copy of the warrant in a prominent place at the premises.</p> <p>(14) On leaving any premises which the named investigation officer or authorised person has entered under a warrant under this section, the named investigation officer or authorised person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured as the named investigation officer or authorised person found them.</p> <p>(15) In this section —</p> <p>“named investigation officer” means an investigation officer named in the warrant;</p>	

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		<p>“occupier”, in relation to any premises, means a person whom the named investigation officer reasonably believes is the occupier of those premises.</p> <p>Power to require evidence as to identity</p> <p>12K. An investigation officer may require any person whom the investigation officer reasonably believes to have engaged in an unfair practice or to have knowingly abetted, aided, permitted or procured a supplier to engage in an unfair practice, to furnish any evidence establishing, to the satisfaction of the investigation officer, the person’s identity and, where the person is an individual, the person’s nationality and residential address.</p> <p>Power to examine, secure attendance, etc.</p> <p>12L.—(1) An investigation officer has, for the purposes of this Act, power to do all or any of the following things in connection an investigation referred to in section 12G(1):</p> <p>(a) examine orally any person who appears to be acquainted with any of the facts or circumstances relevant to the investigation —</p> <p>(i) whether before or after any proceedings are commenced under section 9 or 10; and</p> <p>(ii) whether or not the person is to be called as a witness in any proceedings under section 9 or 10;</p> <p>(b) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with any of the facts or circumstances relevant to the investigation, to attend before the investigation officer.</p> <p>(2) The person referred to in subsection (1)(b) must comply with the written notice referred to in that provision.</p> <p>(3) A statement made by any person examined under this section must —</p> <p>(a) be reduced to writing;</p> <p>(b) be read over to the person;</p> <p>(c) if the person does not understand English, be interpreted for the person in a language that the person understands; and</p> <p>(d) after correction (if necessary), be signed by the person.</p> <p>Self-incrimination and savings for professional legal advisers</p> <p>12M.—(1) A person who is required under any provision of the Act to disclose any information or document to the Board, an investigation officer or any authorised person referred to in section 12I or 12J is not excused from making the disclosure on the ground that the disclosure of the information or document might tend to incriminate the person.</p>	

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		<p>(2) If a person referred to in subsection (1) claims, before disclosing any information or document under any provision of this Act to the Board, an investigation officer or any authorised person referred to in section 12I or 12J, that the disclosure might tend to incriminate the person, the information or document disclosed —</p> <p>(a) is not admissible in evidence against the person in criminal proceedings other than proceedings under Part IIIB; and</p> <p>(b) is, for the avoidance of doubt, admissible in evidence in civil proceedings, including proceedings under this Act.</p> <p>(3) Nothing in this Part —</p> <p>(a) compels a professional legal adviser to disclose or produce a privileged communication, or a document or other material containing a privileged communication, made by or to the professional legal adviser in that capacity; or</p> <p>(b) authorises the taking of any such document or other material which is in the professional legal adviser's possession.</p> <p>(4) A professional legal adviser who refuses to disclose the information or produce the document or other material referred to in subsection (3) is nevertheless obliged to give the name and address (if the professional legal adviser knows them) of the person to whom, or by or on behalf of whom, that privileged communication was made.</p>	
		<p>PART IIIB</p> <p>OFFENCES</p> <p>Refusal to provide information, etc.</p> <p>12N.—(1) Any person who fails to comply with a requirement imposed on him under section 12H, 12I, 12J, 12K or 12L shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment not exceeding one year or to both.</p> <p>(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it is a defence for the person to prove that —</p> <p>(a) the document was not in the person's possession or under the person's control; and</p> <p>(b) it was not reasonably practicable for the person to comply with the requirement.</p> <p>(3) If a person is charged with an offence under subsection (1) in respect of a requirement —</p> <p>(a) to provide information;</p> <p>(b) to provide an explanation of a document; or</p>	<p>These amendments enable SPRING, as the appointed administering agency, to better carry out its investigations and enforcement tasks.</p>

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		<p>(c) to state where a document is to be found, it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.</p> <p>(4) Failure to comply with a requirement imposed under section 12H, 12I, 12J, 12K or 12L is not an offence if the person imposing the requirement has failed to act in accordance with that section.</p> <p>Destroying or falsifying documents</p> <p>12O. Any person who, having been required to produce a document under section 12H, 12I, 12J or 12K —</p> <p>(a) intentionally or recklessly destroys or otherwise disposes of, falsifies or conceals the document; or</p> <p>(b) causes or permits the destruction, disposal, falsification or concealment of the document,</p> <p>shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment not exceeding one year or to both.</p> <p>False or misleading information</p> <p>12P.—(1) Any person who provides information to the Board, an investigation officer or any authorised person referred to in section 12I or 12J in connection with an investigation referred to in section 12G(1) or any offence in this Part knowing the information to be false or misleading in a material particular or being reckless as to whether the information is false or misleading in a material particular shall be guilty of an offence.</p> <p>(2) A person who provides information that is false or misleading in a material particular to another person —</p> <p>(a) knowing that the information is to be used for the purpose of providing information to the Board, an investigation officer or any authorised person referred to in section 12I or 12J in connection with any function or duty of the Board or investigation officer under this Act; and</p> <p>(b) knowing the information to be false or misleading in a material particular, or being reckless as to whether the information is false or misleading in a material particular,</p> <p>shall be guilty of an offence.</p> <p>(3) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment not exceeding one year or to both.</p> <p>Obstructing officer of Board, etc.</p> <p>12Q. Any person who, without reasonable excuse, obstructs, hinders or impedes —</p>	

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		<p>(a) any of the Board's members, officers or employees; or</p> <p>(b) any investigation officer or authorised person referred to in section 12I or 12J,</p> <p>in the discharge of their duties or the exercise of their powers under this Act or any regulations made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or imprisonment not exceeding one year or to both.</p> <p>No costs or damages or other relief arising from seizure recoverable unless seizure without reasonable or probable cause</p> <p>12R. No person is, in any proceedings before any court in respect of any equipment, goods, article or document seized in the exercise or the purported exercise of any power conferred under this Act, entitled to the costs of the proceedings or to any damages or other relief other than an order for the return of the equipment, goods, article or document or the payment of their value unless the seizure was made without reasonable or probable cause.</p> <p>Offences by bodies corporate, etc.</p> <p>12S.—(1) Where an offence under this Act committed by a body corporate is proved —</p> <p>(a) to have been committed with the consent or connivance of an officer; or</p> <p>(b) to be attributable to any neglect on the part of an officer,</p> <p>the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p> <p>(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.</p> <p>(3) Where an offence under this Act committed by a partnership is proved —</p> <p>(a) to have been committed with the consent or connivance of a partner; or</p> <p>(b) to be attributable to any neglect on the part of a partner,</p> <p>the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p> <p>(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —</p> <p>(a) to have been committed with the consent or connivance of an</p>	

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		<p>officer of the unincorporated association or a member of the unincorporated association's governing body; or</p> <p>(b) to be attributable to any neglect on the part of such officer or member,</p> <p>the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p> <p>(5) In this section —</p> <p>“body corporate” includes a limited liability partnership;</p> <p>“officer” —</p> <p>(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or</p> <p>(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee, and includes any person purporting to act in any such capacity;</p> <p>“partner” includes a person purporting to act as a partner.</p> <p>Composition of offences</p> <p>12T.—(1) The chief executive or any officer of the Board authorised by the chief executive may compound any offence under this Act which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:</p> <p>(a) one half of the amount of the maximum fine that is prescribed for that offence;</p> <p>(b) \$5,000.</p> <p>(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.</p> <p>(3) All sums collected under this section are to be paid into the Consolidated Fund.</p> <p>(4) The members, officers and employees of the Board are, in relation to their administration, assessment, collection and enforcement of payment of composition sums under this section, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act applies to these persons even though they are not or were not in the employment of the Government.</p>	
Amendment of	1. Representing that goods or services have sponsorship,	1. Representing that goods or services have sponsorship, approval,	The proposed amendment will

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Second Schedule Para 1	approval, performance characteristics, accessories, ingredients, components, qualities, uses or benefits that they do not have.	performance characteristics, accessories, ingredients, components, qualities, uses or benefits that they do not have. 1A. Representing that the supplier has a sponsorship, approval or affiliation with respect to the supply of goods or services that the supplier does not have. 1B. Making a false or misleading representation concerning the need for any goods or services.	provide greater clarity on what constitutes misleading or deceptive conduct in consumer transactions.
Amendment of Second Schedule Para 2	2. Representing that goods or services are of a particular standard, quality, grade, style, model, origin, or method of manufacture if they are not.	2. Representing that goods or services are of a particular standard, quality, grade, style, model, origin, weight , or method of manufacture if they are not.	The proposed amendment will provide clarity on unfair practices involving weight of goods.
Amendment of Second Schedule Para 13	13. Representing in relation to a voucher that another supplier will provide goods or services at a discounted or reduced price if the supplier making the representation knows or ought to know that the other supplier will not do so.	13. Representing that another supplier will, on the presentment of a voucher to that other supplier – (a) supply certain goods or services; or (b) supply certain goods or services at a discounted or reduced price, When the supplier knows or ought to know that, on presentment of the voucher to that other supplier, such goods or services will not be supplied, or will not be supplied at a discounted or reduced price (as the case may be).	The proposed amendment will provide greater clarity on unfair practices involving vouchers.
Amendment of Second Schedule Para 19	19. Representing that goods or services are available at a discounted price for a particular reason that is different from the fact.	19. Representing that goods or services are available at a discounted price for a particular reason that is different from the fact. 19A. Making an invitation to a consumer to purchase, or making an offer to sell to a consumer certain goods or services (called the original goods or services in this paragraph) at a certain price and then, with the intention of promoting different goods or services – (a) refusing to show or demonstrate the original goods or services to the consumer; (b) refusing to take any order for the original goods or services; (c) refusing to supply the original goods or services within a reasonable time; or (d) showing or demonstrating a defective sample of the original goods.	The proposed amendment will provide greater clarity on “bait and switch” unfair practices.
Amendment of Second Schedule Para 20	20. Using small print to conceal a material fact from the consumer or to mislead a consumer as to a material fact, in connection with the supply of goods or services.	20. Omitting to provide a material fact to a consumer, using small print to conceal a material fact from the consumer or misleading a consumer as to a material fact, in connection with the supply of goods or services.	The proposed amendment will provide greater clarity on unfair practices involving misleading omissions of material information regarding a product or service.
Insertion of Second Schedule Para 21	(Not applicable. New provision.)	21. Accepting payment or other consideration for the supply of goods or services when the supplier knows or ought to know that the supplier will not be able to supply the goods or services — (a) within the period specified by the supplier at or before the	The proposed amendment will provide clarity on the circumstances under which accepting payment constitutes an unfair practice.

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		time at which the payment or other consideration is accepted; or (b) if no period is specified at or before that time, within a reasonable period.	
Insertion of Second Schedule Para 22	(Not applicable. New provision.)	22. Purporting to assert a right to payment for the supply of unsolicited goods or services.	The proposed amendment will provide clarity that demanding payment for unsolicited supplies is an unfair practice.
Insertion of Second Schedule Para 23	(Not applicable. New provision.)	23. Sending to a consumer an invoice or document that states the amount of payment for the supply of unsolicited goods or services which does not contain, as the document's most prominent text, the following (or words to that effect): "This is not a bill. You are not required to pay any money.", unless the consumer has expressly acknowledged to the supplier in writing the consumer's intention to accept and pay for such goods or services.	The proposed amendment will provide clarity that demanding payment for unsolicited supplies is an unfair practice.
Insertion of Fifth Schedule	(Not applicable. New provision.)	<p>FIFTH SCHEDULE</p> <p>Sections 9(4)(e) and (f) and 10(6)(c)</p> <p>EVENTS TO BE NOTIFIED TO BOARD</p> <p>1. The individual, as a sole-proprietor, commences to carry on business as a supplier.</p> <p>2. The individual is employed or ceases to be employed by a person who carries on a business as a supplier.</p> <p>3. The individual becomes or ceases to be —</p> <p>(a) a director of a company which carries on a business as a supplier;</p> <p>(b) a partner in a partnership or limited partnership which carries on a business as a supplier; or</p> <p>(c) a partner or manager of a limited liability partnership which carries on a business as a supplier.</p>	The proposed amendment specifies the changes or events for which an errant retailer or individual may be required to notify the appointed administering agency. This enables the appointed administering agency to monitor the errant retailer individual as part of its enforcement efforts and ensure that the errant retailer individual does not side-step the injunction order.