

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**BUS SERVICES LICENSING AUTHORITY ACT
(CHAPTER 31)**

**Act
5 of 1971**

**Amended by
27 of 1973
21 of 1978**

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Bus Services Licensing Authority Act

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An Act relating to the licensing of bus services.

[1st March 1971]

1. This Act may be cited as the Bus Services Licensing Authority Act. Short title.

2. In this Act, unless the context otherwise requires — Interpreta-
tion.
27/73.
- “affairs”, in relation to a licensee, includes —
- (a) the promotion, formation, membership, control, trading, dealings, business and property of the licensee;
 - (b) the ownership of shares in, debentures of and interests made available by the licensee;

- (c) the ascertainment of the persons who are or have been financially interested in the success or failure or apparent success or failure of the licensee or are or have been able to control or materially to influence the policy of the licensee; and
- (d) the circumstances under which a person acquired or disposed of or became entitled to acquire or dispose of shares in, debentures of or interests made available by the licensee;

“Authority” means the Bus Services Licensing Authority established under section 3;

“bus” means a public service vehicle used for the conveyance of passengers on scheduled services and in which the passengers are charged separate and distinct fares;

“licensee” means a person to whom a bus service licence has been granted under this Act and includes any company which an inspector appointed under this Act thinks necessary to investigate the affairs of the company pursuant to section 11 (1);

“officer or agent”, in relation to a licensee, includes —

- (a) a director, banker, solicitor or auditor of the licensee;
- (b) a person who at any time —
 - (i) has been a person referred to in paragraph (a); or
 - (ii) has been otherwise employed or appointed by the licensee;
- (c) a person who —
 - (i) has in his possession any property of the licensee;
 - (ii) is indebted to the licensee; or
 - (iii) is capable of giving information concerning the promotion, formation, trading, dealings, affairs or property of the licensee; and
- (d) where there are reasonable grounds for suspecting or believing that a person

is a person referred to in paragraph (c), that person.

3.—(1) There shall be an Authority to be called the Bus Services Licensing Authority which shall consist of such persons, not exceeding 7 in number, as may be appointed by the Minister.

Establishment of Bus Services Licensing Authority. 21/78.

(2) Every person appointed under subsection (1) shall hold office for the period specified in his appointment.

(3) The Minister shall appoint one of the persons appointed under subsection (1) to be the chairman of the Authority.

(4) If any vacancy occurs by death, resignation or otherwise the Minister may appoint a person to fill such vacancy and any person so appointed shall hold office for so long as the person in whose place he is appointed would have held office.

(5) The Minister shall appoint a person to be the secretary of the Authority.

(6) Subject to the provisions of this Act and any regulations made thereunder, the Authority may regulate its own procedure:

(7) The Minister may at any time remove any person appointed under this section without assigning any reason therefor.

4. The Minister may from time to time give to the Authority such general directions not inconsistent with the provisions of this Act as he may think fit and the Authority shall comply with all such directions.

Directions by Minister.

5.—(1) Subject to the provisions of this Act, the Authority may, in its discretion, grant to any person applying therefor a licence (referred to in this Act as a bus service licence) to provide a bus service upon the route or routes therein specified, and irrespectively of whether or not any such route or any part thereof is specified in any other bus service licence.

Bus service licences.

(2) A bus service licence shall be for a period not exceeding 3 years and the fee to be paid therefor by the person to whom any such licence is granted shall be in

accordance with a scale of fees to be prescribed by the Minister.

(3) All fees received by the Authority under subsection (2) shall be paid into the Consolidated Fund.

(4) From and after the grant of a bus service licence under this section no bus, other than the buses of the licensee, shall ply for hire along any route specified in the licence.

Matters
to be
considered
by Authority.
21/78.

6. In exercising its discretion to grant or refuse a bus service licence in respect of any route or routes and its discretion to attach conditions to any such licence, the Authority shall generally have regard to —

- (a) the financial standing of the applicant and his ability to maintain an adequate, satisfactory and efficient service and, if the applicant is a company, the fact that its articles of association contain provisions to ensure that its board of directors shall at all times consist only of persons approved by the Authority;
- (b) the suitability of the route or routes on which a service is to be provided under the licence;
- (c) the extent, if any, to which the needs of the proposed route or routes are already adequately and satisfactorily served by existing transport facilities;
- (d) the extent to which the proposed service is necessary or desirable in the public interest; and
- (e) the needs of the area as a whole in relation to traffic (including the provision of adequate, safe, suitable and efficient services, the elimination of unnecessary or unsatisfactory services and the provision of unremunerative services) and the co-ordination of all forms of passenger transport.

Notice to
grant
licence.

7.—(1) Before granting a bus service licence under this Act, the Authority shall give notice in the *Gazette* and in not less than two newspapers, one of which shall be in the vernacular language, inviting applications to run a bus service, and may require such costs as are incidental to the licence to be paid by the licensee.

(2) Every such notice shall specify the route or routes in respect of which the licence is to be granted and shall state that the licence may be granted after the expiry of one month from the date of publication of the notice.

(3) Any representation made following upon any notice given in accordance with this section by persons who are already providing transport facilities along or near to such route or routes or any part thereof shall be taken into consideration by the Authority.

(4) Nothing in this section shall apply to renewals of licences previously granted or to the granting of a temporary bus service licence for a period not exceeding one month.

8. In granting a bus service licence, the Authority may impose such conditions as it thinks fit, and may, in particular, impose conditions relating to — Conditions of licence.

- (a) the timetable of the bus service and the number of buses to be provided;
- (b) the carrying and availability for inspection in vehicles used on the bus service of copies of the timetable and fare-table;
- (c) the taking up and setting down of passengers at specified points;
- (d) the prevention of racing, cutting in and dangerous competition with other vehicles on the route; and
- (e) the deposit of security or bank guarantee to the satisfaction of the Authority for the due performance by the licensee of all or any obligations imposed upon him by the bus service licence or by this Act or other written law.

9.—(1) Every licensee shall, within 3 months after the close of each financial year of the licensee's undertaking or within such extended period as the Authority may approve, submit a copy, certified by the licensee or if the licensee is a company by a director or by the manager or the secretary of the company, as the case may be, to be a true copy of the balance-sheet and of the profit and loss account for the financial year which have been respectively audited by the licensee's auditors (including every document required by law to be annexed or attached thereto) together with a copy Licensee to submit accounts. 27/73.

of the report of the auditors thereon (certified as aforesaid) and if any such balance-sheet or account is in a language other than English there must also be annexed to it a translation in English certified to be a correct translation. If the balance-sheet or account did not comply with the requirements of the law as in force at the date of the audit, there shall be made such additions to and corrections in the copy in order to make it comply with the requirements, and the fact that the copy has been so amended shall be stated thereon.

(2) The licensee shall cause to be attached to the profit and loss account a statement or statements of the total revenue and expenditure of the licensee for the financial year containing such particulars and in such form as the Authority may direct and such statement or statements shall be signed by the licensee or if the licensee is a company by not less than two of the directors of the company.

(3) The statement or statements referred to in subsection (2) shall be duly audited.

(4) If any licensee fails to comply with this section, the licensee and, if the licensee is a company, every director and manager thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and the court may on the application made by the secretary of the Authority or on his behalf order the licensee and, if the licensee is a company, a director or manager thereof to lodge the balance-sheet and the profit and loss account and the statements referred to in subsections (1) and (2) within such time as the court may determine.

(5) Nothing in this section shall prevent the Authority from taking any action to suspend or cancel the bus service licence issued to the licensee or to forfeit the whole or any part of any security deposited with the Authority by the licensee or by his bank pursuant to a bank guarantee in accordance with section 15 for a contravention of subsection (1), (2) or (3).

10.—(1) The Minister may appoint one or more inspectors to investigate the affairs of a licensee or such aspects of the affairs of a licensee as are specified in the instrument of appointment.

(2) An inspector appointed by the Minister may, and if so directed by the Minister shall, make interim reports to the

Minister and on the conclusion of the investigation an inspector shall report his opinion on or in relation to the affairs that he has been appointed to investigate together with the facts upon which his opinion is based to the Minister, and a copy of the report shall be forwarded by the Minister to the registered office of the licensee.

(3) The Minister may, if he is of the opinion that it is necessary in the public interest to do, cause the report to be printed and published. [9A

11.—(1) If an inspector appointed to investigate the affairs of a licensee which is a company thinks it necessary for the purposes of the investigation to investigate also the affairs of any other company which is or has at any relevant time been deemed to be or have been related to the licensee by virtue of section 6 of the Companies Act he shall have power to do so, and he shall report on the affairs of the other company so far as he thinks the results of the investigation thereof are relevant to the investigation of the affairs of the licensee.

Procedure
and
powers of
inspectors.
27/73.

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(2) The licensee and every officer and agent of the licensee shall, if required by an inspector appointed under this Act, produce to the inspector all books and documents in his custody or power and shall give to the inspector all assistance in connection with the investigation which he is reasonably able to give.

(3) An inspector may, by notice in writing, require the licensee and any officer or agent of the licensee to appear for examination on oath or affirmation (which he is hereby authorised to administer) in relation to the business of the licensee and the notice may require the production of all books and documents in the custody or under the control of that licensee or officer or agent of that licensee.

(4) An inspector who pursuant to this section requires the production of all books and documents in the custody or power or under the control of an officer or agent of any licensee —

- (a) may take possession of all such books and documents;
- (b) may retain all such books and documents for such time as he considers to be necessary for the purpose of the investigation; and

(c) shall permit the licensee to have access at all reasonable times to all such books and documents so long as they are in his possession.

(5) If any licensee or any officer or agent of the licensee fails to comply with the requirements of any notice issued under subsection (3) or fails or refuses to answer any question which is put to him by an inspector with respect to the affairs of the licensee, the inspector may certify the failure or refusal under his hand to the court, which may thereupon inquire into the case and, after hearing any witnesses against or on behalf of the alleged offender, deal with him in the like manner as if he had been guilty of contempt of the court.

(6) No person who is or has formerly been an officer or agent of a licensee shall be entitled to refuse to answer any question which is relevant or material to the investigation on the ground that his answer might tend to incriminate him but if he claims that the answer to any question might incriminate him and but for this subsection he would have been entitled to refuse to answer the question the answer to the question shall not be used in any subsequent criminal proceedings except in the case of a charge against him for making a false statement in answer to that question.

(7) Subject to subsection (6) a person shall be entitled to refuse to answer a question on the ground that the answer might tend to incriminate him.

(8) An inspector may cause notes of any examination under this Act to be recorded and reduced to writing and to be read to or by and signed by the person examined and any such signed notes may, except in the case of any answer which that person would not have been required to give but for subsection (6), thereafter be used in evidence in any legal proceedings against that person. [9B

12. A copy of the report of any inspector appointed under this Act certified as correct by the Minister shall be admissible in any legal proceedings as evidence of the opinion of the inspector and of the facts upon which his opinion is based in relation to any matter contained in the report. [9c

13. The expenses of and incidental to an investigation by an inspector appointed under this Act shall be paid out of moneys provided by Parliament. Costs of investigations. 27/73. [9D

14.—(1) Any person who with intent to defeat the purposes of this Act or to delay or obstruct the carrying out of an investigation under this Act — Offences. 27/73.

- (a) destroys, conceals or alters any book, document or record of or relating to a licensee; or
- (b) sends or attempts to send or conspires with any other person to send out of Singapore any such book, document or record or any property of any description belonging to or in the disposition or under the control of a licensee,

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 2 years or to both.

(2) If in any prosecution for an offence under subsection (1) it is proved that the person charged with the offence —

- (a) has destroyed, concealed or altered any book, document or record of or relating to the licensee; or
- (b) has sent or attempted to send or conspired to send out of Singapore any book, document or record or any property of any description belonging to or in the disposition or under the control of the licensee,

the onus of proving that in so doing he had not acted with intent to defeat the purposes of this Act or to delay or obstruct the carrying out of an investigation under this Act shall lie on him. [9E

(3) If any person uses a bus or causes or permits a bus to be used in contravention of the provisions of this Act he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and in the case of a continuing offence to a fine not exceeding \$250 for every day during which the offence continues. [10

Suspension
and cancel-
lation of
licence.
21/78.

15.—(1) If any licensee —

- (a) fails to comply with or fails to secure the compliance of his drivers, servants, agents or contractors with any of the conditions of his bus service licence or with the provisions of this Act or any written law relating to public service vehicles; or
- (b) in the opinion of the Authority, fails or is likely to fail to provide and maintain an adequate and satisfactory bus service upon the route or routes specified in his bus service licence or any part thereof,

the Authority may, by notice in writing and without any compensation, do either or both of the following:

- (i) suspend or cancel the bus service licence;
- (ii) forfeit the whole or any part of any security deposited with the Authority by the licensee or by his bank pursuant to a bank guarantee.

(2) The Authority may, with the approval of the Minister, delegate its powers under this section to the Registrar of Vehicles or the Deputy Registrar of Vehicles. Such delegation shall be published in the *Gazette*. [11

Regulations.

16. The Minister may make such regulations as he considers necessary or expedient for carrying out the provisions of this Act and in particular but without prejudice to the foregoing generality for —

- (a) prescribing the manner and form in which applications for bus service licences shall be made and the form of such licences;
- (b) prescribing a scale of fees for bus service licences; and
- (c) regulating the procedure of the Authority. [12