



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC TRANSPORT COUNCIL ACT

(CHAPTER 259B)

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Public Transport Council Act

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An Act to provide for the establishment of the Public Transport Council to provide for the licensing of bus services, bus service

operators and ticket payment services, to regulate bus, taxi and rapid transit system fares and for matters connected therewith.

[29/99; 37/2005]

[14th August 1987]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Public Transport Council Act.

Interpretation

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

“bus” means any motor vehicle registered as a bus under the Road Traffic Act (Cap. 276);

“bus service” means a service that is provided to any person upon the payment of a fare using one or more buses operating on pre-determined timetables and routes;

“bus service licence” means a bus service licence granted under Part IV;

“bus service operator” means any person who operates 10 or more bus services;

“bus service operator’s licence” means a bus service operator’s licence granted under Part IVA;

“Chairman” means the Chairman of the Council and includes any temporary Chairman of the Council;

“clearing”, in relation to a ticket payment service, means any arrangement, process, mechanism or facility provided by a person in respect of ticket transactions, by which —

- (a) information relating to the terms of those transactions are verified by such person with a view to confirming the authenticity of those transactions; or

(b) the amount payable to the parties under those transactions is calculated and verified;

“Council” means the Public Transport Council established under section 3;

“fare”, in relation to a taxi, means the rate payable for hiring the taxi, and includes any surcharge approved by the Council as being payable for such hire;

“licensee” means a person to whom any licence has been granted under this Act;

“limited liability partnership” has the same meaning given to it by section 4(1) of the Limited Liability Partnerships Act (Cap. 163A);

“manager” —

(a) in relation to a company, means the principal executive officer of the company for the time being by whatever name called and whether or not he is a director thereof; and

(b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act;

“public service vehicle” has the same meaning as in the Road Traffic Act;

“public transport official” means a person appointed by the Council as a public transport official under section 24A;

“rapid transit system” has the same meaning as in the Rapid Transit Systems Act (Cap. 263A);

“taxi” means any public service vehicle which is classified as a taxi under the Second Schedule to the Road Traffic Act;

“ticket” means any form of authorisation, issued for the conveyance of any passenger on a rapid transit system or on any bus operated by a bus service operator, or both;

“ticket payment service” means —

- (a) a service for —
 - (i) the clearing of any ticket transaction; or
 - (ii) the sale, topping-up, replacement or refund, or the management of the use, of a mode of payment for tickets; or
- (b) such other services as the Council may, by order in the *Gazette*, prescribe;

“ticket payment service licence” means a licence granted under Part IVB;

“ticket transaction” means any record of a fare deduction created by the use of a mode of payment for tickets.

[29/95; 29/99; 28/2001; 37/2005; 2/2007]

PART II

PUBLIC TRANSPORT COUNCIL

Establishment and constitution of Public Transport Council

3.—(1) There is hereby established a council to be called the Public Transport Council which shall consist of the following members:

- (a) a Chairman; and
- (b) such other members as the Minister may determine.

[37/2005]

(2) The First Schedule shall have effect with respect to the Council, its members and proceedings.

Functions of Council

- 4.** The functions of the Council are —
- (a) to receive and consider applications for the grant of bus service licences, bus service operator’s licences and ticket payment service licences;
 - (b) to receive and consider applications for the approval of bus, taxi and rapid transit system fares;

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- (c) to regulate bus services, bus service operators, ticket payment services and bus, taxi and rapid transit system fares;
 - (ca) to promote and facilitate the integration of bus and rapid transit system fares to ensure the provision of efficient public passenger transport services and facilities; and
 - (d) to engage in such other activities and to perform such functions as the Minister may permit or assign to it by order published in the *Gazette*.

[29/95; 37/2005; 17/2008]

Powers of Council

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

- (a) approve new bus services and adjust or cancel bus services;
- (aa) grant bus service operator's licences and ticket payment service licences and supervise and enforce compliance with the provisions of such licences; and
- (b) appoint and employ from time to time and on such terms and conditions as the Council may determine such officers, employees and agents as the Council thinks fit for the effective performance of its functions.

[29/99; 37/2005]

Protection from personal liability

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

[29/99]

Public servants

7. Every member, officer and employee of the Council and every public transport official shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

[29/99; 37/2005]

PART III**FINANCIAL PROVISIONS****Expenses**

8. Except as otherwise provided, all expenses incurred in carrying out the purposes of this Act shall be met from the funds of the Council.

Grants to Council

9. For the purpose of enabling the Council to carry out its functions under this Act or any other written law, the Minister may from time to time make grants to the Council of such sums as he may determine out of moneys to be provided by Parliament.

[29/99]

Bank accounts and application of revenue

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

(2) Every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Council.

(3) The moneys of the Council shall be applied only in payment or discharge of expenses, obligations and liabilities of the Council and in making any payments that the Council is authorised or required to make.

Financial provisions

11. The financial provisions set out in the Second Schedule shall have effect with respect to the Council.

PART IV
LICENSING OF BUS SERVICES

Bus service licences

12.—(1) No person shall operate any bus service without a bus service licence.

[37/2005]

(2) An application for the grant or renewal of a bus service licence shall be made to the Council in such form or manner as the Council may require and shall be accompanied by such particulars, information and documents as may be specified by the Council.

[37/2005]

(3) Upon receipt of an application under subsection (2), the Council may —

(a) grant or renew the licence permitting the applicant to provide a bus service on such terms and conditions as the Council thinks fit; or

(b) refuse to grant or renew the licence.

[37/2005]

(4) A bus service licence shall be for a period not exceeding 5 years and the fee to be paid by the person to whom any such licence is granted shall be in accordance with a scale of fees to be prescribed by the Council.

[37/2005]

13. *[Repealed by Act 37 of 2005]*

Matters to be considered by Council in granting or renewing bus service licences

14. In exercising its discretion to grant, renew or refuse to grant or renew a bus service licence under section 12 and the terms and conditions to impose thereon, the Council shall have regard to —

(a) the financial standing of the applicant and his ability to maintain an adequate, satisfactory, safe and efficient service;

(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 passenger demand (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.

[37/2005]

Conditions of bus service licence

15. Without prejudice to the generality of section 12(3), the Council may, in granting or renewing a bus service licence, impose conditions relating to —

- (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;
- (e) the deposit of such security as may be determined by the Council for the due performance by the licensee of any obligations imposed upon him by the bus service licence or by this Act or any other written law;
- (f) the general level of services to be provided by the licensee to members of the public;
- (g) the use or installation of integrated ticketing and information systems; and

- (h) the provision of route information.

[37/2005]

PART IVA

LICENSING OF BUS SERVICE OPERATORS

Bus service operator's licences

16.—(1) No person shall operate 10 or more bus services without a bus service operator's licence.

[37/2005]

(2) An application for the grant or renewal of a bus service operator's licence shall be made to the Council in such form or manner as the Council may require and shall be accompanied by such particulars, information and documents as may be specified by the Council.

[37/2005]

(3) Subject to section 22C, upon receipt of an application under subsection (2), the Council may —

- (a) grant or renew the licence permitting the applicant to operate any bus service for such period and on such terms and conditions as the Council thinks fit; or
- (b) refuse to grant or renew the licence.

[37/2005]

Matters to be considered by Council in granting or renewing bus service operator's licences

17. In exercising its discretion to grant, renew or refuse to grant or renew a bus service operator's licence under section 16 and the terms and conditions to impose thereon, the Council shall have regard to —

- (a) the financial standing of the applicant;
- (b) the ability of the applicant to provide a satisfactory bus service to members of the public in relation to safety, continuity, hours of operation, frequency, reliability, passenger capacity, vehicle quality and general efficiency;
- (c) the existence of other bus services;

- (d) the demand for bus services; and
- (e) any other matter which the Council thinks relevant.

[37/2005]

Conditions of bus service operator's licence

18.—(1) Without prejudice to the generality of section 16(3), the Council may, in granting or renewing a bus service operator's licence, impose conditions —

- (a) requiring the payment to the Council of a fee on the grant or renewal of the licence or periodic fees for the duration of the licence, or both, of such amount as may be prescribed by the Council;
- (b) requiring the payment to the Council of a security deposit or performance bond on the grant of the licence, of such amount as may be determined by the Council;
- (c) relating to the provision of integrated service information or ticketing systems;
- (d) requiring the licensee to do, or not to do, such things as are specified or described in the licence;
- (e) relating to the extent, hours and general level of services to be provided by the licensee to members of the public;
- (f) relating to the condition and use of the buses managed by the licensee in operating the bus service;
- (g) relating to the conduct of the employees, agents and contractors of the licensee;
- (h) relating to the forfeiture of security deposit or performance bond for any breach of licence conditions;
- (i) if the licensee is a company, requiring the approval of the Council for the appointment, reappointment or removal of any person as the chairman of the board of directors of that company; and
- (j) requiring the licensee to submit such data and undergo and pass such audit as the Council may determine for compliance with —

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- (i) the relevant provisions of this Act;
 - (ii) the terms and conditions of the licence;
 - (iii) the codes of practice issued, approved or modified by the Council under section 22E; and
 - (iv) any direction given by the Council under section 22F.

[37/2005]

(2) For the purpose of subsection (1)(j) —

(a) the audit shall be conducted by —

- (i) officers of the Council who have been duly designated by the Council for the purpose; or
- (ii) a qualified independent audit team approved by the Council for the purpose;

(b) the Council may require the licensee —

- (i) to submit to the Council or to the persons conducting the audit such information as the Council may specify which pertains to the operation of any bus service by the licensee; and
- (ii) to allow the persons conducting the audit to carry out on-site collection or verification of any information which pertains to the operation of any bus service by the licensee;

(c) any sample size used by the persons conducting the audit shall be deemed to be reasonable; and

(d) the costs of and incidental to the conduct of the audit shall be borne by the licensee.

[37/2005]

PART IVB**LICENSING OF TICKET PAYMENT SERVICES****Ticket payment service licences**

19.—(1) No person shall provide or cause to be provided any ticket payment service without a ticket payment service licence.

[37/2005]

(2) An application for the grant or renewal of a ticket payment service licence shall be made to the Council in such form or manner as the Council may require and shall be accompanied by such particulars, information and documents as may be specified by the Council.

[37/2005]

(3) Subject to section 22C, upon receipt of an application under subsection (2), the Council may —

- (a) grant or renew the licence permitting the applicant to provide a ticket payment service for such period and on such terms and conditions as the Council thinks fit; or
- (b) refuse to grant or renew the licence.

[37/2005]

Matters to be considered by Council in granting or renewing ticket payment service licences

20. In exercising its discretion to grant, renew or refuse to grant or renew a ticket payment service licence under section 19 and the terms and conditions to impose thereon, the Council shall have regard to the financial standing of the applicant and his ability to maintain an adequate, satisfactory, secure and efficient ticket payment service.

[37/2005]

Conditions of ticket payment service licence

21.—(1) Without prejudice to the generality of section 19(3), the Council may, in granting or renewing a ticket payment service licence, impose conditions —

- (a) requiring the payment to the Council of a fee on the grant or renewal of the licence or periodic fees for the duration of

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- the licence, or both, of such amount as may be prescribed by the Council;
- (b) requiring the payment to the Council of a security deposit or performance bond on the grant of the licence, of such amount as may be determined by the Council;
 - (c) relating to any fee or charge imposed by the licensee;
 - (d) relating to the provision or operation of any ticket payment service;
 - (e) relating to the standards of performance to be complied by the licensee in connection with the provision or operation of ticket payment services;
 - (f) relating to competition and the abuse of dominant position with respect to the provision or operation of any ticket payment service;
 - (g) requiring the licensee to furnish information with respect to his ticket payment service to the Council or any agent appointed by the Council in such manner and at such times as the Council may require;
 - (h) requiring the licensee to seek the approval of the Council before making any material change to any operating rule or activity of his ticket payment service;
 - (i) if the licensee is a company, requiring the approval of the Council for the appointment, reappointment or removal of any person as the chairman of the board of directors of that company; and
 - (j) requiring the licensee to undergo and pass such audit as the Council may determine for compliance with —
 - (i) the relevant provisions of this Act;
 - (ii) the terms and conditions of the licence;
 - (iii) the codes of practice issued, approved or modified by the Council under section 22E;
 - (iv) any direction given by the Council under section 22F; and

- (v) the standards of performance issued by the Council under paragraph (e).

[37/2005]

(2) For the purpose of subsection (1)(j) —

(a) the audit shall be conducted by —

- (i) officers of the Council who have been duly designated by the Council for the purpose; or
- (ii) a qualified independent audit team approved by the Council for the purpose;

(b) the Council may require the licensee —

- (i) to submit to the Council or to the persons conducting the audit such information as the Council may specify which pertains to the provision or operation of any ticket payment service by the licensee; and
- (ii) to allow the persons conducting the audit to carry out on-site collection or verification of any information which pertains to the provision or operation of any ticket payment service by the licensee;

(c) any sample size used by the persons conducting the audit shall be deemed to be reasonable; and

(d) the costs of and incidental to the conduct of the audit shall be borne by the licensee.

[37/2005]

Council may provide ticket payment service

22. If there is for any reason no person providing any ticket payment service for the land transport system in Singapore or any part thereof, the Council may provide or cause to be provided a ticket payment service having regard to the reasonable requirements of the system in Singapore or part thereof.

[37/2005]

PART IVC
FUEL EQUALISATION FUND

Establishment of Fuel Equalisation Fund

22A.—(1) Every person to whom a bus service operator's licence or a licence under Part III of the Rapid Transit Systems Act (Cap. 263A) has been granted shall —

- (a) establish and maintain a Fuel Equalisation Fund (referred to in this Part as the Fund) for the purpose of mitigating the effects of any increase in fuel price and electricity tariff; and
- (b) pay into the Fund an annual contribution of such amount as the Council may, from time to time, determine.

[37/2005]

(2) No person referred to in subsection (1) shall withdraw any sum of money from the Fund except with the approval of the Council.

[37/2005]

(3) An application to withdraw any sum of money from the Fund shall be made to the Council in such form or manner as the Council may require.

[37/2005]

(4) Upon receiving an application under subsection (3), the Council may —

- (a) grant the application to withdraw the sum of money from the Fund in full or in part, subject to such conditions as the Council thinks fit; or
- (b) reject the application.

[37/2005]

Contravention of section 22A

22B.—(1) If the Council is satisfied that any person referred to in section 22A(1) has contravened section 22A(1) or (2) or any condition imposed under section 22A(4), the Council may, by notice in writing, require that person to pay to the Council a financial

penalty in respect of the contravention of an amount not exceeding \$100,000.

[37/2005]

(2) Unless otherwise directed by the Minister, the financial penalty payable by the person under subsection (1) shall not absolve the person —

- (a) from his compliance with section 22A(1); and
- (b) if the Council requires him to do so, from paying into the Fund such sum of money withdrawn by him from the Fund without the approval of the Council.

[37/2005]

(3) The Council shall, in any notice requiring the payment of a financial penalty, specify the date before which the financial penalty is to be paid, being a date not earlier than the end of the period within which an appeal against the decision may be brought under section 22I.

[37/2005]

(4) Any financial penalty payable by any person under subsection (1) shall be recoverable as a debt due to the Council from that person, and the person's liability to pay such penalty shall not be affected by his licence ceasing (for any reason) to be in force.

[37/2005]

PART IVD

GENERAL PROVISIONS RELATING TO LICENCES

Constitution of partnership or company to be licensed

22C.—(1) If the applicant for a licence under Part IVA or IVB is a partnership, all the partners of the partnership must be approved by the Council before the licence may be granted or renewed.

[37/2005]

(2) If the applicant for a licence under Part IVA or IVB is a limited liability partnership —

- (a) all the partners of the limited liability partnership must be approved by the Council; and

- (b) where any partner is a company, all the directors of that company must be approved by the Council,

before the licence may be granted or renewed.

[37/2005]

(3) If the applicant for a licence under Part IVA or IVB is a company, all the directors of the company must be approved by the Council before the licence may be granted or renewed.

[37/2005]

(4) No person shall be appointed to be a new partner or director of a licensee unless such person is approved by the Council.

[37/2005]

(5) Every licensee to whom a licence has been granted under Part IVA or IVB shall inform the Council of —

- (a) if the licensee is a partnership, the withdrawal by, or the expulsion of, any partner from the partnership;
- (b) if the licensee is a limited liability partnership, the withdrawal by, or the expulsion of, any partner from the limited liability partnership and, where any partner is a company, the resignation or removal of any director of that company;
- (c) if the licensee is a company, the resignation or removal of any director of the company; and
- (d) if the licensee is a partnership, limited liability partnership or company, the death of any partner or director.

[37/2005]

Licensee to submit accounts

22D.—(1) Every licensee to whom a licence has been granted under Part IVA or IVB shall submit —

- (a) a 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) and certified to be a true copy by —
 - (i) the licensee;

- (ii) if the licensee is a partnership, a partner of the partnership;
- (iii) if the licensee is a limited liability partnership, a partner or manager of the limited liability partnership, as the case may be; or
- (iv) if the licensee is a company, a director or the manager or the secretary of the company, as the case may be; and

(b) a certified copy of the report of the auditors thereon, within 3 months after the close of each financial year of the licensee's undertaking or within such extended period as the Council may approve.

[37/2005]

(2) If the balance-sheet or profit and loss 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.

[37/2005]

(3) If the balance-sheet or profit and loss account did not comply with the requirements of the law 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.

[37/2005]

(4) 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 Council may direct.

[37/2005]

(5) The statement or statements referred to in subsection (4) shall be duly audited and signed by —

- (a) the licensee;
- (b) if the licensee is a partnership, a partner of the partnership;
- (c) if the licensee is a limited liability partnership, a partner or manager of the limited liability partnership, as the case may be; or

- (d) if the licensee is a company, not less than 2 of the directors of the company.

[37/2005]

Codes of practice, etc.

22E.—(1) The Council may issue or approve and, from time to time, modify codes of practice in connection with —

- (a) the operation or provision of any bus service or ticket payment service by licensees;
- (b) the conduct of licensees; and
- (c) the preservation and promotion of fair competition amongst operators of bus services or providers of ticket payment services.

[37/2005]

(2) Every licensee shall comply with any code of practice issued, approved or modified by the Council under subsection (1), except that if any provision in any such code of practice is inconsistent with this Act, that provision shall not have effect to the extent of the inconsistency.

[37/2005]

(3) The Council may, if the circumstances so warrant, exempt any licensee from any provision in any code of practice, whether unconditionally or subject to such conditions as the Council thinks fit to impose, and whether permanently or for such time as the Council may specify.

[37/2005]

(4) Any code of practice issued, approved or modified by the Council shall be deemed not to be subsidiary legislation.

[37/2005]

Directions affecting licensee

22F.—(1) The Council may give directions to be observed by licensees for or in respect of the following matters:

- (a) the extent, hours and general level of bus services or ticket payment services to be operated or provided by licensees;

- (b) the operation or provision of bus services or ticket payment services by licensees;
- (c) the preservation and promotion of fair competition amongst operators of bus services or providers of ticket payment services; and
- (d) any other matters affecting the interests of the public in connection with the services provided by licensees.

[37/2005]

(2) Any direction given under subsection (1) —

- (a) may require the licensee concerned to do or to refrain from doing, as the case may be, such things as are specified in the direction or described therein;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that direction; and
- (c) may be revoked at any time by the Council.

[37/2005]

(3) Before giving any direction to any licensee under subsection (1), the Council —

- (a) shall give notice to the licensee —
 - (i) informing the licensee of the proposed direction and setting out its effect; and
 - (ii) specifying the time within which representations or objections to the proposed direction may be made by the licensee in connection with the proposed direction,

unless the Council, in respect of any particular direction, considers that it is not practicable or desirable that such notice be given; and

- (b) shall consider any representation or objection which is duly made by the licensee in accordance with paragraph (a)(ii).

[37/2005]

(4) Every licensee shall comply with every direction given to him by the Council under this section.

[37/2005]

Modification of licence conditions

22G.—(1) Subject to this section, the Council may, without any compensation, add to, delete or modify the conditions of a licence imposed under this Act.

[37/2005]

(2) Before making any addition to or deletion or modification of the conditions of a licence under subsection (1), the Council shall give notice to the licensee —

- (a) stating that it proposes to make the addition, deletion or modification in the manner specified in the notice; and
- (b) specifying the time (not being less than 28 days from the date of service of the notice on such licensee) within which the licensee may make written representations to the Council with respect to the proposed addition, deletion or modification.

[37/2005]

(3) Upon receipt of any written representation referred to in subsection (2)(b), the Council shall consider such representation and may —

- (a) reject the representation;
- (b) amend the proposed addition, deletion or modification in such manner as it thinks fit having regard to the representation; or
- (c) withdraw the proposed addition, deletion or modification.

[37/2005]

(4) Where the Council —

- (a) rejects any written representation under subsection (3)(a);
or
- (b) amends any proposed addition, deletion or modification under subsection (3)(b),

the Council shall issue a direction in writing to the licensee requiring the licensee, within the time specified by the Council, to give effect to the addition, deletion or modification as specified in the notice or as amended by the Council, as the case may be.

[37/2005]

(5) The Council shall not enforce its direction —

- (a) during the period referred to in section 22I(1); and
- (b) whilst the appeal of the licensee is under consideration by the Minister.

[37/2005]

(6) If no written representation is received by the Council within the time specified in subsection (2)(b) or if any written representation made under that subsection is subsequently withdrawn, the Council may immediately carry out the addition to or deletion or modification of the conditions of the licence as specified in the notice given to the licensee under subsection (2).

[37/2005]

Suspension or cancellation of licence, etc.

22H.—(1) Subject to subsection (2), if any licensee —

- (a) contravenes or fails to secure the compliance by his employees, agents or contractors with —
 - (i) any condition of a bus service licence or bus service operator's licence;
 - (ii) any condition of a ticket payment service licence; or
 - (iii) any provision of this Act;
- (b) in the opinion of the Council, fails or is likely to fail to provide and maintain —
 - (i) an adequate and satisfactory bus service; or
 - (ii) an adequate, satisfactory, secure and efficient ticket payment service;
- (c) goes into compulsory or voluntary liquidation other than for the purpose of reconstruction or amalgamation;

(d) makes any assignment to, or composition with, his creditors;

(e) fails to comply with any code of practice issued, approved or modified under section 22E; or

(f) fails to comply with any direction given under section 22F, the Council may, by notice in writing and without any compensation, do all or any of the following:

- (A) suspend or cancel the licence of the licensee;
- (B) forfeit the whole or any part of any security deposit or performance bond paid to the Council by the licensee or by his bank pursuant to a bank guarantee;
- (C) require the licensee to pay, within a specified period, a financial penalty of such amount not exceeding \$100,000 for each contravention or breach as the Council thinks fit.

[37/2005]

(2) The Council shall not impose any financial penalty under subsection (1)(C) on any licensee by reason only that under subsection (1)(b) the Council is of the opinion that the licensee is likely to fail to provide and maintain an adequate and satisfactory bus service or an adequate, satisfactory, secure and efficient ticket payment service, as the case may be.

[37/2005]

Appeal to Minister

22I.—(1) Any licensee aggrieved by —

- (a) any refusal by the Council to renew a licence under section 16(3) or 19(3);
- (b) any condition imposed by the Council under section 21(1)(e);
- (c) any decision of the Council made under section 22A(4), 22B(1) or 22H(1)(A), (B) or (C);
- (d) anything contained in any code of practice issued, approved or modified by the Council under section 22E; or

(e) any direction given by the Council under section 22F or issued by the Council under section 22G(4), may, within 14 days of the receipt of the notice relating to the relevant matter, appeal to the Minister.

[37/2005]

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision, direction or other thing appealed against shall be complied with until the determination of the appeal.

[37/2005]

(3) The Minister may determine an appeal under this section by confirming, varying or reversing any decision or direction of the Council or by amending any condition imposed or code of practice issued, approved or modified by the Council.

[37/2005]

(4) The decision of the Minister in any appeal shall be final.

[37/2005]

PART V

BUS, TAXI AND RAPID TRANSIT SYSTEM FARES

Bus, taxi and rapid transit system fares

23.—(1) Subject to subsection (2), no person shall be entitled to demand and take any bus, taxi or rapid transit system fare that is not approved by the Council under section 24(3) or 24AA(2)(a).

[29/95; 29/99; 17/2008]

(2) Subsection (1) shall not prevent any person from demanding or taking a lower fare than that approved by the Council in circumstances not proscribed by the Council.

[29/99; 17/2008]

(3) If any dispute arises as to the fare calculated according to distance, the dispute may be referred to the Council or to the officer-in-charge of any police station whose decision shall be final, and any certificate issued by the Council or the police officer with regard thereto shall be admissible in evidence.

[29/99]

(4) Any person who demands or takes or attempts to take any money in contravention of subsection (1) shall be guilty of an offence

and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[29/99; 37/2005; 17/2008]

(5) Where the Council has suspended any approval for any bus fare, taxi fare or rapid transit system fare under section 24(5), the bus fare, taxi fare or rapid transit system fare shall, for the duration of the suspension, be deemed not to be an approved fare for the purposes of this section.

[17/2008]

Application for approval of fares

24.—(1) An application for the Council's approval of any bus, taxi or rapid transit system fare shall —

- (a) be made in such form and manner as the Council may determine; and
- (b) be supported by such documents (including certified copies of any balance-sheet and profit and loss account, and any auditor's report, relating to the applicant's undertaking) as the Council may require.

[29/99]

(2) In considering any application for approval of any bus, taxi or rapid transit system fare, the Council shall take into account —

- (a) the need for the applicant to remain financially viable;
- (aa) the need to promote or facilitate the integration of bus and rapid transit system fares or services for the through carriage of passengers provided by licensed bus service operators and licensed rapid transit system operators and other measures designed to facilitate the making by passengers of any journey which involves the use of —
 - (i) the services of more than one such operator;
 - (ii) more than one bus service or train service (whether or not operated by the same person); or
 - (iii) both bus and train services (whether or not operated by the same person); and

(b) the need for public interest to be safeguarded.

[29/99; 17/2008]

(3) The Council may —

(a) reject the application;

(b) approve the application, subject to such conditions as the Council thinks fit, including but not limited to any condition described in section 24AA(2)(b); or

(c) at any time, revise any bus or rapid transit system fare in accordance with the fare adjustment formula set out in the Third Schedule.

[37/2005; 17/2008]

(4) Subject to subsection (6), the Council may, by order and without compensation, revoke any approval granted under subsection (3)(b) if the Council is satisfied that —

(a) the applicant has failed to comply with any condition imposed by the Council under subsection (3)(b) or section 24AA(2) on that approval;

(b) the approval had been obtained by fraud or misrepresentation;

(c) the applicant has been convicted of an offence under this Act;

(d) it is in the public interest to do so; or

(e) the applicant has refused or failed to comply with an order of the Council made under subsection (5)(b).

[17/2008]

(5) Subject to subsection (6), the Council may, in any case in which it considers that no cause of sufficient gravity exists for revoking any approval granted under subsection (3)(b) to an applicant for such approval, by order —

(a) suspend the approval for a period not exceeding 6 months;

(b) impose on the applicant concerned a financial penalty of an amount not exceeding \$100,000; or

(c) publicly censure the applicant concerned.

[17/2008]

(6) Before exercising any of its powers under subsection (4) or (5), the Council shall —

- (a) give to the applicant concerned notice in writing of its intention to do so; and
- (b) in such notice, call upon the applicant to show cause within such period as may be specified in the notice as to why the Council should not make any order under subsection (4) or (5), being a period of at least 7 days after the Council informs the applicant concerned of such intention.

[17/2008]

(7) If the applicant —

- (a) fails to show cause within the period of time given or such extended period of time as the Council may allow; or
- (b) fails to show sufficient cause,

as to why the order under subsection (4) or (5), as the case may be, should not be made, the Council shall give notice in writing to the applicant concerned of the Council's order made under the respective subsection.

[17/2008]

(8) In any proceedings under subsection (4) or (5) in relation to the conviction of an applicant for a criminal offence, the Council shall accept the applicant's conviction as final and conclusive.

[17/2008]

Review of bus and rail fares

24AA.—(1) The Council may, at any time on its own initiative, review any bus fares and rapid transit system fares approved under section 24 with a view to promoting or facilitating —

- (a) the integration of bus and rapid transit system fares;
- (b) arrangements for the through carriage of passengers provided by licensed bus service operators and licensed rapid transit system operators; or
- (c) the making by passengers of any journey which involves the use of —

- (i) the services of more than one such operator;
- (ii) more than one bus service or train service (whether or not operated by the same person); or
- (iii) both bus and train services (whether or not operated by the same person).

[17/2008]

(2) On completing any review under subsection (1), the Council may make all or any of the following decisions, if it considers that the decision would be in the interest of the public, and would to any extent promote or facilitate the objectives referred to in subsection (1)(a) or (b) or both:

- (a) vary its approval of any bus fare or rapid transit system fare;
- (b) modify the conditions for its approval of fares under section 24(3), including imposing any condition that may require —
 - (i) any licensed bus service operator or licensed rapid transit system operator to enter into an agreement with each other, or with another licensed bus service operator or licensed rapid transit system operator, on such terms and conditions as the Council may specify for the re-allocation of revenues amongst the respective licensed operators for the provision of their services, and to take such steps to ensure that the agreement is given effect to; or
 - (ii) every licensed bus service operator and licensed rapid transit system operator who have agreed to provide services for the through carriage of passengers provided by them to publish or cause to be published the through fares for those services.

[17/2008]

Notice and consultation requirements, etc.

24AB.—(1) No decision under section 24AA(2) may be made by the Council unless the Council has complied with the procedure and

other notice and consultation requirements imposed by or under this section.

[17/2008]

(2) The Council shall, in reviewing the bus fares and rapid transit system fares under section 24AA, comply with such procedures as the Minister may prescribe by regulations.

[17/2008]

(3) If the Council proposes to review the bus fares and rapid transit system fares with a view to making a decision under section 24AA(2), the Council shall —

- (a) give notice of its proposed review and decision in the prescribed manner; and
- (b) after giving such notice, consult all licensed bus service operators and licensed rapid transit system operators who would, in the opinion of the Council, be affected by the decision.

[17/2008]

(4) The Minister may make such regulations as are necessary or expedient to give effect to the provisions of this section.

[17/2008]

PART VA

PUBLIC TRANSPORT OFFICIALS

Appointment of public transport officials

24A.—(1) The Council may, with the approval of the Minister, in writing appoint any person or class of persons to be public transport officials for the purposes of this Part.

[37/2005]

(2) Any public transport official may do one or more of the following:

- (a) require any person making use of any bus service or rapid transit system service to produce a ticket for inspection;
- (b) subject to any specific or general direction given by the Council, require any person who has made use of any bus service or rapid transit system service without paying the

appropriate fare for the distance which he has travelled to pay a penalty fee of such amount as may be prescribed by the Council;

- (c) issue a notice, in such form as may be approved by the Council, to the person referred to in paragraph (b), requiring that person to pay the penalty fee within such time and at such place as may be specified in the notice.

[37/2005]

Identification card to be produced

24B.—(1) Every public transport official when exercising any powers under this Part shall —

- (a) declare his office; and
- (b) on demand, produce to any person affected by the exercise of those powers such identification card as the Council may direct to be carried by a public transport official.

[37/2005]

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made or given by any public transport official if the public transport official refuses to declare his office and produce his identification card, on demand being made by the person.

[37/2005]

Payment of penalty fee

24C.—(1) Where a public transport official is satisfied that any person has made use of a bus service or rapid transit system service without paying the appropriate fare for the distance which he has travelled, the public transport official may, subject to any specific or general direction given by the Council, require such person to pay a penalty fee of such amount as may be prescribed by the Council.

[37/2005]

(2) Any person who is required by a public transport official to pay a penalty fee under subsection (1) shall pay the penalty fee —

- (a) to that public transport official immediately in such mode of payment as may be determined by the Council; or

- (b) within such time and at such place as may be specified by the public transport official.

[37/2005]

(3) Upon the payment of the penalty fee under subsection (2), the public transport official shall issue a receipt to the person who paid the penalty fee.

[37/2005]

(4) Any person who is required by a public transport official to pay a penalty fee under subsection (1) may, if aggrieved by that requirement, appeal within the prescribed period and in accordance with the prescribed procedure to the Council or to an officer authorised by the Council to hear such appeal and the decision of the Council or authorised officer shall be final.

[37/2005]

(5) Any person who fails or refuses to pay any penalty fee referred to in subsection (1) or, if he has made an appeal under subsection (4), pursuant to an order made by the Council or an authorised officer to pay the penalty fee following the appeal 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 second or subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[37/2005]

Failure to pay taxi fare

24D. Any person who, having made use of a taxi service and without reasonable excuse, fails or refuses to pay the fare as indicated on the taximeter 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 second or subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[37/2005]

Power to require evidence of identity

24E.—(1) Any person who is required by a public transport official to pay a penalty fee shall —

- (a) give his name and address and such other proof of identity;
and

(b) furnish such other particulars,
as the public transport official may require, unless he pays, immediately and in such mode of payment as may be determined by the Council, the full amount of the penalty fee to that public transport official.

[37/2005]

(2) Any person who refuses to furnish any information required of him by any public transport official under subsection (1) or wilfully misstates such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[37/2005]

Powers of arrest

24F.—(1) A public transport official or police officer may arrest without warrant any person whom he has reason to believe has committed an offence under this Part, if the name and address of the person are unknown to him and —

- (a) the person declines to give his name or address; or
- (b) there is reason to doubt the accuracy of the name or address, if given.

[37/2005]

(2) A person arrested under subsection (1) may be detained until his name and address are correctly ascertained.

[37/2005]

(3) No person arrested under subsection (2) shall be detained longer than is necessary for bringing him before a court.

[37/2005]

PART VB

INVESTIGATIONS

Investigation into affairs of licensee

24G.—(1) The Council 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.

[37/2005]

(2) An inspector appointed by the Council may, and if so directed by the Council shall, make interim reports to the Council and on the conclusion of the investigation, the 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 Council.

[37/2005]

(3) A copy of the report shall be forwarded by the Council to the registered office of the licensee.

[37/2005]

(4) The Council may, if it is of the opinion that it is necessary in the public interest to do so, cause the report to be printed and published.

[37/2005]

(5) In this Part —

“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;

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

- (a) a director, banker, solicitor or an 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.

[37/2005]

Procedure and powers of inspectors

24H.—(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 (Cap. 50), he shall have power to do so.

[37/2005]

(2) The inspector shall report to the Council 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.

[37/2005]

(3) The licensee and every officer or agent of the licensee shall, if required by an inspector appointed under this Part, 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.

[37/2005]

(4) 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.

[37/2005]

(5) The notice under subsection (4) may require the production of all books and documents in the custody or under the control of a licensee or any officer or agent of the licensee.

[37/2005]

(6) 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 remain in the inspector's possession.

[37/2005]

(7) A licensee or any officer or agent of the licensee who fails to comply with a requirement of any notice issued under subsection (4) or fails or refuses to answer any question which is put to him by an inspector with respect to the affairs of the licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[37/2005]

(8) 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.

[37/2005]

(9) If a person referred to in subsection (8) claims that the answer to any question might incriminate him and, but for that 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.

[37/2005]

(10) Subject to subsection (8), a person shall be entitled to refuse to answer a question on the ground that the answer might tend to incriminate him.

[37/2005]

(11) An inspector may cause notes of any examination under this Part to be recorded and reduced to writing, to be read to or by and signed by the person examined.

[37/2005]

(12) 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 (8), thereafter be used in evidence in any legal proceedings against that person.

[37/2005]

Report of inspector to be admissible in evidence

24I. A copy of the report of any inspector appointed under this Part certified as correct by the Council 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.

[37/2005]

Costs of investigations

24J. The expenses of and incidental to an investigation by an inspector appointed under this Part shall be paid out of the funds of the Council.

[37/2005]

Penalty for delaying or obstructing investigation

24K.—(1) Any person who with intent to defeat the purposes of this Part, or to delay or obstruct the carrying out of an investigation under this Part —

- (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.

[37/2005]

(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 Part, or to delay or obstruct the carrying out of an investigation under this Part shall lie on him.

[37/2005]

PART VI

MISCELLANEOUS PROVISIONS

Annual report

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

[29/99]

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

[29/99]

Penalty for operation of service without licence

25A. Any person who contravenes section 12(1), 16(1) or 19(1) shall be guilty of an offence and —

- (a) in the case of an offence under section 12(1), shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction; and
- (b) in the case of an offence under section 16(1) or 19(1), shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

[37/2005]

Offences by bodies corporate, etc.

25B.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

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.

[37/2005]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

[37/2005]

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[37/2005]

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or a member,

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.

[37/2005]

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(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

(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;

“partner” includes a person purporting to act as a partner.

[37/2005]

(6) Regulations may provide for the application of any provision of this section, with such modifications as the Council considers

appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.
[37/2005]

Jurisdiction of court

25C. Notwithstanding any provision to the contrary in the Criminal Procedure Code 2010 (Act 15 of 2010), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

[37/2005]

Composition of offences

26. The Council or any officer authorised by the Council may, in its or his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

[29/99; 37/2005]

Recovery of sums payable

26A.—(1) Where any fee, contribution, financial penalty or other sum payable under this Act remains due and unpaid by a licensee, the Council may require the licensee to pay interest thereon at the prescribed rate, and any such fee, contribution, financial penalty or other sum, and any interest thereon, may be recovered by the Council in any court of competent jurisdiction as if they were simple contract debts.

[37/2005]

(2) The licensee's liability to pay shall not be affected by his licence ceasing (for any reason) to be in force.

[37/2005]

Moneys recovered or collected by Council

26B.—(1) All moneys recovered, and fees, charges, security deposits, performance bonds and composition sums collected under this Act, other than licence fees and financial penalties, shall be paid into and form part of the moneys of the Council.

[37/2005]

(2) All licence fees and financial penalties collected under this Act shall be paid into the Consolidated Fund.

[37/2005]

Exemption

27. The Council may, in its discretion, by order published in the *Gazette* and subject to such conditions as it may impose, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder.

[29/99]

Service of documents

27A.—(1) Any notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person, and any summons issued by a court against any person in connection with any offence under this Act or the regulations may be served on the person —

- (a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
 - (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or
 - (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

[37/2005]

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be

duly served on the person at the time when the notice, order, document or summons, as the case may be, would in the ordinary course of post be delivered and, in proving service of the notice, order, document or summons, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

[37/2005]

Amendment of Schedule

27B.—(1) The Minister may at any time, by order published in the *Gazette*, amend the Third Schedule.

[37/2005]

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

[37/2005]

Regulations

28.—(1) The Council may, with the approval of the Minister, make regulations for, or in respect of, every purpose which is considered by the Council necessary or expedient for carrying out the provisions of this Act.

[29/99]

(2) Without prejudice to the generality of subsection (1), the Council may make regulations for all or any of the following purposes:

- (a) to prescribe the manner and form in which applications for bus service licences, bus service operator's licences and ticket payment service licences are to be made, the documents to be submitted in support of such applications and the form of such licences;
- (b) to prescribe a scale of fees for bus service licences, bus service operator's licences and ticket payment service licences;
- (c) to prescribe the manner and form in which applications for the approval of bus, taxi and rapid transit system fares are

to be made and the documents to be submitted in support of such applications;

- (d) to regulate the procedure of the Council;
- (e) to prescribe the powers and duties of the officers and employees of the Council;
- (f) to control and regulate the conduct of the officers and employees of the Council;
- (g) to prescribe the offences under this Act which may be compounded under section 26;
- (h) to prescribe anything that is required to be prescribed under this Act.

[29/99; 37/2005]

(3) The Council may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any regulation shall be an offence and may prescribe a fine with which such offence shall be punishable but so that no such fine shall exceed for any one offence the sum of \$5,000.

[29/99; 37/2005]

FIRST SCHEDULE

Section 3

CONSTITUTION AND PROCEEDINGS OF COUNCIL

Constitution of Council

1. The Council shall consist of such members as may be appointed by the Minister.

Appointment of Chairman and Deputy Chairman

2.—(1) The Chairman and the Deputy Chairman shall be appointed by the Minister from among its members.

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

Temporary Chairman or Deputy Chairman

3. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or

FIRST SCHEDULE — *continued*

otherwise or during the temporary absence from Singapore of the Chairman or the Deputy Chairman, as the case may be.

Revocation of appointment

4. The Minister may revoke the appointment of the Chairman, the Deputy Chairman or any appointed member without assigning any reason.

Tenure of office of appointed member

5. The Chairman, the Deputy Chairman or an appointed member, unless his appointment is revoked by the Minister or unless he resigns during his term of office, shall hold office for such period as the Minister may determine and shall be eligible for reappointment.

Filling of vacancies

6. If an appointed member resigns, dies or has his appointment revoked before the expiry of the term for which he has been appointed, the Minister may appoint a person to fill the vacancy for the residue of the term for which his predecessor was appointed.

Salaries, etc., payable to members

7. There shall be paid to the Chairman, the Deputy Chairman and other members, out of the funds of the Council, such salaries, fees and allowances as the Minister may from time to time determine.

Meetings of Council

8.—(1) The Council shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

(2) At every meeting of the Council, one half of the number of members shall form a quorum.

(3) A decision at a meeting of the Council shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Council.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at that meeting.

FIRST SCHEDULE — *continued*

(6) Subject to the provisions of this Act, the Council may make rules to regulate its own procedures generally and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Council may act notwithstanding vacancy

9. The Council may act notwithstanding any vacancy in its membership.

[29/99; 37/2005; S 59/98; S 48/2003]

SECOND SCHEDULE

Section 11

FINANCIAL PROVISIONS

Financial year of Council

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

Accounts to be kept

2. The Council shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are properly authorised and correctly made and that adequate control is maintained over the assets of, or in the custody of, the Council and over the expenditure incurred by the Council.

Audit of accounts

3.—(1) The accounts of the Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2).

(3) The remuneration of the auditor shall be paid out of the funds of the Council.

Financial statements

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

SECOND SCHEDULE — *continued***Duties of auditor**

5.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Council;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Council whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the Council during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers should be reported.

(2) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Council, and shall also submit such periodical and special reports to the Minister and to the Council as may appear to him to be necessary or as the Minister or the Council may require.

Powers of auditor

6.—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Council and may make copies of, or extracts from, any such accounting and other records.

(2) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(3) Any person who fails, without reasonable excuse, to comply with any requirement of the auditor under sub-paragraph (2) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation of financial statements and audit reports

7.—(1) As soon as the accounts of the Council and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister.

SECOND SCHEDULE — *continued*

(2) Where the Auditor-General is not the auditor of the Council, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Council.

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

[29/99; 37/2005]

THIRD SCHEDULE

Section 24(3)(c)

FARE ADJUSTMENT FORMULA

Maximum Fare Adjustment for any year (X) = Price Index for year (X) – 1.5%

where Price Index = 0.5 CPI + 0.5 WI

CPI is the change in Consumer Price Index between year (X-1) and year (X-2); and

WI is the change in Average Monthly Earnings (Overall Average by Industry) between year (X-1) and year (X-2), adjusted to account for any change in the employer's Central Provident Fund contribution rate as specified in the Central Provident Fund Act (Cap. 36).

[37/2005; S 386/2005]

COMPARATIVE TABLE
PUBLIC TRANSPORT COUNCIL ACT
(CHAPTER 259B)

The following provisions in the 2000 Revised Edition of the Public Transport Council Act have been renumbered by the Law Revision Commissioners in this 2012 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Public Transport Council Act.

2012 Ed.	2000 Ed.
3—(1)	3—(1)
<i>omitted</i>	(2)
(2)	(3)
13 [<i>Repealed by Act 37/2005</i>]	13
15	15—(1)
<i>omitted</i>	(2)
26	26—(1)
<i>omitted</i>	(2)
FIRST SCHEDULE	FIRST SCHEDULE
8—(1) to (5)	8—(1) to (5)
(6) [<i>Deleted by Act 37/2005</i>]	(6)
(6)	(7)

COMPARATIVE TABLE
PUBLIC TRANSPORT COUNCIL ACT
(CHAPTER 259B)

The following provisions in the 1988 Revised Edition of the Public Transport Council Act were renumbered by the Law Revision Commissioners in the 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Public Transport Council Act.

2000 Ed.	1988 Ed.
6	5A
7	5B
8	6
9	6A
10—(1) and (2)	7—(1)
(3)	(2)
11	8
12	9
13	10
14	11
15	12
16—(1), (2) and (3)	13—(1)
(4) and (5)	(2) and (3)
(6)	(4)
(7)	(5)
17—(1)	14—(1)
(2) and (3)	(2)
(4)	(3)
18—(1) and (2)	15—(1)
(3)	(2)
(4) and (5)	(3)

(6)	(4)
(7) and (8)	(5)
(9) and (10)	(6)
(11)	(7)
(12) and (13)	(8)
19	16
20	17
21	18
22	19
23	20
24	21
25	22
26	23
27	24
28	25