

THE STATUTES OF THE REPUBLIC OF SINGAPORE

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Road Traffic Act

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An Act for the regulation of road traffic and the use of vehicles and the user of roads and for other purposes connected therewith.

[1st January 1963]

1. This Act may be cited as the Road Traffic Act. Short title.

2.—(1) In this Act —

“bicycle” means a two-wheeled pedal cycle constructed or adapted for use as a means of conveyance;

“carriage of goods” includes the haulage of goods;

“cart” includes a wagon, handcart or trolley used or constructed for the carriage of goods;

“company” includes any company as defined in the Companies Act, any company to which Division 2 of Part XI of that Act applies, any company formed in pursuance of any other Act or by royal charter or letters patent, any corporation incorporated by law and any firm or partnership;

“Deputy Commissioner of Police” includes any police officer not below the rank of sergeant authorised by him in writing by name or office to exercise the powers vested by this Act in the Deputy Commissioner of Police;

“diameter”, in relation to the wheel of a vehicle or trailer, means the overall diameter measured between the two opposite points on the surface of a tyre which are furthest apart;

“driver”—

(a) in relation to a trailer, includes a driver of a vehicle by which the trailer is drawn, and “drive” shall be construed accordingly;

(b) where a separate person acts as a steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and “drive” shall be construed accordingly; and

(c) includes the rider of a bicycle and any person propelling a tricycle or trishaw or pushing or pulling a cart, and “drive” shall be construed accordingly;

Interpretation.
20/89
33/93.

Cap. 50.

“driving licence” means a licence to drive a motor vehicle granted under the provisions of Part II;

“goods” includes goods or burden of any description;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

“Minister” means —

(a) except as provided in paragraph (b), the Minister for Communications;

(b) for the purposes of the whole of Parts II and III and sections 63 (2) and (3), 74, 75, 76, 112 to 116, 121, 123, 132, 133 (7), 134 and 135 (2), the Minister for Home Affairs;

Cap. 70.

“motor spirit” has the same meaning as in the Customs Act;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;

“paid driver” means a person who drives a motor vehicle in return for a salary or other remuneration;

“park” means to bring a motor vehicle or a trailer to a stationary position and cause it to wait for any purpose other than that of immediately taking up or setting down persons, goods or luggage;

Cap. 214.

“parking place” has the same meaning as in the Parking Places Act;

Cap. 235.

“police officer” includes all persons whomsoever employed for police duties in the Singapore Police Force constituted under the Police Force Act;

“public service vehicle” means a vehicle used or kept for use for the carriage of passengers for hire or reward, other than a vehicle constructed for use on fixed rails or specially prepared ways;

“Registrar” means the Registrar of Vehicles or the Deputy Registrar or an assistant registrar appointed under section 9;

“road” means any public road and any other road to which the public has access, and includes —

- (a) any road within Pulau Bukom;
- (b) any road within the limits of any installation of the Singapore Armed Forces declared by the Minister by notification in the *Gazette* to be an installation to which this Act applies; and
- (c) any bridge over which a road passes;

“rules” means rules made under this Act;

“statutory attendant” means a person employed in pursuance of section 77 in attending a motor vehicle or trailer;

“trailer” means a vehicle drawn by a motor vehicle;

“tricycle” means a three-wheeled pedal cycle constructed or adapted for the carriage of goods;

“trishaw” means a three-wheeled pedal cycle constructed or adapted for the carriage of passengers;

“use” means use on a road;

“vehicle” means any vehicle whether mechanically propelled or otherwise;

“weight unladen” means the weight of a vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road but exclusive of any drivers or attendants.

(2) For the purposes of this Act, a person is a resident of Singapore, or is deemed to have taken up residence in Singapore, if he resides in Singapore for a continuous period of 6 months and any temporary period or periods of absence during that period of 6 months is immaterial.

PART I

REGISTRATION AND LICENSING OF VEHICLES

3. Subject to section 33, this Part shall apply to all vehicles and trailers.

Vehicles to which this Part applies.

Classification
of motor
vehicles.

4.—(1) For the purposes of this Act and of the rules, motor vehicles shall be divided into the following classes:

- (a) heavy locomotives; that is to say, motor vehicles which are not constructed themselves to carry any load (other than water, fuel, accumulators and other equipment and materials used for the purpose of propulsion, loose tools and loose equipment) and the weight of which unladen exceeds 11,500 kilograms;
- (b) light locomotives; that is to say, motor vehicles which are not constructed themselves to carry any load (other than any of the articles specified in paragraph (a)) and the weight of which unladen does not exceed 11,500 kilograms but exceeds 7,250 kilograms;
- (c) motor tractors; that is to say, motor vehicles which are not constructed themselves to carry any load (other than any of the articles specified in paragraph (a)) and the weight of which unladen does not exceed 7,250 kilograms;
- (d) heavy motor cars; that is to say, motor vehicles (not being vehicles classified under this section as motor cars) which are constructed themselves to carry a load or passengers and the weight of which unladen exceeds 2,500 kilograms;
- (e) motor cars; that is to say, motor vehicles (not being vehicles classified under this section as motor cycles) which are constructed themselves to carry a load or passengers and the weight of which unladen —
 - (i) does not exceed 3,000 kilograms in the case of motor vehicles which are —
 - (A) constructed solely for the carriage of passengers and their effects;
 - (B) adapted to carry not more than 7 passengers exclusive of the driver; and
 - (C) fitted with tyres of the prescribed type; and
 - (ii) in any other case does not exceed 2,500 kilograms;

- (f) motor cycles; that is to say, motor vehicles with less than 4 wheels and the weight of which unladen does not exceed 400 kilograms;
- (g) invalid carriages; that is to say, motor vehicles the weight of which unladen does not exceed 250 kilograms and which are specially designed and constructed and not merely adapted for the use of persons suffering from some physical defect or disability and are used solely by such persons.

(2) The Minister may make rules for subdividing any such class as aforesaid whether according to weight, construction, nature of tyres, use or otherwise and making different provision with respect to each subdivision and varying in respect of any class the maximum or minimum weight fixed by this section.

(3) Any reference in this Part to a class of motor vehicles shall include a reference to any subdivision of such a class.

(4) For the purposes of this Part —

- (a) in any case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load;
- (b) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load but shall be deemed to form part of the vehicle; and
- (c) a side-car attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

5.—(1) Subject as hereinafter provided, it shall not be lawful to use a vehicle or trailer which does not comply with the rules as to construction, weight and equipment applicable to the class or description of vehicles to which the vehicle or trailer belongs:

Prohibition of vehicles not complying with rules as to construction, etc.

Provided that the Minister may, by notification in the *Gazette*, authorise, subject to such restrictions and conditions as may be specified in the notification, the use of special vehicles or trailers or special types of vehicles or trailers which are constructed either for special purposes or for tests or trials and of new or improved types of vehicles or trailers whether wheeled or wheel-less.

(2) The Minister may at any time revoke, vary or amend a notification made under this section.

(3) Subject to this section, it shall not be lawful to sell or to supply or to offer to sell or supply a vehicle or trailer for delivery in such a condition that the use thereof in that condition would be unlawful by virtue of this section.

(4) Subject to this section, it shall not be lawful to alter a vehicle or trailer so as to render its condition such that the use thereof in that condition would be unlawful by virtue of this section.

(5) If a vehicle or trailer is used or is sold, supplied, offered or altered in contravention of this section, any person who so uses the vehicle or trailer or causes or permits the vehicle or trailer to be so used or so sells, supplies, offers or alters it or causes or permits it to be so sold, supplied, offered or altered shall be guilty of an offence.

(6) A person shall not be convicted for an offence under this section in respect of the sale, supply, offer or alteration of a vehicle or trailer if he proves that it was sold, supplied, offered or altered, as the case may be, for export from Singapore, or that he had reasonable cause to believe that the vehicle or trailer would not be used in Singapore or would not be so used until it had been put into a condition in which it might lawfully be so used.

Rules as to
use and
construction
of vehicles.
20/89.

6. The Minister may make rules generally as to the use of vehicles and trailers, their construction and equipment and the conditions under which they may be used and, in particular, may make rules —

(a) to regulate the width, height, wheel base, length and overhang of vehicles and trailers and the load carried thereby, the diameter of wheels and

the width, nature and condition of tyres of vehicles and trailers and to prohibit the use of any tyres likely to cause damage to the roads;

- (b) to prohibit excessive noise due to the design or condition of the motor vehicle or trailer or the loading thereof;
- (c) to regulate the maximum weight unladen of heavy locomotives and heavy motor cars and the maximum weight laden of motor vehicles and trailers and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;
- (d) to prescribe the particulars to be marked on vehicles and trailers;
- (e) to specify the number and nature of springs and brakes on vehicles and trailers and to secure that springs, brakes, silencers and steering gear shall be efficient and kept in proper working order and for empowering any person or classes of persons named or described in such rules to test and inspect any such springs, brakes, silencers and steering gear on a road or, subject to the consent of the occupier of the premises, on any premises;
- (f) to regulate the appliances to be fitted —
 - (i) for signalling the approach of a vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear;
 - (ii) for intimating any intended change of speed or direction of a motor vehicle; or
 - (iii) for measuring or indicating or measuring and indicating the amount of motor spirit in the fuel tank of a motor vehicle,and to regulate or prohibit the use of any such appliance and to secure that they shall be efficient and kept in proper working order;

- (g) to regulate the lights to be carried by vehicles and trailers whether in respect of the nature of such lights, the positions in which they shall be fixed and the periods during which they shall be lighted or otherwise;
- (h) to prescribe the safety equipment to be installed in vehicles;
- (i) to control, in connection with the use of a motor vehicle, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit;
- (j) to regulate the towing or drawing of vehicles by motor vehicles and the manner of attachments;
- (k) to prohibit in connection with the use of a motor vehicle the use of any appliance or the commission of any act which is likely to cause annoyance or danger;
- (l) to regulate the number of trailers that may be attached in train to any motor vehicle, the manner of attachment and the manner in which the trailers shall be kept under control and the maximum weight thereof;
- (m) to prescribe the number of persons to be employed in driving or attending motor vehicles or trailers and to regulate the duties and conduct of such persons;
- (n) to prescribe a maximum speed for motor vehicles of any class or description and to provide for exemption in special cases; and
- (o) to regulate or prohibit either generally or in specified areas or roads and either at all times or between specified hours the use of horns or other warning appliances,

and different rules may be made in respect of different classes or descriptions of vehicles or in respect of the same class or description of vehicles in different circumstances.

6A.—(1) No person shall alter the fuel-measuring equipment of a motor vehicle for the purpose of preventing the fuel-measuring equipment from duly measuring or indicating the quantity of motor spirit in the fuel supply tank of the motor vehicle.

Alteration of fuel-measuring equipment. 20/89.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months.

(3) Where there is found any artificial or mechanical means which, either alone or in conjunction with additional artificial or mechanical means not found, could be used for altering or facilitating the alteration of the index of the fuel-measuring equipment, or which would make the fuel-measuring equipment false or unjust in measuring or indicating the quantity of motor spirit in the fuel supply tank of that motor vehicle, the person having custody or control of the motor vehicle at the time such artificial or mechanical means are found shall be presumed, until the contrary is proved, to have abetted the alteration of the fuel-measuring equipment in contravention of subsection (1).

(4) In this section, “fuel-measuring equipment”, in relation to a motor vehicle, means any instrument or appliance, or a combination of instruments or appliances, capable of or constructed for measuring or indicating or measuring and indicating the quantity of motor spirit in the fuel supply tank of the motor vehicle and includes in particular any fuel gauge or fuel sensing device.

7. Nothing in this Part shall authorise any person to use any vehicle or trailer so constructed or used as to cause a public or private nuisance or be deemed to affect the liability by virtue of any act or otherwise of the driver or owner so using such a vehicle.

Savings.

8. For the purposes of this Part, “licence” means a vehicle licence issued under the provisions of this Part.

Definition of licence.

9.—(1) The Minister shall appoint a Registrar of Vehicles who shall be responsible for the performance of the duties and functions assigned to the Registrar under this Act.

Appointment of Registrar, Deputy Registrar and assistant registrars. 7/90.

7/90.

(2) The Minister may appoint a Deputy Registrar and such number of assistant registrars as may from time to time be required for the purposes of this Act.

(3) The Minister may appoint different grades of assistant registrars for the purposes of this Act.

7/90.

(4) The Minister may from time to time give to the Registrar such directions, not inconsistent with the provisions of this Act, as he may consider necessary for carrying out the provisions of this Part, and may from time to time vary or revoke such directions, and the Registrar shall conform to any directions so given.

(5) The Registrar shall cause to be printed and provided the forms of licences and of applications for the licences and all declarations, notices, returns, books of accounts and other documents required by the rules or otherwise by law required with respect to any matter to which this Act relates.

Registration
of vehicles.
7/90.

10.—(1) Except as otherwise provided by this Act or the rules, no person shall keep or use a vehicle unless it has been registered under this Act and its registration under this Act has not been cancelled.

(2) The Registrar may charge such fees as may be prescribed for the registration of a vehicle under this Act.

Vehicles
not to be
registered
without
permits
issued by
Registrar.
7/90
33/93.

10A.—(1) No vehicle shall be registered or, except as otherwise provided by this Act or the rules, continue to be registered under this Act unless there is in force a permit issued by the Registrar authorising the registration of the vehicle.

(2) Except as otherwise provided by this Act or the rules, a permit shall be issued upon the payment of a levy.

(3) The Minister may from time to time, by notification in the *Gazette*, prescribe a limit on the number of permits to be issued by the Registrar under subsection (1) and the Minister may prescribe different limits for vehicles belonging to any category, class or description.

16/91
33/93.

(4) The Minister may make rules for carrying out or giving effect to this section and, in particular, the rules may —

- (a) provide for the issue of permits under this section to successful applicants who submitted bids for the permits;
- (b) require fees and deposits to be paid for the submission of applications for the issue of permits under this section, and provide for the forfeiture of deposits for non-compliance with any conditions governing the submission of such applications;
- (c) prescribe the levy, or the method or manner for determining the amount of the levy, payable for a permit issued under this section;
- (d) prescribe the period for which a permit issued under this section is in force and different periods may be prescribed for vehicles belonging to different categories, classes or descriptions;
- (e) prescribe the conditions upon which permits are issued under this section;
- (ea) provide for a rebate on all or any part of the levy payable for the issue of a permit under this section, in such circumstances as may be permitted by the rules;
- (f) provide for the cancellation of a permit issued under this section and the refund of all or part of the levy paid for the issue of the permit in such circumstances as may be permitted by the rules;
- (g) impose a levy on the transfer of a permit at any time prior to the registration of a vehicle authorised by the permit;
- (h) provide for the issue of permits, whether with or without the payment of a levy, for vehicles which were registered under this Act prior to 2nd April 1990;
- (ha) provide for the renewal of a permit before or after its expiration and the levy and any other fee to be paid therefor;

- (i) exempt any particular vehicle or class of vehicles from the payment of the levy for a permit issued under this section; and
- (j) provide for all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this section.

Heavy vehicle not to be registered without valid vehicle parking certificate. 33/93. Cap. 214.

10B.—(1) No heavy vehicle shall be registered under this Act unless the person applying for the registration of the heavy vehicle satisfies the Registrar that he has been issued by the relevant authority under the Parking Places Act with a vehicle parking certificate or such other document in respect of the parking of the heavy vehicle for the period for which the heavy vehicle is to be licensed.

(2) For the purpose of this section and sections 19 (3) (e) and 34 (r), “heavy vehicle” has the same meaning as in the Parking Places Act.

Charge of tax on vehicles.

11.—(1) Subject to the provisions of this Act and the rules, a tax shall be charged in respect of —

- (a) the first registration of every vehicle under this Act; and
- (b) every vehicle used or kept on any road in Singapore,

and the tax shall be paid upon a licence to be taken out by the person keeping the vehicle.

(2) The tax chargeable under subsection (1) (a) in respect of a vehicle shall be of such an amount as the Minister may prescribe from time to time and the Minister may prescribe different taxes for vehicles of different classes, categories or descriptions or vehicles used for different purposes.

(3) The tax chargeable under subsection (1) (b) in respect of a vehicle of any description shall be chargeable by reference to such annual or semi-annual rate as may be prescribed by the Minister from time to time.

(4) Any rates prescribed by the Minister may be so made to apply only to vehicles of a specified class, category or description and the Minister may prescribe different rates

for vehicles of different classes, categories or descriptions or vehicles used for different purposes.

(4A) The Minister may prescribe a rebate on all or any part of the tax payable for vehicles of a specified class, category or description and the Minister may prescribe different rates of rebate or the methods for determining the amount of the rebate for vehicles of different classes, categories or descriptions or vehicles used for different purposes. ^{16/91.}

(5) For the purposes of the tax, in so far as it is chargeable in respect of the use or keeping of a vehicle on a road, a vehicle shall be deemed —

(a) to be chargeable with the like tax as on the occasion of the issue of the vehicle licence or last vehicle licence issued for the vehicle under this Act, and to be so chargeable by reference to the prescribed rate applicable to the vehicle on that occasion; or

(b) if no vehicle licence has been issued for the vehicle under this Act, to be chargeable by reference to the prescribed rate applicable to the vehicle.

(6) Nothing in this section shall operate so as to render lawful the keeping of a vehicle for any period, in any manner or at any place, if to do so would be unlawful apart from this section.

(7) Any person who gives any incorrect information in relation to any matter affecting the amount of tax chargeable under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months, and the court shall order him to pay to the Registrar the amount of tax which has been undercharged. ^{7/90.}

(8) The Registrar may, in his discretion, compound any offence punishable under subsection (7) by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000 and the amount of the tax undercharged, and may before judgment stay or compound any proceedings thereunder. ^{7/90.}

Restricted
licences and
supple-
mentary
licences.
16/91.

11A.—(1) The Registrar may, upon application by the owner of a motor car in such circumstances as may be prescribed, issue a licence subject to the restriction that the motor car shall not be driven on any road or on any specified road during specified days or times unless there is in force a supplementary licence for that motor car.

(2) The Minister may make rules for carrying out or giving effect to this section and, in particular, may —

- (a) provide for the issue of supplementary licences, whether at prescribed fees or without charge, and regulate their use and exhibition; and
- (b) provide for all matters necessary or incidental to allow subsection (1) to apply or cease to apply to motor cars of any description, including the re-registration of such cars and the imposition of any fee or levy in connection with such re-registration.

(3) Any person who drives a motor car, issued with a licence subject to the restriction referred to in subsection (1), in contravention of such a restriction or any owner of such a motor car who causes or permits his car to be so driven shall be guilty of an offence and shall on conviction be punished with a fine of not less than half the amount of the road tax payable for 12 months in respect of that motor car if it were not subject to the restriction referred to in that subsection and, in the case of a second or subsequent conviction, with a fine of not less than the amount of the road tax payable for 12 months in respect of that motor car if it were not subject to the restriction referred to in that subsection.

(4) Any person who falsifies an identification mark or plate prescribed in the case of a motor car issued with a licence subject to the restriction referred to in subsection (1) or who displays, or causes or permits to be displayed, a falsified identification mark or plate on such a motor car shall be guilty of an offence and shall on conviction be punished with a fine of not less than twice the amount of the fee payable for a licence for 12 months in respect of that motor car if it were not subject to the restriction referred to in that subsection.

12.—(1) Where any vehicle not registered under this Act is kept or used on any road in Singapore by a person who is —

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- (a) a citizen of Singapore;
- (b) a resident of Singapore; or
- (c) the holder of a work permit or an employment pass issued under the Immigration Act,

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the tax chargeable under section 11 (1) (a) shall be paid in respect of the vehicle by the person keeping or using it in Singapore as if that vehicle is first registered and used in Singapore.

(2) Any person who has in his possession or comes into possession of, or uses, a motor vehicle in respect of which a licence issued under the provisions of any law of any country relating to motor vehicles is in force shall inform the Registrar, within such period as may be prescribed, if he is a resident of Singapore or takes up residence in Singapore.

(3) For the purposes of this section, a person is deemed to be a resident of Singapore if he —

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- (a) has been granted the status of a permanent resident of Singapore by the competent authority, even though he may not have a place of residence in Singapore; or
- (b) resides in Singapore for a continuous period of 6 months and any temporary period or periods of absence during that period is immaterial.

13.—(1) A vehicle licence may be taken out —

- (a) for any period of 6 months or 12 months; and
- (b) for any such shorter period as the Registrar may approve,

Commencement and duration of licences.

and shall, unless the Registrar otherwise determines, first have effect on the first day of the month in which the licence is applied for or on the day following the expiry of the last vehicle licence issued for the vehicle under this Act.

(2) A licence which first has effect before the day on which it is issued shall not affect any criminal liability incurred before that day.

Exemption from tax on certain descriptions of vehicles.

14. No tax shall be chargeable under this Act in respect of vehicles of the following descriptions:

- (a) fire engines;
- (b) vehicles used solely for the purpose of a fire-fighting service;
- (c) ambulances;
- (d) road rollers;
- (e) vehicles used exclusively on roads which are not repairable at the public expense;
- (f) vehicles used solely for industry, mining and agriculture and not intended to be used on any road repairable at the public expense;
- (g) invalid carriages; and
- (h) bicycles.

Using and keeping of vehicle without licence.

15. Any person who uses or keeps on any road any vehicle for which a licence is not in force, not being a vehicle exempted from tax under this Act by virtue of the provisions of any written law, shall be guilty of an offence and —

- (a) shall be liable on conviction to a fine not exceeding \$2,000; or
- (b) if it has been proved to the satisfaction of the court that he had the intention to evade payment of any tax chargeable under this Act, shall be punished on conviction with a fine of an amount equal to 3 times the tax payable if a vehicle licence had been taken out for the period beginning with the expiry of the vehicle licence last in force for the vehicle before the date of the offence or, if there has not at any time before that date a vehicle licence in force for the vehicle, with the first day of the month in which the vehicle was first kept by that person and ending with the last day of the month during which the offence was committed.

Presumption on use and keeping of vehicle.

16. For the purposes of this Act, the person who is for the time being registered under the provisions of this Part as the owner of a vehicle shall, until the contrary is proved, be presumed to keep or use that vehicle on a road.

17.—(1) Subject to this section, a person who for any period keeps a vehicle in respect of which tax under this Act has at any time become chargeable shall, whether or not it is still a mechanically propelled vehicle, be liable to pay tax under this Act in respect of the vehicle for that period.

Continuous liability for duty.

(2) Subject as aforesaid, a person shall not be liable by virtue of subsection (1) to pay tax under this Act in respect of a vehicle —

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- (a) for any period for which tax under this Act in respect of the vehicle has been paid and has not been repaid in consequence of the surrender of a licence;
- (b) for any calendar month in respect of which he has, in accordance with the rules, given notice to the Registrar that the vehicle will not be used or kept on a public road during that month or part thereof; and
- (c) for any period by reference to which there was calculated an amount ordered to be paid by him as a fine in pursuance of section 15 (b).

(3) A person shall not, by virtue of subsection (2) (b), be exempt from his liability for any period under subsection (1) in respect of a vehicle if at any time during that period he or any other person with his consent uses or keeps the vehicle on a public road and no vehicle licence is in force for the vehicle at that time; and for the purposes of this subsection the consent mentioned as aforesaid shall be presumed to have been given unless the contrary is shown, but any use or keeping of the vehicle in question as respects which the vehicle is exempt by virtue of any written law for the time being in force from tax under this Act shall be disregarded.

(4) Sums payable in pursuance of this section by way of tax in respect of a vehicle shall accrue due for every period of a calendar month at one-sixth of the semi-annual rate of tax applicable to the vehicle at the relevant time.

18.—(1) Notwithstanding the provisions of any other written law, any tax chargeable under this Act may be sued for by way of a specially indorsed writ of summons.

Suit for recovery of tax.

(2) In any suit under subsection (1), the production of a certificate signed by the Registrar giving the name and address of the defendant and the amount of tax from him in respect of any vehicle kept by him shall be sufficient evidence of the amount due and sufficient authority for the court to give judgment for that amount.

Issue and
exhibition of
licences.

19.—(1) Every person applying for a vehicle licence shall make such a declaration and furnish such particulars with respect to the vehicle for which the licence is to be taken out or otherwise as may be prescribed.

(2) Subject to the provisions of this Act as to general licences, every vehicle licence shall be issued for the vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use or keep any other vehicle.

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(3) The Registrar shall not be required to issue any vehicle licence for which application is made unless he is satisfied —

- (a) that the licence applied for is the appropriate licence for the vehicle specified in the application and all fees and taxes due and payable in respect of the vehicle and any penalty recoverable from the registered owner of the vehicle under this Act or the rules have been paid;
- (b) in the case of an application for a licence for a vehicle purporting to be the first application for a licence for the vehicle, that a licence has not previously been issued for that vehicle;
- (c) that either —
 - (i) for the period of the licence there will be in force the policy of insurance or the security required by law in relation to the use of the motor vehicle by the applicant or by other persons on his order or with his permission; or
 - (ii) the motor vehicle is a vehicle to which section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act does not apply at any time when it is being driven by the owner thereof or by

an employee of his in the course of his employment or is otherwise subject to the control of the owner;

(d) in the case of a motor vehicle to which section 91 applies, that a test certificate in respect of the vehicle has been issued at any time within 3 months prior to the issue of the vehicle licence or within such other period as the Registrar may approve; and

(e) in the case of a heavy vehicle, that for the period of the licence there will be in force a vehicle parking certificate or such other document issued by the relevant authority under the Parking Places Act Cap. 214. in respect of the parking of the heavy vehicle.

(4) Subject to the rules, and without prejudice to section 25, any person who uses or keeps on a road any vehicle on which tax under this Act is chargeable without there being fixed to and exhibited on that vehicle in the prescribed manner a licence for, or in respect of the use of, that vehicle issued under this Act and for the time being in force shall be guilty of an offence.

(5) Rules made under this Act may provide for the issue of a new licence in the place of a licence which may be lost or destroyed, and for the fee to be paid on the issue of a new licence.

(6) Any vehicle licence may be transferred in the prescribed manner.

20.—(1) The Registrar, when issuing a licence for any heavy motor car, motor car or motor cycle, may determine and enter in the registration book for that vehicle the maximum number of persons that may be carried on any part thereof. Number of persons carried on vehicle.

(2) The person who drives a motor vehicle carrying persons in excess of the maximum number of persons permitted to be carried on the vehicle shall be guilty of an offence.

21. If a licence is applied for a vehicle after the period of 14 days following the date of expiry of the last licence issued for the vehicle, a late payment fee as may be prescribed shall be payable for the issue of the licence. Late application for licence.

Surrender of
licences.
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22. The holder of a licence may at any time surrender the licence to the Registrar in the prescribed manner and shall on so surrendering the licence be entitled, if he satisfies the prescribed requirements, to receive from the Registrar, by way of rebate of tax paid upon the surrendered licence, a sum equal to the amount of tax which had been charged for the remaining number of calendar months or part thereof for which the licence would have been in force.

Vehicle
destroyed,
exported, etc.
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23. The holder of a licence may at any time notify the Registrar that his vehicle has been destroyed or exported or will cease to be kept or used on any road and the Registrar on being satisfied in such manner as he requires that the vehicle has been destroyed or exported or will cease to be kept or used on any road, shall refund to the holder of the licence a sum equal to the amount which has been charged for the number of calendar months or part thereof for which the licence would have continued to be in force.

Alteration of
vehicle or of
its use.

24.—(1) Where a vehicle licence has been taken out for a vehicle at any rate prescribed under this Act and the vehicle is, at any time while the licence is in force, used in an altered condition or in a manner or for a purpose which brings it within, or which if it was used solely in that condition or in that manner or for that purpose would bring it within, a description of vehicle to which a higher rate of tax is applicable under this Act, tax at that higher rate shall become chargeable in respect of the licence for the vehicle.

(2) Where tax at a higher rate becomes chargeable under subsection (1) in respect of any vehicle licence, the licence may be exchanged for a new vehicle licence, for the period beginning with the date on which the higher rate of tax becomes chargeable and expiring at the end of the period for which the original vehicle licence was issued, on payment of the difference between the amount payable on the new licence and the amount to be refunded on the surrender of the original vehicle licence.

(3) Where a vehicle licence has been taken out for a vehicle, and by reason of the vehicle being used as mentioned in subsection (1), a higher rate of tax becomes chargeable and tax at the higher rate was not paid before the vehicle was so used, the person so using the vehicle shall be guilty of an offence.

25.—(1) Rules made under this Part may modify the provisions of this Part in the case of motor vehicles brought temporarily by persons resident outside Singapore and intending to make only a temporary stay in Singapore and such rules may provide for the issue of a permit in respect of a vehicle brought into Singapore from any place outside Singapore authorising the use in Singapore of such vehicle for any specified period.

Visitors' vehicles.

(2) Such rules may prescribe for the levy of a fee for the issue of such permit and for the levy of a tax for the use of such a vehicle in Singapore in accordance with such rates as the Minister may prescribe.

(3) Any rates prescribed by the Minister under this section may be so made to apply only to vehicles of a specified class, category or description and the Minister may prescribe different rates for vehicles of different classes, categories or descriptions or for vehicles used for different purposes.

26.—(1) On the issue of a licence under this Part for a vehicle other than a bicycle, it shall be the duty of the Registrar to register the vehicle in the prescribed manner without any further application in that behalf by the person taking out the licence and, subject to this section, the Registrar shall assign a separate number to every vehicle registered with him and a mark indicating both the registered number of the vehicle and the fact that it has been registered in Singapore shall be fixed on the vehicle or on any other vehicle drawn by the vehicle or on both in the prescribed manner.

Registration and identification marks.

(2) The Registrar shall, on any application for the registration of a bicycle made to him in the prescribed manner and on payment of the prescribed fee, register such bicycle in the prescribed manner, assigning a separate number to every bicycle registered with him, and a mark indicating both the registered number and the fact that it has been registered shall be fixed on the bicycle in the prescribed manner.

(3) If the mark to be fixed in accordance with this Act is not so fixed, or if being so fixed it is in any way obscured or rendered or allowed to become or to remain not easily distinguishable, the person driving the vehicle or having

charge of the vehicle while it is being used shall be guilty of an offence:

Provided that a person charged under this section with having an obscured mark or with obscuring a mark or rendering or allowing it to become or to remain not easily distinguishable shall not be liable to be convicted on the charge if he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or not easily distinguishable.

(4) A person shall not be liable to be convicted under this section if he proves that he had no reasonable opportunity of registering the vehicle in accordance with this section and that the vehicle is being driven on the road for the purpose of being so registered.

Cancellation
of
registration.
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27.—(1) The Registrar may cancel the registration of a motor vehicle —

- (a) if the permit issued under section 10A authorising the registration of the vehicle under this Act has been cancelled or has expired and has not been restored or renewed within the time prescribed therefor by this Act or any rules;
- (b) if no licence has been taken out for the vehicle for a period exceeding 3 years by the registered owner who has notified the Registrar that he will not use the vehicle during that period;
- (c) if the tax chargeable under section 11 (1) (b) has not been paid by the registered owner of the vehicle for a period of 12 months or any longer period;
- (d) if he is satisfied that the vehicle has been destroyed or become wholly unfit for further use or has been permanently removed from Singapore; or
- (e) if the vehicle exceeds the age-limit prescribed for the class or description of vehicles to which the vehicle belongs.

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(2) Where the registration of a motor vehicle is cancelled pursuant to subsection (1) —

- (a) the registered owner of the vehicle or any person who is in possession of the registration book or

card issued in respect of the vehicle shall surrender that book or card to the Registrar within 14 days of the cancellation; and

- (b) the registered owner or the person in possession of the vehicle shall produce proof to the satisfaction of the Registrar that the vehicle has been exported or scrapped within one month of the date of the cancellation.

28.—(1) If any person, being a manufacturer or repairer of or dealer in motor vehicles, makes in the prescribed manner an application in that behalf to the Registrar that he may be entitled in lieu of taking out a licence under this Part for each motor vehicle kept by him to take out a general licence in respect of all motor vehicles used by him, the Registrar may, if satisfied as to the bona fides of the applicant and subject to the prescribed conditions, issue to him such a licence on payment of the prescribed levy.

General
licences.
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(2) The holder of any licence issued under this section shall not be entitled by virtue of that licence to use more than one motor vehicle at any one time except in the case of a motor vehicle drawing a trailer and used for the prescribed purposes or to use any vehicle for any purpose other than such purposes as may be prescribed.

(3) Nothing in this section shall operate to prevent a person entitled to take out a general licence from holding two or more such licences.

(4) A general licence shall not be issued until the applicant has produced to the Registrar such evidence as may be prescribed that either —

- (a) for the period of the licence there will be in force the policy of insurance or the security required by law in relation to the use of the motor vehicle by the applicant or by other persons on his order or with his permission; or

- (b) the motor vehicle is a vehicle to which section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act does not apply at any time when it is being driven by the owner thereof or by an employee of his in the course of his

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employment or is otherwise subject to the control of the owner.

(5) Provision may be made by rules under this Act for the issue of more than one type of general licence and for assigning a general identification mark to a person holding any licence issued under this section.

(6) No general licence shall be assigned or transferred and the holder of any general licence who shall assign or transfer or attempt to assign or transfer the licence shall be guilty of an offence.

(7) If any person is aggrieved by the refusal of the Registrar to issue a general licence under this section, he may appeal to the Minister and the Minister shall, on any such appeal, make such order in the matter as he thinks just and the Registrar shall comply with any order so made. Any order made by the Minister under this subsection shall be final and shall not be challenged, appealed against, reviewed, quashed or called in question in any court and shall not be subject to certiorari, prohibition, mandamus or injunction in any court on any account.

(8) Any court before whom the holder of a general licence has been convicted of any offence under this Act or the rules or of any breach of the conditions of such general licence in respect of any vehicle used under a general licence held by him may suspend the general licence for the period of its validity or for any lesser period and the general licence shall thereupon be delivered to the court by the holder thereof and the court shall send the general licence to the Registrar who shall keep such licence until the suspension has expired or been cancelled.

Offences in connection with registration and licensing of vehicles.

29.—(1) If any person possesses or uses any vehicle, other than a bicycle or a trishaw, for which a licence under this Part is not in force or causes or permits it to be so used or, being the holder of a general licence or general licences issued under this Act, uses at any one time a greater number of motor vehicles than he is authorised to use by virtue of that licence or those licences, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and if any person uses a bicycle which has not been registered or a trishaw which has not been licensed under

this Part, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(2) Proceedings for a penalty under subsection (1) may be brought at any time within a period of 12 months from the date on which the offence was committed.

(3) Where a licence has been taken out for a motor vehicle to be used solely for a certain purpose and the motor vehicle is, at any time during the period for which the licence is in force, used for some other purpose, the person so using the motor vehicle or causing or permitting it to be so used shall, if the rate of fee chargeable in respect of a licence for a motor vehicle used for that other purpose is higher than the rate chargeable in respect of the licence held by him, 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 conviction, shall in addition be liable to imprisonment for a term not exceeding 3 months.

(4) If in any proceedings under this section any question arises as to the number of motor vehicles used or as to the character, weight and horse-power of any motor vehicle or as to the number of seats provided in a motor vehicle or as to the purposes for which any motor vehicle has been used, it shall be sufficient for a witness for the prosecution to swear that, in consequence of inquiries which he has made or of reports which he has received, he has reasonable grounds for believing that the number of motor vehicles used or the character, weight and horse-power of any motor vehicle or the number of seats provided in a motor vehicle or the purposes for which any motor vehicle has been used or any one or more of these facts was or were such as would be necessary to establish the offence charged, and thereupon the burden shall be on the defendant to prove that the number of motor vehicles used or the character, weight and horse-power of any motor vehicle, the number of seats provided in a motor vehicle or the purposes for which any motor vehicle has been used (as the case may require) was or were in fact such that the offence charged was not in law committed by him.

30.—(1) If any tax payable in respect of any vehicle remains unpaid after one month commencing from the date of expiry of the licence last in force for the vehicle, the

Power to
seize and sell
vehicles.

Registrar may issue a warrant in the prescribed form directing the officer named therein to seize the vehicle and recover the tax due from the proceeds of the sale of the vehicle.

(2) The person to whom any warrant is addressed may break open in the daytime any house or building for the purpose of the seizure of the vehicle in pursuance of such warrant.

(3) Such fees as are prescribed by the Minister shall be payable by way of costs in the case of the issue of a warrant for the recovery of any tax under this section.

Limitation on bringing of proceedings for recovery of over-payment of tax.

31. No proceedings shall be brought for enforcing any repayment of tax to which a person may be entitled in respect of any over-payment of tax made on a vehicle licence taken out by him, unless the proceedings are brought before the expiration of the 12 months beginning with the end of the period in respect of which the licence was taken out.

Power to compound. 16/91.

32. The Registrar may, in his discretion, compound any offence under this Part or any rules made thereunder by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$50 and, in the case of an offence under section 11A (3), 11A (4) or 15, a sum not exceeding \$200.

Exemptions and application to vehicles belonging to Government.

33.—(1) The Minister may in special cases and for a particular occasion exempt any vehicle or type of vehicle from the operation of all or any of the provisions of this Part or from the taxes, fees or levies payable thereunder or may reduce such taxes, fees or levies.

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(2) This Part shall apply to vehicles belonging to the Government.

Rules for purposes of this Part. 7/90 16/91 33/93.

34. The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part, and otherwise for the purpose of carrying this Part into effect and, in particular, may make rules —

- (a) to regulate the registration and licensing of vehicles, to prescribe the forms of application for and the contents of vehicle licences, and to provide special facilities for the licensing of motor vehicles brought into Singapore from places outside Singapore;
- (b) to provide for the issue of registration books in respect of the registration of any vehicle and for the surrender, transfer and production and the inspection by the prescribed persons of any book so issued; and for the issue of new registration books and new vehicle licences in the place of any such books or licences which may be lost or destroyed and for a fee to be paid on the issue of a new registration book or vehicle licence;
- (c) to prescribe the size, shape and character of the identification marks or the signs to be fixed on any vehicle and the manner in which those marks or signs are to be secured, sealed, displayed and rendered easily distinguishable whether by night or by day and to prohibit those marks, signs and seals from being tampered with;
- (d) to require any person to whom any vehicle is sold or disposed of to furnish the prescribed particulars in the prescribed manner;
- (e) to prescribe the form of, and the particulars to be included in, the register with respect to motor vehicles for which a general licence has been taken out by a manufacturer or dealer and the identification marks to be carried by any such motor vehicle and to define the purposes for which the holder of a general licence may use a motor vehicle under such general licence;
- (f) to extend any provisions as to registration and provisions incidental to any such provisions to any vehicle in respect of which taxes chargeable under this Part are not payable and to provide for the identification of any such vehicle;
- (g) to provide for information contained in any records maintained by the Registrar with respect to the marking, registration or keeping of vehicles to be

made public or to be made available, either without payment or on payment of the prescribed fee, to such persons as may be determined by or under the rules;

- (h) with respect to the form and particulars to be included in a notice under section 17 (2) (b), the manner of giving such a notice and the time at which it is to be treated as being given;
- (i) for securing that notice under section 17 (2) (b) is not given in respect of a period of less than 30 days or more than 12 months;
- (j) as to the mode of calculating the period in respect of which notice under section 17 (2) (b) is to be treated as given;
- (k) with respect to the mode of proving the giving of the said notice;
- (l) for deeming the said notice to have been given in relation to a vehicle in respect of any period or at any time if in the circumstances of any particular case the Minister considers it reasonable to do so;
- (m) to make provision with respect to the furnishing of information and production of certificates of insurance or security and with respect to the registration and identification of such vehicles (including vehicles belonging to the Government);
- (n) to prescribe the particulars to be marked on vehicles and trailers;
- (o) to prescribe such fees and costs as are payable for the recovery of any tax payable under this Act;
- (p) to prohibit the registration under this Act of used vehicles beyond a prescribed age-limit;
- (q) to prescribe a levy for the re-registration of a used vehicle in the name of the purchaser of the vehicle; and
- (r) to regulate the registration and licensing of heavy vehicles.

PART II

LICENSING OF DRIVERS

35.—(1) Except as otherwise provided in this Act, no person shall drive a motor vehicle of any class or description on a road unless he is the holder of a driving licence authorising him to drive a motor vehicle of that class or description, and no person shall employ or permit another person to drive a motor vehicle on a road unless the person so employed or permitted to drive is the holder of such a driving licence, and any person who acts in contravention of this subsection shall be guilty of an offence: Licensing of drivers, etc.

Provided that for the purposes of this subsection, “holder of a driving licence” includes any member of the navy, army or air force of a Commonwealth country stationed in Singapore who is in possession of a certificate or other document duly issued to the member by a competent authority to drive a motor vehicle of the class or description specified in the certificate or document, that motor vehicle being the property of the navy, army or air force of a Commonwealth country.

(2) Applications for a driving licence shall be made in the prescribed form to the Deputy Commissioner of Police.

(3) On an application for the grant of a driving licence, the applicant shall, in addition to any declaration required under this Act, state whether he has held a driver’s certificate or licence in any part of the world, whether any such certificate or licence has been endorsed, suspended or cancelled, whether he has been disqualified from holding a licence and whether he is under the provisions of this Act disqualified by reason of age or otherwise from obtaining the licence for which he is applying.

(4) Subject to the provisions of this Part as to tests of competence to drive and as to the physical fitness of applicants for driving licences, the Deputy Commissioner of Police, except in the case of an applicant who is disqualified as hereinafter mentioned or of an applicant to whom, in the opinion of the Deputy Commissioner of Police, it would not be in the public interest to grant a licence, shall, on payment of the prescribed fee, grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is not disqualified by

reason of age or otherwise from obtaining the licence for which he is applying.

(5) A driving licence may authorise the holder thereof to drive all classes of motor vehicles or such class or classes or such type or types within any class or classes as the Deputy Commissioner of Police may specify therein.

(6) Where the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the driving licence.

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(7) Subject to the provisions of this Act, a driving licence not being a provisional licence shall, unless previously revoked or surrendered, remain in force for a period of either one year or 3 years from the date of its grant or renewal as the applicant may elect at the time of the application for the grant or renewal of a licence and on payment of the fee prescribed for the period.

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(7A) The Deputy Commissioner of Police may refuse to renew any driving licence, or renew it for a period of one year only notwithstanding that the applicant has elected to renew it for 3 years, if he is satisfied that the holder thereof has not complied with any warrant or process of court issued against him in respect of any offence or offences committed by him under this Act or the rules.

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(7B) Where a driving licence has lapsed for a period of 3 years or more, the Deputy Commissioner of Police shall not renew the licence or grant a new licence to the person who held such a licence unless he passes the prescribed test of competence to drive or the Deputy Commissioner of Police is satisfied that, at some time within 3 years before the date of the application, the applicant has held a driver's certificate or licence granted by the competent authority in any country authorising him to drive a motor vehicle of the class or description which he would be authorised to drive by the licence applied for.

(8) A person shall be disqualified from obtaining a driving licence —

(a) while another driving licence granted to him is in force whether the licence is suspended or not;

(b) if he is by a conviction under this Act or by an order of a court in Singapore or Malaysia disqualified from holding or obtaining a driving licence.

(9) In any proceedings the fact that a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified from holding or obtaining the licence.

(10) If any person is aggrieved by the refusal of the Deputy Commissioner of Police to grant a driving licence or by the revocation of a driving licence under section 37, he may, after giving the Deputy Commissioner of Police notice of his intention to do so, appeal to the Minister and on any such appeal the Minister may make such order as he thinks fit and any order so made shall be binding on the Deputy Commissioner of Police.

35A.—(1) Where a driving licence is granted to a person who has just passed the prescribed test of competence to drive or to a person who meets the requirements of section 36 (2), the Deputy Commissioner of Police may revoke such a licence if, within a period of 12 months from the date of the grant of the licence, that person's record (as kept by the Deputy Commissioner of Police) as a driver of motor vehicles or his conduct or habits as such driver establishes that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

Power of
Deputy
Commissioner
of Police to
revoke
driving
licence.
7/90.

(2) For the purpose of establishing that it would not be in the interests of public safety for a person to hold a valid driving licence or that such person is not competent to drive a motor vehicle, the Minister may make rules establishing a system of awarding points against a person for the commission of an offence under this Act or the rules.

(3) The rules made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

(4) The power conferred upon the Deputy Commissioner of Police by this section to revoke the driving licence of a

person may be exercised at such time as the Deputy Commissioner of Police thinks fit after the maximum number of points, referred to in subsection (3), has been awarded against such person.

(5) Where the points awarded against a person under the rules made under subsection (2) reach 50% of the maximum number at which the Deputy Commissioner of Police may revoke the driving licence of such person under this section, the Deputy Commissioner of Police shall give notice thereof in writing to the person.

(6) Where a person is disqualified by an order of a court from holding or obtaining a driving licence for such period of time as may be specified in the order, every point awarded against him under the rules made under subsection (2) shall thereupon be cancelled.

(7) Where a holder of a valid driving licence commits on a single occasion more than one offence under this Act or the rules, points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against a person.

(8) For the purposes of this section, a person shall be deemed to have committed an offence under this Act or the rules if he pays the prescribed penalty for that offence under section 132.

Licensee may
show cause
why driving
licence
should not
be
revoked.
7/90.

35B.—(1) The Deputy Commissioner of Police shall, before revoking a driving licence of a person under section 35A, give the person concerned notice in writing of his intention to do so, specifying a date, not less than 14 days after the date of the notice, upon which such revocation shall be made and calling upon the person to show cause to the Deputy Commissioner of Police why such driving licence should not be revoked.

(2) Upon the person failing to show cause within the period referred to in subsection (1) and if the Deputy Commissioner of Police decides to revoke the driving licence of such person pursuant to section 35A, the Deputy Commissioner of Police shall forthwith inform the person by notice in writing of the revocation.

(3) A person may, within 14 days of the receipt of the notice referred to in subsection (2), or within such extended

period of time as the Minister may allow, appeal in writing against the revocation to the Minister whose decision shall be final.

(4) An order of revocation under section 35A shall not take effect until the expiration of a period of 14 days after the Deputy Commissioner of Police has informed the person concerned of the order.

(5) If within that period the person concerned appeals to the Minister, the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister.

35C.—(1) The Deputy Commissioner of Police shall, upon revoking a licence under section 35A, require the licence to be surrendered to and retained by him.

Surrender of driving licence. 7/90.

(2) Any person whose driving licence has been revoked under section 35A shall forthwith surrender the driving licence to the Deputy Commissioner of Police.

(3) Any person whose driving licence has been revoked under section 35A shall not drive a motor vehicle on a road under any other driving licence granted by any authority or otherwise.

(4) Any person who drives a motor vehicle on a road when his driving licence is revoked under section 35A shall be guilty of an offence.

36.—(1) A driving licence shall not be granted to any applicant unless he passes the prescribed test of competence to drive.

Tests of competence to drive of new applicants for driving licences. 9/85.

(2) Notwithstanding subsection (1), the Deputy Commissioner of Police may grant a driving licence to an applicant who satisfies him that at some time within 3 years before the date on which he makes the application he has held a driver's certificate or licence issued by the competent authority in any country authorising him to drive motor vehicles of the class or description which he would be authorised to drive by the licence applied for.

(3) Subject to subsection (4), for the purpose of enabling the applicant for a driving licence to learn to drive a motor vehicle with a view to passing a test under this section, the Deputy Commissioner of Police may, if so requested by the

applicant and on payment of the prescribed fee, grant to the applicant a provisional licence to be in force for a period of 6 months, which licence shall be in the prescribed form and granted subject to the prescribed conditions; and if any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

9/85.

(4) A provisional licence to drive a motor cycle shall not be granted to any applicant after 1st October 1985 unless he has completed a prescribed course of training to enable him to obtain a provisional licence.

(5) The court before which a person is convicted of an offence under section 64 or 65 may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under section 42 disqualifying him from holding or obtaining a licence to drive a motor vehicle, order him to be disqualified from holding or obtaining a licence to drive a motor vehicle until he has since the date of the order passed the test.

(6) The provisions of this Act which have effect where an order disqualifying a person from holding or obtaining a driving licence is made shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications:

- (a) notwithstanding section 35 (8) or 43 (3), the person disqualified shall (unless he is disqualified from holding or obtaining a driving licence otherwise than by virtue of an order under this section) be entitled to obtain and to hold a provisional driving licence to be granted under subsection (3) and to drive a motor vehicle in accordance with the conditions subject to which the provisional driving licence is granted;
- (b) the disqualification shall be deemed to have expired on production to the Deputy Commissioner of Police of evidence that the person has since the order was made passed the prescribed test;
- (c) on the return to the person disqualified of any driving licence held by him or on the issue to him of such a licence there shall be added to the

endorsed particulars of the disqualification a statement that the person disqualified has since the order was made passed the prescribed test.

37.—(1) On an application for the grant of a driving licence, the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a motor vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

Provisions as to physical fitness of applicants for driving licences.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the Deputy Commissioner of Police shall refuse to grant the driving licence:

Provided that —

- (a) a driving licence limited to driving an invalid carriage may be granted to the applicant if the Deputy Commissioner of Police is satisfied that he is fit to drive such a carriage;
- (b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive and if he passes the prescribed test and is not otherwise disqualified the driving licence shall not be refused by reason only of the provisions of this subsection, provided that if the test proves his fitness to drive motor vehicles of a particular construction or design only, the driving licence shall be limited to the driving of such vehicles.

(3) If it appears to the Deputy Commissioner of Police that there is reason to believe that any person who holds a driving licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a motor vehicle of any such class or description as he is authorised by the licence to drive, to be a source

of danger to the public and, after making such inquiry as he considers necessary, the Deputy Commissioner of Police is satisfied that the licence holder is suffering as aforesaid then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, the Deputy Commissioner of Police may, after giving to the licence holder notice of such intention, revoke the driving licence, and the licence holder shall on receipt of such notice deliver the driving licence to the Deputy Commissioner of Police for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle and, if he passes the prescribed test, the driving licence shall not be revoked or, if it has already been revoked, shall be returned to the licence holder and the revocation thereof shall be rescinded.

Recognition
of Malaysian
driving
licences.
9/85.

38. Subject to section 62, any person, other than a resident of Singapore, who holds a driving licence other than a provisional licence to drive a motor cycle issued under any written law relating to motor vehicles in Malaysia which licence would, if the person were in the place where it was issued, still be in force may drive a motor vehicle of the class or description which the licence authorises him to drive notwithstanding that he has not been granted a driving licence under this Part.

Production
of driving
licences.

39.—(1) Any person driving a motor vehicle on a road shall, on being so required by a police officer, produce his driving licence for examination so as to enable the police officer to ascertain his name and address, the date of issue and the authority by which it was issued, and if he fails to do so he shall be guilty of an offence.

(2) Notwithstanding subsection (1), if within 24 hours after the production of his driving licence was so required, the licensee produces the licence in person at such police office or police station in Singapore as may be specified by the police officer at the time its production was required, the licensee shall not be convicted of an offence under this section.

(3) Subsection (2) shall not apply to a paid driver or to the driver of a motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods.

40.—(1) If the Deputy Commissioner of Police has reasonable cause to believe that a driving licence is in the possession of any person other than the person to whom it was issued, he may, by notice in writing served personally on the person in whose possession the licence is alleged to be, require him forthwith to deliver the driving licence to the Deputy Commissioner of Police who shall, in the absence of any reason to the contrary, deliver the driving licence to the person to whom it was issued.

Possession of driving licence belonging to another person.

(2) Any person who without reasonable cause fails to comply with a notice under subsection (1) shall be guilty of an offence.

41.—(1) Every paid driver shall, if so required in writing by the Deputy Commissioner of Police, attend at the office of the Deputy Commissioner of Police and, if so required, shall permit impressions of his fingers to be taken and produce his driving licence.

Paid drivers to attend when required.

(2) Any person who, without reasonable cause, fails to comply with the requirements of this section shall be guilty of an offence.

42.—(1) A court before which a person is convicted of any offence in connection with the driving of a motor vehicle may, in any case except where otherwise expressly provided by this Act and shall, where so required by this Act, order him to be disqualified from holding or obtaining a driving licence for life or for such period as the court may think fit except that if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the motor vehicle in relation to which the offence was committed.

Disqualification for offences.

(2) A person who, by virtue of an order of a court, is disqualified from holding or obtaining a driving licence may appeal against the order in the same manner as against a conviction, and the court may if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions as
to disquali-
fications and
suspensions.
7/90.

43.—(1) Where a person who is disqualified by virtue of a conviction or order under this Act is the holder of a driving licence, the licence shall —

(a) be suspended as long as the disqualification continues in force if he is disqualified from holding or obtaining a driving licence for a period of less than one year; and

(b) be of no effect if he is disqualified from holding or obtaining a driving licence for a period of one year or longer and he shall not drive a motor vehicle after the period of disqualification unless he passes the prescribed test of competence to drive.

7/90.

(2) A driving licence suspended by virtue of subsection (1) or section 45, 47B or 47C shall, during the time of suspension, be of no effect.

3/93.

(3) If any person who under the provisions of this Act is disqualified from holding or obtaining a driving licence applies for or obtains a driving licence while he is so disqualified, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and a driving licence obtained by him shall be of no effect.

3/93.

(3A) If any person who is disqualified as mentioned in subsection (3) drives on a road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, that person 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 3 years or to both.

3/93.

(3B) Where any person has been convicted of an offence under subsection (3A) and such conviction is a second or subsequent conviction and it is proved to the satisfaction of a court that a motor vehicle has been used in the commission of the offence, the court shall, on the application of the Public Prosecutor, make an order for the forfeiture of the motor vehicle except that the court shall not make an order for the forfeiture of the vehicle if the court is satisfied that —

(a) the person who has committed the offence is not the owner of the vehicle; and

- (b) the person who has committed the offence had used the vehicle without the consent of the owner or where he had used the vehicle with the consent of the owner, that the owner had no knowledge of his disqualification under this Act from holding or obtaining a driving licence.

(3C) Any motor vehicle in respect of which there has been or there is reasonable cause to suspect that there has been committed an offence under subsection (3A) may be seized by any police officer or the Registrar or any officer authorised in writing by the Registrar. 3/93.

(3D) If there be no prosecution with regard to an offence under subsection (3A), the motor vehicle seized pursuant to subsection (3C) shall be released at the expiration of one month from the date of seizure unless it has been earlier released. 3/93.

(4) Notwithstanding any written law prescribing the time within which proceedings may be instituted, proceedings for an offence under subsection (3) may be instituted —

- (a) within a period of 6 months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

44.—(1) Where a person is convicted of an offence in connection with the driving of a motor vehicle or is disqualified by any court from holding or obtaining a driving licence, the court shall send notice of the conviction or order of disqualification to the Deputy Commissioner of Police who shall thereupon cause particulars of the conviction or disqualification to be recorded and maintained for a period not exceeding 3 years from the date of the conviction or expiry of disqualification, as the case may be. Recording of particulars of convictions or disqualifications by Deputy Commissioner of Police.

(2) In any proceedings in any court, a certificate, purporting to be signed by the Deputy Commissioner of Police or any officer authorised by him, relating to the particulars of any conviction or disqualification recorded

and maintained under subsection (1) shall be prima facie evidence of the conviction or disqualification.

(3) Where a person is disqualified by any court from holding a driving licence, he shall deliver his driving licence, if any, within 7 days of the order of disqualification to the Deputy Commissioner of Police who shall either cancel it or keep it during the period of disqualification or if the disqualification does not apply to all the classes of vehicles which that person is permitted to drive then the Deputy Commissioner of Police shall return the driving licence to him after having made the necessary endorsement thereon.

Power of Deputy Commissioner of Police to suspend driving licence. 7/90.

45.—(1) Notwithstanding anything in this Act, the Deputy Commissioner of Police may suspend a driving licence of a person for a period not exceeding 3 years if the person's record (as kept by the Deputy Commissioner of Police) as a driver of motor vehicles or his conduct or habits as such driver establishes that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

(2) For the purpose of establishing that it would not be in the interests of public safety for a person to hold a valid driving licence or that such person is not competent to drive a motor vehicle, the Minister may make rules establishing a system of awarding points against a person for the commission of an offence under this Act or the rules.

(3) The rules made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

(4) The power conferred upon the Deputy Commissioner of Police by this section to suspend the driving licence of a person may be exercised at such time after the maximum number of points, referred to in subsection (3), has been awarded against such person as the Deputy Commissioner of Police thinks fit.

(5) Where the points awarded against a person under the rules made under subsection (2) reach 50% of the maximum number at which the Deputy Commissioner of Police may suspend the driving licence of such person under this

section, the Deputy Commissioner of Police shall give notice thereof in writing to the person.

(6) Where a person is disqualified by an order of a court from holding or obtaining a driving licence for such period of time as may be specified in the order, every point awarded against him under the rules made under subsection (2) shall thereupon be cancelled.

(7) Where a holder of a valid driving licence commits on a single occasion more than one offence under this Act or the rules, points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against a person.

(8) For the purposes of this section, a person shall be deemed to have committed an offence under this Act or the rules if he pays the prescribed penalty for that offence under section 132.

46.—(1) The Deputy Commissioner of Police shall, before suspending a driving licence of a person under section 45, give the person concerned notice in writing of his intention to do so, specifying a date, not less than 14 days after the date of the notice, upon which such suspension shall be made and calling upon the person to show cause to the Deputy Commissioner of Police why such driving licence should not be suspended.

Licensee may show cause why driving licence should not be suspended.

(2) Upon the person failing to show cause within the period referred to in subsection (1) and if the Deputy Commissioner of Police decides to suspend the driving licence of such person pursuant to section 45, the Deputy Commissioner of Police shall forthwith inform the person by notice in writing of the suspension.

(3) A person may, within 14 days of the receipt of the notice referred to in subsection (2), or within such extended period of time as the Minister may allow, appeal in writing against the suspension to the Minister whose decision shall be final.

(4) An order of suspension under section 45 shall not take effect until the expiration of a period of 14 days after the Deputy Commissioner of Police has informed the person concerned of the order.

(5) If within that period the person concerned appeals to the Minister, the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister.

Surrender and return of driving licence.

47.—(1) The Deputy Commissioner of Police shall, upon suspending a driving licence under section 45, require the licence to be surrendered to and retained by him.

(2) Any person whose driving licence has been suspended under section 45 shall forthwith surrender the driving licence to the Deputy Commissioner of Police.

(3) At the end of a period of suspension, a driving licence surrendered to the Deputy Commissioner of Police under subsection (2) shall be returned to the holder thereof and the points awarded against him shall be cancelled.

(4) Any person whose driving licence has been suspended under section 45 shall not during the period of suspension drive a motor vehicle on a road under any other driving licence issued by any authority or otherwise.

(5) Any person who drives a motor vehicle on a road when his driving licence is suspended under section 45 shall be guilty of an offence.

Effect of suspension of licence by Deputy Commissioner of Police.
7/90.

47A. A driving licence suspended by the Deputy Commissioner of Police under section 45 for a period of one year or any other longer period shall be of no effect and the holder of the licence shall not drive a motor vehicle after the period of suspension unless he passes the prescribed test of competence to drive.

Disqualification or suspension to continue in certain circumstances.
7/90.

47B. If any person who is disqualified from holding or obtaining a driving licence, or whose driving licence is suspended under the provisions of this Act, drives while he is so disqualified or his licence is under suspension and causes death or serious injury to any other person and is charged for an offence under this Act, the disqualification or suspension shall continue until that offence has been tried and determined by a court.

47C.—(1) Where a person drives a motor vehicle on a road or other public place —

- (a) whilst under the influence of drink or of a drug in contravention of section 67 (1); or
- (b) without a policy of insurance in respect of third-party risks in contravention of section 3 (1) of the Motor Vehicles (Third-Party Risks and Compensation) Act,

Immediate suspension of driving licence in certain circumstances. 7/90.

Cap. 189.

and whilst so driving causes death or serious injury to any other person, the Deputy Commissioner of Police may, where the first-mentioned person is charged for that offence, suspend his driving licence from the date he is charged for the offence, and the suspension shall remain in force until the offence is tried and determined by a court.

(2) The Deputy Commissioner of Police shall, before suspending a driving licence of a person under subsection (1), give to the person concerned a notice in writing informing the person that his driving licence is immediately suspended until the charge has been tried and determined by a court and requiring the person forthwith to surrender his driving licence.

(3) A person who without reasonable cause or excuse refuses or fails to surrender his driving licence to the Deputy Commissioner of Police under subsection (2) shall be guilty of an offence.

(4) Any person whose driving licence has been suspended under this section shall not during the period of suspension drive a motor vehicle on a road under any other driving licence granted by any authority or otherwise.

(5) Any person who drives a motor vehicle on a road when his driving licence is suspended under this section shall be guilty of an offence.

(6) A person to whom a notice is given under subsection (2) may appeal against the notice to the Minister whose decision shall be final.

47D. For the purposes of sections 47B and 47C, “serious injury” means any injury which causes a person to be during a period of 7 days in severe bodily pain or unable to follow his ordinary pursuits.

Definition of serious injury. 7/90.

Penalties for offences under sections 47 (5) and 47C (5). 3/93.

47E. Any person who is guilty of an offence under section 47 (5) or 47C (5) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Rules for purposes of this Part. 7/90.

48. The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part and otherwise for the purpose of carrying this Part into effect and, in particular, may make rules —

- (a) to regulate the granting of driving licences, to prescribe the form of application for and the contents of driving licences, to prescribe the fees to be charged therefor and the manner of payment thereof;
- (b) with respect to the nature of tests of competence to drive, to evidence of the result thereof and generally with respect thereto;
- (c) to require a person submitting himself for a test to provide a motor vehicle for the purpose thereof and to prescribe the fee to be charged for a test;
- (d) to ensure that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself for another test by the same or any other person before the expiration of a prescribed period except under an order made by a court under the power conferred by section 36 (5);
- (e) to prescribe the record to be kept in respect of driving licences;
- (f) to provide special facilities for granting driving licences to persons not resident in Singapore;
- (g) for modifying the provisions of this Part relating to the licensing of drivers of motor vehicles in the case of persons resident abroad and who enter Singapore intending to make only a temporary stay in Singapore;

- (h) to make any particulars with respect to persons, who are disqualified from holding or obtaining driving licences or whose licences are suspended, available for use by the Deputy Commissioner of Police and to prevent a person holding more than one driving licence and to facilitate the identification of holders of driving licences and to provide for the issue of a new licence in the place of a driving licence lost or defaced on payment of such fee as may be prescribed and in connection with driving licences generally; and
- (i) to prescribe the circumstances in which a person may be required to be certified by a medical practitioner as fit to drive a vehicle or to pass any practical driving test before granting or renewing a driving licence.

49. Any person who is a member of the Singapore Armed Forces and is in possession of a certificate or document issued to him by the competent authority of the Singapore Armed Forces to drive a motor vehicle of a class or description specified in such certificate or document may drive a vehicle of the class or description specified in the certificate or document, such vehicle being in the possession of the Singapore Armed Forces, notwithstanding that he has not been granted a driving licence under this Part.

Exemption.
9/85.

PART III

LICENSING OF DRIVING INSTRUCTORS AND DRIVING SCHOOLS

50. For the purposes of this Part, “driving instructor” means a person who gives instruction in the driving of a motor vehicle for a fee or reward.

Definition of
driving
instructor.

51.—(1) No person shall act as a driving instructor unless he is the holder of a licence (referred to in this Part as an instructor’s licence) granted to him by the Deputy Commissioner of Police authorising him to do so.

Licensing of
driving
instructors.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The Minister may exempt any body or organisation from subsection (1) subject to such conditions as he may think fit to impose.

Application
for
instructor's
licence.

52.—(1) An application for an instructor's licence shall be made to the Deputy Commissioner of Police and shall be in such form as the Deputy Commissioner of Police may require.

(2) Upon receiving an application under subsection (1), the Deputy Commissioner of Police shall consider the application and may grant an instructor's licence, with or without conditions, or refuse to grant such a licence.

(3) Where an instructor's licence is subject to conditions, the driving instructor to whom such licence was granted shall comply with the conditions.

(4) The Deputy Commissioner of Police may at any time vary or revoke any of the existing conditions of an instructor's licence or impose conditions or additional conditions thereto.

(5) A driving instructor who fails to comply with any of the conditions of his licence shall be guilty of an offence.

Revocation
or
suspension
of
instructor's
licence.

53.—(1) The Deputy Commissioner of Police may revoke or suspend an instructor's licence —

(a) if he is satisfied that the driving instructor —

(i) has improperly obtained his licence contrary to the provisions of this Part or any rules made thereunder;

(ii) is no longer a fit and proper person to continue to hold an instructor's licence by reason of his conduct or physical disability; or

(iii) is contravening or has contravened any of the provisions of this Part or any rules made thereunder; or

(b) if he considers it in the public interest to do so.

(2) The Deputy Commissioner of Police shall, before revoking or suspending an instructor's licence under subsection (1), give the driving instructor concerned notice in writing of his intention to do so specifying a date, not less

than 14 days after the date of the notice, upon which such revocation or suspension shall be made and calling upon the driving instructor to show cause to the Deputy Commissioner of Police why his licence should not be revoked or suspended.

(3) Where the Deputy Commissioner of Police has revoked or suspended an instructor's licence under subsection (1), he shall forthwith inform the driving instructor concerned by notice in writing of the revocation or suspension.

(4) A driving instructor may, within 14 days of the receipt of the notice referred to in subsection (2), appeal in writing against the revocation or suspension to the Minister whose decision shall be final.

(5) An order of revocation or suspension shall not take effect until the expiration of a period of 14 days after the Deputy Commissioner of Police has informed the driving instructor concerned of the order.

(6) If within that period the driving instructor concerned appeals to the Minister, the order shall not take effect until it is confirmed by the Minister or the appeal is for any reason dismissed by the Minister.

(7) Where an order of revocation or suspension becomes effective under subsection (5), the driving instructor concerned shall, as from the date when the order becomes effective, cease to give instruction to any person in the driving of a motor vehicle.

(8) A driving instructor whose licence has been revoked under this section shall forthwith surrender it to the Deputy Commissioner of Police.

54.—(1) No person shall carry on the business of a driving school unless he is the holder of a licence (referred to in this Part as a driving school licence) granted to him by the Deputy Commissioner of Police authorising him to do so.

Licensing
of driving
school.

(2) A person carries on the business of a driving school if he engages or employs other persons or agents to give instruction to persons in the driving of a motor vehicle.

(3) Any person who contravenes or fails to comply with 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.

Application
for driving
school
licence.

55.—(1) An application for a driving school licence shall be made to the Deputy Commissioner of Police and shall be in such form as the Deputy Commissioner of Police may require.

(2) On receipt of an application, the Deputy Commissioner of Police may require the applicant to furnish him with such additional documents or information as the Deputy Commissioner of Police may require.

(3) The Deputy Commissioner of Police may grant a driving school licence, with or without conditions, or refuse to grant such a licence.

Cash deposit.

56. The Deputy Commissioner of Police may, before granting a driving school licence, require the applicant to give security in the form of a cash deposit in such amount as may be prescribed to ensure that the provisions of this Part or any rules made thereunder and the conditions of the licence shall be observed.

Revocation
of driving
school
licence and
forfeiture of
deposit.

57. The Deputy Commissioner of Police may revoke a driving school licence and forfeit the whole or such part of the money deposited with him under section 56 if he is satisfied that the owner of the driving school —

- (a) has carried on the driving school in an improper or unsatisfactory manner;
- (b) has failed to comply with any of the conditions upon which the driving school licence was granted; or
- (c) has been convicted of an offence under this Act or the rules.

Notice to
owner of
driving
school.

58.—(1) The Deputy Commissioner of Police shall, before revoking a driving school licence and forfeiting any deposit under section 57, give the owner of the driving school concerned notice in writing of his intention to do so specifying a date, not less than 14 days after the date of the notice, upon which such revocation and forfeiture shall be

made and calling upon him to show cause to the Deputy Commissioner of Police why his licence should not be revoked and why his deposit should not be forfeited.

(2) The Deputy Commissioner of Police, on receiving any representation from the owner of the driving school, may instead of revoking his licence and forfeiting any deposit under section 57 impose on him a penalty not exceeding \$500 and may recover the penalty from the cash deposit given by him to the Deputy Commissioner of Police.

(3) Any person aggrieved by the decision made by the Deputy Commissioner of Police under section 57 may, within 14 days of the written notification to him of the decision of the Deputy Commissioner of Police, appeal in writing to the Minister whose decision shall be final.

59. The Deputy Commissioner of Police may, in his discretion, refuse to grant or renew any licence granted under this Part without assigning any reason. Refusal to grant or renew licence.

60. Any person aggrieved by the refusal of the Deputy Commissioner of Police to grant or renew any licence granted under this Part may, within 14 days of the written notification to him of the refusal, appeal in writing to the Minister whose decision shall be final. Appeal to Minister.

61. The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part and otherwise for the purpose of carrying this Part into effect, and, in particular, may make rules — Rules for purposes of this Part.

- (a) regulating the granting of any licence under this Part and prescribing the form of application for and the contents of such licence;
- (b) requiring persons desiring to be driving instructors to attend and pass courses on driving instruction and such other tests and examinations as may be prescribed;
- (c) prescribing the kind of motor vehicles which may be used for driving instruction and driving tests and the conditions that must be complied with before such vehicles may be so used;

- (d) regulating the conduct of driving instructors when giving driving instruction;
- (e) regulating the activities of driving schools and prescribing the manner in which driving schools shall conduct their business;
- (f) prescribing the maximum age of a driving instructor beyond which his instructor's licence may not be renewed;
- (g) prescribing the form of records to be kept by driving instructors and driving schools and the particulars to be entered therein;
- (h) prescribing the conditions for a licence and the forms to be issued under this Part;
- (i) prescribing the duration of any licence granted under this Part;
- (j) prescribing the deposits payable by owners of driving schools;
- (k) exempting any person or class of persons from the provisions of this Part; and
- (l) prescribing fees for the purposes of this Part.

PART IV

GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

Provisions as to driving and offences in connection therewith

Restriction
on driving
by young
persons.

62.—(1) A person under 16 years of age shall not drive a motor vehicle on a road.

(2) A person under 17 years of age shall not drive a motor vehicle other than a motor cycle or an invalid carriage on a road.

(3) A person under 21 years of age shall not drive a heavy locomotive, light locomotive, motor tractor or heavy motor car on a road.

(4) The burden of establishing his age shall rest on the applicant for a driving licence.

(5) A person who drives or causes or permits any person to drive a motor vehicle in contravention of this section shall be guilty of an offence.

(6) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class shall, for the purposes of Part II, be deemed to be disqualified under the provisions of that Part from holding or obtaining any licence other than a licence to drive such motor vehicles, if any, as he is not by this section forbidden to drive.

62A.—(1) Subject to subsection (2), a person who has attained the age of 70 years shall not drive a vehicle belonging to the following categories or classes of motor vehicles:

- (a) heavy locomotives;
- (b) light locomotives;
- (c) motor tractors; and
- (d) heavy motor cars.

Restriction on driving certain categories of heavy motor vehicles. 7/90.

(2) Notwithstanding subsection (1), a person who has a valid driving licence in force at 2nd April 1990 authorising him to drive any of the category or class of vehicles referred to in subsection (1) may continue to drive a vehicle belonging to the said category or class of vehicles for a period of 3 years from that date if his licence has not expired or is renewed during that period.

(3) Notwithstanding subsection (1), the Deputy Commissioner of Police may renew the driving licence of any person who has attained the age of 70 years for a period not exceeding 3 years from 2nd April 1990.

63.—(1) Except as otherwise provided by this Act or the rules, it shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than any speed which may be prescribed as the maximum speed in relation to a vehicle of that class or description.

Rate of speed.

(2) The Minister may, by notification in the *Gazette*, prohibit the driving of motor vehicles generally or of particular classes of motor vehicles above a specified speed

over any specified road or part of a specified road either generally or for a specified time or times.

(3) So long as any prohibition made under subsection (2) remains in force, the Minister may cause or permit to be placed or erected and maintained traffic signs which shall state the substance of the notification in the *Gazette* containing the prohibition and which shall be placed in such positions as shall give adequate notice thereof to drivers of motor vehicles.

(4) A person who drives a motor vehicle on a road at a speed exceeding any speed limit imposed by or in exercise of powers conferred by this Act shall be guilty of an offence.

Reckless or
dangerous
driving.

64.—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) On a second or subsequent conviction under this section, the convicting court shall exercise the power conferred by section 42 of ordering that the offender shall be disqualified from holding or obtaining a driving licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason, thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(3) Where a person is convicted of abetting the commission of an offence under this section and it is proved that he was present in the motor vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of Part II relating to disqualification from holding or obtaining driving licences, be deemed to be an offence in connection with the driving of a motor vehicle.

65. If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Driving without due care or reasonable consideration.

66.—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

Causing death by reckless or dangerous driving.

(2) Section 280 of the Criminal Procedure Code shall apply to any offence under this section as it applies to the offence of causing death by a rash or negligent act.

Cap. 68.

(3) If upon the trial of a person for an offence under this section the court is not satisfied that his driving was the cause of the death, but is satisfied that he is guilty of driving as specified in subsection (1), it shall be lawful for the court to convict him of an offence under section 64, whether or not the requirements of section 82 have been satisfied as respects that offence.

67.—(1) Any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is under the influence of drink or of a drug to such an extent as to be incapable of having proper control of such vehicle shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$1,000 and not more than \$5,000 or to imprisonment for a term not exceeding 6 months and, in the case of a second or subsequent conviction, to a fine of not less than \$3,000 and not more than \$10,000 and to imprisonment for a term not exceeding 12 months.

Driving while under influence of drink or drugs.
7/90.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified

7/90.

from holding or obtaining a driving licence for a period of not less than 12 months from the date of his conviction or, where he is sentenced to imprisonment, from the date of his release from prison.

7/90.

(3) Any police officer may arrest without warrant any person committing an offence under this section.

Enhanced penalties for repeat offenders under sections 43 (3A), 47 (5), 47C (5), 64 (1), 66 (1) and 67 (1).
3/93.

67A.—(1) Where a person having been convicted on at least two previous occasions of an offence under section 43 (3A), 47 (5), 47C (5), 64 (1), 66 (1) or 67 (1) is convicted of the same offence (such person shall be referred to in this section as a repeat offender), the court shall have the power to impose a punishment in excess of that prescribed for such conviction as follows:

(a) where the court is satisfied, by reason of his previous convictions or his antecedents, that it is expedient for the protection of the public or with the view to the prevention of further commission of such offence that a punishment in excess of that prescribed for such a conviction should be awarded, then the court may punish such repeat offender with punishment not exceeding 3 times the amount of punishment to which he would otherwise have been liable for such a conviction except that where imprisonment is imposed it shall not exceed 10 years; and

Cap. 68.

(b) notwithstanding section 11 of the Criminal Procedure Code, if such repeat offender while committing the offence under section 43 (3A), 47 (5), 47C (5), 64 (1), 66 (1) or 67 (1) causes any serious injury or death to another person, the court may also punish him, subject to section 231 of the Criminal Procedure Code, with caning with not more than 6 strokes.

(2) In subsection (1), “serious injury” has the same meaning as in section 47D.

(3) A District Court or a Magistrate’s Court may, notwithstanding anything contained in the Criminal Procedure Code, award the full punishment prescribed by this section.

68.—(1) Any person who when in charge of a motor vehicle which is on a road or other public place but not driving the vehicle is unfit to drive in that he is under the influence of drink or of a drug to such an extent as to be incapable of having proper control of a motor vehicle shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for a term not exceeding 3 months and, in the case of a second or subsequent conviction, to a fine of not less than \$1,000 and not more than \$5,000 and to imprisonment for a term not exceeding 6 months:

Being in charge of motor vehicle when under influence of drink or drugs.
7/90.

Provided that a person shall be deemed for the purpose of this section not to have been in charge of a motor vehicle if he proves —

(a) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained so unfit to drive; and

(b) that between his becoming so unfit to drive and the material time he had not driven the vehicle on a road or other public place.

(2) On a second or subsequent conviction for an offence under this section, the offender shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified from holding or obtaining a driving licence for a period of 12 months from the date of his release from prison.

7/90.

(3) Where a person convicted of an offence under this section has been previously convicted of an offence under section 67, he shall be treated for the purpose of this section as having been previously convicted under this section.

7/90.

(4) Any police officer may arrest without warrant any person committing an offence under this section.

7/90.

69.—(1) A person who has been arrested under section 67, 68 or 71 may be required by a police officer to provide at a hospital a specimen of his blood or urine, or both, for a laboratory test if the police officer has reasonable cause to suspect such person of having alcohol or a drug in his body; but a person shall not be required to provide a specimen of

Blood and urine test.
9/85.

his blood for a laboratory test under this subsection if a medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of the specimen on the ground that its provision would be prejudicial to the proper care or treatment of the patient.

(2) A person who without reasonable excuse fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under subsection (1) shall be guilty of an offence and if it is shown that at the time of any accident or of his arrest —

(a) he was driving or attempting to drive a motor vehicle on a road or other public place, he shall be liable to be punished as if the offence charged were an offence under section 67; or

(b) he was in charge of a motor vehicle on a road or other public place, he shall be liable to be punished as if the offence charged were an offence under section 68.

(3) For the purposes of any proceedings for an offence under section 67 or 68 or subsection (2), a certificate purporting to be signed by a medical practitioner that he took a specimen of blood or urine from a person with his consent shall be evidence of the matters so certified and of the qualifications of the medical practitioner:

Provided that the certificate shall not be accepted as evidence for the prosecution unless a copy thereof had been served on the accused not less than 7 days before the hearing.

(4) A police officer shall, on requiring any person under this section to provide a specimen for a laboratory test, warn him that failure to provide a specimen of blood or urine may make him liable to imprisonment, a fine and disqualification, and, if the police officer fails to do so, the court before which that person is charged with an offence under subsection (2) may dismiss the charge.

70. Any person who has been arrested under section 67 or 68 shall be presumed to be incapable of having proper control of a motor vehicle if the specimen of blood provided by him under section 69 is certified by a medical practitioner to have a blood alcohol concentration in excess of 80 milligrammes of alcohol in 100 millilitres of blood.

Presumption of incapability of having proper control of motor vehicle. 9/85.

71.—(1) A police officer may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide forthwith a specimen of his breath for a breath test, if the police officer has reasonable cause —

Breath tests. 9/85.

- (a) to suspect him of having alcohol in his body; or
- (b) to suspect him of having committed a traffic offence while the vehicle was in motion,

but no requirement may be made by virtue of paragraph (b) unless it is made as soon as reasonably practicable after the commission of the traffic offence.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a police officer may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of his breath for a breath test —

- (a) except where paragraph (b) applies, either at or near the place where the requirement is made, or if the police officer thinks fit, at any police station specified by the police officer; or
- (b) if that person is at a hospital as a patient, at the hospital,

but a person shall not be required to provide a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen of his breath for a breath test under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$1,000 and not

7/90.

more than \$5,000 or to imprisonment for a term not exceeding 6 months and, in the case of a second or subsequent conviction, to a fine of not less than \$3,000 and not more than \$10,000 and to imprisonment for a term not exceeding 12 months.

(4) If it appears to a police officer in consequence of a breath test carried out by him on any person under subsection (1) or (2) that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the police officer may arrest that person without warrant except while that person is at a hospital as a patient.

(5) If a person required by a police officer under subsections (1) and (2) to provide a specimen of breath for a breath test fails or refuses to do so and the police officer has reasonable cause to suspect him of having alcohol in his body, the police officer may arrest him without warrant except while he is at a hospital as a patient.

(6) In this section —

“breath test” means a preliminary test for the purpose of obtaining, by means of a device of a type prescribed by the Minister, an indication whether the proportion of alcohol in a person's blood is likely to exceed the prescribed limit;

“prescribed limit” means 80 milligrammes of alcohol in 100 millilitres of blood.

Driving
motor
vehicle
which emits
excessive
smoke.

72. If any smoke or visible vapour is emitted from any motor vehicle used on a road and the emission thereof causes or is likely to cause annoyance or danger to the public, or injury or damage to any person or property, the owner and the driver of the vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both.

Pillion riding.

73.—(1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the motor cycle

and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(2) If any person is carried on any such motor cycle in contravention of this section, the driver of the motor cycle shall be guilty of an offence.

74.—(1) Every person who drives or is carried on a motor cycle shall wear securely on his head a protective helmet of a type approved by the Minister.

Drivers and pillion riders of motor cycles to wear protective helmets. 7/90.

(2) No person shall import, sell or offer for sale or have in his possession for sale any protective helmet which is not of a type approved by the Minister.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(4) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

75.—(1) The Minister may make rules requiring, subject to such exceptions as may be prescribed, persons driving or riding in motor vehicles to wear seat belts of such description as may be prescribed.

Wearing of seat belts.

(2) Rules under this section —

(a) may make different provisions in relation to different classes of vehicles, different descriptions of persons and different circumstances; and

(b) may make any prescribed exceptions subject to such conditions as may be prescribed.

76.—(1) No person shall sell or offer for sale or have in his possession for sale any seat belt which is not of a type approved by the Minister.

Sale of seat belts.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Requirements
as to
employment
of drivers
and
attendants.

77.—(1) In the case of a heavy locomotive or a light locomotive, two persons shall be employed in driving or attending the locomotive whilst being driven on any road and where any such locomotive is drawing a trailer or trailers on a road one or more persons in addition to the persons employed as aforesaid shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer except that this subsection shall not apply to a road roller.

(2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer on a road, one person in addition to the driver of the vehicle shall be carried on the trailer for the purpose of attending to such trailer.

(3) For the purposes of this section, “trailer” shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load or any road sweeping or road construction vehicles or any trailer or class of trailers exempted from the operation of this section by the Minister.

(4) If any person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.

(5) The Minister may by rules prescribe the number of attendants who shall be and other persons who may be carried on goods vehicles and regulate the positions on the vehicle which they may occupy and the duties of those attendants.

(6) The Minister may by rules vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers.

Restriction
on number
of trailers
drawn.

78.—(1) The number of trailers, if any, which may be drawn by a motor vehicle other than a heavy locomotive or a light locomotive on a road shall not exceed one.

(2) For the purposes of this section, “trailer” shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

79.—(1) Where the overall height of a heavy motor vehicle exceeds 4 metres, any person who, without a permit from the Deputy Commissioner of Police, is in charge of or drives or causes to be driven the vehicle on a road shall be guilty of an offence and shall be liable on conviction —

Penalties for driving heavy motor vehicle without permit or in breach of conditions of permit. 9/85.

- (a) for a first offence, to imprisonment for a term of not less than one year and not more than 3 years and in addition to a fine not exceeding \$2,000; and
- (b) for a second or subsequent offence, to imprisonment for a term of not less than 2 years and not more than 5 years and in addition to a fine not exceeding \$5,000.

(2) The Deputy Commissioner of Police may, in granting a permit for the purpose of subsection (1), impose such conditions as he thinks fit including conditions relating to —

- (a) the overall height of the heavy motor vehicle;
- (b) the lateral projection of any load carried by the vehicle;
- (c) the routes the vehicle is permitted to travel;
- (d) the maximum speed of the vehicle; and
- (e) the requirement for police or other escort.

(3) Any person who contravenes or fails to comply with any of the conditions imposed in any such permit relating to any of the matters specified in subsection (2) shall be guilty of an offence and shall be liable on conviction to the same penalties as are prescribed for an offence under subsection (1).

(4) The driver or person in charge of a heavy motor vehicle convicted of an offence under subsection (1) or (3) shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification —

- (a) in the case of a first offence, be disqualified from holding or obtaining a driving licence for a period of not less than one year; and
- (b) in the case of a second or subsequent offence, be disqualified from holding or obtaining a driving licence for a period of not less than 2 years.

(5) Any disqualification imposed against any person under subsection (4) shall take effect from the date he is released from prison.

9/85.

(6) In this section —

“heavy motor vehicle” means —

- (a) a goods vehicle the weight of which unladen exceeds 2,500 kilogrammes;
- (b) a motor vehicle which is —
 - (i) an engineering plant or a mobile crane or is designed and constructed for engineering operations; or
 - (ii) drawing a trailer carrying a container or other load;

“overall height”, in relation to a heavy motor vehicle, means the distance between the surface on which the vehicle rests and the highest point of the vehicle, and where it is carrying a load the highest point of its load.

Furnishing false information in relation to overall height of heavy motor vehicle, etc.
10/84.

80.—(1) Any person who, in relation to any application for a permit to use a heavy motor vehicle on a road under section 79, furnishes any information as to the overall height of the vehicle which he knows or has reason to believe to be false shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months and in addition to a fine not exceeding \$1,000.

(2) In this section, “heavy motor vehicle” and “overall height” shall have the same meanings as in section 79.

Duty to give information.

81.—(1) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence under this Act or the rules —

- (a) the owner of the motor vehicle shall give such information as he may be required by a police officer to give as to the identity and address of the person who was driving the motor vehicle at or about the time of the alleged offence, and as to the driving licence held by that person, and, if he fails to do so within 7 days of the date on which the information was required from him, he shall be guilty of an offence unless he proves, to the satisfaction of the court, that he did not know and could not with reasonable diligence have ascertained the information required; and
- (b) any other person who was or should have been in charge of the motor vehicle shall, if so required as aforesaid, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within 7 days of the date on which the information was required from him, he fails to do so he shall be guilty of an offence.
- (2) Any person who wilfully furnishes any false or misleading information under subsection (1) shall be guilty of an offence.
- (3) A police officer may require any information to be furnished under subsection (1) to be in writing signed by the person required to furnish such information.
- (4) Notwithstanding any other written law to the contrary, any information given under this section by any person charged with any offence under this Act or the rules or any offence in connection with the driving of a motor vehicle may be used as evidence without proof of signature at the hearing of the charge.
- (5) Notwithstanding any other written law to the contrary, any statement made by any person to any police officer that a motor vehicle was on a particular occasion being driven by or belonged to that person or that it belonged to a firm in which that person also stated that he was a partner or to a corporation of which that person stated that he was a director, officer or employee shall be admissible in evidence without proof of signature for the purpose of determining by whom the motor vehicle was on that

occasion being driven or who was in charge of it or to whom it belonged.

(6) Any person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Restrictions
on
prosecutions
under certain
sections.

82.—(1) Where a person is prosecuted for an offence under section 64 or 65 or under any of the provisions of this Part relating to the maximum speed at which motor vehicles may be driven, he shall not be convicted unless either —

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under any such provision as aforesaid would be taken into consideration;
- (b) within 30 days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said 30 days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or to the person registered as the owner of the motor vehicle at the time of the commission of the offence:

Provided that —

- (i) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case in which the court is satisfied that —
 - (A) neither the name and address of the accused nor the name and address of the registered owner of the motor vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
 - (B) the accused by his own conduct contributed to the failure; and
- (ii) the requirements of this section shall in every case be deemed to have been complied with unless the contrary is proved.

(2) This section shall not apply in any case in which the person prosecuted was, in connection with the incident in respect of which a charge against that person is preferred, arrested either on the day on which the incident occurred or within 30 days of that date.

83.—(1) When a parking offence is committed, the person who at the time of the occurrence of the offence is the owner of the motor vehicle in respect of which the offence is committed shall, by virtue of this section, be guilty of an offence under the rule or section concerned in all respects as if he were the actual offender guilty of the parking offence unless —

Liability of
owner of
vehicle for
parking
offence.
1974.

- (a) in any case where that offence is dealt with under section 132 or 133, the owner satisfies the police officer referred to in section 132 or 133 (7), as the case may be, that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; and
- (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from a person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding subsection (1), no owner of a motor vehicle shall by virtue of this section be guilty of an offence if —

- (a) in any case where the offence is dealt with under section 132 or 133, he —
 - (i) within 7 days after service on him of a notice under section 132 or 133 alleging that he has been guilty of such offence, furnishes by statutory declaration to the police officer referred to in section 132 or 133 (7), as the case may be, the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(a) satisfies the police officer that he did not know and could not with reasonable diligence have ascertained such name and address; and

(b) in any other case he satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4) A statutory declaration made under subsection (3) if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that the person was in charge of the vehicle at all relevant times relating to that parking offence.

(5) A statutory declaration which relates to more than one parking offence shall not be regarded as a statutory declaration under or for the purposes of subsection (3).

(6) In this section —

“owner”, in relation to a motor vehicle, includes —

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

(b) the person in whose name the vehicle is registered except where the person has sold or otherwise disposed of the vehicle and has complied with the provisions of the rules applicable to him in regard to such sale or disposal; and

(c) in the case of a vehicle in respect of which a general licence is issued under section 28, the person to whom the general licence is issued;

“parking offence” means an offence of parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any rules or an offence under section 122.

Accidents

84.—(1) If in any case owing to the presence of a motor vehicle on a road an accident occurs whereby damage or injury is caused to any person, vehicle, structure or animal, the driver of the motor vehicle shall stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the motor vehicle.

Duty to stop
in case of
accident.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police officer as soon as reasonably practicable and, in any case, within 24 hours of the occurrence thereof.

(3) If in any case owing to the presence of a motor vehicle on a road an accident occurs whereby damage or injury is caused to any person, vehicle, structure or animal, the driver of the motor vehicle shall render such assistance as may be reasonably required by any police officer or in the absence of any police officer such assistance as it may reasonably be in the power of the driver to render.

(4) When owing to the presence of a motor vehicle on a road an accident occurs in consequence of which any person is killed or seriously injured or serious damage is caused to any vehicle or structure, no person shall, except under the authority of a police officer, move or otherwise interfere with any vehicle involved in the accident or any part of such vehicle or do any other act so as to destroy or alter any evidence of the accident:

Provided that —

- (a) a vehicle or any part thereof may be moved so far as may be necessary to extricate persons or animals involved, remove mails, prevent fire or prevent damage or obstruction to the public;
- (b) goods or passengers baggage may be removed from a vehicle under the supervision of a police officer; and
- (c) this subsection shall not apply where it is urgently necessary to remove any seriously injured person

to hospital and no suitable means of conveyance other than a vehicle involved in the accident is at hand.

(5) In this section, “animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(6) If any person fails to comply with any of the provisions of this section, he shall be guilty of an offence.

Inquiry into
accident.

85.—(1) The Deputy Commissioner of Police may by notice in writing require the person alleged to have been driving or in charge of any vehicle at the time of the occurrence of any accident in which the vehicle was concerned or the commission of any offence connected with the driving of the vehicle to attend before him at such time and place as may be stated in the notice for the purpose of inquiry into the accident.

(2) Such person shall attend and shall answer truly all questions relating to such occurrence or offence put to him by such officer:

Provided that the person may decline to answer any question the answer to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) No such answer shall in any case be used in evidence in any proceedings civil or criminal except proceedings against such person on a charge of an offence under subsection (5).

(4) Such person shall, if so required by the Deputy Commissioner of Police, produce his driving licence.

(5) Any person who without reasonable cause fails to comply with any of the requirements of this section shall be guilty of an offence.

Miscellaneous

Power of
Minister to
authorise on
specified
roads
carriage of
greater
weights.

86. The Minister may, subject to such conditions as he may think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on any road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any rules as to the weight laden of trailers or as to the maximum weight

which may be transmitted to the road or any part thereof by trailers and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such rules as aforesaid.

87.—(1) The Deputy Commissioner of Police or the Registrar may by notice in writing require the owner of any licenced vehicle to produce at some convenient place and time for his inspection the vehicle or the licence relating thereto or both and the owner shall, as soon as practicable after the service upon him of the notice, produce the vehicle or licence or both, as the case may be.

Power to order production of vehicle and licence.

(2) Such notice may be served upon the owner personally or may be sent to him by registered post to the address contained in the register of vehicles kept under this Act or the rules.

(3) If any owner required under this section to produce any vehicle or licence fails to do so, he shall be guilty of an offence unless he proves that owing to a mechanical breakdown or other sufficient reason (the proof whereof shall lie on the owner), the vehicle or licence cannot be produced as required.

88.—(1) A fee may be levied for the inspection of a vehicle under section 87.

Fee for inspection of vehicle.

(2) An additional fee may be levied for any further inspection of the vehicle where the vehicle is found, after a previous inspection, not to comply with any prescribed requirement relating to its construction or condition.

(3) Any fee payable under subsection (1) or (2) shall be paid by the owner of the vehicle in respect of which it is levied.

(4) This section shall apply to such vehicles as may be prescribed.

89. The Minister may make rules prescribing the fees that may be levied under section 88.

Rules prescribing fees.

Test of
satisfactory
condition of
vehicle.

90.—(1) The Minister may make rules for the examination of any motor vehicle and for the issue, where the vehicle is found on such examination to comply with the prescribed requirements relating to its construction and condition, of a certificate (referred to in this Act as a test certificate) that at the date of the examination those requirements were complied with.

(2) An examination for the purposes of this section shall be carried out by a person authorised by the Registrar (referred to in this section as an authorised examiner).

(3) Where a test certificate is refused, the authorised examiner shall specify the grounds of the refusal, and a person aggrieved by the refusal may appeal to the Registrar, and on such appeal the Registrar shall cause a further examination to be made and may issue or refuse to issue a test certificate.

(4) The Minister may make rules for the purpose of giving effect to this section and, in particular, as to —

- (a) the authorisation of an authorised examiner, the conditions to be complied with by an authorised examiner and the withdrawal of any such authorisation;
- (b) the manner in which, the conditions under which and the apparatus with which an examination of a motor vehicle is to be carried out, and the maintenance of that apparatus in an efficient state;
- (c) the inspection of premises at which and the apparatus with which an examination of a motor vehicle is being, or is to be, carried out;
- (d) the fee to be paid for the examination of a motor vehicle;
- (e) the additional fee to be paid for any further examination of a motor vehicle where the vehicle is found, after a previous examination, not to comply with any prescribed requirement relating to its construction or condition;
- (f) the manner in which an application may be made for the examination of a motor vehicle;

- (g) the manner in which and time within which an appeal may be brought under subsection (3);
- (h) the fee to be paid on an appeal under subsection (3) and the repayment of the fee or part thereof where it appears to the Registrar that there were substantial grounds for the appeal;
- (i) the form of, and particulars to be contained in, a test certificate;
- (j) the issue of a copy of a test certificate that is lost or defaced and the fee payable therefor;
- (k) the keeping by an authorised examiner of a register of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such register by such person and in such circumstances as may be prescribed; and
- (l) the keeping of records by an authorised examiner and the furnishing of returns and information to the Registrar by the authorised examiner.

(5) Rules made under this section may make different provisions in respect of different vehicles or classes of vehicles.

91.—(1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle in respect of which there is no test certificate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Vehicle without test certificate cannot be used.

(2) This section shall apply to such motor vehicles with effect from such dates as may be prescribed.

92.—(1) Any police officer may, for the purpose of examining any vehicle in respect of which he has reason to believe that an offence under this Act has been committed, enter at any time any place in which he suspects that such vehicle is kept.

Power to inspect premises.

(2) Any police officer in conducting an investigation into any seizable offence in connection with which a vehicle is suspected to be concerned may enter any place to search for and examine such vehicle.

(3) If any person obstructs any police officer in the exercise of his powers and duty under this section, that person shall be guilty of an offence.

Power to
examine
vehicles.

93. Any police officer in uniform may at any time examine any vehicle or trailer which is being used and the licence thereof to see if the vehicle or trailer complies with the provisions of this Act or any rules and if any person obstructs any such officer in the exercise of his powers and duty under this section, that person shall be guilty of an offence.

Weighing of
vehicles.

94.—(1) Subject to the provisions of this Act and the rules, it shall be lawful for any police officer authorised in writing in that behalf by the Deputy Commissioner of Police to require the person in charge of any motor vehicle to allow the motor vehicle or any trailer drawn thereby to be weighed either laden or unladen and the weight transmitted to the road by any part of the motor vehicle or trailer laden or unladen in contact with the road to be tested and for that purpose forthwith to proceed to a weighbridge or other machine for weighing vehicles, and if any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be guilty of an offence.

(2) Subject to the provisions of this Act and the rules, it shall be lawful for any police officer so authorised to require the person in charge of the motor vehicle to unload the motor vehicle or trailer for the purpose of being weighed unladen.

(3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the motor vehicle by the officer who has required the vehicle to be weighed.

Power to
seize
vehicles.

95.—(1) When any person is found or is reasonably believed to be using a vehicle in contravention of any provision of this Act or any rule, order or prohibition made thereunder or in contravention of the terms of the licence for the vehicle, any police officer or the Registrar or any officer authorised in writing in that behalf by the Registrar on production of his authority may, whenever it appears that the vehicle or its driver cannot be sufficiently identified or that such action is necessary to cause a discontinuance of the

offence, take or cause to be taken, or require the person in charge of a vehicle to take the vehicle and any trailer attached thereto to a place of safety there to be kept until released by order of a Magistrate or the Deputy Commissioner of Police or the Registrar, and if that person refuses or neglects to comply with any such requirement, he shall be guilty of an offence.

(2) Any unauthorised person removing or causing to be removed such vehicle or trailer from the place of safety pending the order of a Magistrate or the Deputy Commissioner of Police or the Registrar shall be guilty of an offence.

(3) If the owner of the vehicle or trailer is convicted of or has been permitted to compound an offence under this Act or the rules, the expenses incurred by the Deputy Commissioner of Police or the Registrar in carrying out the provisions of this section shall be recoverable by or on behalf of the Deputy Commissioner of Police or the Registrar and, in case of dispute or neglect to pay, be summarily ascertained by a Magistrate's Court and may be recovered in the same manner as if they were fines imposed by that Court.

(4) When any vehicle or trailer is detained under this section, the Deputy Commissioner of Police or the Registrar shall with all reasonable despatch give notice in writing to the owner (if the name and address of the owner are known to him) of the seizure and if the vehicle or trailer is not claimed by its owner within one month of the date of its detention, the Deputy Commissioner of Police or the Registrar thereafter and after giving one month's notice in the *Gazette* of his intention to do so may sell by public auction or otherwise dispose of the vehicle or trailer. The proceeds, if any, from the sale or disposal of any such vehicle or trailer shall be applied in payment of any licence fees which may be due in respect of the vehicle and of any charges incurred in carrying out the provisions of this section and thereafter shall be applied in payment of any damage caused to property of the Government by the unlawful use of the vehicle or trailer and the surplus, if any, shall be paid to the owner of the vehicle or trailer, or if not claimed by the owner of the vehicle or trailer within 12 months after the date of the sale or disposal shall be forfeited to the Government. ^{7/90.}

Taking of
motor
vehicle
without
owner's
consent.

96.—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months:

Provided that if the accused satisfies the court that he acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor, the accused shall not be convicted of this offence.

(2) If on the trial of any person for the theft of a motor vehicle the court is of opinion that the accused was not guilty of theft but was guilty of an offence under this section, the court may convict the accused under this section.

(3) Any police officer may arrest without warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Restriction
on persons
taking hold
of motor
vehicle in
motion.

97.—(1) If any person, otherwise than with lawful authority or reasonable cause, takes or retains hold of or gets on to a motor vehicle or trailer while it is in motion on any road for the purpose of his being drawn or carried, he shall be guilty of an offence.

(2) If, while a motor vehicle is on a road or on a parking place where the public may park motor vehicles, any person otherwise than with lawful authority or with reasonable cause gets on to or moves or tampers with the vehicle, he shall be guilty of an offence.

(3) If any person loiters in or near a road or parking place where the public may park motor vehicles for the purpose of importuning or importunes any other person in respect of the watching or cleaning of any motor vehicle during the absence of its driver, the person so loitering or importuning shall be guilty of an offence.

(4) Any police officer may arrest without warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

98. This Part shall subject as otherwise provided apply to vehicles, trailers and persons in the service of the Government or of any visiting force lawfully present in Singapore and for the purpose of proceedings for an offence in connection with any such vehicle or trailer against any person other than the driver of the vehicle the person nominated in that behalf by the department in whose service the vehicle or trailer is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible:

Application to vehicles belonging to Government and armed forces.

Provided that in the case of motor vehicles owned by the Government or by any visiting force lawfully present in Singapore and used for naval, military or air force purposes or in the case of motor vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces in Singapore, the Minister may by rules, subject to such conditions as may be specified in the rules, vary in relation to any such vehicles while being driven as aforesaid the provisions of this Act or any rule, order or notification imposing a speed limit on motor vehicles and the provisions of this Part which respectively —

- (a) impose restrictions on persons under 21 years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars;
- (b) regulate the number of trailers which may be drawn by motor vehicles.

PART V

PUBLIC SERVICE VEHICLES

99. The provisions of this Part shall apply to all public service vehicles.

Application of this Part.

100.—(1) For the purpose of this Part and the rules, public service vehicles shall be divided into the following classes:

Classification of public service vehicles. 7/90.

- (a) omnibuses; that is to say, public service vehicles which are used on scheduled services and in which passengers are charged separate and distinct fares;

- (b) private buses; that is to say, public service vehicles of a design approved by the Registrar, having seating capacity for more than 6 persons owned by any person and used exclusively for the conveyance of the employees of the owner of such vehicle or for the conveyance of persons in connection with his business, any charges made for the conveyance of such persons being such that no profit results therefrom;
- (c) excursion buses; that is to say, public service vehicles which are used on unscheduled services and in which passengers are charged separate and distinct fares;
- (d) taxis; that is to say, public service vehicles having seating capacity for not more than 6 persons (including the driver), which ply for hire on any road and are hired under a contract, express or implied, for the use of each such vehicle as a whole or for the use of two or more persons who pay separate fares;
- (e) private hire cars; that is to say, public service vehicles which do not ply for hire on any road but are hired under a contract, express or implied, for the use of each such vehicle as a whole;
- (f) private hire buses; that is to say, public service vehicles having seating capacity for more than 6 persons (including the driver), which do not ply for hire on any road but are hired under a contract, express or implied, for the use of each such vehicle as a whole;
- (g) school bus; that is to say, public service vehicles used for carrying children to and from schools and hired under a contract, express or implied, at a fixed or agreed rate or sum; and
- (h) trishaws.

(2) The Minister may make rules for subdividing any class of public service vehicle, and any reference in this Part to a class of public service vehicle shall include a reference to any subdivision of such class.

(3) Notwithstanding the classifications in subsection (1),^{7/90.} the Minister may permit any class of public service vehicles to be used for any prescribed purpose.

101.—(1) Subject to the provisions of this Part, no person shall use a motor vehicle, or cause or permit a motor vehicle to be used, as a public service vehicle unless there is in force, in respect of the vehicle, a valid licence issued under this Part authorising such use, or otherwise than in accordance with the licence and any conditions attached thereto. Prohibition of use of unlicensed public service vehicles.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 6 months or to both:

Provided that a person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that he used the motor vehicle, the subject of the charge, as a public service vehicle in an emergency for the purpose of conveying a sick or injured person to hospital or to bring medical aid to such person or for the purpose of making a report to a police station and that he had made all reasonable efforts to hire a public service vehicle for the purpose of the journey.

(3) A public service vehicle licence shall be in addition to any other licence issued under this Act.

(4) Any motor vehicle in respect of which there has been, or there is reasonable cause to suspect that there has been, committed any offence under this section may be seized by any police officer or the Registrar or any officer authorised in writing in that behalf by the Registrar.

(5) When any motor vehicle has been seized under subsection (4), a police officer or the Registrar or an officer authorised in writing in that behalf by the Registrar —

- (a) may, in his discretion, temporarily return the motor vehicle to its owner on security being furnished to the satisfaction of the police officer, the Registrar or officer so authorised, as the case may be, that the motor vehicle shall be surrendered to him on demand; or

(b) shall, upon the direction of the Public Prosecutor, and after making such investigations as are necessary for the purposes of this Act, return the motor vehicle to its owner.

(6) Where it is proved to the satisfaction of a court before which the prosecution has been held that a motor vehicle seized under subsection (4) has been used in the commission of an offence under this section, the court shall, on the written application of the Public Prosecutor, make an order for the forfeiture of the motor vehicle, notwithstanding that no person may have been convicted of an offence.

(7) If there be no prosecution with regard to any motor vehicle seized under subsection (4), that vehicle shall be released at the expiration of one month from the date of seizure unless it has sooner been released.

(8) A police officer may arrest without warrant any person who has committed or whom he reasonably suspects to have committed an offence under this section.

Issue of
public
service
vehicle
licences.

102. The Registrar may, on application made to him in the prescribed manner and on payment of the prescribed fee and subject to such rules as may be prescribed, issue public service vehicle licences:

Provided that the Registrar shall not issue a public service vehicle licence to any person who is a minor or in respect of any vehicle which does not comply with such conditions as to construction, fitness and equipment or otherwise as may be prescribed.

Limitation
on number
of public
service
vehicle
licences.

103. The Minister may from time to time prescribe the maximum number of public service vehicles of any class which may be licensed and the Registrar shall not issue licences in excess of the number so prescribed.

Transfer
of public
service
vehicle
licences.

104.—(1) The Registrar may, in his discretion, permit the transfer of any public service vehicle licence in such manner and on payment of such fee as may be prescribed.

(2) No such transfer shall take place without the permission in writing of the Registrar.

105.—(1) Every public service vehicle licensed under this Part shall have permanently affixed thereto such plate or plates and such other markings for the purpose of identifying such vehicle as a public service vehicle as may be prescribed.

Markings
of public
service
vehicles.

(2) On the expiry, suspension or revocation of any public service vehicle licence, the licence together with all plates or other markings issued in connection therewith shall be returned to the Registrar within 10 days after the expiry, suspension or revocation.

(3) Any person who omits to return any such licence, plate or other marking shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(4) Any person displaying any plate or marking referred to in subsection (1), or any plate or marking falsely purporting to have been issued under this Part, on any vehicle in respect of which the appropriate public service vehicle licence is not in force shall be guilty of an offence.

106.—(1) The owner, driver or conductor of a public service vehicle shall be entitled to demand and take such rates of hire or fares as the Minister may prescribe.

Rates of
hire.

(2) Except as otherwise provided, the prescription of such rates of hire or fares shall not prevent an owner, driver or conductor from entering into a contract to receive a lower rate of hire or fare than that prescribed.

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

(4) The owner, driver or conductor of a public service vehicle who demands or takes or attempts to take any money in excess of such rates or fares shall be guilty of an offence.

(5) Any person who refuses to pay the owner, driver or conductor, as the case may be, the prescribed rate of hire or the prescribed fare when lawfully demanded shall be guilty of an offence.

18/87.

(6) This section shall not apply to omnibuses and taxis.

Responsi-
bility of
owner of
public
service
vehicles.

107.—(1) The owner of a public service vehicle shall, unless he satisfies the court that he took every reasonable precaution to avoid the commission thereof, be responsible for all offences committed under this Act or the rules in connection with the use of the vehicle and may in the discretion of the Registrar be prosecuted for such offence either in addition to or instead of the driver or conductor, as the case may be.

(2) When the driver or conductor of any public service vehicle is reasonably believed to be guilty of an offence under this Act or the rules, the owner of the vehicle and any other person who was or should have been in charge of the vehicle at or about the relevant time shall give to the Registrar or to any police officer such information as the Registrar or such police officer may require of him concerning the identity and address of the person believed to be guilty of the offence, and if he fails to do so within 7 days of the date on which the information was required of him, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the information required, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(3) Notwithstanding anything in any other written law, any information given under subsection (2) by any person charged with any offence under this Act or the rules may be used as evidence at the hearing of the charge.

Revocation
and
suspension
of licences.
7/90.

108. The Registrar may at any time suspend or revoke a public service vehicle licence if —

- (a) owing to any defects in the vehicle in respect of which the licence is issued, the vehicle is or is likely to become unfit for service;
- (b) having regard to the conduct of the holder of the licence or to the manner in which the vehicle is being used, it appears to the Registrar that the licence should be suspended or revoked;
- (c) in the case of a public service vehicle licence issued in respect of a taxi, the holder of the licence —
 - (i) has attained the age of 63 years;

- (ii) holds more than one public service vehicle licence issued in respect of a taxi; or
 - (iii) has ceased to carry on his vocation as a taxi-driver; or
- (d) the licensee has contravened or failed to comply with any of the provisions of this Act or the rules.

109. The Minister may provide, appoint and regulate the use of such public stands for any class of public service vehicle as he may think fit, and on the application of or with the consent of the owner of any private property may regulate the use of public stands provided on such private property.

Public stands.

110.—(1) No person shall drive or act as a conductor of a public service vehicle on a road unless he holds a vocational licence granted by the Registrar under this Part for such purposes, and no person shall employ or permit any person who is not so licensed to drive or act as a conductor of a public service vehicle while it is being used for the carriage of passengers for hire or reward on a road.

Vocational licences.

(2) The Registrar may, on application made to him in the prescribed manner and on payment of the prescribed fee and subject to such rules as may be prescribed, grant vocational licences:

Provided that the Registrar shall not grant a vocational licence unless he is satisfied that the applicant for the licence is of the minimum age as prescribed for that class of public service vehicle and fulfils such other conditions as may be prescribed.

(3) A vocational licence to drive a public service vehicle may be limited to such class of vehicle as may be specified in the licence.

(4) A vocational licence may at any time be suspended or revoked by the Registrar upon the ground that, by reason of his conduct or physical disability, the holder is not a fit and proper person to hold such a licence.

(5) Where the Registrar refuses to grant or suspends or revokes a vocational licence, the applicant or licence holder, as the case may be, may appeal to the Minister, and on such appeal, the Minister, after such inquiry, if any, as he may

consider necessary, may make such order as he thinks fit, and any order so made shall be binding on the Registrar and on the appellant.

(6) If any person acts in contravention of subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both.

Rules for purposes of this Part.

111. The Minister may make such rules as he may consider expedient for the purposes of this Part.

PART VI

PROVISIONS AS TO USE OF HIGHWAYS

Issue by Minister of highway code for guidance of users of roads.
9/85.

112.—(1) The Minister may prepare a code (referred to in this section as the highway code) comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he may think fit.

(2) The highway code and any revision thereof shall be published in the Gazette and shall be presented to Parliament as soon as possible after publication.

(3) Subject to subsections (1) and (2), the Minister may cause the code and every revised edition of the code to be printed and issued to the public either without charge or at such price as he may think fit. The Minister may take such other steps as he may think fit for securing that the provisions of the code shall be brought to the notice of the public.

(4) A failure on the part of any person to observe any provisions of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may, in any proceedings whether civil or criminal and including proceedings for an offence under this Act, be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Power to restrict use of vehicles on specified roads.

113.—(1) The Deputy Commissioner of Police, with the concurrence of the Minister, may by order published in the *Gazette* prohibit or restrict, subject to such exceptions and conditions as to occasional user or otherwise as may be

specified in the order, the driving of vehicles or of any specified class or description of vehicles on any specified road within Singapore in any case in which he is satisfied that any such vehicles cannot be used or cannot without restriction be used on that road without endangering the safety of the vehicles or the persons therein or of other persons using the road or that the road is unsuitable for use or for unrestricted use by any such vehicles.

(2) The Deputy Commissioner of Police, with the concurrence of the Minister, may make an order under this section, not inconsistent with the rules, for any of the following purposes:

- (a) the specification of the routes to be followed by vehicles;
- (b) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description either generally or during particular hours;
- (c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;
- (d) otherwise in relation to the regulation of traffic;
- (e) the prohibition or regulation of the use of any road or any part thereof for the display, hire or sale of any vehicle or animal:

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may reasonably be required for vehicles of any class or description to any premises situated on or adjacent to the road.

(3) An order made under this section and expressed to be a temporary order shall remain in force for such period not exceeding 3 months as may be specified therein. An order not expressed to be temporary shall be presented to Parliament as soon as possible after publication in the *Gazette* and may be annulled or amended by a resolution of Parliament.

(4) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section shall be guilty of an offence.

Traffic
regulation on
special roads.

114.—(1) The Minister may make rules to prohibit or restrict the use of any special road by any traffic or class of traffic subject to such conditions or exceptions as may be prescribed.

(2) Rules made under this section may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.

(3) Rules made under this section may, in particular —

(a) regulate the manner in which and the conditions subject to which special roads may be used by traffic of any class;

(b) authorise, or enable the Deputy Commissioner of Police to authorise, the use of special roads, on any occasion or in an emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the special roads by any traffic; and

(c) relax, or enable the Deputy Commissioner of Police to relax, any prohibition or restriction imposed by the rules.

(4) For the purposes of this section —

“special road” means any road specified in the rules made under this section to be a special road, and includes any part of a special road;

“traffic” includes pedestrians;

“use”, in relation to a road, includes crossing.

Power of
Minister
temporarily
to prohibit
or restrict
traffic on
roads.

115.—(1) Subject to this section, if the Minister is satisfied that traffic on any road in Singapore should, by reason of works of repair or reconstruction being required or being in progress on or under the road, be restricted or prohibited, he may restrict or prohibit the use of that road or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as he may consider necessary.

(2) Subject to this section, the Minister shall, not less than 7 days before prohibiting the use of a road or part thereof under this section, cause notice thereof to be published in

one or more newspapers circulating in Singapore. Every such notice shall contain a statement of the effect of the prohibition and a description of the alternative route or routes, if any, available for traffic.

(3) So long as any restriction or prohibition made under this section is in force, a notice stating the effect thereof and describing any alternative route or routes available for traffic shall be kept posted in a conspicuous manner at each end of the part of the road to which the restriction or prohibition relates and at the points at which it will be necessary for vehicles to diverge from the road.

(4) Any person, authorised by name or office in writing in that behalf by the Minister, may at any time by notice restrict or prohibit temporarily the use of any road or part thereof by vehicles or by vehicles of any particular class or description where, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to him necessary that such restriction or prohibition should come into force without delay. Any such notice shall describe the alternative route or routes, if any, available for traffic and shall be kept posted in accordance with subsection (3) and shall not continue in force for a period longer than 7 days from the date thereof; but where such a notice has been posted the Minister may, before the expiration of that period, proceed to make a restriction or prohibition under subsection (1) with respect to the same road or part thereof.

(5) Any person who uses or causes or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be guilty of an offence.

116.—(1) No competition or trial of speed involving the use of vehicles shall take place on a road without the written approval of the Minister. Any such written approval may be made subject to such conditions to be specified therein as the Minister may think fit to impose.

Restriction
of
competitions
and speed
trials.

(2) For the purpose of any duly approved competition or trial of speed, the Minister may, by order published in the *Gazette*, regulate or restrict or prohibit to such extent and subject to such conditions or exceptions as may be specified therein the use of a road or part thereof. No such order shall be made, unless not less than 7 days before the making

thereof, a notice of intention to make the order, specifying its general nature and describing alternative routes, if any, available for traffic, animals and pedestrians, has been published by the Minister in one or more newspapers which circulate in Singapore. So long as any order made under this subsection remains in force, a notice stating the effect of the order and describing any alternative routes available for traffic, animals or pedestrians shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates and at the points at which it will be necessary for traffic, animals or pedestrians to diverge from the road. The cost of every such notice and publication shall be paid in advance to the Minister by the person promoting the competition or trial of speed.

(3) Any person who promotes or takes part in any competition or trial of speed without the written approval of the Minister and any driver or person in charge of any vehicle used in or taking part in any such competition or trial of speed shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 6 months and shall also be punished with a fine of not less than \$1,000 and not more than \$2,000 and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding 12 months and with a fine of not less than \$2,000 and not more than \$3,000.

(4) Any police officer may arrest without warrant any person committing an offence under subsection (3) and may seize and detain for the purposes of proceedings under this Act any vehicle used in or taking part in any competition or trial of speed without the written approval of the Minister.

(5) A person convicted of an offence under subsection (3) shall, unless the court for any special reason thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than 12 months from the date of the conviction from holding or obtaining a driving licence.

Court to
order
forfeiture
of vehicle.

117.—(1) Where it is proved to the satisfaction of a court that a vehicle has been used in the commission of an offence under section 116 (3), and that the vehicle has been seized by the police, the court shall, on the written application of the Public Prosecutor, make an order for the forfeiture of

the vehicle notwithstanding that no person may have been convicted of that offence.

(2) An order for the forfeiture or for the release of a vehicle liable to forfeiture under this section may be made by the court before which the prosecution with regard to an offence under section 116 (3) has been or will be held.

(3) If there be no prosecution with regard to an offence under section 116 (3), the vehicle seized under section 116 (4) shall be forfeited at the expiry of one month from the date of the seizure unless a claim thereto is made before that date. Any person asserting that he is the owner of the vehicle may personally, or by his agent authorised in writing, give written notice to the Commissioner of Police that he claims the vehicle.

(4) Upon receipt of a notice under subsection (3), the Commissioner of Police may direct that the vehicle be released or may refer the matter by information to a Magistrate.

(5) The Magistrate shall, on receipt of an information under subsection (4), or on the written application of the Public Prosecutor, hold an inquiry and proceed to determine the matter and shall, on proof that the vehicle was used in the commission of an offence under section 116 (3), order the vehicle to be forfeited, or may in the absence of such proof order its release.

(6) No person shall, in any proceedings in any court in respect of the seizure of any vehicle seized in exercise or the purported exercise of any power conferred under this section, be entitled to the costs of such proceedings or to any damages or other relief, other than an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

118.—(1) When the Minister is satisfied that any bridge over which a road passes is insufficient to carry vehicles of which the weights or axle weights as hereinafter defined exceed certain limits, the Minister may by a conspicuous notice placed in a proper position at each end of the bridge prohibit the use of the bridge either —

Power to prohibit or restrict use of vehicles on certain bridges.

(a) by any vehicle of which the weight exceeds a maximum weight specified in the notice; or

- (b) by any vehicle of which —
 - (i) the weight exceeds a maximum weight so specified; or
 - (ii) any axle weight exceeds a maximum axle weight so specified,

and any such notice may as regards both weight of vehicle and axle weight specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice and in relation to a vehicle travelling at that speed or any greater speed.

(2) For the purposes of this section —

- (a) “weight” means the actual weight of the vehicle at the time including the weight of every person and thing carried by it;
- (b) the weight transmitted by a vehicle to any transverse strip of the road surface 152.4 centimetres in breadth shall be taken as being an “axle weight” of that vehicle and for the purposes of this paragraph a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle; and
- (c) “placed in a proper position” means placed in such a position either on or near the bridge or on or near the road leading to the bridge as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.

(3) The fact that a prohibition such as is referred to in subsection (1) has been made by the Minister and has been notified in the manner prescribed in that subsection shall be published in the *Gazette*:

Provided that any omission to so publish the prohibition and notification shall not affect the validity of the prohibition or notification.

(4) If without the consent of the Minister, a vehicle is driven across a bridge in contravention of this section, any person who so drives it or causes or permits it to be so driven shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge or otherwise, be guilty of an offence and shall be liable on conviction

to a fine not exceeding \$400 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000.

(5) If, in any proceedings under this subsection, the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice or that any axle weight of the vehicle exceeded the maximum axle weight so specified, the burden shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed the maximum weight or maximum axle weight.

119.—(1) The Minister may cause or permit traffic signs to be drawn, placed or erected and maintained on or near any road, and any signs so drawn, placed or erected shall be subject to and be in conformity with such general or special directions as he may give. Power to place traffic signs.

(2) Traffic signs shall be of the prescribed size, colour and type except where the Minister authorises the placing or retention of a sign of another character.

(3) No traffic signs shall be drawn or placed on or near any road except under and in accordance with subsections (1) and (2).

(4) The Minister shall, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it and if any person fails to comply with such a notice, the Minister may cause the removal to be effected with as little damage as may be and the expense incurred in doing so may be recovered as a civil debt from the person so in default:

Provided that this subsection shall not apply in the case of any sign or object which complies with subsection (2) and the retention of which is expressly authorised by the Minister.

(5) The Minister may authorise the entry upon any land and the exercise of such other powers as may be necessary for the purpose of the exercise and performance of his powers and duties under this section.

(6) In this Part, “traffic sign” includes all signals, warning sign posts, direction posts, signs, lines or other devices for

the guidance or direction of persons using roads, but shall not include warning signs or other devices temporarily set up by any Government department to indicate that road work is in progress.

(7) Any person wilfully and unlawfully damaging, moving, defacing, altering or otherwise interfering with, any traffic sign shall be guilty of an offence, and any police officer or the Registrar or any officer authorised in writing in that behalf by the Registrar on production of his authority may without warrant arrest any person found committing such offence.

(8) The Minister may make rules to prescribe the size, colour and type of traffic signs to be drawn or placed on or near roads.

Penalties for
neglect of
traffic
directions.

120.—(1) Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road or where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic and being of the prescribed size, colour and type or of another character authorised by the Minister under section 119, has been lawfully placed on or near any road, any person driving or propelling any vehicle who —

(a) neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed to do so by the police officer in the execution of his duty; or

(b) fails to conform to the indication given by the sign, and any pedestrian who fails to comply with any direction given by the police officer in the execution of his duty, either to pedestrians or to pedestrians and other traffic, shall be guilty of an offence.

(2) Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road at any place where there are traffic light signals regulating the movement of traffic, a person driving a vehicle shall comply with the directions given by the police officer notwithstanding that the traffic light signals indicate otherwise.

(3) In any proceedings for an offence under subsection (1), in so far as it is necessary to establish the offence charged, it shall be presumed until the contrary is proved

that the sign was of the prescribed size, colour and type and that it was lawfully placed under section 119.

121.—(1) Crossings for pedestrians (referred to hereinafter as crossings) may be established on roads, or on subways constructed under roads, or on bridges constructed over roads, in accordance with this section. Pedestrian crossings.

(2) The Minister may make rules with respect to the precedence of vehicles and pedestrians respectively and generally with respect to the movement of traffic (including pedestrians) at and in the vicinity of crossings.

(3) Without prejudice to the generality of subsection (2), rules made thereunder may be made prohibiting pedestrian traffic on the carriageway within 100 metres of a crossing, and with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(4) Different rules may be made under this section in relation to different conditions and, in particular, different rules may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(5) Rules may be made under this section applying only to a particular crossing or particular crossings specified in the rules.

(6) Any person who contravenes any of the rules made under this section shall be guilty of an offence and shall be liable on conviction —

(a) if the offence was committed by him in his capacity as the driver of a vehicle, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months and, in the case of a second and subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months; and

(b) in any other case, to a fine not exceeding \$100.

Leaving vehicles in positions likely to cause danger, obstruction or undue inconvenience.

122. Except as otherwise provided in section 84 (4), if any person in charge of a vehicle causes or permits the vehicle or any trailer drawn thereby to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger, obstruction or undue inconvenience to other users of the road or to traffic, he shall be guilty of an offence.

Removal from roads of vehicles abandoned, etc.

123.—(1) The Minister may make rules to provide for the removal and detention of any vehicle (including any trailer drawn or any load carried thereby) which constitutes a danger or unreasonable obstruction to traffic or which appears to have been abandoned on a road or which is parked or permitted to stand on any road in contravention of any provision of this Act or the rules.

(2) The Deputy Commissioner of Police may detain any vehicle so removed until the expenses of removal and charges for detention have been paid and any such vehicle shall remain at the risk of the owner and the person offending until the expenses and charges have been paid.

(3) If any vehicle so detained has not been claimed by the owner within 3 months from the date of detention, the Deputy Commissioner of Police may, after due notice in the *Gazette* and after giving not less than one month's notice in writing to the owner (if the name and address of that person are known to him), sell by public auction or otherwise dispose of the vehicle. The proceeds, if any, from the sale or disposal of any such vehicle shall be applied in the payment of any charges incurred in carrying out the provisions of this section and the surplus, if any, shall be paid to the owner of the vehicle or if not claimed by the owner of the vehicle within 12 months shall be forfeited to the Government.

Provisions with respect to stretching of ropes, etc., across roads.

124. Any person who for any purpose places or causes to be placed any rope, wire, chain, tackle or similar apparatus across a road or any part thereof in such a manner as to be likely to cause danger to persons using the road shall, unless he proves that he had a lawful right or excuse to do so and that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence.

125. This Part shall, except as otherwise provided, apply to vehicles and persons in the service of the Government and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible, unless it is shown to the satisfaction of the court that the driver only was responsible.

Application to vehicles and drivers in the service of Government.

126.—(1) Any person driving or using any goods vehicle who shall carry any person therein or thereon or cause or permit any person to ride therein or thereon shall be guilty of an offence unless he proves that —

Goods vehicles not to be used for passengers.

- (a) the person so carried is in the employment of the owner or hirer of the vehicle and is proceeding on his master's business and is carried in accordance with rules prescribed under section 77 (5);
- (b) the person so carried is a sick or injured person carried in a case of emergency; or
- (c) the carriage of such person is authorised by a permit issued under subsection (3).

(2) The owner of the goods vehicle shall in all cases also be liable for such act equally with and independently of the person actually driving or using the goods vehicle unless he proves that he had taken every reasonable precaution to prevent the commission of any offence under this section.

(3) The Registrar or any officer in charge of any police station may, on payment of the prescribed fee, issue a permit in the prescribed form authorising for a particular occasion the carriage of persons in or on a goods vehicle in any case in which he is satisfied that the carriage of such persons is consistent with safety. Such permit shall be subject to such conditions as may be specified therein.

(4) Any person who while being carried on or being permitted to ride on a goods vehicle —

- (a) fails to sit on a seat in or at any place on the vehicle as directed by the driver or other person in charge of the vehicle; or

- (b) fails to comply with such directions as are given by the driver or other person in charge of the vehicle regarding his personal safety,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

Power of
arrest,
stopping and
detention.

127.—(1) A police officer in uniform may stop and arrest any person, not being the driver of a motor vehicle, who within his view commits an offence under this Act or the rules:

Provided that such person shall not be arrested if he satisfies the police officer as to his name and residence in Singapore and that he does not intend to abscond.

(2) A police officer may detain any bicycle or tricycle in respect of which an offence has been committed within his view.

(3) A police officer in uniform may stop any motor vehicle the driver of which has committed or is suspected of having committed an offence under this Act or the rules.

(4) Any person driving a motor vehicle shall stop the motor vehicle on being so required by a police officer in uniform, and if he fails to do so he shall be guilty of an offence.

(5) A police officer in uniform may, except as hereinafter provided, arrest without warrant any person in charge of or driving a motor vehicle who has committed or is suspected of having committed an offence under this Act or the rules.

(6) The power of arrest under subsection (5) shall not be exercised if either —

- (a) such person on the demand of the police officer produces his driving licence so as to enable the police officer to ascertain his name and address, the date of issue and the authority by which it was issued; or
- (b) such person, not being a paid driver or the driver of a motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods, gives the police officer his name and his address within Singapore:

Provided that if the police officer has reason to suspect that a name or address so ascertained or given is false, he may, notwithstanding anything to the contrary in this subsection, exercise the power of arrest under subsection (5).

(7) The Registrar or any officer authorised in writing by the Registrar in that behalf on production of such authority or any police officer may stop any vehicle other than a motor vehicle, and any police officer in uniform may stop any motor vehicle, for the purpose of examining the licence of any such vehicle, and any person driving a vehicle shall stop the vehicle on being so required by the Registrar or any such officer as aforesaid, and if he fails to do so he shall be guilty of an offence.

(8) Any police officer in uniform may, when exercising any of the powers conferred by subsection (3), (5) or (7), require any person, who appears to him to be or to have been a passenger in the motor vehicle in relation to which he is exercising those powers, to furnish to him his name and address.

(9) When any such person as is referred to in subsection (8) refuses on the demand of the police officer in uniform to give his name and address, he may be arrested by the police officer in order that his name and address may be ascertained, and he shall, within 24 hours from the arrest, be taken before a Magistrate's Court, unless before that time his name and address are ascertained, in which case such person shall be forthwith released on his executing a bond with or without sureties for his appearance before a Magistrate's Court, if so required.

(10) When any person is thus taken before a Magistrate's Court, the Court shall require him to execute a bond with or without a surety for his appearance before a Magistrate's Court, if so required.

128.—(1) Every police officer when acting against any person under this Act shall, if not in uniform, on demand declare his office and produce to the person against whom he is acting such identification card as the Commissioner of Police may direct to be carried by police officers.

Police officer not in uniform to produce identification card.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any police officer not in uniform who fails to declare his office

and produce his identification card on demand being made by such person.

PART VII

MISCELLANEOUS PROVISIONS

False
statements,
forging of
licences,
etc.
7/90.

129.—(1) If any person —

- (a) in relation to an application made under this Act or the rules for the registration of a vehicle, the grant of any permit or licence to himself or any other person, or for the purpose of preventing the grant or variation of any licence or of procuring the imposition of any condition or limitation in relation to a licence, makes any statement or declaration which is false or in any material respect misleading;
- (b) furnishes any particulars in connection with a change of the registration of any vehicle which to his knowledge are false or in any material respect misleading; or
- (c) makes any entry in a record, register or other document required to be kept under this Act and the rules which to his knowledge is false or in any material respect misleading,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) If any person —

- (a) forges or alters or defaces or mutilates or uses or lends to, or allows to be used by, any other person, any mark, plate or document which is required under this Act to be carried on a vehicle or trailer, any registration book or any licence issued under this Act;
- (b) makes or has in his possession any mark, plate or document so closely resembling a licence or any mark, plate or document as aforesaid as to be calculated to deceive;
- (c) alters any entry made in a record, register or other document kept under this Act or the rules;

- (d) exhibits upon any vehicle or trailer any licence or identification mark, plate or document which has been forged, altered, defaced, mutilated or added to or any colourable imitation of a licence, mark, plate or document which is required under this Act to be carried on a vehicle or trailer;
- (e) transfers or affixes to any vehicle or trailer for which it was not issued any licence, identification mark, plate or document which is required under this Act to be carried on a vehicle or trailer; or
- (f) uses any forged, altered, defaced or mutilated driving licence or any driving licence to which any addition not authorised by this Act has been made,

he shall, unless he establishes to the satisfaction of the court that he acted without intent to deceive, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Subsection (2) shall, with the necessary modifications, apply in relation to a document evidencing the appointment of an officer for the purposes of this Act as it applies in relation to a licence.

(4) If any police officer or the Registrar or officer authorised by the Registrar in writing has reasonable cause to believe that a document carried on a motor vehicle or any licence or record or other document produced to him in pursuance of the provisions of this Act is a document in relation to which an offence under this section has been committed, he may seize the document and when any document is seized under this section either the driver or the owner of the vehicle shall, if the document is still detained and neither of them has previously been charged with an offence under this section, be summoned before a Magistrate's Court or a District Court to account for his possession of or the presence on the vehicle of the document and the Court shall make such order respecting the disposal of the document and award such costs as the justice of the case may require.

(5) For the purposes of subsection (4), “document” shall include a plate and the power to seize shall include power to detach from the vehicle.

Presumptions. **130.** In any proceedings for an offence under Part V, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proved —

- (a) that any conveyance of persons or goods in a motor vehicle was for hire or reward;
- (b) that the passengers carried in a motor vehicle were being carried in consideration of separate payments made by them;
- (c) that a vehicle is not a vehicle in relation to which any licence under Part V has been granted;
- (d) that any person is not the holder of a licence granted under the provisions of Part V in respect of a motor vehicle;
- (e) that any person is the owner of a motor vehicle; and
- (f) that any person is the holder of a licence granted under Part V.

Penalties. **131.—(1)** A person who —

- (a) is guilty of an offence under this Act;
- (b) without lawful excuse refuses or neglects to do anything he is by this Act required to do;
- (c) without lawful excuse fails to comply with the requirements of any notice served on him under this Act; or
- (d) without lawful excuse acts in contravention of or fails to comply with any provision of this Act or of the rules,

shall be liable on conviction, where no special penalty is provided in the case of the first offence, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months 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.

(2) If any person committing an offence under this Act or the rules is a company, the managing director, director, agent or other manager in Singapore of the company who is privy to the offence shall also be liable to the like punishment. 7/90
33/93.

(3) Every summons issued for an offence, and every notice or other document required or authorised to be given or served, under this Act or any rules or orders made thereunder may be served on any person —

- (a) by delivering the same to such person;
- (b) by delivering the same to any adult residing in the last known place of abode of such person or employed at the last known place of business of that person; or
- (c) by forwarding the same by registered post in a cover addressed to such person at his last known place of abode or business or at any address furnished by him.

(4) In proving service by registered post, it shall be sufficient to prove that the registered cover containing the summons was duly addressed and posted.

132.—(1) Where it appears to a police officer that any person has committed or is guilty of any prescribed offence to which this section applies, he may serve a prescribed notice on such person, offering such person the opportunity of the discharge of any liability to the conviction of that offence by the payment of a fixed penalty prescribed for that offence under this section; and no person shall be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of 14 days following the date of the notice or such longer period (if any) as may be specified therein. Ticketing of
prescribed
offences.

(2) A notice under subsection (1) may be addressed to the owner or driver of the motor vehicle without stating his name or address and may be served personally or by affixing it to the motor vehicle.

(3) A notice affixed to a motor vehicle under subsection (2) shall not be removed or interfered with except by or under the authority of the owner or driver liable for the

offence in question; and any person contravening this subsection shall be guilty of an offence.

(4) Payment of a fixed penalty under this section shall be made at the police station or office specified in the notice.

(5) Where the amount of any fixed penalty for an alleged offence is paid pursuant to this section, no person shall be liable for any further proceedings for the alleged offence.

(6) The Minister may make rules —

(a) to prescribe the offences to which this section shall apply;

(b) to prescribe the amount of penalty payable under this section for any prescribed offence;

(c) to prescribe different amounts of penalties for different prescribed offences or for the same offence having regard to the circumstances thereof; and

(d) to make provision as to any matter incidental to the operation of this section.

(7) This section is supplemental to and not in derogation of any other provisions of this Act.

Traffic ticket
notice.

133.—(1) Where a police officer has reasonable grounds for believing that a person has committed an offence under this Act or the rules, he may, in lieu of applying to a court for a summons, forthwith serve upon that person a prescribed notice, requiring that person to attend at the court described, at the hour and on the date specified in the notice.

(2) A duplicate of the notice shall be prepared by the police officer and, if so required by a court, produced to the court.

(3) The notice may be served on the person alleged to have committed the offence in the manner provided by section 131 (3).

(4) On an accused person appearing before a court in pursuance of such a notice, the court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of section 136 of the Criminal Procedure Code.

(5) If a person, upon whom such a notice has been served as aforesaid, fails to appear before a court in person or by counsel in accordance therewith, the court may, if satisfied that the notice was duly served, issue a warrant for the arrest of the person unless in the case of an offence which may be compounded that person has before that date been permitted to compound the offence.

(6) Upon a person arrested in pursuance of a warrant issued under subsection (5) being produced before it, a court shall proceed as though he were produced before it in pursuance of section 136 of the Criminal Procedure Code and shall, at the conclusion of the proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such fine not exceeding \$2,000 as the court thinks fit or may commit him to prison for a term not exceeding 2 months. Cap. 68.

(7) A police officer not below the rank of sergeant specially authorised by name in that behalf by the Minister by notification in the *Gazette* may, at any time before the date specified in the notice, cancel the notice. 7/90.

134. The Minister may prescribe such forms of notices as he may think fit for the purposes of sections 132 and 133. Minister may prescribe forms of notices.

135.—(1) The Deputy Commissioner of Police or any police officer not below the rank of sergeant specially authorised by name in that behalf by the Deputy Commissioner of Police by notification in the *Gazette* may, in his discretion, compound any such offence under this Act or the rules as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$200. Power to compound. 9/85.

(2) The Minister may make rules to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

136.—(1) The Registrar may, if he thinks fit and subject to the provisions of this Act, grant any licence upon receipt of a cheque for the amount of the fee payable thereon. Payment for licences by cheque.

(2) Where a licence is granted as aforesaid to any person and the cheque is subsequently dishonoured, the licence shall be void as from the date when it was granted and the Registrar shall send to that person by a registered letter addressed to him to the address given by him when applying for the licence a notice requiring him to deliver up the licence to the Registrar within a period of 7 days from the date that the notice was posted, and if that person fails to comply with the request within that period he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and if the licence is in respect of a motor vehicle the Registrar may on the expiry of the 7 days proceed under section 15.

Moneys received to be paid into Consolidated Fund.

137. All moneys received by the Registrar and the Deputy Commissioner of Police under this Act shall be paid into the Consolidated Fund.

Registrar and Deputy Commissioner of Police to be informed of convictions.

138. When during any proceedings leading to the conviction of any person for any criminal offence whatsoever, it comes to the knowledge of the court recording such conviction that such person (whether or not that person is in possession of any licence issued under this Act) is or has been or has acted as the owner, driver or conductor of a public service vehicle, the court shall, if in its opinion the fact of such conviction affects the suitability or otherwise of the person convicted to hold or receive a licence under this Act, forthwith send particulars of the conviction and of any sentence passed thereon to the Registrar and the Deputy Commissioner of Police.

Provisions as to evidence.

139.—(1) Any registration document or licence issued by the Registrar in respect of any vehicle shall be prima facie evidence of the registration of the vehicle or of the fact that the vehicle was licenced for the period specified in the licence, as the case may be.

(2) When in any proceedings for an offence under this Act or the rules it is necessary to prove —

- (a) that a vehicle was, or was not, registered in the name of any person;
- (b) that any person was, or was not, the registered owner of a vehicle; or

- (c) that any person was, or was not, the holder of a licence granted under this Act,

a certificate purporting to be signed by the Registrar or the Deputy Commissioner of Police, as the case may be, and certifying the matters aforesaid shall be admissible as evidence, and shall constitute prima facie proof of the facts certified in the certificate, without proof of the signature of the Registrar or the Deputy Commissioner of Police, as the case may be, to the certificate.

(3) When in any proceedings for an offence under this Act or the rules any question arises as to whether a vehicle does, or does not, comply with any of the provisions of this Act or the rules relating to the construction, equipment or conditions of use of the vehicle, a certificate from an officer of the Registrar's office that he has examined the vehicle and the result of the examination shall be admissible in evidence, and shall be sufficient prima facie evidence of any fact or opinion stated therein relating to the construction, equipment or conditions of use of the vehicle, and the officer may not be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers cross-examination to be necessary or desirable in the interests of justice:

Provided that in any case in which the prosecution intends to give in evidence any such certificate, there shall be delivered to the defendant a copy thereof not less than 10 clear days before the commencement of the trial.

(4) When in any proceedings it is necessary to prove the weight unladen or laden of any vehicle, or the weight of any load carried on any vehicle, a certificate purporting to be signed by any public officer in charge of the weighbridge or weighing machine on which such vehicle or load was weighed, and certifying the weight of the vehicle or load and that the weighbridge or weighing machine had been examined within the previous 12 months and found to be accurate, shall be accepted by any court as prima facie proof of the facts certified in the certificate.

(5) When in any proceedings before any court it is necessary to prove that any police officer, public officer or the Registrar or the Deputy Commissioner of Police, as the case may be, has sent or served, or has received or has not

received, any badge, document, licence, notice, plate or other thing, a certificate purporting to be signed by the police officer, public officer or the Registrar or the Deputy Commissioner of Police, as the case may be, and certifying the sending, service, reception or non-reception, as the case may be, of the badge, document, licence, notice, plate or thing, shall be admissible as evidence, and shall constitute prima facie proof of the facts certified in the certificate, without proof of the signature of that certificate.

(6) Where in any proceedings for an offence under this Act or the rules relating to the maximum speed at which motor vehicles may be driven it is necessary to prove the speed at which the vehicle has been driven, a certificate, purporting to be signed by a police officer not below the rank of inspector who was in charge of the apparatus, instrument or appliance used to measure, at a distance from such vehicle, the speed at which the vehicle was driven and certifying that the apparatus, instrument or appliance had been examined within the previous 3 months and found to be accurate, shall be accepted by any court as prima facie proof of the facts certified in the certificate.

General provisions as to rules.

140.—(1) The appropriate Minister may make rules for prescribing the language and script in which any traffic sign, notice, record, application, return or other documents shall be written and may make rules for any purpose for which rules may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect and in any rules made by him may prescribe penalties (not exceeding those provided by section 131) for any breach or failure to comply with any such rules.

(2) Without prejudice to the generality of subsection (1), the appropriate Minister may make rules with respect to any of the following matters or for any of the following purposes:

- (a) regulating the relative position in the roadway of traffic of differing speeds or types;
- (b) prescribing the conditions subject to which and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried along roads;

- (c) regulating the loads which may be carried on vehicles and prescribing the manner in which vehicles on or passing along a road shall be loaded and the precautions to be taken for ensuring the safety of the public in connection therewith;
- (d) prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles or vehicles of any particular class or description, while on a road;
- (e) prescribing the precedence to be observed as between traffic proceeding in the same direction, or in opposite directions, or when crossing;
- (f) prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on or along a road;
- (g) prescribing the conditions subject to which vehicles, or vehicles of any particular class or description, may be left unattended on a road;
- (h) prohibiting animals from being left unattended or not under due control on a road;
- (i) restricting the use of vehicles and animals, of sandwichmen and other persons on roads for the purposes of advertisement of such a nature or in such a manner as to be likely to be a source of danger or to cause obstruction to traffic;
- (j) restricting and regulating the use on roads of vehicles engaged in the erection, placing, removal, alteration or repair of lamps, overhead cables or road or street works;
- (k) restricting or prohibiting the washing of vehicles and animals on any road;
- (l) prescribing the lights to be carried on vehicles other than motor vehicles, or on any particular class or description of such vehicles, including the nature of such lights, the position in which they shall be fixed and the period during which they must be lighted;
- (m) prescribing and restricting the number and kind of brakes, bells, horns or other warning instruments

to be fitted to vehicles of any particular kind or description;

- (n) prescribing the number of persons who may be carried upon pedal bicycles or pedal tricycles while on any road; and
- (o) prescribing the general behaviour of traffic on roads.

Rules to be presented to Parliament.

141. All rules made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

Power to exempt.

142. The appropriate Minister may, from time to time by order and either generally or for any period delimited in such order and subject to such conditions as may in the order be stated, exempt from any provision of this Act or the rules any person or class or description of persons or any vehicle or class or description of vehicles.

Power to control traffic at assemblies and public resorts.

143.—(1) The Deputy Commissioner of Police may from time to time issue police orders, prescribing the routes, entrances and exits by which traffic shall approach or leave any place of assembly or public resort, and prescribing where and the order in which vehicles shall park while waiting at such places.

(2) An order made under this section may prescribe a parking place or places upon land in private ownership if the owner or occupier of such land consents.

(3) The Deputy Commissioner of Police may, with the consent of the owner or occupier of any place of assembly or public resort, authorise any police officer in uniform to regulate the movement of traffic in such place.

(4) Any person who —

- (a) contravenes or fails to comply with any order made under this section; or
- (b) neglects or refuses to stop a vehicle or to make it proceed in or keep to a particular line of traffic or neglects or refuses himself to proceed in or keep to a particular line of traffic when directed to do so by a police officer authorised under this section to regulate traffic,

shall be guilty of an offence.

(5) Police orders issued under this section shall be published in the *Gazette* and may be published in such other manner as the Deputy Commissioner of Police may think fit.

144.—(1) Every driver or conductor of a public service vehicle shall forthwith deposit at a police station or at the office of the Registrar all money or other property left in any public service vehicle of which he is in charge and not claimed by the owner thereof.

Property left in public service vehicles.

(2) Any driver or conductor who neglects or omits to so deposit all money or other property shall be guilty of an offence.

(3) The Minister may make rules for the disposal of money or other property deposited at a police station or the office of the Registrar under subsection (1).

145. Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under any written law repealed by this Act, in so far as such scheme, contract, document, licence, permission or resolution could be prepared, made, granted or approved under and by virtue of this Act shall, except where in this Act otherwise expressly provided, continue and be deemed to have been prepared, made, granted or approved, as the case may be, under this Act.

Transitional provision.