

# ACTIVE MOBILITY ACT 2017

(No. 3 of 2017)

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An Act for the establishment of public paths for walking, cycling or other similar purposes, to regulate the use of these public paths, and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

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PART 1  
PRELIMINARY

**Short title and commencement**

1. This Act is the Active Mobility Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

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

“accessories” means additional parts, or fittings, for the purpose of enhancing the comfort, appearance or performance of a personal mobility device, including sound and internet devices and navigation devices, but not including parts or fittings prescribed for the purposes of this definition;

“appropriate supervisor” has the meaning given by section 23A(4);

*[Act 9 of 2020 wef 01/08/2020]*

“authorised officer”, for any provision of this Act, means an individual who is appointed under section 38 as an authorised officer for the purposes of that provision;

“Authority” means the Land Transport Authority of Singapore constituted under the Land Transport Authority of Singapore Act (Cap. 158A);

“bicycle” means a vehicle that —

- (a) has 2 wheels held one behind the other in a frame;
- (b) is steered by handlebars attached to the front wheel;
- (c) has pedals; and
- (d) is built to be propelled solely by human power;

“code of conduct” means a code of conduct issued or approved by the Minister under section 24, and includes any such code of conduct as amended from time to time under that section;

“competency test certificate”, for a class or description of test-needed-to-drive vehicle, means a certificate granted under section 23F certifying that an individual has passed the prescribed test of competence for that class or description of test-needed-to-drive vehicle;

*[Act 9 of 2020 wef 29/06/2021]*

“cycling” does not include the use of a motor cycle or power-assisted bicycle;

“director” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

“driver” means a driver of a vehicle and includes a rider, but does not include an individual who is walking and pushing a motorised wheelchair;

“driving” includes a reference to riding;

“end-of pedestrian-only path marking” means a marking drawn or painted on a pedestrian-only path, consisting of the prescribed symbol or words denoting the end of the pedestrian-only path;

“end-of pedestrian-only path sign” means a sign showing the prescribed symbol or words denoting the end of the pedestrian-only path;

“end-of shared path marking” means a marking drawn or painted on a shared path, consisting of the prescribed symbol or words denoting the end of the shared path;

“end-of shared path sign” means a sign showing the prescribed symbol or words denoting the end of the shared path;

“footpath” means a length or area of path (whether or not contiguous with another path or a road) provided for pedestrians to use, or individuals to ride a bicycle or non-motorised personal mobility device on, and ending at the nearest of the following:

- (a) a pedestrian-only path sign or pedestrian-only path marking;
- (b) a shared path sign or shared path marking;



- (c) a road;
- (d) the natural end of the path (which may be a dead end);

*[Act 9 of 2020 wef 03/04/2020]*

*[Act 26 of 2020 wef 30/04/2021]*

“holding yard” means a place used under section 52 for the storage of vehicles moved to, surrendered at, detained, seized or forfeited under Division 2 of Part 5;

“identification card”, in relation to an authorised officer, a public path warden or a volunteer public path warden, means an identification card issued under section 42 to the authorised officer, public path warden or volunteer public path warden, as the case may be;

“install”, in relation to any wayfinding signage, includes paint or mark on a surface in an indelible way;

*[Act 9 of 2020 wef 03/04/2020]*

“land” includes any permanent buildings on, under or over the land;

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

“mechanised sweeper” means a motor vehicle that —

- (a) is designed or adapted for the purpose of sweeping or cleansing paths, the collection or disposal of refuse on paths or of the contents of gullies on paths; and
- (b) is incapable by reason of its construction of driving itself and of reaching a prescribed speed on the level under its own power;

*[Act 9 of 2020 wef 03/04/2020]*

“mobile communication device” has the meaning given by section 22A(4);

*[Act 9 of 2020 wef 01/08/2020]*

“mobility scooter” means a vehicle that —

- (a) has 3 or more wheels and a footboard supported by the wheels;

- (b) is steered by handlebars;
- (c) has a seat;
- (d) is designed to carry an individual who is unable to walk or has difficulty in walking; and
- (e) is propelled by a motor that forms part of the vehicle;

“motor vehicle” includes —

- (a) an automatic detection device that has wheels, a motor and is constructed to drive itself;
- (b) a robotic machine designed to move and operate independently of human control when the computer that controls it is programmed; or
- (c) a motor vehicle that is constructed to drive itself,

but excludes a wheeled toy or model car that can be remotely operated;

*[Act 9 of 2020 wef 03/04/2020]*

“motorised personal mobility device” or “motorised PMD” means a personal mobility device other than a non-motorised personal mobility device;

*[Act 9 of 2020 wef 03/04/2020]*

“motorised wheelchair” means a wheelchair that —

- (a) is designed to carry an individual who is unable to walk or has difficulty in walking; and
- (b) is propelled by a motor that forms part of the wheelchair;

“non-compliant bicycle” means a bicycle the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed either for all bicycles generally or for the particular type of that bicycle;

*[Act 38 of 2018 wef 02/01/2019]*

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“non-compliant mobility vehicle” means —

- (a) a mobility scooter the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under this Act either for all mobility scooters generally or for the particular type of that mobility scooter; or
- (b) a motorised wheelchair the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under this Act either for all motorised wheelchairs generally or for the particular type of that motorised wheelchair;

*[Act 38 of 2018 wef 01/02/2019]*

“non-compliant personal mobility device” means a personal mobility device the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed either for all personal mobility devices generally or for the particular type of that personal mobility device;

“non-compliant power-assisted bicycle” means a power-assisted bicycle the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed either for all power-assisted bicycles generally or for the particular type of that power-assisted bicycle;

*[Act 38 of 2018 wef 02/01/2019]*

“non-motorised personal mobility device” means a personal mobility device that is designed to be propelled by human power only;

*[Act 9 of 2020 wef 03/04/2020]*

“notice” does not include giving notice orally;

“outsourced enforcement officer”, in relation to any provision of this Act or the regulations, means an individual who —

- (a) is appointed under section 11 of the Land Transport Authority of Singapore Act;
- (b) is authorised by or under that Act to exercise any powers under any provision of this Act or regulations made under this Act, as the case may be; and
- (c) is acting within that authorisation;

*[Act 38 of 2018 wef 02/01/2019]*

“owner”, in relation to a bicycle, PAB, personal mobility device, motorised wheelchair or mobility scooter, means —

- (a) for a registrable personal mobility device — the person who is recorded in the registrable PMD register as the registered responsible person for that device at the relevant time;
- (b) for a PAB — the person who is registered as the owner of the PAB under the Road Traffic Act (Cap. 276) at the relevant time;
- (c) for a registrable personal mobility device the registration of which under Part 3A is cancelled, or a PAB the registration of which under the Road Traffic Act is cancelled — the following person, as applicable:
  - (i) the person who is last recorded in the registrable PMD register as the registered responsible person for that device;
  - (ii) the person who is last recorded as the owner for that PAB under the Road Traffic Act; and
- (d) for any other vehicle — the person who is —
  - (i) a sole or joint owner of the vehicle;
  - (ii) a person who solely, or jointly or in common with any other person, is entitled to the immediate possession of the vehicle; or
  - (iii) for a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the

person in possession or entitled to possession of the vehicle under that agreement;

*[Act 38 of 2018 wef 02/01/2019]*

“path” does not include the following, whether or not contiguous with another path or a road:

- (a) an unformed or unsurfaced path;
- (b) a green verge or other area provided for the growing of grass, trees or other vegetation;

“path-connected open space” means a courtyard, plaza, square, quadrangle, atrium, peristyle or other substantially level and unenclosed open space that —

- (a) is surfaced and is not a green verge or other area provided for the growing of grass, trees or other vegetation;
- (b) is fronting, adjoining or abutting, or connected by stairs (mechanised or otherwise) to, a path (whether or not a public path); and
- (c) is used or capable of being used as a means of access to and from a path by pedestrians from any direction,

but does not include an area with barbecue or open-fire cooking facilities, an outdoor children’s playground, a spray pool, a fitness park, a court for basketball, badminton, sepak takraw or other similar sport, a parking area for bicycles or other vehicles or a similar amenity or facility that is ordinarily a stop or journey’s end;

*[Act 26 of 2020 wef 30/04/2021]*

“pedestrian” means —

- (a) an individual walking, with or without animals;
- (b) an individual in a non-motorised wheelchair;
- (c) an individual driving a motorised wheelchair or riding a mobility scooter;
- (d) an individual travelling on inline skates, roller-skates or a wheeled toy;

- (e) an individual pushing a pram, stroller or trolley, or a motorised or non-motorised wheelchair; or
- (f) an individual walking beside and pushing any other vehicle;

“pedestrian-only path” means a length or area of path (whether or not contiguous with another path or a road) —

- (a) provided solely for pedestrians to use; and
- (b) starting at a pedestrian-only path marking or a pedestrian-only path sign, and ending at the nearest of the following:
  - (i) an end-of pedestrian-only path marking or an end-of pedestrian-only path sign;
  - (ii) a shared path sign or a shared path marking;
  - (iii) a road;
  - (iv) the natural end of the path (which may be a dead end);

*[Act 26 of 2020 wef 30/04/2021]*

“pedestrian-only path marking” means a marking drawn, etched or painted on a path —

- (a) consisting of —
  - (i) a prescribed symbol or prescribed words or both; and
  - (ii) if the marking has a limited operation, words or figures specifying details of the operation of the marking; and
- (b) drawn, etched or painted so as to face an approaching pedestrian;

“pedestrian-only path sign” means a sign —

- (a) showing —
  - (i) a prescribed symbol or prescribed words or both; and

- (ii) if the sign has a limited operation, words or figures specifying details of the operation of the sign; and

- (b) erected so as to face an approaching pedestrian;

“personal mobility device” or “PMD” means a wheeled vehicle that —

- (a) is built to transport people only (with or without carry-on baggage); and

- (b) is propelled by an electric motor attached to the vehicle or by human power or both,

and includes a skateboard, but does not include a bicycle, power-assisted bicycle, motor car, wheelchair (motorised or otherwise), mobility scooter, pram, stroller or trolley, inline skates, roller-skates or a wheeled toy, and such other vehicle as the Minister may, by order in the *Gazette*, exclude from this definition;

“power-assisted bicycle” or “PAB” means a bicycle that —

- (a) is equipped with an electric motor; and

- (b) may be propelled by human power or by the electric motor with which it is equipped, or by both;

“premises” means a building or structure (whether permanent or temporary) or part of a building or structure;

“prescribed minimum riding age” has the meaning given in section 23A(1);

*[Act 9 of 2020 wef 01/08/2020]*

“prescribed test of competence”, in relation to driving or riding a vehicle on a public path, means a test of subject matter prescribed by regulations to test an individual’s knowledge of safe driving or riding practices and law on public paths;

*[Act 9 of 2020 wef 01/08/2020]*

“proprietor” —

- (a) in relation to any land that is leased or is subject to a tenancy or licence to occupy, includes the owner of

the land who is the lessor or grantor of the licence to occupy;

- (b) in relation to land that is common property not comprised in a strata title plan, means the person receiving any rent or charge for the maintenance of that common property or limited common property; and
- (c) in relation to land that is common property or limited common property comprised in a strata title plan, means the management corporation or subsidiary management corporation, as the case may be, having control of the common property or limited common property;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, and includes a Town Council;

“public path” means a path or path-connected open space declared under section 6 as a public path;

*[Act 26 of 2020 wef 30/04/2021]*

“public path warden” means an individual who is appointed under section 39 as a public path warden, and includes any authorised officer;

“registered responsible person”, in relation to a registrable personal mobility device, means any person recorded in the registrable PMD register as the responsible person for the registrable personal mobility device;

*[Act 38 of 2018 wef 02/01/2019]*

“registrable personal mobility device” means a personal mobility device of the description prescribed by the Minister by order in the *Gazette*;

*[Act 38 of 2018 wef 02/01/2019]*



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“registrable PMD register” means the register of registrable personal mobility devices required by section 28E to be established and maintained by the Authority;

*[Act 38 of 2018 wef 02/01/2019]*

“registration”, in relation to a personal mobility device, means registration of the personal mobility device in the registrable PMD register, and “registered” has a corresponding meaning;

*[Act 38 of 2018 wef 02/01/2019]*

“registration code” means a series of numbers or alphanumeric characters;

*[Act 38 of 2018 wef 02/01/2019]*

“regulations” means regulations made under this Act;

“repair” includes examine, detect faults in, adjust, carry out maintenance on, overhaul, replace, alter and paint;

“repeat offender”, in relation to any offence under this Act, means a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty of the same offence on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence;

*[Act 9 of 2020 wef 03/04/2020]*

“residential address”, for an individual, means the individual’s usual or last known place of residence in Singapore;

“ride”, in relation to a bicycle, PAB or personal mobility device, means to travel in or on the bicycle, PAB or personal mobility device;

“ride” or “riding”, only in relation to a motor vehicle that drives itself, means —

(a) cause or causing the vehicle to operate and move; or

- (b) initiate or initiating the operation and movement of the vehicle without the need for anyone to operate or permit the operation of systems that cause the vehicle to move;

*[Act 9 of 2020 wef 03/04/2020]*

“rider” means an individual who is riding a bicycle, PAB or personal mobility device, but does not include an individual walking beside and pushing any of these vehicles;

“road” has the same meaning as in the Road Traffic Act;

“sell” means doing any of the following in Singapore:

- (a) sell (including re-sell) by any method for valuable consideration;
- (b) let for hire or hire-purchase;
- (c) supply in exchange for valuable consideration or as a prize or reward in lottery or other game of chance;

“shared path” means a length or area of path provided for use by both riders and pedestrians, starting at a shared path sign or shared path marking, and ending at the nearest of the following:

- (a) an end-of shared path sign or an end-of shared path marking;
- (b) a pedestrian-only path sign or a pedestrian-only path marking;
- (c) a road;
- (d) the natural end of the path (which may be a dead end);

*[Act 26 of 2020 wef 30/04/2021]*

“shared path marking” means a marking drawn, etched or painted on a path —

- (a) consisting of —
  - (i) a prescribed symbol or prescribed words or both; and

- (ii) if the marking has a limited operation, words or figures specifying details of the operation of the marking; and

- (b) drawn, etched or painted so as to face an approaching pedestrian or rider;

“shared path sign” means a sign —

- (a) showing —

- (i) a prescribed symbol or prescribed words or both; and

- (ii) if the sign has a limited operation, words or figures specifying details of the operation of the sign; and

- (b) erected so as to face an approaching pedestrian or rider;

“sidewalk” means a path adjacent to the carriageway of a road that is set aside —

- (a) solely for pedestrians to use; or

- (b) for the public to walk, or ride a bicycle or personal mobility device, on or do any combination of those activities on it;

“test authority”, for a class or description of test-needed-to-drive vehicle, means an individual designated by the Minister to be a test authority for that class or description of test-needed-to-drive vehicle;

*[Act 9 of 2020 wef 29/06/2021]*

“test-needed-to-drive vehicle” means a class or description of bicycle, personal mobility device, PAB, motorised wheelchair, mobility scooter or mechanised sweeper that is prescribed in regulations for the purposes of Division 2A of Part 3;

*[Act 9 of 2020 wef 29/06/2021]*

“Town Council”, for a Town, means a Town Council established under the Town Councils Act (Cap. 329A) for a Town within the meaning of that Act;

“uncertified vehicle” means a bicycle, personal mobility device, motorised wheelchair or mobility scooter which does not have in force a certificate issued under section 35C where an inspection or periodic inspections of the vehicle is required under section 35A;

*[Act 9 of 2020 wef 03/04/2020]*

“uncertified vehicle advertisement” means an advertisement that gives publicity to, or otherwise promotes or is intended to promote the purchase or use of, an uncertified vehicle or a range of uncertified vehicles;

*[Act 9 of 2020 wef 03/04/2020]*

“under-aged rider”, in relation to a motorised PMD, means an individual riding the PMD who is below the prescribed minimum riding age for riding the motorised PMD on a shared path;

*[Act 9 of 2020 wef 03/04/2020]*

“unregistered”, in relation to a registrable personal mobility device, means a registrable personal mobility device —

(a) that is not registered under Part 3A; or

(b) whose registration is cancelled under that Part;

*[Act 38 of 2018 wef 02/01/2019]*

“use-incompatible signage”, in relation to any public path, means a sign signifying or prohibiting a use of the public path which is inconsistent with the permitted use of that path under Division 1 or 2 of Part 3;

*[Act 38 of 2018 wef 02/01/2019]*

“vehicle” means any means of conveyance that runs on wheels, other than a train;

“volunteer public path warden” means an individual who is appointed a volunteer public path warden under section 40;

“wayfinding signage” includes a directional sign for the purpose of directing vehicular or pedestrian traffic to, or advising the public of, the location of any event, amenity, facility or place;

*[Act 38 of 2018 wef 02/01/2019]*

“wheelchair” means a chair mounted on 2 or more wheels that is built to transport a person who is unable to walk or has difficulty in walking, but does not include a pram, stroller or trolley;

“wheeled toy” means a child’s pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is below 12 years of age.

(2) Where a pedestrian-only path, footpath or shared path passes over a bridge or through a tunnel, that bridge or tunnel is taken, for the purposes of this Act, to be a pedestrian-only path, footpath or shared path, as the case may be.

(3) For the purposes of this Act, any notice or other document that is required by or under this Act to be sent or given to the Authority or an authorised officer is taken to be sent or given only when it is actually received by the Authority or the authorised officer, as the case may be.

(4) A reference in this Act to an individual performing duties in the Authority is a reference to —

- (a) an employee of the Authority; or
- (b) a public officer performing duties in the Authority under a secondment arrangement making available temporarily to the Authority the services of public officers.

(5) For the purposes of this Act, a motor vehicle is constructed to drive itself if its construction enables it to operate in a mode in which it is not being controlled and does not need to be monitored by an individual in or on the vehicle.

*[Act 9 of 2020 wef 03/04/2020]*

(6) To avoid doubt, a reference in this Act to an offence under or a contravention of any Part includes a reference to an offence under or a contravention of any regulations made for the purposes of that Part.

*[Act 9 of 2020 wef 03/04/2020]*

### **Purposes of Act**

**3.** The purposes of this Act are —

- (a) to enhance connectivity by supporting development that promotes walking and cycling and patronage of public transport;
- (b) to maintain and promote the safety of public path users through appropriate enforcement and education strategies;
- (c) to reduce potential conflicts between the motorised and non-motorised uses of public paths while ensuring that public paths accommodate the largest range of possible users safely; and
- (d) to ensure that uses of public paths are compatible with the areas surrounding it.

### **Act binds Government**

**4.—(1)** This Act binds the Government, and applies to and in relation to —

- (a) any bicycle, power-assisted bicycle or personal mobility device belonging to the Government; and
- (b) any public officer, public path warden or volunteer public path warden riding or otherwise using a bicycle, power-assisted bicycle or personal mobility device.

**(2)** However, nothing in this Act —

- (a) renders the Government liable to prosecution for an offence under this Act; or
- (b) prevents any public officer, public path warden or volunteer public path warden from exercising his or her powers or carrying out his or her duties under this Act or any other written law.

**(3)** To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to the Government.

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## PART 2

### PUBLIC PATH SYSTEM

#### *Division 1 — Declaring public paths*

#### **Interpretation of this Part**

**5.** In this Part, unless the context otherwise requires —

“access agreement” means an agreement under Division 2 of this Part;

“dedicated land” means State land that is reserved or dedicated to the use of the general public as —

(a) a path or path-connected open space solely for people to walk (but not to ride any vehicle) on, with or without animals;

*[Act 26 of 2020 wef 30/04/2021]*

(b) a sidewalk;

(c) a nature reserve, national park or public park within the meaning of the Parks and Trees Act (Cap. 216); or

(d) a museum, reservoir or wildlife sanctuary, or otherwise for the purposes of public recreation;

“private land” means land that is not public land;

“public land” means land that is —

(a) dedicated land;

(b) State land that is not dedicated land;

(c) common property or open space vested in or under the care, control or management of the Housing and Development Board or a Town Council; or

(d) vested in or under the care, control or management of any other public authority by the operation of written law.

#### **Declaring and classifying public paths**

**6.—(1)** Subject to this section, the Authority may, by order in the *Gazette*, declare that a path, or a path-connected open space, located

on land of a kind mentioned in subsection (2) is set aside for use by members of the public as —

- (a) a pedestrian-only path;
- (b) a footpath; or
- (c) a shared path.

*[Act 26 of 2020 wef 30/04/2021]*

(2) A public path of a kind mentioned in subsection (1) may be declared over —

- (a) any public land; or
- (b) any private land that is subject to an access agreement in favour of the Authority for the purposes of this Act.

(3) A public path may only be declared over public land that is not State land if —

- (a) an agreement in relation to the declaration of the public path is entered into between —
  - (i) the Minister; and
  - (ii) the Minister charged with the responsibility for the public authority in whom the land is vested or which has the care, control or management of the land; and
- (b) the order under subsection (1) for the public path conforms to that agreement.

(4) An order under subsection (1) must —

- (a) identify or describe the public path; and
- (b) specify whether the public path is a pedestrian-only path, a footpath or a shared path.

(5) An order under subsection (1) may —

- (a) include terms and conditions as to the use and management of the public path; and
- (b) provide for periods during which the public path is closed, partly closed or used temporarily for a purpose other than as a path.

*[Act 26 of 2020 wef 30/04/2021]*



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(6) An order under subsection (1) in relation to private land must conform to the terms of the access agreement on which it is based.

(7) An order under subsection (1) (or as varied under section 7) —

(a) attaches to the land; and

(b) is binding on all persons who from time to time have an interest in the land.

### **Discontinuing or diverting, etc., public path**

7.—(1) Subject to this section, the Authority may, by subsequent order in the *Gazette*, vary or revoke an order made under section 6.

(2) Without limiting that power in subsection (1), the Authority may —

(a) discontinue (temporarily or otherwise) the whole or a part of a public path;

(b) divert a public path;

(c) vary the purpose of the public path, such as from a pedestrian-only path to a shared path or vice versa, or a footpath to a shared path or vice versa, and so on; or

(d) alter the boundaries of a public path.

(3) Except in the case of discontinuing the whole or a part of a public path, an order under subsection (1) affecting a public path on private land is subject to the requirement that the order must conform to the terms of the access agreement on which the original order is based.

### **Restriction on use of public path on public land**

8.—(1) Despite any Act or law to the contrary, but subject to this section, where a public path is declared over public land that is not State land, the performance of functions and the exercise of rights or powers in relation to the land by the public authority in whom the land is vested or which has the care, control or management of the land, or by any other person who has an interest in the land, are subject to —

- (a) the performance of functions and the exercise of powers by the Authority in relation to the public path under this or any other Act; and
- (b) the right of members of the public to use the public path in accordance with this Act.

(2) Despite any Act or law to the contrary, but subject to this section, where a public path is declared over private land that is subject to an access agreement in favour of the Authority for the purposes of the public path, the rights and powers of the proprietor and occupier of the land, and of any other person who has an interest in the land, are subject to —

- (a) the performance of functions and the exercise of powers by the Authority in relation to the public path under this or any other Act; and
- (b) the right of members of the public to use the public path in accordance with this Act.

(3) The performance of functions and the exercise of powers by the Authority in relation to a public path on private land are subject to the terms of the access agreement on which the order declaring the public path is based.

### *Division 2 — Access agreements*

#### **Access agreements**

**9.—**(1) The proprietor of private land may enter into an agreement under this Division with the Authority for the purposes of declaring a part of the land a public path if all other persons with a legal interest in the land have consented to that agreement.

- (2) Subject to section 11, an access agreement —
  - (a) attaches to the land;
  - (b) is binding on all persons who from time to time have an interest in the land; and

- (c) remains in full force and effect despite the fact that the land to which it applies ceases to be private land because of a transfer of ownership or for any other reason.

### **Access agreement may include indemnity**

**10.—**(1) An access agreement may include —

- (a) an indemnity from a specified form of liability or right of action;
- (b) a waiver or exclusion of a specified form of liability or right of action;
- (c) an acknowledgment of liability; or
- (d) a disclaimer.

(2) An access agreement may also include a term requiring a party to the agreement to indemnify another party for costs incurred in defending legal proceedings against the second-mentioned party.

### **Variation of access agreement**

**11.—**(1) Subject to subsection (2), an access agreement may be varied at any time by agreement between the parties but only if it remains in conformity with the order under section 6 declaring the relevant public path.

(2) An access agreement cannot be varied in a manner that affects the legal interest in the land of another person without that person's consent to the agreement.

## **PART 3**

### **USE OF PUBLIC PATHS**

#### *Division 1 — Rights of users of public paths*

### **Rights of passage**

**12.—**(1) A member of the public is individually entitled as of right to pass along a public path.

(2) Members of the public are generally entitled as of right to pass along a public path.

(3) The rights conferred by this section do not derogate from any right of passage conferred by the common law.

(4) The rights of passage conferred by this section or at common law are subject to any restrictions, limitations or conditions which may be specified by or under this Act or any other Act or law.

### **Rights of adjoining land owners or occupiers**

**13.—**(1) A proprietor or occupier of any land which adjoins a public path is entitled as of right to access the public path from that land.

(2) Rights of access conferred by this section are subject to any restrictions, limitations or conditions which may be specified by or under this Act or any other Act or law.

### **Extinguishment of rights**

**14.** The rights of the public, whether under this Act or at common law, in relation to a public path can only be extinguished if the public path is discontinued in accordance with section 7.

## *Division 2 — Conduct of users of public paths*

### **No riding of bicycles, etc., on pedestrian-only paths**

**15.—**(1) Subject to this Act, an individual must not ride a bicycle, a PAB or a personal mobility device, or drive or ride a motor vehicle that is neither a motorised wheelchair nor a mobility scooter, on a public path that is a pedestrian-only path.

(2) However, subsection (1) does not apply to an individual who is riding a bicycle, a PAB or a personal mobility device on a pedestrian-only path —

(a) if the individual —

(i) is crossing the pedestrian-only path by the shortest safe route; and

(ii) does not stay on the pedestrian-only path longer than necessary to cross it safely; or

(b) if —

- (i) there is an obstruction on a road, footpath or shared path adjacent to the pedestrian-only path (called an adjacent area);
- (ii) it is impracticable to travel on the adjacent area; and
- (iii) the individual travels no more than reasonably necessary along the pedestrian-only path to avoid the obstruction.

(3) Subsection (1) also does not apply to an individual who is driving a mechanised sweeper on a pedestrian-only path in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

*[Act 9 of 2020 wef 03/04/2020]*

(4) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **No riding of PABs, etc., on footpaths**

**16.—**(1) Subject to this Act, an individual must not —

- (a) ride a PAB or a motorised personal mobility device on a footpath; or

*[Act 9 of 2020 wef 03/04/2020]*

- (b) drive on a footpath a motor vehicle that is not a motorised wheelchair or mobility scooter.

*[Act 9 of 2020 wef 03/04/2020]*

(2) However, subsection (1) does not apply to an individual who is riding a PAB or a motorised personal mobility device on a footpath —

(a) if the individual —

- (i) is crossing the footpath by the shortest safe route; and
- (ii) does not stay on the footpath longer than necessary to cross it safely; or

(b) if —

- (i) there is an obstruction on a road or shared path adjacent to the footpath (called an adjacent area);
- (ii) it is impracticable to travel on the adjacent area; and
- (iii) the individual travels no more than reasonably necessary along the footpath to avoid the obstruction.

*[Act 9 of 2020 wef 03/04/2020]*

(3) Subsection (1) also does not apply to an individual who is driving a mechanised sweeper on a footpath in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

*[Act 9 of 2020 wef 03/04/2020]*

(4) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; but

*[Act 9 of 2020 wef 03/04/2020]*

- (b) where the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

(5) In relation to an offence under subsection (4), “repeat offender” extends to include an individual who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and
- (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the individual is convicted or found guilty of the current offence, of —

- (i) the same offence; or
- (ii) an offence under subsection (4) as in force immediately before the date of commencement of section 3 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

### **No motor cars, etc., on shared paths**

**17.—**(1) Subject to this Act, an individual must not drive or ride on a shared path any motor vehicle that is not a PAB, personal mobility device, motorised wheelchair or mobility scooter.

(2) Subsection (1) does not apply to an individual who is driving a mechanised sweeper on a shared path in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

*[Act 9 of 2020 wef 03/04/2020]*

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **Vehicle banned for public path**

**18.—**(1) Subject to this Act, an individual must not —

- (a) ride or drive on a public path that is a shared path a bicycle, a PAB, a personal mobility device, a mobility scooter or a motorised wheelchair which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path or on all shared paths generally;

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 38 of 2018 wef 01/02/2019]*

- (b) ride or drive on a public path that is a footpath a bicycle, a non-motorised personal mobility device, a mobility scooter or a motorised wheelchair which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path or on all footpaths generally; or

*[Act 38 of 2018 wef 01/02/2019]*

*[Act 9 of 2020 wef 03/04/2020]*

- (c) drive on a public path that is a pedestrian-only path a mobility scooter or a motorised wheelchair which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path or on all pedestrian-only paths generally,

knowing that, or reckless as to whether, it is so banned.

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 38 of 2018 wef 01/02/2019]*

(1A) Subject to this Act, an individual must not ride on a public path that is a shared path, a PAB that is not registered under the Road Traffic Act, knowing that, or reckless as to whether, it is so not registered.

*[Act 38 of 2018 wef 02/01/2019]*

(2) To avoid doubt, a bicycle, a PAB or a personal mobility device may be prescribed as banned for use on a specific footpath or shared path or generally on all footpaths or shared paths (as the case may be), even if it is not non-compliant.

*[Act 38 of 2018 wef 02/01/2019]*

(2A) To avoid doubt, a mobility scooter or a motorised wheelchair may be prescribed as banned for use on a specific pedestrian-only path, footpath or shared path, or generally on all pedestrian-only paths, footpaths or shared paths (as the case may be), even if it is not non-compliant.

*[Act 38 of 2018 wef 01/02/2019]*

(3) An individual who contravenes subsection (1) or (1A) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but

*[Act 9 of 2020 wef 03/04/2020]*



- (b) where the individual is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **Non-compliant personal mobility devices, etc.**

**19.—**(1) Subject to this Act, an individual must not, without reasonable excuse, ride or drive on a public path that is a footpath or shared path —

- (a) a non-compliant bicycle;
- (b) a non-compliant PAB;

*[Act 38 of 2018 wef 01/02/2019]*

- (c) a non-compliant personal mobility device; or

*[Act 38 of 2018 wef 01/02/2019]*

- (d) a non-compliant mobility vehicle,

knowing that, or reckless as to whether, it is non-compliant.

*[Act 38 of 2018 wef 01/02/2019]*

(1A) Subject to this Act, an individual must not, without reasonable excuse, drive on a public path that is a pedestrian-only path, a non-compliant mobility vehicle knowing that, or reckless as to whether, the mobility scooter or motorised wheelchair (as the case may be) is non-compliant.

*[Act 38 of 2018 wef 01/02/2019]*

(2) An individual who contravenes subsection (1) or (1A) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) if the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 38 of 2018 wef 01/02/2019]*

*[Act 9 of 2020 wef 03/04/2020]*

(3) Despite subsections (1) and (1A), where any requirement is prescribed in regulations as to construction, weight or accessories for any bicycle, PAB, personal mobility device, mobility scooter or

motorised wheelchair, an individual may, if a grace period is prescribed, ride or drive on a public path during the grace period a bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair (as the case may be), the riding or driving of which is otherwise unlawful under this section by virtue only of that requirement, if the individual proves, on a balance of probabilities, that the bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair (as the case may be) was sold before the date mentioned in subsection (4)(a).

*[Act 38 of 2018 wef 01/02/2019]*

(4) A grace period, for any requirement prescribed in regulations as to the construction, weight or accessories for any bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair, means a period —

- (a) starting on the date the requirement in those regulations comes into force; and
- (b) prescribed in those regulations for the purpose of subsection (3).

*[Act 38 of 2018 wef 01/02/2019]*

### **Excepted use of non-compliant personal mobility devices, etc.**

**20.—**(1) Despite section 19 but not affecting section 18, an individual may ride or drive on a public path that is a footpath or shared path —

- (a) a non-compliant bicycle of a prescribed model or description;
- (b) a non-compliant PAB of a prescribed model or description;
- (c) a non-compliant personal mobility device of a prescribed model or description; or
- (d) a non-compliant mobility vehicle of a prescribed model or description,

*[Act 38 of 2018 wef 01/02/2019]*

*[Act 38 of 2018 wef 01/02/2019]*

subject to such conditions as are prescribed in relation to that vehicle.

*[Act 38 of 2018 wef 01/02/2019]*

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(1A) Despite section 19 but not affecting section 18, an individual may drive on a public path that is a pedestrian-only path, a non-compliant mobility vehicle of a prescribed model or description subject to such conditions as are prescribed in relation to that vehicle.

*[Act 38 of 2018 wef 01/02/2019]*

(2) An individual who, when riding or driving any vehicle mentioned in subsection (1) or (1A) on a public path that is a pedestrian-only path, footpath or shared path, fails to comply with the conditions prescribed for the purposes of that subsection and in relation to that vehicle, shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) if the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 38 of 2018 wef 01/02/2019]*

*[Act 9 of 2020 wef 03/04/2020]*

### **Riding without displaying registration marks, etc.**

**20A.**—(1) A rider of a registrable personal mobility device must, when riding the device on a public path, ensure that the following are installed and displayed on the device in accordance with the regulations:

- (a) any registration mark issued by the Authority under section 28C for that device;
- (b) a label or other mark required under section 28G(1)(b) in relation to that device.

(2) A rider of a PAB must, when riding the PAB on a public path, ensure that any identification mark required under the Road Traffic Act for the use of the PAB on a road is installed and displayed on the PAB in accordance with the requirements under that Act.

(3) A rider of a registrable personal mobility device or PAB who, without reasonable excuse, contravenes subsection (1) or (2) (as the case may be) commits an offence.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction as follows:

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both;
- (b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 38 of 2018 wef 02/01/2019]*

### **Speeding on public paths**

**21.—**(1) Subject to this Act, an individual must not —

- (a) ride a bicycle, a PAB or a personal mobility device; or
- (b) drive a motorised wheelchair or ride a mobility scooter,

on any public path that is a footpath or shared path in excess of the maximum speed prescribed for that public path.

(2) Different maximum speeds may be prescribed for different types of footpaths or shared paths.

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **Dangerous riding of bicycles, etc., on public paths**

**22.—**(1) Subject to this Act, an individual must not —

- (a) ride a bicycle, a PAB or a personal mobility device;
- (b) drive a motorised wheelchair or ride a mobility scooter; or
- (c) drive a mechanised sweeper,

*[Act 9 of 2020 wef 03/04/2020]*

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on any public path recklessly, or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

*[Act 38 of 2018 wef 02/01/2019]*

(2) An individual who contravenes subsection (1) 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 12 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **Use of mobile communication device when driving or riding on public path**

**22A.**—(1) Subject to this Act, the driver or rider of a vehicle must not hold in his or her hand a mobile communication device and operate any of its communication or other functions, when the vehicle is moving on a public path.

(2) A driver or rider of a vehicle who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but
- (b) where the driver or rider is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) To avoid doubt, subsection (1) does not apply —

- (a) to a vehicle or motor vehicle when it is driving itself; or
- (b) to a mobile communication device that is a wearable device (such as a smart watch), when it is worn by the driver or rider in the manner intended by the manufacturer of the wearable device.

(4) In this section —

“communication function” means —

- (a) sending or receiving audio phone calls, text messages, video calls, video messages, written messages or images;
- (b) sending or receiving electronic documents; or

(c) providing access to the Internet;

“mobile communication device” means —

- (a) a mobile phone; or
- (b) any wireless handheld device (such as a tablet computer) or wearable device (such as a smart watch) designed or capable of being used for a communication function.

*[Act 9 of 2020 wef 01/08/2020]*

### **Duty of driver of vehicle if accident occurs**

**23.—**(1) If owing to the presence of a vehicle on a public path an accident occurs whereby any individual is injured or any property (including any animal) is damaged or destroyed, the driver of the vehicle must comply as far as the circumstances permit with the following requirements:

- (a) must immediately stop the vehicle;
- (b) must immediately render such assistance as he or she can;
- (c) must at the scene of the accident as soon as possible give his or her name and residential address, whether he or she is covered by third-party liability insurance for driving or riding on public paths and the name of the insurer, and also the name and address of the owner of the vehicle —
  - (i) to any person who has been injured or to the owner of any property that has been damaged or destroyed; or
  - (ii) to a person representing the injured person or the owner of the property;

*[Act 9 of 2020 wef 02/12/2020]*

- (d) must at the scene of the accident as soon as possible give those names and addresses to any police officer, authorised officer or public path warden who is present;
- (e) if any person is injured and no police officer, authorised officer and public path warden are present at the scene of the accident, must as soon as possible report in person full

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particulars of the accident at the police station that is most accessible from the scene of the accident;

(f) if any property is damaged or destroyed and none of the following are present at the scene of the accident:

(i) the owner of the property nor any person representing the owner;

(ii) any police officer, authorised officer or public path warden,

must as soon as possible report in person full particulars of the accident at the police station that is most accessible from the scene of the accident.

(2) If a vehicle, which has been left standing on a public path, moves of its own accord from the position in which it was left and is involved in an accident whereby any person is injured or any property (including any animal) is damaged or destroyed, the person who left the vehicle so standing must, as soon as possible after becoming aware of the accident, comply as far as the circumstances permit with the requirements of subsection (1).

(3) If —

(a) as a result of an accident involving a vehicle on a public path an individual is killed or suffers injury;

(b) the driver of the vehicle knows or ought reasonably to have known that the accident had occurred and had resulted in an individual being killed or suffering injury; and

(c) the driver of the vehicle does not comply with the requirements of subsection (1)(a), (b), (c), (d) or (e) in relation to the accident,

the driver 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 12 months or to both and, in the case if the driver is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

**Under-aged riding on shared path**

**23A.**—(1) Subject to subsection (3), an individual commits an offence if the individual rides a motorised personal mobility device on a shared path when he or she is below the prescribed minimum riding age for riding the motorised personal mobility device on the shared path.

(2) An individual who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but

(b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Subsection (1) does not apply where the individual riding the motorised personal mobility device on a shared path is riding under escort by one or more appropriate supervisors (whether or not a parent or guardian).

(4) In this section —

“appropriate supervisor”, in relation to an under-aged rider, means an individual who has attained a minimum supervising age prescribed;

“riding under escort”, in relation to an under-aged rider on a shared path, means —

(a) having by agreement, understanding or other arrangement of any kind for the purposes of this section or section 23C in relation to the under-aged rider, an appropriate supervisor being on or in the vicinity of the shared path when the under-aged rider is riding on the shared path; and

(b) riding in such a way that the appropriate supervisor has a clear and unobstructed line of sight of the under-aged rider when the under-aged rider is riding on the shared path.



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(5) Regulations may be made prescribing —

- (a) different minimum riding ages for different classes or description of motorised personal mobility devices; and
- (b) different minimum supervising ages for different classes or description of motorised personal mobility devices.

*[Act 9 of 2020 wef 01/08/2020]*

### **Facilitating under-aged riding**

**23B.**—(1) Subject to subsections (3) and (4), a person commits an offence if —

- (a) the person invites, allows or facilitates an individual to ride a motorised personal mobility device on a shared path when the individual is below the prescribed minimum riding age for riding the motorised personal mobility device on the shared path;
- (b) the person knows that, or is negligent as to whether, both the following circumstances apply:
  - (i) the individual is below the prescribed minimum riding age for riding the motorised personal mobility device on that shared path;
  - (ii) the individual is not escorted or to be escorted while so riding, by an appropriate supervisor (whether or not a parent or guardian) who has the prescribed qualifications; and
- (c) the individual does ride a motorised personal mobility device on a shared path when an under-aged rider.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that the accused —

- (a) had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual riding or about to ride a motorised personal mobility device on a shared path was not an under-aged rider; or
- (b) had received from the individual riding or about to ride a motorised personal mobility device on a shared path, evidence purporting to show that that individual was not an under-aged rider, and that it was reasonable to and the accused did accept that evidence as correct.

(4) In this section, “facilitate”, in relation to an individual riding a motorised personal mobility device on a shared path, means any conduct by a person that enables or aids the individual to ride the motorised personal mobility device on a shared path where either the person —

- (a) intends that the conduct would enable or aid the individual to ride the motorised personal mobility device on a shared path; or
- (b) is reckless as to whether or not the conduct would enable or aid the individual to ride the motorised personal mobility device on a shared path,

but excludes mere advertising and selling (but not letting for hire) a motorised personal mobility device.

(5) To avoid doubt, subsection (1) does not limit the term “abetment” under the Penal Code (Cap. 224).

*[Act 9 of 2020 wef 01/08/2020]*

### **Appropriate supervisor’s duties for under-aged riding**

**23C.**—(1) Subject to this Act, an appropriate supervisor with prescribed qualifications referred to in section 23B(1)(b)(ii) commits an offence if —

- (a) he or she is, by agreement, understanding or other arrangement of any kind with an under-aged rider, the

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appropriate supervisor for the purposes of this section or section 23A to escort the under-aged rider when riding a motorised personal mobility device on a shared path; and

- (b) he or she fails to take, so far as is reasonable and practicable, such measures as are necessary —
  - (i) to ensure that the under-aged rider does not ride in contravention of this Part and Part 3A, and in a manner that is dangerous to people or property; and
  - (ii) to carry out any other duties where prescribed in relation to the appropriate supervisor or the motorised personal mobility device.

(2) Where in any proceedings for an offence under subsection (1), it is alleged that an appropriate supervisor failed to do something so far as is reasonable and practicable in relation to a requirement in subsection (1)(b), it is for the accused to prove, on a balance of probabilities, that —

- (a) it was not reasonable or not practicable to do more than what was in fact done to satisfy that requirement; and
- (b) there was no better practicable means than was in fact used to satisfy that requirement.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 01/08/2020]*

*Division 2A — Competency test for riding, etc.,  
on public paths*

*[Act 9 of 2020 wef 29/06/2021]*

**Unauthorised riding of test-needed-to-drive vehicles**

**23D.**—(1) An individual commits an offence if the individual —

- (a) drives or rides on a public path a test-needed-to-drive vehicle of a class or description;
- (b) is not granted a competency test certificate from a test authority for that class or description of test-needed-to-drive vehicle certifying that the individual has passed the prescribed test of competence for that class or description of vehicle; and
- (c) is not excluded under subsection (2) or not exempted from this provision under section 66.

(2) Subsection (1) does not apply to —

- (a) an under-aged rider riding a test-needed-to-drive vehicle of a class or description on a public path; or
- (b) an individual (but not an under-aged rider) riding a test-needed-to-drive vehicle in circumstances prescribed in regulations.

(3) An individual who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; but
- (b) where the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 9 of 2020 wef 29/06/2021]*

**Employing, etc., untested rider, etc., on public path**

**23E.**—(1) Subject to this Act, a person commits an offence if —

- (a) the person employs, or intentionally or negligently allows, an individual to drive or ride a test-needed-to-drive vehicle of a class or description on a public path;
- (b) the individual in paragraph (a) is not granted a competency test certificate for that class or description of test-needed-

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to-drive vehicle and is not excluded under section 23D(2); and

- (c) the person knows that, or is negligent as to whether, the individual is not granted a competency test certificate for that class or description of test-needed-to-drive vehicle.

(2) To avoid doubt, subsection (1) does not apply to a person who carries on at any premises a business of selling test-needed-to-drive vehicles allowing, in the course of that business and for the purpose of selling the vehicle, a customer of the business concerned at the customer's request to drive or ride a test-needed-to-drive vehicle within any part of those premises not comprising a public path.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 9 of 2020 wef 29/06/2021]*

### **Grant by test authority of competency test certificate**

**23F.**—(1) The test authority for a class or description of a test-needed-to-drive vehicle may, on the application under subsection (2) by an individual, grant the individual a competency test certificate certifying that the individual has passed the prescribed test of competence for that class or description of vehicle if, and only if, the test authority is satisfied that the individual —

- (a) has attended and successfully completed, not earlier than a prescribed time before that application is made, a prescribed test of competence relating to the class or description of test-needed-to-drive vehicle which is the subject of the application; and
- (b) is not below the prescribed minimum riding age, if applicable, relating to that test-needed-to-drive vehicle which is a motorised personal mobility device.

(2) An application for a competency test certificate must —

- (a) be in the form and manner the relevant test authority requires;
- (b) be accompanied by an application fee, if prescribed;
- (c) state the class or description of test-needed-to-drive vehicle that is the subject of the application; and
- (d) contain an undertaking to take, or a declaration that the applicant has attended and successfully completed (as the case may be) a prescribed test of competence to drive or ride the class or description of test-needed-to-drive vehicle which is the subject of the application.

(3) A test authority may refuse to consider an application under subsection (2) that is incomplete or not made in accordance with this section.

(4) To avoid doubt, a competency test certificate may be granted in a digital form, consisting of evidence of the grant of the competency test certificate using information relating to the individual granted the competency test certificate that is displayed on a mobile communication device or other electronic device.

*[Act 9 of 2020 wef 29/06/2021]*

### **Validity of competency test certificate**

**23G.**—(1) Subject to this section, every competency test certificate granted to an individual for a class or description of test-needed-to-drive vehicle remains in force —

- (a) for the period specified in the competency test certificate;  
or
- (b) for the natural life of the individual if no period in paragraph (a) is specified.

(2) A test authority may cancel a competency test certificate granted to an individual for a class or description of test-needed-to-drive vehicle if —

- (a) the test authority is satisfied that the competency test certificate had been obtained by the individual by fraud or misrepresentation; or
- (b) the prescribed test of competence for the same class or description of test-needed-to-drive vehicle has so materially changed after the grant of the competency test certificate as to affect the assessment of the individual's continued competency to drive or ride the test-needed-to-drive vehicle.

(3) A competency test certificate granted to an individual may be cancelled by a test authority under subsection (2) by the test authority giving notice to the individual concerned of the cancellation.

(4) A competency test certificate that is cancelled under subsection (2) is void from the date of cancellation specified in the notice under subsection (3).

*[Act 9 of 2020 wef 29/06/2021]*

### **Unlawful use of competency test certificate**

**23H.**—(1) A person commits an offence if the person —

- (a) has in the person's possession, without lawful authority or a reasonable excuse an article so resembling a competency test certificate as to be calculated to deceive;
- (b) alters a competency test certificate in a way that is calculated to deceive;
- (c) dishonestly alters or uses a competency test certificate; or
- (d) dishonestly lends, or allows another person to use, a competency test certificate.

(2) A person who is guilty of an offence under subsection (1) 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.

*[Act 9 of 2020 wef 29/06/2021]*

*Division 3 — Code of conduct for users of public paths***Codes of conduct**

**24.—**(1) The Minister may —

- (a) issue one or more codes of conduct;
- (b) approve as a code of conduct any document prepared by a person other than the Authority if the Minister considers the document as suitable for this purpose; or
- (c) amend or revoke any code of conduct issued under paragraph (a) or approved under paragraph (b),

to provide practical guidance or certainty in respect of any one or more of the requirements of this Act or any duty or other requirement prescribed under this Act with respect to the use of public paths.

(2) In particular, a code of conduct may —

- (a) set out benchmarks of good practice and conduct in relation to the use of public paths; and
- (b) describe the markings for different types of public paths.

(3) However, a code of conduct cannot —

- (a) impose a duty on any person;
- (b) direct how any matter or thing is to be done;
- (c) create an enforceable legal right; or
- (d) impose any liability or penalty.

(4) If any provision in any code of conduct is inconsistent with any provision of this Act, that provision in the code, to the extent of the inconsistency —

- (a) is to have effect subject to the provisions of this Act; and
- (b) having regard to the provisions of this Act, is not to have effect.

(5) Where a code of conduct is issued, approved, amended or revoked by the Minister under subsection (1), the Minister must —



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- (a) give notice of the issue, approval, amendment or revocation, as the case may be, of the code of conduct by notice in the *Gazette*;
  - (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and
  - (c) ensure that, so long as the code of conduct remains in force, copies of that code of conduct, and of all amendments to that code of conduct, are available for inspection, free of charge, by the general public.

(6) No code of conduct, no amendment to a code of conduct, and no revocation of any such code of conduct, has any force or effect as a code of conduct until the notice relating thereto is published in accordance with subsection (5).

(7) A code of conduct issued or approved under this section does not have legislative effect.

### **Use of code of conduct in proceedings**

**25.—**(1) A code of conduct is admissible in evidence in any proceedings in a court where —

- (a) a person is alleged to have committed an offence or a civil wrong —
  - (i) by reason of a contravention of any provision of this Act; or
  - (ii) by reason of a failure to discharge or perform a duty or other requirement imposed by this Act; and
- (b) the matter to which the alleged contravention or failure relates is one to which, in the opinion of the court in the proceedings, a code of conduct relates.

(2) In criminal proceedings or civil proceedings in a court, evidence that —

- (a) a person has complied with a provision in a code of conduct found by the court to be relevant to a matter to

which a contravention or failure alleged in the proceedings relates; or

(b) a person has contravened or failed to comply with, whether by act or omission, any such provision so found, may be relied on by any party to those proceedings as tending to establish or negative any liability which is in question in those proceedings.

(3) To avoid doubt, a reference in subsection (1) to a provision of this Act includes a provision of any regulations.

*Division 4 — Wayfinding and maintaining clear public paths*

**Signs for public paths**

**26.—**(1) The Authority may, for a purpose in subsection (1A), give an order to any proprietor or occupier of any land, requiring the proprietor or occupier to do all or any of the following, at the proprietor's or occupier's cost:

- (a) to install, erect or relocate, or cause to be installed, erected or relocated, on the land, any permanent wayfinding signage in relation to all or any public paths —
  - (i) which lead to or away from the land;
  - (ii) which front, adjoin or abut on the land; or
  - (iii) on, under or over the land;
- (b) to remove or cause to be removed from the land any use-incompatible signage in relation to all or any public paths —
  - (i) which lead to or away from the land;
  - (ii) which front, adjoin or abut on the land; or
  - (iii) on, under or over the land.

*[Act 38 of 2018 wef 02/01/2019]*

(1A) An order under subsection (1) may be given only for either or both of the following purposes:

(a) enhancing connectivity and supporting development that promotes walking and cycling and patronage of public transport;

(b) supporting the right of members of the public to use a public path in accordance with this Act.

*[Act 38 of 2018 wef 02/01/2019]*

(2) An order under subsection (1) must specify —

(a) the type and description of the signage to be installed, removed, erected or relocated, as the case may be;

*[Act 38 of 2018 wef 02/01/2019]*

(b) the locations on the land where the signage are to be installed, removed, erected or relocated;

*[Act 38 of 2018 wef 02/01/2019]*

(c) the time by which the work for installing, removing, erecting or relocating (as the case may be) the signage must start; and

*[Act 38 of 2018 wef 02/01/2019]*

(d) the time within which the work for installing, removing, erecting or relocating (as the case may be) the signage must be completed.

*[Act 38 of 2018 wef 02/01/2019]*

(3) However, no order under subsection (1) may be given to any proprietor or occupier of any land unless the Authority has given to the proprietor or occupier of the land concerned —

(a) notice of intention to give the order;

(b) describing the contents of the order; and

(c) specifying the time (being not less than 14 days after the date of service of notice on the proprietor or occupier) within which written representations may be made to the Authority with respect to the proposed order.

(4) If an order under subsection (1) is not complied with to its satisfaction, the Authority may —

(a) carry out or cause to be carried out all or any of the work specified in that order; and

- (b) recover all expenses reasonably incurred by the Authority in the exercise of powers under this section from the person in default.

(5) Without affecting the right of the Authority to exercise the powers under subsection (4), if any person to whom an order under subsection (1) is given fails, without reasonable excuse, to comply with the requirements of that order, that person 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 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(6) This section does not affect the duty of the Authority in relation to road related facilities under the Street Works Act (Cap. 320A).

*[Act 38 of 2018 wef 02/01/2019]*

### **Maintaining wayfinding signs for public paths**

**27.—**(1) A proprietor or occupier of any land on which any permanent wayfinding signage in relation to all or any public paths leading to or away from, fronting, adjoining or abutting on, or on, under or over, the land is erected or installed, or relocated (whether by the proprietor or occupier or a predecessor) pursuant to an order under section 26(1) —

- (a) must maintain the signage in a reasonably good and clean condition, allowing for reasonable wear and tear; and
- (b) must not intentionally or negligently cause or permit damage to the signage, or the signage to be obscured from view.

*[Act 38 of 2018 wef 02/01/2019]*

(2) A person who 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 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

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(3) In proceedings for an offence under subsection (2), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the damage to the signage concerned was due to —

- (a) any riot, insurrection, revolution or civil disorder, act of sabotage, vandalism or war (whether declared or undeclared);
- (b) a military operation, or an act for the purpose of extinguishing or preventing the spread of a fire on the land or adjoining land; or
- (c) lightning, earthquake, storm, fire, flood, subsidence, landslide, mudslide or other natural disaster.

(4) Where, in the opinion of the Authority, any permanent wayfinding signage that relates to all or any public paths leading to or away from, fronting, adjoining or abutting on, or on, under or over, any land is not kept or maintained in a state of good repair or in a proper and clean condition or is obscured, the Authority may give an order to the proprietor or occupier of the land requiring the proprietor or occupier of the land to repair, clean or uncover, or cause to be repaired, cleaned or uncovered, the signage at the proprietor's or occupier's cost.

*[Act 38 of 2018 wef 02/01/2019]*

(5) An order under subsection (4) must specify —

- (a) the permanent wayfinding signage to be repaired, cleaned or uncovered;

*[Act 38 of 2018 wef 02/01/2019]*

- (b) the time by which the work for repairing, cleaning or uncovering the signage must start; and
- (c) the time within which the work for repairing, cleaning or uncovering the signage must be completed.

(6) If an order under subsection (4) is not complied with to its satisfaction, the Authority may —

- (a) carry out or cause to be carried out all or any of the work specified in that order; and

- (b) recover all expenses reasonably incurred by the Authority in the exercise of powers under this section from the person in default.

(7) Without affecting the right of the Authority to exercise the powers under subsection (6), if any person to whom an order under subsection (4) is given fails, without reasonable excuse, to comply with the requirements of that order, that person 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 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(8) This section does not apply to or in relation to any road related facility within the meaning of the Street Works Act (Cap. 320A).

(9) In this section, “repair” includes repainting or re-marking a sign that is painted or marked on a wall or floor.

*[Act 9 of 2020 wef 03/04/2020]*

### **Obstructing public paths, etc.**

**28.—**(1) Subject to subsection (2), a person must not cause or permit any vehicle, article or thing to remain on any public path that is not on State land so as to —

- (a) obstruct the use of the public path by pedestrians or individuals on vehicles lawfully authorised under this Act to use such a public path; or
- (b) create any inconvenience to the exercise of any right by any person under section 12 or 13.

*[Act 38 of 2018 wef 02/01/2019]*

(2) Subsection (1) does not apply if the obstruction or inconvenience is authorised or permitted by or under this Act or any other Act, or arises out of a lawful and reasonable use of the public path.

*[Act 38 of 2018 wef 02/01/2019]*

(3) 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.

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PART 3A  
REGISTRATION OF REGISTRABLE  
PERSONAL MOBILITY DEVICES

**Purpose of this Part**

**28A.** The purpose of this Part is to provide for the registration of personal mobility devices —

- (a) to enable the use of personal mobility devices on public paths to be regulated for reasons of safety and law enforcement; and
- (b) to provide a method of establishing the identity of each personal mobility device which is used on a public path and of the person who is responsible for it.

*[Act 38 of 2018 wef 02/01/2019]*

**Mandatory registration of registrable personal mobility devices**

**28B.**—(1) Except as otherwise provided by or under this Act, an individual must not ride an unregistered registrable personal mobility device on any footpath or shared path, knowing that, or reckless as to whether, the registrable personal mobility device is unregistered.

(2) Except as otherwise provided by or under this Act, a person must not cause or permit an individual to ride an unregistered registrable personal mobility device on any footpath or shared path, knowing that, or reckless as to whether, the registrable personal mobility device is unregistered.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction as follows:

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both;
- (b) if the person is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) This section applies to the riding of a registrable personal mobility device only on or after a date specified by the Minister by

order in the *Gazette* in relation to the type of that registrable personal mobility device.

*[Act 38 of 2018 wef 02/01/2019]*

### **Registration marks**

**28C.**—(1) Registration of registrable personal mobility devices, and transfer of such registration, may be applied for, and granted or refused by the Authority, only in accordance with the regulations.

(2) On registering a registrable personal mobility device, the Authority must —

- (a) assign a registration code to the registrable personal mobility device so registered; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) issue to the registered responsible person for the registrable personal mobility device a registration mark indicating the registration code.

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 9 of 2020 wef 03/04/2020]*

### **Cancellation of registration**

**28D.** The Authority may cancel the registration of a registrable personal mobility device if —

- (a) the Authority is satisfied that the personal mobility device —

- (i) has ceased to be used on any footpath or shared path in Singapore;

- (ii) has become wholly unfit for further use;

- (iii) has been forfeited pursuant to this Act or any written law;

- (iv) is unclaimed for the purposes of section 53 and is disposed of in accordance with that section; or

- (v) is a non-compliant personal mobility device;

- (b) the Authority becomes aware of a circumstance that would have required or permitted the Authority to refuse to register the personal mobility device, had it been aware of



the circumstance immediately before registering the device;

*[Act 9 of 2020 wef 03/04/2020]*

- (c) the registered responsible person for the registrable personal mobility device applies for the registration of the device to be cancelled;

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 9 of 2020 wef 03/04/2020]*

- (d) the registered responsible person for the registrable personal mobility device refuses or neglects to comply with any order given to the registered responsible person under section 47(1)(b), whether or not that person is convicted of an offence; or

*[Act 9 of 2020 wef 03/04/2020]*

- (e) the Authority is satisfied that a condition of registration of the registrable personal mobility device has been contravened or is being contravened.

*[Act 9 of 2020 wef 03/04/2020]*

### **Registrable PMD register**

**28E.**—(1) Subject to this section, the Authority must establish and maintain a register of registrable personal mobility devices (called the registrable PMD register) in accordance with the regulations.

(2) The registrable PMD register may be established and maintained in such form as the Authority thinks appropriate for the purposes of this Part.

(3) The registrable PMD register must contain —

- (a) the prescribed information about each registrable personal mobility device registered under this Part, and its registered responsible person; and
- (b) such other prescribed information relating to the registrable personal mobility device.

(4) Except as permitted under subsection (5) or when lawfully required to do so by any court, the Authority must not supply to, or allow the inspection by, any person any information contained in the registrable PMD register.

(5) The Authority may, upon application made to it in writing by a person and on payment of the prescribed fee (if any), do any one or more of the following things as are required in the application:

- (a) inform the applicant (or the applicant's authorised agent) whether a registrable personal mobility device is registered and whether the registration of the device is cancelled;
- (b) provide an applicant who belongs to a prescribed class of persons (or the applicant's authorised agent) all or any of the following:
  - (i) information about the identity of the registered responsible person for a registrable personal mobility device;
  - (ii) an extract of any entry in the registrable PMD register relating to a registrable personal mobility device;
- (c) certify to an applicant who belongs to a prescribed class of persons (or the applicant's authorised agent), as at the date of the certificate, in respect of the registrable personal mobility device to which the application relates all or any of the following:
  - (i) the registration code of the personal mobility device and other particulars in the registrable PMD register relating to that device;
  - (ii) the registered responsible person for the personal mobility device;
  - (iii) whether the registration of the device is cancelled.

(6) The Authority may correct any mistake, error or omission in the registrable PMD register subject to the requirements in the regulations.

*[Act 38 of 2018 wef 02/01/2019]*

### **Registrable PMD register as evidence**

**28F.**—(1) A certificate signed or purporting to be signed by an authorised officer and stating that —

- (a) a personal mobility device described or specified in the certificate was or was not registered at a specified time; or
- (b) any other particulars or information was recorded in the registrable PMD register at a specified time,

is admissible in any legal proceedings and is prima facie evidence of the facts stated in the certificate.

(2) However, the registrable PMD register does not provide evidence of title to any registrable personal mobility device.

*[Act 38 of 2018 wef 02/01/2019]*

### **General obligations of registered responsible persons**

**28G.**—(1) A registered responsible person for a registrable personal mobility device must —

- (a) ensure that any registration mark issued by the Authority under section 28C is installed or displayed on the device in accordance with the regulations;
- (b) make and affix (at the registered responsible person's expense) on the registrable personal mobility device a label or other mark of a description prescribed (called for the purposes of this Act an identification mark), and ensure that that identification mark is displayed on the device, in accordance with the regulations; and
- (c) comply with any other directions given by the Authority to ensure compliance with any conditions imposed about the registration of the device.

(2) A registered responsible person for a registrable personal mobility device who, without reasonable excuse, contravenes subsection (1) commits an offence.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction as follows:

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both;

- (b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 38 of 2018 wef 02/01/2019]*

## PART 4

### DEALING IN PERSONAL MOBILITY DEVICES, ETC.

#### *Division 1 — Dealing and advertisements*

#### **Interpretation of this Part**

**29.** In this Part, unless the context otherwise requires —

“advertisement” means an advertisement that is —

- (a) any writing;
- (b) any still or moving picture, sign, symbol or other visual image;
- (c) any audible message; or
- (d) any combination of 2 or more of those things in paragraphs (a), (b) and (c);

“buy” or “buying”, in relation to any thing, includes buying that thing as a principal or agent;

“buyer” includes a person by whom or on whose behalf an offer is made to buy;

“non-compliant mobility vehicle advertisement” means an advertisement that gives publicity to, or otherwise promotes or is intended to promote the purchase or use of a non-compliant mobility vehicle or a range of non-compliant mobility vehicles;

“non-compliant PMD advertisement” means an advertisement that gives publicity to, or otherwise promotes or is intended to promote the purchase or use of a non-compliant personal mobility device or a range of non-compliant personal mobility devices.

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**Ban on display of non-compliant personal mobility devices, etc.**

**30.—**(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device, mobility scooter or motorised wheelchair on any premises or place, must not display or cause to be displayed any non-compliant personal mobility device, non-compliant mobility vehicle or uncertified vehicle on the premises or place —

- (a) when so selling, or offering or exposing for sale any personal mobility device, mobility scooter or motorised wheelchair; and
- (b) knowing that, or reckless as to whether, it is non-compliant or uncertified, as the case may be.

*[Act 9 of 2020 wef 03/04/2020]*

(2) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device, mobility scooter or motorised wheelchair on any premises, must ensure that no customer or member of the public can see any non-compliant personal mobility device, non-compliant mobility vehicle or uncertified vehicle from inside or outside the premises.

*[Act 9 of 2020 wef 03/04/2020]*

(3) This section does not apply to the display of non-compliant personal mobility devices, non-compliant mobility vehicles or uncertified vehicles on any premises or place —

- (a) to a customer of the business concerned at the customer's request;
- (b) by a customer of the business concerned; or
- (c) in such other circumstances as may be prescribed.

*[Act 9 of 2020 wef 03/04/2020]*

(4) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) where the person is an individual —
  - (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

- (ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

(b) in any other case —

- (i) to a fine not exceeding \$20,000; but

- (ii) where the person is a repeat offender, to a fine not exceeding \$40,000.

*[Act 9 of 2020 wef 03/04/2020]*

(5) In relation to an offence under subsection (4), “repeat offender” extends to include a person who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and

- (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

- (i) the same offence; or

- (ii) an offence under subsection (4) as in force immediately before the date of commencement of section 13 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

### **Warning notices**

**31.—**(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device, mobility scooter or motorised wheelchair on any premises or place, must display or cause to be displayed within the premises or place a prescribed number of warning notices for personal mobility devices, mobility scooters or motorised wheelchairs to be sold, or offered or exposed for sale at those premises or that place (as the case may be).

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

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(a) where the person is an individual —

- (i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but
- (ii) where the individual is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

(b) in any other case —

- (i) to a fine not exceeding \$10,000; but
- (ii) where the person is a repeat offender, to a fine not exceeding \$20,000.

*[Act 9 of 2020 wef 03/04/2020]*

(3) In this section —

(a) a warning notice relating to a personal mobility device is a notice stating to the effect that —

- (i) the riding of personal mobility devices on any road is unlawful;
- (ia) the riding of motorised personal mobility devices on any footpath is unlawful;
- (ii) the riding of non-compliant personal mobility devices, non-compliant power-assisted bicycles and non-compliant bicycles on any public path is ordinarily unlawful; and
- (iii) the riding of personal mobility devices, PABs or bicycles may be banned on certain footpaths or shared paths even if not non-compliant; and

*[Act 9 of 2020 wef 03/04/2020]*

(b) a warning notice relating to a mobility scooter or motorised wheelchair is a notice stating to the effect that —

- (i) the driving of mobility scooters or motorised wheelchairs on any road is unlawful;
- (ii) the driving of non-compliant mobility vehicles on any public path is ordinarily unlawful; and

- (iii) the driving of mobility scooters or motorised wheelchairs may be banned on certain public paths even if not non-compliant.

(4) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and
- (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —
  - (i) the same offence; or
  - (ii) an offence under subsection (2) as in force immediately before the date of commencement of section 14 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

### **Advertisements of non-compliant personal mobility device or mobility vehicle**

**32.—**(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device, mobility scooter or motorised wheelchair on any premises or place, must not —

- (a) publish a non-compliant PMD advertisement, a non-compliant mobility vehicle advertisement or an uncertified vehicle advertisement at the premises or place; or

*[Act 9 of 2020 wef 03/04/2020]*

- (b) authorise or cause a non-compliant PMD advertisement, a non-compliant mobility vehicle advertisement or an uncertified vehicle advertisement to be so published.

*[Act 9 of 2020 wef 03/04/2020]*

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —



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(a) where the person is an individual —

- (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
- (ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

(b) in any other case —

- (i) to a fine not exceeding \$20,000; but
- (ii) where the person is a repeat offender, to a fine not exceeding \$40,000.

*[Act 9 of 2020 wef 03/04/2020]*

(3) For the purposes of this section, a person publishes a non-compliant PMD advertisement, a non-compliant mobility vehicle advertisement or an uncertified vehicle advertisement if the person does any of the following things:

- (a) includes the advertisement in a document (including a leaflet, ticket or brochure) and makes the document available, or distributes the document, to the public or a section of the public at the premises or place mentioned in subsection (1);
- (b) includes the advertisement in a film or video and displays, screens or plays the advertisement so that it can be seen or heard in the premises or at the place mentioned in subsection (1).

*[Act 9 of 2020 wef 03/04/2020]*

(4) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and
- (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

- (i) the same offence; or
- (ii) an offence under subsection (2) as in force immediately before the date of commencement of section 15 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

### **Selling personal mobility devices, etc., for use on roads**

**33.—**(1) Subject to this Act, a person shall be guilty of an offence if —

- (a) the person sells, at any premises or place and in the course of business, any personal mobility device, mobility scooter or motorised wheelchair; and
- (b) at the time the personal mobility device or the mobility scooter or motorised wheelchair (as the case may be) is sold or offered for sale, the person knows that, or is reckless as to whether or not, the buyer intends whichever as follows that is applicable:
  - (i) to ride the personal mobility device on a public road;
  - (ii) to drive the mobility scooter or motorised wheelchair on a public road.

(2) A person who is guilty of an offence under this section shall be liable on conviction —

- (a) where the person is an individual —
  - (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
  - (ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

- (b) in any other case —
  - (i) to a fine not exceeding \$20,000; but

- (ii) where the person is a repeat offender, to a fine not exceeding \$40,000.

*[Act 9 of 2020 wef 03/04/2020]*

(3) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed in compliance with section 31 on the premises at which and when the sale took place.

(4) In this section, “sell” includes causing or authorising a person to sell.

(5) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

### **Selling non-compliant vehicles for use on public paths**

**34.—**(1) Subject to this Act, a person shall be guilty of an offence if —

- (a) the person sells, at any premises or place and in the course of business, any personal mobility device, PAB or bicycle;
- (b) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the personal mobility device, PAB or bicycle is a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or uncertified vehicle (as the case may be); and

*[Act 9 of 2020 wef 03/04/2020]*

- (c) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the person knows that, or is reckless as to whether or not, the buyer intends to ride the personal mobility device, non-compliant PAB, non-compliant bicycle or uncertified vehicle on a public path.

*[Act 9 of 2020 wef 03/04/2020]*

(d) *[Deleted by Act 38 of 2018 wef 02/01/2019]*

(1A) Subject to this Act, a person shall be guilty of an offence if —

- (a) the person sells, at any premises or place and in the course of business, any mobility scooter or motorised wheelchair;
- (b) at the time the mobility scooter or motorised wheelchair is sold or offered for sale, the mobility scooter or motorised

wheelchair (as the case may be) is a non-compliant mobility vehicle or an uncertified vehicle; and

*[Act 9 of 2020 wef 03/04/2020]*

- (c) at the time the mobility scooter or motorised wheelchair is sold or offered for sale, the person knows that, or is reckless as to whether or not, the buyer intends to drive the mobility scooter or motorised wheelchair (as the case may be) on a public path.

(2) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed in compliance with section 31 on the premises or place at which and when the sale took place.

(3) However, it is a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

- (a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the non-compliant personal mobility device, non-compliant mobility vehicle, non-compliant PAB or non-compliant bicycle (as the case may be) to be exported (whether or not the accused is a party to that contract, arrangement or understanding);
- (b) the accused sells the non-compliant personal mobility device, non-compliant mobility vehicle, non-compliant PAB or non-compliant bicycle in the course of, or for the purpose of, that personal mobility device, mobility scooter, motorised wheelchair, PAB or bicycle (as the case may be) being exported; and
- (c) the accused does not offer that non-compliant personal mobility device, non-compliant mobility vehicle, non-compliant PAB or non-compliant bicycle (as the case may be) for sale in Singapore and the sale is not a retail sale.

(4) It is also a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

- (a) the accused had received from the person to whom the non-compliant personal mobility device, non-compliant mobility vehicle, non-compliant PAB or non-compliant bicycle was sold, evidence purporting to show that the person does not intend to ride the personal mobility device, PAB or bicycle or drive the mobility scooter or motorised wheelchair (as the case may be) on any public path; and
- (b) it was reasonable to, and the accused did accept, that evidence as correct.

(4A) Subsections (3) and (4) apply in relation to an uncertified vehicle as they apply to a non-compliant personal mobility device; and any reference in those subsections to a non-compliant personal mobility device includes a reference to an uncertified vehicle.

*[Act 9 of 2020 wef 03/04/2020]*

(5) Despite subsection (1), a person may in the prescribed circumstances sell, at any premises or place and in the course of business, an excepted non-compliant vehicle or excepted uncertified vehicle knowing that, or reckless as to whether or not, the buyer intends to ride the excepted non-compliant vehicle or excepted uncertified vehicle on a public path, provided that the prescribed conditions in relation to that vehicle are complied with.

*[Act 9 of 2020 wef 03/04/2020]*

(6) A person who, without reasonable excuse, fails to comply with the conditions prescribed for the purposes of subsection (5) and in relation to the excepted non-compliant vehicle or excepted uncertified vehicle concerned shall be guilty of an offence.

*[Act 9 of 2020 wef 03/04/2020]*

(7) A person who is guilty of an offence under this section shall be liable on conviction —

(a) where the person is an individual —

- (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; but
- (ii) where the individual is a repeat offender, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 48 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

(b) in any other case —

- (i) to a fine not exceeding \$40,000; but
- (ii) where the person is a repeat offender, to a fine not exceeding \$80,000.

*[Act 9 of 2020 wef 03/04/2020]*

(8) In this section —

(a) a reference to an excepted non-compliant vehicle is a reference to a non-compliant bicycle, a non-compliant PAB, a non-compliant personal mobility device or a non-compliant mobility vehicle of a prescribed model or description;

*[Act 9 of 2020 wef 03/04/2020]*

(aa) reference to an excepted uncertified vehicle is a reference to an uncertified vehicle of a prescribed model or description; and

*[Act 9 of 2020 wef 03/04/2020]*

(b) “sell” includes causing or authorising a person to sell.

(9) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

(10) In relation to an offence under subsection (1), (1A) or (6), “repeat offender” extends to include a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

(i) the same offence; or

(ii) an offence under subsection (1), (1A) or (6) as in force immediately before the date of commencement of section 17 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

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**Altering personal mobility device, etc., to be non-compliant**

**35.—(1)** A person shall be guilty of an offence if —

- (a) the person, at any premises or place, alters (whether in the course of repair or otherwise) a personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair belonging to the person or to another person so as to render it a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or non-compliant mobility vehicle; and

*[Act 9 of 2020 wef 03/04/2020]*

- (b) at the time the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair (as the case may be) is altered, the person knows that, or is reckless as to whether or not, the altered personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair is likely to be ridden or driven (as the case may be) on a public path.

*[Act 9 of 2020 wef 03/04/2020]*

- (c) *[Deleted by Act 38 of 2018 wef 01/02/2019]*

(2) A person who is guilty of an offence under this section shall be liable on conviction —

- (a) where the person is an individual —

- (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; but
- (ii) where the individual is a repeat offender, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 48 months or to both; or

*[Act 9 of 2020 wef 03/04/2020]*

- (b) in any other case —

- (i) to a fine not exceeding \$40,000; but
- (ii) where the person is a repeat offender, to a fine not exceeding \$80,000.

*[Act 9 of 2020 wef 03/04/2020]*

(3) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed

in compliance with section 31 on the premises or place at which and when the alteration took place.

(4) However, in any proceedings for an offence under this section, it is a defence for the accused to prove, on a balance of probabilities, that —

- (a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair to be exported (whether or not the accused is a party to that contract, arrangement or understanding);
- (b) the accused alters the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair in the course of, or for the purpose of, the altered personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair (as the case may be) being exported; and
- (c) the accused does not offer that non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or non-compliant mobility vehicle (as the case may be) for sale in Singapore and the sale is not a retail sale to another.

(5) In this section, “alter” includes causing or authorising a person to alter.

(5A) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and
- (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —
  - (i) the same offence; or



- (ii) an offence under subsection (2) as in force immediately before the date of commencement of section 18 of the Active Mobility (Amendment) Act 2020.

*[Act 9 of 2020 wef 03/04/2020]*

(6) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

### *Division 2 — Mandatory testing*

#### **Order by Minister requiring inspection**

**35A.**—(1) The Minister may, by order in the *Gazette*, provide that with effect from a date specified in the order, an inspection is or periodic inspections are required for or in respect of every bicycle, personal mobility device, motorised wheelchair or mobility scooter in a class or description of bicycle, personal mobility device, motorised wheelchair or mobility scooter specified in the order, so as to maintain compliance with the prescribed requirements relating to the construction and condition of and registration marks applicable to the bicycle, personal mobility device, motorised wheelchair or mobility scooter, as the case may be.

(2) An order under subsection (1) must specify —

- (a) the class or description of bicycle, personal mobility device, motorised wheelchair or mobility scooter in respect of an inspection is required under this Division; and
- (b) whether that inspection is periodic and if so, the intervals that the inspection must be carried out.

*[Act 9 of 2020 wef 03/04/2020]*

#### **Inspections by designated examiner**

**35B.**—(1) An inspection for the purposes of an order under section 35A(1) must be carried out by the Authority or a person authorised by the Authority (called in this Act a designated examiner).

(2) A designated examiner must —

- (a) conduct an examination or assessment of a vehicle that is the subject of an order under section 35A(1) in the prescribed manner;
- (b) on completion of the examination or assessment, prepare and sign a report of the result of the examination or assessment; and
- (c) give a copy of the report to the Authority without delay.

(3) A designated examiner commits an offence if he or she intentionally prepares or signs a report of the result of an examination or assessment —

- (a) relating to a bicycle, personal mobility device, motorised wheelchair or mobility scooter that the designated examiner did not examine or assess; or
- (b) that is calculated to deceive.

(4) A designated examiner who is guilty of an offence under subsection (3) shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but
- (b) where the designated examiner is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 03/04/2020]*

### **Certification of inspection**

**35C.**—(1) The Authority may issue to the owner of a bicycle, personal mobility device, motorised wheelchair or mobility scooter to which a report under section 35B(2)(b) relates, a certificate indicating that the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has been inspected under this Division where —

- (a) the Authority receives from a designated examiner a report mentioned in section 35B(2)(b) in relation to that bicycle,

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personal mobility device, motorised wheelchair or mobility scooter;

- (b) the report states that the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is in compliance or continues to be in compliance with the prescribed requirements relating to its construction and condition and registration marks; and
- (c) the Authority is satisfied that the designated examiner had carried out the examination and assessment of the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) in accordance with the regulations.

(2) A certificate issued under subsection (1) with respect to a bicycle, personal mobility device, motorised wheelchair or mobility scooter is in force in respect of that bicycle, personal mobility device, motorised wheelchair or mobility scooter until the happening of the earlier of the following:

- (a) the certificate is cancelled under subsection (3);
- (b) the date of expiry specified in the certificate, if any.

(3) The Authority may cancel any certificate issued under subsection (1) with respect to a bicycle, personal mobility device, motorised wheelchair or mobility scooter if the Authority —

- (a) is satisfied that —
  - (i) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has become wholly unfit for further use;
  - (ii) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has been forfeited pursuant to this Act or any written law;
  - (iii) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is unclaimed for the purposes of section 53 and is disposed of in accordance with that section;

- (iv) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is or has become a non-compliant personal mobility device, a non-compliant bicycle or a non-compliant mobility vehicle; or
  - (v) the person given an order under section 47(1)(b), in relation to the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) refuses or neglects to comply with the order given to the person, whether or not the person is convicted of an offence; or
- (b) becomes aware of a circumstance that would have required or permitted the Authority to refuse to issue a certificate under subsection (1) with respect to the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) had the Authority been aware of the circumstance immediately before issuing the certificate.

*[Act 9 of 2020 wef 03/04/2020]*

### *Division 3 — Presumptions and evidence*

#### **Presumptions for this Part**

**36.—**(1) It is presumed, until the contrary is proved, that a person alters (whether in the course of repair or otherwise) any personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair so as to render it a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or a non-compliant mobility vehicle (as the case may be) if it is proved —

- (a) that the accused had possession of the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair;
- (b) that the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair (as the case may be) was not a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or non-compliant mobility vehicle, when the accused acquired possession of it; and

- (c) that at the time or soon after the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair (as the case may be) ceased to be in the accused's possession, the personal mobility device, PAB, bicycle, mobility scooter or motorised wheelchair is non-compliant.

(2) If in any proceedings for an offence under this Part it is proved that a person sold, or offered or displayed for sale, more than 4 personal mobility devices, power-assisted bicycles or bicycles, or mobility scooters or motorised wheelchairs within a 12-month period to any other person or persons, it is presumed in the absence of evidence to the contrary that the person was selling personal mobility devices, power-assisted bicycles or bicycles, or mobility scooters or motorised wheelchairs (as the case may be) in the course of business during that period.

(3) However, nothing in subsection (2) precludes a person who sells, or offers or displays for sale, 4 or fewer personal mobility devices, power-assisted bicycles or bicycles, or mobility scooters or motorised wheelchairs within a 12-month period to any other person or persons from being found to be selling such devices or bicycles, or such mobility scooters or motorised wheelchairs (as the case may be) in the course of business.

### **Presumption concerning vehicle owner for section 35 offence**

**36A.** Without limiting section 36, in proceedings for an offence under section 35, it is presumed, until the contrary is proved, that the person who is the owner of the vehicle in respect of which the offence is committed had altered or caused to be altered (whether in the course of repair or otherwise) the vehicle so as to render it a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or non-compliant mobility vehicle (as the case may be) if it is proved that —

- (a) a certificate was issued under section 35C in respect of the vehicle; and
- (b) the person was the owner of the vehicle when the certificate under section 35C was issued.

*[Act 9 of 2020 wef 03/04/2020]*

## PART 5

### ADMINISTRATION AND ENFORCEMENT

#### *Division 1 — Enforcement personnel*

#### **Administration of Act**

**37.** It is the function of the Authority to administer and enforce this Act.

#### **Authorised officers**

**38.—**(1) The Authority may, in relation to any provision of this Act, appoint as authorised officers for the purposes of that provision from among its employees and individuals performing duties in the Authority who are suitably trained to be authorised officers.

(2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as an authorised officer.

(3) The Authority may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of this Act (except the power of delegation conferred by this subsection) to an authorised officer, subject to such conditions or limitations as set out in this Act or as the Authority may specify; and any reference in the provision of this Act to the Authority includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Authority may specify.

#### **Public path wardens**

**39.—**(1) The Authority may, in relation to any provision of this Act, appoint —

- (a) any auxiliary police officer appointed under the Police Force Act (Cap. 235); or
- (b) any employee of a public authority (but not a Town Council),

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with the suitable training to properly exercise the powers of a public path warden to be a public path warden for the purposes of that provision.

(2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as a public path warden.

(3) An individual mentioned in subsection (1) who is appointed as a public path warden does not, by virtue only of the appointment, become an employee or agent of the Authority.

### **Volunteer public path wardens**

**40.—**(1) The Authority may, by notice, appoint an individual of at least 18 years of age —

- (a) who is not an individual mentioned in section 38 or 39; and
- (b) who has the suitable training to properly exercise the powers of a public path warden,

to be a volunteer public path warden for the purposes of that provision.

(2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as a volunteer public path warden.

(3) An individual who is appointed as a volunteer public path warden under subsection (1) does not, by virtue only of the appointment, become an employee or agent of the Authority.

### **Powers of public path wardens and volunteer public path wardens, etc.**

**41.—**(1) The Authority must issue to every public path warden and volunteer public path warden a written authorisation specifying such power as is specified in subsection (2) or (3) that the public path warden and volunteer public path warden, respectively, may exercise.

(2) The powers that a public path warden may be authorised under this section to exercise are all or any of the following:

- (a) to ask an individual suspected of committing an offence under Part 3 or 3A to state the individual's name and residential address;

*[Act 38 of 2018 wef 02/01/2019]*

- (b) to advise the individual to stop engaging in conduct that is an offence under Part 3 or 3A;

*[Act 38 of 2018 wef 02/01/2019]*

- (c) to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 or 3A was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place;

*[Act 38 of 2018 wef 02/01/2019]*

- (d) to take statements —

- (i) from an individual mentioned in paragraph (a) or (c);  
and

- (ii) from any complainant against the individual mentioned in paragraph (a),

and to require such an individual to make and sign a declaration of the truth of the statement made by the individual;

- (e) to exercise powers expressly conferred on a public path warden under this Act.

(3) The powers that a volunteer public path warden may be authorised under this section to exercise are all or any of the following:

- (a) to ask an individual suspected of committing an offence under Part 3 to state the individual's name and residential address;

- (b) to advise the individual to stop engaging in conduct that is an offence under Part 3;

- (c) to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place;



- (d) to exercise powers expressly conferred on a volunteer public path warden under this Act.

(3A) Subject to section 11A of the Land Transport Authority of Singapore Act, the powers that an outsourced enforcement officer may exercise under this Act are all or any of the following:

- (a) to ask an individual suspected of committing an offence under Part 3 or 3A to state the individual's name and residential address;
- (b) to advise the individual to stop engaging in conduct that is an offence under Part 3 or 3A;
- (c) to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 or 3A was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place;
- (d) to exercise powers expressly conferred on an outsourced enforcement officer under this Act.

*[Act 38 of 2018 wef 02/01/2019]*

(4) However, to avoid doubt, the Authority cannot authorise under subsection (1) a volunteer public path warden to arrest any individual.

(5) The written authorisation under subsection (1) for a public path warden or volunteer public path warden may also do all or any of the following:

- (a) limit the powers in subsection (2) or (3) that the public path warden or the volunteer public path warden (as the case may be) may exercise;
- (b) limit where in Singapore the public path warden or volunteer public path warden may exercise his or her powers in subsection (2) or (3) (as the case may be) or any of them;
- (c) limit when the public path warden or volunteer public path warden may exercise his or her powers in subsection (2) or (3) (as the case may be) or any of them;
- (d) limit the circumstances in which the public path warden or volunteer public path warden may exercise his or her

powers in subsection (2) or (3) (as the case may be) or any of them.

(6) The powers that a public path warden or a volunteer public path warden may be authorised under this Act to exercise may be exercised only to the extent authorised by the Authority under this section.

(7) [*Deleted by Act 9 of 2020 wef 03/04/2020*]

### **Identification cards and equipment**

**42.**—(1) The Authority must issue to each authorised officer, public path warden and volunteer public path warden an identification card.

(2) Every authorised officer, public path warden and volunteer public path warden whose appointment as such ceases must return to the Authority any identification card issued to him or her under subsection (1).

(3) An authorised officer, a public path warden and a volunteer public path warden must produce his or her identification card for inspection —

- (a) before exercising a power under this Act; and
- (b) at any time during the exercise of a power under this Act, if asked to do so.

(4) Every authorised officer, public path warden and volunteer public path warden is to be issued with such equipment, or such description of equipment, as the Authority may determine to be necessary for the effectual discharge of the duties of an authorised officer or a public path warden or volunteer public path warden, as the case may be.

### **Public servants**

**43.** A public path warden and a volunteer public path warden who, in the course of his or her duty as a public path warden or volunteer public path warden, as the case may be, exercises any power in section 41(2) and (3), respectively, in accordance with the written authorisation of the Authority under section 41(1) is taken to be a

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public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

*Division 2 — Enforcement powers*

**Powers to inspect premises, etc., for Part 3A or 4 matters**

**44.—**(1) An authorised officer may exercise all or any of the powers in this section for the purpose of —

- (a) ascertaining whether the provisions of Part 3A or 4 are being complied with or have been contravened; or

*[Act 38 of 2018 wef 02/01/2019]*

- (b) investigating any offence under Part 3A or 4.

*[Act 38 of 2018 wef 02/01/2019]*

(2) An authorised officer may, at any reasonable time, do any of the following, without involving any search of any property or individual:

- (a) enter and inspect any premises that the officer believes on reasonable grounds are used for the carrying on of a business or a trade (even if also used as a residence) of selling, or offering or exposing for sale, by retail any bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair, or used for altering any bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair, and any vehicle at those premises;

*[Act 9 of 2020 wef 03/04/2020]*

- (b) photograph or film, or make a record or sketches of, any part of the premises, or any vehicle or parts of a vehicle or accessories or other thing at the premises;
- (c) require any person on those premises to produce or grant access to, without charge, any document or material reasonably required for any purpose in subsection (1), which is in the possession or under the control of that person;
- (d) inspect and make copies of or take extracts from any such document or material;

(e) take possession of such a document or material if, in the opinion of the authorised officer —

- (i) the inspection or copying of or extraction from the document or material cannot reasonably be performed without taking possession;
- (ii) the document or material may be interfered with or destroyed unless possession is taken; or
- (iii) the document or material may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, Part 3A or 4.

*[Act 38 of 2018 wef 02/01/2019]*

(3) The power to require a person to furnish any document or material under subsection (2)(c) includes the power —

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or material;
- (b) if the document or material is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and
- (c) if the document or material is recorded otherwise than in legible form, to require the document or material to be made available to the authorised officer in legible form.

(4) For the purposes of subsection (2), if any document or material required by an authorised officer is kept in electronic form —

- (a) the power of the authorised officer to inspect the document or material includes the power to —
  - (i) access any computer or other equipment (including a mobile telephone) in which the document or material is stored; and
  - (ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

(b) the power of the authorised officer to seize such document or material includes the power —

- (i) to make copies of the document or material in legible or electronic form; and
- (ii) to transfer the information from the document or material to a disk, tape or other storage device.

(5) If an authorised officer is unable to make copies of the document or material, or transfer the information from the document or material, under subsection (4)(b), the authorised officer may —

- (a) seize the computer or other equipment (including a mobile telephone) in which the document or material is stored, as evidence in proceedings for an offence under Part 3A or 4; and

*[Act 38 of 2018 wef 02/01/2019]*

- (b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or material held in the computer or equipment.

(6) To avoid doubt, in this section, a reference to an offence under Part 3A or 4 includes a reference to an offence under any regulations made for the purposes of Part 3A or 4.

*[Act 38 of 2018 wef 02/01/2019]*

### **Power to move vehicles**

**45.—**(1) Where any stationary vehicle —

- (a) is parked or left on a public path contrary to this Act; or
- (b) is, in the opinion of an authorised officer, an outsourced enforcement officer or a public path warden, as the case may be, a danger to other users of a public path or is causing or likely to cause an obstruction or inconvenience on a public path,

the authorised officer, outsourced enforcement officer or public path warden may move, or cause to be moved, the vehicle to a holding yard, or to another place to avoid further danger, obstruction or

inconvenience or a danger, obstruction or inconvenience arising, as the case may be.

*[Act 38 of 2018 wef 02/01/2019]*

(2) If a vehicle is left on a public path and it appears to an authorised officer, an outsourced enforcement officer or a public path warden that the vehicle has been left for 2 or more consecutive days, the authorised officer, outsourced enforcement officer or a public path warden may move, or cause to be moved, the vehicle to a holding yard.

*[Act 38 of 2018 wef 02/01/2019]*

(3) When a vehicle is moved to a holding yard under this section by an authorised officer, an outsourced enforcement officer or a public path warden, the authorised officer, outsourced enforcement officer or public path warden must as soon as practicable give notice of the move to the owner of the vehicle, if known.

*[Act 38 of 2018 wef 02/01/2019]*

(4) For the purpose of exercising a power under subsection (1) or (2), an authorised officer, an outsourced enforcement officer or public path warden may, with such assistance as he or she considers necessary —

- (a) move the vehicle by any reasonable means (including by driving, riding or towing it); and
- (b) use reasonable force (including cutting or breaking open any lock, seal, fastener or other device on or connected to the vehicle).

*[Act 38 of 2018 wef 02/01/2019]*

### **Power to remove obstructing article, etc., on public path**

**46.—**(1) If any article or thing (other than a vehicle) is obstructing the use of, or is causing inconvenience to the exercise of any right by any person under section 12 or 13 on, a public path in contravention of section 28(1), an authorised officer, an outsourced enforcement officer or a public path warden may move that article or thing, or cause it to be so removed, so that it is no longer an obstruction or inconvenience.

*[Act 38 of 2018 wef 02/01/2019]*

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(2) An authorised officer, an outsourced enforcement officer or a public path warden must not exercise a power under subsection (1) unless he or she has —

- (a) taken reasonable steps to inform the owner of the article or thing (if known) of his or her intention to exercise that power; and
- (b) allowed or directed the owner of the article or thing to move it.

*[Act 38 of 2018 wef 02/01/2019]*

(3) For the purpose of exercising a power under subsection (1), an authorised officer, an outsourced enforcement officer or a public path warden may, with such assistance as he or she considers necessary —

- (a) move the article or thing by any reasonable means (including by towing it) to a holding yard; and
- (b) use reasonable force (including cutting or breaking open any lock, seal, fastener or other device on or connected to the article or thing).

*[Act 38 of 2018 wef 02/01/2019]*

(4) A person must remove any article or thing where requested to do so by an authorised officer, an outsourced enforcement officer or a public path warden under subsection (2)(b).

*[Act 38 of 2018 wef 02/01/2019]*

(5) A person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(6) When an article or thing is moved to a holding yard under this section by an authorised officer, an outsourced enforcement officer or a public path warden, the authorised officer, outsourced enforcement officer or public path warden must as soon as practicable give notice of the move to the owner of the article or thing, if known.

*[Act 38 of 2018 wef 02/01/2019]*

### **Powers to examine and weigh vehicle or produce competency test certificate**

**47.—**(1) An authorised officer, an outsourced enforcement officer or a public path warden may, for the purpose of ensuring that any

vehicle that is being or may be used, or that any person driving or riding a vehicle, on a public path complies with this Act, at any time —

(a) examine the vehicle;

*[Act 9 of 2020 wef 29/06/2021]*

(aa) order the driver or rider of the vehicle to produce his or her competency test certificate for examination or other identity documents so as to enable the authorised officer, public path warden or outsourced enforcement officer (as the case may be) to ascertain the identity of the driver or rider and the authority by which any competency test certificate was granted; or

*[Act 9 of 2020 wef 29/06/2021]*

(b) order the owner or rider of the vehicle to deliver the vehicle (in the state on the date of the order) for an inspection by such person and at such time and place as the authorised officer, outsourced enforcement officer or public path warden may specify.

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 9 of 2020 wef 29/06/2021]*

(1A) However, only an authorised officer may pursuant to an order under section 35A(1) give an order under subsection (1)(b) requiring a vehicle to be delivered for an inspection by a designated examiner.

*[Act 9 of 2020 wef 03/04/2020]*

(2) Subject to this Act, an authorised officer, an outsourced enforcement officer or a public path warden may require an owner or a rider of any vehicle —

(a) to allow the vehicle to be weighed laden or unladen; or

(b) to immediately proceed to a weighbridge or other machine for weighing vehicles.

*[Act 38 of 2018 wef 02/01/2019]*

(3) Subject to this Act, an authorised officer, an outsourced enforcement officer or a public path warden may, require an owner or a rider of any vehicle to unload the vehicle for the purpose of being weighed unladen.

*[Act 38 of 2018 wef 02/01/2019]*



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(4) Where a vehicle is weighed under this section, a certificate of weight must be given by the person who carried out the weighing of the vehicle to the owner or rider who delivered the vehicle for weighing.

(4A) An individual driving or riding a vehicle who, in purported compliance with any order given to him or her under subsection (1)(aa) by an authorised officer or outsourced enforcement officer or a public path warden —

(a) produces to an authorised officer, an outsourced enforcement officer or a public path warden —

- (i) a competency test certificate that is altered in a way that is calculated to deceive (whether or not it was already a false document before the alteration or it was altered by the individual), knowing that it is so altered;
- (ii) an article resembling a competency test certificate and calculated to deceive, knowing that the document is not a competency test certificate; or
- (iii) a competency test certificate that was not granted to the individual, knowing that it was not so granted to that individual; and

(b) with the intention of dishonestly inducing the authorised officer, outsourced enforcement officer or public path warden to accept it as genuine,

commits an offence and 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.

*[Act 9 of 2020 wef 29/06/2021]*

(4B) A driver or rider of a vehicle to whom an order under subsection (1)(aa) is given who refuses or neglects to comply with the order commits an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but

- (b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 29/06/2021]*

(4C) However, subsection (4B) does not apply if within 48 hours after an order is given to a driver or rider of a vehicle under subsection (1)(aa), the driver or rider produces the competency test certificate in person at any of the offices of the Authority that is specified by the authorised officer, outsourced enforcement officer or public path warden at the time the order was given.

*[Act 9 of 2020 wef 29/06/2021]*

(4D) An individual to whom a digital competency test certificate is granted who holds, or produces or carries a mobile communication device or other electronic device on which the digital competency test certificate is displayed for the purpose of complying with an order under subsection (1)(aa) to produce a competency test certificate is taken to have produced a competency test certificate for that purpose.

*[Act 9 of 2020 wef 29/06/2021]*

(4E) However, a digital competency test certificate is not displayed for the purpose of complying with an order under subsection (1)(aa) to produce or carry a competency test certificate if —

- (a) the screen of the mobile communication device or other electronic device on which it is purportedly displayed is unable to be read by the person to whom it is displayed due to cracking, dimming, dirt or any other fault, damage or obstruction;
- (b) the individual fails or refuses to comply with a reasonable request by the person to whom it is purported to be displayed to facilitate the reading, copying or scanning of the whole or any part of the digital competency test certificate; or
- (c) the holder of the digital competency test certificate refuses to comply with a reasonable direction to refresh the display of the digital competency test certificate.

*[Act 9 of 2020 wef 29/06/2021]*

(4F) To avoid doubt, an individual who displays or purports to display a digital competency test certificate is not required to give or

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hand over, to the person who is requiring the competency test certificate to be produced or handed over, the mobile communication device or other electronic device on which the digital competency test certificate is displayed or purported to be displayed.

*[Act 9 of 2020 wef 29/06/2021]*

(5) If an owner or a rider of a vehicle refuses or neglects to comply with any order given to him or her under subsection (1)(b), or any requirement given to him or her under subsection (2) or (3), the owner or rider shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the owner or rider is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 9 of 2020 wef 29/06/2021]*

### **Powers to demand information about driver**

**48.—**(1) An authorised officer or outsourced enforcement officer, or a police officer or public path warden who is acting in the execution of duty may require any person whom the authorised officer, outsourced enforcement officer, police officer or public path warden believes on reasonable grounds to have had possession or control of a vehicle on a particular occasion to give any information which may lead to the identification of an individual —

- (a) who was the driver or rider of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under this Act; or
- (b) who had possession or control of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under this Act.

*[Act 38 of 2018 wef 02/01/2019]*

(2) The person, when required by an authorised officer or outsourced enforcement officer, or a police officer or public path warden to do so under subsection (1), must give to the authorised officer, outsourced enforcement officer, police officer or public path

warden (as the case may be), within 14 days after being so required, the information required under that subsection.

*[Act 38 of 2018 wef 02/01/2019]*

(3) A requirement under subsection (1) may be made orally or in writing, and require any information to be furnished under that subsection to be in writing signed by the person required to furnish the information.

(4) A person who fails to give in accordance with subsection (2) the information required of the person under subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 38 of 2018 wef 02/01/2019]*

(5) However, it is a defence in any proceedings for an offence under subsection (4) where the accused proves, on a balance of probabilities, that the accused did not know, and could not with reasonable diligence have ascertained, the information required under subsection (1).

(6) In any proceedings for an offence under subsection (4), an accused which is a company, a partnership or an unincorporated body is not to be treated as having proved that the accused did not know and could not with reasonable diligence have ascertained the information required unless the accused also proves, on a balance of probabilities, that —

- (a) it had kept a proper and accurate record containing prescribed particulars of each occasion on which it permits any individual to ride or drive a vehicle —
  - (i) whether or not the individual is a director, member, partner, officer, employee or agent of the accused or otherwise; and

- (ii) whether or not the individual is permitted to ride or drive the vehicle in the course of the individual's employment with the accused or otherwise; but
- (b) the record shows no individual having been permitted by the accused to ride or drive the vehicle at or about the time of the alleged offence.

*[Act 38 of 2018 wef 02/01/2019]*

### **Powers of arrest**

**49.—**(1) An authorised officer or a public path warden in uniform may stop and arrest any individual —

- (a) who commits an offence under this Act in the presence or within the view of the authorised officer or public path warden; and
- (b) who, on the demand of the authorised officer or public path warden, as the case may be, refuses to give his or her name and residential address.

(2) Such an individual must not be arrested under subsection (1) if he or she —

- (a) on the demand of the authorised officer or public path warden, produces any of his or her documents of identity so as to enable the authorised officer or public path warden to ascertain the individual's name and residential address; or
- (b) gives the authorised officer or public path warden his or her name and residential address.

(3) If the authorised officer or public path warden has reason to suspect that a name or address so ascertained or given is false, the authorised officer or public path warden (as the case may be) may, despite subsection (2), exercise the power of arrest under subsection (1).

(4) Any individual arrested under this section must be brought to a police station as soon as reasonably practicable and must be taken before a Magistrate's Court if the individual's name and residential address are not ascertained at the end of 24 hours after the arrest.

(5) An individual taken before a Magistrate's Court under subsection (4) must be immediately released on his or her executing a bond (with or without sureties) for his or her appearance before a Magistrate's Court, if so required.

(6) An authorised officer or public path warden in uniform may —

- (a) detain any bicycle, power-assisted bicycle, personal mobility device or other vehicle in respect of which an offence under this Act has been committed in his or her presence or within his or her view; or
- (b) stop any bicycle, power-assisted bicycle, personal mobility device or other vehicle the driver or rider of which has committed or is suspected of having committed an offence under this Act.

(7) Any individual mentioned in subsection (6)(b) must stop the bicycle, power-assisted bicycle, personal mobility device or other vehicle he or she is driving or riding on being required by an authorised officer or public path warden in uniform under subsection (6), and if he or she fails to do so, he or she shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if he or she is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Power to seize vehicles or competency test certificates**

**50.**—(1) Where an authorised officer, an outsourced enforcement officer or a public path warden has reason to believe that a vehicle is a vehicle in connection with which an offence under Part 3, 3A or 4 has been or is being committed, the authorised officer, outsourced enforcement officer or public path warden may —

- (a) seize the vehicle and take it to a holding yard; or

- (b) require the owner, driver, rider or person in charge of the vehicle to take the vehicle to and surrender it at a specified holding yard.

*[Act 38 of 2018 wef 02/01/2019]*

(2) The power conferred on an authorised officer, an outsourced enforcement officer or a public path warden under subsection (1)(a) may be exercised whether or not the owner, driver, rider or person in charge of the vehicle is present at the time of its seizure.

*[Act 38 of 2018 wef 02/01/2019]*

(3) When a vehicle is seized under this section by an authorised officer, an outsourced enforcement officer or a public path warden, the authorised officer, outsourced enforcement officer or public path warden concerned must as soon as practicable give notice of the seizure and the grounds of doing so to the owner of the vehicle, if known, except that the notice is not required to be given where the seizure is made in the presence of the owner or the owner's agent.

*[Act 38 of 2018 wef 02/01/2019]*

(4) Any person who, without reasonable excuse, refuses or neglects to comply with any requirement under subsection (1)(b) 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.

(5) An authorised officer, an outsourced enforcement officer or a public path warden may, with no other authority than this section, seize a competency test certificate or an article resembling a competency test certificate if —

- (a) the competency test certificate or article is produced to the authorised officer, outsourced enforcement officer or public path warden pursuant to an order under section 47(1)(aa) or otherwise, by an individual who represents it as a competency test certificate granted to that individual; and
- (b) the authorised officer, outsourced enforcement officer or public path warden has reason to believe that —
  - (i) the competency test certificate is unlawfully in the possession of that individual who produced it; or

- (ii) the competency test certificate or article is evidence of the commission of an offence under section 23H or 47(4A).

*[Act 9 of 2020 wef 29/06/2021]*

(6) Every competency test certificate seized under subsection (5) must be forwarded to the Authority, and the Authority may —

- (a) return the competency test certificate to the individual who produced it, if the Authority is satisfied that the competency test certificate was lawfully in the possession of the individual who produced it; or
- (b) in any other case, deal with it in such manner as the Authority thinks fit.

*[Act 9 of 2020 wef 29/06/2021]*

(7) However, the authority conferred by subsection (5) to seize a competency test certificate or any article resembling a competency test certificate does not extend to a mobile communication device or other electronic device on which a digital competency test certificate is displayed.

*[Act 9 of 2020 wef 29/06/2021]*

### **Forfeiture of seized vehicles**

**51.—**(1) Subject to this section, all vehicles liable to seizure under the provisions of this Act are liable to forfeiture by a court.

(2) An order for the forfeiture of a vehicle seized or surrendered under section 50 may be made by the Authority if it is satisfied that —

- (a) the vehicle is a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle;

*[Act 26 of 2020 wef 28/08/2020]*

- (b) an offence under this Act has been committed and that the vehicle was the subject matter, or was used in the commission, of the offence;

*[Act 26 of 2020 wef 28/08/2020]*

- (ba) at the end of 30 days after the date of the seizure or surrender, no claim to the vehicle is earlier made in the prescribed manner to the Authority by a person who is not



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the person from whom the vehicle was seized or required to surrender the vehicle (or the latter person's agent); and

*[Act 26 of 2020 wef 28/08/2020]*

- (c) a person is convicted of the offence, or a person reasonably suspected of having committed the offence has that offence compounded under section 55.

*[Act 26 of 2020 wef 28/08/2020]*

(3) Despite subsection (2), the Authority may at once order the forfeiture of a vehicle seized or surrendered under section 50 —

- (a) that is a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle; and
- (b) that the Authority considers is of such a nature or in such condition that it would be dangerous for the Authority to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard.

*[Act 26 of 2020 wef 28/08/2020]*

(4) Upon receipt of a claim mentioned in subsection (2)(ba), the Authority may direct that the vehicle be released or may refer the matter by information to a Magistrate.

*[Act 26 of 2020 wef 28/08/2020]*

(5) The Magistrate must, 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 must, on proof that the vehicle was used in the commission of an offence under this Act, order the vehicle to be forfeited, or may in the absence of such proof order its release.

(6) In any proceedings under subsection (5), the burden of proof lies on the person asserting that the person is the owner of the vehicle concerned, and on the person from whom the vehicle was seized, as the case may be.

(7) In any proceedings in any court in respect of the forfeiture of any vehicle seized in exercise or the purported exercise of any power conferred under section 50, no person is entitled to the costs of such proceedings or to any damages or other relief except an order for the

return of the vehicle, unless the seizure was made without reasonable or probable cause.

### **Holding yards**

**52.—**(1) A vehicle, or an article or a thing, which is moved to a holding yard under section 45 or 46, surrendered at a holding yard under section 50 or forfeited under section 51 must be detained there until it is released by order of the Authority or sold or disposed of in accordance with section 53.

(2) Any person who removes or causes to be removed such a vehicle, article or thing from the holding yard without the order of the 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.

### **Disposal of forfeited or detained vehicles**

**53.—**(1) Where any vehicle is forfeited by the Authority under section 51, an authorised officer may, after giving one month's notice in the *Gazette* of his or her intention to do so —

- (a) sell by public auction or tender the vehicle and any uncollected item left in or on the vehicle; or
- (b) destroy or otherwise dispose of the vehicle, article or thing (as the case may be).

(1A) However, the Authority may direct that a vehicle that is forfeited by the Authority under section 51(3) and is the subject of a notice under subsection (1) be returned to a person if —

- (a) before the end of the period of the notice in subsection (1), the Authority receives from that person a written objection to the intended sale, destruction or disposal of the vehicle and showing good cause why possession of the vehicle should be returned to the person; and
- (b) there is no reasonable cause for the Authority to believe that an offence under this Act has been committed and the

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vehicle was the subject matter, or was used in the commission, of the offence.

*[Act 26 of 2020 wef 28/08/2020]*

(2) Where a vehicle or an article or a thing is moved to a holding yard under section 45 or 46, or a vehicle is surrendered at a holding yard under section 50, it becomes unclaimed if, at the end of 30 days after the day on which the vehicle, article or thing was so moved or surrendered —

- (a) there is no person who appears, to the satisfaction of the Authority, to be the owner of the vehicle, article or thing, as the case may be; or
- (b) there is such a person but that person has not exercised his or her right to recover the vehicle, article or thing by a claim.

*[Act 38 of 2018 wef 02/01/2019]*

(3) Where a vehicle, article or thing which is moved to or surrendered at a holding yard under section 45, 46 or 50 becomes unclaimed, an authorised officer may, after giving one month's notice in the *Gazette* of his or her intention to do so —

- (a) sell by public auction or tender the vehicle, article or thing (as the case may be) and any uncollected item left in or on the vehicle, article or thing; or
- (b) destroy or otherwise dispose of the vehicle, article or thing, as the case may be.

(3A) Despite subsection (3), where it appears to the Authority that any vehicle, article or thing which is moved to a holding yard under section 45 or 46 —

- (a) is —
  - (i) a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle; and
  - (ii) of such a nature or in such condition that it would be dangerous for the Authority to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard;

(b) is a perishable article or thing that may rapidly depreciate in value; or

(c) is an article or a thing of such a nature or in such condition that it would be dangerous for the Authority to retain custody of the article or thing,

the Authority may, after giving one month's notice in the *Gazette* of its intention to do so, cause the vehicle, article or thing to be —

(d) sold (by public auction or otherwise) at once; or

(e) destroyed or otherwise disposed of at once in such manner as the Authority thinks fit.

*[Act 26 of 2020 wef 28/08/2020]*

(4) The proceeds of a sale by public auction or tender of any vehicle, article or thing under subsection (1), (3) or (3A) must be applied as follows:

(a) firstly, in payment of the expenses occasioned by the sale;

(b) secondly, in payment of storage or other expenses incurred by the Authority in relation to the vehicle, article or thing;

(c) thirdly, by payment of the balance into the Consolidated Fund.

*[Act 26 of 2020 wef 28/08/2020]*

(5) A purchaser of a vehicle, article, item or thing sold in accordance with subsection (1), (3) or (3A) acquires good title to that vehicle, article, item or thing.

*[Act 26 of 2020 wef 28/08/2020]*

(6) If the owner of a vehicle is convicted of or has been permitted to compound an offence under this Act, the expenses incurred by the Authority in carrying out the provisions of this section are recoverable by the Authority and, in case of dispute or neglect to pay, may be summarily ascertained by a Magistrate's Court and may be recovered in the same manner as if the expenses were fines imposed by that Court.

(7) If —

- (a) before the end of one year starting on the date a vehicle, an article or a thing was moved to a holding yard under section 45 or 46; but
- (b) after the vehicle, article or thing has been sold, destroyed or disposed of under subsection (3A),

a person who appears, to the satisfaction of the Authority, to be the owner of the vehicle, article or thing claims that vehicle, article or thing, the Authority may pay the person, out of the funds of the Authority, the balance after deducting all reasonable costs and expenses incurred by the Authority in moving, storing and selling, destroying or disposing of the vehicle, article or thing (as the case may be) from the value of the vehicle, article or thing when it was moved to a holding yard.

*[Act 26 of 2020 wef 28/08/2020]*

### **Ticketing**

**54.—**(1) Where an authorised officer or public path warden has reasonable grounds for believing that a person has committed an offence under this Act that is prescribed as an offence to which this section applies, the authorised officer or public path warden may, in lieu of applying to a court for a summons, 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 must be prepared by the authorised officer or public path warden 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.

(4) On an accused person appearing before a court pursuant to a notice under subsection (1), the court is to take cognizance of the offence alleged, and is to proceed as though the accused person were produced before it in pursuance of section 153 of the Criminal Procedure Code (Cap. 68).

(5) If a person, upon whom a notice has been served under subsection (1), fails to appear before a court in person or by counsel as required by that notice, 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 pursuant to a warrant issued under subsection (5) being produced before a court, the court is to —

- (a) proceed as though the person were produced before it in pursuance of section 153 of the Criminal Procedure Code; or
- (b) at the conclusion of the proceedings, call upon the person to show cause why he or she should not be punished for failing to attend in compliance with the notice served upon him or her.

(7) If cause is not shown under subsection (6)(b), the court may order a person arrested pursuant to a warrant issued under subsection (5) to pay such fine not exceeding \$2,000 as it thinks fit or may commit him or her to prison for a term not exceeding 2 months.

(8) An authorised officer or a public path warden may, at any time before the date specified in the notice under subsection (1), cancel the notice.

### **Composition of offences**

**55.—**(1) The Chief Executive of the Authority, or any employee of the Authority or public path warden authorised in writing by the Authority for the purpose of this provision, may compound any offence under this Act that is prescribed as a compoundable offence.

(2) A compoundable offence may be compounded under this section —

- (a) by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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- (i) one half of the amount of the maximum fine that is prescribed for the offence;
  - (ii) \$5,000; and
- (b) by requiring the person reasonably suspected of having committed the offence to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition) by the Chief Executive of the Authority, or any employee of the Authority or public path warden mentioned in subsection (1) with the concurrence (general or specific) of the Public Prosecutor.
- (3) On payment of such sum of money and on full compliance with the conditions of composition, no further proceedings are to be taken against that person in respect of the offence.
- (4) All sums collected under this section are to be paid into the Consolidated Fund.

*Division 3 — Offences and general provisions*

**Obstructing authorised officers, etc.**

**56.—**(1) A person who refuses to give access to, or obstructs, hinders or delays —

- (a) an authorised officer;
- (b) a public path warden;

*[Act 38 of 2018 wef 02/01/2019]*

- (c) a volunteer public path warden; or

*[Act 38 of 2018 wef 02/01/2019]*

- (d) an outsourced enforcement officer in uniform,

in the discharge of his or her duties under this Act 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 12 months or to both.

*[Act 38 of 2018 wef 02/01/2019]*

(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or

given by an authorised officer, public path warden, volunteer public path warden or outsourced enforcement officer who —

- (a) fails to declare his or her office; and
- (b) refuses to produce his or her identification card on demand being made by that person.

*[Act 38 of 2018 wef 02/01/2019]*

### **Offence of providing false information, etc.**

**57.—(1)** If —

- (a) a person furnishes a document, or makes a statement (whether orally, in writing or any other way) or gives information, to the Authority, an authorised officer or outsourced enforcement officer, a police officer, public path warden or volunteer public path warden;

*[Act 38 of 2018 wef 02/01/2019]*

- (b) the document, statement or information is false or misleading, or the statement or information omits any matter or thing without which the statement or information, as the case may be, is misleading;
- (c) the person knows, or ought reasonably to know, that the document is false or misleading, or that the statement or information is as described in paragraph (b); and
- (d) the document is furnished, or the statement is made or the information is given, for or in connection with —
  - (i) an application under this Act; or
  - (ii) a question or request by the Authority, an authorised officer or outsourced enforcement officer, a police officer, public path warden or volunteer public path warden under this Act,

*[Act 38 of 2018 wef 02/01/2019]*

the person 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 12 months or to both.



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(2) Subsection (1) does not apply if the document, statement or information is not false or misleading in a material particular, or if the statement or information did not omit any matter or thing without which the statement or information, as the case may be, is misleading in a material particular.

**Impersonating public path warden, etc.**

**58.—**(1) An individual who represents himself or herself, by word or conduct —

- (a) to be an authorised officer when he or she is not an authorised officer;
- (b) to be a public path warden when he or she is not a public path warden; or
- (c) to be a volunteer public path warden when he or she is not a volunteer public path warden,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

(2) An authorised officer, public path warden or volunteer public path warden who uses any equipment or identification card issued under section 42 otherwise than in the course of, or for the purpose of, exercising the functions of an authorised officer or a public path warden or volunteer public path warden, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

(3) However, it is a defence in any proceedings for an offence under subsection (1) or (2) where the accused proves, on a balance of probabilities, that the accused used or possessed the equipment or identification card issued under section 42 (as the case may be) for the purposes of a public entertainment provided in compliance with the Public Entertainments and Meetings Act (Cap. 257).

**Employer to ensure employee, etc., riders are insured****58A.—(1) Every —**

- (a) licensee or class licensee under the Shared Mobility Enterprises (Control and Licensing) Act 2020 who makes available for hire by any individual any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter to drive or ride wholly or partly on any public path; or
- (b) person who, in the course of a prescribed business —
  - (i) provides any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter for hire or use by an individual who —
    - (A) is the person's employee or outworker; and
    - (B) drives or rides on any public path in the performance of duties in the course of employment or under an outwork arrangement with that person; or
  - (ii) engages an individual under a contract of employment or an outwork arrangement to perform duties or carry out work involving driving or riding on any public path any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter owned or provided by the individual,

must take all reasonable and practicable measures to ensure that the individual is insured and maintains insurance for a prescribed minimum amount under one or more approved policies with an insurer within the meaning of the Insurance Act (Cap. 142) against third-party liabilities for death or personal injury which the individual may incur with respect to driving or riding the bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter (as the case may be) on public paths during the hiring from the licensee or class licensee or the individual's

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employment or outwork arrangement with that person, as the case may be.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) where the person is an individual — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) in any other case — to a fine not exceeding \$20,000.

(3) Where in any proceedings for an offence under subsection (1), it is alleged that a person failed to do something so far as is reasonable and practicable in relation to a requirement in that subsection, it is for the accused to prove, on a balance of probabilities, that —

(a) it was not reasonable or not practicable to do more than what was in fact done to satisfy that requirement; and

(b) there was no better practicable means than was in fact used to satisfy that requirement.

(4) In this section —

“approved policy” means a policy of insurance not subject to any conditions, exclusions or exceptions prohibited by regulations;

“outwork arrangement” means a contract, an agreement, understanding or other arrangement of any kind (whether written or unwritten) with a contractor —

(a) under which an individual (whether or not in the course of business or providing other services) performs work contracted to be performed under that contract, agreement, understanding or other arrangement for the contractor; and

(b) that is not a contract of employment;

“outworker” means an individual who performs work under an outwork arrangement.

*[Act 9 of 2020 wef 02/12/2020]*

**Court may order undergoing course**

**58B.**—(1) Where —

- (a) an individual (called in this section the offender), is convicted of an offence in Division 2 or 2A of Part 3;
- (b) at the time of the commission of the offence, the offender was the driver of a motorised wheelchair or a mechanised sweeper, or the rider of a bicycle, personal mobility device, PAB or mobility scooter; and
- (c) the court convicting the offender of the offence is, having regard to the circumstances of the commission of the offence and the character and conduct of the offender, of the opinion that to prevent another commission of an offence under Part 3, the offender should undergo training on safe driving or riding on public paths,

the court may, in addition to imposing on the offender the punishment provided for the offence under this Act, make an order requiring him or her to attend and complete, at the offender's own expense, a course designed to increase knowledge of, and to encourage, safe driving and riding behaviour on public paths as the court specifies.

(2) An offender may appeal against an order of a court under subsection (1) 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.

*[Act 9 of 2020 wef 02/12/2020]*

**Immaterial that more than one offence committed**

**58C.** To avoid doubt, in any proceedings for an offence under any provision in Division 2 or 2A of Part 3 or Part 3A involving an accused driving or riding on a public path, it is immaterial that the accused is riding or driving —

- (a) a class or description of vehicle the riding of which on that public path is otherwise unlawful under any other provision in Part 3; and

- (b) in a manner that also constitutes an offence under any other provision in Part 3 or 3A.

*[Act 9 of 2020 wef 02/12/2020]*

### **Strict liability**

**59.** In proceedings for an offence under Part 3 or 3A, it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the path was a pedestrian-only path, footpath or shared path, but it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused did not know, and could not reasonably have been expected to know, that the path was a pedestrian-only path, footpath or shared path, as the case may be.

*[Act 38 of 2018 wef 02/01/2019]*

### **Presumption of vehicle owner riding or driving**

**59A.—**(1) An owner of a bicycle, PAB, personal mobility device, motorised wheelchair or mobility scooter who is an individual is presumed, until the contrary is proved, to be riding or driving the bicycle, PAB, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) at the time of the commission (on or after the date of commencement of section 31 of the Land Transport (Enforcement Measures) Act 2018) of an offence under Part 3 or 3A that —

- (a) involves the riding or driving of the bicycle, PAB, personal mobility device, motorised wheelchair or mobility scooter; and
- (b) is prescribed,

if the owner fails to give the information required of the owner under section 48 about that offence and the owner knew or ought reasonably to have known the information required.

(2) *[Deleted by Act 9 of 2020 wef 03/04/2020]*

### **Offences by corporations**

**60.—**(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,  
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation, or a member of a corporation whose affairs are managed by its members; or

(ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

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(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

“partner”, in relation to a limited liability partnership, means any person who has been admitted as a partner in the limited liability partnership in accordance with the limited liability partnership agreement;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

**61.—**(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,  
is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if



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it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

PART 6  
MISCELLANEOUS

**Preservation of secrecy**

**62.**—(1) An individual who is or has been an authorised officer or outsourced enforcement officer, a public path warden or volunteer public path warden must not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by the individual in the performance of his or her duties or the exercise of his or her functions under this Act, except —

- (a) for the purpose of the performance of his or her duties or the exercise of his or her functions under this Act; or
- (b) when lawfully required to do so by any court or where required or allowed by the provisions of any written law.

*[Act 38 of 2018 wef 02/01/2019]*

(2) Any individual 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 12 months or to both.

**Protection from personal liability**

**63.** No liability shall lie against an authorised officer, a public path warden or volunteer public path warden for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act.

**Service of summons, etc.**

**64.**—(1) Despite the Criminal Procedure Code (Cap. 68), a summons, and any other document that is permitted or required by this Act to be served on a person, may be served as described in this section.

(2) A summons, or a document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;

- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the summons in a conspicuous place at the individual's residential address or business address; or
- (e) where the individual's residential address or business address cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

(3) A summons, or a document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other like officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address; or
- (c) where the partnership's business address cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

(4) A summons, or a document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

*[Act 38 of 2018 wef 01/02/2019]*

- (b) by leaving it at, or by sending it by post to, the body corporate's or unincorporated association's registered office or principal office in Singapore; or

*[Act 38 of 2018 wef 01/02/2019]*

- (c) where the body corporate's or unincorporated association's registered office or principal office cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

*[Act 38 of 2018 wef 01/02/2019]*

(4A) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by sending it by email to the email address of the individual, partnership, body corporate or unincorporated association, as the case may be;
- (b) by sending it by fax to whichever of the following is applicable:
  - (i) the fax number last known to the Authority as the fax number for the service of documents on the individual;
  - (ii) the fax number used at the partnership's business address;
  - (iii) the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore;
- (c) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or
- (d) by any other method authorised by the regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

*[Act 38 of 2018 wef 03/06/2019]*

(5) Service of a summons or a document sent by post under subsection (2), (3) or (4) takes effect 2 days (not including any

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Sunday or public holiday) after the day the summons or document (as the case may be) was posted (even if it is returned undelivered).

(5A) Service of a document under subsection (4A)(a) or (b) takes effect —

- (a) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; or
- (b) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission.

*[Act 38 of 2018 wef 03/06/2019]*

(5B) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way.

*[Act 38 of 2018 wef 03/06/2019]*

(6) When in any proceedings before any court it is necessary to prove that any authorised officer or public path warden has sent or served, or has received or has not received, any document, notice or other thing, a certificate purporting to be signed by the authorised officer or public path warden, as the case may be, and certifying the sending, service, reception or non-reception, as the case may be, of the document, notice or other thing, is admissible as evidence, and constitutes prima facie proof of the facts certified in the certificate, without proof of the signature of that certificate.

(7) In this section —

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the

person giving or serving the document as the means by which the addressee may access that document's contents;

*[Act 38 of 2018 wef 03/06/2019]*

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

*[Act 38 of 2018 wef 03/06/2019]*

“email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

*[Act 38 of 2018 wef 03/06/2019]*

“residential address” means an individual's usual or last known place of residence in Singapore;

“summons” means a summons against a person for any offence under this Act.

### **Jurisdiction of courts**

**65.** Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

### **General exemption**

**66.** The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

### **Regulations**

**67.—(1)** The Authority, with the approval of the Minister, may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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(2) In particular, the Authority may make regulations for any of the following matters:

(a) the construction, equipment and accessories of bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters for use on public paths or for registration under Part 3A, including —

(i) the lights to be carried by bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters including the nature of such lights, the positions in which they must be fixed and the periods during which they must be lighted or otherwise; and

*[Act 38 of 2018 wef 02/01/2019]*

(ii) the number and kind of brakes, bells, horns or other warning instruments to be fitted to bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters of any particular type or description;

*[Act 38 of 2018 wef 02/01/2019]*

(b) a ban on the use on public paths of bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters in prescribed circumstances, being circumstances which may cause annoyance or danger to users of public paths;

(c) a maximum speed for public paths of any type or description;

(d) the precedence to be observed on public paths as between traffic proceeding in the same direction, or in opposite directions, or when crossing, and otherwise;

(e) the behaviour of pedestrians and riders of bicycles, power-assisted bicycles, personal mobility devices and mobility scooters, and drivers of motorised wheelchairs, on public paths;

(f) the language, script and symbols for any sign or marking for public paths;

- (g) the records that are to be kept by persons who sell or repair personal mobility devices in the course of business for the purposes of Part 4 and the reporting of such sale or repairs to the Authority;
- (h) the form and minimum dimensions of a warning notice for the purposes of section 31, the text of such a notice and the manner of the display in premises;
- (i) the fees to be paid in connection with the administration of this Act, and the waiver, reduction or refund of fees charged;

*[Act 38 of 2018 wef 02/01/2019]*

- (j) the requirements and procedure for the registration of a registrable personal mobility device and the maintenance of the registrable PMD register, including —
  - (i) the qualifications for a person to be registered as a responsible person for a registrable personal mobility device, which may include a minimum age; and
  - (ii) the circumstances and procedure for transferring the registration of a registrable personal mobility device to another registered responsible person;

*[Act 38 of 2018 wef 02/01/2019]*

- (k) the procedure for applying to cancel the registration of a registrable personal mobility device;

*[Act 38 of 2018 wef 02/01/2019]*

- (l) the size, shape and character of the registration marks and identification marks required to be fixed on any registrable personal mobility device, and the manner in which those marks must be secured, sealed or displayed on a registrable personal mobility device;

*[Act 38 of 2018 wef 02/01/2019]*

- (m) prohibitions or restrictions against forging, tampering or unauthorised alteration of any registration mark or identification mark required by this Act to be fixed or displayed on a registrable personal mobility device;

*[Act 38 of 2018 wef 02/01/2019]*

*[Act 9 of 2020 wef 03/04/2020]*



- (n) the nature of tests of competence to drive or ride on public paths test-needed-to-drive vehicles, the administration of the tests of competence, and evidence of the result of attending and successfully completing any such test;

*[Act 9 of 2020 wef 03/04/2020]*

- (o) the conduct of examinations and assessments of vehicles under Division 2 of Part 4 and the process of applying for the issue of a certificate under section 35C, including —

- (i) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of such vehicle and products used in connection with these vehicles;
  - (ii) the tests to be conducted;
  - (iii) the format of reports of examinations and assessments by designated examiners, including the specification of information required in all reports of designated examiners for the purposes of Division 2 of Part 4; and
  - (iv) the keeping of records for, and provision of information to, the Authority of examinations and assessments carried out for the purposes of Division 2 of Part 4;

*[Act 9 of 2020 wef 03/04/2020]*

- (p) the records that are to be kept by any person to whom section 58A applies, about employees and outworkers whom the person engages or employs to drive or ride on any public path, and the insurance policies relating to these employees or outworkers which are required by that section.

*[Act 9 of 2020 wef 03/04/2020]*

- (3) Regulations made under this section may —

- (a) prescribe the offences under this Act that may be compounded;
  - (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not

exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both; and

- (c) provide for such saving, transitional and other consequential, incidental and supplemental provisions as is necessary or expedient.

(4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Incorporation by reference**

**67A.**—(1) Any regulation made in respect of the construction, equipment or accessories of bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters for use on public paths may apply, adopt or incorporate by reference —

- (a) either wholly or partially;
- (b) with or without modification; or
- (c) either specifically or by reference,

any matter contained in any code, standard, rule, requirement, specification or other document, as in force or published at a particular time or as in force or published from time to time, which relates to any matter that the regulation deals with.

(2) Any material applied, adopted or incorporated in any regulation by reference under subsection (1) is to be treated for all purposes as forming part of the regulation.

(3) Unless otherwise provided in a regulation, every amendment to any material applied, adopted or incorporated by reference under subsection (1) that is made by the person or organisation originating the material is, subject to subsections (4) and (5), to be treated as being a part of that regulation.

(4) Where any material referred to in subsection (1) is applied, adopted or incorporated by reference in any regulation, the Authority must give notice in the *Gazette* stating —

- (a) that the material is applied, adopted or incorporated in the regulation, and the date on which the relevant provision in the regulation was made;

- (b) that the material is available for inspection during working hours, free of charge;
- (c) the place where the material can be inspected;
- (d) that copies of the material can be purchased, and the place where the material can be purchased; and
- (e) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

(5) In addition, the Authority must cause a copy of every material applied, adopted or incorporated in that regulation by reference under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

(6) In this section, “modification” includes omissions, additions and substitutions.

*[Act 38 of 2018 wef 02/01/2019]*

## PART 7

### CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

#### **Consequential and related amendments to Land Transport Authority of Singapore Act**

**68.** The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

- (a) by inserting, immediately after the words “any written law specified in the Fifth Schedule,” in section 39(1), the words “being a written law administered by the Authority,”;
- (b) by inserting, immediately after subsection (1) of section 39, the following subsections:

“(1A) The power of an officer or employee of the Authority to require a person to furnish any information or document under subsection (1)(d) includes the power —

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the information or document;
- (b) if the information or document is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and
- (c) if the information or document is recorded otherwise than in legible form, to require the information or document to be made available to the officer or employee of the Authority in legible form.

(1B) For the purposes of subsection (1), if any information or document required by an officer or employee of the Authority is kept in electronic form —

- (a) the power of the officer or employee of the Authority to inspect the information or document includes the power —
  - (i) to access any computer or other equipment (including a mobile telephone) in which the information or document is stored; and
  - (ii) to require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and
- (b) the power of the officer or employee of the Authority to seize such information or document includes the power —
  - (i) to make copies of the information or document in legible or electronic form; and

- (ii) to transfer the content from the information or document to a disk, tape or other storage device.

(1C) If an officer or employee of the Authority is unable to make copies of the information or document, or transfer the content from the information or document, under subsection (1B), the officer or employee may —

- (a) seize the computer or other equipment (including a mobile telephone) in which the information or document is stored, as evidence in proceedings for an offence under this Act or written law specified in the Fifth Schedule; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the information or document held in the computer or equipment.”;
- (c) by inserting, immediately after the words “any written law specified in the Fifth Schedule” in section 40(1), the words “, being a written law administered by the Authority,”;
- (d) by inserting the word “and” at the end of paragraph 17(b) of the Second Schedule;
- (e) by deleting the word “; and” at the end of paragraph 17(c) of the Second Schedule and substituting a full-stop;
- (f) by deleting sub-paragraph (d) of paragraph 17 of the Second Schedule;
- (g) by inserting, immediately after paragraph 23 of the Second Schedule, the following paragraph:

“24. All fees payable under the Active Mobility Act 2017.”;
- (h) by deleting item 3 of Part I of the Fifth Schedule; and
- (i) [*Deleted by Act 38 of 2018 wef 02/01/2019*]

**Related amendments to Parking Places Act**

**69.**—(1) The Parking Places Act (Cap. 214, 2014 Ed.) is amended —

- (a) by inserting, immediately after the definition of “Authority” in section 2, the following definitions:

““bicycle”, “power-assisted bicycle” and “personal mobility device” have the same meanings as in the Active Mobility Act 2017.”;

- (b) by deleting the word “or” at the end of paragraph (a) of the definition of “private parking place” in section 2;

- (c) by deleting the comma at the end of paragraph (b) of the definition of “private parking place” in section 2 and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) one or more bicycles, power-assisted bicycles or personal mobility devices or a combination of such vehicles.”;

- (d) by deleting the full-stop at the end of the definition of “trailer” in section 2 and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““vehicle” means any vehicle whether mechanically propelled or otherwise, and includes a bicycle, a power-assisted bicycle or a personal mobility device.”;

- (e) by deleting subsection (2) of section 4 and substituting the following subsection:

“(2) The Authority must not permit any part of a road to be used as a parking place under subsection (1)(c) if —

- (a) the parking place is for the parking of personal mobility devices; or

(b) the use of such part of the road as a parking place will unreasonably prevent access to any premises adjoining the road or to the use of the road by any person entitled to the use of the road, or will cause a nuisance to any person.”; and

(f) by deleting the words “motor vehicle” wherever they appear in section 13(1), (2), (5) and (6) and substituting in each case the word “vehicle”.

(2) The Parking Places Act is amended by inserting, immediately after section 5, the following section:

**“Power to require maintenance, etc., of parking place**

**5A.**—(1) Where, in the opinion of the Superintendent, any private parking place for the parking of bicycles, power-assisted bicycles or personal mobility devices on any land or premises —

- (a) has not been kept or maintained in a state of good and serviceable repair or in a proper and clean condition;
- (b) has been discontinued without the permission of the Superintendent; or
- (c) has been altered (whether by repair or otherwise) so as to render the parking place to be non-compliant with any rules made under section 8,

the Superintendent may, by notice, require the owner or the occupier of the land or premises to carry out such repairs, work or alteration to the parking place, or to reinstate the parking place, as the case may be, as the Superintendent thinks fit to be carried out.

(2) A notice under subsection (1) must specify —

- (a) the manner in which the repairs, work, alteration or reinstatement specified in the notice is to be carried out;
- (b) the time within which the repairs, work, alteration or reinstatement must be completed; and

- (c) that the repairs, work, alteration or reinstatement must be carried out with due diligence to the satisfaction of the Superintendent.

(3) If a notice under subsection (1) is not complied with to his satisfaction, the Superintendent may —

- (a) carry out or cause to be carried out all or any of the repairs, work, alteration or reinstatement specified in that notice; and
- (b) recover all expenses reasonably incurred by him in the exercise of his powers under this section from the person in default.

(4) Without prejudice to the right of the Superintendent to exercise the powers under subsection (3), if any person on whom a notice under subsection (1) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person 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 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.”.

(3) [*Deleted by Act 24 of 2018 wef 01/05/2018*]

(4) Section 15B of the Parking Places Act is amended by inserting, immediately after subsection (3), the following subsections:

“(4) The Superintendent or an authorised person may do any of the following, without involving any search of any property or individual, for the purposes of a survey or inspection under this section:

- (a) photograph or film, or make audio recordings or make sketches of, any part of the premises, or any vehicle or parts of a vehicle or other thing at the premises;
- (b) require any person on those premises to produce or grant access to, without charge, any document



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or information reasonably required for any purpose in subsection (1), which are in the possession or under the control of that person;

(c) inspect and make copies of or take extracts from any such document;

(d) take possession of such a document if, in the opinion of the Superintendent or authorised officer —

(i) the inspection or copying of or extraction from the document cannot reasonably be performed without taking possession;

(ii) the document may be interfered with or destroyed unless possession is taken; or

(iii) the document may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, this Act.

(5) The power to require a person to furnish any document or information under subsection (4)(b) includes the power —

(a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or information;

(b) if the document or information is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and

(c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Superintendent or authorised officer in legible form.”.

(5) *[Deleted by Act 38 of 2018 wef 02/01/2019]*

**Related amendments to Road Traffic Act**

**70.—**(1) The Road Traffic Act (Cap. 276, 2004 Ed.) is amended —

- (a) by deleting the definition of “bicycle” in section 2(1) and substituting the following definition:

““bicycle” means a vehicle that —

(a) has 2 wheels held one behind the other in a frame;

(b) is steered by handlebars attached to the front wheel;

(c) has pedals; and

(d) is built to be propelled solely by human power;”;

- (b) by inserting, immediately after the definition of “parking place” in section 2(1), the following definition:

““personal mobility device” has the same meaning as in the Active Mobility Act 2017;”;

- (c) by inserting, immediately after the words “motor cycles” in section 4(1)(f), the words “and power-assisted bicycles”; and

- (d) by deleting subsections (8) and (9) of section 5 and substituting the following subsections:

“(8) In any proceedings for an offence under subsection (6) in respect of the sale, supply, offer or alteration of a vehicle or trailer, it is a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

- (a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the non-compliant vehicle or trailer to be exported (whether or not the accused is a party to that contract, arrangement or understanding);

(b) the accused sells the non-compliant vehicle or trailer in the course of, or for the purpose of, the non-compliant vehicle or trailer being exported; and

(c) the accused does not offer that non-compliant vehicle or trailer for sale in Singapore and the sale is not a retail sale.

(9) It is also a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

(a) the accused had received from the person to whom the non-compliant vehicle or trailer was sold, evidence purporting to show that the person does not intend to use the vehicle or trailer on any road; and

(b) it was reasonable to, and the accused did accept, that evidence as correct.

(10) In this section —

“authorised officer” means any employee of the Authority who is duly authorised by the Registrar in writing to act under this section;

“non-compliant vehicle or trailer” means 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.”.

(2) The Road Traffic Act is amended by inserting, immediately after section 5, the following sections:

**“No riding of personal mobility devices on roads**

**5A.—**(1) An individual must not ride a personal mobility device on a road at any time.

(2) However, subsection (1) does not apply to an individual who is crossing a road in or on a personal mobility device —

- (a) if the individual crosses the road by the shortest safe route, and does not stay on the road longer than necessary to cross the road safely; or
- (b) if —
  - (i) there is an obstruction on a shared path or footpath (within the meaning of the Active Mobility Act 2017) adjacent to the road (called an adjacent area);
  - (ii) it is impracticable to travel on the adjacent area; and
  - (iii) the individual travels no more than reasonably necessary along the road to avoid the obstruction.

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

**No riding of personal mobility device when towed by motor vehicle**

**5B.**—(1) An individual must not ride a personal mobility device on a road at any time while the individual riding the device is towed by a motor vehicle or is otherwise holding on to a motor vehicle.

(2) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.”.

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(3) Section 34(1) of the Road Traffic Act is amended by inserting, immediately after paragraph *(da)*, the following paragraph:

- “(db) to require any person who is, in the course of business, selling or supplying, or offering or exposing for sale or supply, by retail, any vehicle on any premises or place —
- (i) to display warning notices about prescribed vehicles or trailers which do not comply with the rules made under section 6 as to construction, weight and equipment applicable to the class or description of vehicles to which that vehicle or trailer belongs; or
  - (ii) to display in a prescribed manner or not to display such vehicles or trailers mentioned in sub-paragraph (i), or advertisements about such vehicles or trailers, at the premises or place;”.

### **Consequential amendments to Street Works Act**

**71.** The Street Works Act (Cap. 320A, 1996 Ed.) is amended —

- (a) by inserting, immediately after the words “tunnel, square,” in paragraph *(a)* of the definition of “street” in section 2, the word “path,”;
- (b) by inserting, immediately after the words “bus shelter,” in the definition of “road related facility” in section 2, the words “place for the parking of bicycles, power-assisted bicycles or personal mobility devices,”;
- (c) by inserting, immediately after the words “any road,” in paragraph *(b)* of the definition of “street” in section 2, the word “path,”;
- (d) by inserting, immediately after subsection (2) of section 5, the following subsection:

“(3) The exercise of any power under this Act for a purpose in subsection (1) is subject to Part 2 of the Active Mobility Act 2017 if the public street is or is to be a public path under that Act.”;

- (e) by inserting, immediately after subsection (4) of section 32A, the following subsection:

“(4A) For the purpose of exercising his power under subsection (4)(b) of removing an article or thing or causing an article or thing to be removed, an authorised officer may, with such assistance as he considers necessary, cut or break open any lock, seal, fastener or other device on or connected to the article or thing.”; and

- (f) by inserting, immediately after subsection (12) of section 32A, the following subsection:

“(13) This section does not apply in relation to any public path that is a footpath or shared path (within the meaning of the Active Mobility Act 2017) that is not on State land.”.

### **Saving and transitional provision**

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

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