



THE STATUTES OF THE REPUBLIC OF SINGAPORE

AMUSEMENT RIDES SAFETY ACT 2011

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Amusement Rides Safety Act 2011

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An Act to make provision relating to the safety of amusement rides and matters connected therewith.

[1 July 2011]

PART 1

PRELIMINARY

Short title

1. This Act is the Amusement Rides Safety Act 2011.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
“adverse incident”, in relation to an amusement ride, includes —
(a) any malfunction of the amusement ride;

- (b) any accident arising from the operation of the amusement ride;
- (c) any occurrence of fire on the amusement ride or any part thereof (including the spread of smoke or any other harmful emission arising from such fire);
- (d) the collapse, breakage, dislodgement or disengagement of any structure or component of the amusement ride;
- (e) any occurrence arising from the operation of the amusement ride that results or is likely to result in —
 - (i) any injury to, or the death of, any person who is using or operating, or in the vicinity of, the amusement ride; or
 - (ii) any person being stranded or trapped on or in any part of the amusement ride; and
- (f) such other occurrence as may be prescribed as an adverse incident for the purposes of this Act;

“amusement ride” means any mechanised or power-driven device or any combination of such devices, together with any machinery, equipment and plant connected thereto or used in connection therewith, which —

- (a) is designed to carry patrons on, along, around, over or through a fixed or restricted course, or within a defined area, for the primary purpose of giving those patrons amusement, pleasure, thrills or excitement; and
- (b) is available for use by members of the public upon their payment of a fee or otherwise,

whether or not that device or combination of devices is erected to remain as a lasting part of any premises or is regularly relocated, and —

- (c) includes such other device or combination of devices as may be prescribed to be an amusement ride for the purposes of this Act; but

(d) does not include any —

- (i) coin-operated ride;
- (ii) playground equipment; or
- (iii) device or combination of devices which is prescribed as not being an amusement ride for the purposes of this Act;

“Authority” means the Building and Construction Authority established under section 3 of the Building and Construction Authority Act 1999;

“building” has the meaning given by the Building Control Act 1989, and includes any part of an amusement ride which is declared to be a building under paragraph (g) of the definition of “building” in section 2(1) of that Act;

“building works” has the meaning given by section 2(1) of the Building Control Act 1989;

“certificate of compliance” means a certificate of compliance issued by the Commissioner of Civil Defence under section 36(4)(a) in respect of the fire and rescue management system of an amusement ride;

“coin-operated ride” means any device which —

- (a) is fixed to a non-moving base; and
- (b) upon the insertion of any coin, slug, token, plate or disc, operates as a ride for children;

“Commissioner” means the Commissioner of Amusement Rides Safety appointed under section 3(1);

“Commissioner of Building Control” means the appropriate Commissioner of Building Control appointed under section 3(1) of the Building Control Act 1989;

“Commissioner of Civil Defence” means the Commissioner of Civil Defence appointed under section 6 of the Civil Defence Act 1986 and includes any public officer or member of the Civil Defence Force designated by the Commissioner of

Civil Defence to act in his or her place for the purposes of this Act;

“component”, in relation to an amusement ride, means any part in the entire assembly of parts that make up the amusement ride, and includes —

- (a) any part of the structure of the amusement ride;
- (b) any chair, car, capsule, cabin, gondola, boat, raft, vehicle or other conveyance which forms part of the amusement ride;
- (c) any cable, chain, rope or cord used for the purposes of the amusement ride; and
- (d) any electrical gadget, switch or device or any computer hardware or software used in connection with the operation of the amusement ride;

“conformity assessor” means any person or body of persons (whether incorporated or not, and whether local or foreign) —

- (a) whose expertise is or includes the carrying out of procedures (including inspections, tests and certifications) for determining whether the design and specifications, the proposed installation method and programme or the proposed modification method and programme relating to a major amusement ride or the major modification thereof conform to any given technical standard or requirement; and
- (b) who satisfies the prescribed requirements;

“design and specifications” means —

- (a) in relation to an amusement ride — the design and specifications (including any plans and calculations) of or relating to —
 - (i) the machinery, equipment and plant connected to, or used in connection with, the amusement ride;

- (ii) the structure and components of the amusement ride;
 - (iii) the materials used to construct the amusement ride;
 - (iv) the stability and structural integrity of the amusement ride; and
 - (v) such other aspects of the amusement ride as may be prescribed; and
- (b) in relation to any major modification to be carried out on an amusement ride — the design and specifications (including any plans and calculations) in accordance with which any aspect of the amusement ride mentioned in paragraph (a)(i) to (v) is to be modified pursuant to the major modification;

“enforcement officer” means any person appointed under section 3(3) to be an enforcement officer for the purposes of this Act;

“existing amusement ride” means an amusement ride which has been in operation at any time during the period of 12 months immediately before 1 July 2011, whether on a continuous or an intermittent basis;

“fire and rescue management system”, in relation to an amusement ride, means any installation, apparatus or equipment (whether integrated as part of the amusement ride or otherwise) and the protocols and instructions for the activation, operation and use thereof, which are designed to be used for —

- (a) addressing —
 - (i) any occurrence of fire on the amusement ride or any part thereof (including the spread of smoke or any other harmful emission arising from such fire);

- (ii) any occurrence arising from the operation of the amusement ride that results or is likely to result in any person being injured, stranded or trapped on or in any part of the amusement ride; and
 - (iii) such other occurrence arising from the operation of the amusement ride as may be prescribed;
- (b) giving warning of any occurrence mentioned in paragraph (a), or of the likelihood of any such occurrence;
 - (c) providing a means of rescue, escape or evacuation of persons from the amusement ride in the event of any occurrence mentioned in paragraph (a); and
 - (d) providing access to any premises or place for the purpose of addressing any occurrence mentioned in paragraph (a);

“install”, in relation to an amusement ride, means to construct, erect, assemble or put in place the amusement ride on any premises, but in relation to an amusement ride that is capable of being relocated, does not include to construct, erect, assemble or put in place that amusement ride on any premises arising from its relocation to those premises;

“installation method and programme”, in relation to an amusement ride, means the method and programme to be followed for the installation of the amusement ride, and includes all safety assessments and tests to be carried out during or upon the completion of the installation works;

“installation permit” means a permit issued by the Commissioner under section 6 authorising the installation of an amusement ride;

“installation works” means all works relating to the installation of an amusement ride, but does not include any building works relating to the construction or modification of any

building which forms part of the amusement ride or to which the amusement ride is connected;

“major amusement ride” means any type of amusement ride which, on account of its design, size, structure, speed or other characteristics, is prescribed as a major amusement ride for the purposes of this Act;

“major modification”, in relation to an amusement ride, means any manner of change to the structure or mechanism of the amusement ride which is prescribed as a major modification for the purposes of this Act;

“minor modification”, in relation to an amusement ride, means any modification to the amusement ride (including any refurbishment thereof) which is not prescribed as a major modification for the purposes of this Act;

“modification method and programme”, in relation to the major modification of an amusement ride, means the method and programme to be followed for the major modification of the amusement ride, and includes all safety assessments and tests to be carried out during or upon the completion of the modification works;

“modification permit” means a permit issued by the Commissioner under section 24 authorising the major modification of an amusement ride;

“modification works” means all works relating to the major modification or minor modification (as the case may be) of an amusement ride, but does not include any building works relating to the construction or modification of any building which forms part of the amusement ride or to which the amusement ride is connected;

“operate”, in relation to an amusement ride, means to cause the amusement ride to be put to function for the purpose of making the use of the amusement ride available to members of the public, whether upon their payment of a fee or otherwise, and “operator” is to be construed accordingly;

“operating method”, in relation to an amusement ride, means the method by which, according to its design and specifications, the amusement ride is to be put to function, and includes all safety measures to be taken in the event of any adverse incident occurring in respect of the amusement ride;

“operating permit” means a permit issued by the Commissioner under section 14 authorising the holder of the permit to operate an amusement ride;

“owner” means —

(a) in relation to any premises — the person for the time being receiving the rents or profits for the lease of the premises, whether on the person’s own account or as agent or trustee for any other person, or who would so receive the rents or profits if the premises were so leased, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960; and

(b) in relation to an amusement ride — the person for the time being receiving the rents or profits for the lease of the amusement ride, whether on the person’s own account or as agent or trustee for any other person, or who would so receive the rents or profits if the amusement ride were so leased;

“patron” means any person who uses an amusement ride;

“person responsible”, in relation to an amusement ride, means —

(a) the person who holds the operating permit in respect of the amusement ride; or

(b) if no person holds an operating permit in respect of the amusement ride for the time being — any of the following persons:

(i) the owner of the amusement ride or the person who has the charge, management or control of the amusement ride;

- (ii) the owner of the premises on which the amusement ride is installed;
- (iii) where the amusement ride is installed in an approved place within the meaning of section 2 of the Public Entertainments Act 1958, and despite the amusement ride not being a public entertainment within the meaning of that section, the holder of a licence under that Act in respect of the public entertainment that is provided at that approved place;
- (iv) the person who is allowed by virtue of section 75 to operate the amusement ride without an operating permit; or
- (v) any other person who is prescribed to be the person responsible for the amusement ride for the purposes of this Act;

“playground equipment” means any apparatus designed for recreational use in a playground and includes swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines and physical fitness devices;

“power-driven” means driven by mechanical, electrical, magnetic, pneumatic, hydraulic or any other means but does not include being driven solely by human physical effort;

“premises” means any place or building or part thereof, whether privately owned or not, to which the general public or any section of the general public is permitted to have access, whether on payment of a fee or otherwise;

“prescribed requirements” means the requirements (if any) prescribed by any provision of this Act or by the regulations and, where appropriate, includes such codes, standards and specifications as may be adopted by those regulations pursuant to section 73;

“qualified person” means a person who —

- (a) is registered as a specialist professional engineer in the discipline of amusement ride engineering under the Professional Engineers Act 1991; and
- (b) has in force a specialist practising certificate issued under that Act;

“regulations” means any regulations made under section 72;

“relocate”, in relation to an amusement ride, means to move the amusement ride, with or without disassembly, from its present location to another location for operation at the other location;

“relocation works” means all works relating to the relocation of an amusement ride, including the disassembling and reassembling of the amusement ride for the purposes of such relocation;

“ride manager”, in relation to an amusement ride, means a person appointed under section 16 to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride;

“routine operation”, in relation to an amusement ride, means the carrying out of any task or activity that is necessary for putting the amusement ride to function, and includes —

- (a) the activation and exercise of mechanical control of the amusement ride;
- (b) the driving or steering of any vehicle, boat or other conveyance that forms part of the amusement ride;
- (c) the control of the number of patrons allowed on the amusement ride at any one time and the supervision of the boarding or alighting of those patrons;
- (d) the giving of directions to patrons regarding their use of the amusement ride and the safety measures to be observed by them when using the amusement ride; and

- (e) any other task or activity prescribed as being an aspect of the routine operation of the amusement ride for the purposes of this Act;

“structure”, in relation to an amusement ride, includes any tower, supporting frame, wheel, axle, arm, pendulum, drive system, launch mechanism, platform, flume, track or slide which forms part of the amusement ride.

[28/2017]

(2) For the purposes of this Act, a device is regarded as being wholly or, where appropriate, partly driven by a particular kind of power if it is so driven by that kind of power at any stage of its operation or propulsion.

(3) Where —

- (a) by or under any provision of this Act, any act or thing is required or directed to be done within a particular period or before a particular time;
- (b) failure to do that act or thing within the period or before the time mentioned in paragraph (a) constitutes an offence; and
- (c) that act or thing is not done within the period or before the time mentioned in paragraph (a),

the obligation to do that act or thing continues, even though that period has expired or that time has passed, until that act or thing is done; and if the failure to do that act or thing within the period or before the time mentioned in paragraph (a) is an offence, a person shall be guilty of a separate offence in respect of each day (including the day of a conviction for any such offence or any later day) or part of a day during which the person continues to refuse or fail to comply with that requirement or direction.

Appointment of Commissioner and enforcement officers

3.—(1) The Minister may appoint any person to be the Commissioner of Amusement Rides Safety.

(2) The Commissioner has, subject to any general or special directions of the Minister, charge of the administration of this Act and

may perform the duties imposed, and may exercise the powers conferred, upon him or her by this Act.

(3) The Commissioner may appoint, by name or office, from among —

(a) public officers; or

(b) persons in the employment of the Authority or such other public authority constituted by any written law as the Minister may approve for the purpose,

any number of enforcement officers that the Commissioner considers necessary for the purpose of assisting him or her in administering and enforcing this Act.

(4) Any powers conferred on and duties to be performed by the Commissioner under this Act may, subject to any general or special directions of the Commissioner, be exercised or performed by any enforcement officer appointed under subsection (3).

(5) Every enforcement officer appointed under subsection (3) is subject to the general supervision of the Commissioner.

(6) Every enforcement officer when exercising any powers under this Act must, if not in uniform, declare his or her office and must, on demand, produce to any person affected by the exercise of those powers any identification card that the Commissioner may direct to be carried by the enforcement officer when exercising those powers.

(7) It is not an offence for any person to refuse to comply with any requirement, demand or order made or given by any enforcement officer who fails to produce his or her identification card on demand being made by that person.

Commissioner and enforcement officers deemed to be public servants

4. The Commissioner and every enforcement officer are deemed to be public servants within the meaning of the Penal Code 1871.

PART 2

INSTALLATION OF AMUSEMENT RIDES

Requirement for installation permit

5.—(1) A person must not install or cause any amusement ride to be installed unless the installation of the amusement ride is authorised by, and is carried out in accordance with the conditions of, a valid installation permit.

(2) Any person who commences or carries out, or who causes, permits or authorises the commencement or carrying out of, any installation works in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

(3) If any installation works are being carried out in contravention of subsection (1), the Commissioner may —

- (a) by written notice, require the person who is carrying out, or who has caused, permitted or authorised the carrying out of, the installation works to take or cause to be taken, at the expense of that person and within the time stipulated in the notice, all such measures as may be specified in the notice to secure the cessation of the installation works; or
- (b) take or cause to be taken all measures that the Commissioner thinks necessary to secure the cessation of the installation works and recover from the person mentioned in paragraph (a) by way of a civil suit all costs and expenses reasonably incurred by the

Commissioner in taking or causing those measures to be taken.

(4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —

(a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) the Commissioner may take or cause to be taken all measures that the Commissioner thinks necessary to secure the cessation of the installation works, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing those measures to be taken.

(5) The measures mentioned in subsections (3)(a) and (b) and (4)(b) include —

(a) the closure or cordoning off of the premises on which the installation works are being carried out; and

(b) the dismantling of any part of the amusement ride that has already been installed.

(6) In addition to the powers exercisable by him or her under subsection (3) or (4), the Commissioner may, if the Commissioner thinks necessary for securing the cessation of any installation works being carried out in contravention of subsection (1), seize and detain —

(a) any machinery, equipment or plant connected or used in connection with the amusement ride being installed or with the installation works relating thereto; or

(b) any component of the amusement ride being installed.

(7) Section 51(2) applies to any item seized and detained under subsection (6).

Application for and issue of installation permit

6.—(1) An application for an installation permit must —

- (a) be made to the Commissioner in such form and manner as the Commissioner may require;
- (b) be submitted to the Commissioner together with any documents and particulars that the Commissioner may require; and
- (c) be accompanied by the prescribed fee.

(2) A person who wishes to obtain an installation permit must, before making an application under subsection (1) —

- (a) appoint a qualified person to —
 - (i) review the design and specifications and the proposed installation method and programme of the amusement ride to be installed and certify that they conform to the prescribed requirements;
 - (ii) supervise the installation works; and
 - (iii) inspect and certify the amusement ride under section 12 upon the completion of its installation, for which purpose either the same qualified person may be appointed to carry out all of the functions mentioned in sub-paragraphs (i), (ii) and (iii), or a different qualified person may be appointed to carry out each of those functions;
- (b) where applicable, apply, in accordance with section 5 or 5A of the Building Control Act 1989, to the Commissioner of Building Control for approval of the plans of any building works relating to any building which forms part of the amusement ride to be installed or to which the amusement ride is connected, or (as the case may be) ensure that the conditions in section 5AA(2) of that Act are satisfied in relation to such plans; and
[Act 23 of 2023 wef 18/12/2023]
- (c) apply, in accordance with section 36, to the Commissioner of Civil Defence for the approval of the design and plans of

the fire and rescue management system of the amusement ride to be installed.

(3) Upon receiving an application under subsection (1) and the accompanying documents and particulars, the Commissioner may —

(a) subject to subsection (4), issue an installation permit to the applicant —

(i) in such form or manner as the Commissioner may determine; and

(ii) subject to such conditions as the Commissioner thinks fit to impose;

(b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

(i) make such alterations or amendments as the Commissioner may require to either or both the design and specifications and the proposed installation method and programme of the amusement ride;

(ii) take such measures as the Commissioner may specify for the purpose of ensuring that the installation works will conform to the prescribed requirements; and

(iii) resubmit the application for the installation permit upon having made those alterations or amendments or taken those measures; or

(c) refuse to issue the installation permit, in which case the Commissioner must, if requested to do so by the applicant, state in writing the reasons for the refusal.

(4) The Commissioner must not issue an installation permit unless the Commissioner is satisfied that —

(a) the applicant —

(i) is a fit and appropriate person to be issued an installation permit; and

(ii) satisfies the prescribed requirements;

- (b) the design and specifications and the proposed installation method and programme of the amusement ride to be installed have been reviewed in accordance with section 46 by a qualified person appointed by the applicant under subsection (2)(a)(i) and certified by the qualified person as conforming to the prescribed requirements;
- (c) where applicable, the plans of any building works relating to any building which forms part of the amusement ride to be installed, or to which the amusement ride is connected, have been approved or deemed approved by the Commissioner of Building Control under section 5, 5A or 5AA of the Building Control Act 1989;
[Act 23 of 2023 wef 18/12/2023]
- (d) the design and plans of the fire and rescue management system of the amusement ride to be installed have been approved by the Commissioner of Civil Defence under section 36(3)(a); and
- (e) the installation works will be carried out under the supervision of a qualified person appointed by the applicant under subsection (2)(a)(ii) (whether or not the qualified person is the same qualified person mentioned in paragraph (b) or a different qualified person).

(5) If any direction given by the Commissioner under subsection (3)(b) is not complied with within the time specified in the direction, or such further period as may be allowed by the Commissioner in any particular case, the Commissioner may dismiss the application.

Carrying out of installation works

7.—(1) The holder of an installation permit must ensure that no installation works are carried out except under the supervision of a qualified person.

(2) It is the duty of —

- (a) the holder of an installation permit;

(b) any person who is directly engaged in the carrying out of the installation works authorised by the installation permit; and

(c) the qualified person supervising the installation works, to ensure that the installation works are at all times carried out in accordance with —

(d) the design and specifications and the proposed installation method and programme, as authorised by the installation permit;

(e) the conditions of the installation permit;

(f) the prescribed requirements; and

(g) any direction given by the Commissioner in respect of the installation works.

(3) Where, in relation to any installation works or part thereof, the Commissioner is of the opinion that —

(a) any requirement under subsection (1) or (2) has not been or is not being complied with; or

(b) the installation works are dangerous or liable to pose a danger to persons who are employed in connection with the installation works, or who are using or operating, or in the vicinity of, the amusement ride being installed,

the Commissioner may, without revoking or suspending the installation permit under section 11, direct the holder of the installation permit or the person directly engaged in carrying out the installation works to —

(c) cease the installation works or part thereof, either immediately or within such time as may be specified by the Commissioner; and

(d) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

and the installation works or part thereof (as the case may be) must not be resumed without the written consent of the Commissioner.

(4) The Commissioner may, upon an application made by the holder of the installation permit in such form and manner as the Commissioner may require, grant his or her consent for the installation works or any part thereof to resume if he or she is satisfied that any such installation works or part thereof, if allowed to resume —

- (a) will comply with the requirements under subsections (1) and (2); and
- (b) will not pose a danger to any person.

(5) The holder of an installation permit who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the installation permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

(6) Any person to whom subsection (2) applies who contravenes that subsection shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every

day or part of a day during which the contravention continues after conviction.

(7) Any person who is directly engaged in the carrying out of any installation works and who, in carrying out those installation works, deviates or permits or authorises any deviation, in any material way from the design and specifications or the proposed installation method and programme authorised by the installation permit, shall, unless that deviation has been submitted to and approved by the Commissioner in accordance with the regulations, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) Where a person to whom a direction has been given by the Commissioner under subsection (3) —

- (a) fails to comply with the direction; or
- (b) resumes the installation works without the written consent of the Commissioner,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

Duty to notify Commissioner of contravention of Act in relation to installation works

8.—(1) If —

- (a) the holder of an installation permit;
- (b) any person who is directly engaged in the carrying out of the installation works authorised by the installation permit;
or
- (c) the qualified person supervising the installation works,

knows or ought reasonably to know of any contravention of this Act relating to the carrying out of the installation works, it is the duty of that person to notify the Commissioner, as soon as practicable, of the contravention.

(2) Any person to whom subsection (1) applies who contravenes that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) It is a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that the person did not know and could not reasonably have discovered the contravention mentioned in the charge.

Alteration of conditions of installation permit

9.—(1) The Commissioner may —

(a) on his or her own volition; or

(b) on an application made by the holder of an installation permit,

at any time alter (whether by adding to, varying or revoking) the conditions of an installation permit.

(2) Before the Commissioner alters the conditions of an installation permit on his or her own volition under subsection (1)(a), the Commissioner must give written notice to the holder of the installation permit —

(a) stating that the Commissioner proposes to alter the conditions of the installation permit in the manner specified in the notice; and

(b) specifying the time (being not less than 14 days from the date the notice is served on the holder of the installation permit) within which written representation with respect to the proposed alteration of conditions may be made.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Commissioner must consider the representation and may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, must thereupon issue a written direction to the holder of the installation permit —

- (a) specifying the alteration made to the conditions of the installation permit; and
 - (b) requiring the holder of the installation permit to comply with the altered conditions of the installation permit as from the date specified in the direction.
- (4) An application under subsection (1)(b) to alter the conditions of an installation permit must be made to the Commissioner in such form and manner as the Commissioner may require and must —
- (a) specify the alteration required by the applicant and the reasons therefor; and
 - (b) be accompanied by —
 - (i) such documents and particulars as the Commissioner may require; and
 - (ii) the prescribed fee.
- (5) Where the Commissioner decides to alter the conditions of an installation permit pursuant to an application made under subsection (1)(b), the Commissioner must issue a written direction to the holder of the installation permit —
- (a) specifying the alteration made to the conditions of the installation permit; and
 - (b) requiring the holder of the installation permit to comply with the altered conditions of the installation permit as from the date specified in the direction.

Installation permit not transferable

10. An installation permit is not transferable by its holder to any other person, and any such purported transfer of any installation permit is void.

Lapsing, revocation and suspension of installation permit

- 11.—(1) An installation permit automatically lapses —
- (a) if the holder of the installation permit —
 - (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or
 - (ii) ceases to be the person for whom the amusement ride is to be installed or the person carrying out the installation works, as the case may be;
 - (b) if the qualified person appointed by the holder of the installation permit under section 6(2)(a)(ii) to supervise the installation works has vacated his or her appointment and the holder of the installation permit has failed to appoint a substitute qualified person to supervise the installation works and to notify the Commissioner of the substitute appointment in accordance with section 41(1)(b)(i) and (ii); or
 - (c) in the event of such other occurrence or in such other circumstances as may be prescribed.
- (2) The Commissioner may revoke an installation permit if —
- (a) the installation works authorised by the installation permit, having commenced, are suspended for a continuous period of more than 3 months;
 - (b) in the Commissioner’s opinion, the holder of the installation permit has contravened or is contravening, or the installation works authorised by the installation permit have been or are being carried out in a manner which contravenes —
 - (i) any condition of the installation permit;
 - (ii) any prescribed requirement; or
 - (iii) any direction given by the Commissioner in respect of the installation works;

- (c) the Commissioner has reason to believe that the installation permit had been obtained by fraud or misrepresentation;
 - (d) the Commissioner becomes aware of any circumstance that would have required or permitted him or her to refuse to issue the installation permit had the Commissioner been aware of the circumstance immediately before issuing the installation permit; or
 - (e) the Commissioner considers it in the public interest to revoke the installation permit.
- (3) The Commissioner may, if he or she considers it desirable to do so —
- (a) suspend an installation permit for a specific period instead of revoking it under subsection (2); and
 - (b) at any time extend or rescind the suspension.
- (4) Subject to subsection (5), the Commissioner must not revoke or suspend an installation permit under subsection (2) or (3) without giving the holder of the installation permit an opportunity to be heard in accordance with the prescribed procedure.
- (5) The Commissioner may revoke or suspend an installation permit without giving the holder of the installation permit an opportunity to be heard if —
- (a) the holder of the installation permit —
 - (i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or
 - (ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;
 - (b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the installation permit; or

- (c) the holder of the installation permit has been convicted —
 - (i) of an offence under this Act; or
 - (ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that the holder of the installation permit had acted fraudulently or dishonestly.

Inspection and certification of amusement ride after installation

12. Upon the completion of the installation of an amusement ride —

- (a) the qualified person appointed by the holder of the installation permit under section 6(2)(a)(iii) must, in accordance with section 46, inspect the amusement ride and issue a certificate stating that, in the qualified person's opinion —
 - (i) the installation works have been properly carried out in accordance with —
 - (A) the design and specifications and the proposed installation method and programme, as authorised by the installation permit;
 - (B) the conditions of the installation permit;
 - (C) the prescribed requirements; and
 - (D) any direction given by the Commissioner in respect of the installation works; and
 - (ii) the amusement ride, as installed —
 - (A) conforms to the prescribed requirements; and
 - (B) is in a safe working condition and fit for operation; and
- (b) the holder of the installation permit must, in accordance with section 36, apply to and obtain from the Commissioner of Civil Defence a certificate of

compliance in respect of the fire and rescue management system of the amusement ride.

PART 3

OPERATION OF AMUSEMENT RIDES

Requirement for operating permit, etc.

13.—(1) A person must not operate an amusement ride unless —

- (a) the person holds a valid operating permit and operates the amusement ride in accordance with the conditions of the operating permit; and
- (b) at all times when the amusement ride is being operated —
 - (i) the amusement ride is in a state of good repair and safe working condition, and is fit for operation;
 - (ii) there is in force a certificate of compliance in respect of the fire and rescue management system of the amusement ride, and the fire and rescue management system of the amusement ride complies with such requirements (if any) as may be prescribed under section 38;
 - (iii) there is in force an insurance covering the person responsible for the amusement ride against liability for any injury to, or the death of, any person arising out of the operation or use of the amusement ride in an amount that is not less than the prescribed minimum limits; and
 - (iv) there is appointed in respect of the amusement ride at least one ride manager to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride.

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

- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

- (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

(3) If any amusement ride is being operated in contravention of subsection (1), the Commissioner may —

- (a) by written notice, require the person responsible for the amusement ride to take or cause to be taken (at the expense of such person and within such time as may be stipulated in the notice) all such measures as may be specified in the notice to secure the cessation of the operation of the amusement ride; or
- (b) take or cause to be taken all such measures that the Commissioner thinks necessary to secure the cessation of the operation of the amusement ride and recover from the person responsible for the amusement ride by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing those measures to be taken.

(4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —

- (a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) the Commissioner may take or cause to be taken all measures that he or she thinks necessary to secure the cessation of the operation of the amusement ride, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and

expenses reasonably incurred by the Commissioner in taking or causing those measures to be taken.

(5) The measures mentioned in subsections (3)(a) and (b) and (4)(b) include —

- (a) the closure or cordoning off of the amusement ride; and
- (b) the dismantling of the whole or any part of the amusement ride.

(6) In addition to the powers exercisable by him or her under subsection (3) or (4), the Commissioner may, if he or she thinks it necessary for securing the cessation of the operation of an amusement ride in contravention of subsection (1), seize and detain —

- (a) any machinery, equipment or plant connected or used in connection with the amusement ride; or
- (b) any component of the amusement ride.

(7) Section 51(2) applies to any item seized and detained under subsection (6).

Application for and issue of operating permit

14.—(1) An application for an operating permit must —

- (a) be made to the Commissioner in such form and manner as the Commissioner may require;
- (b) be submitted to the Commissioner together with such documents and particulars as the Commissioner may require; and
- (c) be accompanied by the prescribed fee.

(2) Upon receiving an application under subsection (1) and the accompanying documents and particulars, the Commissioner may inspect the amusement ride in respect of which the application has been made or cause the amusement ride to be inspected by an enforcement officer, and thereafter —

- (a) subject to subsection (3), issue an operating permit to the applicant —

- (i) in such form or manner as the Commissioner may determine; and
 - (ii) subject to such conditions as the Commissioner thinks fit to impose;
 - (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —
 - (i) take such measures or comply with such requirements (including the carrying out of any works or modifications to the amusement ride) as the Commissioner may specify for the purpose of ensuring that the amusement ride conforms to the prescribed requirements; and
 - (ii) resubmit the application for the operating permit upon having taken those measures or complied with those requirements; or
 - (c) refuse to issue the operating permit, in which case the Commissioner must, if requested by the applicant, state in writing the reasons for the refusal.
- (3) The Commissioner must not issue an operating permit unless the Commissioner is satisfied that —
 - (a) the applicant —
 - (i) is a fit and appropriate person to be issued an operating permit; and
 - (ii) satisfies the prescribed requirements;
 - (b) the amusement ride in respect of which the operating permit is sought —
 - (i) has (as the case requires) been inspected and certified by a qualified person —
 - (A) under section 12 upon the completion of its installation;
 - (B) under section 30 upon the completion of its major modification; or

- (C) in accordance with the regulations, in any case to which sub-paragraph (A) or (B) does not apply; and
- (ii) satisfies the prescribed requirements;
- (c) where applicable, the Commissioner of Building Control has issued a certificate of statutory completion or granted a temporary occupation permit under section 12 of the Building Control Act 1989 in respect of any building which forms part of the amusement ride or to which the amusement ride is connected;
- (d) the Commissioner of Civil Defence has issued a certificate of compliance under section 36 in respect of the fire and rescue management system of the amusement ride, and the fire and rescue management system of the amusement ride complies with such requirements (if any) as may be prescribed under section 38;
- (e) there will be in force for the duration of the operating permit (if issued) an insurance covering the person responsible for the amusement ride against liability for any injury to, or the death of, any person arising out of the operation or use of the amusement ride in an amount that is not less than the prescribed minimum limit; and
- (f) the applicant has appointed at least one ride manager under section 16 to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride at all times when the amusement ride is in operation.

(4) If any direction given by the Commissioner under subsection (2)(b) is not complied with within the time specified in that direction, or such further period as the Commissioner may allow, the Commissioner may dismiss the application.

Duration and renewal of operating permit

15.—(1) An operating permit —

- (a) is valid, unless it has earlier lapsed or been revoked or suspended, for such period, not exceeding 12 months

starting on the date of its issue, as may be specified in the operating permit; and

(b) may be renewed upon its expiry.

(2) An application for the renewal of an operating permit must be made in accordance with the prescribed requirements.

Appointment of ride managers

16.—(1) The holder of an operating permit in respect of an amusement ride must appoint at least one suitably qualified and trained person as a ride manager to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride.

(2) If any ride manager appointed under subsection (1) in respect of an amusement ride for any reason vacates his or her appointment —

(a) both the holder of the operating permit and the ride manager must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and

(b) the holder of the operating permit must —

(i) without delay appoint under subsection (1) another ride manager to substitute the firstmentioned ride manager; and

(ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

(3) If a ride manager who vacates his or her office is the only ride manager who has been appointed in respect of the amusement ride, the holder of the operating permit must not commence or (as the case may be) must immediately cease the operation of the amusement ride until the holder of the operating permit has appointed a substitute ride manager under subsection (2)(b)(i) and notified the Commissioner of the substitute appointment under subsection (2)(b)(ii).

(4) The holder of an operating permit who contravenes subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

(5) A ride manager who has vacated his or her appointment and contravenes subsection (2)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(6) The holder of an operating permit who contravenes subsection (2)(a) or (b)(ii) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Duties of ride managers in respect of operation of amusement ride

17.—(1) Every ride manager of an amusement ride must —

(a) take all reasonable steps and exercise all due diligence to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride in accordance with —

(i) the conditions of the operating permit issued in respect of the amusement ride;

(ii) the prescribed requirements; and

(iii) any direction given by the Commissioner in respect of the operation of the amusement ride; and

(b) carry out such other duties as may be prescribed.

(2) Any ride manager who contravenes subsection (1)(a) or (b) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the ride manager shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

Operation of amusement ride

18.—(1) It is the duty of the holder of an operating permit to take all reasonable steps and exercise all due diligence to —

- (a) ensure that at all times the amusement ride is operated safely and in a manner which —
 - (i) does not endanger, and is not likely to endanger, the safety of persons who are using or operating, or in the vicinity of, the amusement ride;
 - (ii) is in accordance with the operating method of the amusement ride; and
 - (iii) complies with —
 - (A) the conditions of the operating permit issued in respect of the amusement ride;
 - (B) the prescribed requirements; and
 - (C) any direction given by the Commissioner in respect of the operation of the amusement ride; and
- (b) take every precaution as is reasonable in the circumstances for the protection of persons who are using or operating, or in the vicinity of, the amusement ride.

(2) Where the Commissioner is of the opinion that an amusement ride has been or is being operated in a manner that is in contravention of any requirement under subsection (1), the Commissioner may, without revoking or suspending the operating permit under section 22, direct the holder of an operating permit to —

(a) cease the operation of the amusement ride, either immediately or within such time as the Commissioner may specify; and

(b) take, at the expense of the holder of the operating permit, such remedial measures as the Commissioner may require,

and the operation of the amusement ride must not be resumed without the written consent of the Commissioner.

(3) The Commissioner may, upon an application made by the holder of the operating permit in such form and manner as the Commissioner may require, grant his or her consent for the operation of the amusement ride to resume if he or she is satisfied that the operation of the amusement ride, if allowed to resume —

(a) will comply with the requirements under subsection (1); and

(b) will not pose a danger to any person.

(4) The holder of an operating permit who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

(5) Where the holder of an operating permit to whom a direction has been given by the Commissioner under subsection (2) —

(a) fails to comply with the direction; or

(b) resumes the operation of the amusement ride without the written consent of the Commissioner,

the holder of the operating permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Duty to notify Commissioner of contravention of Act in relation to operation of amusement ride

19.—(1) If the holder of an operating permit or any ride manager knows or ought reasonably to know of any contravention of this Act relating to the operation of the amusement ride, it is the duty of that person to notify the Commissioner, as soon as practicable, of the contravention.

(2) Any person to whom subsection (1) applies who contravenes that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) It is a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that the person did not know and could not reasonably have discovered the contravention referred to in the charge.

Alteration of conditions of operating permit

20.—(1) The Commissioner may —

- (a) on his or her own volition; or
- (b) on an application made by the holder of an operating permit,

at any time alter (whether by adding to, varying or revoking) the conditions of an operating permit.

(2) Before the Commissioner alters the conditions of an operating permit on his or her own volition under subsection (1)(a), the Commissioner must give written notice to the holder of the operating permit —

- (a) stating that the Commissioner proposes to alter the conditions of the operating permit in the manner specified in the notice; and

(b) specifying the time (being not less than 14 days from the date the notice is served on the holder of the operating permit) within which written representations with respect to the proposed alteration of conditions may be made.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Commissioner must consider the representation and may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, must issue a written direction to the holder of the operating permit —

(a) specifying the alteration made to the conditions of the operating permit; and

(b) requiring the holder of the operating permit to comply with the altered conditions of the operating permit as from the date specified in the direction.

(4) An application under subsection (1)(b) to alter the conditions of an operating permit must be made to the Commissioner in such form and manner as the Commissioner may require and —

(a) specify the alteration required by the applicant and the reasons therefor; and

(b) be accompanied by —

(i) such documents and particulars as the Commissioner may require; and

(ii) the prescribed fee.

(5) Where the Commissioner decides to alter the conditions of an operating permit pursuant to an application made under subsection (1)(b), the Commissioner must issue a written direction to the holder of the operating permit —

(a) specifying the alteration made to the conditions of the operating permit; and

(b) requiring the holder of the operating permit to comply with the altered conditions of the operating permit as from the date specified in the direction.

Operating permit not transferable

21. An operating permit is not transferable by its holder to any other person, and any such purported transfer of any operating permit is void.

Lapsing, revocation and suspension of operating permit

22.—(1) An operating permit automatically lapses —

- (a) if the holder of the operating permit —
 - (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or
 - (ii) ceases to be the operator of the amusement ride;
- (b) if the insurance required under section 13(1)(b)(iii) ceases to be in force; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

(2) The Commissioner may revoke an operating permit if —

- (a) the amusement ride (not being an amusement ride that is capable of being relocated) has not been in operation for a continuous period of more than 3 months;
- (b) in the Commissioner's opinion, the holder of the operating permit has contravened or is contravening, or the operation of the amusement ride has been or is being carried out in a manner which contravenes —
 - (i) any condition of the operating permit;
 - (ii) any prescribed requirement; or
 - (iii) any direction given by the Commissioner in respect of the operation of the amusement ride;
- (c) the Commissioner has reason to believe that the operating permit had been obtained by fraud or misrepresentation;
- (d) the Commissioner becomes aware of any circumstance that would have required or permitted him or her to refuse to issue the operating permit had the Commissioner been

aware of the circumstance immediately before issuing the operating permit; or

(e) the Commissioner considers it in the public interest to revoke the operating permit.

(3) The Commissioner may, if he or she considers it desirable to do so —

(a) suspend an operating permit for a specific period instead of revoking it under subsection (2); and

(b) at any time extend or rescind the suspension.

(4) Subject to subsection (5), the Commissioner must not revoke or suspend an operating permit under subsection (2) or (3) without giving the holder of the operating permit an opportunity to be heard in accordance with the prescribed procedure.

(5) The Commissioner may revoke or suspend an operating permit without giving the holder of the operating permit an opportunity to be heard if —

(a) the holder of the operating permit —

(i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or

(ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;

(b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the operating permit;

(c) the holder of the operating permit has been convicted —

(i) of an offence under this Act; or

(ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that the holder of the operating permit had acted fraudulently or dishonestly; or

- (d) the Commissioner of Civil Defence has, under section 37, withdrawn the certificate of compliance that has been issued in respect of the fire and rescue management system of the amusement ride being operated by the holder of the operating permit.

PART 4

MAJOR MODIFICATION OF AMUSEMENT RIDES

Requirement for modification permit

23.—(1) A person must not carry out or cause any major modification to be carried out to any amusement ride unless that major modification is authorised by, and is carried out in accordance with the conditions of, a valid modification permit.

(2) Any person who commences or carries out, or who permits or authorises the commencement or carrying out of, any modification works in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

(3) If any modification works are being carried out in contravention of subsection (1), the Commissioner may —

- (a) by written notice, require the person who is carrying out, or who has caused, permitted or authorised the carrying out of, the modification works to take or cause to be taken, at the expense of such person and within such time as may be stipulated in the notice, all such measures as may be

specified in the notice to secure the cessation of the modification works; or

- (b) take or cause to be taken all measures that the Commissioner thinks necessary to secure the cessation of the modification works and recover from the person mentioned in paragraph (a) by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing those measures to be taken.
- (4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —
- (a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
 - (b) the Commissioner may take or cause to be taken all measures that he or she thinks necessary to secure the cessation of the modification works, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing those measures to be taken.
- (5) The measures mentioned in subsections (3)(a) and (b) and (4)(b) include —
- (a) the closure or cordoning off of the premises on which the modification works are being carried out; and
 - (b) the dismantling of any part of the amusement ride on which the modification works have been or are being carried out.
- (6) In addition to the powers exercisable by him or her under subsection (3) or (4), the Commissioner may, if he or she thinks it necessary for securing the cessation of any modification works being carried out in contravention of subsection (1), seize and detain —

- (a) any machinery, equipment or plant connected or used in connection with the amusement ride being modified or with the modification works relating thereto; or
- (b) any component that has been or is to be incorporated into the amusement ride in connection with the modification works.

(7) Section 51(2) applies to any item seized and detained under subsection (6).

Application for and issue of modification permit

24.—(1) An application for a modification permit must —

- (a) be made to the Commissioner in such form and manner as the Commissioner may require;
- (b) be submitted to the Commissioner together with such documents and particulars as the Commissioner may require; and
- (c) be accompanied by the prescribed fee.

(2) A person who wishes to obtain a modification permit must, before making an application under subsection (1) —

- (a) appoint a qualified person to —
 - (i) review the design and specifications and the proposed modification method and programme of the major modification of the amusement ride and certify that they conform to the prescribed requirements;
 - (ii) supervise the modification works; and
 - (iii) inspect and certify the amusement ride under section 30 upon the completion of its major modification,

for which purpose either the same qualified person may be appointed to carry out all of the functions mentioned in sub-paragraphs (i), (ii) and (iii), or a different qualified

person may be appointed to carry out each of those functions;

- (b) where applicable, apply, in accordance with section 5 or 5A of the Building Control Act 1989, to the Commissioner of Building Control for approval of the plans of any building works relating to any building which forms part of the amusement ride to be modified or to which the amusement ride is connected, or (as the case may be) ensure that the conditions in section 5AA(2) of that Act are satisfied in relation to such plans; and

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- (c) apply, in accordance with section 36, to the Commissioner of Civil Defence for approval of the design and plans of the fire and rescue management system of the amusement ride as proposed to be modified.

(3) Upon receiving an application under subsection (1) and the accompanying documents and particulars, the Commissioner may —

- (a) subject to subsection (4), issue a modification permit to the applicant —
- (i) in such form or manner as the Commissioner may determine; and
 - (ii) subject to such conditions as the Commissioner thinks fit to impose;
- (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —
- (i) make such alterations or amendments as the Commissioner may require to either or both the design and specifications and the proposed modification method and programme of the major modification;
 - (ii) take such measures as the Commissioner may specify for the purpose of ensuring that the modification works will conform to the prescribed requirements; and

- (iii) resubmit the application for the modification permit upon having made those alterations or amendments or taken those measures; or
 - (c) refuse to issue the modification permit, in which case the Commissioner must, if requested to do so by the applicant, state in writing the reasons for the refusal.
- (4) The Commissioner must not issue a modification permit unless the Commissioner is satisfied that —
- (a) the applicant —
 - (i) is a fit and appropriate person to be issued a modification permit; and
 - (ii) satisfies the prescribed requirements;
 - (b) the design and specifications and the proposed modification method and programme of the major modification have been reviewed in accordance with section 46 by a qualified person appointed by the applicant under subsection (2)(a)(i) and certified by the qualified person as conforming to the prescribed requirements;
 - (c) where applicable, the plans of any building works relating to any building which forms part of the amusement ride to be modified, or to which the amusement ride is to be connected, have been approved or deemed approved by the Commissioner of Building Control under section 5, 5A or 5AA of the Building Control Act 1989;
[Act 23 of 2023 wef 18/12/2023]
 - (d) the design and plans of the fire and rescue management system of the amusement ride as proposed to be modified have been approved by the Commissioner of Civil Defence under section 36(3)(a); and
 - (e) the modification works will be carried out under the supervision of a qualified person appointed by the applicant under subsection (2)(a)(ii) (whether or not the qualified person is the same qualified person mentioned in paragraph (b) or a different qualified person).

(5) If any direction given by the Commissioner under subsection (3)(b) is not complied with within the time specified in the direction, or such further period as the Commissioner may allow, the Commissioner may dismiss the application.

Carrying out of modification works

25.—(1) The holder of a modification permit must ensure that no modification works are carried out except under the supervision of a qualified person.

(2) It is the duty of —

- (a) the holder of a modification permit;
- (b) any person who is directly engaged in the carrying out of the modification works authorised by the modification permit; and
- (c) the qualified person supervising the modification works,

to ensure that the modification works are at all times carried out in accordance with —

- (d) the design and specifications and the proposed modification method and programme, as authorised by the modification permit;
- (e) the conditions of the modification permit;
- (f) the prescribed requirements; and
- (g) any direction given by the Commissioner in respect of the modification works.

(3) Where, in relation to any modification works or part thereof, the Commissioner is of the opinion that —

- (a) any requirement under subsection (1) or (2) has not been or is not being complied with; or
- (b) the modification works are dangerous or liable to pose a danger to persons who are employed in connection with the modification works, or who are using or operating, or in the vicinity of, the amusement ride being modified,

the Commissioner may, without revoking or suspending the modification permit under section 29, direct the holder of the modification permit or the person directly engaged in carrying out the modification works to —

- (c) cease the modification works or part thereof, either immediately or within such time as may be specified by the Commissioner; and
- (d) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

and the modification works or part thereof (as the case may be) must not be resumed without the written consent of the Commissioner.

(4) The Commissioner may, upon an application made by the holder of the modification permit in such form and manner as the Commissioner may require, grant his or her consent for the modification works or any part thereof to resume if he or she is satisfied that any such modification works or part thereof, if allowed to resume —

- (a) will comply with the requirements under subsections (1) and (2); and
- (b) will not pose a danger to any person.

(5) The holder of a modification permit who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the modification permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

(6) Any person to whom subsection (2) applies who contravenes that subsection shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

(7) Any person who is directly engaged in the carrying out of any modification works and who, in carrying out those modification works, deviates or permits or authorises any deviation, in any material way from the design and specifications or the proposed modification method and programme authorised by the modification permit, shall, unless that deviation has been submitted to and approved by the Commissioner in accordance with the regulations, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) Where a person to whom a direction has been given by the Commissioner under subsection (3) —

- (a) fails to comply with the direction; or
- (b) resumes the modification works without the written consent of the Commissioner,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Duty to notify Commissioner of contravention of Act in relation to modification works

26.—(1) If —

- (a) the holder of a modification permit;
- (b) any person who is directly engaged in the carrying out of the modification works authorised by the modification permit; or
- (c) the qualified person supervising the modification works,

knows or ought reasonably to know of any contravention of this Act relating to the carrying out of the modification works, it is the duty of that person to notify the Commissioner, as soon as practicable, of the contravention.

(2) Any person to whom subsection (1) applies who contravenes that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) It is a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that the person did not know and could not reasonably have discovered the contravention referred to in the charge.

Alteration of conditions of modification permit

27.—(1) The Commissioner may —

- (a) on his or her own volition; or
- (b) on an application made by the holder of a modification permit,

at any time alter (whether by adding to, varying or revoking) the conditions of a modification permit.

(2) Before the Commissioner alters the conditions of a modification permit on his or her own volition under subsection (1)(a), the Commissioner must give written notice to the holder of the modification permit —

- (a) stating that the Commissioner proposes to alter the conditions of the modification permit in the manner specified in the notice; and
 - (b) specifying the time (being not less than 14 days from the date the notice is served on the holder of the modification permit) within which written representations with respect to the proposed alteration of conditions may be made.
- (3) Upon receiving any written representation mentioned in subsection (2)(b), the Commissioner must consider the representation and may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, must thereupon issue a written direction to the holder of the modification permit —
- (a) specifying the alteration made to the conditions of the modification permit; and
 - (b) requiring the holder of the modification permit to comply with the altered conditions of the modification permit as from the date specified in the direction.
- (4) An application under subsection (1)(b) to alter the conditions of a modification permit must be made to the Commissioner in such form and manner as the Commissioner may require and must —
- (a) specify the alteration required by the applicant and the reasons therefor; and
 - (b) be accompanied by —
 - (i) such documents and particulars as the Commissioner may require; and
 - (ii) the prescribed fee.
- (5) Where the Commissioner decides to alter the conditions of a modification permit pursuant to an application made under subsection (1)(b), the Commissioner must issue a written direction to the holder of the modification permit —
- (a) specifying the alteration made to the conditions of the modification permit; and

- (b) requiring the holder of the modification permit to comply with the altered conditions of the modification permit as from the date specified in the direction.

Modification permit not transferable

28. A modification permit is not transferable by its holder to any other person, and any such purported transfer of any modification permit is void.

Lapsing, revocation and suspension of modification permit

29.—(1) A modification permit automatically lapses —

- (a) if the holder of the modification permit —
 - (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or
 - (ii) ceases to be the person carrying out the modification works or for whom the modification works are to be carried out, as the case may be;
- (b) if the qualified person appointed by the holder of the modification permit under section 24(2)(a)(ii) to supervise the modification works has vacated his or her appointment and the holder of the modification permit has failed to appoint a substitute qualified person to supervise the modification works and to notify the Commissioner of the substitute appointment in accordance with section 44(1)(b)(i) and (ii); or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

(2) The Commissioner may revoke a modification permit if —

- (a) the modification works authorised by the modification permit, having commenced, are suspended for a continuous period of more than 3 months;
- (b) in the Commissioner’s opinion, the holder of the modification permit has contravened or is contravening, or the modification works authorised by the modification

permit have been or are being carried out in a manner which contravenes —

- (i) any condition of the modification permit;
 - (ii) any prescribed requirement; or
 - (iii) any direction given by the Commissioner in respect of the modification works;
- (c) the Commissioner has reason to believe that the modification permit had been obtained by fraud or misrepresentation;
- (d) the Commissioner becomes aware of any circumstance that would have required or permitted him or her to refuse to issue the modification permit had the Commissioner been aware of the circumstance immediately before issuing the modification permit; or
- (e) the Commissioner considers it in the public interest to revoke the modification permit.

(3) The Commissioner may, if he or she considers it desirable to do so —

- (a) suspend a modification permit for a specific period instead of revoking it under subsection (2); and
- (b) at any time extend or rescind the suspension.

(4) Subject to subsection (5), the Commissioner must not revoke or suspend a modification permit under subsection (2) or (3) without giving the holder of the modification permit an opportunity to be heard in accordance with the prescribed procedure.

(5) The Commissioner may revoke or suspend a modification permit without giving the holder of the modification permit an opportunity to be heard if —

- (a) the holder of the modification permit —
 - (i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or

- (ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;
- (b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the modification permit; or
- (c) the holder of the modification permit has been convicted —
 - (i) of an offence under this Act; or
 - (ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that the holder of the modification permit had acted fraudulently or dishonestly.

Inspection and certification of amusement ride after major modification

30. Upon the completion of the major modification of an amusement ride —

- (a) the qualified person appointed by the holder of the modification permit under section 24(2)(a)(iii) must, in accordance with section 46, inspect the amusement ride and issue a certificate stating that, in the qualified person's opinion —
 - (i) the modification works have been properly carried out in accordance with —
 - (A) the design and specifications and the proposed modification method and programme, as authorised by the modification permit;
 - (B) the conditions of the modification permit;
 - (C) the prescribed requirements; and
 - (D) any direction given by the Commissioner in respect of the modification works; and

- (ii) the amusement ride, as modified —
 - (A) conforms to the prescribed requirements; and
 - (B) is in a safe working condition and fit for operation; and
- (b) the holder of the modification permit must, in accordance with section 36, apply to and obtain from the Commissioner of Civil Defence a certificate of compliance in respect of the fire and rescue management system of the amusement ride as so modified.

PART 5

MAINTENANCE, REPAIR, MINOR MODIFICATION AND RELOCATION OF AMUSEMENT RIDES

Amusement ride to be maintained in safe condition

31.—(1) It is the duty of the person responsible for an amusement ride —

- (a) to ensure that the amusement ride is at all times maintained in a state of good repair and in a safe working condition; and
- (b) to comply with such directions as the Commissioner may give concerning the maintenance and safety of the amusement ride.

(2) If the person responsible for an amusement ride contravenes subsection (1), that person shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every

day or part of a day during which the contravention continues after conviction.

Commissioner may require repairs and modifications to amusement ride

32.—(1) The Commissioner may by written notice require the person responsible for an amusement ride —

(a) to carry out, at the expense of that person and within the time specified in the notice, any repairs or modifications to the amusement ride that the Commissioner considers necessary for —

- (i) the proper maintenance of the amusement ride; and
- (ii) the safety of persons who are using or operating, or in the vicinity of, the amusement ride; and

(b) if the Commissioner thinks necessary, to close or cordon off the amusement ride until all those repairs and modifications to the amusement ride have been completed to the Commissioner's satisfaction.

(2) Where at any time there exists, in the Commissioner's opinion, any circumstance requiring the immediate putting into effect of any repairs or modifications mentioned in subsection (1) in respect of an amusement ride, the Commissioner may by written notice order the immediate closure or cordoning off of the amusement ride and the prohibition of its use by members of the public until all those repairs and modifications have been completed to his or her satisfaction.

(3) If a person responsible for an amusement ride fails to comply with a notice given to the person under subsection (1) or (2), the person shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) in respect of a continuing failure to comply, to an additional fine not exceeding \$500 for each day or part of a day during which the failure to comply continues,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the failure to comply continues after conviction.

Duty to notify Commissioner of minor modification of amusement ride

33.—(1) Where any minor modification is to be carried out on any amusement ride, the person responsible for the amusement ride must give the Commissioner written notice of the intended minor modification —

- (a) in such form and manner as the Commissioner may require; and
- (b) of not less than one month (or such shorter period as the Commissioner may allow in any particular case) before the date on which the modification works are to commence.

(2) Upon receiving a notice under subsection (1), the Commissioner may, by written notice —

- (a) require the person responsible for the amusement ride to provide, within the time specified in the notice, such further information concerning the minor modification as the Commissioner may specify before commencing the modification works;
 - (b) impose any conditions or give any directions that the Commissioner thinks fit subject to which the modification works are to be carried out; or
 - (c) if the Commissioner is of the opinion that the modification works amount to a major modification of the amusement ride, prohibit the commencement of the modification works and direct the person responsible for the amusement ride to apply for a modification permit instead.
- (3) If any person responsible for an amusement ride —
- (a) contravenes subsection (1); or

- (b) fails to comply with any requirement of the Commissioner under subsection (2)(a) or with any condition, direction or prohibition that is imposed, given or made by the Commissioner under subsection (2)(b) or (c), as the case may be,

the person shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (d) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention or failure to comply continues,

and if the contravention or failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention or failure to comply continues after conviction.

Relocation of amusement ride

34.—(1) The holder of an operating permit in respect of an amusement ride that is capable of being relocated must not relocate or cause that amusement ride to be relocated unless the holder of the operating permit has given the Commissioner written notice of his, her or its intention to so relocate the amusement ride —

- (a) in such form and manner as the Commissioner may require; and
- (b) of not less than the prescribed period before the date on which the relocation is to be carried out.

(2) Upon receiving a notice under subsection (1), the Commissioner may, by written notice —

- (a) require the holder of the operating permit to provide, within the time specified in the notice, such further information concerning the relocation of the amusement

ride as the Commissioner may specify before the relocation works are carried out;

- (b) impose any conditions or give any directions that the Commissioner thinks fit subject to which the relocation works are to be carried out; or
- (c) if the Commissioner is of the opinion that the premises to which the amusement ride is to be relocated are unsafe or unsuitable for the operation of the amusement ride, prohibit the relocation of the amusement ride.

(3) If the holder of the operating permit —

- (a) contravenes subsection (1); or
- (b) fails to comply with any requirement of the Commissioner under subsection (2)(a) or with any condition, direction or prohibition that is imposed, given or made by the Commissioner under subsection (2)(b) or (c), as the case may be,

the holder of the operating permit shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (d) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention or failure to comply continues,

and if the contravention or failure to comply continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention or failure to comply continues after conviction.

(4) The holder of the operating permit must ensure that no relocation works are carried out in respect of an amusement ride except under the supervision of —

- (a) the ride manager of the amusement ride; or

(b) in the case of a major amusement ride, a qualified person.

(5) It is the duty of —

- (a) the holder of the operating permit;
- (b) any person who is directly engaged in the carrying out of the relocation works; and
- (c) the ride manager or qualified person (as the case may be) supervising the relocation works,

to ensure that the relocation works are at all times carried out in accordance with —

- (d) where applicable, the design and specifications and the proposed installation method and programme, as authorised by the installation permit that has been issued in respect of the amusement ride;
- (e) the prescribed requirements; and
- (f) any condition imposed or direction given by the Commissioner under subsection (2) in respect of the relocation works.

(6) Where, in relation to the relocation of an amusement ride, the Commissioner is of the opinion that —

- (a) any requirement under subsection (4) or (5) has not been or is not being complied with; or
- (b) the relocation works are dangerous or liable to pose a danger to persons who are employed in connection with the relocation works, or who are using or operating, or in the vicinity of, the amusement ride,

the Commissioner may direct the holder of the operating permit in respect of the amusement ride or the person directly engaged in carrying out the relocation works to —

- (c) cease the relocation works or part thereof, either immediately or within such time as may be specified by the Commissioner; and

- (d) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

and those relocation works or part thereof (as the case may be) must not be resumed without the written consent of the Commissioner.

(7) The Commissioner may, upon an application made by the holder of the operating permit in such form and manner as the Commissioner may require, grant his or her consent for the relocation works or any part thereof to resume if he or she is satisfied that any such relocation works or part thereof, if allowed to resume —

- (a) will comply with the requirements under subsections (4) and (5); and
- (b) will not pose a danger to any person.

(8) Upon the completion of the relocation of an amusement ride —

- (a) the ride manager or qualified person who supervised the relocation works must inspect the amusement ride and issue a certificate stating that, in the opinion of the ride manager or qualified person, as the case may be —

- (i) the relocation works have been properly carried out in accordance with —

- (A) where applicable, the design and specifications and the proposed installation method and programme, as authorised by the installation permit that has been issued in respect of the amusement ride;

- (B) the prescribed requirements; and

- (C) any condition imposed or direction given by the Commissioner under subsection (2) in respect of the relocation works; and

- (ii) the amusement ride, as relocated —

- (A) conforms to the prescribed requirements; and

- (B) is in a safe working condition and fit for operation; and

(b) the holder of the operating permit —

- (i) must, in the case only of a major amusement ride, apply to and obtain from the Commissioner of Civil Defence, in accordance with section 36, a certificate of compliance in respect of the fire and rescue management system of the amusement ride; and
- (ii) must not, in any case, resume operation of the amusement ride unless the holder of the operating permit has, in accordance with the prescribed requirements, submitted to the Commissioner the certificate issued by the ride manager or qualified person (as the case may be) under paragraph (a).

(9) Where —

- (a) a person to whom the Commissioner has given a direction under subsection (6) —
 - (i) fails to comply with the direction; or
 - (ii) resumes the relocation works without the written consent of the Commissioner; or
- (b) the holder of an operating permit, in contravention of subsection (8)(b)(ii), resumes the operation of an amusement ride without the written consent of the Commissioner,

the person or the holder of the operating permit (as the case may be) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

Closure or cordoning off of amusement ride for safety reasons

35.—(1) The person responsible for an amusement ride must wholly or partially close or cordon off the amusement ride whenever such action appears reasonably necessary —

- (a) for the safety of persons who are using or operating, or in the vicinity of, the amusement ride; or

(b) in the case of the occurrence of any adverse incident in respect of the amusement ride.

(2) The person responsible for an amusement ride must, as soon as practicable, notify the Commissioner (in such form and manner as the Commissioner may require) of any closure or cordoning off of the amusement ride under subsection (1).

(3) If a person responsible for an amusement ride contravenes subsection (1), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) If a person responsible for an amusement ride contravenes subsection (2), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

PART 6

APPROVAL AND CERTIFICATION OF FIRE AND RESCUE MANAGEMENT SYSTEM

Application for approval and certification of fire and rescue management system

36.—(1) An application for —

(a) the approval of the design and plans of the fire and rescue management system of an amusement ride that is to be installed or undergo a major modification; or

(b) a certificate of compliance in respect of the fire and rescue management system of an amusement ride,

must be made to the Commissioner of Civil Defence in such form and manner as the Commissioner of Civil Defence may require.

(2) An application under subsection (1) must —

(a) be submitted to the Commissioner of Civil Defence together with such documents and particulars as the Commissioner of Civil Defence may require; and

(b) be accompanied by the prescribed fee.

(3) Upon receiving an application under subsection (1)(a) and the accompanying documents and particulars, the Commissioner of Civil Defence may —

- (a) if satisfied that the fire and rescue management system as shown in the design and plans are adequate and workable, grant the approval applied for —
 - (i) in such form or manner and for such duration as the Commissioner of Civil Defence may determine; and
 - (ii) subject to such conditions as the Commissioner of Civil Defence thinks fit to impose;
- (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —
 - (i) make such alterations or amendments as the Commissioner of Civil Defence may require to the design and plans of the fire and rescue management system;
 - (ii) take such measures as the Commissioner of Civil Defence may specify for the purpose of ensuring that the fire and rescue management system will comply with such requirements (if any) as may be prescribed under section 38; and
 - (iii) resubmit the application for the approval upon having made those alterations or amendments or taken those measures; or
- (c) refuse to grant the approval, in which case the Commissioner of Civil Defence must, if requested to do so by the applicant, state in writing the reasons for the refusal.

(4) Upon receiving an application under subsection (1)(b) and the accompanying documents and particulars, the Commissioner of Civil Defence may inspect the fire and rescue management system of the amusement ride in respect of which the application has been made, and thereafter —

- (a) if satisfied that the fire and rescue management system —
- (i) accords with the design and plans in respect of which an approval has been granted under subsection (3)(a), where applicable;
 - (ii) complies with such requirements (if any) as may be prescribed under section 38; and
 - (iii) is adequate and workable,
- issue the certificate of compliance applied for —
- (iv) in such form or manner and for such duration as the Commissioner of Civil Defence may determine; and
 - (v) subject to such conditions as the Commissioner of Civil Defence thinks fit to impose;
- (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —
- (i) make such modifications as the Commissioner of Civil Defence may require to the fire and rescue management system;
 - (ii) take such measures as the Commissioner of Civil Defence may specify for the purpose of ensuring that the fire and rescue management system will comply with such requirements (if any) as may be prescribed under section 38; and
 - (iii) resubmit the application for the certificate of compliance upon having made those modifications or taken those measures; or
- (c) refuse to grant the certificate of compliance, in which case the Commissioner of Civil Defence must, if requested to do so by the applicant, state in writing the reasons for the refusal.
- (5) If any direction given by the Commissioner of Civil Defence under subsection (3)(b) or (4)(b) is not complied with within the time specified in the direction, or such further period as may be allowed

by the Commissioner of Civil Defence in any particular case, the Commissioner of Civil Defence may dismiss the application.

Withdrawal of approval or certificate of compliance

37.—(1) The Commissioner of Civil Defence may at any time withdraw any approval granted under section 36(3)(a) or any certificate of compliance if —

- (a) in the opinion of the Commissioner of Civil Defence —
 - (i) the person to whom the approval has been granted or the certificate of compliance issued has failed to comply with any condition of the approval or certificate of compliance; or
 - (ii) the fire and rescue management system in respect of which the approval has been granted or the certificate of compliance issued no longer complies with any of the conditions of the approval or certificate of compliance (as the case may be) or any requirement prescribed under section 38;
- (b) the Commissioner of Civil Defence has reason to believe that the approval or certificate of compliance had been obtained by fraud or misrepresentation; or
- (c) the Commissioner of Civil Defence becomes aware of any circumstance that would have required or permitted him or her to refuse to grant the approval or issue the certificate of compliance had the Commissioner of Civil Defence been aware of the circumstance immediately before granting the approval or issuing the certificate of compliance.

(2) The Commissioner of Civil Defence must not exercise his or her power under subsection (1) to withdraw any approval granted under section 36(3)(a) or any certificate of compliance without giving the person to whom the approval has been granted or the certificate of compliance issued an opportunity to be heard in accordance with the prescribed procedure.

Regulations for purposes of this Part

38. The Minister may, after consultation with the Commissioner of Civil Defence, make such regulations as he or she may consider necessary or expedient for giving effect to this Part and, in particular, may make regulations —

- (a) relating to the making of applications under this Part; and
- (b) prescribing —
 - (i) the requirements with which the fire and rescue management system of an amusement ride must comply;
 - (ii) the procedure (including the carrying out of any inspection) for the renewal of any approval granted under section 36(3)(a) or any certificate of compliance;
 - (iii) the fees payable for the purposes of this Part; and
 - (iv) any other matters which are required to be prescribed for the purpose of this Part.

PART 7

PROVISIONS RELATING TO QUALIFIED PERSONS

Qualified person to be independent

39.—(1) A person must not, for the purposes of this Act, appoint any qualified person to —

- (a) review or certify any design and specifications, proposed installation method and programme or proposed modification method and programme in respect of any amusement ride;
- (b) supervise any installation works, modification works or relocation works;
- (c) inspect or certify any amusement ride; or
- (d) carry out any other function in respect of any amusement ride,

if the person knows or ought reasonably to know that the qualified person has any professional or financial interest in the amusement ride or the operation thereof, or in the installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride.

- (2) A qualified person must not, for the purposes of this Act —
- (a) review or certify any design and specifications, proposed installation method and programme or proposed modification method and programme in respect of any amusement ride;
 - (b) supervise any installation works, modification works or relocation works;
 - (c) inspect or certify any amusement ride; or
 - (d) carry out any other function in respect of any amusement ride,

if the qualified person has any professional or financial interest in the amusement ride or the operation thereof, or in the installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride.

(3) A qualified person is regarded as having a professional or financial interest in an amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride if —

- (a) the qualified person is or has, in any capacity, been responsible for, or is or has acted as a consultant in, the preparation of the design and specifications, proposed installation method and programme or proposed modification method and programme in respect of the amusement ride;
- (b) the qualified person, or any nominee of the qualified person, is a member, an officer or an employee of any company or other body which has a professional or financial interest in the amusement ride or the operation

thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride;

(c) the qualified person is a partner of, or is in the employment of, a person who has a professional or financial interest in the amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride; or

(d) the qualified person holds any interest in the amusement ride or any part thereof.

(4) For the purposes of this section —

(a) a person is treated as having a professional or financial interest in an amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride, even if the person has that interest only as trustee for the benefit of some other person; and

(b) in the case of a husband and wife living together, the interest of one spouse is, if known to the other, deemed to be also an interest of the other.

(5) For the purposes of this section —

(a) the carrying out of any function under this Act as a qualified person; and

(b) the entitlement to any fee paid for carrying out any such function,

is not by itself regarded as constituting a professional or financial interest.

(6) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Qualified person vacating appointment before issue of installation permit

40.—(1) If, at any time while an application for an installation permit is pending before the Commissioner, the qualified person appointed under section 6(2)(a)(i) by the applicant for the installation permit should for any reason vacate his or her appointment —

- (a) both the applicant for the installation permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact;
- (b) the applicant for the installation permit must —
 - (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment; and
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and
- (c) the Commissioner must not consider the application for the installation permit until —
 - (i) the applicant for the installation permit has, pursuant to paragraph (b), appointed a substitute qualified person and notified the Commissioner of the appointment; and
 - (ii) the substitute qualified person has, in accordance with section 46 —
 - (A) reviewed the design and specifications and the proposed installation method and programme of the amusement ride to be installed; and
 - (B) issued a certificate stating that, in the opinion of the substitute qualified person, the design and specifications and the proposed installation method and programme of the amusement ride conform to the prescribed requirements.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Qualified person vacating appointment during installation works

41.—(1) If the qualified person appointed under section 6(2)(a)(ii) by the holder of an installation permit to supervise the carrying out of any installation works should for any reason vacate his or her appointment while the installation works are still in progress —

- (a) both the holder of the installation permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and
- (b) the holder of the installation permit must —
 - (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment;
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and
 - (iii) ensure that the installation works are ceased until the holder of the installation permit has complied with sub-paragraphs (i) and (ii).

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

(3) If the holder of an installation permit contravenes subsection (1)(b)(iii), the holder of the installation permit shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the installation permit shall be guilty of a further offence and shall be

liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

Qualified person vacating appointment before inspection or certification of amusement ride under section 12

42.—(1) If the qualified person appointed under section 6(2)(a)(iii) by the holder of an installation permit to inspect and certify an amusement ride under section 12 upon the completion of its installation should for any reason vacate his or her appointment before carrying out or completing the inspection or certification —

- (a) both the holder of the installation permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and
- (b) the holder of the installation permit must —
 - (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment; and
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Qualified person vacating appointment before issue of modification permit

43.—(1) If, at any time while an application for a modification permit is pending before the Commissioner, the qualified person appointed under section 24(2)(a)(i) by the applicant for the modification permit should for any reason vacate his or her appointment —

- (a) both the applicant for the modification permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact;

- (b) the applicant for the modification permit must —
- (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment; and
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and
- (c) the Commissioner must not consider the application for the modification permit until —
- (i) the applicant for the modification permit has, pursuant to paragraph (b), appointed a substitute qualified person and notified the Commissioner of the appointment; and
 - (ii) the substitute qualified person has, in accordance with section 46 —
 - (A) reviewed the design and specifications and the proposed modification method and programme of the major modification of the amusement ride; and
 - (B) issued a certificate stating that, in the opinion of the substitute qualified person, the design and specifications and the proposed modification method and programme of the major modification of the amusement ride conform to the prescribed requirements.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Qualified person vacating appointment during modification works

44.—(1) If the qualified person appointed under section 24(2)(a)(ii) by the holder of a modification permit to supervise the carrying out of any modification works should for any reason vacate his or her appointment while the modification works are still in progress —

- (a) both the holder of the modification permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and
- (b) the holder of the modification permit must —
 - (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment;
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and
 - (iii) ensure that the modification works are ceased until the holder of the modification permit has complied with sub-paragraphs (i) and (ii).

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

(3) If the holder of a modification permit contravenes subsection (1)(b)(iii), the holder of the modification permit shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the holder of the modification permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

Qualified person vacating appointment before inspection or certification of amusement ride under section 30

45.—(1) If the qualified person appointed under section 24(2)(a)(iii) by the holder of a modification permit to inspect and certify an amusement ride under section 30 upon the

completion of its major modification should for any reason vacate his or her appointment before carrying out or completing the inspection or certification —

- (a) both the holder of the modification permit and the qualified person must each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and
- (b) the holder of the modification permit must —
 - (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute for the qualified person who has vacated his or her appointment; and
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Standard of skill, care and diligence to be exercised by qualified persons

46.—(1) Subject to subsection (2), every qualified person appointed for the purposes of this Act to —

- (a) review and certify —
 - (i) the design and specifications and the proposed installation method and programme of an amusement ride; or
 - (ii) the design and specifications and the proposed modification method and programme of the major modification of an amusement ride;
- (b) supervise any installation works, modification works or relocation works;
- (c) inspect and certify any amusement ride; or
- (d) carry out any other function under this Act in respect of an amusement ride,

must, when carrying out that function, exercise the standard of skill, care and diligence that could reasonably be expected to be exercised by a specialist professional engineer having the requisite specialised knowledge and experience in carrying out functions of a similar nature, scope and complexity.

(2) Except as otherwise provided by subsections (3) and (5), a qualified person must appoint and consider the opinion and advice of a conformity assessor for the purpose of —

- (a) reviewing and certifying —
 - (i) the design and specifications and the proposed installation method and programme of a major amusement ride; or
 - (ii) the design and specifications and the proposed modification method and programme of the major modification of a major amusement ride;
- (b) supervising any installation works or modification works in respect of a major amusement ride;
- (c) inspecting and certifying any major amusement ride; or
- (d) carrying out any other function under this Act in respect of a major amusement ride.

(3) The Commissioner may, on the application of a qualified person, waive the requirement for the qualified person to consult and consider the opinion and advice of a conformity assessor as required under subsection (2) if the Commissioner is satisfied that the qualified person has the requisite qualifications, skill, expertise and experience to carry out the functions mentioned in that subsection without the assistance of a conformity assessor.

(4) A qualified person who fails to comply with subsection (2) does not commit an offence, but —

- (a) the Commissioner may refuse to accept any certificate issued by the qualified person in respect of any major amusement ride for the purposes of any provision of this Act unless the Commissioner has granted a waiver to the qualified person under subsection (3); and

- (b) in any proceedings under this Act in which the question arises as to whether the qualified person has or has not exercised the standard of skill, care and diligence required of him or her, the failure of the qualified person to comply with subsection (2) is to be taken into consideration in the determination of that question.

(5) Subsection (2) does not apply to a qualified person for the purposes of section 34(4)(b) or (8)(a).

Other general duties of qualified persons

47.—(1) Every qualified person who is appointed to carry out any function under this Act in respect of an amusement ride must —

- (a) whenever required by the Commissioner, submit to the Commissioner in such form and manner and within such time as the Commissioner may allow such information and reports as may be prescribed or otherwise specified by the Commissioner concerning the amusement ride or any installation works, modification works or relocation works that are being or are to be carried out thereto;
- (b) notify the Commissioner if any such installation works or modification works (as the case may be) have been suspended for a period of more than 3 months; and
- (c) comply with such other duties as may be prescribed.

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

- (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part of a day during which the contravention continues,

and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the contravention continues after conviction.

PART 8

ENFORCEMENT

Provision of information

48.—(1) The Commissioner or an enforcement officer may, for the purposes of —

(a) conducting an investigation into —

(i) any offence or suspected offence under this Act; or

(ii) any adverse incident that has occurred in respect of an amusement ride; or

(b) otherwise discharging his or her functions under this Act, by written notice require any person who appears to the Commissioner or enforcement officer to be acquainted with the facts or circumstances of the case under investigation or with the facts or circumstances relating to the installation, operation, major or minor modification, relocation, maintenance or repair of an amusement ride (as the case may be) to provide to the Commissioner or enforcement officer, within such time as may be specified in the notice, any information or document which the person knows or has in the person's possession or which the person is in a position to obtain regarding the case under investigation or the amusement ride to which the notice relates.

(2) Any person who fails to comply with a notice given to the person by the Commissioner or an enforcement officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know or have, and could not with reasonable diligence have ascertained or obtained, the information or document required.

Misrepresentation

49.—(1) Any person who, for the purposes of obtaining any permit, consent, certificate, approval, direction or other decision from the

Commissioner under this Act, or who, in purported compliance with any provision of this Act —

- (a) provides the Commissioner or an enforcement officer with any particulars or information which the person knows is false or misleading; or
- (b) submits to the Commissioner or an enforcement officer any declaration, certificate, report, record, notice or other document which —
 - (i) contains any statement which the person knows to be false in a material particular or to have been recklessly made;
 - (ii) has not been made by the person by whom it is purported to have been made; or
 - (iii) has been in any way altered or tampered with,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) In this section, a reference to the Commissioner includes a reference to the Commissioner of Civil Defence.

Power to enter and inspect premises

50.—(1) The Commissioner or an enforcement officer may, at any time and without warrant, enter any premises and inspect any amusement ride that has been or is being installed, operated, modified or relocated on the premises, or any building that forms part of or is connected to such amusement ride, for the purpose of —

- (a) ascertaining whether there is, or has been, any contravention of this Act;
- (b) ascertaining whether any circumstances exist that would authorise the Commissioner or enforcement officer to take any action or execute any work under this Act;
- (c) taking any action or carrying out any work, authorised or required to be taken or carried out by this Act;

- (d) inspecting any record, book or other document kept and maintained, as required by this Act, in relation to the amusement ride or its installation, operation, modification or relocation; or
- (e) carrying out any investigation into any adverse incident that has occurred in respect of the amusement ride.

(2) The owner of any premises mentioned in subsection (1) as well as the person responsible for the amusement ride on those premises (if that person is not the same person as the owner of those premises) must, without cost —

- (a) afford the Commissioner or an enforcement officer such facilities and assistance as the Commissioner or enforcement officer may reasonably require for the purposes of carrying out any inspection under subsection (1); and
- (b) produce for the inspection of the Commissioner or enforcement officer, or provide the Commissioner or enforcement officer with copies of, any record, book or other document as the Commissioner or enforcement officer may require for the purposes of subsection (1).

(3) If any person to whom subsection (2) applies contravenes that subsection, that person shall be guilty of an offence.

Seizure and detention of documents, components of amusement ride, etc.

51.—(1) The Commissioner or an enforcement officer may, in the course of carrying out any inspection under section 50 —

- (a) seize and detain any record, book or other document which the Commissioner or enforcement officer has reasonable cause to believe to be a record, book or document which —
 - (i) may be required for the purposes of enforcing this Act; or
 - (ii) may contain evidence relating to the commission of any offence under this Act; and

- (b) dismantle and seize and detain —
- (i) any machinery, equipment or plant connected or used in connection with an amusement ride or with any installation works, modification works or relocation works; or
 - (ii) any component of an amusement ride,
if the Commissioner or enforcement officer has reason to believe that that machinery, equipment, plant or component does not comply with the prescribed requirements or has been or could have been the cause of the occurrence of any adverse incident in respect of the amusement ride.
- (2) Where any item has been seized under subsection (1) or any other provision of this Act —
- (a) the Commissioner or enforcement officer who seized the item must, as soon as practicable, give written notice of the seizure to the person from whom the item was seized, unless that person was present at the time of the seizure;
 - (b) any person claiming the item seized may within 48 hours after the seizure complain of the seizure to a Magistrate, and the complaint may be heard and determined by the Magistrate who may —
 - (i) confirm the seizure wholly or in part;
 - (ii) disallow the seizure wholly or in part;
 - (iii) order that the item seized be restored to its owner, subject to such condition as the Magistrate may think fit to impose to ensure that the item is preserved for any purpose for which it may subsequently be required; or
 - (iv) order payment to be made to the owner of the item seized of an amount the Magistrate considers will compensate the owner for any loss or depreciation resulting from the seizure;

- (c) in the absence of any claim under paragraph (b) or pending the determination of any such claim, the item may be kept or stored in such place or premises as the Commissioner may direct;
- (d) the Commissioner or an enforcement officer may —
 - (i) mark, seal or label the item in the manner that he or she thinks fit for the purpose of indicating that the item is under detention; and
 - (ii) lock or seal the premises where the item is being detained; and
- (e) any person who, without the authority of the Commissioner or an enforcement officer —
 - (i) interferes, removes or otherwise tampers with the item;
 - (ii) alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the Commissioner or enforcement officer on the item under paragraph (d)(i); or
 - (iii) opens, breaks or otherwise tampers with the lock or seal placed by the Commissioner or enforcement officer at the entrance to, or any other part of, any premises under paragraph (d)(ii),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Powers of arrest

52.—(1) A police officer may arrest without warrant any person who has committed, or whom the police officer reasonably suspects to have committed, an offence under this Act if —

- (a) the person declines to give his or her name and address when required to do so by the police officer;
- (b) the person gives to the police officer an address that is outside Singapore; or

- (c) the police officer has reason to doubt the accuracy of the name or address given by that person.

(2) A person arrested under subsection (1) may be detained until his or her name and address are correctly ascertained, except that the person so arrested must not be detained longer than is necessary for bringing him or her before a court unless the order of a court for his or her detention is obtained.

Power to require dismantling of amusement ride in dangerous condition, etc.

53.—(1) Where in the Commissioner’s opinion any amusement ride has been or is being installed, operated, modified or relocated in such a manner, or is in such a condition or state of disrepair, as to pose an imminent danger to persons who are using or operating, or in the vicinity of, the amusement ride, the Commissioner may do either or both of the following:

- (a) direct the holder of the installation permit, operating permit or modification permit (as the case may be) in respect of the amusement ride or any other person responsible for the amusement ride to —
 - (i) immediately cease any installation works, modification works or relocation works being carried out on the amusement ride or the operation of the amusement ride, and close or cordon off the amusement ride; and
 - (ii) take such measures as the Commissioner may specify to secure, stabilise or dismantle the amusement ride within such time as the Commissioner may stipulate;
- (b) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise the Commissioner on all matters relating to the safety of the amusement ride or any installation works, modification works or relocation works which have been or are being carried out in respect of the amusement ride.

(2) If any person fails to comply with any direction given to the person under subsection (1)(a) —

(a) the person shall be guilty of an offence and shall be liable on conviction —

(i) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(ii) in respect of a continuing failure to comply, to an additional fine not exceeding \$500 for each day or part of a day during which the failure to comply continues,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part of a day during which the failure to comply continues after conviction; and

(b) the Commissioner may —

(i) take or cause to be taken all such measures as may be necessary to secure, stabilise or dismantle, and to close or cordon off, the amusement ride in accordance with the direction given by the Commissioner under subsection (1)(a); and

(ii) recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in the exercise of his or her powers under sub-paragraph (i).

(3) The Commissioner may give a direction under subsection (1)(a) in writing or in such other form or manner as he or she thinks fit in the circumstances of the case.

(4) The Commissioner may order the person mentioned in subsection (1)(a) to pay or reimburse the Commissioner all or a specified part of the expenses that the Commissioner has incurred in engaging a qualified person or a specialist under subsection (1)(b), failing which the Commissioner may recover those expenses from that person by way of a civil suit.

Reporting of adverse incidents

54.—(1) The person responsible for an amusement ride and the ride manager of the amusement ride must, as soon as practicable, upon the occurrence of any adverse incident in respect of the amusement ride, inform the Commissioner of that occurrence.

(2) Where the Commissioner receives any information under subsection (1) or becomes aware of the occurrence of any adverse incident in respect of an amusement ride through any other means, the Commissioner may —

- (a) direct the person responsible for the amusement ride to immediately close or cordon off the amusement ride and take such measures as the Commissioner may specify to —
 - (i) safely and expeditiously rescue and evacuate all patrons and other persons who are on the amusement ride;
 - (ii) protect the safety of persons who are in the vicinity of the amusement ride; and
 - (iii) otherwise address the adverse incident; and
- (b) by written notice require the person responsible for the amusement ride to investigate into the adverse incident and submit a report of the person's findings and recommendations to the Commissioner within such time as the Commissioner may specify.

(3) The Commissioner may also in any notice given under subsection (2)(b) require the person responsible for the amusement ride to submit to the Commissioner, in such form and manner and within such time and for such period as the Commissioner may specify, a report containing such information as the Commissioner may require concerning —

- (a) the measures that the person responsible for the amusement ride has taken pursuant to the direction given to the person under subsection (2)(a);
- (b) the results of the measures so taken; and

(c) any other matter that the Commissioner thinks necessary or relevant in the circumstances.

(4) The Commissioner may give a direction under subsection (2)(a) in writing or in any other form or manner that he or she thinks fit in the circumstances of the case.

(5) Any person who —

(a) contravenes subsection (1); or

(b) fails to comply with —

(i) any direction given to the person under subsection (2)(a); or

(ii) any notice given to the person under subsection (2)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Obstructing Commissioner or enforcement officers in execution of their duties

55. Any person who obstructs, hinders or impedes —

(a) the Commissioner;

(b) any enforcement officer; or

(c) any other person acting under the direction of the Authority, the Commissioner or an enforcement officer,

in the performance or execution of his or her duty or anything which he or she is authorised, empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 9**PROVISIONS RELATING TO
OFFENCES AND PROSECUTION****General penalty**

56. Any person who is guilty of an offence under this Act or the regulations for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Jurisdiction of court

57. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

Evidence

58.—(1) Subject to this section, the contents of any notice or document prepared, issued or served under, by virtue of or for the purposes of this Act are, until the contrary is proved, presumed to be correct.

(2) All records and other documents required by this Act to be kept by the Commissioner are deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts (as the case may be) subscribed by that officer with his or her name and official title are admissible in evidence as proof of the contents of the documents or extracts.

(3) Where any information in respect of any amusement ride is provided by the Commissioner by electronic means, the production of any document under the hand of the officer responsible for providing such information purporting to be a hard copy transcript of all or any such information is, in all courts and in all proceedings, sufficient evidence of the information provided electronically and all courts in all proceedings are to take judicial notice of the signature of that officer.

Presumptions and defences

59.—(1) In any proceedings instituted under this Act for —

- (a) the commencement or carrying out of any installation works, modification works or relocation works; or
- (b) the operation of any amusement ride,

on any premises in contravention of the provisions of this Act, the owner of the premises at the time the installation works, modification works, relocation works or the operation of the amusement ride was commenced or carried out is presumed, until the contrary is proved, to be the person commencing or carrying out the installation works, modification works, relocation works or the operation of the amusement ride, as the case may be.

(2) Where anything is required under this Act to be done by the person responsible for, or the ride manager of, an amusement ride, and there is more than one person responsible for the amusement ride or more than one such ride manager, it is a defence to any prosecution for failing to do that thing for the accused to prove —

- (a) that that thing was done by another person responsible for the amusement ride or by another ride manager of the amusement ride, as the case may be; or
- (b) that any notice or order in respect of that thing required under this Act to be served on the person responsible for the amusement ride or on the ride manager of the amusement ride was served on another person responsible for that amusement ride or on another ride manager of that amusement ride (as the case may be) and not on the person charged.

Offences by bodies corporate, etc.

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

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

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

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

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on the partner's part,

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

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

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

(b) to be attributable to any act or default on the part of the officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act 2005;

“officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive officer, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

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

(7) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Liability for offences by agents or employees

61. Where an offence under this Act is committed by a person (*A*) —

(a) acting as an agent or employee; or

(b) being otherwise subject to the supervision or instruction, of another person (*B*) for the purposes of any employment in the course of which the offence was committed, *B*, without prejudice to the liability of *A*, shall be liable under this Act in the same manner and to the same extent as if *B* had personally committed the offence if it is proved that the act which constituted the offence was committed with

B's consent or connivance or that it was attributable to any neglect on *B*'s part.

Composition of offences

62.—(1) The Commissioner may compound any offence under this Act or the regulations which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

Forfeiture

63.—(1) The court before which any person is tried for an offence under this Act may make an order for the forfeiture of any item which has been seized under the provisions of this Act if the court is satisfied that —

- (a) an offence under this Act has been committed; and
- (b) the item seized was the subject matter, or was used in the commission, of the offence.

(2) Where no party raises the question of forfeiture under subsection (1), the court may consider the question on its own motion and make any order that it thinks appropriate.

(3) The court may make an order under subsection (1) for the forfeiture of any item which has been seized under the provisions of this Act even though no person has been convicted of an offence.

(4) If the court, having regard to the circumstances of the case, does not think it fit to order the forfeiture of any item which has been

seized under the provisions of this Act, the court must order that the item be released to the owner of, or the person entitled to, the item.

(5) If —

(a) no prosecution is instituted with regard to any item which has been seized under the provisions of this Act; and

(b) no claim is made for the item under section 51(2)(b),

the item to which the notice relates is deemed to be forfeited.

(6) Where the owner of any item seized under the provisions of this Act consents to its disposal, the item is deemed to be forfeited.

(7) Any item forfeited or deemed to be forfeited under this section must be delivered to the Commissioner and must be disposed of in the manner that the Commissioner thinks fit.

(8) The costs of the disposal of any item under subsection (7) must be borne by the owner of, or person entitled to, the item.

PART 10

MISCELLANEOUS

Issue of permits not to be taken as evidence of title to or interest in land

64. The issue of an installation permit, an operating permit or a modification permit to any person —

(a) does not confer on the person; and

(b) is not to be taken as evidence that the person has,

any title or right to, or any interest in, the land on which the amusement ride to which the permit relates has been or is being installed.

Service of documents, etc.

65.—(1) Any notice, order or other document (hereafter referred to collectively) required or authorised to be given or served under this Act may be served —

- (a) in the case of an individual —
- (i) by delivering it to the individual personally;
 - (ii) by leaving it with an adult person apparently resident at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of residence;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of business;
 - (iv) by affixing a copy of the document in a conspicuous place at the usual or last known address of residence or business of the individual; or
 - (v) by sending it by fax to the fax number operated at the usual or last known address of the individual's place of residence or business, or the last fax number given to the Commissioner or an enforcement officer by the individual as the fax number for the service of documents on the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any partner or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the partnership's principal or last known place of business in Singapore; or
 - (iii) by sending it by fax to the fax number operated at the partnership's principal or last known place of business in Singapore; and
- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited

liability partnership, the manager of the limited liability partnership;

(ii) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or

(iii) by sending it by fax to the fax number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) Any document that is to be served by the Commissioner, an enforcement officer or the Minister —

(a) if sent by fax to the fax number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1) — is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;

(b) if sent by electronic communication to an email address in accordance with subsection (1) — is deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

(c) if sent by prepaid registered post — is deemed to have been duly served on the person to whom it is addressed 2 days after the day the document was posted, whether or not it is returned undelivered.

(3) Any document required or authorised to be served under this Act on —

(a) any person responsible for an amusement ride; or

(b) any person carrying out any installation works, modification works or relocation works,

is also deemed to be sufficiently served —

- (c) by delivering a copy of the document personally to any adult person on the premises on which the amusement ride has been installed or on which the installation works, modification works or relocation works (as the case may be) are being carried out; or
- (d) if there is no such person to whom the document can with reasonable diligence be delivered, by affixing the document to a conspicuous part of the premises or amusement ride.

(4) Any document required or authorised by this Act to be served on any person responsible for an amusement ride is deemed to be properly addressed if addressed by the description of the “person responsible” for the amusement ride without further name or description.

(5) Any document to be issued by the Commissioner under this Act may be issued in such form or manner as the Commissioner may determine and every such document is valid if the signature of the Commissioner or any enforcement officer duly authorised by the Commissioner under this Act is duly printed or written on the document.

(6) Any document sent by registered post to any person in accordance with subsection (1) is deemed to be duly served on the person at the time when the document would in the ordinary course of post be delivered and, in proving service of the document, it is sufficient to prove that the envelope containing the document was properly addressed, stamped and posted by registered post.

(7) This section does not apply to documents to be served in proceedings in court.

Form and authentication of documents

66.—(1) All notices, orders and other documents which the Commissioner or an enforcement officer is empowered to give by this Act may be in such form or manner as the Commissioner may determine, and may be given by any enforcement officer.

(2) Where any such notice, order or document requires authentication —

(a) the signature of the Commissioner or an enforcement officer; or

(b) an official facsimile of such signature,

appended thereto is sufficient authentication.

Inaccuracies in documents

67.—(1) Any misnomer or inaccurate description of any person, premises, amusement ride or any other thing named or described in any notice, order or document prepared, issued or served under or for the purposes of this Act does not in any way affect the operation of this Act as respects that person, premises, amusement ride or thing if that person, premises, amusement ride or thing is so designated or described in the notice, order or document as to be identifiable.

(2) Proceedings taken under or by virtue of this Act are not invalid for want of form.

Protection from liability

68.—(1) No liability shall lie against the Commissioner, any enforcement officer or any employee of the Authority by reason of the fact that any installation works, modification works or relocation works are or are to be carried out in accordance with the provisions of this Act, or that any amusement ride or the design and specifications, proposed installation method and programme or proposed modification method and programme or any installation works, modification works or relocation works relating to such amusement ride are subject to inspection, alteration or approval by the Commissioner, enforcement officer or employee of the Authority.

(2) Nothing in this Act makes it obligatory for the Commissioner, an enforcement officer or an employee of the Authority to inspect any amusement ride or any installation works, modification works or relocation works relating thereto, or the premises on which an amusement ride has been or is being installed, modified, relocated or operated, to ascertain whether the provisions of this Act are complied with or whether any design and specifications, proposed installation

method and programme, proposed modification method and programme, certificate, notice or other document submitted to the Commissioner, enforcement officer or employee of the Authority concerning the amusement ride are accurate or otherwise in compliance with the provisions of this Act.

(3) No matter or thing done by the Commissioner, an enforcement officer or an employee of the Authority shall, if it were done in good faith for the purpose of carrying out the provisions of this Act, subject the Commissioner, enforcement officer or employee of the Authority personally to any action, liability, claim or demand.

(4) Where the Commissioner provides any information to any person in respect of any amusement ride or any works or matter in relation to an amusement ride by electronic or other means, neither the Commissioner nor any enforcement officer or employee of the Authority shall be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the electronic equipment used for providing the information, if the error or omission had been made in good faith and in the ordinary course of duties of the Commissioner, enforcement officer or employee of the Authority.

Appeals to Minister

69.—(1) Any person who is aggrieved by a decision of the Commissioner to —

- (a) refuse to issue any installation permit, operating permit, modification permit, direction for the alteration of the conditions of any such permit or consent sought by the person under this Act;
- (b) alter, on the Commissioner's own volition, any of the conditions of any installation permit, operating permit or modification permit;
- (c) revoke or suspend any installation permit, operating permit or modification permit;

- (d) give any notice or direction —
- (i) requiring the cessation of any installation works, modification works, relocation works or the operation of an amusement ride;
 - (ii) requiring the closure or cordoning off of an amusement ride;
 - (iii) requiring the taking of any measures in relation to any amusement ride; or
 - (iv) otherwise affecting the carrying out of any installation works, modification works, relocation works or the operation of an amusement ride,

may appeal to the Minister in such form and manner, and within such time, as may be prescribed.

(2) Where an appeal is brought under this section from a decision of the Commissioner, the Minister may, after giving the appellant an opportunity to make written representations, dismiss or allow the appeal, unconditionally or subject to any conditions that the Minister thinks fit.

(3) The Minister's decision on any appeal under this section is final.

(4) Despite any appeal to the Minister under this section —

- (a) the revocation or suspension by the Commissioner of any installation permit, operating permit or modification permit; and
- (b) any notice or direction given by the Commissioner mentioned in subsection (1)(d),

take effect from the date specified by the Commissioner for the revocation or suspension or in the notice or direction given (as the case may be), unless the Minister otherwise directs.

Exemption

70.—(1) The Minister may by order in the *Gazette*, either generally or in any particular case, and subject to such conditions as the Minister may impose, exempt any person, amusement ride,

installation works, modification works or relocation works from all or any of the provisions of this Act.

(2) The Minister may at any time by order in the *Gazette* revoke an exemption granted under this section.

Fees

71.—(1) Except as provided in subsection (2), all fees payable under this Act must be credited into the funds of the Authority.

(2) Any fee payable to the Commissioner of Civil Defence under Part 6 must be credited into the Consolidated Fund.

Regulations

72.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without limiting subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) the making of any application for, and the issue of, any permit, consent, permission or approval under this Act;
- (b) the regulation of the design, specifications, manufacture, installation, operation, modification, relocation, maintenance and repair of amusement rides, including the following:
 - (i) the properties and design strength of the materials to be used in the construction of an amusement ride;
 - (ii) the speed at which an amusement ride may be operated;
 - (iii) the equipment, drives, brakes, anchorages, tensioning devices and safety devices to be incorporated as part of the amusement ride;
 - (iv) the signalling and communication systems to be applied in the installation, operation, modification or relocation of an amusement ride;

- (v) the testing of an amusement ride, whether after its installation, modification, relocation or repair, or routinely as part of its maintenance;
- (vi) the codes, standards and specifications relating to the safety and other aspects of the installation, operation, modification or relocation (as the case may be) of an amusement ride; and
- (vii) the illumination or marking of an amusement ride;
- (c) the maximum number of persons that may be carried on board an amusement ride at any one time (whether as patrons or otherwise) and the classes of persons or goods who or which may not be carried on board an amusement ride at any time;
- (d) the conduct and safety of persons using or operating, or in the vicinity of, amusement rides;
- (e) the procedure for the inspection of amusement rides by the Commissioner or any enforcement officer;
- (f) the requirements that a person must satisfy before he or she may be appointed as a ride manager;
- (g) the making of reports to the Commissioner concerning any adverse incident that has occurred in respect of an amusement ride and the conduct of investigations into that adverse incident;
- (h) the types of amusement rides that are to be considered as major amusement rides for the purposes of this Act and the types of amusement rides to which this Act will not apply;
- (i) the types of modifications to an amusement ride that amount to major modifications for the purposes of this Act;
- (j) the requirements in respect of insurance coverage for the operation of amusement rides;
- (k) the records, books or other documents to be kept and the reports and certificates to be made and issued in respect of an amusement ride for the purposes of this Act;

- (l) the duties and responsibilities of —
- (i) the holder of an installation permit, an operating permit or a modification permit and any other person responsible for an amusement ride;
 - (ii) a qualified person appointed to carry out any function in respect of an amusement ride for the purposes of this Act; and
 - (iii) the ride manager of an amusement ride;
- (m) the manner in which appeals may be made to and determined by the Minister under this Act and the documents, information and other particulars to be provided to the Minister by the appellant and the Commissioner in connection with such appeals;
- (n) the prescribing of the forms for use for the purposes of this Act;
- (o) the prescribing of the fees and charges payable for the purposes of this Act;
- (p) the prescribing of the offences that may be compounded under section 62;
- (q) such other matters as may be necessary or expedient to be prescribed or provided for to facilitate the effective administration and enforcement of this Act.

[4/2014]

(3) The Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of those regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes, standards and specifications

73.—(1) Any regulations made under section 72 may adopt wholly or partially or as amended by the regulations or by reference any code, standard or specification which relates to the design, manufacture, installation, operation, modification, relocation,

maintenance or repair of amusement rides or to any other matter that is relevant to the purposes of this Act, and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the Commissioner; or
- (b) is considered by the Commissioner to be appropriate for adoption for the purposes of this Act.

(2) In any proceedings under this Act, a copy of any code, standard or specification adopted under subsection (1) which is certified by the Commissioner as a true copy thereof is prima facie evidence of that code, standard or specification.

Presentation of regulations to Parliament

74. Any regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

LEGISLATIVE HISTORY
AMUSEMENT RIDES SAFETY
ACT 2011

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 6 of 2011 — Amusement Rides Safety Act 2011

Bill	:	1/2011
First Reading	:	10 January 2011
Second and Third Readings	:	14 February 2011
Commencement	:	1 July 2011

2. 2012 Revised Edition — Amusement Rides Safety Act (Chapter 6A)

Operation	:	30 September 2012
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3. Act 4 of 2014 — Statutes (Miscellaneous Amendments) Act 2014
(Amendments made by section 2 of the above Act)

Bill	:	25/2013
First Reading	:	11 November 2013
Second and Third Readings	:	21 January 2014
Commencement	:	10 March 2014 (section 2)

4. Act 28 of 2017 — Public Entertainments and Meetings (Amendment) Act 2017

(Amendments made by section 24(2) of the above Act)

Bill	:	22/2017
First Reading	:	3 April 2017
Second and Third Readings	:	8 May 2017
Commencement	:	1 August 2017 (section 24(2))

5. 2020 Revised Edition — Amusement Rides Safety Act 2011

Operation	:	31 December 2021
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6. Act 23 of 2023 — Building and Related Works (Miscellaneous Amendments) Act 2023

(Amendments made by the above Act)

Bill	:	19/2023
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First Reading	:	9 May 2023
Second and Third Readings	:	4 July 2023
Commencement	:	18 December 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
AMUSEMENT RIDES SAFETY
ACT 2011

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2012 Ed.
<i>[Omitted as spent]</i>	75
<i>[Omitted as spent]</i>	76