



THE STATUTES OF THE REPUBLIC OF SINGAPORE

FIRE SAFETY ACT

(CHAPTER 109A)

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Fire Safety Act

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An Act to make provisions for fire safety and for matters connected therewith.

[8th April 1994 (except Part VI, sections 60 and 62) ;
29th April 1994: Part VI, sections 60 and 62]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Fire Safety Act.

Interpretation

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

“alternative solution”, in relation to any fire safety works, means an engineering solution for the fire safety works to satisfy any fire performance requirements in the Fire Code, being a solution that is based on —

- (a) a deterministic or probabilistic analysis of fire scenarios or both types of analysis; or
- (b) a quantitative or qualitative assessment of design alternatives or both against the fire performance requirements in the Fire Code,

using engineering tools, methodologies and performance criteria as may be acceptable to the Commissioner, but does not include engineered smoke control systems where the usage and design are in accordance with the Fire Code;

[7/2004 wef 15/04/2004]

“authorised officer”, in relation to any power conferred or duties imposed on the Commissioner by or under this Act, means a person authorised under section 3 to exercise that power or to carry out that duty;

[Act 14 of 2013 wef 01/09/2013]

“building” has the same meaning as in the Building Control Act (Cap. 29);

“building works” has the same meaning as in the Building Control Act;

“class of petroleum” means any petroleum prescribed to be a class of petroleum for the purposes of this Act;

[Act 14 of 2013 wef 01/09/2013]

“Commissioner” means the Commissioner of Civil Defence appointed under section 6 of the Civil Defence Act (Cap. 42);

“Fire Code” means the Code of Practice for Fire Precautions in Buildings published by the Commissioner as amended or remade from time to time, and includes any code, standard, rule, specification or provision adopted under section 55;

[Act 14 of 2013 wef 01/09/2013]

[7/2004 wef 15/04/2004]

“fire forensic specialist” means an individual who is appointed under section 8E as a fire forensic specialist;

[Act 10 of 2015 wef 01/06/2015]

“fire hazard” means any matter or circumstance which materially increases the likelihood of fire or the danger to life or property that would result from the outbreak of fire and includes —

- (a) any alteration to any building in contravention of any law relating to building works or fire safety works

such as might render escape in the event of fire more difficult;

- (b) the overcrowding of any public building or any building used occasionally or regularly for public worship or religious ceremonies such as might render escape in the event of fire more difficult;

[7/2004 wef 15/04/2004]

- (c) any removal from any building of any fire safety measure which was provided in such building in accordance with plans approved by the Commissioner under section 23;

- (d) the presence in any building of any fire safety measure which from lack of proper maintenance or for any other reason is not in efficient working order;

- (e) the obstruction of escape routes, passageways, common property or limited common property of any building such as might render escape in the event of fire more difficult; and

[47/2004 wef 01/04/2005]

- (f) any other matter or circumstance which would materially hamper the Force in the discharge of its duties in the event of fire;

“fire hazard abatement notice” means a notice in writing issued by the Commissioner under section 13(1);

“fire performance requirements” means the objectives specified in the Fire Code in respect of fire safety works;

[7/2004 wef 15/04/2004]

“fire protection system” includes any installation, equipment or works manufactured, used or designed to be used for the purposes of —

- (a) extinguishing, attacking, preventing or limiting a fire and its by-product; or
- (b) giving warning of a fire;

“fire protection works” means the provision, extension or alteration of any fire protection system;

“fire safety engineer” means a person who is registered as a fire safety engineer under this Act;

[7/2004 wef 15/04/2004]

“fire safety measures” includes any installation, equipment or works manufactured, used or designed to be used for the purposes of —

(a) extinguishing, attacking, preventing or limiting a fire and controlling the spread of smoke resulting from the fire;

(b) giving warning of a fire;

(c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;

[Act 14 of 2013 wef 01/09/2013]

(d) providing means of escape; or

[Act 14 of 2013 wef 01/09/2013]

(e) providing a means of communication to facilitate fire-fighting operations or the evacuation of persons in the event of fire;

[Act 14 of 2013 wef 01/09/2013]

“fire safety works” means any fire protection works, fire safety measures, relevant pipeline works or minor works;

[Act 14 of 2013 wef 01/09/2013]

“flammable material” means any substance prescribed to be a flammable material for the purposes of this Act;

[Act 14 of 2013 wef 01/09/2013]

“Force” has the same meaning as in the Civil Defence Act (Cap. 42);

“member” has the same meaning as in the Civil Defence Act and includes any public officer serving in the Force as engineering or technical staff;

“minor works” means —

- (a) the addition, alteration or repair of a building that involves the use of combustible materials or that affects the means of escape or the effectiveness of fire safety measures; or
- (b) the provision, extension or alteration of any air-conditioning service or ventilating system in or in connection with a building;

[Act 14 of 2013 wef 01/09/2013]

“occupier”, in relation to any premises, means the person in occupation of the premises or having the charge, management or control thereof and, in relation to any part of any premises different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;

[Act 14 of 2013 wef 01/09/2013]

“officer” has the same meaning as in the Civil Defence Act (Cap. 42) and includes any public officer serving in the Force as engineering or technical officer;

“owner” —

- (a) in relation to any premises, includes any mortgagee in possession and any person for the time being receiving the rent of the premises whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant, and any person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises;

[Act 14 of 2013 wef 01/09/2013]

- (b) in relation to the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, means the management corporation having control of the building;

(ba) in relation to the limited common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, means the subsidiary management corporation having control of that limited common property;

[Act 14 of 2013 wef 01/09/2013]

[47/2004 wef 01/04/2005]

(c) in respect of any fire safety measure, includes the occupier or the owner of the premises in or on which the fire safety measure is installed or kept;

(d) in relation to an aircraft or a vessel, includes the charterer of the aircraft or vessel, as the case may be; and

[Act 14 of 2013 wef 01/09/2013]

(e) in relation to a vehicle, means the registered owner of the vehicle;

[Act 14 of 2013 wef 01/09/2013]

[Deleted by 7/2004 wef 15/04/2004]

“peer reviewer” means a fire safety engineer who is appointed to review and assess whether any alternative solution in plans for any fire safety works that is prepared or proposed by another person satisfies any fire performance requirements;

[7/2004 wef 15/04/2004]

“petroleum” includes crude petroleum, liquefied petroleum gas and other naturally occurring hydrocarbon liquid derived from crude petroleum, coal, shale, peat or other bituminous substances;

[Act 14 of 2013 wef 01/09/2013]

“pipeline” includes any section of a pipeline;

[Act 14 of 2013 wef 01/09/2013]

“pipeline owner”, in relation to any section of a relevant pipeline, means —

(a) if the section of the relevant pipeline is entirely or partially on a piperack or pipetrack, the person who

owns or leases, and has management and control, of the piperack or pipetrack; or

[Act 31 of 2016 wef 01/02/2017]

- (b) if the entire section of the relevant pipeline is not on a piperack or pipetrack, a person who owns or leases that section of the relevant pipeline and uses that section of the relevant pipeline for the conveyance of any class of petroleum or any flammable material;

[Act 14 of 2013 wef 01/09/2013]

[Act 31 of 2016 wef 01/02/2017]

“piperack” means a multi-tiered rack supporting one or more pipelines above the ground;

[Act 14 of 2013 wef 01/09/2013]

“pipetrack” means an area where one or more pipelines are supported on sleepers on the ground;

[Act 14 of 2013 wef 01/09/2013]

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built or not, whether public or private, and whether or not maintained under statutory authority;

“public building” means a building or part of a building —

- (a) used as a hospital or a nursing home;
- (b) used ordinarily or occasionally to provide residential care to aged persons or child care for groups of children;
- (c) used wholly or mainly as or in connection with a hotel, shop or restaurant; or
- (d) where the public or any part thereof or numbers of persons occasionally or regularly assemble for —
- (i) civic or social (but not religious or educational) purposes;
- (ii) entertainment, recreational or sporting purposes; or

(iii) business purposes;

[7/2004 wef 15/04/2004]

“qualified person” means a person who is registered as —

- (a) an architect under the Architects Act (Cap. 12) and has in force a practising certificate issued under that Act; or
- (b) a professional engineer under the Professional Engineers Act (Cap. 253) and has in force a practising certificate issued under that Act;

“register of registered inspectors” means the register kept and maintained under section 4(1);

“registered inspector” means a person who is registered as a registered inspector under section 5;

“relevant pipeline” means a pipeline used, or to be used, for the conveyance of any class of petroleum or any flammable material, and includes the piperack or pipetrack, if any, for the management of the pipeline but does not include such a pipeline located in licensed premises;

[Act 14 of 2013 wef 01/09/2013]

[Act 31 of 2016 wef 01/02/2017]

“relevant pipeline works” means the construction, alteration or repair of a relevant pipeline commenced or carried out on or after the date of commencement of section 2(o) of the Fire Safety (Amendment) Act 2013;

[Act 14 of 2013 wef 01/09/2013]

“street” has the same meaning as in the Street Works Act (Cap. 320A);

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

“vessel” includes —

- (a) any ship or boat or air-cushioned vehicle; and
- (b) any rig or platform, whether floating at sea or fixed to the sea bed, used in any form of operations at sea.

[Act 14 of 2013 wef 01/09/2013]

(2) In this Act, unless the context otherwise requires, any reference to premises or building includes a reference to a part of such premises or building, as the case may be.

[Act 14 of 2013 wef 01/09/2013]

(3) For the purposes of the definition of “pipeline owner” in subsection (1), the owner of the land on which any piperack, pipetrack or pipeline is located shall not be regarded as the person who owns or leases the piperack, pipetrack or pipeline (as the case may be) by reason only that the piperack, pipetrack or pipeline is a fixture annexed to that land.

[Act 14 of 2013 wef 01/09/2013]

Authorised officers

3.—(1) The powers conferred and the duties imposed on the Commissioner under this Act, except sections 7, 8, 8A, 8B, 8C and 46, may be exercised and carried out by any of the following persons generally or specially authorised by name or office by the Commissioner and subject to his directions:

(a) any member of the Force; or

[Act 14 of 2013 wef 01/09/2013]

(b) any qualified person in the employment of the Government.

[Act 14 of 2013 wef 01/09/2013]

(2) Subject to the directions of the Commissioner, the powers conferred and the duties imposed on the Commissioner under the provisions of Part IV relating to the approving of plans of fire safety works and any regulations made under this Act necessary for carrying out or giving effect to those provisions may also be exercised and carried out by any qualified person who is —

(a) in the employment of the Housing and Development Board, the Jurong Town Corporation or such other public authority constituted by any written law as the Minister may approve for the purpose; and

(b) generally or specially authorised by name or office by the Commissioner.

(3) The Commissioner may authorise any qualified person in writing to carry out the duties and responsibilities or exercise all or any of the powers of the Commissioner under this Act, subject to subsection (4) and such conditions or limitations as the Commissioner may specify.

[Act 14 of 2013 wef 01/09/2013]

(4) The duties, responsibilities and powers which the Commissioner may authorise any qualified person to carry out or exercise under subsection (3) shall be such as may be approved by the Minister in writing.

(5) Any qualified person who is generally or specially authorised under subsection (2) or (3) to carry out the duties and responsibilities or exercise all or any of the powers of the Commissioner under this Act shall be deemed to be —

- (a) a public officer for the purposes of this Act; and
- (b) a public servant for the purposes of the Penal Code (Cap. 224).

[Act 14 of 2013 wef 01/09/2013]

Register of registered inspectors

4.—(1) The Commissioner shall keep and maintain a register in which shall be entered the names and prescribed particulars of all persons registered under section 5 as registered inspectors.

(2) The register of registered inspectors shall be kept and maintained at the office of the Commissioner and shall be available for inspection by any person without charge at such time as that office is open for business.

Registration of registered inspectors

5.—(1) An application for registration as a registered inspector shall be made in such manner and shall be accompanied by such documents and particulars as may be prescribed.

(2) No person shall be registered as a registered inspector unless he can satisfy the Commissioner that he possesses the prescribed qualifications and practical experience.

(3) Without prejudice to subsection (2), the Commissioner may refuse to register as a registered inspector an applicant who, in his opinion, is not of good character and reputation or unable to carry out the duties and responsibilities of a registered inspector under this Act.

[Act 14 of 2013 wef 01/09/2013]

(4) The Commissioner may appoint a committee of persons to assist him in considering applications for registration as registered inspectors.

(5) Where the Commissioner has registered a person as a registered inspector, the Commissioner shall issue to the person a certificate of registration.

Cancellation of registration and suspension from practice

5A.—(1) Without prejudice to section 6C(7), the Commissioner may by order cancel the registration of any registered inspector or suspend him from practice for a period not exceeding 12 months under any of the following circumstances:

- (a) if he is deceased;
- (b) if he has contravened or failed to comply with section 6(1);
- (c) if he is convicted of an offence involving fraud or dishonesty or an offence under this Act;
[Act 14 of 2013 wef 01/09/2013]
- (d) if it appears to the Commissioner that he is no longer in the position to carry out the duties or responsibilities of a registered inspector under this Act;
[Act 14 of 2013 wef 01/09/2013]
- (e) if he has procured his registration by fraud or misrepresentation; or
[7/2004 wef 01/07/2004]
- (f) if he is a qualified person or a fire safety engineer, his registration as such is revoked or cancelled or he is suspended from practising as such under this Act or any other relevant written law.

[7/2004 wef 01/07/2004]

[5/2000]

(2) The Commissioner may, if he considers that no cause of sufficient gravity for cancellation of registration or suspension from practice exists, by writing censure the registered inspector.

[5/2000]

(3) The Commissioner shall not exercise his powers under subsection (1)(b), (c), (d), (e) or (f) or (2) unless an opportunity of being heard has been given to the registered inspector against whom the Commissioner intends to exercise his powers.

[7/2004 wef 01/07/2004]

[5/2000]

(4) Where a registered inspector has been suspended from practice under subsection (1), the Commissioner shall, within 7 days of the expiry of such suspension, restore the name and particulars of that registered inspector to the register of registered inspectors and issue to him a fresh certificate of registration.

[7/2004 wef 01/07/2004]

[5/2000]

(5) Any person whose application for registration as a registered inspector is refused, or who is dissatisfied with the decision of the Commissioner under subsection (1), may, within 14 days of being notified in writing of the refusal or the decision, appeal to the Minister whose decision shall be final.

(6) Where an appeal is made to the Minister within the period referred to in subsection (5), an order made by the Commissioner under subsection (1) shall, unless the Minister otherwise directs, not take effect unless —

(a) it is confirmed by the Minister;

(b) the appeal is for any reason dismissed by the Minister; or

(c) the appellant withdraws the appeal.

[5/2000]

(7) Before the Minister makes a decision to allow or dismiss an appeal, the Minister may refer the matter to an Appeal Advisory Board appointed under section 28.

[5/2000]

(8) The Minister may, in making his decision, have regard to any report made to him by the Appeal Advisory Board.

[5/2000]

(9) Where an order made by the Commissioner to cancel the registration of a registered inspector or suspend the registered inspector from practice has taken effect, the Commissioner shall —

- (a) remove the name and particulars of the inspector concerned from the register of registered inspectors;
- (b) cancel any certificate of registration issued to the inspector concerned under section 5(5); and
- (c) notify the inspector concerned accordingly.

[5/2000]

(10) The inspector concerned shall, within 14 days of being notified of the removal of his name and particulars from the register of registered inspectors, surrender to the Commissioner the certificate of registration issued to him.

[5/2000]

(11) Any person who fails to comply with subsection (10) shall be guilty of an offence.

[5/2000]

(12) Any person whose name has been removed from the register of registered inspectors under subsection (1)(b), (c), (d), (e) or (f) shall, if his appeal to the Minister is allowed, have his name reinstated as soon as may be practicable.

[7/2004 wef 01/07/2004]

[Act 14 of 2013 wef 01/09/2013]

Independence of registered inspectors

6.—(1) At the time of carrying out his duties and responsibilities or exercising his powers as a registered inspector under this Act, a registered inspector shall have no professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works in respect of which the duties and responsibilities or powers are to be carried out or exercised.

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

(2) A registered inspector shall be regarded as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works if —

(a) he is or has been responsible for or acting as consultant to the design or construction of the building or relevant pipeline, or any of the fire safety works in any capacity;

[Act 14 of 2013 wef 01/09/2013]

(b) he or any nominee of his is a member, officer or employee of a company or other body which has a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works; or

[Act 14 of 2013 wef 01/09/2013]

(c) he is a partner or is in the employment of a person who has a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works.

[Act 14 of 2013 wef 01/09/2013]

(3) For the purposes of this Act —

(a) a person shall be treated as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works even if he has that interest only as trustee for the benefit of some other person; and

[Act 14 of 2013 wef 01/09/2013]

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

(4) For the purposes of this Act —

(a) involvement in the fire safety works as a registered inspector; and

(b) entitlement to any fee paid for his function as a registered inspector,

shall not be regarded as constituting a professional or financial interest.

(5) *[Deleted by Act 14 of 2013 wef 01/09/2013]*

(6) Any person who contravenes this section shall be guilty of an offence.

Appointment of Registered Inspectors Inquiry Panel, etc.

6A.—(1) For the purpose of enabling an Inquiry Committee to be constituted in accordance with this section, the Minister shall appoint a panel (referred to as the Registered Inspectors Inquiry Panel) consisting of such numbers of —

- (a) qualified persons who are not members of the Force; and
- (b) members of the Force,

as the Commissioner may determine.

[5/2000]

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

(2) A member of the Registered Inspectors Inquiry Panel shall be appointed for a term of 2 years and shall be eligible for reappointment.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(3) Where any complaint against a registered inspector relating to his conduct or the discharge of his duties or responsibilities is received by the Commissioner, the Commissioner may constitute an Inquiry Committee consisting of 5 members of the Registered Inspectors Inquiry Panel, for the purposes of inquiring into the complaint.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(4) An Inquiry Committee shall consist of —

- (a) a Chairman appointed by the Commissioner;
- (b) 2 qualified persons who are not members of the Force; and
- (c) 2 members of the Force.

[5/2000]

(5) The Commissioner may, on his own motion, constitute an Inquiry Committee for the purposes of inquiring into the conduct of any registered inspector or the discharge of a registered inspector's duties or responsibilities if it appears to the Commissioner that the

registered inspector has contravened or failed to comply with any provision of the prescribed code of professional conduct and ethics.
[5/2000]

(6) The Chairman of an Inquiry Committee shall preside at every meeting of the Inquiry Committee.
[5/2000]

(7) In the absence of the Chairman of an Inquiry Committee, the Commissioner shall appoint an acting Chairman who shall have and exercise all the powers of the Chairman.
[5/2000]

(8) The Minister may at any time remove any member of an Inquiry Committee or fill any vacancy in its membership.
[7/2004 wef 15/04/2004]
[5/2000]

(9) Each person who, immediately before the date of commencement of section 6 of the Fire Safety (Amendment) Act 2013, is a member of the Inquiry Panel appointed under this section shall be deemed to have been appointed as a member of the Registered Inspectors Inquiry Panel for a term expiring on the date when his term would have expired if section 6 of the Fire Safety (Amendment) Act 2013 had not been enacted.
[Act 14 of 2013 wef 01/09/2013]

Proceedings of Inquiry Committee

6B.—(1) An Inquiry Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.
[5/2000]

(2) The Chairman of an Inquiry Committee may at any time summon a meeting of the Inquiry Committee.
[5/2000]

(3) All the members of an Inquiry Committee shall be present to constitute a quorum for a meeting of the Inquiry Committee.
[5/2000]

(4) Any decision to be made at any meeting of the Inquiry Committee shall be determined by a majority of votes of the members of the Inquiry Committee and, in the case of an equality of votes, the

Chairman of the Inquiry Committee shall have a second or casting vote.

[5/2000]

(5) A member of an Inquiry Committee shall, notwithstanding that he has ceased to be a member of the Registered Inspectors Inquiry Panel on the expiry of his term of office, be deemed to be a member of the Registered Inspectors Inquiry Panel until such time as the Commissioner has decided that the Inquiry Committee of which he is a member has completed its work.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

Commencement of inquiry, etc.

6C.—(1) An Inquiry Committee shall, within a reasonable time of its constitution, commence its inquiry and, subject to subsection (2), submit a written report of its findings (referred to in this section as the written report) to the Commissioner not later than 6 months after its constitution.

[5/2000]

(2) The Commissioner may grant an extension of time to an Inquiry Committee to submit the written report to him if he is satisfied that the circumstances of the case justify the grant of an extension of time.

[5/2000]

(3) Subject to the provisions of this Act, the Inquiry Committee may determine its own procedure.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(4) Where an Inquiry Committee is of the opinion that a registered inspector should be called upon to answer any allegation made against him, the Inquiry Committee shall —

(a) post or deliver to the registered inspector concerned —

(i) copies of any complaint made against him; and

(ii) a notice inviting him to give, within such period (not being less than 14 days) as may be specified in the notice, to the Inquiry Committee any written explanation he may wish to offer and to advise the

Inquiry Committee if he wishes to be heard by the Committee;

- (b) allow the time specified in the notice to elapse;
- (c) give the registered inspector concerned reasonable opportunity to be heard if he so desires; and
- (d) give due consideration to any explanation (if any) given by the registered inspector concerned.

[5/2000]

(5) Where the complainant withdraws his complaint before the Inquiry Committee is constituted or before the inquiry by the Committee is concluded, the Commissioner may, notwithstanding such withdrawal, constitute an Inquiry Committee and direct it to inquire, or may direct the Inquiry Committee to continue with its inquiry, into the matter, and the Inquiry Committee shall comply with that direction.

[7/2004 wef 15/04/2004]

(6) An Inquiry Committee shall, in its written report, make such recommendation as it thinks fit.

[5/2000]

(7) The Commissioner shall consider the written report submitted by an Inquiry Committee and may —

- (a) dismiss the complaint;
- (b) by order cancel the registration of the registered inspector concerned;
- (c) by order suspend the registered inspector concerned from practice for a period not exceeding 12 months;
- (d) by order impose a penalty not exceeding \$5,000;
- (e) in writing censure the registered inspector concerned; or
- (f) make such other order as the Commissioner thinks fit.

[5/2000]

(8) The Commissioner shall not be bound by any recommendation made by an Inquiry Committee in its written report.

[5/2000]

(9) The Commissioner shall in writing notify the registered inspector concerned of his decision or any order made against the registered inspector concerned under subsection (7).

[5/2000]

(10) A registered inspector who is aggrieved by a decision of or an order made by the Commissioner under subsection (7)(b), (c), (d) or (f) may, within 14 days of the receipt of the written notification, appeal to the Minister whose decision shall be final.

[5/2000]

(11) Where an appeal is made to the Minister within the period referred to in subsection (10), the decision of or an order made by the Commissioner under subsection (7)(b), (c), (d) or (f), as the case may be, shall, unless the Minister otherwise directs, not take effect unless —

- (a) it is confirmed by the Minister;
- (b) the appeal is for any reason dismissed by the Minister; or
- (c) the appellant withdraws the appeal.

[5/2000]

(12) Before the Minister makes a decision to allow or dismiss an appeal, the Minister may refer the matter to an Appeal Advisory Board appointed under section 28.

[5/2000]

(13) The Minister may, in making his decision, have regard to any report made to him by the Appeal Advisory Board.

[5/2000]

(14) Any penalty imposed by the Commissioner in exercise of the powers conferred by subsection (7) shall be recoverable as a judgment debt from the registered inspector ordered to pay the penalty.

[5/2000]

Powers of Inquiry Committee

6D.—(1) For the purposes of any inquiry conducted by an Inquiry Committee, the Inquiry Committee may —

- (a) require evidence to be given on oath and for that purpose the Chairman of the Inquiry Committee may administer an oath; and
- (b) require any person to attend and give evidence before it and to produce all plans, books, documents and papers in the custody of that person or under his control relating to the subject-matter of the inquiry.

[5/2000]

- (2) Every person who, without lawful excuse, refuses or fails to —
 - (a) attend and give evidence when required to do so by the Inquiry Committee;
 - (b) answer truly and fully any question put to him by a member of the Inquiry Committee; or
 - (c) produce to the Inquiry Committee any plans, book, document or paper required to be produced by him,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[5/2000]

(3) For the purposes of conducting an inquiry, an Inquiry Committee may appoint any person to make or assist in the making of whatever preliminary inquiries it thinks necessary.

[5/2000]

Powers in event of fire

7.—(1) The Commissioner or any member of the Force authorised by him may, in the event of a fire or a suspected fire, by himself or with other members under his command —

- (a) enter, break into or through and take possession of or demolish or cause to be taken possession of or demolished any premises or structure for the purpose of extinguishing or preventing the spread of the fire;

[Act 14 of 2013 wef 01/09/2013]

- (aa) enter, break into, take possession of, remove or destroy, or cause to be taken possession of, removed or destroyed, any

aircraft, vehicle, vessel or thing for the purpose of extinguishing or preventing the spread of the fire;

[Act 14 of 2013 wef 01/09/2013]

- (b) take any equipment required to be used into, through or upon any premises, aircraft, vehicle or vessel where he thinks it necessary for the purpose of carrying out his duties;

[Act 14 of 2013 wef 01/09/2013]

- (c) remove from any building, structure, aircraft, vehicle or vessel which is on fire or is in the vicinity of the fire, any flammable, combustible, explosive or dangerous material found therein without responsibility for any consequent loss or damage;

[Act 14 of 2013 wef 01/09/2013]

- (d) for the purpose of extinguishing or preventing the spread of the fire, cause any building or structure which is on fire, or which is adjacent to or in the vicinity of any building or structure which is on fire, to be pulled down, either wholly or partially, or otherwise destroyed or damaged;

- (e) cause water to be shut off from, or turned into, any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing the fire in consultation with the Public Utilities Board;

- (f) shut off or disconnect, or order any person having the control thereof to shut off or disconnect, the supply of gas, petroleum, flammable material or electricity to any premises which is on fire or which is in the vicinity of the fire;

[Act 14 of 2013 wef 01/09/2013]

- (g) close or cause to be closed any street in the vicinity of the fire or calamity;

- (h) remove any aircraft, vehicle, vessel or thing impeding the operation of the Force and, where reasonably necessary for that purpose, he may use force or break into any such aircraft, vehicle, vessel or thing;

[Act 14 of 2013 wef 01/09/2013]

- (i) remove, using reasonable force if necessary, any person who, by his presence or otherwise, interferes with the fire-fighting operations or who is, in his opinion, endangered by the fire;
- (j) control and direct all operations for the extinguishing of the fire and all fire services present and all persons there who place their services at his disposal;
- (k) use any convenient supply of water; and
- (l) generally do all other things that are reasonably necessary for protecting life or property or for extinguishing the fire or for preventing the spread thereof.

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

(2) No person or body (including the Government) shall be liable to any action, penalty or claim by reason of any action under subsection (1)(f).

Power to enter premises for various purposes

8.—(1) The Commissioner or any member of the Force authorised by him in writing on producing, if so required, an authenticated document showing his authority shall have a right to enter any premises at all reasonable hours for the purpose of —

- (a) ascertaining whether there is or has been, on or in connection with the premises, any contravention of any of the provisions of this Act;

[Act 14 of 2013 wef 01/09/2013]

- (b) obtaining information required for fire-fighting purposes with respect to the character of the premises, the availability of water supplies and the means of access thereto and other material circumstances relating to fire-fighting purposes;
- (c) conducting fire-drills and exercises, provided prior reasonable notice in writing is given to the owner or occupier of such premises;

- (d) ascertaining whether there exists in the premises any fire hazard;
- (e) *[Deleted by Act 10 of 2015 wef 01/06/2015]*
- (f) ascertaining whether or not any place of public assembly or premises used for purposes of entertainment or recreation are being used to accommodate a larger number of persons than is permitted under any regulations made under this Act;
- (g) checking and testing fire safety measures; and
- (h) performance by the Commissioner or the Force of his or its powers under this or any other written law.

[Act 14 of 2013 wef 01/09/2013]

(2) Subject to subsection (3), the Commissioner or any member of the Force authorised under subsection (1) shall not exercise the right of entry conferred by subsection (1) unless 24 hours' notice in writing of the intended entry has been given to the occupier.

[Act 14 of 2013 wef 01/09/2013]

- (3) Subsection (2) shall not apply in respect of any of the following:
- (a) entry into a place of public entertainment or public assembly, factory, workshop or workplace or premises otherwise used for business purposes;
 - (b) *[Deleted by Act 10 of 2015 wef 01/06/2015]*

Power to board vessel for various purposes

8A.—(1) The Commissioner or any member of the Force authorised by him in writing on producing, if so required, an authenticated document showing his authority shall have a right to board any vessel at all reasonable hours for all or any of the following purposes:

- (a) obtaining information required for fire-fighting purposes with respect to the character of the vessel, the availability of water supplies and the means of access thereto and other material circumstances relating to fire-fighting purposes;
- (b) conducting fire-drills and exercises;

(c) [*Deleted by Act 10 of 2015 wef 01/06/2015*]

(d) performance by the Commissioner or the Force of his or its powers under this Act or any other written law.

(2) The Commissioner or any member of the Force authorised under subsection (1) shall not exercise the right to board any vessel conferred by subsection (1) unless prior reasonable notice in writing has been given to the owner of a vessel.

[Act 14 of 2013 wef 01/09/2013]

[Act 10 of 2015 wef 01/06/2015]

Power to enter premises, etc., up to 48 hours after fire

8B.—(1) For the purposes of investigating the cause or origin of any fire which has occurred in or on any aircraft, vessel or vehicle, or in or on any premises, the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner in writing —

(a) may enter and inspect those premises or any adjacent premises, or may board the aircraft, vessel or vehicle, as the case may be; and

(b) may seize or detain the aircraft or vehicle.

(2) The power conferred under subsection (1)(a) on the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner, may be exercised —

(a) without notice within a period of 48 hours after the fire on the premises, aircraft, vessel or vehicle, as the case may be, has been put out; and

(b) in any other case, only after giving notice in writing of the intended entry to the occupier of the premises or intended boarding to the owner of the aircraft, vessel or vehicle, as the case may be.

(3) However, this section does not authorise the Commissioner, or a member of the Force or a fire forensic specialist, to enter any part of premises, or to board any part of an aircraft, vessel or vehicle, as the case may be, without first producing, if so required, an authenticated document showing his authority to so enter or board.

(4) To avoid doubt, nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.

[Act 10 of 2015 wef 01/06/2015]

Powers ancillary to sections 8, 8A and 8B

8C.—(1) The Commissioner or any member of the Force or fire forensic specialist exercising the powers under section 8, 8A or 8B may (so far as may be reasonably necessary for the purpose to which his exercise of the powers relates) do all or any of the following in the premises, aircraft, vehicle or vessel, as the case may be:

- (a) take with him any assistance or equipment;
- (b) search the premises, aircraft, vehicle or vessel;
- (c) take photographs or video recordings of and conduct any inspection, measurement or test on the premises, aircraft, vehicle or vessel or any thing found therein;
- (d) take, without payment, for the purpose of examination reasonable samples of any description from the premises, aircraft, vehicle or vessel;
- (e) seize or detain any thing found in the premises, aircraft, vehicle or vessel that he believes on reasonable grounds to be connected with the commission of any offence under this Act or to be otherwise relevant to the administration or enforcement of this Act;
- (f) do any other thing reasonably necessary for carrying out the purpose to which his exercise of the powers relates.

[Act 10 of 2015 wef 01/06/2015]

(2) For the purposes of section 8, 8A or 8B or subsection (1)(b), the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 8, 8A or 8B, as the case may be, may —

- (a) require the owner or occupier of the premises, or the owner or person having charge of the aircraft, vehicle or vessel, as the case may be, to provide all reasonable assistance to the Commissioner, or a member of the Force or a fire forensic

specialist authorised under section 8, 8A or 8B, as the case may be; and

[Act 10 of 2015 wef 01/06/2015]

- (b) if the circumstances so warrant, with such assistance as he thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container, receptacle or any other thing.

[Act 10 of 2015 wef 01/06/2015]

(3) Any person who fails to comply with any requirement made under subsection (2)(a) shall be guilty of an offence.

(4) Where the Commissioner, or a member of the Force or a fire forensic specialist seizes any thing under subsection (1)(e), he shall —

- (a) immediately give notice in writing of the seizure to the owner of the thing seized or to the agent of such owner; or
- (b) if the name and address of the owner or agent of the thing seized are not known, affix a notice prominently at the place where the thing was seized.

[Act 10 of 2015 wef 01/06/2015]

(5) Any person aggrieved by the seizure of any thing under subsection (1)(e) may, within 48 hours after the seizure, complain thereof to a Magistrate's Court.

(6) Upon hearing such complaint, the Magistrate's Court may —

- (a) confirm the seizure wholly or in part;
- (b) disallow the seizure wholly or in part;
- (c) order that any thing seized be restored to its owner, subject to any condition which the Court may think fit to impose to ensure that the thing is preserved for any purpose for which it may subsequently be required; or
- (d) order payment to be made to the owner of the thing seized of such amount as the Court considers will compensate him for any loss or depreciation resulting from the seizure.

(7) Any thing seized under subsection (1)(e) may be kept or stored at the place where it was seized or may, at the direction of the

Commissioner, or a member of the Force or a fire forensic specialist authorised under section 8, 8A or 8B, be removed to any other place to be kept or stored thereat.

[Act 10 of 2015 wef 01/06/2015]

(8) The Commissioner, or a member of the Force or a fire forensic specialist authorised under section 8, 8A or 8B may mark, seal or label any thing being detained under subsection (1)(e) in such manner as he thinks fit for the purpose of indicating that the thing is under detention and may lock or seal the place (or any part thereof) in which the thing is being detained.

[Act 10 of 2015 wef 01/06/2015]

(9) Any person who, without the authority of the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 8, 8A or 8B, as the case may be —

- (a) interferes with, removes or otherwise disposes of any thing seized or detained under section 8, 8A or 8B or tampers with, alters or removes any mark, seal or label placed under subsection (8); or
- (b) opens, breaks or otherwise tampers with the lock or seal placed under subsection (8),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(10) Subsections (4) to (9) shall apply to any aircraft or vehicle seized under section 8B as if they were seized or detained under subsection (1)(e).

(11) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

[Act 14 of 2013 wef 01/09/2013]

Exemption of Singapore Armed Forces

8D. Sections 7 to 8C shall not apply to any aircraft, vehicle or vessel belonging to or exclusively employed in the service of the

Singapore Armed Forces or of any visiting force lawfully present in Singapore.

[Act 14 of 2013 wef 01/09/2013]

Fire forensic specialists

8E.—(1) The Minister may, in writing, appoint any of the following individuals to be fire forensic specialists to assist the Commissioner, or any member of the Force authorised by the Commissioner under section 8B, exercising in Singapore a power under that section or section 8C:

- (a) a Division I, II or III public officer who is not a member of the Force but is employed in the offices of the Force;
- (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a fire forensic specialist.

(2) A fire forensic specialist's appointment is to be for such period as the Minister decides and, for an individual referred to in subsection (1)(b), is to be on such terms and conditions (including remuneration) as the Minister decides from time to time.

(3) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a fire forensic specialist.

(4) The Commissioner must issue to each fire forensic specialist an identification card, which must be carried at all times by the fire forensic specialist when exercising powers under any provision in this Act.

(5) A fire forensic specialist whose appointment as such ceases must return any identification card issued to him under subsection (4) to the Commissioner.

(6) A fire forensic specialist is not a member of the Force, and an individual referred to in subsection (1)(b) who is appointed as a fire forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

(7) A fire forensic specialist is to be issued with such equipment, or such description of equipment, as the Commissioner may determine.

(8) The Commissioner may, in writing, authorise a fire forensic specialist to exercise any of the powers in sections 8B and 8C in aid of any member of the Force or class of such members, as the Commissioner may specify in that authorisation, but the Commissioner cannot authorise under this subsection any fire forensic specialist to arrest any individual.

(9) The Commissioner's authorisation under subsection (8) for a fire forensic specialist may do any or all of the following:

- (a) limit the powers in sections 8B and 8C that the fire forensic specialist may exercise;
- (b) limit when the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (c) limit where in Singapore the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (d) limit the circumstances in which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them;
- (e) limit the purposes for which the fire forensic specialist may exercise his powers in sections 8B and 8C or any of them.

(10) A fire forensic specialist who under this section is authorised by the Commissioner to exercise any power under section 8B or 8C to assist the Commissioner or a member of the Force —

- (a) must obey all lawful directions (general or specific) of the Commissioner and the member of the Force when exercising such power; and
- (b) shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

(11) Without prejudice to subsection (10), where any law or written law protects a member of the Force from liability for the member's acts or omissions, that law or written law shall be taken to operate as if those acts or omissions included the fire forensic specialist's acts or omissions when acting in the course of his duty as a fire forensic specialist in accordance with the written authorisation of the

Commissioner under this Part and the lawful directions of the member of the Force he assists.

(12) To avoid doubt, a fire forensic specialist does not cease to be acting on the direction of a member of the Force by reason only that that member of the Force is not present at all times when the fire forensic specialist exercises any power under section 8B or 8C.

[Act 10 of 2015 wef 01/06/2015]

Power to fix plate showing position of fire-hydrant

9.—(1) Upon giving 7 days' notice in writing to the owner or occupier of any property situate in the vicinity of a fire-hydrant or water supply, the Commissioner may thereafter cause a plate indicating the location of such fire-hydrant or water supply to be fixed to any part of the property as may, in the opinion of the Commissioner, be best suited to indicate such location.

(2) Any person who refuses to allow the fixing of any such plate referred to in subsection (1), or obstructs any person in the course of the fixing thereof or removes or defaces any such plate after it has been so fixed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Power to install fire-hydrants

10. The Commissioner may place or cause to be placed fire-hydrants as he may think necessary at convenient places in streets or roads.

Damaging, etc., of fire-hydrants

11.—(1) Any person who —

(a) not being a member of the Force takes water from a fire-hydrant other than for the extinguishment of a fire without the consent of the Commissioner or the Public Utilities Board, as the case may be; or

(b) wilfully damages a fire-hydrant,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(2) Any person convicted of an offence under subsection (1)(b) shall, in addition to the fine imposed on him under that subsection, also be liable to pay compensation to the Public Utilities Board for any expenses reasonably incurred in repairing or replacing such fire-hydrant.

False alarm

12.—(1) Any person who knowingly gives or causes to be given a false alarm of fire to the Force or to the police shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) For the purposes of this section, “false alarm of fire” includes a false call for the ambulance or other services provided by the Force.

PART II

FIRE HAZARD IN PREMISES

Abatement of fire hazards

13.—(1) The Commissioner may, if satisfied of the existence in or on any premises of any fire hazard, serve —

- (a) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues;
- (b) if such person is the employee or agent of some other person, upon such other person; or
- (c) upon the occupier or owner of the premises in or on which such fire hazard exists,

a notice in writing requiring him to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and to take all steps necessary to prevent the recurrence of such fire hazard.

[5/2000]

(2) The notice may, if the Commissioner thinks fit, specify any works to be executed for the purposes mentioned in subsection (1).

[5/2000]

(2A) The notice may, if the Commissioner thinks fit, require the person on whom the notice is served under subsection (1) to submit, within the period specified in the notice, a fire hazard mitigation plan to prevent such fire hazard from recurring in or on the premises.

[Act 14 of 2013 wef 01/09/2013]

(3) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises in or on which it exists, the Commissioner may abate the hazard and may do what is necessary to prevent a recurrence thereof.

(4) Where a fire hazard abatement notice has been served on any person under subsection (1) and that person —

- (a) fails to comply with any of the requirements within the time specified in the notice; or
- (b) fails to take such steps as are specified in the notice to prevent the recurrence of the fire hazard,

he shall, whether or not an order under section 16 has been made in respect of him, be guilty of an offence.

[5/2000]

Commissioner may abate fire hazard in emergency

14.—(1) Where a fire hazard abatement notice has been served upon any person under section 13 and if the person on whom the notice has been served fails to comply with any of the requirements of the notice within the time specified therein, the Commissioner may, if he is satisfied that the fire hazard to which the notice relates —

- (a) constitutes an immediate or substantial danger of fire in or on the premises; or
- (b) is likely, if fire breaks out in or on the premises, to increase the normal risk to life which occurs in the event of a fire,

cause to be carried out in or on the premises such work, including the removal and seizure of any property causing the fire hazard, as appears to him to be necessary to abate the fire hazard and to prevent a recurrence thereof.

(2) The Commissioner may recover the expenses incurred under subsection (1), from the person on whom the notice has been served.

Power to order closure of premises in emergency

15.—(1) The Commissioner may, if he is satisfied of the matters specified in section 14 and that it is necessary for the safety of persons that the premises should be closed immediately —

- (a) order the owner or occupier of the premises to close the premises immediately for such period not exceeding 72 hours as is specified in that order and as the Commissioner considers necessary for the alleviation of the danger in question; or

[Act 14 of 2013 wef 01/09/2013]

- (b) if an order referred to in paragraph (a) cannot for any reason be given to the owner or occupier of the premises or if such an order, having been given to that owner or occupier, is not immediately obeyed, close the premises for such period not exceeding 72 hours as the Commissioner considers necessary for the alleviation of the danger in question, using such force as is reasonably necessary for the removal from the premises of persons therein without doing them bodily harm.

[Act 14 of 2013 wef 01/09/2013]

(1A) The Commissioner may exercise the powers under subsection (1)(a) or (b) in respect of the occurrence of a fire hazard, whether or not the fire hazard has been abated since the service of a fire hazard abatement notice on the owner or occupier of the premises under section 13, if —

- (a) within the 24 months immediately before that fire hazard arose, the same owner or occupier of the premises (as the case may be) had been convicted of any combination of 3 or more offences under subsection (8) or section 13(4), 16(5) or 17(3) in respect of the premises, whether or not any of those offences related to a fire hazard similar to that fire hazard;

- (b) the Commissioner is satisfied that it is necessary for the safety of persons for the premises to be closed immediately; and
- (c) the Commissioner has not previously exercised the powers under this subsection in respect of the same occurrence of the fire hazard.

[Act 14 of 2013 wef 01/09/2013]

(1B) The period of 24 months referred to in subsection (1A)(a) shall not start on a date earlier than the date of commencement of section 13(d) of the Fire Safety (Amendment) Act 2013.

[Act 14 of 2013 wef 01/09/2013]

(2) The Commissioner giving an order under subsection (1) or (1A) shall do so —

- (a) in writing served on the owner or occupier of the premises in question; or
- (b) orally, in which case he shall, as soon as is practicable thereafter, serve on the owner or occupier of the premises in question, confirmation in writing of the contents of that order and of the time and place at which that order was so given, and shall cause a copy of that order or confirmation, as the case requires, to be affixed to that premises in a conspicuous position.

[Act 14 of 2013 wef 01/09/2013]

(3) The Commissioner may, if he considers that the danger to which an order given under subsection (1) or (1A) relates has been alleviated, rescind that order.

[Act 14 of 2013 wef 01/09/2013]

(4) Any police officer may, if requested by the Commissioner or an authorised officer to do so, assist the Commissioner or authorised officer in the exercise of any power conferred on the Commissioner by this section.

(5) If the Commissioner or an authorised officer considers that a danger in relation to which he has exercised the power conferred on him by subsection (1) or (1A) cannot be, or has not been, alleviated within a period of 72 hours referred to in that subsection, he shall, having given such prior notice of his intention to do so to the owner or

occupier of the premises in question as is practicable in the circumstances, apply to a Magistrate's Court for an order directing the owner or occupier to close or keep closed, as the case requires, that premises for such period as the Court considers necessary for the alleviation of that danger.

[Act 14 of 2013 wef 01/09/2013]

(6) A Magistrate's Court may, on an application made to the Court under subsection (5), grant, subject to such conditions as the Court thinks fit to impose, the order sought by the application.

(7) If an application is made to a Magistrate's Court under subsection (5) while the premises in question is closed under subsection (1) or (1A), that closure shall continue until the application is finally determined or is withdrawn.

[Act 14 of 2013 wef 01/09/2013]

(8) Any person who, without reasonable excuse, fails to comply with any closing order given by the Commissioner under subsection (1) or (1A) or the order made by the Magistrate's Court under subsection (6) 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 the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

(9) In considering whether it is necessary for the safety of persons for the premises to be closed immediately or whether a danger has been alleviated, in relation to the application of this section to a fire hazard, the Commissioner or the Magistrate's Court (as the case may be) may consider whether —

- (a) that fire hazard is likely to recur in or on the premises; and
- (b) that fire hazard, if it were to recur in or on the premises, would —
 - (i) constitute an immediate or substantial danger of fire in or on the premises; or

- (ii) be likely, if a fire breaks out in or on the premises, to increase the normal risk to life which occurs in the event of a fire.

[Act 14 of 2013 wef 01/09/2013]

Fire hazard order

16.—(1) Where a fire hazard abatement notice is served on any person, and if —

- (a) that person fails to comply with any of the requirements of the notice within the time specified therein; or
- (b) the fire hazard, although abated since the service of the notice, is, in the opinion of the Commissioner, likely to recur in or on the same premises,

the Commissioner may make a complaint to a Magistrate's Court and the Court hearing the complaint may grant or refuse to grant a fire hazard order.

(2) A fire hazard order referred to in subsection (1) may be —

- (a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connection with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order;
- (b) a prohibition order, that is to say, an order which prohibits the use of any premises for such activities as are specified in the order which activities may materially increase the likelihood of fire or danger to life or property resulting from the outbreak of fire in or on the premises;
- (c) a closing order, that is to say, an order authorising the closure of any premises which is likely to be a danger to life or property in the event of fire; or
- (d) a combination of such orders.

(3) An abatement order or a prohibition order shall, if the person in respect of whom the order is made so requires or if the Magistrate's Court making the order considers it desirable, specify the works to be

executed by such person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.

(4) A Magistrate's Court, if satisfied that any premises in respect of which a prohibition order or a closing order granted under section 15(6) or this section is in force has been rendered suitable for the use specified in the order, may, on application by the Commissioner or the owner or occupier of the premises, declare that it is so satisfied and revoke the prohibition order or closing order.

(5) Any person in respect of whom a fire hazard order is made who, without reasonable excuse, fails to comply with the order shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction; or
- (b) where the offence involves failure to comply with a closing order, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

(6) Without prejudice to subsection (5), where a fire hazard order has not been complied with, the Commissioner may abate the fire hazard and may do whatever may be necessary in the execution of the order, and may recover any expenses reasonably incurred thereby from the person against whom the order was made.

Provision as to appeal against order

17.—(1) Where a person appeals to the High Court against a fire hazard order, the fire hazard order shall be suspended pending the determination or abandonment of the appeal.

[Act 14 of 2013 wef 01/09/2013]

(1A) If the fire hazard order has not been quashed on appeal, the period for compliance with the requirements of the fire hazard order

shall commence to run on the determination or abandonment of the appeal.

[Act 14 of 2013 wef 01/09/2013]

(2) There shall be no appeal to the High Court against a fire hazard order, unless it is or includes a closing order or requires the execution of structural works.

(3) If the appeal against a fire hazard order is dismissed or is abandoned, then notwithstanding subsections (1) and (1A), the appellant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day or part thereof during the period prior to the dismissal or abandonment of the appeal when the fire hazard order was not complied with.

[Act 14 of 2013 wef 01/09/2013]

(4) A fine under subsection (3) shall not be payable if the appellant satisfies the court before which proceedings are taken for the imposition of the fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay.

[Act 14 of 2013 wef 01/09/2013]

(5) In the event of an appeal against a fire hazard order, no work, except as mentioned in subsection (6), shall be done under section 16(6) under the order until after the determination or abandonment of the appeal.

(6) If the court by which the order was made is of the opinion that the nature of the fire hazard is such as to require immediate abatement, the court may, notwithstanding that the appeal is pending, authorise the Commissioner immediately to abate the hazard.

(7) Notwithstanding subsection (6) —

- (a) if the appeal is allowed, the Commissioner shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the hazard by the Commissioner; and
- (b) if the appeal is dismissed or abandoned, the Commissioner may recover from such person the expenses incurred by him in abating the hazard in the manner provided for in section 19.

Property and materials seized or removed by Commissioner in abating fire hazard

18.—(1) Any property or materials seized or removed by the Commissioner in abating or doing what is necessary to prevent the recurrence of a fire hazard under this Act or in enforcing any regulations made thereunder, may be confiscated by the Commissioner or may, on application by the owner within 2 weeks of such seizure or removal, be returned to him on such terms and conditions as the Commissioner thinks fit.

(2) Any property or materials confiscated by the Commissioner under subsection (1) may be sold or disposed of in such manner as the Minister may direct.

(3) The money arising from the sale of any property under subsection (2) may be retained by the Commissioner and applied in payment of the expenses incurred by him in connection with the abatement of the fire hazard and the surplus, if any, shall be paid —

- (a) to the owner of such property if he applies therefor within 12 months of the date of the sale; or
- (b) into the Consolidated Fund if, or to the extent to which, the surplus is not disposed of under paragraph (a).

Recovery of costs and expenses by Commissioner

19.—(1) If all and any sums payable by or recoverable from the owner in respect of costs and expenses incurred by the Commissioner in or about the execution of any work which are under this Act recoverable from the owner of any premises are not paid by the owner within 14 days after demand, such sums may be reported to a District Court or a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a District Court or a Magistrate's Court, as the case may be.

(2) An appeal shall lie to the High Court from any decision of a District Court or a Magistrate's Court under this section, and the provisions of the Criminal Procedure Code (Cap. 68) shall apply, with the necessary modifications, to all such appeals.

(3) The person liable to pay any sum under subsection (1) shall be the owner at the time when the work was completed.

(4) Any occupier who, when requested by or on behalf of the Commissioner to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the same shall, unless he shows cause to the satisfaction of a District Court or a Magistrate's Court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

PART III

FIRE PREVENTION IN BUILDINGS

Fire certificate

20.—(1) The Commissioner may, by notice in writing, require the owner or occupier of any building subject to this section to apply and obtain a fire certificate from the Commissioner.

[7/2004 wef 10/09/2004]

(1A) The following buildings shall be subject to this section:

- (a) any public building which has an occupant load of more than 200 persons or, if so specified, such other occupant load as the Minister may, by notification in the *Gazette*, specify; and
- (b) any other particular building, or any building in any other class of buildings, designated by the Minister under subsection (1B) to be subject to this section.

[7/2004 wef 10/09/2004]

(1B) Where, in the opinion of the Minister, any fire within any building (whether used as a residential building or an industrial building or otherwise) is likely to be a significant source of danger to the occupants in the building, or to life or property in the vicinity of that building, the Minister may, by order published in the *Gazette*, designate that particular building or a class of such buildings to be subject to this section.

[7/2004 wef 10/09/2004]

(1C) The Commissioner may, pending compliance with any requirements relating to fire safety affecting any part of a building subject to this section, issue a fire certificate in respect only of any other part of the building if he is satisfied that those requirements do not affect the fire safety of that other part of the building.

[Act 14 of 2013 wef 01/09/2013]

(2) No person shall occupy or use any building or part thereof subject to this section or permit the building or part thereof to be occupied or used without a fire certificate authorising such occupation or use.

[7/2004 wef 10/09/2004]

[Act 14 of 2013 wef 01/09/2013]

(3) Such application shall be in accordance with the regulations made under this Act.

(4) Any person to whom subsection (1) or (2) applies who contravenes subsection (1) or (2) shall be guilty of an offence.

(5) In this section —

“industrial building” means any building or part of a building which is used wholly or mainly for —

- (a) the manufacture of goods or materials or the subjection of goods or materials to any process, including any research or development for any manufacturing trade or business; or
- (b) the purposes of any water, gas, telecommunication, electricity or other industrial undertaking, including research and development for any such industrial undertaking;

“occupant load”, in relation to a building, means the number of persons that may safely occupy the building at any one time.

[7/2004 wef 10/09/2004]

Emergency Response Plan

21.—(1) The Minister may, by notification in the *Gazette*, designate any premises or class of premises for which an Emergency Response Plan shall be provided.

[Act 14 of 2013 wef 01/09/2013]

(2) Such Emergency Response Plan shall conform to such requirements as may be prescribed in any regulations made under this Act, and such requirements may differ for different classes of premises.

[Act 14 of 2013 wef 01/09/2013]

(3) The owner or occupier of the premises shall be responsible for the preparation and execution of the Emergency Response Plan, including the distribution of the Emergency Response Plan to the occupants of such premises.

[Act 14 of 2013 wef 01/09/2013]

(4) The owner or occupier of the premises shall organise and conduct evacuation drills on an annual basis or at such frequency or upon such occasion as may be directed by the Commissioner.

(5) Any person who contravenes this section shall be guilty of an offence.

(6) Unless otherwise prescribed under this Act, this Act shall apply to a fire emergency plan prepared before the date of commencement of section 17 of the Fire Safety (Amendment) Act 2013 in like manner as it applies to an Emergency Response Plan.

[Act 14 of 2013 wef 01/09/2013]

Fire safety managers and Company Emergency Response Teams

22.—(1) The Minister may, by notification in the *Gazette*, specify any premises or class of premises in which the owner or occupier of the premises is required to appoint fire safety managers and Company Emergency Response Teams in respect of such premises or class of premises.

[Act 14 of 2013 wef 01/09/2013]

(2) The owner or occupier of the premises shall ensure that the fire safety measures and fire safety practices of such premises comply with the requirements of this Act.

[Act 14 of 2013 wef 01/09/2013]

(3) The fire safety manager and Company Emergency Response Team of the premises shall assist the owner or occupier of the premises in the performance of his duties under this Act.

[Act 14 of 2013 wef 01/09/2013]

(3A) The owner or occupier of the premises shall establish and maintain a Company Emergency Response Team comprising such number of members as the Commissioner may, by notice in writing to the owner or occupier of the premises, specify.

[Act 14 of 2013 wef 01/09/2013]

(4) Any person who contravenes this section shall be guilty of an offence.

Meaning of owner or occupier in this Part

22AA. In this Part, where a building or premises is a building erected on land comprised in a strata subdivision plan approved by the competent authority, references to the owner or occupier of the building or premises shall not include references to the subsidiary proprietors or tenants of any part of the building or premises.

[Act 14 of 2013 wef 01/09/2013]

PART IIIA

FIRE SAFETY ENGINEERS

[7/2004 wef 15/04/2004]

Duties and responsibilities of fire safety engineers

22A.—(1) Subject to the provisions of this Act, no person shall prepare or propose plans for any fire safety works using any alternative solution to satisfy any fire performance requirements unless he is —

- (a) an appropriate qualified person who is also a fire safety engineer; or

(b) a qualified person preparing or proposing the alternative solution under the direct supervision of a fire safety engineer.

(2) Subject to the provisions of this Act, no person except a fire safety engineer shall act as a peer reviewer.

(3) Where a fire safety engineer prepares or proposes, or supervises the preparation or proposal of, any plan for fire safety works using any alternative solution to satisfy any fire performance requirements, he shall take all reasonable steps and exercise due diligence to ensure that the alternative solution satisfies those fire performance requirements.

(4) Where a fire safety engineer is appointed as a peer reviewer to review and assess whether any alternative solution satisfies any fire performance requirements, the peer reviewer shall not issue any certification under section 23(4)(a)(iii) unless he has taken all reasonable steps and exercised due diligence to ensure that the alternative solution in respect of which his certification is being sought satisfies those fire performance requirements.

(5) Subject to the provisions of this Act, a peer reviewer shall not, at any time when reviewing and assessing whether any alternative solution used in any plan for any fire safety works satisfies any fire performance requirements, have any professional or financial interest in —

(a) the fire safety works or the building works in respect of which his duties and responsibilities as peer reviewer are to be carried out; or

(b) the building or relevant pipeline or any part thereof, to which the fire safety works relate.

[Act 14 of 2013 wef 01/09/2013]

(6) A peer reviewer shall be regarded as having a professional or financial interest in any fire safety works or building works, or in any building or relevant pipeline, or any part thereof, if —

(a) he is or has been responsible for, or is acting as the consultant for, the design or construction of the building or

relevant pipeline or any of the fire safety works in any capacity;

[Act 14 of 2013 wef 01/09/2013]

- (b) he, or any nominee of his, is a member, officer or employee of a company or other body which has a professional or financial interest in the building or relevant pipeline, or any part thereof, or in the building works or fire safety works; or

[Act 14 of 2013 wef 01/09/2013]

- (c) he is a partner or is in the employment of a person who has a professional or financial interest in the building or relevant pipeline, or any part thereof, or in the building works or fire safety works.

[Act 14 of 2013 wef 01/09/2013]

- (7) For the purposes of this section —

- (a) a person shall be regarded as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or in any building works or fire safety works, even if he has that interest only as a trustee for the benefit of some other person; and

[Act 14 of 2013 wef 01/09/2013]

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

- (8) For the avoidance of doubt —

- (a) involvement in the fire safety works as a peer reviewer; and

- (b) entitlement to any fee paid for acting as a peer reviewer,

shall not be regarded as constituting a professional or financial interest.

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

(10) Any fire safety engineer who contravenes subsection (3), (4) or (5) 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 12 months or to both.

Registration of fire safety engineers

22B.—(1) An application for registration as a fire safety engineer shall be made to the Commissioner in such form and manner, and be accompanied by such documents, particulars and fee, as may be prescribed.

(2) No person shall be registered as a fire safety engineer unless he can satisfy the Commissioner that he possesses the prescribed qualifications and practical experience.

(2A) The Commissioner may, subject to such conditions as he may impose, exempt any person from the requirements in subsection (2) if the Commissioner is satisfied that the person possesses such other qualifications or practical experience as the Commissioner considers adequate to enable that person to effectively carry out his duties and responsibilities as a fire safety engineer under this Act.

[Act 14 of 2013 wef 01/09/2013]

(3) The Commissioner may —

(a) appoint a committee of persons to assist him in considering applications for registration as fire safety engineers; and

(b) by himself or through the committee appointed under paragraph (a), interview the applicants and make such enquiries or do anything which the Commissioner may think necessary or expedient for the purposes of subsections (2) and (4).

(4) The Commissioner may refuse to register any applicant who, in his opinion —

(a) is not of good character and reputation; or

(b) is unable to effectively carry out his duties and responsibilities as a fire safety engineer under this Act.

[Act 14 of 2013 wef 01/09/2013]

(5) Any person whose application for registration has been refused may, within 14 days after receiving notice of such refusal, appeal to the Minister whose decision shall be final.

(6) The Commissioner shall issue a certificate of registration to every person registered as a fire safety engineer.

Disciplinary action against fire safety engineers

22C.—(1) Where the Commissioner is satisfied that the fire safety engineer —

(a) has been convicted of any offence under this Act, or any other offence involving fraud or dishonesty;

[Act 14 of 2013 wef 01/09/2013]

(b) has obtained his registration under this Act by fraud or misrepresentation;

(c) has his qualification for registration withdrawn or cancelled by the institution or authority through which it was acquired or by which it was awarded;

(d) has contravened section 22A(3), (4) or (5);

(e) has not complied with the prescribed requirements relating to such continuing professional education programme for a fire safety engineer, or has failed to submit records relating thereto, as the Commissioner may require;

[Act 14 of 2013 wef 01/09/2013]

(f) is no longer in a position to effectively carry out his duties or responsibilities as a fire safety engineer or peer reviewer under this Act;

[Act 14 of 2013 wef 01/09/2013]

(g) has his registration as a registered inspector cancelled or has been suspended from practice as a registered inspector, where the fire safety engineer is also a registered inspector;

[Act 14 of 2013 wef 01/09/2013]

(h) has for any reason ceased to be a qualified person, where the fire safety engineer is also a qualified person; or

[Act 14 of 2013 wef 01/09/2013]

(i) has not complied with any condition of his registration,

the Commissioner may, after giving the fire safety engineer concerned a reasonable opportunity of being heard, either orally or in writing, exercise any of the powers in subsection (2).

[Act 14 of 2013 wef 01/09/2013]

(2) The powers the Commissioner may exercise under subsection (1) in relation to a fire safety engineer are as follows:

- (a) cancel the registration of the fire safety engineer;
- (b) suspend the registration of the fire safety engineer for such period not exceeding 12 months;
- (c) impose such conditions as are necessary to restrict the practice of the fire safety engineer for a period not exceeding 12 months, including any condition requiring the fire safety engineer to undergo further training, to practise only under supervision or to cease acting as a peer reviewer;
- (d) require the fire safety engineer to give such undertaking as the Commissioner thinks fit;
- (e) impose on the fire safety engineer a penalty not exceeding \$5,000;
- (f) censure the fire safety engineer in writing;
- (g) dismiss the complaint against the fire safety engineer; or
- (h) make such other orders as the Commissioner thinks fit.

(3) Where a fire safety engineer in respect of whom any conditions have been imposed, or any undertaking is required to be given, under subsection (2)(c) or (d) fails to comply with any of the conditions or breaches his undertaking, or the fire safety engineer fails to pay the penalty under subsection (2)(e), the Commissioner may, if he thinks fit, after giving the fire safety engineer concerned a reasonable opportunity of being heard either orally or in writing, by order —

- (a) cancel the registration of the fire safety engineer; or
- (b) suspend the registration of the fire safety engineer for such period not exceeding 12 months as may be specified in the order.

(4) The Commissioner may, by written notice served on the fire safety engineer concerned, vary or revoke any of the conditions imposed on the fire safety engineer under subsection (2)(c).

(5) Any decision of the Commissioner under subsection (2), (3) or (4) in relation to a fire safety engineer shall not take effect —

- (a) until the 15th day after the date on which the decision is communicated to the fire safety engineer concerned; or
- (b) where an appeal against the decision is made to the Minister under subsection (6), until the appeal has been determined or withdrawn.

(6) Any person against whom the Commissioner has made any decision under subsection (2), (3) or (4) may, if aggrieved by the decision, appeal to the Minister within a period of 14 days after receiving notice of such decision.

(7) The decision of the Minister on an appeal under subsection (6) shall be final.

(8) Before the Minister makes a decision to allow or dismiss any appeal under subsection (6), the Minister may refer the matter to the Appeal Advisory Board appointed under section 28, and the Minister, in making his decision, may have regard to any report made to him by the Appeal Advisory Board.

(9) Any penalty imposed on a fire safety engineer under subsection (2)(e) shall be recoverable as a debt due from the fire safety engineer.

(10) In any proceedings under this section and section 22D against a fire safety engineer consequent upon his conviction for an offence, the Commissioner and an Inquiry Committee shall accept his conviction as final and conclusive.

[Act 14 of 2013 wef 01/09/2013]

Inquiry Committee

22D.—(1) The Commissioner may constitute an Inquiry Committee and refer a complaint or information to the Committee to investigate —

- (a) if he receives any written complaint against or any written information about the conduct of a fire safety engineer as a peer reviewer or otherwise, or the discharge of his duties as a fire safety engineer or peer reviewer; or

- (b) on his own motion, if the Commissioner reasonably suspects that there may be grounds for disciplinary action against the fire safety engineer.

[Act 14 of 2013 wef 01/09/2013]

- (2) An Inquiry Committee shall consist of —

- (a) a chairman;
- (b) 2 fire safety engineers who are not members of the Force;
and

[Act 14 of 2013 wef 01/09/2013]

- (c) 2 other members who are members of the Force,

[Act 14 of 2013 wef 01/09/2013]

all of whom shall be appointed by the Commissioner from the Fire Safety Engineers Inquiry Panel constituted under section 22E.

[Act 14 of 2013 wef 01/09/2013]

- (3) An Inquiry Committee shall —

- (a) within a reasonable time of its constitution, commence its inquiry into the complaint against or information referred to it by the Commissioner under subsection (1); and

[Act 14 of 2013 wef 01/09/2013]

- (b) submit to the Commissioner a written report of its findings and its recommendations not later than 6 months after its constitution, or such later date as the Commissioner may, in any special case, permit.

[Act 14 of 2013 wef 01/09/2013]

(3A) The Commissioner may, for the purposes of exercising his powers under section 22C(1) in respect of a fire safety engineer, consider the findings and recommendations of any Inquiry Committee constituted to investigate any complaint against or information about that fire safety engineer.

[Act 14 of 2013 wef 01/09/2013]

(4) Where the complainant withdraws his complaint before the Inquiry Committee is constituted or before the inquiry by the Committee is concluded, the Commissioner may, notwithstanding such withdrawal, constitute an Inquiry Committee and direct it to investigate, or may direct the Inquiry Committee to continue with its

inquiry, into the matter, and the Inquiry Committee shall comply with that direction.

[Act 14 of 2013 wef 01/09/2013]

(5) Where an Inquiry Committee is of the opinion that a fire safety engineer should be called upon to answer any allegation made against him, the Inquiry Committee shall —

- (a) post or deliver to the fire safety engineer concerned —
 - (i) copies of any complaint or information touching upon his conduct, including any statutory declaration or affidavit that may be made in support of the complaint or information; and
 - (ii) a notice inviting him to give, within such period (not being less than 14 days) as may be specified in the notice, to the Inquiry Committee any written explanation he may wish to offer and to advise the Committee if he wishes to be heard by the Committee;
- (b) allow the time specified in the notice to elapse;
- (c) give the fire safety engineer concerned a reasonable opportunity to be heard if he so desires; and
- (d) give due consideration to any explanation (if any) given by the fire safety engineer concerned.

[Act 14 of 2013 wef 01/09/2013]

(6) For the purposes of any inquiry into any complaint or information referred to it under subsection (1), an Inquiry Committee may —

- (a) require evidence to be given on oath and for that purpose, the chairman of the Inquiry Committee may administer an oath;
- (b) require any person to attend and give evidence before it, and to produce all plans, books, documents or papers in the possession of that person or under his control relating to the subject-matter of the inquiry; or

- (c) appoint any person to make or assist in the making of such preliminary inquiries as the Inquiry Committee thinks fit.

[Act 14 of 2013 wef 01/09/2013]

- (7) Any person who, without lawful excuse, refuses or fails to —

- (a) attend and give evidence before an Inquiry Committee when required to do so by the Committee;

[Act 14 of 2013 wef 01/09/2013]

- (b) answer truly and fully any question put to him by a member of the Inquiry Committee; or

[Act 14 of 2013 wef 01/09/2013]

- (c) produce to an Inquiry Committee any plan, book, document or paper required by the Committee to be produced by him,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 14 of 2013 wef 01/09/2013]

(8) An Inquiry Committee shall meet from time to time and, subject to the provisions of this Act, shall regulate its own procedure the manner in which questions are decided before the Inquiry Committee.

[Act 14 of 2013 wef 01/09/2013]

(9) References in this Act or any other written law to an Inquiry Committee constituted under this section shall include references to an Investigation Committee constituted under this section before the date of commencement of section 23 of the Fire Safety (Amendment) Act 2013.

[Act 14 of 2013 wef 01/09/2013]

Fire Safety Engineers Inquiry Panel

22E.—(1) There shall be a Fire Safety Engineers Inquiry Panel for the purpose of constituting Inquiry Committees under section 22D to investigate into any complaint against or information about the conduct of any fire safety engineer as a peer reviewer or otherwise, or the discharge of his duties as a fire safety engineer or peer reviewer.

[Act 14 of 2013 wef 01/09/2013]

- (2) The Fire Safety Engineers Inquiry Panel shall comprise —
- (a) such number of fire safety engineers who are not members of the Force as the Commissioner may determine;
[Act 14 of 2013 wef 01/09/2013]
 - (b) such number of members of the Force as the Commissioner may determine.

[Act 14 of 2013 wef 01/09/2013]

[Act 14 of 2013 wef 01/09/2013]

(3) Every member of the Fire Safety Engineers Inquiry Panel shall be appointed by the Minister for a term of 2 years, and shall be eligible for re-appointment.

[Act 14 of 2013 wef 01/09/2013]

(4) The Minister may at any time remove any person from the Fire Safety Engineers Inquiry Panel and fill any vacancy in its membership.

[Act 14 of 2013 wef 01/09/2013]

(5) Any member of the Fire Safety Engineers Inquiry Panel whose term of appointment expires in the course of any inquiry by an Inquiry Committee to which he has been appointed shall continue as a member of that Committee until the Committee's written report of the inquiry is submitted to the Commissioner under section 22D(3)(b).

[Act 14 of 2013 wef 01/09/2013]

(6) Each person who, immediately before the date of commencement of section 24 of the Fire Safety (Amendment) Act 2013, is a member of the Fire Safety Engineers Discipline Panel appointed under this section shall be deemed to have been appointed as a member of the Fire Safety Engineers Inquiry Panel for a term expiring on the date when his term would have expired if section 24 of the Fire Safety (Amendment) Act 2013 had not been enacted.

[Act 14 of 2013 wef 01/09/2013]

Register of fire safety engineers

22F.—(1) The Commissioner shall keep and maintain at his office a register of fire safety engineers, in which shall be entered the names of all persons registered as fire safety engineers, the qualifications by virtue of which they are each so registered and such other particulars

in relation to the person as may from time to time be determined by the Commissioner.

(2) There shall be removed from the register of fire safety engineers the name and particulars of any fire safety engineer —

(a) who has died; or

(b) who has no address in Singapore at which he can be found.

(3) In addition, once any decision of the Commissioner under section 22C to cancel or suspend the registration of any fire safety engineer takes effect —

(a) the Commissioner shall remove the name and particulars of the fire safety engineer concerned from the register of fire safety engineers and, as soon as it may be practicable, notify the fire safety engineer concerned;

[Act 14 of 2013 wef 01/09/2013]

(b) the fire safety engineer concerned shall, within 7 days of being so notified, surrender to the Commissioner the certificate of registration issued to him; and

(c) the Commissioner shall cancel any certificate of registration issued to the fire safety engineer concerned.

(4) While the registration of a fire safety engineer is suspended under section 22C, the person's name shall not appear in the register of fire safety engineers, but at the end of the period of suspension, the Commissioner shall, within 7 days of that period ending, restore the person's name and particulars to the register of fire safety engineers and re-issue to him a fresh certificate of registration, without the payment of any fee.

(5) Any fire safety engineer may apply, in the prescribed form and manner, to the Commissioner to have his name removed from the register of fire safety engineers.

(6) The Commissioner shall refuse any application by a fire safety engineer to remove his name from the register of fire safety engineers if the Commissioner is satisfied that at the time of the application —

(a) disciplinary action under section 22C is pending against the fire safety engineer; or

- (b) the conduct of the fire safety engineer (whether as a peer reviewer or otherwise) is the subject of any complaint to or information received by the Commissioner.

[7/2004 wef 15/04/2004]

PART IV

CONTROL OF FIRE SAFETY WORKS

Fire safety works

23.—(1) Subject to the provisions of this Act, the person for whom any proposed fire safety works are to be commenced or carried out shall apply in accordance with the regulations made under this Act to the Commissioner for approval of the plans of the fire safety works.

[Act 14 of 2013 wef 01/09/2013]

(1A) Subject to the provisions of this Act, every person for whom any fire safety works (whether as part of any building works or otherwise) are to start on or after the date of commencement of section 10 of the Fire Safety (Amendment) Act 2004 shall, before making an application under subsection (1) for approval of the plans of those fire safety works, appoint —

- (a) where the plans or any part thereof contain any alternative solution —
- (i) an appropriate qualified person who is a fire safety engineer to prepare those plans or that part thereof containing the alternative solution, or a fire safety engineer to supervise a qualified person to prepare those plans or that part thereof; and
 - (ii) another fire safety engineer as a peer reviewer to review and assess whether the alternative solution therein satisfies the fire performance requirements in the Fire Code; or
- (b) in any other case, an appropriate qualified person to prepare the plans of those fire safety works.

[7/2004 wef 01/07/2004]

(2) The Commissioner may —

- (a) approve, subject to such terms and conditions as he may impose, any one or more of the plans submitted to him under subsection (1);
- (b) disapprove any of the plans which is not in order; or
- (c) in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the provisions of this Act.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(3) If the person to whom any written direction is given under subsection (2) fails to comply with the requirements specified in the direction within the time specified therein, the Commissioner may reject the plans.

(4) Where an application is made under subsection (1) regarding any plans of any fire safety works, the Commissioner may, without checking the plans, approve those plans if —

- (a) in the case of plans referred to in subsection (1A)(a), the application and plans are accompanied by —
 - (i) a written declaration by the qualified person who prepared those plans declaring that the plans (excluding the alternative solution) have been prepared in accordance with the Fire Code and comply with the provisions of this Act;
[Act 14 of 2013 wef 01/09/2013]
 - (ii) a written declaration by the fire safety engineer who prepared or (as the case may be) supervised the preparation of the plans or that part thereof containing the alternative solution, declaring that the alternative solution satisfies the fire performance requirements and complies with the provisions of this Act; and
[Act 14 of 2013 wef 01/09/2013]

- (iii) a certification from the peer reviewer that the alternative solution contained in the plans or that part thereof satisfies the fire performance requirements and complies with the provisions of this Act; or

[Act 14 of 2013 wef 01/09/2013]

- (b) in the case of plans referred to in subsection (1A)(b), the application and plans are accompanied by a written declaration by the qualified person who prepared those plans declaring that the plans have been prepared in accordance with the Fire Code and the provisions of this Act.

[7/2004 wef 01/07/2004]

[Act 14 of 2013 wef 01/09/2013]

(5) Notwithstanding subsection (4), the Commissioner may, in his discretion, carry out random checks on any plans of fire safety works at any time before or after approving the plans under that subsection.

[5/2000]

(6) The Commissioner may at any time revoke any approval granted in respect of any plans of fire safety works —

- (a) under subsection (2)(a), if he is satisfied that any information given in the application for approval or any document submitted to the Commissioner in respect of the application for approval is false in a material particular; and
- (b) under subsection (4), if he is satisfied that the written declaration submitted by the qualified person or fire safety engineer or the certificate of a peer reviewer referred to in that subsection is false.

[7/2004 wef 01/07/2004]

[5/2000]

(7) The Commissioner shall not revoke any approval granted in respect of any plans of fire safety works unless —

- (a) he has given a written notice to the person for whom the fire safety works are carried out to comply, within such period as may be specified in the notice, with such

requirements as the Commissioner may specify for the purpose of ensuring compliance with the Fire Code, and any of the provisions of this Act; and

[Act 14 of 2013 wef 01/09/2013]

- (b) the person has failed or refused to comply with the requirements specified in the written notice.

[5/2000]

- (8) The requirements referred to in subsection (7) may include —

(a) the amendment of any of the approved plans of fire safety works;

(b) the rectification of the fire safety works; and

(c) the alteration or demolition of a building or part thereof to which the fire safety works relate.

[5/2000]

(9) Any person who fails or refuses to comply with any requirement specified in the written notice given by the Commissioner under subsection (7) shall be guilty of an offence.

[5/2000]

(10) The Commissioner shall in writing notify the person for whom the fire safety works are carried out of his decision —

(a) to disapprove any plans of fire safety works under subsection (2)(b);

(b) to reject any plans of fire safety works under subsection (3); or

(c) to revoke an approval granted in respect of any plans of fire safety works under subsection (6),

and shall specify a date, not less than 14 days from the date of the written notification, on which the decision of the Commissioner shall take effect.

[5/2000]

(11) Where a decision of the Commissioner to revoke any approval granted in respect of any plans of fire safety works has taken effect —

(a) any fire certificate granted under section 20 in respect of any building to which the fire safety works relate; and

[7/2004 wef 01/07/2004]

(b) any fire safety certificate or temporary fire permit issued in respect of the fire safety works under section 29, as the case may be, shall automatically lapse.

[5/2000]

(12) For the purposes of this section, any plans of any fire safety works that are prepared in accordance with the solutions issued by the Commissioner as in compliance with the fire performance requirements shall be deemed to satisfy the fire performance requirements.

[7/2004 wef 01/07/2004]

Prohibition of fire safety works without approval of plans

24.—(1) Except as otherwise provided in this Act, no person shall commence or carry out or permit or authorise the commencement or carrying out of any fire safety works unless the Commissioner has approved all the plans of the fire safety works under section 23.

[Act 14 of 2013 wef 01/09/2013]

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

Appointment and duties of qualified person

25.—(1) Subject to the provisions of this Act, every person for whom any fire safety works are or are to be carried out shall appoint —

(a) in the case of plans referred to in section 23(1A)(a) —

- (i) the same qualified person who prepared those plans to supervise the carrying out of the fire safety works, including the alternative solution, as required under this section; and
- (ii) the same fire safety engineer who prepared or (as the case may be) supervised the preparation of the plans or that part thereof containing the alternative solution

to supervise the carrying out of the fire safety works or part thereof containing the alternative solution as required under this section; or

- (b) in the case of plans referred to in section 23(1A)(b), the same qualified person who prepared the approved plans of those fire safety works to supervise the fire safety works as required under this section.

[7/2004 wef 01/07/2004]

(2) If any qualified person or fire safety engineer appointed under subsection (1) or paragraph (b) becomes unwilling or unable, whether by reason of the termination of his appointment or for any other reason, to carry out his duties under subsection (4) —

- (a) the qualified person or fire safety engineer shall, within 14 days of his ceasing to carry out his duties, notify the Commissioner and the person for whom such works are or are to be carried out of the fact; and

[7/2004 wef 01/07/2004]

- (b) the person for whom the fire safety works are or are to be carried out shall cease or cause to be ceased and shall not commence or cause to be commenced the carrying out of such work until he has appointed another appropriate qualified person or fire safety engineer in respect of such works.

[7/2004 wef 01/07/2004]

(3) Where the person for whom any such works are or are to be carried out appoints an appropriate qualified person or fire safety engineer under subsection (2)(b), he shall, within 7 days of the appointment, notify the Commissioner of the appointment.

[7/2004 wef 01/07/2004]

(4) Every qualified person or fire safety engineer appointed under this section in respect of any fire safety works shall —

- (a) take all reasonable steps and exercise due diligence in supervising and inspecting the fire safety works to ensure that such works are being carried out in accordance with the provisions of this Act and subject to section 27, any regulations made under this Act, the codes of practice, the

plans approved in respect thereof by the Commissioner and any terms and conditions imposed by the Commissioner;

- (b) notify the Commissioner of any contravention of the provisions of this Act or codes of practice in connection with the fire safety works; and

[Act 14 of 2013 wef 01/09/2013]

- (c) submit to the Commissioner at the prescribed times such reports and certificates as may be prescribed in any regulations made under this Act.

[7/2004 wef 01/07/2004]

(5) Any person who contravenes or fails to comply with subsection (1) or (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 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

(6) Any qualified person or fire safety engineer who contravenes or fails to comply with subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[7/2004 wef 01/07/2004]

[Act 14 of 2013 wef 01/09/2013]

(7) It shall be a defence in any prosecution for a contravention or non-compliance with subsection (4)(b) for the person charged to prove to the satisfaction of the court that he did not know, nor could reasonably have discovered, the contravention or non-compliance referred to in the charge.

(8) Any qualified person or fire safety engineer or person for whom any fire safety works are or are to be carried out, as the case may be, who, without reasonable excuse, contravenes or fails to comply with subsection (2)(a) or (3) shall be guilty of an offence.

[7/2004 wef 01/07/2004]

Supervision of fire safety works

26.—(1) Except as otherwise provided in this Act, no person shall commence or carry out any fire safety works except under the supervision of an appropriate qualified person or fire safety engineer appointed under section 25(1) or (2)(b).

[7/2004 wef 01/07/2004]

[Act 14 of 2013 wef 01/09/2013]

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

Modification or waiver of requirements relating to fire safety

27.—(1) The Commissioner may, on receipt of an application in relation to any particular fire safety works, modify or waive, subject to such terms and conditions as he may impose, any of the requirements relating to fire safety in buildings or in relation to relevant pipelines as may be prescribed in any regulations made under this Act.

[Act 14 of 2013 wef 01/09/2013]

(2) Every such application shall —

(a) be made in writing to the Commissioner by or on behalf of the owner of the building or the person for whom the relevant pipeline works are being carried out, as the case may be, to which the application relates;

[Act 14 of 2013 wef 01/09/2013]

(b) state the nature and extent of and the reasons for the proposed modification or waiver of such requirements; and

(c) be accompanied by such plans and other particulars as may be prescribed.

(3) Where an application made under subsection (2) is refused, or is granted by the Commissioner subject to such terms and conditions as he may impose, the applicant may, if aggrieved by the decision of the

Commissioner, appeal in the prescribed form and manner together with payment of the prescribed fees to the Minister within 28 days of the date of notification of the decision.

(4) Before making a decision under subsection (3), the Minister may refer the matter to an Appeal Advisory Board and, in making his decision, the Minister may have regard to any report made to him by the Appeal Advisory Board.

(5) The decision of the Minister on such appeal shall be final.

Appeal Advisory Board

28.—(1) The Appeal Advisory Board shall consist of a Chairman, a Vice-Chairman and such other members as the Minister may determine.

(2) The Chairman, Vice-Chairman and members of the Appeal Advisory Board —

- (a) shall be appointed by the Minister for such period as the Minister may determine and may from time to time be reappointed;
- (b) may at any time be removed from office by the Minister; or
- (c) may at any time resign from their office by writing addressed to the Minister.

(3) At any meeting of the Board, 3 members shall constitute a quorum.

(4) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Board.

(5) In the absence of both the Chairman and the Vice-Chairman, such member as the members present may elect shall preside at the meeting.

(6) Subject to the provisions of this Act, the Board may determine its own procedure.

[Act 14 of 2013 wef 01/09/2013]

Fire safety certificate

29.—(1) Any person for whom any fire safety works had been carried out and completed shall apply to the Commissioner and obtain a fire safety certificate in respect of the completed fire safety works.

(2) All applications under subsection (1) shall be made to the Commissioner in the form and manner prescribed in any regulations made under this Act.

(3) The Commissioner may, on application by such person in the prescribed manner, in relation to any building or relevant pipeline, or part thereof —

- (a) issue the fire safety certificate, subject to such conditions as he thinks fit; or
- (b) issue a temporary fire permit and may in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the provisions of this Act.

[Act 14 of 2013 wef 01/09/2013]

[Act 14 of 2013 wef 01/09/2013]

(4) If the person to whom any written direction is given under subsection (3)(b) fails to comply with the requirements specified in the direction within the time specified therein, the application shall be deemed to be withdrawn.

(5) Where an application for a fire safety certificate under subsection (1) is accompanied by a certificate of a registered inspector certifying that, to the best of the knowledge and belief of the registered inspector, the completed fire safety works to which the application relates have been carried out in accordance with the approved plans of safety works, the Fire Code, and the provisions of this Act, the Commissioner may, without inspecting the completed fire safety works, issue a fire safety certificate or temporary fire permit, as the Commissioner considers appropriate, on the basis of the certificate of the registered inspector.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(6) Notwithstanding subsection (5), the Commissioner may, in his discretion, carry out random inspections on the completed fire safety works to which any application under this section relates, at any time before or after the issuing of a fire safety certificate or temporary fire permit.

[5/2000]

(7) The Commissioner may at any time revoke any fire safety certificate or temporary fire permit issued in respect of any completed fire safety works —

- (a) under subsection (3), if he is satisfied that any information given in the application for a fire safety certificate or any document submitted to the Commissioner in respect of the application for the fire safety certificate is false in a material particular; and
- (b) under subsection (5), if he is satisfied that any certificate of the registered inspector referred to in that subsection is false.

[5/2000]

(8) The Commissioner shall not revoke a fire safety certificate or temporary fire permit unless —

- (a) he has given a written notice to the person for whom the fire safety works have been carried out to comply, within such period as may be specified in the notice, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the Fire Code, and any of the provisions of this Act; and

[Act 14 of 2013 wef 01/09/2013]

- (b) the person has failed or refused to comply with the requirements specified in the written notice.

[5/2000]

(9) The requirements referred to in subsection (8) may include —

- (a) the amendment of any of the approved plans of fire safety works to which the completed fire safety works relate;
- (b) the rectification of the completed fire safety works; and

(c) the alteration or demolition of a building or part thereof to which the completed fire safety works relate.

[5/2000]

(10) Any person who fails or refuses to comply with any requirement specified in the written notice given by the Commissioner under subsection (8) shall be guilty of an offence.

[5/2000]

(11) The Commissioner shall in writing notify the person for whom the fire safety works are carried out of his decision to revoke a fire safety certificate or temporary fire permit, and shall specify a date, not less than 14 days from the date of the written notification, on which the decision of the Commissioner shall take effect.

[5/2000]

(12) Any person who fails to comply with this section or with any condition imposed by the Commissioner under subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

Application for change of use of premises

30.—(1) Any person who changes the use of a premises shall, if such change of use would cause the existing fire safety measures to become inadequate, prior to carrying out the change, apply to the Commissioner for approval to change the use of the premises.

(2) All applications for permission to change the use of the premises shall be made to the Commissioner in the form and manner prescribed in any regulations made under this Act.

(3) The Commissioner may, on application in the prescribed manner, in relation to any premises or part thereof —

- (a) grant permission for the change of use, subject to such conditions as he may impose; or
- (b) in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the

purpose of ensuring compliance with the provisions of this Act and such written directions may also —

- (i) require the applicant to provide additional fire safety measures in relation to the building; or

[Act 14 of 2013 wef 01/09/2013]

- (ii) provide that the work or alteration shall be completed before the expiration of a specified period.

[Act 14 of 2013 wef 01/09/2013]

(4) If the person to whom any written direction under subsection (3)(b) fails to comply with the requirements specified in the direction within the time specified therein, the application shall be deemed to be withdrawn.

(5) Any person who fails to comply with this section or with any condition imposed by the Commissioner under subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

(6) Nothing in this section shall be taken in any way to derogate from the provisions of the Planning Act (Cap. 232) and any relevant rules made thereunder relating to change of use of premises.

Order for demolition, removal, etc., of unauthorised fire safety works

30A.—(1) Where, in the opinion of the Commissioner, any fire safety works are being carried out or have been carried out in contravention of the Fire Code, or any of the provisions of this Act (referred to in this section as the unauthorised fire safety works), the Commissioner may by order in writing require —

- (a) the cessation of the unauthorised fire safety works until the order is withdrawn;
- (b) such work or alteration to be carried out to the unauthorised fire safety works or the building or part thereof to which the unauthorised fire safety works relate as may be necessary to cause the unauthorised fire safety

works to comply with the Fire Code, and any of the provisions of this Act; or

[Act 14 of 2013 wef 01/09/2013]

- (c) the demolition of the building or relevant pipeline, or part thereof to which the unauthorised fire safety works relate.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

[Act 14 of 2013 wef 01/09/2013]

(2) An order made under subsection (1) shall specify all or any of the following:

- (a) the manner in which the works, alteration or demolition referred to in subsection (1) is to be carried out;
- (b) the time within which the works, alteration or demolition shall commence;
- (c) the time within which the works, alteration or demolition shall be completed.

[5/2000]

(3) An order made under subsection (1) shall be served —

- (a) where a temporary fire permit has been granted in respect of a building under section 29, on the owner of the building or the occupier of that part of the building affected by the order, as the case may be;

[Act 14 of 2013 wef 01/09/2013]

- (b) where fire safety works are being carried out in relation to a building, on the person for whom the fire safety works are carried out or the qualified person supervising the fire safety works;

[Act 14 of 2013 wef 01/09/2013]

- (c) where a temporary fire permit has been granted in respect of a relevant pipeline under section 29, on the pipeline owner or the person for whom the relevant pipeline works are carried out; or

[Act 14 of 2013 wef 01/09/2013]

- (d) where fire safety works are being carried out in relation to a relevant pipeline or part thereof, on the person for whom

the fire safety works are carried out or the qualified person supervising the fire safety works,
and shall specify a date, not less than 14 days from the date of the order, on which the order shall take effect.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(4) If an order made under subsection (1) is not complied with and no appeal under section 30C has been made to the Minister in respect of the order before the order takes effect, the Commissioner may —

- (a) demolish, remove or alter, or cause to be demolished, removed or altered, the building, the relevant pipeline or the unauthorised fire safety works or to take such other steps as may appear to the Commissioner to be necessary, including ordering the closure of the building or part thereof or cessation of use of the relevant pipeline; and

[Act 14 of 2013 wef 01/09/2013]

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

[5/2000]

(5) Without prejudice to the right of the Commissioner to exercise his powers under subsection (4), if any person on whom an order is served under subsection (3) fails to comply with the order, the 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 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(6) The Commissioner may seize any material resulting from the carrying out of any work under subsection (4).

[5/2000]

(7) Any material seized by the Commissioner under this section shall be confiscated by the Commissioner and shall be disposed of in

such manner as the Commissioner thinks fit, and the proceeds, if any, of such disposal shall be paid into the Consolidated Fund.

[5/2000]

Closure order

30B.—(1) Where the Commissioner makes an order under section 30A(4)(a) requiring the closure of any building or cessation of use of any relevant pipeline, or part thereof, the order (referred to in this section as a closure order) shall be served —

(a) where the closure order relates to the building, on the owner of the building;

[Act 14 of 2013 wef 01/09/2013]

(b) where the closure order relates to a part of the building, on the occupier of that part of the building; or

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(c) where the closure order relates to a relevant pipeline, on the pipeline owner.

[Act 14 of 2013 wef 01/09/2013]

(2) A closure order shall specify a date, not less than 14 days after the date of the closure order, on which the closure order shall take effect, and may require the person served —

(a) where the order relates to a building or a part of the building, to cease to inhabit or use the building or that part thereof and to remove all goods, furniture and effects from the building or that part thereof before the closure order takes effect; or

(b) where the order relates to a relevant pipeline, to cease using the pipeline or allowing it to be used.

[Act 14 of 2013 wef 01/09/2013]

(3) Subject to subsection (5), where a closure order is in force in respect of a building or part thereof, as the case may be, no person other than a member of the Force in the course of his duty shall enter, be in or use the building or that part thereof to which the closure order relates at any time.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(4) Any person who contravenes or fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(5) Where a closure order is in force in respect of a building or part thereof, as the case may be, the Commissioner may, if he thinks fit and subject to such conditions as he may impose, by notice in writing permit any person to enter, be in or use the building or that part thereof to which the closure order relates.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(6) Any permission granted under subsection (5) may be cancelled by the Commissioner at any time and for any reason.

[5/2000]

(7) A closure order shall remain in force in respect of a building or relevant pipeline, or the part thereof, as the case may be, until the Commissioner has served a notice of expiry of the closure order —

(a) where the closure order relates to the building, on the owner of the building;

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(b) where the closure order relates to a part of the building, on the occupier of that part of the building; or

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

(c) where the closure order relates to a relevant pipeline, on the pipeline owner.

[Act 14 of 2013 wef 01/09/2013]

(8) A notice of expiry of a closure order shall specify the building or relevant pipeline, or the part thereof, to which it relates and the date upon which the closure order expires.

[5/2000]

[Act 14 of 2013 wef 01/09/2013]

Appeals to Minister

30C.—(1) Any person aggrieved by —

- (a) a decision of the Commissioner to disapprove any plans of fire safety works under section 23(2)(b);
- (b) a decision of the Commissioner to reject any plans of fire safety works under section 23(3);
- (c) a decision of the Commissioner to revoke any approval granted in respect of any plans of fire safety works under section 23(6);
- (d) a decision of the Commissioner to revoke any fire safety certificate or temporary fire permit under section 29(7);
- (e) an order made by the Commissioner under section 30A(1);
or
- (f) a closure order made by the Commissioner under section 30A(4)(a),

may, before the decision or order, as the case may be, takes effect, appeal in writing to the Minister.

[5/2000]

(2) The Minister may, before making a decision to allow or dismiss an appeal, refer the matter to an Appeal Advisory Board appointed under section 28.

[5/2000]

(3) The Minister may, in making his decision, have regard to any report made to him by the Appeal Advisory Board.

[5/2000]

(4) Where an appeal is made to the Minister under this section, the decision of or the order made by the Commissioner shall, unless the Minister otherwise directs, not take effect unless —

- (a) it is confirmed by the Minister;
- (b) the appeal is for any reason dismissed by the Minister; or
- (c) the appellant withdraws the appeal.

[5/2000]

(5) The decision of the Minister on any appeal under this section shall be final.

[5/2000]

Application of this Part to Government buildings, etc.

30D.—(1) This Part shall apply to fire safety works starting on or after the date of commencement of section 13 of the Fire Safety (Amendment) Act 2004 and which are carried out by or on behalf of the Government in any building wholly or partly owned or occupied by the Government, but nothing in this Act shall render the Government to prosecution for an offence.

(2) For the avoidance of doubt, no person shall be immune from prosecution for any offence under this Part by reason that the person is a contractor engaged to provide services to the Government, or is acting in any other similar capacity for, or on behalf of, the Government.

PART V

31. [*Deleted by Act 7/2004 wef 16/02/2005*]

32. [*Deleted by Act 7/2004 wef 16/02/2005*]

33. [*Deleted by Act 7/2004 wef 16/02/2005*]

PART VI

CONTROL OF PETROLEUM AND FLAMMABLE MATERIALS

Interpretation of this Part

34.—(1) In this Part and in section 61, unless the context otherwise requires —

[*Deleted by Act 14 of 2013 wef 01/09/2013*]

[*Deleted by Act 14 of 2013 wef 01/09/2013*]

[*Deleted by Act 14 of 2013 wef 01/09/2013*]

“dispensing” means transferring any class of petroleum or any flammable material from one container to any other container

or containers for the purpose of distribution, through hose, pipe or by any other means (but not including a licensed pipeline) and includes discharging into a motor vehicle or from the tank of a road tanker;

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

[Deleted by Act 14 of 2013 wef 01/09/2013]

“import”, with its grammatical variations and cognate expressions, means to take or cause to be taken into Singapore by land, sea or air from any place outside Singapore, but does not include the bringing into Singapore by sea or air of any substance or product which it is proved to be intended to be taken out of Singapore on the same vessel or aircraft on which the substance or product was brought into Singapore without any landing or transshipment within Singapore;

[7/2004 wef 16/02/2005]

“licensed pipeline” means any relevant pipeline licensed for the conveyance of any class of petroleum or any flammable material under section 36A;

[Act 14 of 2013 wef 01/09/2013]

“licensed premises” means any premises licensed for the storage or keeping of any class of petroleum or any flammable material under section 35;

[Act 14 of 2013 wef 01/09/2013]

“liquefied petroleum gas” means any material having a vapour pressure not exceeding that allowed for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures, that is to say, propane, propylene, butane (normal butane or iso-butane) and butylenes;

[Deleted by Act 14 of 2013 wef 01/09/2013]

“pipeline licence” means a licence for the conveyance of any class of petroleum or any flammable material through any relevant pipeline specified in the licence;

[Act 14 of 2013 wef 01/09/2013]

“place” includes houses, yards and open spaces appurtenant thereto, buildings and footways and any underground space;

“road tanker” means a goods vehicle as defined in the Road Traffic Act (Cap. 276) which has a tank that is structurally attached or is an integral part of the frame of the vehicle;

[7/2004 wef 16/02/2005]

“storage licence” means a licence to store or keep any class of petroleum or any flammable material at any premises specified in the licence;

[Act 14 of 2013 wef 01/09/2013]

“transport”, in relation to any class of petroleum or any flammable material, means the carriage of such petroleum or flammable material by any vehicle on land from one place in Singapore to another place, whether within or outside Singapore, and includes —

(a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a vehicle;

(b) the marking of packages and unit loads containing any class of petroleum or any flammable material for transport, and placarding containers and vehicles in which such petroleum or flammable material are transported; and

[Act 14 of 2013 wef 01/09/2013]

(c) any other matters incidental to their transport.

[7/2004 wef 16/02/2005]

(2) For the purposes of this Part and section 61, a person may be regarded as transporting any class of petroleum or any flammable material —

(a) by his marking packages and unit loads containing such petroleum or flammable material for transport, and

- placarding containers and any vehicles in which such petroleum or flammable material are transported;
- (b) by his consigning such petroleum or flammable material for transport;
 - (c) by his loading such petroleum or flammable material into or onto a vehicle, or into a tank container or container that is to be put on a vehicle, for transport or unloading any class of petroleum or any flammable material that has been transported;
 - (d) by his marshalling vehicles and separating such petroleum or flammable material;
 - (e) by his undertaking, or being responsible for, otherwise than as an employee or subcontractor, the transport of such petroleum or flammable material;
 - (f) by his providing emergency information in relation to the transport of such petroleum or flammable material;
 - (g) by his driving a vehicle carrying such petroleum or flammable material;
 - (h) by being the consignee of such petroleum or flammable material that are to be transported; or
 - (i) by being involved as a director, secretary or manager of a body corporate, or other person who takes part in the management of a body corporate, that takes part in an activity referred to above.

[7/2004 wef 16/02/2005]

(3) *[Deleted by Act 14 of 2013 wef 01/09/2013]*

Storage of petroleum and flammable materials

35. No person shall store or keep, or cause to be stored or kept, any class of petroleum or any flammable material except —

- (a) in or on licensed premises;

[Act 14 of 2013 wef 01/09/2013]

- (b) in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material; and

[Act 14 of 2013 wef 01/09/2013]

- (c) under the authority of and in accordance with the provisions of a storage licence from the Commissioner and every condition specified therein.

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

Import of petroleum and flammable materials

35A.—(1) No person shall import any class of petroleum or any flammable material if —

- (a) the regulations require the person importing such petroleum or flammable material to hold a licence from the Commissioner to import such petroleum or flammable material; and

- (b) the person does not hold such a valid licence.

(2) No person shall import any class of petroleum or any flammable material unless the importation —

- (a) is effected in accordance with the provisions of his licence and with every condition specified therein; and

- (b) is in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material.

[Act 14 of 2013 wef 01/09/2013]

Transport of petroleum and flammable materials

35B.—(1) No person shall transport any class of petroleum or any flammable material (other than as a driver of a road vehicle) if —

- (a) the regulations require the person transporting such petroleum or flammable material to hold a licence from the Commissioner to transport such petroleum or flammable material; and

- (b) the person does not hold such a valid licence.

(2) No person shall transport any class of petroleum or any flammable material (other than as a driver of a road vehicle) unless the transportation —

- (a) is in accordance with the provisions of his licence and with every condition specified therein; and
- (b) is in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material.

[Act 14 of 2013 wef 01/09/2013]

(3) No person shall drive any vehicle transporting any class of petroleum or any flammable material by road if —

- (a) the regulations require the vehicle to be licensed to transport such petroleum or flammable material and the vehicle is not licensed by the Commissioner to carry such petroleum or flammable material; and
- (b) the regulations require the person to hold a permit from the Commissioner to drive a vehicle carrying such petroleum or flammable material and the person does not hold such a valid permit.

(4) No person shall drive any vehicle transporting any class of petroleum or any flammable material by road unless he does so in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material, and in accordance with the provisions of his permit and every condition specified therein.

[Act 14 of 2013 wef 01/09/2013]

(5) Nothing in this section shall apply to petroleum or any flammable material in the fuel tank of a vehicle which is used or intended to be used as fuel for that vehicle.

(6) Every permit issued by the Commissioner before the date of commencement of section 16 of the Fire Safety (Amendment) Act 2004 authorising any person to drive any vehicle transporting any class of petroleum or any flammable material by road shall be deemed to have been issued under subsection (3)(b).

[7/2004 wef 16/02/2005]

Dispensing of petroleum and flammable materials

36. No person shall dispense or cause to be dispensed any class of petroleum or any flammable material except —

- (a) in or on licensed premises;
- (b) in accordance with the provisions of the storage licence for the licensed premises and with every condition specified therein; and
- (c) in the case of the dispensing of any class of petroleum or any flammable material into cylinders, where the regulations require a person so dispensing that class of petroleum or flammable material to have the specific approval of the Commissioner, with such approval and in accordance with any conditions the Commissioner may impose.

[Act 14 of 2013 wef 01/09/2013]

Pipelines for petroleum and flammable materials

36A. No pipeline owner shall convey, or allow the conveyance of, any class of petroleum or any flammable material through any section of a relevant pipeline in relation to which he is the pipeline owner except under the authority of and in accordance with the provisions of a pipeline licence from the Commissioner and every condition specified therein.

[Act 14 of 2013 wef 01/03/2014]

Conduct of works in vicinity of licensed pipeline

36B.—(1) No person (other than the holder of the licence) shall commence or carry out, or cause or permit the commencement or carrying out of, any works in the vicinity of the licensed pipeline unless the person —

- (a) has given to the holder of the licence not less than 7 days' notice in writing of the date on which it is proposed to commence the works;
- (b) has obtained from the holder of the licence the necessary information on the location of the licensed pipeline; and

- (c) has consulted the holder of the licence on the steps to be taken to prevent the licensed pipeline from being damaged while the works are being carried out.

(2) Every person who commences or carries out, or causes or permits the commencement or carrying out of, any works referred to in subsection (1) shall —

- (a) comply with all reasonable requirements of the holder of the licence for the prevention of damage to the licensed pipeline;
- (b) ensure that reasonable precautions are taken when such works are being carried out to prevent any damage to the licensed pipeline; and
- (c) allow the holder of the licence reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the licensed pipeline.

(3) Upon receiving a notice under subsection (1)(a), the holder of the licence shall —

- (a) promptly inform the person giving the notice of the location of the licensed pipeline, and provide the person with such other information as may be necessary to enable him to ascertain the exact location of the licensed pipeline;
- (b) advise the person on the precautions to be taken to prevent damage to the licensed pipeline; and
- (c) take all such measures at the work site as may be reasonable and necessary for the protection of the licensed pipeline and, in so doing, the holder of the licence shall have regard to the potential risks and dangers that can arise from any damage to the licensed pipeline.

(4) Nothing in subsection (1) shall prohibit a person from commencing or carrying out, or causing or permitting the commencement or carrying out of, any works where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety.

(5) The person referred to in subsection (4) shall, as soon as practicable but not more than 24 hours after commencing the work, give to the holder of the licence notice in writing stating the nature and extent of those works.

(6) Any person who contravenes subsection (1), (2), (3) or (5) shall be guilty of an offence.

(7) Subject to subsection (8), in any proceedings for an offence under subsection (6), it shall be a defence for the person charged to prove —

- (a) that he took all reasonable steps to discharge his duty under subsection (1), (2), (3) or (5), as the case may be; or
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(8) If, in any proceedings for an offence under subsection (6), the defence involves acting on information supplied by the holder of the licence, the person charged shall not, without leave of the court, be entitled to rely on that defence unless he has, within 14 clear days before the hearing, served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.

(9) In this section —

“construction works and services” has the same meaning as in the Building and Construction Authority Act (Cap. 30A);

“earthworks” has the same meaning as in the Gas Act (Cap. 116A);

“holder of the licence” means the holder of a pipeline licence for the licensed pipeline concerned;

“works” means any construction works and services or earthworks.

[Act 14 of 2013 wef 01/03/2014]

Damage to licensed pipeline

36C.—(1) Any person who wilfully or recklessly removes, destroys, damages or suffers to be damaged any licensed pipeline or hinders or prevents a licensed pipeline from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence.

(2) In any proceedings for an offence under subsection (1), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) If, in any proceedings for an offence under subsection (1), the defence involves acting on information supplied by a holder of the licence, the person charged shall not, without leave of the court, be entitled to rely on that defence unless he has, within 14 clear days before the hearing, served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.

[Act 14 of 2013 wef 01/03/2014]

Offences

37.—(1) Any person who contravenes section 35, 35A(1) or (2), 35B(1), (2), (3) or (4) or 36 shall be guilty of an offence.

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

[Act 14 of 2013 wef 01/03/2014]

(2) Any person who contravenes section 36A or 36B shall be guilty of an offence.

[Act 14 of 2013 wef 01/03/2014]

(3) Any person who contravenes section 36C 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 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/03/2014]

Powers of entry, inspection, etc.

38.—(1) For the purposes of this Part, the Commissioner shall have powers to —

(a) *[Deleted by Act 14 of 2013 wef 01/09/2013]*

(b) stop and examine any vehicle when he has reason to believe that any class of petroleum or any flammable material is being transported in the vehicle in contravention of this Act;

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

(c) inspect, examine and test all classes of petroleum or any flammable material stored on land and for such purposes take samples thereof;

[7/2004 wef 16/02/2005]

(d) enter any place where he has reason to believe that any class of petroleum or any flammable material is stored in contravention of this Act; and

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

(e) seize any stock of any class of petroleum, any flammable material or equipment in respect of which he has reason to believe that an offence under this Act has been committed.

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

(2) If any place liable to inspection under this section is closed, any person residing in or being in charge of such place shall, on demand by any authorised officer, allow him free entry thereto and afford all reasonable facilities for a search therein.

[Act 14 of 2013 wef 01/09/2013]

(3) If entry to such place cannot be obtained, any authorised officer may —

(a) break open any outer or inner door or window of that place;

(b) forcibly enter that place and every part thereof; or

(c) remove by force any obstruction to such entry or search.

[Act 14 of 2013 wef 01/09/2013]

Power to waive requirements

38A.—(1) The Commissioner may upon application by any person —

- (a) waive or modify any of the requirements of any licence or permit issued under this Part; or
- (b) waive the requirement for that person to obtain any licence or permit issued under this Part in any circumstances specified in writing by the Commissioner if the Commissioner is satisfied that fire safety will not be compromised in those circumstances.

(2) A waiver or modification under subsection (1) —

- (a) may be granted subject to such conditions as the Commissioner may specify in writing; and
- (b) need not be published in the *Gazette* and may be revoked at any time by the Commissioner.

(3) The Commissioner may at any time add to, vary or revoke any condition imposed under this section.

(4) The Minister may, by regulations prescribed under section 61, provide that the powers of the Commissioner under subsection (1) shall be limited only to certain kinds of licences or permits or certain circumstances specified in the regulations.

[Act 14 of 2013 wef 01/09/2013]

Grant and renewal of licence or permit

39.—(1) The grant of any licence or permit under this Part shall be in the absolute discretion of the Commissioner.

[7/2004 wef 16/02/2005]

(2) Every licence or permit granted under this Part shall be subject to such conditions as the Commissioner thinks fit to impose.

[7/2004 wef 16/02/2005]

(3) Every licence or permit granted under this Part, if it has not been cancelled under section 40, may, on the application of the holder of the licence or permit, be renewed by the Commissioner subject to such conditions as he thinks fit to impose.

[7/2004 wef 16/02/2005]

(4) Every licence or permit shall, on payment of the prescribed fees, be valid for such period not exceeding 3 years as the Commissioner may determine.

[7/2004 wef 16/02/2005]

(5) Any person who is aggrieved by any decision of the Commissioner under this section may, within one month of being notified of the decision of the Commissioner, appeal to the Minister whose decision shall be final.

(6) Any person who contravenes any of the conditions of a licence or permit granted under this Part shall be guilty of an offence.

[7/2004 wef 16/02/2005]

Cancellation of licence or permit

40.—(1) If at any time it appears to the Commissioner that any premises or vehicle, in respect of which a licence or permit has been granted, has become unfit for the purpose for which it was licensed by reason of the increase of building or of population in its neighbourhood, or that from any other cause, any licence or permit should for the public safety be cancelled, or if the person to whom the licence or permit was granted contravenes any of the conditions of the licence or permit, the Commissioner may by order cancel the licence or permit.

[7/2004 wef 16/02/2005]

(2) The Commissioner shall, before cancelling any licence or permit under subsection (1), give to the person concerned notice in writing of his intention to do so specifying a date, not less than 21 days after the notice, upon which the cancellation shall take effect and calling upon the person concerned to show cause to the Commissioner why the licence or permit should not be cancelled.

[7/2004 wef 16/02/2005]

(3) When the Commissioner has cancelled the licence or permit under subsection (1), he shall inform the person concerned by notice in writing of such cancellation as soon as it may be practicable.

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

(4) The person whose licence or permit has been cancelled may, within 14 days of the receipt of the notice referred to in

subsection (3), or such extended period of time as the Minister may allow, appeal in writing against the cancellation to the Minister whose decision shall be final.

[7/2004 wef 16/02/2005]

(5) An order of cancellation shall not take effect until the expiration of a period of 14 days after the Commissioner has informed the holder of the licence or permit in question of the order.

[7/2004 wef 16/02/2005]

(6) If within that period the holder of the licence or permit in question gives due notice of appeal to the Minister, the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister.

[7/2004 wef 16/02/2005]

41. *[Deleted by Act 7/2004 wef 16/02/2005]*

Disposal of stocks and equipment

42. Any property or thing seized or removed by the Commissioner in exercise of his powers under this Part or any regulations made under this Act shall be confiscated and shall be disposed of in such manner as the Commissioner thinks fit, and the proceeds, if any, of such disposal shall be paid into the Consolidated Fund.

PART VII

MISCELLANEOUS

Charging for extinguishing fires, etc., on inland waters or sea

43.—(1) The Commissioner may charge fees for extinguishing any fire or protecting life and property in the event of any fire on inland waters or the sea, from such classes of persons as may be prescribed.

(2) Different classes of persons and amounts of fees may be prescribed for different circumstances.

(3) Any such unpaid fees may be recovered by the Government as a civil debt in any court of competent jurisdiction.

(4) In this section, references to the sea are not restricted to the territorial waters of Singapore.

[Act 14 of 2013 wef 01/09/2013]

Obstructing authorised persons in execution of their duty

44. Any person who obstructs, hinders or impedes the Commissioner or any person authorised under this Act in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of or under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 14 of 2013 wef 01/09/2013]

Analyst's certificate

45.—(1) A certificate purporting to be signed by an analyst employed by the Health Sciences Authority and purporting to relate to petroleum shall be admitted in evidence in any proceedings for an offence under Part VI, on its production by the prosecution without proof of signature and, until the contrary is proved, such certificate shall be prima facie evidence of all matters contained therein.

(2) In this section, “Health Sciences Authority” means the Health Sciences Authority established under the Health Sciences Authority Act 2001.

[4/2001 wef 01/04/2001]

Powers of arrest

46.—(1) The Commissioner or any member of or above the rank of warrant officer duly authorised in writing in that behalf by the Commissioner or any police officer may without warrant arrest any person whom he reasonably suspects to have committed an offence under this Act —

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

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

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

(3) No person arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

Inaccuracies in documents

47.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act, shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

[Act 14 of 2013 wef 01/09/2013]

(2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

[Act 14 of 2013 wef 01/09/2013]

Evidence

48.—(1) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct.

[Act 14 of 2013 wef 01/09/2013]

(2) All records and other documents required by this Act to be kept by the Commissioner shall be 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 name, and his official title shall be admissible in evidence as proof of the contents of the documents or extracts.

[Act 14 of 2013 wef 01/09/2013]

(3) A certificate purporting to be under the hand of the Commissioner and specifying the costs and expenses or arrears as due and payable by any person shall be prima facie evidence of the facts certified therein and of the signature of the Commissioner.

Service of notices, etc.

49.—(1) Any notice, order or document required or authorised by this Act to be served on any person shall be deemed to be sufficiently served —

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

[Act 14 of 2013 wef 01/09/2013]

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

[Act 14 of 2013 wef 01/09/2013]

(2) A notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of

the “owner” or “occupier” of the premises without further name or description.

[Act 14 of 2013 wef 01/09/2013]

(3) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing the notice to some conspicuous part of the premises.

[Act 14 of 2013 wef 01/09/2013]

Jurisdiction of court

50. Notwithstanding the provisions of the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to hear and determine all offences under this Act and shall have power to impose the full penalty or punishment in respect of an offence under this Act.

[Act 14 of 2013 wef 01/09/2013]

Composition of offences

51.—(1) The Commissioner may, in his discretion, compound any offence under this Act 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 sums:

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

[Act 14 of 2013 wef 01/09/2013]

(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

[Act 14 of 2013 wef 01/09/2013]

(2) The Minister may make regulations to prescribe the offences which may be compounded under this section.

Conduct of prosecutions

52. Proceedings in respect of any offence under this Act may, with the authorisation of the Public Prosecutor, be conducted by any

officer of the Force or any other person authorised in writing in that behalf by the Commissioner.

[15/2010 wef 02/01/2011]

[Act 14 of 2013 wef 01/09/2013]

Exemption

53. The Minister may, by order either generally or in any particular case, and subject to such conditions as he may impose, exempt any person, premises, structure, aircraft, vehicle, vessel or fire safety works from all or any of the provisions of this Act.

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

Offence by body corporate

54. Where an offence under this Act has been committed by a body corporate, a partnership or unincorporated association of persons, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer thereof, or was purporting to act in any such capacity shall be guilty of that offence unless he proves that —

- (a) the offence was committed without his consent or connivance; and
- (b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

[Act 14 of 2013 wef 01/09/2013]

Adoption of codes and standards

55.—(1) Any regulations made under section 61 may adopt (wholly or partially or as amended by the regulations or by reference) any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which is —

- (a) recommended, issued or adopted by the Singapore Productivity and Standards Board;

- (b) recommended, issued or adopted by any other standards organisation or body of any place outside Singapore being an organisation or body approved by the Commissioner; or
- (c) included in any document issued by any Government department or issued by the public authority constituted under any written law.

[1/96]

[Act 14 of 2013 wef 01/09/2013]

(2) The Commissioner shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1)(b) or (c) to be made available for inspection by members of the public without charge at the office of the Commissioner during normal office hours.

(3) In any proceedings under this Act, a copy certified by the Commissioner as a true copy of a code, standard, rule, specification or provision adopted under subsection (1)(b) or (c) shall be evidence of the code, standard, rule, specification or provision so adopted.

[Act 14 of 2013 wef 01/09/2013]

(4) Unless otherwise provided in any regulations made under section 61, in the event that any code, standard, rule, specification or provision adopted under subsection (1) is inconsistent with the Code of Practice for Fire Precautions in Buildings published by the Commissioner, the Code of Practice for Fire Precautions in Buildings shall prevail.

[Act 14 of 2013 wef 01/09/2013]

General penalties

56. Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

[Act 14 of 2013 wef 01/09/2013]

Furnishing of information

57.—(1) In addition to any other powers under this Act, the Commissioner or any authorised officer may by notice require any

person to furnish, within a reasonable period specified in the notice, any document, record or information in the possession or knowledge of that person that the Commissioner or the authorised officer, as the case may be, believes on reasonable grounds to be relevant to the administration or enforcement of this Act.

(2) The power to require a person to furnish any document or record under subsection (1) includes the power to retain the original copy of the document or record or to copy or make extracts from the document or record.

(3) Any person who, without reasonable excuse, fails to comply with any notice under subsection (1) or who furnishes any information which he knows or has reason to believe is false or misleading shall be guilty of an offence.

[Act 14 of 2013 wef 01/09/2013]

Saving of prosecutions under other laws

58.—(1) Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act.

[Act 14 of 2013 wef 01/09/2013]

(2) No person shall be punished twice for the same offence.

Protection from liability

59.—(1) No liability shall lie against the Government or any public officer by reason of the fact that any fire safety works are carried out in accordance with the provisions of this Act or that such works or plans of the building are subject to inspection or approval by the Commissioner or the public officer.

(2) Nothing in this Act shall make it obligatory for the Commissioner to inspect any building or fire safety works or the site of any proposed building to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, notices or other documents submitted to him are accurate.

[Act 14 of 2013 wef 01/09/2013]

(3) No matter or thing done by the Commissioner or by any public officer, fire forensic specialist or member of the Force shall, if it were done with reasonable care and in good faith for the purpose of carrying out the provisions of this Act, subject him or such person personally liable to any action, liability, claim or demand whatsoever.

[Act 14 of 2013 wef 01/09/2013]

[Act 10 of 2015 wef 01/06/2015]

Transfer of employees to Force

60. On 8th April 1994, every person who immediately before that date was serving in the Singapore Fire Service constituted under the repealed Fire Service Act (Cap. 110) and in force immediately before that date shall be transferred to the Force on the same terms and rank enjoyed or attained by him immediately prior to his transfer and shall be deemed to be appointed under the Civil Defence Act (Cap. 42), and his service in the Singapore Fire Service shall be deemed to be service under the Civil Defence Act.

Regulations

61.—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act as he considers necessary and for any matter which is required under this Act to be prescribed and, in particular, the Minister may make regulations in respect of all or any of the following matters:

(a) the establishment, registration and regulation of fire safety managers and Company Emergency Response Teams in any premises or any class of premises as may be prescribed by the Minister, and the requirement for such persons to undergo such training or assessment and satisfy such standards as the Commissioner may specify;

[Act 14 of 2013 wef 01/09/2013]

(b) the control of the sale, supply, installation, repair, maintenance and inspection of fire safety works;

(c) the licensing of persons who carry on the trade or business of supplying, selling, maintaining, repairing or inspecting fire safety works;

- (d) the prescribing of the type of fire safety measures to be installed in any premises;
- (e) the prescribing of the requirements of an Emergency Response Plan required under this Act;
[Act 14 of 2013 wef 01/09/2013]
- (f) *[Deleted by Act 7/2004 wef 16/02/2005]*
- (g) the control, regulation and supervision by registration, licensing, inspection or otherwise of places to which the public has access;
- (h) the submission of plans and specifications of fire safety works, the authorisation of persons qualified to submit the same and their duties and responsibilities and the nature or classifications of plans or specifications which each such person may submit;
- (i) the time and manner of making an application for temporary fire permits and fire safety certificate;
- (j) the time and manner of making an application for the change of use of premises;
- (k) the prescribing of the type of tests to be applied to any petroleum or flammable material to ascertain its flashpoint and the methods of applying the same;
- (l) the determining of the standard of any class of petroleum;
- (m) the licensing and management of relevant pipelines and places for storing any class of petroleum or any flammable material, including requirements to establish Company Emergency Response Teams and to prepare Emergency Response Plans for such Company Emergency Response Teams to undergo such training or assessment and satisfy such standards as the Commissioner may specify;
[7/2004 wef 16/02/2005]
[Act 14 of 2013 wef 01/09/2013]
- (n) the prescribing of the quantities of any class of petroleum or any flammable material that may be stored in any licensed premises and the method in which it is to be stored including the maximum quantity of any class of petroleum

or any flammable material that can be stored without a licence for residential, commercial or industrial use;

[7/2004 wef 16/02/2005]

- (o) the regulation of the dispensing of any class of petroleum or any flammable material;

[7/2004 wef 16/02/2005]

- (oa) the regulation of the conveyance of any class of petroleum or any flammable material by a relevant pipeline;

[Act 14 of 2013 wef 01/09/2013]

- (p) the regulation of the transport of any class of petroleum or any flammable material, including specifying the time during which such petroleum or flammable material can be transported and the maximum quantity of any class of petroleum or any flammable material that can be transported without a licence or permit;

[7/2004 wef 16/02/2005]

- (q) the determining of the quantity of and the receptacles in which any class of petroleum or any flammable material may be carried in any vehicle;

[7/2004 wef 16/02/2005]

- (r) the prescribing of the standard and specification for the construction of any premises in which any class of petroleum or any flammable material is to be stored;

[7/2004 wef 16/02/2005]

- (s) the prescribing of the types and standards of materials and appliances to be used for preventing or extinguishing fire in any licensed premises;

- (t) the provisions for the protection of premises adjacent to licensed premises;

- (u) the requiring of any receptacle containing petroleum or flammable material to carry warning labels and to denote the class of petroleum or the flammable material contained therein;

[7/2004 wef 16/02/2005]

- (ua) the regulation of the import, storage, transport, distribution, maintenance and disposal of cylinders used to contain any class of petroleum or flammable material,

including requirements to store different brands of cylinders at different licensed premises and for labelling and colour-coding of cylinders;

[Act 14 of 2013 wef 01/09/2013]

- (v) the prescribing of fees and charges for the purposes of this Act;
- (w) the prescribing of conditions to be attached to any licence or permit, including the requirement for licensees to impose specified contractual terms on other parties to enable the licensee to maintain fire safety in its operations, and the requirements and conditions to be observed by persons at the premises or driving any vehicle to which the licence or permit relates;

[7/2004 wef 16/02/2005]

[Act 14 of 2013 wef 01/09/2013]

- (x) the regulation, control and licensing of persons and organisations engaged in the business of petroleum or flammable material distribution;

[7/2004 wef 16/02/2005]

- (xa) the requirement for security to be given by any class of licensees to ensure compliance with this Act;

[Act 14 of 2013 wef 01/09/2013]

- (y) the prescribing of forms for licences and permits and for other purposes for use in connection with this Act;

[7/2004 wef 16/02/2005]

- (z) the duties and responsibilities of registered inspectors and fire safety engineers and the manner in which those duties and responsibilities are to be discharged, including a code of conduct and ethics for registered inspectors and fire safety engineers;

[7/2004 wef 15/04/2004]

- (za) the prescribing of the procedure of the Appeal Advisory Board;

- (zaa) the regulation of the proceedings of any Inquiry Committee constituted under section 6A or section 22D;

[7/2004 wef 15/04/2004]

[Act 14 of 2013 wef 01/09/2013]

(zab) [Deleted by Act 14 of 2013 wef 01/09/2013]

(zb) the prescribing of any matter which is required for the purposes of this Act.

[5/2000]

(2) The Minister may, in making any regulations under subsection (1), provide that any contravention or failure to comply with any of the provisions of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both.

Transitional provisions

62.—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the repealed Fire Service Act (Cap. 110) or the repealed section 12, 14, 17, 18 or 19 of the Petroleum Act (Cap. 229) shall, so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

(2) All moneys belonging to the Fire Service Welfare Fund established under section 12 of the repealed Fire Service Act shall, on 8th April 1994, be transferred to and deemed to be moneys belonging to the Civil Defence Force Fund established under section 101 of the Civil Defence Act (Cap. 42) and shall be used for the purposes stated in that section.

(3) Any subsidiary legislation made under the repealed Fire Service Act or pursuant to the repealed section 12, 14, 17, 18 or 19 of the Petroleum Act and in force immediately before 8th April 1994 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

(4) The Minister may, by order published in the *Gazette*, repeal or amend any written law which appears to him to be inconsistent with any of the provisions of this Act.

THE SCHEDULE

[Deleted by Act 14 of 2013 wef 01/09/2013]

LEGISLATIVE HISTORY

FIRE SAFETY ACT (CHAPTER 109A)

This Legislative History is provided for the convenience of users of the Fire Safety Act. It is not part of this Act.

1. 1994 Revised Edition — Fire Safety Act

Date of operation : 15 March 1994

2. Act 1 of 1996 — Singapore Productivity and Standards Board Act 1995

Date of First Reading : 1 November 1995
(Bill No. 39/1995 published on
2 November 1995)

Date of Second and Third Readings : 5 December 1995

Date of commencement : 1 April 1996

3. Act 5 of 2000 — Fire Safety (Amendment) Act 1999

Date of First Reading : 24 November 1999
(Bill No. 43/1999 published on
25 November 1999)

Date of Second and Third Readings : 17 January 2000

Date of commencement : 1 April 2000

4. G.N. No. S 449/2000 — Fire Safety Act (Amendment of First Schedule) Notification 2000

Date of commencement : 15 October 2000

5. 2000 Revised Edition — Fire Safety Act

Date of operation : 30 December 2000

6. Act 4 of 2001 — Health Sciences Authority Act 2001

Date of First Reading : 12 January 2001
(Bill No. 2/2001 published on
13 January 2001)

Date of Second and Third Readings : 22 February 2001

Date of commencement : 1 April 2001

7. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 15 April 2004

8. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 1 July 2004

9. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 10 September 2004

10. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 16 February 2005

11. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

Date of First Reading : 6 February 2004
(Bill No. 6/2004 published on
7 February 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 1 April 2005

12. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

13. Act 14 of 2013 — Fire Safety (Amendment) Act 2013

Date of First Reading : 14 January 2013
(Bill No. 1/2013 published on
14 January 2013)

Date of Second and Third Readings : 8 April 2013

Date of commencement : 1 September 2013

14. Act 14 of 2013 — Fire Safety (Amendment) Act 2013

Date of First Reading : 14 January 2013
(Bill No. 1/2013 published on
14 January 2013)

Date of Second and Third Readings : 8 April 2013

Date of commencement : 1 March 2014

15. Act 10 of 2015 — Police Force (Amendment) Act 2015

Date of First Reading : 29 January 2015 (Bill No.
5/2015 published on 29 January
2015)

Date of Second and Third Readings : 13 March 2015

Date of commencement : 1 June 2015

16. Act 31 of 2016 — Fire Safety (Amendment) Act 2016

Date of First Reading : 10 October 2016 (Bill No.
31/2016 published on
10 October 2016)

Date of Second and Third Readings : 10 November 2016

Date of commencement : 1 February 2017

COMPARATIVE TABLE
FIRE SAFETY ACT
(CHAPTER 109A)

The following provisions in the 1993 Revised Edition of the Fire Safety Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Fire Safety Act.

2000 Ed.	1993 Ed.
5A — (1)	5 — (6)
(2)	(6A)
(3)	(6B)
(4)	(7)
(5)	(8)
(6)	(8A)
(7)	(8B)
(8)	(8C)
(9)	(8D)
(10)	(8E)
(11)	(8F)
(12)	(9)
7 — (1) and (2)	7
13 — (1) and (2)	13 — (1)
(3)	(2)
(4)	(3)
14 — (1) and (2)	14
17 — (3) and (4)	17 — (3)
(5)	(4)
(6)	(5)
(7)	Proviso to (5)

25 — (7)	Proviso to 25 — (6)
(8)	25 — (7)
28 — (4) and (5)	28 — (4)
(6)	(5)
29 — (5)	29 — (4A)
(6)	(4B)
(7)	(4C)
(8)	(4D)
(9)	(4E)
(10)	(4F)
(11)	(4G)
(12)	(5)
46 — (2) and (3)	46 — (2)
47 — (1) and (2)	47
58 — (1) and (2)	58
59 — (1) and (2)	59 — (1)
(3)	(2)
<i>Deleted</i>	62 — (1) and (2)
62 — (1)	(3)
(2)	(4)
(3)	(5)
<i>Deleted</i>	(6)
(4)	(7)