



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**NATIONAL ENVIRONMENT AGENCY
ACT 2002**

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National Environment Agency Act 2002

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation

PART 2

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AGENCY

3. Establishment and incorporation of National Environment Agency
4. Common seal
5. Membership of Agency
6. Chairperson may delegate functions
7. Term of office of members
8. Temporary Chairperson, etc.
9. Meetings and proceedings of Agency
10. [*Repealed*]

PART 3

FUNCTIONS, DUTIES AND POWERS OF AGENCY

11. Functions and duties of Agency
12. Powers of Agency
13. Directions by Minister
14. Committees
15. Delegation of powers

PART 4

PROVISIONS RELATING TO STAFF

16. Chief executive, officers and employees, etc.

Section

- 16A. Appointment of auxiliary officers
- 17. Protection from personal liability
- 18. [*Repealed*]

PART 5

FINANCIAL PROVISIONS

- 19. Financial year
- 20. Estimates
- 21. All moneys recovered to be paid to Agency
- 22. Grants
- 23. Borrowing power
- 24. Issue of shares, etc.
- 25. Bank accounts
- 26. Application of moneys
- 27. Power of investment
- 28. [*Repealed*]
- 29. [*Repealed*]
- 30. [*Repealed*]
- 31. [*Repealed*]

PART 6

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

- 32. Transfer to Agency of property, assets and liabilities
- 33. Transfer of employees
- 34. Pension rights, etc., of Government employees to be preserved
- 35. No benefits in respect of abolition or reorganisation of office
- 36. Existing contracts
- 37. Continuation and completion of disciplinary proceedings and other legal proceedings
- 38. Misconduct or neglect of duty by employee before transfer
- 38A. Transfer to Agency of property, employees, existing contracts, etc., from Health Sciences Authority relating to Centre for Radiation Protection

PART 7

MISCELLANEOUS

- 39. [*Repealed*]
- 40. Symbol or representation of Agency

Section

- 41. Power to enter land to set up meteorological observation station
 - 42. Powers of enforcement, etc.
 - 42A. Authorisation of auxiliary officers to exercise powers of enforcement
 - 43. Corporate offenders and unincorporated associations
 - 44. Jurisdiction of court
 - 45. Evidence
 - 46. Composition of offences
 - 47. Preservation of secrecy
 - 48. Regulations
 - 49. References in other written laws and documents
- The Schedule — Departments
-

An Act to establish and incorporate the National Environment Agency, to provide for its functions and powers, and for matters connected therewith.

[1 July 2002]

PART 1

PRELIMINARY

Short title

1. This Act is the National Environment Agency Act 2002.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Agency specified under section 12(b);
 - “Agency” means the National Environment Agency established under section 3;
 - “auxiliary officer” means an individual who is appointed as an auxiliary officer under section 16A(1);

“Chairperson” means the Chairperson of the Agency and includes a temporary Chairperson of the Agency;

“chief executive” means the chief executive of the Agency, and includes any individual acting in that capacity;

“Deputy Chairperson” means the Deputy Chairperson of the Agency and includes a temporary Deputy Chairperson of the Agency;

“environmental written law” means a written law administered by any of the following:

- (a) the Agency;
- (b) the Director-General of Environmental Protection appointed under section 3(1) of the Environmental Protection and Management Act 1999;
- (c) the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act 1987;

“member” means a member of the Agency and includes a temporary member of the Agency.

[4/2016; 5/2018]

PART 2

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AGENCY

Establishment and incorporation of National Environment Agency

3. A body called the National Environment Agency is established, which is a body corporate with perpetual succession and a common seal and is by that name capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and

- (c) doing and suffering all other acts or things that a body corporate may lawfully do and suffer.

Common seal

4.—(1) The Agency must have a common seal that may be broken, changed, altered or made anew as the Agency thinks fit.

(2) All deeds and other documents requiring the seal of the Agency must be sealed with the common seal of the Agency.

(3) All instruments to which the common seal is affixed must be signed by —

- (a) any 2 members generally or specially authorised by the Agency for the purpose; or
- (b) one member and the chief executive.

(4) The Agency may, by resolution or otherwise in writing, appoint any officer of the Agency or any other agent either generally or in any particular case to execute or sign on behalf of the Agency any agreement or other instrument not under seal in relation to any matter coming within the powers of the Agency.

(5) All courts, judges and persons acting judicially are to take judicial notice of the common seal of the Agency affixed to any document and presume that it was duly affixed.

Membership of Agency

5.—(1) The Agency consists of —

- (a) a Chairperson;
- (b) a Deputy Chairperson; and
- (c) not less than 5 but not more than 12 other members,

all of whom must be appointed by the Minister.

(2) The Minister may appoint the chief executive to be a member.

Chairperson may delegate functions

6. The Chairperson may in writing authorise any member to exercise any power or perform any function conferred on the Chairperson by or under this Act.

Term of office of members

7.—(1) A member holds office on such conditions and for such term, not exceeding 3 years, as the Minister specifies in the member's appointment.

(2) Any member may at any time by written notice to the Minister resign from his or her office.

(3) The Minister may at any time revoke the appointment of any member without giving any reason.

(4) If a member dies or resigns or has his or her appointment revoked, the Minister may appoint any person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

(5) The Agency must pay to the Chairperson, the Deputy Chairperson and other members such salaries, fees and allowances as the Minister may determine.

Temporary Chairperson, etc.

8. The Minister may appoint any person to be a temporary Chairperson, temporary Deputy Chairperson or temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairperson, Deputy Chairperson or any member, as the case may be.

Meetings and proceedings of Agency

9.—(1) The quorum at every meeting of the Agency is the higher of the following:

- (a) one-third of the total number of members in office;
- (b) 4 members.

(2) The Chairperson or, in his or her absence, the Deputy Chairperson presides at all meetings of the Agency and, in the absence of the Chairperson and the Deputy Chairperson, the members present must elect one of their number to preside.

(3) Meetings of the Agency must be held at such times and places as the Chairperson may determine.

(4) All questions arising at any meeting must be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Agency, the Chairperson or, in his or her absence, the Deputy Chairperson has a deliberative vote and, in the case of an equality of votes, he or she also has a casting vote.

(6) The validity of any proceedings of the Agency is not affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Agency may regulate its own proceedings.

[5/2018]

10. *[Repealed by Act 5 of 2018]*

PART 3

FUNCTIONS, DUTIES AND POWERS OF AGENCY

Functions and duties of Agency

11.—(1) Subject to the provisions of this Act, the functions and duties of the Agency are as follows:

- (a) to identify, undertake research into, and conduct investigations and surveillance of environmental health concerns and vectors of infectious agents, and to develop strategies of prevention and control in connection with such matters;
- (b) to undertake licensing, provision of consultancy services, and promotion of professionalism in relation to pest control, environmental and other related industries;

- (c) to coordinate the implementation and management of upgrading programmes for hawker centres and the review of hawker policies;
- (d) to ensure cleanliness of public areas through the supervision of cleansing services and the prevention of littering;
- (e) to ensure adequate provision of cremation, columbaria and burial services and facilities;
- (f) to manage and regulate air emissions from industrial premises, trade premises and vehicles;
- (g) to monitor and assess the water quality of inland and coastal waters, and to manage and regulate the discharge of trade effluent, oil, chemicals, sewage and any other polluting matter into water courses or on land;
- (h) to construct, develop, manage and regulate refuse treatment and disposal facilities and to regulate refuse collection and disposal;
- (i) to control land contamination and regulate the remediation of contaminated land;
- (j) to regulate the fumigation of premises and articles with hydrogen cyanide or any other fumigant;
- (k) to regulate the import, export, possession, storage, transportation, sale and use of hazardous substances and the import, export, storage, transportation, collection, treatment and disposal of toxic industrial waste;
- (l) to manage and regulate environmental noise, and to monitor and assess ambient air and noise levels;
- (m) to promote energy efficiency, the use of clean energy, the use of clean technologies, the use of efficient pollution control technologies and waste recycling;
- (n) to manage on behalf of the Government any land, building or other property of the Government used in connection with waste recycling;

- (o) to embark on educational programmes to promote and encourage public awareness of and participation in environmental matters;
- (p) to provide advice on environmental pollution threats and disasters, and to develop and review standards and policies on environmental protection and environmental health;
- (q) to provide meteorological services for users, including government agencies, aviation and shipping communities and the general public;
- (r) to conduct meteorological observations, maintain reliable climatological records of Singapore and provide advice on meteorological matters;
- (s) to monitor and maintain records of seismological activities affecting Singapore;
- (t) to advise and make recommendations to the Government on matters, measures and regulations related to or connected with the environment, radiation, meteorology and seismology;
- (u) to represent the Government internationally on matters related to or connected with the environment, radiation, meteorology and seismology;
- (v) to control and regulate the import, export, possession, storage, transportation, sale and use of radioactive materials and irradiating apparatus;
- (w) to carry out any other functions imposed upon the Agency by or under this Act or any other written law.

[27/2007; 11/2019]

(2) The Agency may undertake any other functions that the Minister may assign to the Agency and in so doing, the Agency is deemed to be fulfilling the purposes of this Act and the provisions of this Act apply to the Agency in respect of those functions.

(3) Nothing in this section is to be construed as imposing on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Powers of Agency

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

- (a) prescribe and implement regulatory policies, strategies, measures, standards or any other requirements on any matter related to or connected with environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and any other subject matter that may be necessary for the performance of the functions of the Agency;
- (b) specify, by notification in the *Gazette*, all the accreditation, certification or inspection marks of the Agency for use in relation to any function of the Agency, and control the use of those marks;
- (c) regulate, accredit or certify any person to carry out any test, study, activity or service related to or connected with environmental pollution control, radiation control, resource conservation, waste minimisation, waste recycling and waste collection and disposal;
- (d) request information from and collaborate or cooperate with any person, whether in Singapore or elsewhere, on matters related to or connected with weather, climate, environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and any other subject matter that may be necessary for the performance of the functions of the Agency;

- (e) collect, analyse, compile, publish or disseminate information of a statistical nature related to or connected with weather, climate, environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and any other subject matter that may be necessary for the performance of the functions of the Agency;
- (f) prescribe training requirements for matters related to or connected with environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling and waste collection and disposal, and provide training, conduct tests or award certificates of proficiency;
- (g) establish meteorological offices and observation stations, arrange with any agency, authority or person to take and record meteorological observations and transmit meteorological reports and information;
- (h) with the Minister's approval, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity;
- (i) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions or duties;
- (j) become a member or an affiliate of any international body the functions or duties of which are similar to those of the Agency;
- (k) receive grants, donations or contributions from any source, or raise funds by all lawful means and apply those funds for any of its functions or duties;
- (l) charge fees for the issuance of any licence or approval, and fees, charges or commissions for services rendered by the Agency or for the use of any facilities of the Agency; and
- (m) do anything incidental or necessary to any of its functions or powers.

[27/2007]

Directions by Minister

13. The Minister may give to the Agency any direction under section 5 of the Public Sector (Governance) Act 2018.

[5/2018]

Committees

14.—(1) The Agency may appoint, alter or discharge committees, consisting of one or more persons (whether members or not), and define or vary the terms of reference of those committees.

(2) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018 and to the control of the Agency, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

[5/2018]

Delegation of powers

15.—(1) The Agency may in respect of a specified matter or class of matters, by writing, delegate to any member, officer or committee of the Agency any of its powers under this Act or under any other written law.

[5/2018]

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

PART 4

PROVISIONS RELATING TO STAFF

Chief executive, officers and employees, etc.

16.—(1) There must be a chief executive of the Agency, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the chief executive during any period, or during all periods, when the chief executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

[5/2018]

(3) The Agency may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

[5/2018]

Appointment of auxiliary officers

16A.—(1) The Agency may in writing appoint an individual (who may or may not be a public officer) to be an auxiliary officer to assist the officers and employees of the Agency in the performance of any function of the Agency.

[4/2016]

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

[4/2016]

(3) An auxiliary officer is to be issued with such equipment, or such description of equipment, as the chief executive may determine necessary for the effectual discharge of the duties of an auxiliary officer.

[4/2016]

(4) An auxiliary officer is not an officer or employee of the Agency.

[4/2016]

(5) An individual who is appointed as an auxiliary officer under subsection (1) does not, by virtue only of the appointment, become an agent of the Agency.

[4/2016]

Protection from personal liability

17.—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Agency or other person acting under the direction of the Agency for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) A claim against the Agency or Government does not arise solely on the ground that —

(a) a product or process conforms to or is alleged to conform to a standard accepted by the Agency; or

(b) a certificate, brand, marking or any other thing is issued for use or is used by the Agency in connection with, in respect of or in relation to, a product or process.

(3) Where the Agency provides a service to the public by which information is supplied to the public, neither the Agency nor any of its employees involved in the supply of that information is liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

18. [*Repealed by Act 5 of 2018*]

PART 5

FINANCIAL PROVISIONS

Financial year

19. The financial year of the Agency begins on 1 April of each year and ends on 31 March of the succeeding year.

Estimates

20.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Agency, be sent without delay to the Minister.

[5/2018]

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

[5/2018]

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Agency, and the Agency is bound by the Minister's decision.

[5/2018]

(4) Despite any provision of this section, the Agency may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

All moneys recovered to be paid to Agency

21. All moneys recovered or charges collected under this Act must be paid into and form part of the moneys of the Agency.

[11/2019]

Grants

22. For the purpose of enabling the Agency to carry out its functions under this Act, the Minister may make grants to the Agency of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

Borrowing power

23.—(1) The Agency cannot raise loans for the performance of its functions under this Act or any other Act administered by the Agency except in accordance with this section.

[7/2020]

(2) Subject to subsection (3), the Agency may raise loans by —

- (a) mortgage, overdraft or other means, with or without security;
- (b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or
- (c) the creation and issue of debentures, bonds or any other instrument as the Minister for Finance may approve.

[7/2020]

- (3) The Agency may raise loans —
- (a) from the Government; or
 - (b) with the approval of the Minister for Finance, from another source, whether within or outside Singapore.

[7/2020]

(4) For the purposes of this section, the power to raise loans includes the power to make any financial agreement under which credit facilities are granted to the Agency for the purchase of goods, materials or things.

[7/2020]

Issue of shares, etc.

24. As a consequence of the vesting of any property, rights or liabilities of the Government in the Agency under this Act, or of any capital injection or other investment by the Government in the Agency in accordance with any written law, the Agency must issue such shares or other securities to the Minister for Finance as that Minister may direct.

Bank accounts

25.—(1) The Agency must open and maintain an account with such bank or banks as the Agency thinks fit.

(2) Every such account must be operated by such person authorised to do so by the Agency.

Application of moneys

26. The moneys of the Agency must be applied only in payment or discharge of the expenses, obligations and liabilities of the Agency and in making any payment that the Agency is authorised or required to make.

Power of investment

27. The Agency may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

[45/2004]

28. [Repealed by Act 5 of 2018]
29. [Repealed by Act 5 of 2018]
30. [Repealed by Act 5 of 2018]
31. [Repealed by Act 5 of 2018]

PART 6

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Transfer to Agency of property, assets and liabilities

32.—(1) As from 1 July 2002, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the departments specified in the Schedule and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to any such department are transferred to and vest in the Agency without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Agency under subsection (1), a certificate under the hand of the Minister for Finance is conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Agency under subsection (1) is held by the Agency upon such tenure and subject to such terms and conditions as the President may determine.

(4) All proceedings in respect of the transferred properties by or against the Government which are pending on 1 July 2002 may be continued, completed and enforced by or against the Agency.

(5) Every agreement relating to any of the transferred properties to which the Government was a party immediately before 1 July 2002,

whether or not of such nature that the rights and liabilities thereunder could be assigned, has effect as from that date as if —

- (a) the Agency had been a party to such an agreement; and
- (b) for any reference to the Government there was substituted in respect of anything to be done on or after 1 July 2002 a reference to the Agency.

Transfer of employees

33.—(1) As from 1 July 2002, such persons or categories of persons as the Minister may determine who, immediately before that date, were employed by the Government and posted to any of the departments specified in the Schedule are transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Agency under subsection (1), a certificate under the hand of the Minister is conclusive evidence that the person or category of persons was or was not so transferred.

(3) Until such time as terms and conditions of service are drawn up by the Agency, the scheme and terms and conditions of the Government continue to apply to every person transferred to the service of the Agency under subsection (1) as if the person were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

34.—(1) The terms and conditions to be drawn up by the Agency must take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Agency under section 33 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Agency must recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Agency.

(3) Nothing in the terms and conditions to be drawn up by the Agency adversely affects the conditions that would have been applicable to persons transferred to the service of the Agency as regards any pension, gratuity or allowance payable under the Pensions Act 1956.

(4) Where a person has been transferred to the service of the Agency under section 33, the Government is liable to pay to the Agency such portion of any pension, gratuity or allowance payable to the person on his retirement as the same bears to the proportion which the aggregate amount of the person's pensionable emoluments during his or her service with the Government bears to the aggregate amount of his or her pensionable emoluments during his or her service under both the Government and the Agency.

(5) Where any person in the service of the Agency, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Agency or is discharged from such service, the Agency may grant to him or her or to such other person wholly or partly dependent on him or her, as the Agency thinks fit, such allowance or gratuity as the Agency may determine.

No benefits in respect of abolition or reorganisation of office

35. Despite the provisions of the Pensions Act 1956, no person who is transferred to the service of the Agency under section 33 is entitled to claim any benefit under that Act on the ground that the person has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Agency.

Existing contracts

36. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1 July 2002 to which the Government is a party and relating to any of the departments specified in the Schedule or to any person transferred to the service of the Agency under section 33 continue in force on and after that date and are enforceable by or against the Agency as if the

Agency had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary proceedings and other legal proceedings

37.—(1) Where, on 1 July 2002, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Agency, the proceedings must be carried on and completed by the Agency.

(2) Where, on 1 July 2002, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been made thereon, the committee must complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made by a committee under this section is treated as an order, a ruling or a direction of the Agency and has the same force or effect as if it had been made by the Agency pursuant to the authority vested in the Agency under this Act.

(4) All proceedings or causes of action pending or existing immediately before 1 July 2002 by or against the Government in respect of any of the departments specified in the Schedule may be continued, completed and enforced by or against the Agency.

Misconduct or neglect of duty by employee before transfer

38. The Agency may reprimand, reduce in rank, retire, dismiss or punish in some other manner any person who had, while in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him or her liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he or she had continued to be in the employment of the Government and if this Act had not been enacted.

Transfer to Agency of property, employees, existing contracts, etc., from Health Sciences Authority relating to Centre for Radiation Protection

38A.—(1) As from 1 July 2007, such movable and immovable property vested in the Health Sciences Authority as may be determined by the Minister for Finance and used or managed by the Centre for Radiation Protection and all assets, interests, rights, privileges, liabilities and obligations of the Health Sciences Authority relating to the Centre for Radiation Protection are transferred to and vest in the Agency without further assurance, act or deed.

[27/2007]

(2) As from 1 July 2007, all persons employed immediately before that date by the Health Sciences Authority and posted to the Centre for Radiation Protection are transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

[27/2007]

(3) All deeds, contracts, schemes, bonds, agreements, instruments and arrangements subsisting immediately before 1 July 2007 to which the Health Sciences Authority is a party and relating to the Centre for Radiation Protection or to any person transferred to the service of the Agency under subsection (2) continue in force on and after that date and are enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the Health Sciences Authority.

[27/2007]

(4) Section 32(2) to (5) applies, with the necessary modifications, to the transfer of property, assets, interests, rights, privileges, liabilities and obligations mentioned in subsection (1).

[27/2007]

(5) Sections 33(2), 34, 35, 37 and 38 apply, with the necessary modifications, to the transfer of persons mentioned in subsection (2).

[27/2007]

PART 7

MISCELLANEOUS

39. [*Repealed by Act 5 of 2018*]

Symbol or representation of Agency

40.—(1) The Agency has the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit that symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Agency, or which so resembles the Agency's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, 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.

Power to enter land to set up meteorological observation station

41.—(1) Where, in any emergency, the chief executive is of the opinion that the public health or the safety of the public may be adversely affected, the chief executive may direct any officer or employee of the Agency to enter upon any land, after giving reasonable notice, to set up a meteorological observation station and to operate the station in such manner as may be reasonably necessary.

(2) The Agency must pay compensation to the owner of the land for any permanent damage caused to the land in the exercise of the powers conferred by subsection (1).

(3) If any dispute arises as to the amount of compensation payable to the owner of such land, the dispute may be summarily determined by a District Court or a Magistrate's Court.

(4) Except as provided in subsection (2), no action may be brought against the Agency for any compensation in respect of any damage caused arising out of the exercise of the powers conferred by subsection (1).

Powers of enforcement, etc.

42.—(1) In addition to the powers conferred on an officer or employee of the Agency by this Act or any environmental written law, the officer or employee may —

- (a) on declaration of the officer's or employee's office, and production of such identification card as the chief executive may direct to be carried by an officer or employee of the Agency —
 - (i) require any person whom the officer or employee reasonably believes to have committed any offence under this Act or that environmental written law to provide evidence of that person's identity;
 - (ii) for the purposes of this Act or that environmental written law —
 - (A) require any person to provide any information or produce any book, document or copy of a book or document in the possession of that person; and
 - (B) without fee or reward inspect, copy or make extracts from that book, document or copy; and
 - (iii) when conducting any investigation under this Act or that environmental written law, require, by order in writing, the attendance before the officer or employee of any person within the limits of Singapore who, from any information given or otherwise obtained by the officer or employee, appears to be acquainted with the circumstances of the case; and
- (b) photograph or otherwise record the scene of any offence under this Act or that environmental written law, and any thing or individual in the scene.

[4/2016]

(2) Any person who —

- (a) refuses to give access to, or assaults, obstructs, hinders or delays, an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any environmental written law;
- (b) wilfully misstates or without lawful excuse refuses to give any information or produce any book, document or copy thereof required of him or her by an officer or employee of the Agency under subsection (1)(a); or
- (c) fails to comply with a lawful demand of an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any environmental written law,

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.

[4/2016]

(3) In this section —

“photograph” includes making a digital image or a moving visual record;

“scene”, in relation to an offence under this Act or any environmental written law, means —

- (a) any place or vehicle where the offence was committed, is reasonably suspected to have been committed, or is about to be committed; or
- (b) any place or vehicle associated with, or relevant to, the commission or suspected commission of the offence.

[4/2016]

Authorisation of auxiliary officers to exercise powers of enforcement

42A.—(1) The chief executive must, in writing, issue to each auxiliary officer an authorisation specifying the powers mentioned in

subsection (3) that the auxiliary officer may exercise, and no other powers.

[4/2016]

(2) The powers that an auxiliary officer may be authorised under this section to exercise may be exercised only to the extent authorised by the chief executive under this section and directed by an officer or employee of the Agency.

[4/2016]

(3) An auxiliary officer may be authorised under this section to exercise all or any of the powers conferred on an officer or employee of the Agency by this Act or any environmental written law, in relation to any offence under this Act or that environmental written law.

[4/2016]

(4) The authorisation of the chief executive under subsection (1) issued to an auxiliary officer may also do all or any of the following:

- (a) limit the powers in subsection (3) that the auxiliary officer may exercise;
- (b) limit when, and where in Singapore, the auxiliary officer may exercise those powers or any of them;
- (c) limit the circumstances in which the auxiliary officer may exercise those powers or any of them.

[4/2016]

(5) An auxiliary officer who is authorised under subsection (1) to exercise any power in subsection (3) —

- (a) must obey all lawful directions (general or specific) of the chief executive and an officer or employee of the Agency when exercising that power; and
- (b) is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising that power.

[4/2016]

(6) Without affecting subsection (5), where any law or written law protects an officer or employee of the Agency from liability for the officer's or employee's acts or omissions, that law or written law is taken to operate as if those acts or omissions included an auxiliary

officer's acts or omissions when acting in the course of the auxiliary officer's duty as an auxiliary officer in accordance with —

- (a) the written authorisation of the chief executive under subsection (1); and
- (b) the lawful directions (general or specific) of the chief executive and an officer or employee of the Agency.

[4/2016]

(7) To avoid doubt, an auxiliary officer does not cease to be acting on the direction of an officer or employee of the Agency by reason only that the officer or employee is not present at all times.

[4/2016]

Corporate offenders and unincorporated associations

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

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

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

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

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

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

- (b) to be attributable to any neglect on the part of a partner,

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

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

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

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

(5) In this section —

“officer” —

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary and members of the committee of the association and includes persons holding positions analogous to those of president, secretary or member of a committee;

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

Jurisdiction of court

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

Evidence

45.—(1) Subject to subsection (3), a document or certificate purporting to be a report under the hand of the chief executive or any officer authorised by the chief executive upon any matter or thing in connection with the administration or enforcement of this Act or with an investigation carried out under this Act is admissible as

evidence in any proceedings under this Act and is prima facie evidence of the facts stated therein.

(2) For the purposes of this section, a document purporting to be a certificate mentioned in subsection (1) on its production by the prosecution is, until the contrary is proved, deemed to be such a certificate.

(3) A certificate mentioned in subsection (1) shall not be received in evidence under that subsection unless the person charged has been given —

(a) a copy of the certificate; and

(b) notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

at least 10 clear days before the commencement of the proceedings.

(4) Where a certificate of the chief executive or any officer authorised by him or her is admitted in evidence under subsection (1), the person charged may require the chief executive or such officer to be called as a witness for the prosecution and be cross-examined as if he or she had given evidence of the matters stated in the certificate.

Composition of offences

46.—(1) The chief executive or any officer authorised by him or her may 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 of money not exceeding \$1,000.

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

(3) The Agency may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

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

Preservation of secrecy

47.—(1) Except for the purpose of the performance of his or her duties or the exercise of his or her functions or when lawfully required to do so by any court or where required or allowed by the provisions of any written law, a person who is or has been —

(a) a member, an officer, an employee, an auxiliary officer or an agent of the Agency; or

(b) a member of a committee of the Agency,

must not disclose any information relating to the affairs of the Agency or of any other person which has been obtained by him or her in the performance of his or her duties or the exercise of his or her functions.

[4/2016; 5/2018]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Regulations

48.—(1) The Agency may, with the approval of the Minister, make regulations for all or any of the following purposes:

(a) regulating the proceedings of the Agency or of the committees of the Agency;

(b) prescribing the form and duration of certificates and accreditation, certification and inspection marks for use in relation to any function of the Agency, the terms and conditions upon which and the circumstances in which —

(i) the certificates may be granted, suspended or cancelled; or

(ii) the accreditation, certification and inspection marks may be affixed, used or removed,

and the fees payable in respect thereof;

(c) prescribing any matter which is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) The regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

References in other written laws and documents

49. Insofar as is necessary for preserving the effect of any written law or document on or after 1 July 2002 —

- (a) a reference therein to the Commissioner of Public Health is to be read as a reference to the Director-General of Public Health appointed under the Environmental Public Health Act 1987;
- (b) a reference therein to the Director of Environmental Pollution Control is to be read as a reference to the Director-General of Environmental Protection; and
- (c) a reference therein to the Director of Meteorological Service is to be read as a reference to the Director-General of Meteorological Service.

THE SCHEDULE

Sections 32(1), 33(1), 36 and 37(4)

DEPARTMENTS

<i>Department</i>	<i>Ministry</i>
1. Departments within —	Ministry of the Environment
(a) Environmental Public Health Division	
(b) Environmental Policy and Management Division	
2. Meteorological Service Department	Ministry of Transport.

LEGISLATIVE HISTORY
NATIONAL ENVIRONMENT AGENCY
ACT 2002

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

1. Act 4 of 2002 — National Environment Agency Act 2002

Bill	:	13/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	1 July 2002

2. Act 5 of 2003 — Infectious Diseases (Amendment) Act 2003
(Amendments made by section 28 of the above Act)

Bill	:	4/2003
First Reading	:	28 February 2003
Second and Third Readings	:	21 March 2003
Commencement	:	1 April 2003 (section 28)

**3. 2003 Revised Edition — National Environment Agency Act
(Chapter 195)**

Operation	:	31 July 2003
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4. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (32) of the Schedule to the above Act)

Bill	:	43/2004
First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (32) of the Schedule)

5. Act 27 of 2007 — Radiation Protection Act 2007

(Amendments made by section 46 read with item (3) of the Second Schedule to the above Act)

Bill	:	14/2007
First Reading	:	9 April 2007

Second and Third Readings	:	21 May 2007
Commencement	:	1 July 2007 (section 46 read with item (3) of the Second Schedule)

6. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012
(Amendments made by section 10 of the above Act)

Bill	:	22/2011
First Reading	:	21 November 2011
Second Reading	:	18 January 2012
Notice of Amendments	:	18 January 2012
Third Reading	:	18 January 2012
Commencement	:	1 March 2012 (section 10)

7. Act 15 of 2014 — Environmental Public Health (Amendment) Act 2014
(Amendments made by section 25 of the above Act)

Bill	:	3/2014
First Reading	:	20 January 2014
Second and Third Readings	:	17 February 2014
Commencement	:	1 April 2014 (section 25)

8. Act 4 of 2016 — National Environment Agency (Miscellaneous Amendments) Act 2016

Bill	:	7/2016
First Reading	:	28 January 2016
Second and Third Readings	:	1 March 2016
Commencement	:	1 May 2016

9. Act 5 of 2018 — Public Sector (Governance) Act 2018
(Amendments made by section 82 of the above Act)

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018
Commencement	:	1 April 2018 (section 82)

10. Act 11 of 2019 — Singapore Food Agency Act 2019
(Amendments made by section 62 of the above Act)

Bill	:	5/2019
First Reading	:	15 January 2019
Second and Third Readings	:	12 February 2019
Commencement	:	1 April 2019 (section 62)

11. Act 7 of 2020 — National Environment Agency (Amendment) Act 2020

Bill	:	7/2020
First Reading	:	6 January 2020
Second and Third Readings	:	3 February 2020
Commencement	:	1 April 2020

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
NATIONAL ENVIRONMENT AGENCY
ACT 2002

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

2020 Ed.	2003 Ed.
—	15—(3) [<i>Deleted by Act 5 of 2018</i>]
<i>[Omitted as having had effect]</i>	38A—(6)