



THE STATUTES OF THE REPUBLIC OF SINGAPORE

RAPID TRANSIT SYSTEMS ACT

(CHAPTER 263A)

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Rapid Transit Systems Act

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An Act to provide for the planning, construction, operation and maintenance of rapid transit systems, to transfer the functions, assets and liabilities of the Mass Rapid Transit Corporation to the Land Transport Authority of Singapore.

[1st September 1995]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Rapid Transit Systems Act.

Interpretation

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

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

“competent authority” means the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the development of land;

“construction”, with its grammatical variations and cognate expressions, in relation to a railway, includes —

- (a) the reconstruction or realignment of the railway;
- (b) permanently improving the railway or otherwise bringing it to a higher standard,

and any associated investigative and engineering studies, but does not include the planning, maintenance and management of the railway;

“Corporation” means the Mass Rapid Transit Corporation established under the repealed Act;

“land” includes and may, where the context so requires, have any one or more of the following meanings separately:

- (a) land of any tenure and so much of the airspace above the surface as may be reasonably used or enjoyed by any owner thereof, and all substances under the surface, whether or not held apart from the surface;
- (b) the whole or part of any building or other erection or fixture on land;
- (c) where an undivided share of a leasehold interest in land has appurtenant to it rights to the exclusive use and occupation of a building or part thereof on such land, such share in the land and all rights appurtenant thereto;
- (d) any other estate, right, share or interest in land;

“licensee” means a company which is licensed under this Act to operate any rapid transit system;

“maintenance” includes the detection and rectification of any faults;

[Act 21 of 2010 wef 13/09/2010]

“railway” means a network or system of fixed horizontal rails, tracks, grooves or other guide-ways on, under or above the ground along which a train moves or runs, and includes all tunnels, viaducts, bridges, crossings, stabling yards, depots, stations and other infrastructures constructed or intended to be constructed for any railway and any extensions thereto;

“railway area” means the land delineated as such in plans and maps prepared under section 3(1) or (3);

“railway commuter facility” means —

- (a) a pedestrian facility (such as ramps, overhead bridges, footpaths, escalators, stairs and lifts) for or connected or facilitating access to the railway comprised in any rapid transit system;
- (b) a bicycle parking facility or vehicle set down facility for intending passengers of the railway comprised in any rapid transit system; or
- (c) any other similar structure or facility that integrates a rapid transit system with developments surrounding the rapid transit system by facilitating better access for passengers to residences, employment, markets, services and recreation;

[Act 9 of 2014 wef 25/03/2014]

“railway premises” means any area, space or building owned or occupied by the Authority which is designed, equipped or set apart for the carriage of passengers by train or for affording facilities incidental to the carriage of passengers by train (but not any railway commuter facility) and includes any train on such premises;

[Act 9 of 2014 wef 25/03/2014]

“rapid transit system” means any railway line, or a combination of 2 or more railway lines, and any part thereof comprised in that line or those lines set up or intended to be set up under this Act to meet the transport requirements of the public and

includes the Mass Rapid Transit system set up under the repealed Act;

[Act 21 of 2010 wef 13/09/2010]

“repealed Act” means the repealed Mass Rapid Transit Corporation Act (Cap. 172, 1988 Ed.);

“train” includes a carriage, tram, car or other vehicle for the carriage of passengers on a railway.

[3/98]

PART II

PLANNING AND CONSTRUCTION OF RAPID TRANSIT SYSTEMS

Preparation and promulgation of plans and maps

3.—(1) The Authority shall, with the approval of the competent authority, cause plans and maps to be prepared in such detail and with such markings and endorsements thereon as are sufficient to delineate the railway area, being that area within which land may be acquired or rights in, under or over land may be exercised by the Authority under this Act for the purposes of and incidental to any railway.

(2) A copy of every plan and map prepared for the purposes of subsection (1) and signed by an authorised officer of the Authority shall be —

(a) deposited with the competent authority; and

(b) available for inspection by the public free of charge at the office of the Authority, during the hours when that office is normally open to the public.

(3) Any plan or map prepared for the purposes of subsection (1) and any marking or endorsement on any such plan or map may be amended and any plan or map may be replaced by a substitute plan or map but the Authority shall as soon as possible cause to be likewise amended, or replaced with the substitute plan or map, every copy referred to in subsection (2) and certify the amendment or substitution in such manner as the Authority thinks sufficient.

(4) The Authority shall, within 21 days of the deposit of a copy of a plan or map with the competent authority or of any amendment to such copy or the deposit of a substitute plan or map, cause a notice of such deposit or amendment to be published in the *Gazette* containing —

- (a) a general description of the plan or map or of the nature and extent of the amendment or substitution; and
- (b) particulars of the places and times at which a copy of the plan or map, or details of the amendment or a copy of the substitute plan or map may be inspected by the public in conformity with subsection (2).

(5) No person shall have a right of objection to the delineation of land in any plan or map prepared for the purposes of subsection (1) or to any amendment thereto or substitute plan or map prepared under subsection (3) and the fact that land is therein delineated as being within the railway area shall for all purposes be conclusive evidence that the land may be required to be acquired or that rights in, under or over the land may need to be exercised by the Authority for the purposes of and incidental to any railway.

Power to enter State land to lay and operate railway

4.—(1) For the purpose of constructing, maintaining and operating any railway, the Authority or any person authorised by the Authority may —

- (a) at any reasonable time, enter upon any State land within or adjoining the railway area; and
- (b) subject to the approval of the Collector of Land Revenue, lay, construct and operate the railway on, under or over the State land and do all things as are reasonably necessary for the laying, construction, maintenance and operation of the railway.

[Act 9 of 2014 wef 25/03/2014]

(2) In addition to subsection (1), the Authority may, at any reasonable time, enter upon any State land that is within or adjoining any railway area, and do all things as are reasonably

necessary for the construction and maintenance of railway commuter facilities on, under or over that land.

[Act 9 of 2014 wef 25/03/2014]

(3) For the avoidance of doubt, nothing in subsection (2) derogates from any power of the Authority to construct and maintain any street, road structure or road related facility under the Street Works Act (Cap. 320A).

[Act 9 of 2014 wef 25/03/2014]

Power to enter private land to lay railway

5.—(1) The Authority or any person authorised by the Authority shall have the right to enter upon and take possession of any land or part thereof not being State land within or adjoining the railway area not being land belonging to or acquired by the Authority and lay and construct any railway on, under or over the land and do all things as are reasonably necessary for the purpose of laying and constructing the railway.

(2) The Authority or a person authorised by the Authority shall not exercise the right conferred by subsection (1) unless the Authority has given not less than 2 months notice of its intention to exercise the right conferred upon that subsection to the occupier of the land and every person having any estate, right, share or interest in the land.

(3) A notice under subsection (2) may be given to and shall be deemed to have been received by an occupier if a written notice is affixed to a conspicuous part of the land to be entered.

(4) A notice referred to in subsection (2) shall —

- (a) give a brief description of the works which the Authority proposes to carry out on the land;
- (b) state the estimated period, if any, during which the Authority intends to occupy or take possession of the land;
- (c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (a); and
- (d) state that any person entitled to payment of any compensation under the Land Transport Authority of

Singapore Act (Cap. 158A) may serve a written claim on the Authority.

(5) The ownership of anything shall not be altered by reason only that it is placed in, under, over or affixed to any land in exercise of a right conferred upon the Authority by this section.

(5A) Any person authorised under this section to enter upon any land shall, if so required by the owner or occupier, produce evidence of his authority before so entering the land.

[Act 9 of 2014 wef 25/03/2014]

(5B) Any person who refuses to give access to, or obstructs, hinders or delays, an agent or employee of the Authority at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 9 of 2014 wef 25/03/2014]

(6) In this section, a reference to entry on land includes the digging or boring of a tunnel under the land and the erection of any structure over or under the land.

Creation of rights in, under or over land

6.—(1) From the date of publication in the *Gazette* of a notice of creation of a right under this section, the Authority or any person authorised by the Authority may, at any reasonable time and for the purposes of and incidental to the operation of a railway specified therein, enter upon such land within the railway area as described in the notice, not being State land or land belonging to or acquired by the Authority, and exercise such permanent rights in, under or over such land or such rights of temporary occupation of the land as may be specified in the notice.

(2) A notice of creation of a right under this section shall —

(a) be made by the Authority;

(b) describe the right in, under or over land or the right of temporary occupation and the area of land subject to such right; and

- (c) state particulars of the places and times at which a copy of a plan of the area of land subject to such right may be inspected.

(3) Any right referred to in a notice of creation of a right under this section shall be limited to a right conferring such rights and powers as are necessary or convenient for the operation of any railway and for all purposes connected with or incidental to such operation.

Obligation of Authority to purchase land

7.—(1) The owner of any land who has been served with a notice under section 5 may, within 2 years from the date of service of such notice, require the Authority to purchase his estate, right, share or interest in the portion of the land affected by the proposed laying and construction of any railway or the whole of his land.

(2) The Authority shall thereupon request the President to direct the acquisition of that land and in that case that land may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that the land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Authority.

(3) The declaration referred to in subsection (2) shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

Power of entry

8. Where in respect of any land notice has been published in the *Gazette* in accordance with section 5 of the Land Acquisition Act (Cap. 152) but the land has not vested in the State or notice has been given by the Authority under section 5(2) of its intention to lay and construct any railway on, over or under any land, the Authority, or any person acting under its authority, may after giving at least 14 days notice in writing to the owner or occupier enter upon that land and any adjoining land within the railway area at all reasonable times for the purpose of —

- (a) surveying and taking levels of such first-mentioned land;

- (b) setting out the line of any works;
- (c) digging or boring into the soil for the purpose of determining whether the soil is suitable for laying the railway on, over or under the land; or
- (d) inspecting any object or structure referred to in section 11.

Power to enter land for inspection and survey, etc.

9.—(1) The Authority, or any person acting under its authority, may enter any land or building situate wholly or partly within the railway area or wholly or partly within 150 metres thereof in order to carry out —

- (a) any inspection or survey which is reasonably necessary to ascertain the condition of such land or building prior to or during the construction of any railway and to carry out all reasonably necessary work of a preventive or remedial nature; and
 - (b) any inspection or maintenance of the railway which has been laid by the Authority on, under or over the land or building and to carry out any work and do all things necessary for the purpose of maintaining the railway causing as little damage as possible and paying compensation to any person affected for any damage that may be caused.
- (2) No person shall, for the purposes of subsection (1), enter any land or building which is occupied without giving the owner and the occupier at least 7 days notice of his intention to do so unless —
- (a) the Authority is of the opinion that an emergency exists which necessitates immediate entry; or
 - (b) the entry is required only for the purpose of an inspection or a survey.
- (3) A notice of entry referred to in subsection (2) shall —
- (a) describe the purpose of the entry and the nature of any work to be carried out; and

(b) be deemed to be given to and received by an owner or occupier if a written notice is affixed to a conspicuous part of the land or building to be entered.

(4) In subsection (1), “work of a preventive or remedial nature” means the underpinning or strengthening of any land or building and other work thereon intended to render it reasonably safe or to repair or detect damage caused in the course of the construction or operation of any railway.

(5) The decision of the Authority that any work is of a preventive or remedial nature or that such work or any inspection or survey is reasonably necessary shall be final.

(6) The Authority, or any person acting under its authority, may —

(a) as the occasion requires, enter and reinspect and resurvey any land or building in respect of which any of the powers contained in subsection (1) have been exercised; and

(b) in relation to that land or building, exercise such powers as often as the occasion may require.

(7) Any person authorised under this section to enter upon any land or building shall, if so required by the owner or occupier, produce evidence of his authority before so entering it.

(8) Any person who refuses to give access to, or obstructs, hinders or delays, an agent or employee of the Authority at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 9 of 2014 wef 25/03/2014]

Utility services

10.—(1) The Authority may serve notice on the owner or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to —

(a) alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to or is maintained by that owner or supplier; and

(b) repair any street surface thereby disturbed,

if in the opinion of the Authority such alteration is required for the purposes of the construction, operation, maintenance or improvement of any railway.

- (2) A notice under subsection (1) shall —
- (a) specify the apparatus or structure to which the notice applies and set out the requirements of the Authority as to the alteration of its course or position and the repair of any street surface;
 - (b) stipulate the period within which such work shall be carried out;
 - (c) be served upon the owner or supplier at least one month before the commencement of that period; and
 - (d) state that any person entitled to compensation under this Act may serve a written claim upon the Authority.

Removal of projections or obstructions

11.—(1) The Authority may give notice to the owner of any land or building in the railway area requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Authority the removal of the object or structure is required for the purposes of the construction of any railway.

(2) A notice under subsection (1) may be given to the owner of any land or building and shall be deemed to have been received by him if it is affixed to some conspicuous part of the land or building to or from which the object or structure is erected or attached or projects from.

- (3) A notice under subsection (1) shall —
- (a) describe the object or structure to be removed;
 - (b) stipulate the period within which the work of removal shall be carried out;
 - (c) be given to the owner of the land or building not later than 28 days before the commencement of that period; and

- (d) state that any person entitled to compensation under the Land Transport Authority of Singapore Act (Cap. 158A) may serve a written claim upon the Authority.

(4) If the owner of the land or building does not comply with a notice given to him under subsection (1), any person authorised in that behalf by the Authority may enter the land or building, together with such other persons as he thinks necessary, and remove the object or structure described in the notice or cause it to be removed by those other persons.

PART III

OPERATION OF RAPID TRANSIT SYSTEMS

General considerations

11A. In the exercise of its functions and powers under this Part, the Authority shall have regard for the need —

- (a) for an integrated public transport system in Singapore, including the integration of the rapid transit systems with other modes of transport and surrounding developments;
- (b) for reliable, seamless and convenient travel within the public transport system and enhanced passenger services;
- (c) for network-wide efficient and co-ordinated movements of passengers on rapid transit systems;
- (d) for sustainability, adequacy and optimisation of capacity across the network of rapid transit systems; and
- (e) for safety and security of life and property on the rapid transit systems.

[Act 21 of 2010 wef 13/09/2010]

Operating rapid transit system without licence

12.—(1) No person except the Authority or a person licensed by the Authority shall operate any rapid transit system.

(2) Any person who operates any rapid transit system in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to

imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day during which the offence continues after conviction.

Licence to operate rapid transit system

13.—(1) Subject to the provisions of this Act, the Authority may grant to any company a licence to operate any rapid transit system specified therein for such period as may be specified in the licence.

(2) Every licensee shall be authorised under this Act to operate any rapid transit system for the period specified in the licence unless the licence is earlier revoked, cancelled or suspended under the provisions of this Act.

(3) The fee for a licence to operate any rapid transit system shall be such amount as may be prescribed.

Licence charge

13A.—(1) In addition to the licence fee payable under section 13(3), a charge shall be payable by every person who is granted a licence on or after the date of commencement of section 4 of the Rapid Transit Systems (Amendment) Act 2010, which shall be such amount as is determined by the Authority and specified in the licence, after taking into account —

- (a) the relative viability of operating and maintaining that rapid transit system in the network of rapid transit systems;
- (b) the long-term operational and maintenance needs of the railway network and the long-term sustainability of each rapid transit system comprised in the network of rapid transit systems; and
- (c) the benefits and burdens that the operation and maintenance of that rapid transit system is likely to bring to and impose on the network of rapid transit systems.

(2) A person who is to be granted a licence on or after the date of commencement of section 4 of the Rapid Transit Systems (Amendment) Act 2010 shall ordinarily be selected by the Authority from among those who submit tenders in response to an

invitation to tender under this section for the right to operate (or to secure that a wholly-owned subsidiary thereof operates) a rapid transit system under that licence.

(3) Any such invitation to tender must specify that an applicant who tenders for a licence must state the amount (by reference to quantity or method or otherwise) that the applicant (or a wholly-owned subsidiary thereof) is willing to pay for the grant of a licence (referred to in this Part as a cash-bid), in addition to the charge determined under subsection (1); and that cash-bid shall be payable, together with the charge determined under subsection (1), by the applicant or its wholly-owned subsidiary if the applicant or its wholly-owned subsidiary, as the case may be, is granted a licence.

[Act 21 of 2010 wef 13/09/2010]

Matters to be considered by Authority in granting licence

14. In exercising its discretion to grant a licence to operate any rapid transit system, the Authority shall have regard to the financial standing of the applicant and its ability to maintain an adequate, satisfactory, safe and efficient service.

Conditions of licence

15.—(1) In granting a licence to operate any rapid transit system, the Authority may impose such conditions as it thinks fit, and may, in particular, impose conditions relating to —

- (a) the extent, hours and general level of services;
- (b) the security and safety of persons using or engaged in work on the rapid transit system;
- (c) the maintenance and operation of the railway relating to the rapid transit system;
- (d) *[Deleted by Act 9 of 2014 wef 25/03/2014]*
- (e) the deposit of security or bank guarantee to the satisfaction of the Authority for the due performance by the licensee of all or any obligations imposed upon it by the licence or by this Act;

- (f) the control and restriction, directly or indirectly, on the creation, holding or disposal of shares in the licensee or its shareholders, or of interests in the undertaking of the licensee or any part thereof;
- (g) the restriction on the carrying on by the licensee of any trade or business not related to the activity which the licensee is authorised by its licence to carry on; and
- (h) the standards of performance to be complied by the licensee in the maintenance or operation of the rapid transit system or the provision of rapid transit system services.

[41/2002]

[Act 21 of 2010 wef 13/09/2010]

(2) Without prejudice to the generality of subsection (1), conditions included in a licence to operate a rapid transit system —

- (a) may require the licensee to enter into any agreement with any person for such purposes as may be specified in the conditions of the licence, such as but not limited to any matter which is dealt with (whether in the same or different manner) by an access contract;
- (b) may include provision for determining the terms on which such agreements are to be entered into, which may be such conditions as may be agreed to by the licensee and such other persons or, in default of agreement, as may be determined by the Authority;
- (c) may include conditions which must be complied with before the licence can be transferred or assigned;
- (d) may require the licensee —
 - (i) to comply with any requirements from time to time imposed by the Authority (or a person nominated by the Authority for this purpose) with respect to such matters concerning the operation or maintenance of the rapid transit system as are specified in the licence or are of a description so specified;
 - (ii) except in so far as the Authority (or a person nominated by the Authority for this purpose)

- consents to the licensee doing or not doing them, to do, or not to do, such things as are specified in the licence or are of a description so specified;
- (iii) to refer for determination by a person nominated by the Authority for this purpose such questions arising under the licence as are specified in the licence or are of a description so specified; or
 - (iv) to furnish to the Authority (or a person nominated by the Authority for this purpose) such documents or other information as the Authority may require for the purpose of exercising of any functions conferred or imposed on the Authority or person under or by virtue of the licence or this Act;
- (e) may contain provision for the conditions to cease to have effect or be modified at such times, in such manner and in such circumstances as may be specified in or determined by or under the conditions; and any provision included by virtue of this paragraph in a licence shall have effect in addition to section 16 with respect to the modification of the conditions of a licence;
- (f) may require the licensee —
- (i) to operate or maintain any extension of the rapid transit system or part thereof; or
 - (ii) to maintain any railway commuter facility within the vicinity of a station that is part of the rapid transit system, and any other premises, facilities and structures used as, or for the purposes of, or otherwise reasonably necessary for or incidental to operating the rapid transit system;
- [Act 9 of 2014 wef 25/03/2014]*
- (g) may require the licensee to acquire from such person as may be specified in the licence, and to use, such property or rights as may be so specified, or to undertake such liabilities as may be so specified;

- (h) may require the licensee to prepare itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any public emergency; and
- (i) may require the licensee to provide travel information systems and directional signs for the purpose of ensuring integration of the rapid transit system with transport services and facilities and developments surrounding the rapid transit systems operated by the licensee so as to enhance railway passenger services.

[Act 21 of 2010 wef 13/09/2010]

(3) In subsection (2) —

“access contract” means —

- (a) a contract under which a person, and so far as may be appropriate, an associate of that person, obtains permission from a facility owner to use the facility owner’s railway facility; or
- (b) a contract conferring an option to require a facility owner to secure that a person, and so far as may be appropriate, an associate of that person, obtains permission from the facility owner to use the facility owner’s railway facility;

“associate”, in relation to any person, includes —

- (a) any employee, agent or independent contractor of the person;
- (b) any passenger of the person;
- (c) any person engaged in the provision of goods or services to or for the person; or
- (d) any other person who deals or has business with the person;

“facility owner” means any person (other than the Authority or the Government) —

- (a) who has an estate or interest in, or right over, any track, station or depot of a rapid transit system; and

- (b) whose permission to use that track, station or depot is needed by another before that other may use it;

“railway facility” means a track, station or depot of a rapid transit system.

[Act 21 of 2010 wef 13/09/2010]

Modification of terms and conditions of licence

16.—(1) Subject to this section, the Authority may add to, delete or modify the terms or conditions of a licence granted under section 13.

[41/2002]

(2) Before making any addition, deletion or modification to the terms or conditions of a licence under subsection (1), the Authority shall give notice to the licensee —

- (a) stating that it proposes to make the addition, deletion or modification in the manner as specified in the notice; and
- (b) specifying the time (not being less than 28 days from the date of service of notice on such licensee) within which the licensee may make written representations to the Authority with respect to the proposed addition, deletion or modification.

[41/2002]

(3) Upon receipt of any written representation referred to in subsection (2)(b), the Authority shall consider such representation and may —

- (a) reject the representation;
- (b) amend the proposed addition, deletion or modification in such manner as it thinks fit having regard to the representation; or
- (c) withdraw the proposed addition, deletion or modification.

[41/2002]

(4) Where the Authority rejects any written representation under subsection (3)(a) or amends any proposed addition, deletion or modification to the terms or conditions of a licence under subsection (3)(b), the Authority shall issue a direction in writing to the licensee requiring the licensee, within the time specified by the

Authority, to give effect to the addition, deletion or modification as specified in the notice or as amended by the Authority, as the case may be.

[41/2002]

(5) The Authority shall not enforce its direction —

(a) during the period referred to in section 20(1); and

(b) whilst the appeal of the licensee is under consideration by the Minister.

[41/2002]

(6) If no written representation is received by the Authority within the time specified in subsection (2)(b) or if any written representation made under that subsection is subsequently withdrawn, the Authority may immediately carry out the addition, deletion or modification to the terms or conditions of the licence as specified in the notice given to the licensee under subsection (2).

[15A

[41/2002]

Restrictions on acquisition of essential operating assets

16A.—(1) No person shall acquire, on or after the date of commencement of section 6 of the Rapid Transit Systems (Amendment) Act 2010, any essential operating asset of a rapid transit system, or an interest in an essential operating asset of a rapid transit system (whether or not the acquisition is by way of the enforcement of a loan security) unless —

(a) the person is a licensee authorised by licence to operate that rapid transit system; or

(b) the Authority consents in writing to such acquisition.

(2) Any acquisition, or a purported acquisition, on or after the date of commencement of section 6 of the Rapid Transit Systems (Amendment) Act 2010, of any essential operating asset of a rapid transit system or part thereof, or an interest in an essential operating asset of a rapid transit system or part thereof, in contravention of subsection (1) shall be void.

(3) In this section, “essential operating asset”, in relation to any rapid transit system, means any land, plant, equipment, machinery or other property which —

- (a) is used or intended to be used (and whether or not it is also used for other purposes) by the licensee authorised by a licence to operate that rapid transit system; and
- (b) is designated by or under the licence to be an essential operating asset.

[Act 21 of 2010 wef 13/09/2010]

Restrictions on transfer, etc., and surrender of licences

16B.—(1) Every licence shall not be capable of being transferred or assigned unless —

- (a) the licence contains a condition authorising such transfer or assignment; and
- (b) the Authority consents in writing to such transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Authority thinks fit to impose, which may, subject to section 16, include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence.

(3) A transfer or an assignment, or a purported transfer or assignment, of a licence shall be void —

- (a) if the licence is not capable of transfer or assignment;
- (b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or
- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence shall not be capable of being surrendered without the consent in writing of the Authority, and any surrender or

purported surrender of a licence shall be void if it is without such consent.

[Act 21 of 2010 wef 13/09/2010]

Codes of practice

17.—(1) The Authority may issue or approve and from time to time modify codes of practice in connection with —

(a) the maintenance or operation of rapid transit systems and any equipment relating thereto;

(b) the provision of services for the carriage of passengers on a rapid transit system;

[Act 21 of 2010 wef 13/09/2010]

(c) the conduct of licensees;

[Act 21 of 2010 wef 13/09/2010]

(d) the security and safety of persons who use or who are engaged in any work on the rapid transit system; and

[Act 21 of 2010 wef 13/09/2010]

(e) the measures necessary for licensees to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or other public emergency.

[Act 21 of 2010 wef 13/09/2010]

[41/2002]

(2) Every licensee shall comply with any code of practice issued or approved by the Authority under subsection (1), except that if any provision in any such code of practice is inconsistent with this Act, that provision shall not have effect to the extent of the inconsistency.

[41/2002]

(3) The Authority may, if the circumstances so warrant, exempt any licensee from any provision in any code of practice, whether unconditionally or subject to such conditions as the Authority thinks fit to impose, and whether permanently or for such time as the Authority may specify.

[41/2002]

(4) Any code of practice issued or approved by the Authority shall be deemed not to be subsidiary legislation.

[15B

[41/2002]

Directions affecting licensees

18.—(1) The Authority may give directions to be observed by licensees for or in respect of the following matters:

- (a) the extent, hours and general level of the services to be provided by licensees;
- (b) the extension of the operating hours of the services provided by the licensees;
- (c) the maintenance and operation of the rapid transit system;
- (ca) the provision of travel information systems and directional signs for the purpose of ensuring integration of rapid transit systems with transport services and facilities and developments surrounding the respective rapid transit systems operated by licensees so as to enhance railway passenger services;

[Act 21 of 2010 wef 13/09/2010]

- (d) the security and safety of persons who use or who are engaged in any work on the rapid transit system; and

[Act 21 of 2010 wef 13/09/2010]

- (e) any other matters affecting the interests of the public in connection with the services provided by licensees.

[41/2002]

(2) Any direction given under subsection (1) —

- (a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified therein;

- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that direction; and

- (c) may be revoked at any time by the Authority.

[41/2002]

(3) Before giving any direction to any licensee under subsection (1), the Authority —

- (a) shall give notice to the licensee —
- (i) informing the licensee of the proposed direction and setting out its effect; and
 - (ii) specifying the time within which representations or objections to the proposed direction may be made by the licensee in connection with the proposed direction,

unless the Authority, in respect of any particular direction, considers that it is not practicable or desirable that such notice be given; and

- (b) shall consider any representations or objections which are duly made by the licensee under paragraph (a)(ii).

[41/2002]

(4) Every licensee shall comply with every direction given to it by the Authority under this section.

[15C

[41/2002]

Appointment and removal of director, etc., of licensee

18A.—(1) No licensee shall —

- (a) appoint or re-appoint an individual as its chief executive officer, its director or the chairman of its board of directors; or
- (b) remove its chief executive officer or the chairman of its board of directors or any of its directors,

unless the licensee has obtained the approval of the Authority to do so.

(2) Where a licensee, in contravention of subsection (1), does any of the following without the approval of the Authority:

- (a) appoint or re-appoint an individual as its chief executive officer, its director or the chairman of its board of directors;
- (b) remove its chief executive officer or the chairman of its board of directors or any of its directors,

the Authority may issue a direction to the licensee to do either of the following, whichever being applicable, and the licensee must comply with that direction given to it:

- (i) to remove that individual from his appointment as the chief executive officer or a director or the chairman of the board of directors of the licensee, as the case may be;
- (ii) to reinstate the individual as the chief executive officer or a director or the chairman of the board of directors of the licensee, as the case may be.

(3) Where at any time the Authority is satisfied that it is necessary or desirable to act for the purpose of the proper administration of the licensee's business of operating a rapid transit system, the Authority may issue a direction to the licensee to appoint an individual as an additional director of the licensee, and the licensee must comply with that direction given to it.

(4) Before giving any direction to any licensee under subsection (2) or (3), the Authority must give notice to the licensee informing the licensee of the proposed direction and setting out its effect, and specifying the time within which representations or objections to the proposed direction may be made by the licensee in connection with the proposed direction, unless the Authority, in respect of any particular direction, considers that it is not practicable or desirable that such notice be given.

(5) The Authority must consider any representations or objections which are duly made by the licensee in connection with a proposed direction following a notice under subsection (4).

(6) This section shall have effect notwithstanding the provisions of any other written law and the provisions of the memorandum or articles of association, or other constitution, of the licensee, and nothing in section 152 of the Companies Act (Cap. 50) shall prevent the Authority from exercising any power under this section.

(7) Nothing in subsections (2) to (6) shall be taken as depriving an individual who is removed under any of those provisions of compensation or damages payable to him in respect of the

termination of his appointment as a chief executive officer, director or chairman of the board of directors.

(8) In this section —

“chief executive officer”, in relation to a licensee, means any individual (however described by name) who —

(a) is in the direct employment of, or acting for or by arrangement with, the licensee; and

(b) is principally responsible for the management and conduct of any type of business of the licensee in Singapore,

and includes any individual for the time being performing all or any of the functions or duties of the chief executive officer;

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

[Act 9 of 2014 wef 25/03/2014]

Suspension or cancellation of licence, etc.

19.—(1) Subject to subsection (2), if any licensee —

(a) contravenes or fails to comply with, or fails to secure the compliance by its employees, agents or contractors with, any of the conditions of its licence to operate any rapid transit system or with any provision of this Act which is applicable to the licensee and for which no criminal penalty is prescribed for a contravention of the provision;

[Act 9 of 2014 wef 25/03/2014]

(aa) is convicted of any offence under this Act;

[Act 9 of 2014 wef 25/03/2014]

(b) in the opinion of the Authority, fails or is likely to fail to provide and maintain an adequate, safe and satisfactory service;

(c) fails to comply with any provision of any code of practice issued or approved by the Authority under section 17;

- (d) fails to comply with any direction given by the Authority under section 18 or 18A;

[Act 9 of 2014 wef 25/03/2014]

- (da) fails to comply with any provisional order confirmed under section 19A;

[Act 21 of 2010 wef 13/09/2010]

- (e) goes into compulsory or voluntary liquidation other than for the purpose of reconstruction or amalgamation; or

- (f) makes any assignment to, or composition with, its creditors,

the Authority may, by notice in writing and without any compensation, do all or any of the following:

- (i) suspend or cancel the licence of the licensee;
- (ii) forfeit the whole or any part of any security deposited with the Authority by the licensee or by its bank pursuant to a bank guarantee;
- (iii) require the licensee to pay, within a specified period, a financial penalty of such amount as the Authority thinks fit, which in any case shall not exceed the maximum amount specified in subsection (1A).

[Act 9 of 2014 wef 25/03/2014]

(1A) For the purposes of requiring a licensee of any rapid transit system to pay a financial penalty under subsection (1)(iii), the maximum amount means the higher of the following amounts:

- (a) \$1 million; or
- (b) 10% of the licensee's annual fare revenue that is received —
 - (i) during the licensee's last-completed financial year as ascertained from the licensee's latest audited accounts; and

- (ii) from the operation of the rapid transit system or, if more than one rapid transit system is the subject of the licensee's licence, of each rapid transit system.

[Act 9 of 2014 wef 25/03/2014]

[41/2002]

[Act 21 of 2010 wef 13/09/2010]

(2) The Authority shall not impose any financial penalty under subsection (1)(iii) on any licensee by reason only that under subsection (1)(b) the Authority is of the opinion that the licensee is likely to fail to provide and maintain an adequate, safe and satisfactory service.

[41/2002]

(3) In this section, "annual fare revenue", in relation to a licensee of a rapid transit system, means the total charges received by the licensee from passengers for travel services provided on any railway comprised in that rapid transit system, less any goods and services tax paid by, the value of any rebate supplied to, and any connection commission paid by, passengers in connection with those travel services.

[Act 9 of 2014 wef 25/03/2014]

[16

[41/2002]

Provisional orders for securing compliance

19A.—(1) Subject to subsections (5) and (6), where it appears to the Authority that —

- (a) a licensee is contravening, or is likely to contravene, any condition of its licence; or
- (b) a licensee has failed to secure the compliance by its employees, agents or contractors with any condition of its licence,

and that it is appropriate or requisite that a provisional order be made under this section, the Authority shall, instead of taking any decision under section 19, by provisional order make such provision as appears to it requisite for securing compliance with that condition.

(2) A provisional order —

- (a) shall require the licensee to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the provisional order or are of a description so specified;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the provisional order; and
- (c) may be revoked at any time by the Authority.

(3) In determining whether it is appropriate or requisite that a provisional order be made, the Authority shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the condition of a licence, is likely to be done, or omitted to be done, before a decision under section 19 may be made.

(4) Subject to subsections (5), (6) and (7), the Authority shall, by notice in writing, confirm a provisional order, with or without modifications, if —

- (a) the Authority is satisfied that the licensee to whom the order relates is contravening, or is likely to contravene any condition of its licence, or has failed to secure the compliance by its employees, agents or contractors with any condition of its licence; and
- (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition.

(5) The Authority shall not make or confirm a provisional order in relation to a licensee if it is satisfied —

- (a) that the duties imposed on the Authority under this Act or the Land Transport Authority of Singapore Act (Cap. 158A) preclude the making of such an order;
- (b) that the licensee has agreed to take, and is taking, all such steps as it appears to the Authority for the time being to be appropriate for the licensee to take for the purpose of

securing or facilitating compliance with the condition in question; or

- (c) that the contraventions were, or the apprehended contraventions are, of a trivial nature.

(6) Before the Authority makes or confirms a provisional order, the Authority shall give notice to the licensee concerned —

- (a) stating that the Authority proposes to make or confirm the provisional order and setting out its effect;
- (b) setting out —
 - (i) the relevant condition of the licence for the purpose of securing compliance with which the provisional order is to be made or confirmed;
 - (ii) the acts or omissions which, in the Authority's opinion, constitute or would constitute contraventions of that condition; and
 - (iii) the other facts which, in the Authority's opinion, justify the making or confirmation of the provisional order; and
- (c) specifying the period (not being less than 28 days from the date of service of the notice) within which representations or objections with respect to the proposed provisional order or proposed confirmation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(7) The Authority shall not confirm a provisional order with modifications except —

- (a) with the consent of the licensee to whom the provisional order relates; or
- (b) after —
 - (i) serving on that licensee such notice of the proposal to confirm the provisional order with modifications and in that notice, specifying the period (not being less than 28 days from the date of service of the notice)

within which representations or objections with respect to the proposed modifications may be made; and

- (ii) considering any representations or objections which are duly made and not withdrawn.

(8) In this section, “provisional order” means an order under this section which, if not previously confirmed in accordance with subsection (5), will cease to have effect at the end of such period (not exceeding 3 months) as is determined by or under the order.

[Act 21 of 2010 wef 13/09/2010]

Outstanding fees, charges, penalties, etc.

19B.—(1) If —

- (a) any fee imposed under section 13 in respect of a licence or any part thereof is not paid in full by the due date for payment;
- (b) any charge and cash-bid (if any) imposed under section 13A in respect of a licence or any part thereof is not paid in full by the due date for payment; or
- (c) any financial penalty imposed under section 19(1)(iii) in respect of a licensee or any part thereof is not paid in full by the due date for payment,

interest at the prescribed rate shall be payable by the licensee concerned on the outstanding amount of any such fee, charge, cash-bid or financial penalty.

(2) The Authority may recover as a debt in a court of competent jurisdiction any of the following amounts that has become due and payable but has not been paid:

- (a) any fee imposed under section 13 in respect of a licence or any part thereof;
- (b) any charge and cash-bid (if any) imposed under section 13A in respect of a licence or any part thereof;
- (c) any financial penalty imposed under section 19(1)(iii) in respect of a licensee or any part thereof;

- (d) any interest imposed under subsection (1) or any part thereof,

and the liability of the licensee concerned to pay shall not be affected by its licence ceasing (for any reason) to be in force.

[Act 21 of 2010 wef 13/09/2010]

Appeal to Minister

20.—(1) Any licensee aggrieved by —

- (a) any licence condition imposed by the Authority under section 15(1)(g) or (h) or (2);

[Act 21 of 2010 wef 13/09/2010]

- (b) any addition, deletion or modification of the terms or conditions of its licence under section 16;

- (c) any code of practice as issued, approved or modified by the Authority under section 17;

- (d) any direction given by the Authority under section 18 or 18A;

[Act 9 of 2014 wef 25/03/2014]

- (e) any decision made by the Authority under section 19(1)(i), (ii) or (iii);

[Act 21 of 2010 wef 13/09/2010]

- (ea) any confirmed provisional order under section 19A; or

[Act 21 of 2010 wef 13/09/2010]

- (f) the refusal of the Authority to renew its licence,

may, within 14 days of the receipt of the notice relating to the relevant matter, appeal to the Minister.

[41/2002]

(2) Except as provided in subsection (2A) or section 16(5) or unless the Minister otherwise directs, where an appeal is lodged by a licensee under this section, the licensee shall continue to comply with any licence condition, code of practice, direction, decision, confirmed provisional order or refusal being appealed against, until the determination of the appeal.

[Act 21 of 2010 wef 13/09/2010]

(2A) If any such appeal is made in relation to a provision of a notice under section 19(1)(iii) requiring the payment of a financial penalty

and the financial penalty would be payable before the time when the appeal is determined, it need not be paid until that time.

[Act 21 of 2010 wef 13/09/2010]

[41/2002]

(3) The Minister may determine an appeal under this section by confirming, varying or reversing any decision of the Authority or by amending any licence condition, code of practice or direction affecting the licensee.

(4) The decision of the Minister in any appeal shall be final.

[17

[41/2002]

Authority to operate rapid transit system

21. If there is for any reason no licensee to operate any rapid transit system, it shall be the duty of the Authority to operate that rapid transit system having regard to the reasonable requirements of the land transport system in Singapore or the relevant part thereof.

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PART IV

SAFETY OF RAILWAY

Appointment of inspector

22.—(1) The Minister may in writing appoint any person to be an inspector for the purposes of this Part.

(2) The powers conferred by section 23 or by any regulations made under this Act shall be exercised by an inspector only —

- (a) for the purpose of ensuring the safety of any railway or any part thereof; or
- (b) when an inspector is directed to do so pursuant to such regulations, for the purpose of investigating an accident on any part of any railway,

after the railway or the part in question has commenced operation for public use.

(3) An inspector may appoint such persons as he considers necessary to assist him in the performance of his duties and may in writing authorise any such person to exercise any power conferred on him by section 23 or by any regulations made under this Act for any purpose referred to in subsection (2).

(4) On the occasion of the exercise of any power, an inspector or a person authorised under subsection (3) shall produce to any person who requests him to do so evidence of his identity and, in the case of an inspector, of his appointment or, in the case of a person so authorised, of his authority.

[19]

General powers of inspector

23.—(1) An inspector may —

- (a) at all reasonable times, enter upon premises to which this subsection applies;
- (b) carry out on premises to which this subsection applies, or on any machinery, plant or equipment thereon, such tests and inspections as he considers expedient;
- (c) require any person to whom this subsection applies —
 - (i) to do anything which the inspector reasonably considers to be necessary for facilitating any test or inspection; and
 - (ii) to provide the inspector with such information relating to any railway or any machinery, plant or equipment connected with the railway as the inspector may specify, and to answer any question or produce for inspection any document which is necessary for that purpose; and
- (d) take copies of any document produced to him under paragraph (c)(ii).

(2) Subsection (1) shall apply to —

- (a) any railway premises and the premises of any contractor or sub-contractor who is carrying out or has carried out any work on the railway; and
- (b) any employee of the Authority, any licensee, any employee of any licensee, any contractor or sub-contractor mentioned in paragraph (a) and any employee of such a contractor or sub-contractor.

(3) Any person who —

- (a) without lawful excuse, fails to comply with a requirement under subsection (1)(c);
- (b) knowingly furnishes to an inspector or a person authorised under section 22(3) acting under subsection (1)(c) information that is false or misleading in a material particular; or
- (c) obstructs an inspector or a person authorised under section 22(3) in the exercise of his powers under subsection (1),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months.

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Passenger searches

23A.—(1) For the purposes of ensuring the security or safety of persons on any railway premises (whether passengers of a rapid transit system or otherwise), an authorised officer may, without giving any reason, ask any person on the railway premises to allow the authorised officer to inspect and search any baggage or other thing carried by the person or apparently in the immediate control of the person; and that person shall permit the baggage or thing to be inspected and searched.

(2) Without prejudice to subsection (3), an authorised officer may require any person who refuses to permit any baggage or thing carried by the person or apparently in the immediate control of the person to

be inspected and searched to leave the railway premises with the baggage or thing, and that person shall do so within a reasonable time.

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

(4) In this section, “authorised officer” means —

- (a) any officer or employee of the Authority;
- (b) any member of an auxiliary police force in uniform;
- (c) any employee of a licensee; or
- (d) any security officer (within the meaning of the Private Security Industry Act (Cap. 250A)) engaged by a licensee,

who is authorised by the Authority in writing to exercise the power to search under this section at or in relation to any railway premises specified in that written authorisation.

[Act 21 of 2010 wef 13/09/2010]

Minister may order defects to be remedied

24.—(1) Where in the opinion of the Minister —

- (a) the condition of any part of any railway which has been brought into operation or of any machinery, plant or equipment of such part; or
- (b) the manner in which any railway or any part thereof is being operated,

is such as to cause, or to be likely to cause, a risk of injury to any person, the Minister may, by order in writing, direct the Authority or a licensee, whichever is the relevant party, or both the Authority and the licensee, to carry out such work, or to take such steps, as the Minister may specify in the order to ensure that the condition of the railway, or of the part of the machinery, plant or equipment in question, or the manner of operation will cease to constitute such a risk.

(2) An order made under subsection (1) may specify the time before which the Authority or licensee or both, as the case may be, shall commence to carry out the specified work or take the specified steps and the time by which the same shall be completed.

(3) The Authority or licensee which fails, without reasonable excuse, to comply with an order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine of \$500 for every day during which it is proved to the court that the failure to comply with the order has continued without reasonable excuse.

(4) Any copy of a document which purports to be an order signed by the Minister for the purposes of subsection (1) shall —

- (a) be admitted in evidence in proceedings for an offence under subsection (3) on its production without further proof; and
- (b) be evidence of the opinion of the Minister and of the other matters contained therein.

[21]

Offence of wilfully endangering safety

25. Any person who wilfully does or omits to do anything in relation to any railway as a result of which the safety of any person travelling or being upon the railway is endangered, or is likely to be so endangered, 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 5 years or to both.

[22]

Damage to railway or railway premises

26. Any person who wilfully removes, destroys or damages any railway or railway premises or any part thereof 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 12 months or to both.

[23]

Compensation for damaging railway or railway premises

27.—(1) Any person who removes, destroys or damages, whether wilfully or otherwise, any railway or railway premises or any part

thereof shall, in addition to any penalty for which he is liable for an offence under this Act, be liable to pay compensation for the damage he has done and the compensation shall be recoverable by civil action or suit before any court of competent jurisdiction.

(2) Subject to subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of the same.

(3) Any order made under subsection (2) may be enforced as if it were a judgment in a civil action or suit.

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PART IVA

RAILWAY ADMINISTRATION ORDERS

[Act 21 of 2010 wef 13/09/2010]

Meaning and effect of railway administration orders

27A.—(1) A railway administration order is an order of the Minister made in accordance with section 27B in relation to a licensee that is a company and directing that, during the period for which the order is in force, the affairs, business and property of the licensee shall be managed by a person appointed by the Minister —

- (a) for the achievement of all or any of the purposes of such an order; and
- (b) in a manner which protects the respective interests of the members, creditors and customers of the licensee.

(2) The purposes of a railway administration order made in relation to any licensee that is a company shall be for —

- (a) the safety, security and continuity of the supply of railway passenger services and facilities relating to the rapid transit system specified in its licence;
- (b) the survival of the company, or the whole or part of its undertaking as a going concern;

- (c) the transfer to another person, or (as respects different parts of its undertaking) to 2 or more different persons, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its licence may be properly carried out; or
- (d) the carrying out of those functions pending the making of the transfer of those functions in the other person or persons, including but not limited to —
 - (i) requiring the company immediately to take any action or to do or not to do any act or thing in relation to its business as the Minister may consider necessary; and
 - (ii) appointing a person to advise the company in the proper conduct of its business.

(3) The Minister may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a company which is a licensee to any person appointed by the Minister under a railway administration order to advise the company in the proper conduct of its business.

(4) The Minister may, by rules published in the *Gazette*, give effect to this Part, including making provision for applying, omitting or modifying provisions of the Companies Act (Cap. 50) where a railway administration order is made.

[Act 21 of 2010 wef 13/09/2010]

Railway administration order, etc., made on application by Authority

27B.—(1) If, on an application made to the Minister by the Authority, the Minister is satisfied in relation to any company that is a licensee that any one or more of the grounds specified in subsection (2) is satisfied in relation to that company, the Minister may make a railway administration order in relation to that company.

(2) The grounds mentioned in subsection (1) are, in relation to any company that is a licensee of a rapid transit system —

- (a) that there has been, is or is likely to be such a contravention by the company of the conditions of its licence or this Act that is serious enough to make it inappropriate for the company to continue to hold the licence to operate that rapid transit system;
- (b) that the company is or is likely to be unable to pay its debts;
- (c) that the Minister considers it in the interest of the safety, security and continuity of the provision of railway passenger services relating to that rapid transit system; or
- (d) that the Minister otherwise considers it in the public interest.

(3) Notice of any application under subsection (1) shall be given immediately by the Authority to such persons and in such manner as may be prescribed.

(4) Any decision of the Minister under subsection (1) shall be final.

(5) For the purposes of this section, a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254(2) of the Companies Act (Cap. 50).

[Act 21 of 2010 wef 13/09/2010]

Scheme for transfer of property, rights and liabilities from existing licensee to new licensee

27C. Where a railway administration order is made in relation to a licensee that is a company (referred to as the existing licensee) and it is proposed that, on or after a date appointed in the railway administration order, another company (referred to as the new licensee) should operate the rapid transit system that the existing licensee is authorised to operate, in place of the existing licensee —

- (a) the existing licensee, acting with the consent of the new licensee and, in respect of matters affecting them, of any other licensees, may make a scheme, in accordance with prescribed requirements, for the transfer of property, rights and liabilities from the existing licensee to the new licensee;

- (b) any such scheme shall not take effect unless it is approved by the Authority;
- (c) the Authority may, with the consent of the new licensee, of the existing licensee and, in respect of matters affecting them, of any other licensees, modify any such scheme before approving it;
- (d) it shall be the duty of the new licensee, the existing licensee and of any other licensees to provide the Authority with all such information and other assistance as the Authority may reasonably require for the purposes of, or in connection with, the exercise of any power conferred under this section;
- (e) the property, rights and liabilities of the existing licensee that shall be capable of being transferred in accordance with any such scheme shall include —
 - (i) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the existing licensee;
 - (ii) such property, rights and liabilities to which the existing licensee may become entitled or subject after the making of the scheme and before the day the railway administration order is discharged;
 - (iii) property situated anywhere in Singapore or elsewhere; and
 - (iv) rights and liabilities under the law of Singapore or of any country or territory outside Singapore;
- (f) any such scheme for the transfer of the existing licensee's property, rights and liabilities may, where appropriate —
 - (i) create for the existing licensee, the new licensee or any other licensees an interest in or right over any property to which the scheme relates;
 - (ii) create new rights and liabilities as between any 2 or more of those licensees; and

- (iii) provide for a licence held by an existing licensee to have effect as if it had been granted to the new licensee; and
- (g) any such scheme for the transfer of the existing licensee's property, rights and liabilities shall, upon its coming into force, have effect in accordance with its provisions and without further assurance, so as to transfer the property, rights and liabilities to which the scheme relates to the new licensee.

[Act 21 of 2010 wef 13/09/2010]

Restrictions on voluntary winding up, etc.

27D.—(1) Notwithstanding the provisions of any other written law, where a company is a licensee —

- (a) the company shall not be wound up voluntarily without the consent of the Authority;
- (b) no judicial management order under the Companies Act (Cap. 50) shall be made in relation to the company; and
- (c) no step shall be taken by any person to enforce any security over the company's property except where that person has served 14 days' notice of his intention to take that step on the Authority.

(2) The Authority shall be a party to any proceedings under the Companies Act (Cap. 50) relating to the winding up of the affairs of a company which is a licensee.

[Act 21 of 2010 wef 13/09/2010]

PART V

TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS AND EMPLOYEES OF MASS RAPID TRANSIT CORPORATION

Dissolution of Corporation

28. The Corporation shall cease to exist as from 1st September 1995.

[25

Transfer of assets and liabilities

29.—(1) As from 1st September 1995, all movable and immovable property vested in the Corporation immediately before that date, and all assets, rights, interests, liabilities and obligations of the Corporation shall be transferred to and shall vest in the Authority without further assurance.

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

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

[26]

Existing agreements, etc.

30. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 1st September 1995 affecting —

- (a) any of the property, assets, rights, interests, liabilities and obligations transferred to or vested in the Authority under section 29(1); or
- (b) any officer or employee of the Corporation transferred to the service of the Authority under section 32,

shall continue in force on and after that date and shall be enforceable by or against the Authority as if, instead of the Corporation, the Authority had been named therein or had been a party thereto.

[27]

Pending legal proceedings

31. Any proceedings or cause of action pending or existing immediately before 1st September 1995 by or against the

Corporation may be continued and shall be enforced by or against the Authority.

[28]

Transfer of employees

32. As from 1st September 1995, such persons employed immediately before that date by the Corporation as the Minister may determine shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

[29]

Conditions of service

33.—(1) Until such time as terms and conditions of service are drawn up by the Authority, the scheme and terms and conditions of service in the Corporation shall continue to apply to every person transferred to the service of the Authority under section 32 as if he were still in the service of the Corporation.

(2) The terms and conditions of service of persons transferred to the service of the Authority under section 32 shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by such persons while in the employment of the Corporation and any such term or condition relating to the length of service with the Authority shall provide for the recognition of service under the Corporation by persons so transferred to be service by them under the Authority.

(3) For the purpose of determining the right to pension, gratuity or other benefits of any person transferred to the service of the Authority under section 32 on the cessation of his service, there shall be no break in the continuity of his service by reason only of the repeal of the Mass Rapid Transit Corporation Act (Cap. 172, 1988 Ed.).

[30]

Continuation and completion of disciplinary proceedings

34.—(1) Where, on 1st September 1995, any disciplinary proceedings are pending or there is an interdiction or investigation against or in respect of any employee of the Corporation transferred

to the service of the Authority, the proceedings, the commencement of proceedings, or the appropriate dealing with the employee shall be taken up and continued by the Authority.

(2) Where, on 1st September 1995, any penalty (other than dismissal) has been imposed on any employee of the Corporation pursuant to disciplinary proceedings against him and the penalty has not been, or remains to be, served by such employee, he shall, on his transfer to the service of the Authority under section 32, serve or continue to serve such penalty to its full term as if it had been imposed by the Authority, and the penalty shall remain valid against the employee on his transfer and shall continue in full force and effect until he has served the penalty in full.

[31]

Misconduct or neglect of duty whilst in employment of Corporation

35. Where an employee of the Corporation has been transferred to the service of the Authority under section 32, the Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner that employee for any misconduct, omission or neglect of duty which took place or occurred whilst he was in the employment of the Corporation if the misconduct, omission or neglect of duty would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Corporation as if this Act had not been enacted.

[32]

PART VI

MISCELLANEOUS

No remedy except under Land Transport Authority of Singapore Act

36. No action, claim or proceedings shall lie or be brought against the Authority or any other person —

- (a) to restrain the doing of anything which is authorised by or under this Act or to compel the doing of anything which may be omitted to be done thereunder; or
- (b) to recover damages, compensation or costs for —
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights; or
 - (iv) effecting or complying with any requirement or condition imposed by the Authority,

which is authorised by or under this Act or arises from any act or omission so authorised, except in pursuance of one of the rights to compensation provided for in the Land Transport Authority of Singapore Act (Cap. 158A).

[33

Service of documents

37.—(1) Unless otherwise expressly provided in this Act, any notice, order or document required or authorised by this Act to be given or served on any person, and any summons issued by a court in connection with any offence under this Act may be served on the person concerned —

- (a) by delivering it to the person or to some adult member or employee of his family at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or business in a cover addressed to him;
- (c) by sending it by registered post addressed to the person at his usual or last known place of residence or business; or

(d) where the person is a body corporate —

- (i) by delivering it to the secretary or other like officer of the body corporate at its registered or principal office; or
- (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

(2) Any summons, 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 to whom the letter is addressed at the time when the letter would in the ordinary course of post be delivered and in proving service of the same it shall be sufficient to prove that the envelope containing the summons, notice, order or document was properly addressed, stamped and posted by registered post.

[34

Certain statements to be conclusive

38. Where it is stated by the Authority in a notice under section 5, 8, 9, 10 or 11 that the entry or the work therein described or required to be carried out is, in the opinion of the Authority, necessary or required for the construction, operation, maintenance or improvement of any railway, then such statement shall be accepted by all courts, tribunals and persons as conclusive evidence of the truth of the fact so stated.

[35

Power to require evidence of identity in certain cases

39.—(1) Any police officer or employee of the Authority who reasonably believes that any person has committed an offence under this Act may require such person to furnish evidence of his identity and such person shall thereupon furnish such evidence of his identity as may be required by such police officer or employee of the Authority.

(2) Any person who refuses to furnish any information required of him by any police officer or any employee of the Authority under subsection (1) or wilfully mis-states such information shall be guilty

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

[36]

Powers of arrest

40.—(1) A police officer, or any employee of the Authority generally or specially authorised in writing by the Chief Executive of the Authority, may arrest without warrant any person found committing or whom he has reason to believe has committed an offence punishable under this Act.

(2) No person arrested under subsection (1) shall be detained longer than is necessary for bringing him before a court unless the order of court for his continued detention is obtained.

[37]

Authorised employees of licensee to exercise certain powers of Authority's employees

41. The Authority may, with the approval of the Minister, in writing authorise any licensee or employee of a licensee to exercise all or any of the powers of an employee of the Authority under this Act subject to such conditions or limitations as the Authority may specify.

[38]

Jurisdiction of courts

42. Notwithstanding the provisions of any written law to the contrary, a District Court or a Magistrate's Court shall have jurisdiction to try any offence under this Act and award the full punishment for such offence.

[39]

Offences committed by body corporate

43. Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that

offence and shall be liable to be proceeded against and punished accordingly.

[40]

Composition of offences

44.—(1) The Chief Executive, or any officer of the Authority who is authorised by the Chief Executive, 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 —

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

whichever is the lower.

[Act 21 of 2010 wef 13/09/2010]

(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

[Act 21 of 2010 wef 13/09/2010]

(2) The Authority may, with the approval of the Minister, make regulations prescribing the offences which may be compounded.

[41]

Regulations

45.—(1) The Authority may, with the approval of the Minister, make regulations for or in respect of every purpose which is considered by the Authority necessary or expedient for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Authority may make regulations for all or any of the following purposes:

- (a) controlling and regulating —
 - (i) the maintenance and operation of any railway;
 - (ii) the work and conduct of the employees of the Authority;

- (iii) the conduct of members of the public using a railway or on railway premises;
 - (iv) a system for evidencing (whether by the issue of tickets or otherwise) the payment of fares on a railway and any contract of carriage of passengers thereon;
 - (v) advertising on railway premises;
 - (vi) the custody and disposal of property found on railway premises; and
 - (vii) any activity which may damage a railway or railway premises or may endanger the safety of any person travelling on or upon the railway or railway premises;
- (b) providing the safety of persons using or engaged in work on any railway;
- (c) prescribing the terms and conditions relating to the use of railway premises;
- (d) protecting the property of the Authority on railway premises;
- (da) providing, with respect to cases in which, pursuant to a railway administration order under Part IVA, another company is to carry on all or any of the activities of a licensee in place of an existing licensee, all supplemental, consequential and transitional provisions for the purposes of, or in connection with, the provisions for the transfer or any other provision made by a scheme referred to in section 27C;
- [Act 21 of 2010 wef 13/09/2010]*
- (e) investigation and notification of accidents;
- (f) prescribing the powers and duties of inspectors appointed for the purposes of Part IV for the administration and enforcement of that Part; and
- (g) prescribing the fees for services rendered by the Authority.

(3) The Authority may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any regulations shall be an offence and may prescribe the fine with which such offence shall be punishable but so that no such fine shall exceed for any one offence the sum of \$5,000 and, in the case of a continuing offence, a further sum of \$100 for every day or part thereof during which the offence continues after conviction.

[42]

Exemption

45A. The Authority may, with the approval of the Minister, by order published in the *Gazette*, exempt any person from all or any of the provisions of this Act.

[Act 21 of 2010 wef 13/09/2010]

Non-application of Railways Act

46. Nothing in the Railways Act (Cap. 263) shall apply to the Authority or any railway under this Act.

[43]

Transitional provisions

47.—(1) Any railway set up under the repealed Act¹ shall be deemed to constitute or form part of a rapid transit system set up under this Act.

(2) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the repealed Act 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 by the Authority under the corresponding provisions of this Act.

(3) Any subsidiary legislation made under the repealed Act and in force immediately before 1st September 1995 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if

¹The Mass Rapid Transit Corporation Act (Cap. 172, 1988 Rev Ed.) was repealed by the Rapid Transit Systems Act 1995 (Act 29/1995) w.e.f 1.9.1995.

made under this Act until it is revoked by subsidiary legislation made under this Act.

(4) Where a period of time specified in any provision of the repealed Act is current at 1st September 1995, this Act shall have effect as if the corresponding provision in this Act had been in force when that period began to run.

(5) The Minister may, by order published in the *Gazette*, repeal or amend any written law which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.

(6) In any written law, any reference to the repealed Act shall be a reference to this Act and any reference to the Corporation shall be a reference to the Authority.

[44

LEGISLATIVE HISTORY
RAPID TRANSIT SYSTEMS ACT
(CHAPTER 263A)

This Legislative History is provided for the convenience of users of the Rapid Transit Systems Act. It is not part of this Act.

1. Act 29 of 1995 — Rapid Transit Systems Act 1995

Date of First Reading : 7 July 1995
(Bill No. 25/95 published on
8 July 1995)

Date of Second and Third Readings : 7 August 1995

Date of commencement : 1 September 1995

2. 1996 Revised Edition — Rapid Transit Systems Act

Date of operation : 30 April 1996

3. Act 3 of 1998 — Planning Act 1998
(Consequential amendments made by)

Date of First Reading : 19 November 1997
(Bill No. 18/97 published on
20 November 1997)

Date of Second and Third Readings : 14 January 1998

Date of commencement : 1 April 1998

4. Act 41 of 2002 — Rapid Transit Systems (Amendment) Act 2002

Date of First Reading : 1 October 2002
(Bill No. 33/2002 published on
2 October 2002)

Date of Second and Third Readings : 25 November 2002

Date of commencement : 13 December 2002

5. 2004 Revised Edition — Rapid Transit Systems Act

Date of operation : 31 July 2004

6. Act 21 of 2010 — Rapid Transit Systems (Amendment) Act 2010

Date of First Reading : 19 July 2010

Date of Second and Third Reading : 16 August 2010

Date of commencement : 13 September 2010

7. Act 9 of 2014 — Rapid Transit Systems (Amendment) Act 2014

Date of First Reading	:	20 January 2014 (Bill No. 5/2014 published on 20 January 2014)
Date of Second and Third Readings	:	17 February 2014
Date of commencement	:	25 March 2014

COMPARATIVE TABLE
RAPID TRANSIT SYSTEMS ACT
(CHAPTER 263A)

The following provisions in the 1985 Revised Edition of the Industrial Relations Act have been renumbered by the Law Revision Commissioners in this 2004 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Industrial Relations Act.

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