



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SINGAPORE TOURISM BOARD
ACT 1963**

2020 REVISED EDITION

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Singapore Tourism Board Act 1963

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[7/2014]

[1 January 1964]

PART 1
PRELIMINARY**Short title**

1. This Act is the Singapore Tourism Board Act 1963.

Interpretation

2. In this Act —

“associate member” means an associate member of the Board appointed under section 6;

“berth slot” means a specific time on a specific date during which a ship may be berthed at a cruise terminal;

[Act 28 of 2022 wef 01/04/2023]

“berthing framework” means the requirements or framework established by the Controller to govern the ability of cruise terminal licensees to allocate or refuse to allocate at their respective cruise terminals any berth slot for any ship (whether or not a cruise ship) calling in Singapore, including any matter relating to —

- (a) the prioritisation of berth slots at a cruise terminal, and the re-allocation of berth bookings between different cruise terminals;
- (b) the requirements and processes for managing berth bookings;
- (c) the rejection of berth bookings from a cruise line that has unpaid fees and charges payable to a cruise terminal licensee where the fees and charges are required to be imposed by the cruise terminal licensee under section 29P;
- (d) the grant of any preferential berthing arrangement to any cruise line, and the conditions of the grant; and
- (e) the use of facilities, resources or technology (such as a common berth booking system) shared between a cruise terminal licensee and —

- (i) any other cruise terminal licensee; or
- (ii) any public authority,

and includes any modification made for a particular cruise terminal licensee under section 29I(2)(d);

[Act 28 of 2022 wef 01/04/2023]

“Board” means the Singapore Tourism Board established under section 3;

“business trust” has the meaning given by section 2 of the Business Trusts Act 2004;

[Act 28 of 2022 wef 01/04/2023]

“Chairperson” means the Chairperson of the Board;

“Chief Executive” means the Chief Executive of the Board, and includes any individual acting in that capacity;

“committee member” means a member of any committee appointed under section 13(1);

“company” has the meaning given by section 4(1) of the Companies Act 1967;

[Act 28 of 2022 wef 01/04/2023]

“Controller” means the Controller of Cruise Administration appointed under section 29(1), and includes (except in section 29(2)) any Deputy Controller appointed under section 29(1);

[Act 28 of 2022 wef 01/04/2023]

“corporation” has the meaning given by section 4(1) of the Companies Act 1967;

[Act 28 of 2022 wef 01/04/2023]

“cruise line” means any entity offering the services of and operating one or more cruise ships;

[Act 28 of 2022 wef 01/04/2023]

“cruise port services and facilities” means the services and facilities provided at a cruise terminal connected with or incidental to —

- (a) the berthing of cruise ships;

- (b) the embarkation of passengers and crew onto a cruise ship and their departure from Singapore on board the cruise ship; and
- (c) the disembarkation of passengers and crew from a cruise ship and their entry into Singapore from the cruise ship,

including the services and facilities for any of the following:

- (d) the provisioning of cruise ships while berthed;
- (e) the checking-in and screening of the passengers and crew, and the handling, screening and storage of baggage and cargoes;
- (f) the operation of customs, immigration and quarantine checks and control;
- (g) the movement of the passengers, crew and other persons on and off cruise ships while berthed;
- (h) the operation of security and police services;
- (i) the maintenance and refueling of cruise ships while berthed, and waste disposal;
- (j) the sale and collection of duty-free items or any other goods;
- (k) the parking of vehicles, and other transport related services and facilities;

[Act 28 of 2022 wef 01/04/2023]

“cruise ship” means a ship that —

- (a) is primarily used to provide voyages for on-board leisure or recreation, any part of which is on the high seas;
- (b) has on-board accommodation, dining and other facilities for the purposes of on-board leisure or recreation; and
- (c) has any other characteristic that the Minister may by notification in the *Gazette* declare, including any

characteristic relating to or concerning one or more of the following:

- (i) the tonnage of the ship;
- (ii) the carrying capacity of the ship (whether in relation to passengers, crew or cargo);
- (iii) the duration, routes and frequency of voyages undertaken by the ship;
- (iv) the ports at which the ship calls on any voyage;
- (v) the proportion which the area on the ship for any one or more leisure or recreational activities bears to the area on the ship for any one or more other leisure or recreational activities;
- (vi) the primary purpose for which the ship undertakes any of its voyages,

but does not include —

- (d) any ferry or similar ship used solely for the transport on the high seas of any or any combination of passengers, vehicles and cargoes; and
- (e) any ship where the ship or any voyage undertaken by the ship has any characteristic that the Minister may by notification in the *Gazette* declare;

[Act 28 of 2022 wef 01/04/2023]

“cruise terminal” means any site comprising terminal buildings, berths, connecting roads and pedestrian walkways, and other associated infrastructure, for use principally in connection with —

- (a) the berthing of cruise ships;
- (b) the embarkation of passengers and crew onto a cruise ship and their departure from Singapore on board the cruise ship; and

(c) the disembarkation of passengers and crew from a cruise ship and their entry into Singapore from the cruise ship;

[Act 28 of 2022 wef 01/04/2023]

“cruise terminal licence” means a licence granted under section 29B, and includes a cruise terminal licence which a person is treated as having under section 29C pursuant to an in-principle approval;

[Act 28 of 2022 wef 01/04/2023]

“cruise terminal licensee”, in relation to a cruise terminal, means the holder of the cruise terminal licence for that cruise terminal, or the holder of an in-principle approval treated as a cruise terminal licence under section 29C for that cruise terminal;

[Act 28 of 2022 wef 01/04/2023]

“financial year” means a period of 12 months beginning on 1 April;

“Fund” means the Tourism Fund established under section 17;

“inspecting officer” means any person appointed as an inspecting officer under section 11(2);

“limited liability partnership” has the meaning given by section 4(1) of the Limited Liability Partnerships Act 2005;

[Act 28 of 2022 wef 01/04/2023]

“limited partnership” means a limited partnership registered under the Limited Partnerships Act 2008;

[Act 28 of 2022 wef 01/04/2023]

“Maritime and Port Authority of Singapore” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act 1996;

[Act 28 of 2022 wef 01/04/2023]

“member” means a member of the Board appointed under section 5;

“operate”, in relation to a cruise terminal, includes managing, maintaining or otherwise exercising control over the operation of, the cruise terminal;

[Act 28 of 2022 wef 01/04/2023]

“regulatory action” means —

(a) in relation to a licensee in Part 3A — any action in section 28(1) or (2) that the Board may take against the licensee; and

(b) in relation to a cruise terminal licensee in Part 3AA — any action in section 29G(1)(j) to (m) that the Controller may take against the licensee;

[Act 28 of 2022 wef 01/04/2023]

“ship” has the meaning given by section 2(1) of the Merchant Shipping Act 1995;

[Act 28 of 2022 wef 01/04/2023]

“tourism enterprise” means all or any of the following:

(a) any business which, either wholly or in part, provides national or international carriage for passengers;

[Act 28 of 2022 wef 01/01/2023]

(aa) any business which, either wholly or in part, operates any cruise terminal;

[Act 28 of 2022 wef 01/04/2023]

(b) any business which, either wholly or in part, provides or arranges services for visitors to Singapore by way of transport, accommodation, entertainment, wellness activities or events, dining, retail, tours or guides, whether or not such services are provided within or outside Singapore;

[Act 28 of 2022 wef 01/01/2023]

(c) any business which, either wholly or in part, promotes tourism in Singapore or distributes for the purpose of trade or retails tourism-related products;

[Act 28 of 2022 wef 01/01/2023]

(d) any other undertaking intended wholly or in part for the benefit of visitors to Singapore, or for the purpose

of drawing visitors to Singapore, including any of the following:

- (i) organising or conducting, or otherwise participating in, any convention, exhibition, show, fair or event (whether for business, entertainment, artistic or sporting pursuit, or otherwise);
- (ii) managing or maintaining any museum, theme park or other attraction;
- (iii) conducting any publicity campaign;

[Act 28 of 2022 wef 01/01/2023]

“tourism-related product” means any product, primarily intended for sale to visitors to Singapore, that —

- (a) depicts any scenery or tourist attraction of Singapore;
- (b) bears the Merlion symbol, a representation of which is set out in the Schedule; or
- (c) has any other characteristic that the Minister may, by notification in the *Gazette*, declare;

[7/2014; 5/2018]

[Act 28 of 2022 wef 01/04/2023]

“trustee-manager”, “unit” and “unitholder” have the meanings given by section 2 of the Business Trusts Act 2004;

[Act 28 of 2022 wef 01/04/2023]

“unregistered company” has the meaning given by section 245 of the Insolvency, Restructuring and Dissolution Act 2018.

[Act 28 of 2022 wef 01/04/2023]

PART 2

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

Establishment of Singapore Tourism Board

3.—(1) A body called the Singapore Tourism Board is established in accordance with the provisions of this Act.

(2) The Board is a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act —

- (a) to acquire and dispose of property, both movable and immovable;
- (b) to sue and be sued in its corporate name; and
- (c) to perform such other acts as bodies corporate may by law perform.

Chairperson of Board

4.—(1) The Minister must appoint a person (other than the Chief Executive) as the Chairperson of the Board.

(2) Subject to the provisions of this Act, the Chairperson holds office for the period and on the terms determined by the Minister, unless the appointment is earlier revoked by the Minister under section 5(7) or the person so appointed resigns during the person's period of office.

[Act 28 of 2022 wef 01/01/2023]

Constitution of Board

5.—(1) The Board consists of —

- (a) the Chairperson;
- (b) the Chief Executive; and
- (c) at least 5 and not more than 12 other members to be appointed by the Minister.

[Act 28 of 2022 wef 01/01/2023]

(2) A person appointed by the Minister as a member of the Board under subsection (1)(c) holds office for the period and on the terms determined by the Minister for that person, unless the person's appointment is earlier revoked by the Minister under subsection (7) or the person resigns during the person's period of office.

[Act 28 of 2022 wef 01/01/2023]

(3) The Minister may appoint a member of the Board who is not the Chairperson or the Chief Executive, to be Deputy Chairperson of the Board.

[Act 28 of 2022 wef 01/01/2023]

(4) The Deputy Chairperson has and may exercise all the functions and powers of the Chairperson in relation to a matter if —

- (a) the Chairperson is unavailable; or
- (b) the Chairperson is interested (within the meaning given by Part 4 of the Public Sector (Governance) Act 2018) in the matter.

[Act 28 of 2022 wef 01/01/2023]

(4A) The Chairperson or Deputy Chairperson presiding at a meeting of the Board has an original as well as a casting vote.

[Act 28 of 2022 wef 01/01/2023]

(5) A member of the Board must not, in any meeting of the Board, participate in any discussion relating to, and must not vote in respect of, any contract, business or other matter in which he or she is interested, and if he or she does so his or her vote must not be counted.

(6) The members of the Board are to be paid out of the funds of the Board such salaries, fees or allowances as the Minister may determine.

(7) The Minister may at any time revoke the appointment of the Chairperson or of any other member of the Board.

Associate members

6.—(1) The Board may appoint a person carrying on any business in Singapore to be an associate member of the Board.

(2) An associate member must —

- (a) be granted an emblem and a certificate to be prescribed by the Board in recognition of his or her associate membership;
- (b) maintain high standards at all times in the conduct of his or her business for the promotion of the tourist trade in Singapore;
- (c) comply with all regulations made by the Board; and
- (d) pay to the Board any fee that the Board may prescribe.

(3) The Board may at any time revoke the appointment of a person as an associate member.

(4) A person who is not an associate member must not use the emblem and certificate mentioned in subsection (2)(a).

(5) A person must not use any emblem, title or description reasonably calculated to suggest that he or she is an associate member unless he or she is in fact an associate member.

(6) Any person who contravenes subsection (4) or (5) 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 2 years or to both.

PART 3

FUNCTIONS, DUTIES AND POWERS OF BOARD

Functions of Board

7.—(1) The functions of the Board are —

- (a) to develop and promote Singapore as a travel and tourist destination;
- (b) to advise the Government on matters relating to travel and tourism;
- (c) to enhance the travel and tourism sector's contribution to the Singapore economy;

[Act 28 of 2022 wef 01/04/2023]

- (ca) to create an economic regulatory framework to regulate persons operating cruise terminals with respect to any matter pertaining to the efficient, reliable and economical operation of cruise terminals, including (but not limited to) the following:
 - (i) berthing allocations at cruise terminals;
 - (ii) the price charged by such persons for any cruise port services and facilities;
 - (iii) the operational efficiency of, and the quality of the experience of users and visitors at, cruise terminals

including through the timely and seamless delivery
or provision of cruise port services and facilities;

[Act 28 of 2022 wef 01/04/2023]

(*cb*) to operate any cruise terminal in Singapore (including through an agent); and

[Act 28 of 2022 wef 01/04/2023]

(*d*) to exercise licensing and regulatory functions in respect of any tourism enterprises that the Board may determine.

(2) In addition to the functions of the Board under subsection (1), the Board may undertake any other functions that the Minister may assign to the Board and in so doing the Board is deemed to be fulfilling the purposes of this Act, and the provisions of this Act apply to the Board in respect of such functions.

(3) Nothing in this section is to be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

Powers of Board

8.—(1) Subject to this Act, the Board may carry on any activities that appear to the Board to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Act and, in particular, the Board may exercise the following powers:

(*a*) to act as an agent for the Government or, with the approval of the Minister, for any person, body or organisation for the transaction of any business connected with any tourism enterprise, whether such person, body, organisation or tourism enterprise is within or outside Singapore;

[Act 28 of 2022 wef 01/01/2023]

(*b*) to engage in, assist in or promote the improvement or development of facilities for visitors to Singapore and the experience of visitors in travelling to and while in Singapore (including by safeguarding the wellbeing of the visitors while in Singapore), and generally to develop and promote Singapore as a travel and tourist destination of quality, standing and repute;

[Act 28 of 2022 wef 01/01/2023]

- (c) to secure overseas publicity for the tourist attractions in Singapore and tourism projects outside Singapore in which Singapore has an interest;
- (d) to coordinate the activities of persons within or outside Singapore, providing services for visitors to Singapore;
[Act 28 of 2022 wef 01/01/2023]
- (e) to regulate standards to be maintained by any tourism enterprises that the Board may determine;
- (f) to license any class or classes of tourism enterprises that the Board may determine;
[Act 28 of 2022 wef 01/01/2023]
- (g) to acquire, take on lease, hire, hold and enjoy movable and immovable property and to convey, assign, surrender, charge, mortgage, demise, transfer or otherwise dispose of, or deal with, any movable or immovable property belonging to the Board upon any terms that the Board considers fit;
- (h) to provide any grant or subsidy, any loan or advance, any stipend, or any other financial support to any person carrying on a tourism enterprise within or outside Singapore, on the conditions determined by the Board;
[Act 28 of 2022 wef 01/01/2023]
- (ha) where a tourism enterprise undertakes any matter for any of the following purposes:
 - (i) to develop and promote Singapore as a travel and tourist destination;
 - (ii) to enhance the travel and tourism sector's contribution to the Singapore economy,(whether the tourism enterprise or matter is within or outside Singapore), with the approval of the Minister, to provide any guarantee, indemnity or other security for any obligation or liability of the tourism enterprise in connection with that matter;

[Act 28 of 2022 wef 01/01/2023]

- (i) to enter into any contract or agreement for carrying out the purposes of this Act;
- (j) to receive, in consideration of the services rendered by the Board, such commission or payment as may be agreed upon;
- (k) to exercise all powers and perform all duties which, under any other written law, are or may be or become vested in or delegated to the Board;
- (l) with the approval of the Minister, to make rules for the establishment of any scheme for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees or former employees of the Board as the Board may determine, on their death or retirement from the service of the Board or on their otherwise leaving the service of the Board;
- (m) to carry on the business of providing transport facilities for persons visiting tourist attractions in Singapore;
- (n) to invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965;
- (o) with the approval of the Minister, to subscribe for or acquire any stock, share, bond, debenture or other financial instrument in any company carrying on a tourism enterprise within or outside Singapore;
[Act 28 of 2022 wef 01/01/2023]
- (p) with the approval of the Minister, to invest any money of the Board in any business within or outside Singapore which will promote or be conducive to the tourism trade in Singapore;
- (q) with the approval of the Minister —
 - (i) to enter into any joint venture with any person; or
 - (ii) to form or participate in the formation of any company,

whether in Singapore or elsewhere, for the purpose of carrying out all or any of the functions of the Board;

- (r) with the approval of the Minister, to manage, control or supervise tourism enterprises within or outside Singapore by nominating directors or advisers;

[Act 28 of 2022 wef 01/01/2023]

- (ra) to collaborate with persons carrying on tourism enterprises or enter into partnerships or any other arrangements with them, whether any such person or tourism enterprise is within or outside Singapore;

[Act 28 of 2022 wef 01/01/2023]

- (s) with the approval of the Minister, to borrow money whether by way of bank overdraft or otherwise for any of the purposes of the Board that the Board may from time to time consider desirable;

[Act 28 of 2022 wef 01/01/2023]

- (sa) to collect, compile and analyse information, and commission surveys, research or studies relating to its functions;

[Act 28 of 2022 wef 01/01/2023]

- (t) generally to do all matters and things that are incidental to or consequential upon the exercise of the Board's powers or the discharge of its duties under this Act.

[45/2004]

[Act 28 of 2022 wef 01/01/2023]

(2) Any financial support provided by the Board pursuant to subsection (1)(h) may include a requirement for the repayment of the whole or any part of the financial support (whether or not with interest) if the person fails to comply with or satisfy any condition of the financial support, and the Board may sue for the repayment of the financial support with, as may be applicable, any interest, as a debt due to the Board.

[Act 28 of 2022 wef 01/01/2023]

Directions by Minister

9.—(1) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Board must provide the Minister with any information with respect to its property and activities that the Minister may require.

Chief Executive

10.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Board 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]

Appointment of officers and employees

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

[5/2018]

(2) The Board may appoint, by name or office, from among —

(a) public officers;

(b) officers and employees of the Board;

(c) officers and employees of a public authority; and

(d) auxiliary police officers appointed under the Police Force Act 2004,

any number of inspecting officers that is required for the purposes of this Act and any regulations made under this Act.

[7/2014]

(3) In this section, “public authority” means any board, authority or agency established by or under any public Act to perform or discharge any public function.

[7/2014]

Ineligibility for employment as officers or employees

12.—(1) A person is not eligible for employment as an officer or employee of the Board if the person has, directly or indirectly, by himself or herself or his or her partner, any share or interest in any contract with, for or on behalf of the Board.

(2) Any officer or employee of the Board who has or acquires any share or interest mentioned in subsection (1) is liable in the discretion of the Board to summary dismissal without notice.

Appointment of committees and delegation of powers

13.—(1) The Board may appoint from among its members or other persons who are not members any number of committees consisting of members or other persons, or members and other persons, for purposes which, in the opinion of the Board, would be better regulated and managed by means of those committees.

(2) The Board may, subject to any conditions or restrictions that it may impose, delegate to the Chairperson, Chief Executive or a committee appointed under subsection (1) all or any of the functions, duties and powers vested in the Board by or under this Act or any other written law, and any power, function or duty so delegated may be exercised or performed by the Chairperson, Chief Executive or committee (as the case may be) in the name and on behalf of the Board.

(3) The Board may, subject to any conditions or restrictions that it thinks fit, delegate to any member or employee of the Board all or any of its functions, duties and powers vested in the Board by or under this Act or any other written law, and any power, function or duty so delegated may be exercised or performed by that member or employee in the name and on behalf of the Board.

Public servants

14. All inspecting officers —

- (a) are deemed to be public servants for the purposes of the Penal Code 1871; and
- (b) in relation to their administration, assessment, collection or enforcement of payment of composition sums or financial penalties under any Act administered by the Board, are deemed to be public officers for the purposes of the Financial Procedure Act 1966, and section 20 of that Act applies to such persons even if they are not or were not in the employment of the Government.

[13A

[7/2014; 47/2017; 5/2018]

Validity of acts, etc.

14A.—(1) Despite section 33 of the Interpretation Act 1965, the exercise of any power or performance of any function of the Board by the Board is not affected merely because at the relevant time —

- (a) there was a vacancy in the membership of the Board, including a vacancy arising from the failure to appoint a member;
- (b) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Board; or
- (c) there was an irregularity in the Board’s decision-making procedure that does not affect the merits of the decision made.

(2) The acts of an individual as a member of the Board are not affected merely because —

- (a) there was some defect or irregularity existing in the appointment or continuance in office of the individual purporting to be a member of the Board; or
- (b) in the case of an individual acting in the capacity of the Chairperson, member or Chief Executive, the occasion for

the individual so acting, or for his or her appointment, had not arisen or had ended.

[Act 28 of 2022 wef 01/01/2023]

Payments to Board

15. For the purpose of enabling the Board to carry out its functions under this Act and any regulations made under this Act, the Minister may authorise the payment to the Board of such sums as the Minister may determine.

[14
[7/2014]

Issue of shares, etc.

16. As a consequence of —

- (a) the vesting of any property, rights or liabilities of the Government in the Board under this Act; or
- (b) any capital injection or other investment by the Government in the Board in accordance with any written law,

the Board must issue such shares or other securities to the Minister for Finance as that Minister may direct.

[14A
[5/2002]

Establishment and administration of Tourism Fund

17.—(1) A fund called the Tourism Fund is established, which is, subject to the directions of the Minister, controlled and administered by the Board.

(2) Subject to sections 41(3) and 42(4), all moneys collected under this Act or any regulations made under this Act and all moneys received by the Board from any source must be paid into the Fund.

[15
[7/2014]

Purposes of Fund

18. The Fund must be devoted to the following purposes:

- (a) the payment of the expenses of, or connected with, the administration of the Board; and
- (b) the payment of all expenses necessary for carrying out the purposes of this Act and any regulations made under this Act.

[16
[7/2014]

Protection of superannuation scheme

19. The following provisions apply to any scheme established under any of the rules made under section 8(1)(l):

- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Board, are assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Board or to the Government;
- (b) no donation by the Board or contribution by its officers made under any such scheme and no interest thereon are assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Board or to the Government;
- (c) no such donation, contribution or interest is subject to the debts of the contributor, nor may such donation, contribution or interest pass to the Official Assignee on the bankruptcy of the contributor, but, if the contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation, contribution or interest is, subject to the provisions of this Act, deemed to be subject to a trust in favour of the persons entitled thereto on the death of the contributor;

- (d) the bankruptcy of a contributor does not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions must continue to be made despite the provisions of any written law, and the portion of salary so deducted is not to be deemed to form part of his or her after-acquired property;
- (e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a contributor are deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and are not to be deemed to form part of his or her estate or be subject to the payment of his or her debts but are deemed to be property passing on his or her death for the purposes of the Estate Duty Act 1929;
- (f) any contributor may by a memorandum under his or her hand appoint a trustee or trustees of the moneys payable on his or her death out of any such scheme and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof; such memorandum must be in the form prescribed in such scheme and must be deposited with the Board;
- (g) if at the time of the death of any contributor or at any time afterwards, there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the General Division of the High Court;
- (h) the receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Board, the receipt of the legal personal representative of a deceased contributor is a discharge to

the Board for any moneys payable on his or her death out of any such scheme.

[17

[40/2019]

[Act 28 of 2022 wef 01/01/2023]

PART 3A
TOURIST GUIDES

Interpretation of this Part

20.—(1) In this Part, unless the context otherwise requires —

“code of practice” includes a standard of performance;

“false tourist guide badge” means —

- (a) a forged tourist guide badge;
- (b) a tourist guide badge altered without lawful authority; or
- (c) a tourist guide badge in respect of an expired, or a cancelled, revoked or suspended, licence;

“guiding services”, in relation to a tourist, includes providing any information, description or explanation to the tourist while accompanying the tourist in or to a place or point of interest in Singapore, but not if the information, description or explanation is a mere reference to the location of, or a location in or around, the place or point of interest;

[Act 28 of 2022 wef 01/01/2023]

“licence” or “tourist guide licence” means a licence granted or renewed under section 23(4)(a);

“licensee” means a person who is granted a licence, or whose licence is renewed, under section 23(4)(a);

“omnibus” means a bus which is on a scheduled service with passengers being charged separate and distinct fares, and in respect of which a public service vehicle licence is in force under Part 5 of the Road Traffic Act 1961 to use the bus as an omnibus;

“tourist” means an individual who visits Singapore for recreation, pleasure, business or any other purpose, but does not include —

- (a) a citizen or permanent resident of Singapore;
- (b) an individual to whom a work pass is issued under section 7 of the Employment of Foreign Manpower Act 1990;
- (c) an individual to whom a dependant’s pass, student’s pass or special pass is issued under regulation 11, 14 or 15, respectively, of the Immigration Regulations;
- (d) an individual to whom a visit pass valid for more than 90 days is issued under regulation 12 of the Immigration Regulations; or
- (e) an individual to whom any other pass, that the Minister may by order in the *Gazette* specify, is issued under the Immigration Act 1959 or any regulations made under that Act;

“tourist guide” means an individual who personally provides any guiding services to a tourist for remuneration;

“tourist guide badge” means a badge issued to a licensee under section 25(1);

“unlicensed tourist guide” means a tourist guide who does not hold a valid tourist guide licence and who is not exempt from section 21(1) by reason of section 21(2) or under section 43.

[7/2014]

(2) For the purposes of the definition of “tourist guide”, an individual provides guiding services to a tourist for remuneration if the individual receives or reasonably expects to receive any payment for providing the guiding services, regardless of who makes or is liable to make the payment or where or when the payment is or will be made.

[7/2014]

(3) For the purposes of the definition of “unlicensed tourist guide” and section 21(1), a person whose tourist guide licence is suspended

is, while the suspension is in force, deemed to be a person who does not hold a valid tourist guide licence.

[19A
[7/2014]

Licence required to act as tourist guide, etc.

21.—(1) Subject to subsection (2), an individual must not —

- (a) act as a tourist guide; or
- (b) offer to act as a tourist guide, or advertise in any way that he or she is or is willing to act as a tourist guide,

unless he or she holds a valid tourist guide licence.

[7/2014]

(2) The prohibition in subsection (1) does not apply to —

- (a) the owner or operator of a place or point of interest who himself or herself guides tourists at that place or point; or
- (b) any person who is employed or engaged, or whose services are otherwise used, by the owner or operator of a place or point of interest to guide tourists at that place or point.

[7/2014]

(3) Any person who contravenes subsection (1) 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 second or subsequent offence, to a fine not exceeding \$10,000.

[7/2014]

(4) Any person who, directly or indirectly, employs, engages or otherwise uses the services of an unlicensed tourist guide —

- (a) whom the person knows or ought reasonably to know is an unlicensed tourist guide; or
- (b) with reckless disregard as to whether the tourist guide is an unlicensed tourist guide,

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 second or subsequent offence, to a fine not exceeding \$10,000.

[7/2014]

(5) Any person who abets the commission of an offence under subsection (3) or (4) shall be guilty of that offence and shall be liable on conviction to be punished with the punishment provided for that offence.

[19B
[7/2014]

Presumption of guiding services provided for remuneration

22. An individual who provides any guiding services to 8 or more tourists is presumed, unless the contrary is proved, to have provided the guiding services for remuneration if, at the time, or within a reasonable time before or after, the guiding services are provided, the tourists and the individual are, have been or will be conveyed (as the case may be) in a motor vehicle (other than an omnibus).

[19C
[7/2014]

Tourist guide licence application

23.—(1) Any person who desires to apply for or renew a tourist guide licence —

- (a) must apply to the Board in such form and manner as the Board may require; and
- (b) in the case of an application to renew a licence, must submit the application to the Board within such period before the expiry of the licence as the Board may specify.

[7/2014]

(2) In considering an application under subsection (1), the Board may require the applicant to satisfy such criteria and requirements as the Board may publish, from time to time, on any website that may be prescribed.

[7/2014]

(3) For the purposes of subsection (2), the Board may administer, on its own or in collaboration with any other person, such proficiency tests, or training or certification programmes, as it considers appropriate.

[7/2014]

(4) Upon considering an application received under subsection (1), the Board may —

- (a) grant or renew a licence (as the case may be) for such duration as the Board may specify; or
- (b) refuse the application.

[7/2014]

(5) The Board must, before refusing an application to renew a licence, give the applicant written notice of its intention to do so and an opportunity to submit reasons, within the period that the Board may specify in that notice, as to why the application should not be refused.

[19D
[7/2014]

Tourist guide licence

24.—(1) A licence granted or renewed under section 23(4)(a) is subject to any conditions that the Board may specify.

[7/2014]

(1A) Without affecting subsection (1), a condition under subsection (1) may require the licensee to do or to refrain from doing any thing specified, or of a description specified, in the condition, including for the purpose of protecting the wellbeing of the licensee, any tourists guided by the licensee, or both, or otherwise in the public interest.

[Act 28 of 2022 wef 01/04/2023]

(2) The Board may, at any time, vary or revoke any of the conditions of a licence or impose new conditions.

[7/2014]

(3) The conditions of a licence may include the assignment to the licensee of such description or classification as a tourist guide as the Board considers appropriate to —

- (a) denote the licensee’s qualifications, proficiency, experience or any other attribute as a tourist guide; or
- (b) define or circumscribe the type of guiding services the licensee is authorised to provide under the licence.

[7/2014]

(4) The Board must, before altering any description or classification of a licensee as a tourist guide under this section —

(a) at the time of renewing his or her licence; or

(b) at any time during the duration of his or her licence,

in a manner that is to the disadvantage of the licensee, give the licensee written notice of its intention to do so and an opportunity to submit reasons, within the period that the Board may specify in that notice, as to why such alteration should not be made.

[7/2014]

(5) For the purposes of subsection (4), a reference to a licensee includes a reference to a person who applies to renew his or her licence.

[19E
[7/2014]

Tourist guide badge

25.—(1) Upon granting or renewing a licence under section 23(4)(a), the Board must issue the licensee with a tourist guide badge representing that he or she is the holder of that licence.

[7/2014]

(2) A licensee must —

(a) unless the Board otherwise allows, wear prominently on his or her person any tourist guide badge issued to the licensee that is not in an electronic form, at all times when he or she acts as a tourist guide; and

[Act 28 of 2022 wef 01/01/2023]

(b) produce his or her tourist guide badge for inspection upon being required to do so by the Board or an inspecting officer.

[7/2014]

(3) Subject to subsection (3A), a person issued with a tourist guide badge under this section that is not in an electronic form must surrender that badge to the Board immediately upon —

(a) being required to do so for the purpose of enabling the Board to make any alteration to the badge that the Board considers appropriate;

- (b) the expiry, cancellation, revocation or suspension of his or her tourist guide licence in respect of which the badge was issued; or
- (c) ceasing to be employed as, or engage in the business or provision of services of, a tourist guide, even though he or she holds a valid tourist guide licence.

[7/2014]

[Act 28 of 2022 wef 01/01/2023]

(3A) The Board may, instead of requiring a tourist guide badge that is not issued in an electronic form to be surrendered under subsection (3)(b) or (c), require the person to whom the badge was issued to destroy the badge in the manner specified by the Board, and the person must comply with the requirement.

[Act 28 of 2022 wef 01/01/2023]

(4) Any person who fails to comply with subsection (3) or (3A) 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 not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[7/2014]

[Act 28 of 2022 wef 01/01/2023]

(5) Any person issued with a tourist guide badge under this section who —

- (a) causes or permits his or her tourist guide badge to be in the possession of any other person; and
- (b) knows or ought reasonably to know that, or is reckless as to whether, the badge is or will be used by the other person in connection with identification or acting as a tourist guide,

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

[7/2014]

(6) Any person who —

- (a) alters without lawful authority or forges a tourist guide badge;
- (b) sells a tourist guide badge or a false tourist guide badge; or

- (c) in connection with identification or acting as a tourist guide, uses or has in the person's possession a tourist guide badge which is not issued to the person by the Board or a false tourist guide badge,

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

[7/2014]

(6A) For the purposes of subsection (6)(b), where a tourist guide badge is issued in electronic form, a person sells the tourist guide badge if the person provides another person access to the tourist guide badge (in electronic form) for consideration.

[Act 28 of 2022 wef 01/01/2023]

(7) The reference to a tourist guide badge in subsection (5) includes a reference to a tourist guide badge in respect of an expired, or a cancelled, revoked or suspended, licence.

[19F

[7/2014]

Code of practice

26.—(1) The Board may, from time to time, in connection with the provision of guiding services to tourists by licensees —

- (a) issue one or more codes of practice to apply to licensees or any class of licensees that the Board may specify in the codes of practice; and
- (b) amend or revoke any code of practice issued under this subsection.

[7/2014]

(2) Where a code of practice is issued, amended or revoked by the Board under subsection (1), the Board must —

- (a) publish a notice of the issue, amendment or revocation (as the case may be) in a manner that will secure adequate publicity for the issue, amendment or revocation;
- (b) specify the date of the issue, amendment or revocation (as the case may be) in the notice; and

- (c) ensure that the code of practice (including any amendment made to the code of practice) remains available for access or inspection by the licensees to whom it applies.

[7/2014]

(3) Any issue, amendment or revocation of a code of practice under subsection (1) does not have any force or effect until the notice relating thereto has been published in accordance with subsection (2)(a) and (b).

[7/2014]

(4) If any provision of any code of practice in force under this section is inconsistent with any provision of this Act or any regulations made under this Act, the provision in the code of practice does not, to the extent of the inconsistency, have effect.

[7/2014]

(5) Subject to subsection (6), every licensee must comply with the codes of practice issued under this section which apply to the licensee.

[7/2014]

(6) The Board may, either generally or for such time as the Board may specify, waive the application of any code of practice (or part thereof) issued under this section to any licensee or class of licensees.

[7/2014]

(7) Any code of practice issued under this section is deemed not to be subsidiary legislation.

[19G
[7/2014]

Directions of Board

26A.—(1) The Board may, if it thinks it necessary or expedient in the public interest (including for the purpose of protecting the wellbeing of the licensee, any tourists guided by the licensee, or both), give directions to the licensee to do or to refrain from doing any thing specified, or of a description specified, in the direction, and the licensee must comply with the direction.

(2) Before issuing a direction under this section, the Board must, unless the Board considers that it is not practicable or desirable in the

particular circumstances of the case, serve on the licensee to whom the direction is to be issued, written notice of the Board's intention.

- (3) The written notice must —
- (a) state the direction the Board intends to make and its effect; and
 - (b) specify the time (being at least 14 days after the date of service of the written notice on the person) within which any written representation may be given to the Board, or any representation by the licensee heard, with respect to the Board's intention.

(4) On considering any representation made by the licensee under subsection (3)(b), the Board may decide to —

- (a) proceed as intended (including with any modification to the direction as the Board thinks fit); or
- (b) not proceed as intended,

and must serve on the licensee written notice of the Board's decision.

(5) If no representation is made to the Board within the time mentioned in subsection (3)(b) or if any representation made under that provision is withdrawn, the Board may proceed as intended (including with any modification as the Board thinks fit) and must serve on the licensee written notice of the Board's decision.

(6) The licensee must comply with the direction served pursuant to a decision under subsection (4) or (5) in or within the time specified in the direction for compliance.

(7) Where the licence of the licensee ceases to be in force after the direction is issued, the former licensee must still comply with the direction.

(8) The licensee is not required to comply with the direction to the extent it is inconsistent with any requirement under any other written law.

(9) Any person who fails to comply with a direction 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

[Act 28 of 2022 wef 01/04/2023]

Modification of directions, etc.

26B.—(1) The Board may at any time vary, suspend or revoke the whole or any part of a direction issued to a licensee under section 26A.

(2) Before varying, suspending or revoking a direction or part of a direction, the Board must serve on the licensee written notice of the Board's intention, unless the Board considers that it is not practicable or desirable to do so in the particular circumstances of the case.

(3) The written notice must —

(a) state the direction or part of the direction that the Board intends to vary, suspend or revoke, and (in the case of a variation) the effect of the variation; and

(b) specify the time (being at least 14 days after the date of service of the written notice on the licensee) within which any written representation may be given to the Board, or any representation by the licensee heard, with respect to the Board's intention.

(4) On considering any representation made by the licensee under subsection (3)(b), the Board may decide to —

(a) proceed as intended (including with any modification to the direction or part of the direction as the Board thinks fit);
or

(b) not proceed as intended,

and must serve on the licensee written notice of the Board's decision.

(5) If no representation is made to the Board within the time mentioned in subsection (3)(b) or if any representation made under that provision is withdrawn, the Board may proceed as intended (including with any modification as the Board thinks fit) and must serve on the licensee written notice of the Board's decision.

(6) The variation, suspension or revocation takes effect at the time and date specified by the Board in the written notice of the Board's decision.

[Act 28 of 2022 wef 01/04/2023]

27. *[Repealed by Act 28 of 2022 wef 01/04/2023]*

Suspension, revocation or cancellation of licence

28.—(1) The Board may, at any time, suspend for a period not exceeding 6 months or a longer period that is prescribed in substitution, or revoke, a tourist guide licence if the licensee —

(a) provides or causes to be provided to the Board or any inspecting officer any information (including information in connection with his or her application for or renewal of a licence) which is false or misleading (including as a result of an omission) in any material particular, or the licensee otherwise obtained his or her licence through fraud or misrepresentation;

[Act 28 of 2022 wef 01/04/2023]

(b) refuses or fails, without reasonable excuse, to comply with any requirement of the Board or an inspecting officer under section 32B(1);

[Act 28 of 2022 wef 01/04/2023]

(c) contravenes any provision of this Act or any regulations made under this Act;

(d) contravenes any condition of his or her licence;

(da) contravenes any direction issued by the Board to the licensee under section 26A or this section (as may be varied under section 26B or this section, as the case may be);

[Act 28 of 2022 wef 01/04/2023]

(e) has committed any offence under any written law punishable with a term of imprisonment exceeding one month;

(f) ceases to be, in the opinion of the Board, a fit and proper person; or

- (g) is incapable, by reason of illness, infirmity or any other cause, of acting as a tourist guide.

[7/2014]

- (2) Subject to subsection (3), in the case where a licensee —
- (a) refuses or fails, without reasonable excuse, to comply with any requirement of the Board or an inspecting officer under section 32B(1);
 - (b) contravenes any provision of this Act or any regulations made under this Act;
 - (c) contravenes any condition of his or her licence; or
 - (d) contravenes any direction issued by the Board to the licensee under section 26A or this section (as may be varied under section 26B or this section, as the case may be),

the Board may, instead of suspending or revoking his or her licence under subsection (1)(b), (c), (d) or (da) (as the case may be), do one or more of the following:

- (e) issue any direction to the licensee to do or not to do anything specified in the direction;
- (f) subject to subsection (3), require the licensee to pay a financial penalty of an amount not exceeding \$1,000 by a date that the Board may determine;
- (g) debar the licensee from applying for the grant or renewal of any licence for a period specified by the Board.

[Act 28 of 2022 wef 01/04/2023]

(3) Subsection (2)(f) does not apply in respect of any contravention which is prescribed to be an offence under this Act or any regulations made under this Act.

[7/2014]

[Act 28 of 2022 wef 01/04/2023]

(4) Where the Board intends to take any regulatory action under subsection (1) or (2) against a licensee, the Board must serve the licensee written notice of the Board's intention, unless the Board

considers that it is not practicable or desirable in the particular circumstances of the case to do so.

[Act 28 of 2022 wef 01/04/2023]

(4A) The written notice must specify —

- (a) the regulatory action that the Board intends to take against the licensee;
- (b) the ground or grounds in subsection (1) or (2) (as the case may be) on which the Board intends to rely; and
- (c) the time (being at least 14 days after the date of service of the written notice on the licensee) within which any written representation may be given to the Board, or any representation by the licensee heard, with respect to the Board's intention.

[Act 28 of 2022 wef 01/04/2023]

(4B) On considering any representation made by the licensee under subsection (4A)(c), the Board may decide to —

- (a) proceed with the intended regulatory action (including with any modification as the Board thinks fit); or
- (b) not proceed with the intended regulatory action or proceed with a different regulatory action,

and must serve on the licensee written notice of the Board's decision.

[Act 28 of 2022 wef 01/04/2023]

(4C) If no representation is made to the Board within the time mentioned in subsection (4A)(c) or if any representation made under that provision is withdrawn, the Board —

- (a) may decide to proceed as intended (including with any modification as the Board thinks fit), or may decide not to proceed; and
- (b) must serve on the licensee written notice of the Board's decision.

[Act 28 of 2022 wef 01/04/2023]

(5) The Board's decision mentioned in subsection (4B) or (4C) (as the case may be) does not take effect until —

- (a) the expiry of the period allowed under section 42A for the licensee to appeal to the Minister against the decision; and
- (b) if an appeal is made in the period allowed under section 42A for the licensee to appeal —
 - (i) the determination or rejection of the appeal by the Minister or his or her designate under section 42A; or
 - (ii) (if the appeal is withdrawn) the withdrawal of the appeal.

[Act 28 of 2022 wef 01/04/2023]

(5A) The suspension or revocation of any licence under this section does not affect the enforcement by any person of any right or claim against the licensee or former licensee, or by the licensee or former licensee of any right or claim against any person.

[Act 28 of 2022 wef 01/04/2023]

(5B) If the written notice under subsection (4) is served on the licensee before the expiry of his or her licence and the licence expires before the Board can —

- (a) make a determination whether one or more of the grounds in subsection (1) or (2) mentioned in the written notice under subsection (4A)(b) are satisfied; or
- (b) (if the Board has made such a determination) take any regulatory action under subsection (1) or (2) (whether or not mentioned in that written notice under subsection (4A)(a)),

this section continues to apply and the Board may, at any time after the expiry —

- (c) continue to make such determination or take regulatory action under subsection (2) or both (as may be appropriate) in relation to the former licensee; or
- (d) not continue with any further action under this section.

[Act 28 of 2022 wef 01/04/2023]

(5C) For the purpose of subsection (5B), a licence expires when any of the following occurs:

- (a) its period of validity ends;

(b) it is revoked under subsection (1) (read with subsection (5));

(c) it is cancelled under subsection (6).

[Act 28 of 2022 wef 01/04/2023]

(5D) To avoid doubt and without affecting section 23(2), a determination under subsection (5B) is a relevant consideration for the purpose of any application that the former licensee may subsequently make under section 23.

[Act 28 of 2022 wef 01/04/2023]

(5E) Where regulatory action taken under this section is the issue of a direction under subsection (2)(e), the Board may at any time vary, suspend or revoke the whole or any part of the direction, and section 26B applies in relation to such variation, suspension or revocation as if the direction in question were a direction issued under section 26A.

[Act 28 of 2022 wef 01/04/2023]

(5F) For the purposes of subsection (5E), references in section 26B to a licensee include a former licensee.

[Act 28 of 2022 wef 01/04/2023]

(6) The Board may cancel a tourist guide licence at the request of the licensee.

[19I

[7/2014]

PART 3AA

CRUISE TERMINALS

[Act 28 of 2022 wef 01/04/2023]

Division 1 — Administration

Controller of Cruise Administration, etc.

29.—(1) For the purposes of administering and enforcing this Part, the Board must appoint from the members, officers or employees of the Board —

(a) a Controller of Cruise Administration; and

(b) one or more Deputy Controllers of Cruise Administration as the Board thinks fit.

(2) A Deputy Controller of Cruise Administration has and may exercise and perform all the powers, duties and functions of the Controller conferred by this Act, subject to any limitations imposed by the Controller.

(3) The Controller is, in administering and enforcing this Part, subject to the general and special directions of the Board.

[Act 28 of 2022 wef 01/04/2023]

Division 2 — Cruise terminal licences

Licence required to operate cruise terminal

29A.—(1) A person must not operate any cruise terminal unless the person has in force a cruise terminal licence for the cruise terminal.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

[Act 28 of 2022 wef 01/04/2023]

Cruise terminal licence application

29B.—(1) Any person who desires to apply for or renew a cruise terminal licence in respect of any cruise terminal —

(a) must apply to the Controller in such form and manner as the Controller may require, with the information and documents required by the Controller; and

(b) in the case of an application to renew a licence, must submit the application to the Controller within such period before the expiry of the licence as the Controller may specify.

(2) The following are matters which the Controller may take into account in considering the application:

(a) the ability of the applicant to finance the operation of the cruise terminal;

- (b) the experience of the applicant in operating the cruise terminal and any other cruise terminal (whether in Singapore or elsewhere), and the applicant's ability to perform the duties of a cruise terminal licensee imposed under this Act, any regulations made under this Act and the cruise terminal licence;
- (c) the suitability of the site of the cruise terminal for its use as such;
- (d) the name by which the cruise terminal is to be known;
- (e) the suitability of the applicant as a cruise terminal licensee (including whether the applicant has observed and complied with all duties and obligations imposed on it under any written law administered, or licence issued, by the Maritime and Port Authority of Singapore).

(3) On considering the application, the Controller may —

- (a) grant or renew the cruise terminal licence, as the case may be; or
- (b) refuse the application,

and the Controller must notify the applicant in writing accordingly.

(4) Without affecting subsection (2), the Controller may refuse the application if the Controller is satisfied that —

- (a) the applicant is not able to finance the operation of the cruise terminal;
- (b) the applicant is not a suitable person to be involved in the operation of a cruise terminal;
- (c) there is reason to believe that the applicant —
 - (i) is contravening or has contravened —
 - (A) any provision of this Act or any regulations made for the purposes of this Act, or any provision of the Maritime and Port Authority of Singapore Act 1996 or any regulations made under that Act;

- (B) any condition of a cruise terminal licence of the applicant or of a public licence issued to the applicant under the Maritime and Port Authority of Singapore Act 1996, whether or not in relation to the same cruise terminal that is the subject of the application; or
- (C) any direction issued to the applicant under this Part, or to the applicant as a public licensee under the Maritime and Port Authority of Singapore Act 1996; or
- (ii) is refusing or has refused or failed, without reasonable excuse, to comply with any requirement of the Controller or an inspecting officer under section 32B(1);
- (d) the application contains any information that is false or the application is misleading (including as a result of an omission), in any material particular;
- (e) the name proposed for the cruise terminal concerned —
 - (i) is likely to mislead members of the public as to the true character and purpose of the cruise terminal, including by reason of the inclusion of the name of a sponsor or donor;
 - (ii) is identical with or so nearly resembling the name of another cruise terminal or person or individual or thing (whether in Singapore or elsewhere) as to be likely to deceive or cause confusion in relation to it;
 - (iii) is likely to give any impression that the cruise terminal is connected to the Government or any public authority, or with any other body of persons or any individual or thing (whether in Singapore or elsewhere), when it is not so connected; or
 - (iv) is undesirable or offensive, or may bring disrepute to Singapore or cause confusion as to Singapore as a tourist destination; or

(f) it is in the public interest to do so.

(5) Where the Controller is satisfied that a cruise terminal licence should not be renewed, the Controller may, despite being so satisfied, renew the cruise terminal licence for a period not exceeding 12 months for the purpose of facilitating the transfer by the applicant of the management, operation and administration of the cruise terminal to the person taking over the same from the applicant.

(6) A cruise terminal licensee that does not intend to renew its cruise terminal licence must provide the Controller with at least 24 months' prior written notice or such other shorter or longer period as may be prescribed in substitution.

(7) The Controller may, at any time, amend a cruise terminal licence by changing —

- (a) the particulars of the person to whom the licence is granted, including the name of the person (but not where the effect of the change in name would be to transfer or assign the benefit of the cruise terminal licence, without the consent having been obtained under section 29F); and
- (b) the description (including the name and site) of the cruise terminal to which the licence relates (including by addition or deletion, or both).

[Act 28 of 2022 wef 01/04/2023]

In-principle approvals

29C.—(1) This section applies where an application has been made for the grant or renewal of a cruise terminal licence, and the Controller requires the applicant to fulfil one or more requirements pending the Controller's determination of the application.

(2) The Controller may give the applicant an in-principle approval for the grant or renewal of the cruise terminal licence pending the applicant fulfilling the requirements, permitting the applicant to provide all or any cruise port services and facilities at the cruise terminal that is to be the subject of the cruise terminal licence to be granted or renewed.

(3) The Controller may give the in-principle approval subject to any conditions that the Controller thinks fit.

(4) The Controller must specify a validity period for the in-principle approval that does not exceed 12 months, and may extend the validity period one or more times, but the initial validity period and every extension must not exceed 12 months in total.

(5) Except to the extent provided under subsection (4), the in-principle approval cannot be renewed.

(6) For the purposes of this Act, so long as an in-principle approval is in force —

- (a) it is treated as a cruise terminal licence;
- (b) the applicant is treated as a cruise terminal licensee; and
- (c) the conditions mentioned in subsection (3) are conditions of a cruise terminal licence.

(7) Without affecting section 29G and despite the validity period (including any extensions) of the in-principle approval under subsection (4), the in-principle approval ceases to be in force —

- (a) if the applicant fails to comply with any requirement imposed under subsection (1); or
- (b) on the determination of the application under section 29B(3).

[Act 28 of 2022 wef 01/04/2023]

Name of cruise terminal

29D. Unless the Controller otherwise allows, a cruise terminal licensee must not use any name for the cruise terminal to which its cruise terminal licence relates, except the name specified in the licence for the cruise terminal.

[Act 28 of 2022 wef 01/04/2023]

Validity of cruise terminal licence

29E.—(1) Subject to subsection (2), a cruise terminal licence remains in force for the validity period specified in the cruise terminal licence, unless earlier revoked under section 29G or cancelled under section 29H.

- (2) A cruise terminal licence is treated as not being in force —
- (a) for any period for which the licence is suspended under section 29G; and
 - (b) for the part or the whole of any validity period mentioned in subsection (1) for which the cruise terminal licensee does not have in force a public licence under the Maritime and Port Authority of Singapore Act 1996 in relation to the cruise terminal to which the cruise terminal licence relates.

[Act 28 of 2022 wef 01/04/2023]

Restriction on transfer of cruise terminal licence

29F.—(1) A cruise terminal licensee must not transfer or assign the benefit of its cruise terminal licence to any other person without the prior written consent of the Controller.

(2) Any transfer or assignment in contravention of subsection (1) is for all purposes void and of no effect.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

[Act 28 of 2022 wef 01/04/2023]

Suspension and revocation of cruise terminal licence, etc.

29G.—(1) If the Controller is satisfied in relation to any cruise terminal licensee of a cruise terminal that —

- (a) the cruise terminal licensee has contravened, is contravening, or is likely to contravene —
 - (i) any provision of this Act or any regulations made for the purposes of this Act, or any provision of the Maritime and Port Authority of Singapore Act 1996 or any regulations made under that Act;
 - (ii) any condition of its cruise terminal licence or a public licence granted to it under the Maritime and Port Authority of Singapore Act 1996; or
 - (iii) any direction issued by the Controller to the cruise terminal licensee under Division 3 or this subsection

(as may be modified under that Division or this section, as the case may be), or by the Maritime and Port Authority of Singapore under the Maritime and Port Authority of Singapore Act 1996 to the applicant as a public licensee (as may be modified under that Act);

- (b) the cruise terminal licensee provided or caused to be provided to the Controller or any inspecting officer any information (including information in connection with its application for or renewal of a cruise terminal licence) which is false or misleading (including as a result of an omission) in any material particular, or the cruise terminal licensee otherwise obtained its cruise terminal licence through fraud or misrepresentation;
- (c) the cruise terminal licensee refuses or fails, without reasonable excuse, to comply with any requirement of the Controller or an inspecting officer under section 32B(1);
- (d) the cruise terminal licensee has gone or is likely to go into compulsory liquidation or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (e) the cruise terminal licensee has made any assignment to, or composition with, its creditors;
- (f) the cruise terminal licensee has ceased or is likely to cease operation of the cruise terminal to which its cruise terminal licence relates;
- (g) the cruise terminal licensee is not a suitable person to continue to be involved in the operation of the cruise terminal;
- (h) the cruise terminal licensee ceases to have in force a public licence granted under the Maritime and Port Authority of Singapore Act 1996 in relation to the cruise terminal to which the cruise terminal licence relates; or
- (i) the public interest of Singapore requires,

then the Controller may do one or more of the following:

- (j) issue any direction to the cruise terminal licensee to do or not to do anything specified in the direction;
- (k) where paragraph (a) or (c) applies, subject to subsection (2), impose on the cruise terminal licensee a financial penalty not exceeding the higher of the following amounts, payable to the Board within the time specified by the Controller:
 - (i) 1% of the annual turnover of that part of the licensee's business to which the cruise terminal licence relates, as ascertained from the licensee's latest audited accounts;
 - (ii) \$100,000;
- (l) debar the cruise terminal licensee from applying for the grant or renewal of any cruise terminal licence for a period specified by the Controller;
- (m) suspend the cruise terminal licence of the cruise terminal licensee for a period specified by the Controller that must not exceed 12 months or such longer period as may be prescribed in substitution, or revoke the licence.

(2) Subsection (1)(k) does not apply in respect of any contravention which is prescribed to be an offence under this Act or any regulations made under this Act.

(3) A suspension under subsection (1)(m) may relate to one or more cruise port services and facilities being provided, or intended to be provided, at the cruise terminal to which the cruise terminal licence relates, whether generally or in relation to any class or category of ships or any ship by any description.

(4) Where the Controller intends to take any regulatory action under subsection (1) against a cruise terminal licensee, the Controller must serve on the cruise terminal licensee written notice of the Controller's intention, unless —

- (a) the Controller considers that it is not practicable or desirable in the particular circumstances of the case to do so; or
 - (b) the cruise terminal licensee has been dissolved or wound up or has otherwise ceased to exist, or has ceased operation of the cruise terminal to which its cruise terminal licence relates.
- (5) The written notice must specify —
- (a) the regulatory action that the Controller intends to take against the cruise terminal licensee;
 - (b) the ground or grounds in subsection (1)(a) to (i) on which the Controller intends to rely; and
 - (c) the time (being at least 14 days after the date of service of the written notice on the cruise terminal licensee) within which any written representation may be given to the Controller, or any representation by the cruise terminal licensee heard, with respect to the Controller’s intention.
- (6) On considering any representation made by the cruise terminal licensee under subsection (5)(c), the Controller may decide to —
- (a) proceed with the intended regulatory action (including with any modification as the Controller thinks fit); or
 - (b) not proceed with the intended regulatory action or proceed with a different regulatory action,
- and must serve on the cruise terminal licensee written notice of the Controller’s decision.
- (7) If no representation is made to the Controller within the time mentioned in subsection (5)(c) or if any representation made under that provision is withdrawn, the Controller —
- (a) may decide to proceed as intended (including with any modification as the Controller thinks fit), or may decide not to proceed; and
 - (b) must serve on the cruise terminal licensee written notice of the Controller’s decision.

(8) The decision of the Controller mentioned in subsection (6) or (7) (as the case may be) does not take effect until —

- (a) the expiry of the period allowed under section 42A for the cruise terminal licensee to appeal to the Minister against the decision; and
- (b) if an appeal is made in the period allowed under section 42A for the licensee to appeal —
 - (i) the determination or rejection of the appeal by the Minister or his or her designate under section 42A; or
 - (ii) (if the appeal is withdrawn) the withdrawal of the appeal.

(9) The suspension or revocation of any cruise terminal licence under this section does not affect the enforcement by any person of any right or claim against the cruise terminal licensee or former cruise terminal licensee, or by the cruise terminal licensee or former cruise terminal licensee of any right or claim against any person.

(10) If the written notice under subsection (4) is served on the cruise terminal licensee and the cruise terminal licence expires before the Controller can —

- (a) make a determination whether one or more of the grounds in subsection (1)(a) to (i) mentioned in the written notice under subsection (5)(b) are satisfied; or
- (b) (if the Controller has made such a determination) take any regulatory action under subsection (1)(j), (k), (l) or (m) (whether or not mentioned in that written notice under subsection (5)(a)),

this section continues to apply and the Controller may, at any time after the expiry —

- (c) continue to make such determination or take such regulatory action under subsection (1)(j), (k) or (l) or both (as the case may be) in relation to the former cruise terminal licensee; or
- (d) not continue with any further action under this section.

(11) For the purpose of subsection (10), a cruise terminal licence expires when any of the following occurs:

- (a) its period of validity ends;
- (b) it is revoked under this section;
- (c) it is cancelled under section 29H.

(12) To avoid doubt and without affecting section 29B(2), a determination under subsection (10) is a relevant consideration for the purpose of any application that the former cruise terminal licensee may subsequently make under section 29B.

(13) Where regulatory action taken under this section is the issue of a direction under subsection (1)(j), the Board may at any time vary, suspend or revoke the whole or any part of the direction, and section 29L applies in relation to such variation, suspension or revocation as if the direction in question were a direction issued under section 29K.

(14) For the purposes of subsection (13), references in section 29L to a person are references to a cruise terminal licensee or a former cruise terminal licensee, as the case may be.

[Act 28 of 2022 wef 01/04/2023]

Cancellation of cruise terminal licence

29H.—(1) A cruise terminal licensee that wishes to cancel its cruise terminal licence must provide the Controller with at least 24 months' prior written notice or such other shorter or longer period as may be prescribed in substitution.

(2) The cancellation of the cruise terminal licence under this section does not affect the enforcement by any person of any right or claim against the former cruise terminal licensee, or by the cruise terminal licensee of any right or claim against any person.

[Act 28 of 2022 wef 01/04/2023]

*Division 3 — Control and regulation of
cruise terminal licensees and cruise terminals*

Conditions of cruise terminal licence

29I.—(1) The Controller may issue or renew a cruise terminal licence subject to any condition that the Controller may specify.

(2) Without affecting subsection (1), the conditions of the cruise terminal licence may include any of the following:

- (a) any condition requiring the cruise terminal licensee to enter into any agreement or arrangement with any other person (whether or not another cruise terminal licensee) for —
 - (i) the interconnection with, access to and use of any building, berth, installation, facility or infrastructure (whether or not for the purpose of any cruise port services and facilities at the cruise terminal that is the subject of the cruise terminal licence), including for the purpose of connecting the cruise terminal with the public transportation system;
 - (ii) the interconnection with, access to and use of any computer or electronic system for the booking of berths and other cruise port services and facilities; and
 - (iii) any other purpose specified in the licence,
and on the terms agreed to by the licensee and the other person or, in default of agreement, as determined by the Controller;
- (b) any condition restricting the carrying on by the cruise terminal licensee of any trade or business which is not related to the activity which the licensee is authorised by the cruise terminal licence to carry on;
- (c) any condition requiring the cruise terminal licensee to obtain the prior approval of the Controller before entering into any contract with any person which will permit or

enable that person to operate any part of the cruise terminal or provide any cruise port services and facilities;

- (d) any condition requiring the cruise terminal licensee to comply with the berthing framework, as may be modified for the cruise terminal licensee in such condition;
- (e) any condition requiring the cruise terminal licensee —
 - (i) to comply with the standards of performance and procedures specified by the Controller, including standards of performance and procedures for the requirements and processes for collecting and maintaining data; and
 - (ii) to report its compliance with the standards of performance and procedures in the form and manner determined by the Controller;
- (f) any condition as to the manner by which the cruise terminal licensee may charge for providing any cruise port services and facilities;
- (g) any condition relating to any matter ancillary to this Part.

(3) This section does not require a cruise terminal licensee to comply with any condition to the extent it is inconsistent with any requirement under any other written law, including any condition specified in any licence granted under or direction given under the Maritime and Port Authority of Singapore Act 1996.

[Act 28 of 2022 wef 01/04/2023]

Modification of conditions, etc., of cruise terminal licence

29J.—(1) Where the Controller intends to modify (including by removing) any condition of, or to impose any new condition on, a cruise terminal licence of a cruise terminal licensee, the Controller must, unless the Controller considers that it is not practicable or desirable in the particular circumstances of the case, serve on the cruise terminal licensee written notice of the Controller's intention.

(2) The written notice must —

- (a) state the modification that the Controller intends to make or the new condition the Controller intends to impose, and

any compensation payable for any loss or damage suffered or expense reasonably incurred by the cruise terminal licensee as a direct result of the modification or imposition; and

- (b) specify the time (being at least 14 days after the date of service of the written notice on the cruise terminal licensee) within which any written representation may be given to the Controller, or any representation by the cruise terminal licensee heard, with respect to the Controller's intention.

(3) On considering any representation made by the cruise terminal licensee under subsection (2)(b), the Controller may decide to —

- (a) proceed as intended (including with any modification to the intended modification or compensation payable, or with any new condition or compensation payable, as the Controller thinks fit); or
- (b) not proceed as intended,

and must serve on the cruise terminal licensee written notice of the Controller's decision.

(4) If no representation is made to the Controller within the time mentioned in subsection (2)(b) or if any representation made under that provision is withdrawn, the Controller may proceed as intended (including with any modification to the intended modification or compensation payable, or with any new condition or compensation payable, as the Controller thinks fit) and must serve on the cruise terminal licensee written notice of the Controller's decision.

(5) The decision of the Controller mentioned in subsection (3) or (4) (as the case may be) does not take effect until —

- (a) the expiry of the period allowed under section 42A for the cruise terminal licensee to appeal to the Minister against the decision; and
- (b) if an appeal is made in the period allowed under section 42A for the licensee to appeal —

- (i) the determination or rejection of the appeal by the Minister or his or her designate under section 42A; or
- (ii) (if the appeal is withdrawn) the withdrawal of the appeal.

[Act 28 of 2022 wef 01/04/2023]

Directions of Controller

29K.—(1) The Controller may, by written direction to a cruise terminal licensee, a cruise line, or to any owner, operator, manager, agent or master of any ship (whether or not a cruise ship), require the person so directed to do or not to do the things specified in the direction, or of a description specified in the direction, for any of the following purposes:

- (a) to optimise the use of cruise terminals in Singapore;
- (b) to ensure or require compliance with the berthing framework;
- (c) to ensure the availability of berth slots or optimise the use of berth slots across all cruise terminals in Singapore (whether or not in relation to cruise ships) including by requiring the acceptance, postponement, cancellation or rejection of any berth booking by a cruise terminal licensee, whether or not in consequence of any double-booking, over-booking or non-compliance with the berthing framework, by that or another cruise terminal licensee, and whether or not in accordance with the berthing framework;
- (d) to ensure the availability and reliability of any cruise port services and facilities;
- (e) to ensure compliance with standards of performance and procedures for any matter affecting the provision of cruise port services and facilities;
- (f) to ensure or require compliance with the pricing framework under section 29O;

- (g) to ensure the coordination and cooperation, on the terms specified by the Controller, with any other person in the use or sharing of —
- (i) any building, berth, installation, facility or infrastructure;
 - (ii) any equipment, machinery plant or system; or
 - (iii) any computer or electronic system,
- or any part of the same, that is owned or used by a cruise terminal licensee for the provision of any cruise port services and facilities;
- (h) to prevent any cruise terminal, or the cruise industry in Singapore generally, from being brought into disrepute;
- (i) for a cruise terminal licensee intending to cancel or not renew its cruise terminal licence for a cruise terminal, to ensure the proper and expeditious transfer of the management, operation and administration of the cruise terminal to another cruise terminal licensee, the Board or an agent of the Board (including by the novation of agreements concerning the cruise terminal);
- (j) for any matter ancillary to this Part.

(2) A direction mentioned in subsection (1)(a), (b), (c), (d), (h) and (j) may require the person to whom the direction is issued to do or to refrain from doing any thing to enable a ship to arrive at or leave a berth at the cruise terminal for the purposes of a berth slot.

(3) A direction mentioned in subsection (1)(i) may also be issued to a former cruise terminal licensee.

(4) Before issuing a direction under this section, the Controller must, unless the Controller considers that it is not practicable or desirable in the particular circumstances of the case, serve on the person to whom the direction is to be issued, written notice of the Controller's intention.

(5) The written notice must —

- (a) state the direction the Controller intends to make and its effect; and
- (b) specify the time (being at least 14 days after the date of service of the written notice on the person) within which any written representation may be given to the Controller, or any representation by the person heard, with respect to the Controller's intention.

(6) On considering any representation made by the person under subsection (5)(b), the Controller may decide to —

- (a) proceed as intended (including with any modification to the direction as the Controller thinks fit); or
- (b) not proceed as intended,

and must serve on the person written notice of the Controller's decision.

(7) If no representation is made to the Controller within the time mentioned in subsection (5)(b) or if any representation made under that provision is withdrawn, the Controller may proceed as intended (including with any modification as the Controller thinks fit) and must serve on the person written notice of the Controller's decision.

(8) The person must comply with the direction served pursuant to a decision under subsection (6) or (7) in or within the time specified in the direction for compliance.

(9) Where the person is a cruise terminal licensee whose cruise terminal licence ceases to be in force after the direction is issued, the person must still comply with the direction.

(10) The person is not required to comply with the direction to the extent it is inconsistent with any requirement under any other written law or any condition specified in any licence granted under or direction given under the Maritime and Port Authority of Singapore Act 1996.

(11) Any person who fails to comply with a direction 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(12) This section does not prevent the Controller from issuing directions to more than one person mentioned in subsection (1) for the same purpose, including issuing a direction to a person after another person has failed to comply with an earlier direction issued to that other person under this section.

[Act 28 of 2022 wef 01/04/2023]

Modification of directions, etc.

29L.—(1) The Controller may at any time vary, suspend or revoke the whole or any part of a direction issued to a person under section 29K.

(2) Before varying, suspending or revoking a direction or part of a direction, the Controller must serve on the person written notice of the Controller's intention, unless the Controller considers that it is not practicable or desirable to do so in the particular circumstances of the case.

(3) The written notice must —

- (a) state the direction or part of the direction that the Controller intends to vary, suspend or revoke, and (in the case of a variation) the effect of the variation; and
- (b) specify the time (being at least 14 days after the date of service of the written notice on the person) within which any written representation may be given to the Controller, or any representation by the person heard, with respect to the Controller's intention.

(4) On considering any representation made by the person under subsection (3)(b), the Controller may decide to —

- (a) proceed as intended (including with any modification to the direction or part of the direction as the Controller thinks fit); or
- (b) not proceed as intended,

and must serve on the person written notice of the Controller's decision.

(5) If no representation is made to the Controller within the time mentioned in subsection (3)(b) or if any representation made under that provision is withdrawn, the Controller may proceed as intended (including with any modification as the Controller thinks fit) and must serve on the person written notice of the Controller's decision.

(6) The variation, suspension or revocation takes effect at the time and date specified by the Controller in the written notice of the Controller's decision.

[Act 28 of 2022 wef 01/04/2023]

Advisory guidelines

29M.—(1) The Controller may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of one or more requirements imposed under this Part or any regulations made for the purposes of this Part.

(2) The advisory guidelines may —

(a) be of general or specific application; or

(b) specify that different provisions of the advisory guidelines apply to different circumstances, or apply to different persons or classes of persons.

(3) The Controller may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(4) Advisory guidelines issued or amended under this section do not have any legislative effect.

(5) Where a person fails to comply with any provision of any advisory guidelines issued under this section applicable to the person —

(a) the failure does not of itself render the person liable to criminal proceedings; but

(b) the failure may, whether in civil or criminal proceedings, be relied on by any party to the proceedings as tending to

establish or to negate any liability that is in question in the proceedings.

[Act 28 of 2022 wef 01/04/2023]

Security deposit against contraventions by cruise terminal licensee

29N.—(1) The Controller may, by written direction to a cruise terminal licensee, require the licensee to provide or further provide a performance bond, guarantee or other form of security on the terms and conditions determined by the Controller, of such amount and within such time as the Controller thinks appropriate.

(2) The Controller may use the security to meet the whole or any part of any financial penalty imposed on the cruise terminal licensee that is unpaid.

(3) The use of the security mentioned in subsection (2) does not affect the taking of proceedings against any person for any contravention under this Part or any regulations made for the purposes of this Part.

[Act 28 of 2022 wef 01/04/2023]

Charges for provision of cruise port services and facilities

29O.—(1) A cruise terminal licensee must ensure that any charges imposed by the cruise terminal licensee for the provision of any cruise port services and facilities at the cruise terminal to which its cruise terminal licence relates (whether provided by the cruise terminal licensee or any other person, and whether in connection with a cruise ship or any other type of ship), complies with the prevailing pricing framework set by the Controller.

(2) Regulations made under section 45 may provide for the methodology or terms in accordance with which the Controller must set any pricing framework for the purposes of subsection (1), including one or more of the following:

- (a) a maximum price or the maximum rate of increase or the minimum rate of decrease in maximum price;
- (b) an average price or the average rate of increase or decrease in the average price;

- (c) by reference to a general price index, the cost of production, revenue, a rate of return on assets, a rate of return on financial capital, a margin of turnover or profit, or any other factor;
- (d) by reference to quantity, location or the period of the provision of the cruise port services and facilities;
- (e) by reference to other financial indicators (including the rate of return of turnover or profit margin).

(3) Regulations made under section 45 may further require that any charges (including any change in charges) be approved by the Controller.

(4) Despite section 29G(1)(k), where a cruise terminal licensee fails to comply with subsection (1), the financial penalty that the Controller may impose on the cruise terminal licensee under section 29G(1) is an amount not exceeding the highest of the following:

- (a) 120% (or such other higher or lower percentage as the Minister may by order in the *Gazette* prescribe in substitution) of the total charges in excess for each year or part of a year during which those charges are in excess;
- (b) 1% of the annual turnover of that part of the cruise terminal licensee's business to which its cruise terminal licence relates, as ascertained from the licensee's latest audited accounts;
- (c) \$100,000.

[Act 28 of 2022 wef 01/04/2023]

Power to require imposition of charges, late payment interest, etc.

29P.—(1) The Controller may require a cruise terminal licensee to impose on and collect from any person (including by a specified method of collection), or not to impose on or collect from any person, any charges or security deposits associated with the provision of any cruise port services and facilities at the cruise terminal to which its

cruise terminal licence relates (including for the booking or cancellation of booking of any berth slot at the cruise terminal).

(2) The Controller may require a cruise terminal licensee to impose on any person liable to pay any charge or provide any security deposit under subsection (1), interest for the late payment of the charge or the late provision of the security deposit, and to collect the interest (including by a method of collection specified by the Controller).

(3) The Controller may specify the rate of interest for the purposes of subsection (2) or may permit the cruise terminal licensee to determine the rate.

(4) A cruise terminal licensee —

- (a) must take all reasonable steps available to collect any charge, security deposit or late interest required to be collected under this section in accordance with the method specified by the Controller; and
- (b) must not waive the payment or provision of the charge, security deposit or late interest (as the case may be) without the prior written consent of the Controller.

[Act 28 of 2022 wef 01/04/2023]

Accounts, statements and records

29Q.—(1) A cruise terminal licensee must —

- (a) in respect of each period specified by the Controller (each called in this section a designated period), prepare in the form and manner required by the Controller, accounts and statements relating to the provision in each designated period of cruise port services and facilities at the cruise terminal to which the cruise terminal licence of the cruise terminal licensee relates (whether or not the cruise port services and facilities are provided by the cruise terminal licensee);
- (b) keep the accounts and statements for each designated period for at least 5 years after the end of the designated period;

- (c) within such time after a designated period as the Controller specifies, provide the Controller with the accounts for the designated period duly audited by an auditor approved by the Controller; and
 - (d) keep, in the manner required by the Controller, records that are relevant to the preparation of the accounts and statements for each designated period for at least 5 years after the end of the designated period.
- (2) A cruise terminal licensee must —
 - (a) prepare, in the form and manner required by the Controller, records of the following:
 - (i) in respect of each designated period, records required by the Controller for determining the compliance by the cruise terminal licensee with the provisions of this Part, any regulations made for the purposes of this Part, any condition of the cruise terminal licence of the cruise terminal licensee, or any direction or standard of performance and procedures applicable to the cruise terminal licensee;
 - (ii) records of berth bookings, ship calls and passenger throughput at the cruise terminal to which the cruise terminal licence relates;
 - (b) keep the records for a designated period for at least 5 years after the end of the designated period; and
 - (c) provide the records to the Controller within the period and in the manner required by the Controller.
- (3) The accounts and statements mentioned in subsection (1), and the records mentioned in subsection (2), must be prepared so as to correctly record and explain the matters or things to which they relate.
- (4) Subject to subsection (5), a cruise terminal licensee who, without reasonable excuse, contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(5) Any person who —

- (a) intentionally alters, suppresses or destroys any account, statement or record which is required under this section;
- (b) in giving any account, statement or record required under this section, makes any statement which the person knows to be false or misleading (including as a result of any omission) in any material particular; or
- (c) refuses to give any account, statement or record as required under this section,

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 or to both.

[Act 28 of 2022 wef 01/04/2023]

*Division 4 — Restrictions on ownership of
cruise terminal licensees, etc.*

Subdivision (1) — Unacceptable situations

Control of equity interest or voting control in cruise terminal licensee

29R.—(1) A person must not, whether through a series of transactions over a period of time or otherwise —

- (a) become a 5% controller of a cruise terminal licensee without giving written notice to the Controller of that fact; or
- (b) become a 25% controller, a 50% controller or an indirect controller of a cruise terminal licensee without obtaining the prior written approval of the Controller.

(2) The written notice under subsection (1)(a) must be given within 7 days after the person becomes a 5% controller of the cruise terminal licensee.

(3) The Controller may approve an application under subsection (1)(b) if the Controller is satisfied that —

- (a) the person who is to be a 25% controller, a 50% controller or an indirect controller of the cruise terminal licensee (as the case may be) is a fit and proper person;
- (b) having regard to the person's likely influence, the cruise terminal licensee will continue to conduct its business prudently and comply with the provisions of this Act; and
- (c) it is in the public interest to do so.

(4) Any approval by the Controller under this section may be granted subject to any conditions that the Controller considers appropriate.

(5) Any condition subject to which the Controller's approval under this section is granted has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the cruise terminal licensee.

(6) A cruise terminal licensee must give written notice to the Controller if any person acquires equity interest in the cruise terminal licensee, whether through a series of transactions over a period of time or otherwise, that would result in the person becoming a 5% controller, a 25% controller, a 50% controller or an indirect controller of the cruise terminal licensee.

(7) The written notice under subsection (6) must be given within 7 days after the person becomes a 5% controller, a 25% controller, a 50% controller or an indirect controller of the cruise terminal licensee.

(8) Any person who contravenes subsection (1) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

(9) Where a person is charged with an offence in respect of a contravention of subsection (1) or (6), it is a defence for the person to prove that —

- (a) the person was not aware of the contravention when it occurred;

- (b) the person has within 14 days after becoming aware of the contravention, notified the Controller of the contravention; and
- (c) where the Controller issued any direction under section 29T to the person in relation to the contravention —
 - (i) the person complied with the direction within the period specified by the Controller under that section; or
 - (ii) the period specified by the Controller under that section for the compliance of the direction has not expired.

(10) Where a person is charged with an offence in respect of a contravention of subsection (1)(a) or (b), it is also a defence for the person to prove that, even though the person was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the person's associates;
- (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interests or other interests in, or under which they act together in exercising their voting power in relation to, the cruise terminal licensee;
- (c) the person has within 14 days after the date of the contravention, notified the Controller of the contravention; and
- (d) where the Controller issued any direction under section 29T to the person in relation to the contravention —
 - (i) within the period specified by the Controller under that section, complied with the direction; or

- (ii) the period specified by the Controller under that section for the compliance of the direction has not expired.

(11) Except as provided in subsections (9) and (10), it is not a defence for a person charged with an offence in respect of a contravention of subsection (1) or (6) to prove that the person did not intend to or did not knowingly contravene subsection (1) or (6).

[Act 28 of 2022 wef 01/04/2023]

Acquisition of cruise terminal licensee as going concern

29S.—(1) A person must not, whether or not the person has obtained any approval of the Controller under section 29R(1)(b) or is exempted from section 29R(1), acquire as a going concern the business of a cruise terminal licensee conducted pursuant to its licence for a cruise terminal, unless the person and the cruise terminal licensee have obtained the prior written approval of the Controller.

(2) The Controller may approve an application under subsection (1) if the Controller is satisfied that —

- (a) the person acquiring the business is a fit and proper person;
- (b) the acquisition will not affect the proper operation of the cruise terminal concerned; and
- (c) it is in the public interest to do so.

(3) Any approval by the Controller under this section may be granted subject to any condition as the Controller considers appropriate.

(4) Any condition imposed by the Controller under this section has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the cruise terminal licensee.

(5) An application for the Controller's approval under subsection (1) must —

- (a) be made jointly by the person and the cruise terminal licensee; and

(b) be made in such form and manner as the Controller may specify.

(6) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 28 of 2022 wef 01/04/2023]

Remedial directions

29T.—(1) The Controller may issue any direction to a person under subsection (2) or (3) if the Controller is satisfied that —

- (a) the person has contravened section 29R(1)(b) or 29S(1);
- (b) in the case of a person who has obtained the Controller’s approval under section 29R(1)(b) or who has been exempted from section 29R(1)(b) —
 - (i) the person is not or ceases to be a fit and proper person;
 - (ii) having regard to the person’s likely influence, the cruise terminal licensee is not, or is no longer, likely to conduct the business of the cruise terminal licensee prudently or to comply with the provisions of this Act; or
 - (iii) it is not, or it is no longer, in the public interest to allow the person to continue to be a 25% controller, a 50% controller or an indirect controller of the cruise terminal licensee, as the case may be;
- (c) in the case of a person who has obtained the Controller’s approval under section 29S(1) or who has been exempted from section 29S(1), and who has acquired as a going concern a business mentioned in section 29S(1) —
 - (i) the person is not or ceases to be a fit and proper person;
 - (ii) the person is not or is no longer able to properly operate the cruise terminal; or

- (iii) it is not, or it is no longer, in the public interest to allow the person to continue to own or manage that business;
 - (d) any condition of approval imposed on the person under section 29R or 29S has not been complied with;
 - (e) the person has provided any false or misleading (including as a result of an omission) information or documents in connection with the person's application for approval under section 29R or 29S; or
 - (f) the Controller would not have granted its approval under section 29R or 29S had the Controller been aware, at that time, of circumstances relevant to the person's application for such approval.
- (2) Where the person is a 25% controller, a 50% controller or an indirect controller of a cruise terminal licensee, the Controller may —
- (a) direct the person to take such steps as are necessary, within such period as the Controller may specify, to ensure that the person ceases to be a 25% controller, a 50% controller or an indirect controller of the cruise terminal licensee;
 - (b) direct the transfer or disposal of all or any of the equity interest held by the person or any of the person's associates (called in this section and section 29U the specified equity interest) within such period and subject to such conditions as the Controller may specify;
 - (c) restrict the transfer or disposal of the specified equity interest; or
 - (d) make any other direction the Controller considers appropriate.
- (3) Where the person has acquired as a going concern a business mentioned in section 29S(1), the Controller may —
- (a) direct the person to transfer or dispose of all or any part of the business within such period and subject to such conditions as the Controller may specify;

- (b) restrict the transfer or disposal of all or any part of the business; or
- (c) make any other direction the Controller considers appropriate.

(4) Before issuing any direction to a person under subsection (2) or (3), the Controller must, unless the Controller decides that it is not practicable or desirable to do so, give to the person written notice of the Controller's intention to issue the direction and specify a date by which the person may make written representations with regard to the proposed direction.

(5) On receipt of any written representation mentioned in subsection (4), the Controller must consider it for the purpose of determining whether to issue the proposed direction.

(6) A person to whom a direction is issued under this section must comply with the direction.

(7) Any person who contravenes subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(8) The Controller may, at any time, rescind, vary or discharge any direction given by the Controller under this section or suspend the operation of any such direction.

[Act 28 of 2022 wef 01/04/2023]

Effect of remedial directions

29U.—(1) Any direction issued to a person under section 29T takes effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the cruise terminal licensee.

(2) Where any direction is issued under section 29T(2)(a) or (b), despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution, of the cruise terminal licensee —

- (a) no voting right is exercisable in respect of the specified equity interest unless the Controller expressly permits the exercise of those rights;
- (b) the voting power that the person to whom the direction is issued controls, whether alone or together with that person's associates, in the cruise terminal licensee is not exercisable unless the Board expressly permits that power to be exercised;
- (c) no equity interest of the cruise terminal licensee is to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified equity interest unless the Controller expressly permits the issue or offer; and
- (d) except in a winding up of the cruise terminal licensee, no payment may be made by the cruise terminal licensee of any amount (whether by way of dividends or otherwise) in respect of the specified equity interest unless the Controller expressly authorises the payment,

until the transfer or disposal is effected in accordance with the direction or until the direction is revoked, as the case may be.

[Act 28 of 2022 wef 01/04/2023]

Head office to be in Singapore

29V.—(1) A cruise terminal licensee must ensure that its central management and control is ordinarily exercised at a place within Singapore.

(2) A contravention of subsection (1) does not affect the validity of any transaction.

[Act 28 of 2022 wef 01/04/2023]

Subdivision (2) — Definitions

Interpretation of this Division

29W.—(1) In this Division, unless the context otherwise requires —

“5% controller”, in relation to a cruise terminal licensee, means a person who, alone or together with the person’s associates —

- (a) holds 5% or more of the total equity interests in; or
- (b) is in a position to control 5% or more of the voting power in,

the cruise terminal licensee;

“25% controller”, in relation to a cruise terminal licensee, means a person who, alone or together with the person’s associates —

- (a) holds 25% or more of the total equity interests in; or
- (b) is in a position to control 25% or more of the voting power in,

the cruise terminal licensee;

“50% controller”, in relation to a cruise terminal licensee, means a person who, alone or together with the person’s associates —

- (a) holds 50% or more of the total equity interests in; or
- (b) is in a position to control 50% or more of the voting power in,

the cruise terminal licensee;

“acquisition” includes an agreement to acquire, but does not include —

- (a) an acquisition by will or by devolution by operation of law; or
- (b) an acquisition by way of enforcement of a loan security;

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“control” includes control as a result of, or by means of, trust, agreement, arrangement, understanding or practice, whether

or not having legal or equitable force and whether or not based on legal or equitable rights;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

“equity interest” means —

- (a) in relation to a cruise terminal licensee that is a corporation —
 - (i) a voting share in that corporation;
 - (ii) an interest in a voting share in that corporation;
or
 - (iii) any other legal or equitable interest in a voting share in that corporation except for such interest as is to be disregarded under section 7 of the Companies Act 1967;
- (b) in relation to a cruise terminal licensee that is a trustee-manager of a business trust — a unit in that business trust;
- (c) in relation to a cruise terminal licensee that is a trustee of a trust other than a business trust — any right or interest, whether legal or equitable, in that trust (by whatever name called) which gives the holder of that right or interest voting power in that trust; and
- (d) in relation to any other cruise terminal licensee — any right or interest, whether legal or equitable, in that person which gives the holder of that right or interest voting power in that person,

and includes such other interests, or such other interests in such other circumstances, as may be prescribed;

“increase” includes an increase from a starting point of nil;

“indirect controller”, in relation to a cruise terminal licensee, means any person, whether acting alone or together with any

other person, and whether with or without holding equity interests or controlling the voting power in the licensee —

- (a) in accordance with whose directions, instructions or wishes the directors or other officers of the cruise terminal licensee are accustomed or under an obligation, whether formal or informal, to act; or
- (b) who is in a position to determine the policy of the cruise terminal licensee,

but does not include any person in accordance with whose directions, instructions or wishes the directors or other officers of the cruise terminal licensee are accustomed to act by reason only that they act on advice given by the person in the person's professional capacity;

“officer” —

- (a) in relation to a corporation, includes —
 - (i) a director, a secretary or an employee of the corporation;
 - (ii) a receiver and manager of any part of the undertaking of the corporation appointed under a power contained in any instrument; or
 - (iii) a liquidator of the corporation appointed in a voluntary winding up;
- (b) in relation to a partnership, includes a partner of the partnership; and
- (c) in relation to a limited partnership or limited liability partnership, includes a partner or manager of the limited liability partnership,

and includes (whether in relation to an entity mentioned in paragraph (a), (b) or (c) or any other entity) such other person as may be prescribed;

“relative”, in relation to a person, means —

- (a) the person's spouse;

- (b) a parent or remoter lineal ancestor of the person;
- (c) a son, daughter or remoter issue of the person; or
- (d) a brother or sister of the person;

“share”, in relation to a corporation, means a share in the share capital of the corporation, and includes —

- (a) stock into which all or any of the share capital of the corporation has been converted; and
- (b) an interest in such a share or in such stock;

“treasury share” has the meaning given by section 4(1) of the Companies Act 1967;

“voting share” has the meaning given by section 4(1) of the Companies Act 1967 but does not include a treasury share.

(2) In this Division, a person is entitled to acquire anything if the person is absolutely or contingently entitled to acquire it, whether because of any constituent document of a corporation, the exercise of any right or option or for any other reason.

[Act 28 of 2022 wef 01/04/2023]

Meaning of “associate”

29X.—(1) Subject to subsection (3), the following persons are associates of a person:

- (a) a relative of the person;
- (b) a partner of the person;
- (c) a corporation of which the person is an officer;
- (d) if the person is a corporation, an officer of the corporation;
- (e) an employee or employer of the person;
- (f) an officer of a corporation of which the person is an officer;
- (g) an employee of an individual of whom the person is an employee;
- (h) the trustee of a discretionary trust where the person or another person who is an associate of the person by virtue of another paragraph in this subsection benefits, or is

capable (whether by exercise of a power of appointment or otherwise) of benefitting, under the trust, either directly or through interposed companies, partnerships or trusts;

- (i) a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the person;
- (j) a corporation where the person is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the corporation.

(2) If a person (called the first person) enters, or proposes to enter, into an arrangement with another person (called the second person) that relates to any of the following matters:

- (a) the first person and the second person being in a position, by acting together, to control any of the voting power in a cruise terminal licensee;
- (b) the power of the first person and the second person, by acting together, to appoint or remove a director of a cruise terminal licensee;
- (c) the situation where one or more of the directors of a cruise terminal licensee are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the first person and the second person acting together,

then, the second person is taken to be an associate of the first person for the purposes of the application of any provision in this Division in relation to the matter concerned.

(3) Regulations made under section 45 may provide —

- (a) for persons to be associates in any other circumstances; and
- (b) that any person or class of persons is not an associate of another person for the purposes of any provision of this Part.

[Act 28 of 2022 wef 01/04/2023]

Meaning of “voting power”

29Y.—(1) For the purposes of this Division, a reference to the voting power in a cruise terminal licensee is a reference to the total rights of the holders of equity interests in the cruise terminal licensee to vote, or participate in any decision-making, concerning any of the following:

- (a) the making of distributions of capital or profits of the cruise terminal licensee to holders of its equity interests;
- (b) the memorandum or articles of association of the cruise terminal licensee, or any rules or other documents constituting the cruise terminal licensee or governing its activities;
- (c) any variation of the share capital of the cruise terminal licensee.

(2) Where a cruise terminal licensee is a corporation limited both by shares and by guarantee or does not have a share capital, subsection (1) has effect as if the members or policy holders of the corporation were shareholders in the corporation.

(3) A reference in this Division to control of a percentage of the voting power in a cruise terminal licensee is a reference to control that is direct or indirect, including control that is exercisable as a result of or by means of arrangements or practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights, of that percentage of the total number of votes that may be cast in a general meeting of the cruise terminal licensee.

(4) If the percentage of total rights to vote or participate in decision-making differs as between different types of voting or decision-making, the highest of those percentages applies for the purposes of this Division.

[Act 28 of 2022 wef 01/04/2023]

What it means to hold equity interest

29Z.—(1) A person holds an equity interest under this Division if the person —

(a) has or is deemed to have an equity interest in accordance with subsections (2) to (8); or

(b) has any legal or equitable interest in the equity interest.

(2) Subject to subsection (3), a person has an equity interest if the person has authority (whether formal or informal, or express or implied) to dispose of, or to exercise control over the disposal of, that equity interest.

(3) It is immaterial that the authority of a person to dispose of, or to exercise control over the disposal of, the equity interest mentioned in subsection (2) is, or is capable of being made, subject to restraint or restriction.

(4) It is immaterial, for the purposes of determining whether a person has an equity interest, that the interest cannot be related to a particular share, an interest, a right or a unit that gives its holder voting power.

(5) A person is deemed to have an equity interest if —

(a) any property held in trust consists of or includes the equity interest; and

(b) the person knows, or has reasonable grounds for believing, that the person has an interest under that trust.

(6) A person is also deemed to have an equity interest if —

(a) the person has entered into a contract to purchase the equity interest;

(b) the person has a right (otherwise than because of having an interest under a trust) to have the equity interest transferred to the person or to the person's order (whether the right is exercisable presently or in the future and whether or not on the fulfilment of a condition);

(c) the person has a right to acquire the equity interest, or an interest in the equity interest, under an option (whether the right is exercisable presently or in the future and whether or not on the fulfilment of a condition); or

(d) the person is entitled (otherwise than because of having been appointed as a proxy or representative to vote at a meeting of members of the corporation or of a class of its members) to exercise or control the exercise of a right attached to the equity interest, not being an equity interest in which that person has a legal or equitable interest.

(7) A person is not to be deemed as not having an equity interest by reason only that the person has the equity interest jointly with another person.

(8) An equity interest is not to be disregarded only because of —

(a) its remoteness;

(b) the manner in which it arose; or

(c) the fact that the exercise of a right conferred by the equity interest is, or is capable of being made, subject to restraint or restriction.

[Act 28 of 2022 wef 01/04/2023]

Certain equity interests to be disregarded

29ZA. Regulations made under section 45 may provide that any equity interest is to be disregarded for the purposes of any provision in this Division.

[Act 28 of 2022 wef 01/04/2023]

Division 5 — Special administration orders

Meaning and effect of special administration order

29ZB.—(1) A special administration order is an order of the Minister made in accordance with section 29ZC in relation to a cruise terminal licensee that is an entity, a trustee-manager of a business trust or a trustee of a trust and directing that, during the period for which the order is in force, the affairs, business and property of the cruise terminal licensee, and of the business trust or the trust (as the case may be), are to be managed by the Board —

(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 shareholders, unitholders or beneficiaries (as the case may be), and the creditors and customers of the cruise terminal licensee.

(2) The purposes of a special administration order made in relation to any cruise terminal licensee are —

- (a) the availability and reliability of the provision of cruise port services and facilities to the public;
- (b) the survival of the cruise terminal licensee, and of the business trust or the trust (as the case may be), or the whole or part of its undertaking as a going concern;
- (c) the transfer, as a going concern —
 - (i) to another entity or the Board; or
 - (ii) (as respects different parts of the area to which the cruise terminal licence relates, or different parts of its undertaking) to 2 or more entities, or to one or more entities and the Board,

of so much of the cruise terminal licensee's undertaking as is necessary to transfer in order to ensure that the functions which have been vested in the cruise terminal licensee by virtue of its cruise terminal licence may be properly carried out; and

- (d) the carrying out of those functions pending the making of the transfer and the vesting of those functions in the other entity or entities or the Board (whether by virtue of the transfer or of an authorisation or a variation which replaces the former cruise terminal licensee as a cruise terminal licensee).

(3) The Minister may make regulations for giving effect to this Division, including —

- (a) regulations governing the transfer of a business or an undertaking mentioned in subsection (2)(c); and
- (b) where a special administration order is made in respect of a cruise terminal licensee that is a corporation, regulations

applying, omitting or modifying provisions of Parts 7 and 9 of the Insolvency, Restructuring and Dissolution Act 2018.

(4) In this section, “entity” means a sole proprietorship, partnership, corporation or other body of persons, whether corporate or unincorporate.

[Act 28 of 2022 wef 01/04/2023]

Special administration order made on application by Board

29ZC.—(1) If, on an application made to the Minister by the Board, the Minister is satisfied in relation to a cruise terminal licensee that any one or more of the grounds specified in subsection (2) are satisfied in relation to the cruise terminal licensee, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to the cruise terminal licensee;
- (b) an order requiring the cruise terminal licensee to immediately 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;
- (c) an order appointing a person to advise the cruise terminal licensee on the proper conduct of its business.

(2) The grounds mentioned in subsection (1) are that —

- (a) the cruise terminal licensee is or is likely to be unable to pay its debts;
- (b) the Minister considers it in the interest of the availability and reliability of the provision of cruise port services and facilities to the public; or
- (c) the Minister otherwise considers it in the public interest.

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

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

(5) For the purposes of this section —

- (a) a cruise terminal licensee that is a company is unable to pay its debts if it is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018;
- (b) a cruise terminal licensee that is an unregistered company is unable to pay its debts if it is deemed to be unable to pay its debts under section 246(2) of the Insolvency, Restructuring and Dissolution Act 2018; and
- (c) a cruise terminal licensee that is a limited liability partnership is unable to pay its debts if it is deemed to be unable to pay its debts under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act 2005.

(6) Where the Minister issues an order to a person under subsection (1) and the person fails to comply with that order, the person 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 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[Act 28 of 2022 wef 01/04/2023]

Transfer of property, etc., under special administration order

29ZD.—(1) Without affecting sections 29ZB and 29ZC, a special administration order may provide for the following matters:

- (a) the transfer to one or more transferees of —
 - (i) where the cruise terminal licensee is not a trustee-manager of a business trust or a trustee of a trust — the property, rights and liabilities of the cruise terminal licensee;
 - (ii) where the cruise terminal licensee is a trustee-manager of a business trust — the trust property of the registered business trust, and the rights held and the liabilities incurred by the trustee-manager in the capacity of trustee-manager of the business trust; or

(iii) where the cruise terminal licensee is a trustee of a trust — the trust property of the trust, and the rights held and the liabilities incurred by the trustee in the capacity of trustee of the designated trust,

as the case may be;

(b) matters that are consequential or related to any such transfer.

(2) If the Minister makes a special administration order providing for any matter referred to in subsection (1), the Minister must, within 6 months after the making of the order, by notification in the *Gazette*, establish a scheme for determining the amount of any compensation payable to the cruise terminal licensee for the transfer of its property, rights and liabilities.

(3) A scheme established under subsection (2) may provide for —

(a) the manner in which any compensation or consideration is to be assessed, including methods of calculation, valuation dates and matters to be taken into account or disregarded when making valuations;

(b) the assessment to be made by an independent valuer appointed by the Minister; and

(c) the remuneration and expenses of the independent valuer.

[Act 28 of 2022 wef 01/04/2023]

Remuneration and expenses of Board and others

29ZE.—(1) Where a special administration order has been made under section 29ZC(1)(a) in relation to a cruise terminal licensee, the Board may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the cruise terminal licensee to the Board for the management by the Board of the affairs, business and property of the cruise terminal licensee, or of the business trust or the trust (as the case may be) pursuant to the special administration order.

(2) The Board may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a cruise terminal licensee to any person appointed by the

Minister under section 29ZC(1)(c) to advise the cruise terminal licensee in the proper conduct of its business.

[Act 28 of 2022 wef 01/04/2023]

Division 6 — Restrictions on winding up, etc.

Restrictions on winding up, etc.

29ZF.—(1) Despite any other written law —

- (a) a cruise terminal licensee that is a corporation, a limited liability partnership, a trustee-manager of a business trust or a trustee of a trust must not be wound up, dissolved or terminated voluntarily without the consent of the Board;
- (b) a cruise terminal licensee that is a partnership cannot be dissolved —
 - (i) by a partner giving notice to the other partner or other partners (as the case may be) of the partner's intention to dissolve the partnership; or
 - (ii) by the partners agreeing to dissolve the partnership, without the consent of the Board;
- (c) a person must not make any application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a cruise terminal licensee that is a company, unless that person has served on the Board 14 days' written notice of that person's intention to make that application;
- (d) no judicial management order under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 may be made in relation to a cruise terminal licensee that is a company without the consent of the Board;
- (e) no interim judicial manager or judicial manager may be appointed under section 94 of the Insolvency, Restructuring and Dissolution Act 2018 in respect of a cruise terminal licensee that is a company without the consent of the Board;

- (f) a person must not take any step to enforce any security over the property of the cruise terminal licensee, business trust or trust (as the case may be) unless that person has served on the Board 14 days' written notice of that person's intention to take that step; and
 - (g) a person must not take any step to enforce any judgment or order of court obtained against a cruise terminal licensee, unless that person has served on the Board 14 days' written notice of that person's intention.
- (2) The Board must be a party to —
- (a) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a cruise terminal licensee that is a company;
 - (b) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to a cruise terminal licensee that is a company;
 - (c) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a cruise terminal licensee that is a company or an unregistered company;
 - (d) any proceedings under the Limited Liability Partnerships Act 2005 relating to the winding up of the affairs of a cruise terminal licensee that is a limited liability partnership; and
 - (e) any proceedings before any court for the winding up, dissolution or termination (as the case may be) of any cruise terminal licensee not mentioned in paragraph (c) or (d), or of any business trust or trust for which the cruise terminal licensee is the trustee-manager or trustee.
- (3) A court must, when deciding any proceedings mentioned in subsection (2), take into consideration any representations made by the Board in those proceedings.

[Act 28 of 2022 wef 01/04/2023]

Division 7 — Miscellaneous

Power to publish information

29ZG. The Controller may, where the Controller thinks it necessary or expedient in the interest of the public or pursuant to any function of the Controller, and in such form and manner as the Controller thinks fit, publish or require a cruise terminal licensee to publish information, including in relation to —

- (a) the charges, or the parameters and policies affecting the charges, applicable to the utilisation of cruise port services and facilities;
- (b) the policies, instructions or frameworks relating to the allocation of berth slots;
- (c) the behaviour of, performance of or compliance by a cruise terminal licensee in respect of any licence conditions, standards of performance and procedures, and policies or requirements, applicable to the licensee and any regulatory action taken by the Controller against the licensee under this Part or regulations made for the purposes of this Part; and
- (d) cruise ship calls to Singapore and local and foreign cruise passenger throughput (including disembarkation, embarkation, and transit passengers).

[Act 28 of 2022 wef 01/04/2023]

PART 3B

POWERS OF ENFORCEMENT, ETC.

[Act 28 of 2022 wef 01/04/2023]

Interpretation of this Part

30.—(1) In this Part, unless the context otherwise requires —

“premises” includes —

- (a) any building or structure, whether permanent or temporary;

- (b) any land, whether built on or not;
- (c) any place, whether open or enclosed, including any place situated underground or underwater;
- (d) any vehicle, vessel, train or aircraft; and
- (e) any part of any premises referred to in paragraphs (a) to (d);

“tourist guide” has the meaning given by section 20;

“tourist guides regulations” means any regulations made under section 45 relating to tourist guides.

[7/2014]

(2) A reference in this Part to —

- (a) any provision of Part 3A includes a reference to any provision of any tourist guides regulations; and
- (b) any offence under Part 3A includes a reference to any offence under any tourist guides regulations.

[19K
[7/2014]

Power to enter, inspect and search, etc.: Part 3A

31.—(1) An inspecting officer has power to do all or any of the following:

- (a) enter and inspect, at any reasonable time, any premises if the inspecting officer has reasonable grounds to believe that any individual is acting as a tourist guide therein;
- (b) enter and search, at any reasonable time, any premises if the inspecting officer has reasonable grounds to believe that any individual is committing or has committed therein the offence under section 21(3) of acting as a tourist guide without a valid licence, and take possession or make copies of any thing found therein which the inspecting officer reasonably believes to be connected to the commission of the offence;
- (c) subject to subsections (3) and (4), search any individual found within any premises mentioned in paragraph (b)

whom the inspecting officer reasonably believes to have committed an offence under Part 3A, and take possession or make copies of any thing found on that individual which the inspecting officer reasonably believes to be connected to the commission of the offence;

- (d) take such photographs, or audio or video recordings, as the inspecting officer thinks necessary of any premises mentioned in paragraph (a) or (b) (including anything therein), or of any individual whom the inspecting officer reasonably believes to be acquainted with the facts or circumstances of any alleged or suspected contravention of any provision of Part 3A.

[7/2014]

(2) The owner, occupier or operator of any premises mentioned in subsection (1)(a) or (b) must provide to an inspecting officer such assistance, cooperation or means required by the inspecting officer as is necessary for his or her entry into, and inspection or search of, the premises under subsection (1)(a) or (b).

[7/2014]

(3) A woman must not be searched under subsection (1)(c) except by another woman with strict regard to decency.

[7/2014]

(4) The power to take possession of any thing found on a person searched under subsection (1)(c) does not include necessary wearing apparel found on him or her.

[7/2014]

(5) Any thing taken possession of by an inspecting officer under subsection (1)(b) or (c) or under section 33(6) —

- (a) must be placed in safe custody by the inspecting officer; and
- (b) unless ordered otherwise by a court, may be retained by the inspecting officer until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.

[7/2014]

(6) An inspecting officer may detain a person mentioned in subsection (1)(c) until the person and the premises in which the person is found have been searched.

[19L

[7/2014]

[Act 28 of 2022 wef 01/04/2023]

Power to require evidence as to identity, etc., and power to arrest

32.—(1) An inspecting officer may require any person whom the inspecting officer reasonably believes to have committed an offence under Part 3A to provide any evidence establishing, to the satisfaction of the inspecting officer, the person's identity, nationality or residential address.

[7/2014]

(2) An inspecting officer may arrest without warrant any person who is required to provide any evidence under subsection (1) if —

- (a) the person fails to provide such evidence; or
- (b) the inspecting officer has reason to believe that any evidence provided by the person is false.

[7/2014]

(3) In making the arrest, the inspecting officer —

- (a) must touch or confine the body of the person to be arrested unless he or she submits to arrest by word or action; and
- (b) may use all reasonable means necessary to make the arrest if the person to be arrested forcibly resists or tries to evade arrest,

and the person arrested must not be restrained more than is necessary to prevent his or her escape.

[7/2014]

(4) Any person arrested under subsection (2) must be brought to a police station as soon as reasonably practicable and may, if required by a police officer of or above the rank of sergeant, be released upon signing a bond, with or without surety, to appear before a Magistrate.

[7/2014]

(5) If the person refuses or is unable to sign the bond as required, he or she must, within 24 hours of the arrest (excluding the time necessary for the journey to a Magistrate's Court), be brought before a Magistrate's Court.

[7/2014]

(6) The person who is brought before a Magistrate's Court under subsection (5) may —

- (a) be ordered to be detained in custody until he or she can be tried; or
- (b) if so required by the Magistrate, be released upon signing a bond, with or without surety, to appear before a Magistrate's Court.

[19M

[7/2014]

Powers to enter and inspect, and conduct surveys, etc.: Part 3AA

32A.—(1) The Controller or an inspecting officer may, for the purpose of administering, enforcing or monitoring compliance with Part 3AA or regulations made for the purposes of that Part, enter any cruise terminal at any reasonable time to do one or more of the following:

- (a) inspect the cruise terminal, and examine any thing or any activity conducted in or at the cruise terminal;
- (b) without affecting section 32B, 33 or 35A —
 - (i) examine and require the production of any books, documents, electronic records, or other records of any person relating to the business of providing any cruise port services and facilities at the cruise terminal; and
 - (ii) make copies or records of, or take possession of, any information contained in any book, document, electronic record or other record mentioned in sub-paragraph (i);

- (c) take photographs or audio or video recordings of the cruise terminal and any thing or any activity conducted in or at the cruise terminal.

(2) The Controller or an inspecting officer may, under a warrant of a Magistrate's Court or District Court, seize any thing found in or at any cruise terminal which the Controller or inspecting officer reasonably suspects is evidential material relevant to an offence under Part 3AA or regulations made for the purposes of that Part.

(3) The Controller may authorise any person to enter a cruise terminal at any reasonable time to do one or more of the following, for one or more purposes in subsection (4):

- (a) take photographs or audio or video recordings of the cruise terminal;
- (b) conduct surveys for the Controller.

(4) The following are the purposes for subsection (3):

- (a) to ascertain the level of operational efficiency at the cruise terminal;
- (b) to ascertain the satisfaction level of any person at the cruise terminal with the services and facilities provided there;
- (c) to obtain information from cruise ship passengers and crew in connection with Singapore as their travel or tourist destination.

[Act 28 of 2022 wef 01/04/2023]

Power to obtain information: Parts 3A and 3AA

32B.—(1) Without affecting section 32A, 33 or 35A, the Board, the Controller or an inspecting officer may, by written notice require a licensee in Part 3A or a cruise terminal licensee in Part 3AA (each called in this section the specified licensee) to provide, within a reasonable period specified in the notice, and in the form and manner that may be specified in the notice, all information and documents which —

- (a) relate to any matter which the Board, the Controller or the inspecting officer considers necessary for the purpose of administering, enforcing or monitoring compliance with

Part 3A or 3AA or regulations made for the purposes of Part 3A or 3AA, as the case may be; and

(b) are —

- (i) within the knowledge of the specified licensee; or
- (ii) in the custody or under the control of the specified licensee.

(2) The power to require a specified licensee to provide any information or document under subsection (1) includes the power —

- (a) to require the specified licensee to provide an explanation of the information or document;
- (b) if the information or document is not provided, to require the specified licensee to state, to the best of the knowledge and belief of the specified licensee, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Board, the Controller or an inspecting officer in legible form.

(3) The Board is entitled without payment to keep any information or document, or any copy or extract thereof, provided to the Board, the Controller or an inspecting officer under subsection (1).

[Act 28 of 2022 wef 01/04/2023]

Power to examine, secure attendance, etc.

33.—(1) For the purposes of investigating any offence under this Act or any regulations made under this Act, an inspecting officer may do all or any of the following:

- (a) examine orally any person who appears to be acquainted with any of the facts or circumstances of the case —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the case; and
 - (ii) whether or not the person is to be called as a witness in any inquiry, trial or other proceeding in connection with the case;

- (b) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with any of the facts or circumstances of the case, to attend before the inspecting officer, and that person must comply with the written notice;
- (c) require any person, whom the inspecting officer has reason to believe has any document or article in his or her possession, custody or control relevant to the investigation, to produce that document or article.

[7/2014]

(2) Any person examined under this section is bound to state truly what he or she knows of the facts and circumstances of the case, except that he or she need not say anything that might expose him or her to a criminal charge, penalty or forfeiture.

[7/2014]

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to him or her;
- (c) if he or she does not understand English, be interpreted in a language that he or she understands; and
- (d) after correction (if necessary), be signed by him or her.

[7/2014]

(4) If any person fails to comply with a written notice issued to him or her by an inspecting officer under subsection (1)(b), the inspecting officer may report the failure to a Magistrate who may then, in his or her discretion, issue a warrant ordering the person to comply with the written notice.

[7/2014]

(5) A person must not, without reasonable excuse, refuse to comply with any requirement made of him or her under subsection (1)(c) by an inspecting officer.

[7/2014]

(6) Subject to section 31(5), an inspecting officer may take possession or make copies of any document or article produced to him or her under subsection (1)(c) for further investigation.

[19N
[7/2014]

Notice to attend court

34.—(1) Where an inspecting officer has reasonable grounds to believe that a person has committed an offence under this Act or any regulations made under this Act, he or she may, in lieu of applying to a court for a summons under the Criminal Procedure Code 2010, immediately serve upon that person a prescribed notice, requiring that person to attend at the court described, at the time and on the date specified, in the notice.

[7/2014]

(2) A duplicate of the notice must be prepared by the inspecting officer and, if so required by the court, produced to the court.

[7/2014]

(3) The notice may be served on the person alleged to have committed the offence in the same manner as the service of a summons under section 116 of the Criminal Procedure Code 2010.

[7/2014]

(4) Upon an accused person appearing before a court pursuant to the notice, the court is to take cognizance of the alleged offence and is to proceed as though he or she were produced before the court pursuant to a summons issued under section 153 of the Criminal Procedure Code 2010.

[7/2014]

(5) If a person upon whom a notice has been served under subsection (1) fails to appear before a court in person or by counsel in accordance therewith, the court may, if satisfied that the notice was duly served, issue a warrant for the arrest of the person unless, in the case of an offence which may be compounded, that person has before that date been permitted to compound the offence.

[7/2014]

(6) Upon a person arrested pursuant to a warrant issued under subsection (5) being produced before a court, the court is to proceed

as though the person were produced before it pursuant to a summons issued under section 153 of the Criminal Procedure Code 2010.

[Act 31 of 2022 wef 01/11/2022]

(7) An officer of the Board authorised in that behalf by the Board may, at any time before the date specified in the notice under subsection (1), cancel the notice.

[190

[7/2014]

(8) This section applies only to offences under Part 3A.

[Act 28 of 2022 wef 01/04/2023]

PART 4

MISCELLANEOUS PROVISIONS

Obstructing officer of Board, etc.

35. Any person who refuses to give access to, or obstructs, hinders or delays —

(a) the Board or any of its members, officers or employees (including the Controller and any authorised officer mentioned in section 35A);

[Act 28 of 2022 wef 01/04/2023]

(b) an inspecting officer; or

[Act 28 of 2022 wef 01/04/2023]

(c) an authorised person mentioned in section 32A(3),

in the discharge of the duties of, or the exercise of the powers of, the Board or any of those individuals under this Act or any regulations made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[20

[7/2014]

[Act 28 of 2022 wef 01/04/2023]

Power to obtain information

35A.—(1) The Board or any officer authorised for purposes of this section (called in this section an authorised officer) may by written notice require any person (whether within or outside Singapore) to

provide within a reasonable period specified in the notice, all information and documents (including information and documents comprising or containing personal data of any individual in or intending to visit Singapore) that are within the knowledge of that person or in that person's custody or under that person's control, relating to any matter reasonably required by the Board to carry out the functions or duties assigned to the Board by or under this Act.

(2) The power to require a person to provide any information or document under subsection (1) includes the power —

- (a) to require that person, or any person who is or was an officer or employee of the person, to provide an explanation of the information or document;
- (b) if the information or document is not provided, to require that person to state, to the best of the person's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Board or an authorised officer in legible form.

(3) Any person who, without reasonable excuse, fails to comply with a written notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

(4) The Board is entitled without payment to keep any information or document, or any copy or extract thereof, provided to the Board or an authorised officer under subsection (1) or obtained under subsection (2).

[Act 28 of 2022 wef 01/01/2023]

Preservation of secrecy

35B.—(1) No information or document provided for the purposes of this Act or any regulations made under this Act is to be disclosed, except —

- (a) with the consent of the person from whom the information was obtained;
- (b) to the extent that the information or document is already in the public domain;
- (c) in connection with the administration or enforcement of this Act or any regulations made under this Act;
- (d) to the Minister, or any public officer assisting the Minister and duly authorised by the Minister for the purposes of this subsection, as may be necessary for the performance of the Minister's official duties in connection with —
 - (i) this Act; or
 - (ii) the advancement or development of tourism and the regulation of tourism enterprises;
- (e) for the purposes of any legal proceedings (including criminal proceedings) arising out of this Act or any regulations made under this Act or of any report of such proceedings; or
- (f) under and in accordance with any other written law.

(2) Any Board member, officer or employee or any person employed or engaged in the administration or enforcement of this Act or any regulations made under this Act, who discloses to any other person any information or document provided for the purposes of this Act or any regulations made under this Act in contravention of subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) If —

- (a) any person (*X*) has possession of any information or document which to the person's knowledge has been disclosed in contravention of this section; and
- (b) *X* discloses that information or document to any other person,

then *X* shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 28 of 2022 wef 01/01/2023]

False or misleading information, etc.

36.—(1) A person is guilty of an offence if —

(a) the person is required to make any statement or provide any information or document under this Act or any regulations made under this Act; and

(b) the person —

(i) makes any statement or provides any information or document which is false or misleading (including as a result of any omission) in a material particular, and which the person —

(A) knows or ought reasonably to know to be so; or

(B) is reckless as to whether it is so; or

(ii) intentionally alters, suppresses or destroys the information or document.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 28 of 2022 wef 01/04/2023]

Exclusion of liability for act or default of cruise terminal licensee

36A. Despite the grant of any cruise terminal licence under Part 3AA, neither the Board nor the Controller shall be liable in any circumstances for any injury, loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any cruise terminal licensee or any agent or employee of the cruise terminal licensee.

[Act 28 of 2022 wef 01/04/2023]

Presumption of jurisdiction

36B. If, in any legal proceedings under Part 3AA or any regulations made for the purposes of that Part, a question arises as to whether or not any ship or person is within the provisions of this Act or any regulations made under this Act or some part of this Act or any regulations made under this Act, the ship or person is taken to be within those provisions unless the contrary is proved.

[Act 28 of 2022 wef 01/04/2023]

Protection from personal liability

37.—(1) No liability shall lie personally against any member, officer or employee of the Board, any committee member or any other person acting under the direction of the Board, or any inspecting officer, who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act or any other written law.

[7/2014]

(2) Where the Board provides a service to the public whereby information is supplied to the public under any written law, neither any of its members, officers or employees nor any committee member or inspecting officer involved in the supply of that information shall be 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 the member, officer, employee, committee member or inspecting officer had acted in good faith, with reasonable care and in the ordinary course of the discharge of his or her duties.

[22

[7/2014]

Conduct of legal proceedings

38. Proceedings in respect of any offence under the provisions of this Act or any regulations made under this Act may, with the authorisation of the Public Prosecutor, be conducted by any officer of the Board or any other person authorised in writing in that behalf by the Chief Executive.

[23

[15/2010]

Jurisdiction of courts

38A. A Magistrate's Court or a District Court has jurisdiction to hear and determine all offences under this Act or any regulations made under this Act and, despite anything to the contrary in the Criminal Procedure Code 2010, has power to impose the full penalty or punishment in respect of any offence under this Act or any regulations made under this Act.

[Act 28 of 2022 wef 01/04/2023]

Use of Merlion symbol

39. Any person who, without the permission of the Board, uses the Merlion symbol, a representation of which is set out in Part 1 of the Schedule, or a symbol or representation so nearly resembling the Merlion symbol as to cause confusion in relation to it, 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 6 months or to both.

[24

Board's symbol

40.—(1) The Board has the exclusive right to the use of the Board's symbol, a representation of which is set out in Part 2 of the Schedule.

(2) Any person who, without the permission of the Board, uses the Board's symbol, or a symbol or representation so nearly resembling the Board's symbol as to cause confusion in relation to it, 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 6 months or to both.

[25

Composition of offences

41.—(1) Subject to subsection (1A), the Chief Executive or any officer of the Board authorised by him or her may, in his or her discretion, compound any offence under this Act or any regulations made under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having

committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

[7/2014]

[Act 28 of 2022 wef 01/04/2023]

(1A) The Controller may compound any offence under Part 3AA or any regulations made for that Part, which is prescribed as a compoundable offence, by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

[Act 28 of 2022 wef 01/04/2023]

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

[7/2014]

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

[25A

[7/2014]

Recovery of financial penalties

42.—(1) Any person who fails to pay a financial penalty by the date the person is required to do so under this Act is liable to pay, after that date, interest on the amount unpaid at the same rate as for a judgment debt.

[7/2014]

(2) Any financial penalty and any interest on any financial penalty payable by any person under this Act is recoverable by the Board from that person as a debt due to the Board.

[Act 28 of 2022 wef 01/04/2023]

(3) The Board may, in any case it thinks fit, waive, remit or refund, wholly or in part, any financial penalty or any interest thereon payable under this Act.

[7/2014]

(4) The Board must pay into the Consolidated Fund all financial penalties and interest thereon collected by the Board under this Act.
[7/2014]

(5) In this section, “tourist guide licence” has the meaning given by section 20(1).

[25B
[7/2014]

Appeal to Minister

42A.—(1) Any person aggrieved by a decision mentioned in subsection (2) may appeal to the Minister within 14 days after notice of the decision is served on the person or such extended period as the Minister may allow in any particular case.

(2) A decision for the purpose of subsection (1) is any of the following:

- (a) a decision by the Board under Part 3A —
 - (i) refusing to grant or renew a licence under section 23(4)(b);
 - (ii) modifying any condition of or imposing any new condition on a licence;
 - (iii) altering under section 24(4) the description or classification of the person as a tourist guide in a manner that is to the person’s disadvantage;
 - (iv) issuing a direction under section 26A(1) or 28(2), or varying such direction under section 26B(4) or (5) or 28(5E);
 - (v) suspending or revoking the person’s licence under section 28(1);
 - (vi) requiring the person to pay a financial penalty, including the amount of the financial penalty, under section 28(2); or
 - (vii) debarring the person from applying for or for a renewal of a licence under section 28(2);

- (b) a decision by the Controller under Part 3AA —
- (i) refusing to grant or renew a cruise terminal licence under section 29B(3);
 - (ii) refusing to amend a cruise terminal licence under section 29B(7);
 - (iii) refusing to allow a transfer or assignment of benefit of a cruise terminal licence under section 29F;
 - (iv) issuing a direction under section 29G(1) or 29K(1), or varying such direction under section 29G(13) or 29L(4) or (5);
 - (v) requiring the person to pay a financial penalty, including the amount of the financial penalty, under section 29G(1);
 - (vi) debarring the person from applying for or for a renewal of a cruise terminal licence under section 29G(1);
 - (vii) suspending or revoking the person's cruise terminal licence under section 29G(1);
 - (viii) modifying any condition of or imposing any new condition on a cruise terminal licence, and the amount of any compensation to be provided, under section 29J;
 - (ix) regarding the use of any security deposit under section 29N(2);
 - (x) refusing to approve any charges for the provision of any cruise port services and facilities at a cruise terminal pursuant to regulations made under section 29O;
 - (xi) requiring the person as a cruise terminal licensee to impose on and collect, or not to impose on and collect, any charge or security deposit or late interest under section 29P; or

(xii) refusing to grant an approval under section 29R or 29S.

(3) An appeal against a decision under subsection (1) does not affect the operation of the decision or prevent the taking of any action to implement the decision unless otherwise provided in this Act or directed by the Minister in any particular case.

(4) Any person who makes an appeal to the Minister under subsection (1) must, within the period specified in that subsection —

- (a) state the circumstances under which the appeal arises and the issues and grounds for the appeal; and
- (b) submit all relevant facts, evidence and arguments in respect of the appeal.

(5) Where an appeal has been made to the Minister under subsection (1) —

- (a) the Minister may require the appellant, the Board or the Controller (as the case may be) or any person who is not a party to the appeal but appears to the Minister to have any information or document that is relevant to the circumstances under which the appeal arises, to provide the Minister with all or any such information or document as the Minister may require for the purpose of considering and determining the appeal; and
- (b) any person so required to provide the information or document must provide it in the manner and within the period specified by the Minister.

(6) The Minister may reject an appeal of an appellant that fails to comply with subsection (4) or any requirement of the Minister under subsection (5).

(7) The Minister may determine an appeal from any decision of the Board or Controller under subsection (2) by —

- (a) confirming, varying or reversing the decision; or
- (b) requiring the Board or Controller (as the case may be) to reconsider the decision,

and the decision of the Minister is final.

(8) Every appellant must be notified of the Minister's decision under subsection (7).

(9) The Minister may designate any of the following office-holders in his or her Ministry to hear and determine, in the Minister's place, any appeal made under this section:

- (a) the Second Minister, if any;
- (b) any Minister of State;
- (c) any Parliamentary Secretary.

(10) In this section (except subsection (9)), a reference to the Minister in relation to an appeal includes a reference to any officer-holder designated under subsection (9) to hear and determine the appeal.

[Act 28 of 2022 wef 01/04/2023]

Offences by corporations

42B.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the corporation; or
 - (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and

- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

- (a) action towards —
 - (i) assessing the corporation’s compliance with the provision creating the offence; and
 - (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;
- (b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them;
- (c) action towards ensuring that —
 - (i) the equipment and other resources; and
 - (ii) the structures, work systems and other processes,
relevant to compliance with the provision creating the offence are appropriate in all the circumstances;
- (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any corporation formed or recognised under the law of a territory outside Singapore.

[Act 28 of 2022 wef 01/04/2023]

Offences by unincorporated associations or partnerships

42C.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the

commission of the offence by the unincorporated association or partnership; or

- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

“reasonable steps” has the meaning given by section 42B(6) except any reference to the corporation is a reference to the unincorporated association or partnership mentioned in subsection (2);

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

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

[Act 28 of 2022 wef 01/04/2023]

General exemption

43. The Board may, with the approval of the Minister, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made under this Act, subject to such conditions or restrictions as may be specified in the order.

[25C
[7/2014]

Service of documents

44.—(1) Subject to subsection (3), any notice or document required or authorised to be served under this Act or any regulations made under this Act may be served —

- (a) in the case of an individual —
 - (i) by delivering it to the individual personally;
 - (ii) by leaving it with an adult person apparently resident at, or by sending it by prepaid registered post to, the

- usual or last known address of the individual's place of residence;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of business;
 - (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the individual's place of residence or business;
 - (v) by sending it by fax to the fax number used at the usual or last known address of the individual's place of residence or business, or the last fax number given to the Board by the individual as the fax number for the service of documents on the individual; or
 - (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the individual as the email address for the service of documents on the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending it by fax to the fax number used at the principal or last known place of business of the partnership in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the partnership as the email address for the service of documents on the partnership; and

- (c) in the case of a limited liability partnership or other body corporate, or an unincorporated association —
- (i) by delivering it to the secretary or other like officer of the body corporate or unincorporated association or, in the case of a limited liability partnership, the manager thereof;
 - (ii) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the limited liability partnership, body corporate or unincorporated association in Singapore;
 - (iii) by sending it by fax to the fax number used at the registered office or principal office of the limited liability partnership, body corporate or unincorporated association in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the limited liability partnership, body corporate or unincorporated association as the email address for the service of documents on the limited liability partnership, body corporate or unincorporated association.

[7/2014]

(2) Where any notice or other document required or authorised to be served under this Act or any regulations made under this Act —

- (a) is sent by fax to a fax number in accordance with subsection (1) — it is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the fax number;
- (b) is sent by electronic communication to an email address in accordance with subsection (1) — it is deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

- (c) is sent by prepaid registered post in accordance with subsection (1) — it is deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

[7/2014]

(3) Service of any notice or document under this Act or any regulations made under this Act on a person by electronic communication may be effected only if the person gives as part of the person's address for service an email address.

[7/2014]

(4) This section does not apply to notices and documents to be served in proceedings in court.

[25D
[7/2014]

Regulations

45.—(1) The Board may, with the prior approval of the Minister, make regulations generally for carrying out the provisions of this Act.

(2) Without limiting subsection (1), the regulations may provide for —

- (a) the convening of meetings of the Board and the procedure to be followed at the meetings;
- (b) the appointment or establishment of committees of the members of the Board, and the co-opting of persons other than members of the Board to those committees;
- (c) the manner in which documents, cheques and instruments of any description are to be signed or executed on behalf of the Board;
- (d) the fees and charges to be paid for any matter or thing to be done for the purposes of this Act or any regulations made under this Act, the interest payable upon any unpaid fee or charge, and the waiver, refund or remission, whether wholly or in part, of such fees, charges and interest;
- (e) the requirements, relating to tourist guides, to be complied with by the owner, operator or driver of any motor vehicle

or class of motor vehicles conveying tourists into Singapore or to a place or point of interest in Singapore;

[Act 28 of 2022 wef 01/04/2023]

(ea) the requirements to be complied with by persons involved in the provision of cruise port services and facilities, or in activities or events carried out at cruise terminals;

[Act 28 of 2022 wef 01/04/2023]

(eb) the procedure for any appeal to the Minister; and

[Act 28 of 2022 wef 01/04/2023]

(f) matters required or permitted to be prescribed by this Act or which are necessary or expedient to give effect to this Act.

[7/2014]

(3) Regulations made under this section —

(a) may prescribe that any act or omission in contravention of any regulation shall be an offence;

(b) may provide for the imposition of penalties for such offences as follows:

(i) in the case of an offence for the contravention of any regulation made for the purposes of Part 3AA, a fine not exceeding \$100,000 or imprisonment for a term not exceeding 6 months or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction;

(ii) in any other case, a fine of \$5,000; and

[Act 28 of 2022 wef 01/04/2023]

(c) in the case of any licence granted under this Act, may provide that in addition to such fine, the penalty may extend to the cancellation or suspension of the licence.

[7/2014]

(4) In this section, “tourist” and “tourist guide” have the meanings given by section 20.

[7/2014]

(5) All regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

[26

Winding up

46. The Board or the Fund must not be wound up except by or under the authority of an Act.

[27

THE SCHEDULE

Sections 2 and 39

PART 1

MERLION SYMBOL



Section 40

PART 2

BOARD'S SYMBOL



LEGISLATIVE HISTORY
SINGAPORE TOURISM BOARD
ACT 1963

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. Ordinance 35 of 1963 — Tourist Promotion Board Ordinance, 1963

Bill	:	5/1963
First Reading	:	28 November 1963
Second and Third Readings	:	20 December 1963
Commencement	:	1 January 1964

2. Act 55 of 1966 — Tourist Promotion Board (Amendment) Act, 1966

Bill	:	56/1966
First Reading	:	5 December 1966
Second and Third Readings	:	21 December 1966
Commencement	:	30 December 1966

3. Act 4 of 1970 — Tourist Promotion Board (Amendment) Act, 1970

Bill	:	31/1969
First Reading	:	23 December 1969
Second and Third Readings	:	27 January 1970
Commencement	:	13 February 1970

4. 1970 Revised Edition — Tourist Promotion Board Act (Chapter 205)

Operation	:	1 July 1971
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5. Act 1 of 1972 — Tourist Promotion (Cess Collection) Act, 1972
(Amendments made by section 27 of the above Act)

Bill	:	26/1971
First Reading	:	2 December 1971
Second and Third Readings	:	7 March 1972
Commencement	:	6 February 1973 (section 27)

6. Act 4 of 1972 — Tourist Promotion Board (Amendment) Act, 1972

Bill	:	25/1971
First Reading	:	2 December 1971

Second Reading	:	7 March 1972
Notice of Amendments	:	7 March 1972
Third Reading	:	7 March 1972
Commencement	:	6 February 1973

7. Act 33 of 1975 — Tourist Promotion Board (Amendment) Act, 1975

Bill	:	42/1975
First Reading	:	29 July 1975
Second and Third Readings	:	19 August 1975
Commencement	:	19 September 1975

8. 1985 Revised Edition — Tourist Promotion Board Act (Chapter 328)

Operation	:	30 March 1987
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9. Act 9 of 1997 — Tourist Promotion Board (Amendment) Act 1997

Bill	:	11/1997
First Reading	:	25 August 1997
Second and Third Readings	:	7 October 1997
Commencement	:	20 November 1997

Note: The Tourist Promotion Board Act was renamed as the Singapore Tourism Board Act by this Act.

10. 1997 Revised Edition — Singapore Tourism Board Act (Chapter 305B)

Operation	:	20 December 1997
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11. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002
(Amendments made by section 3 read with item (45) of the Schedule to the above Act)

Bill	:	7/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	15 July 2002 (section 3 read with item (45) of the Schedule)

12. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (50) of the Schedule to the above Act)

Bill	:	43/2004
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First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (50) of the Schedule)

13. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 95 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 95 of the Sixth Schedule)

14. Act 7 of 2014 — Singapore Tourism Board (Amendment) Act 2014

Bill	:	2/2014
First Reading	:	20 January 2014
Second and Third Readings	:	17 February 2014
Commencement	:	7 October 2014

15. Act 47 of 2017 — Travel Agents (Amendment) Act 2017

(Amendments made by section 20 of the above Act)

Bill	:	41/2017
First Reading	:	2 October 2017
Second and Third Readings	:	7 November 2017
Commencement	:	1 January 2018 (section 20)

16. Act 5 of 2018 — Public Sector (Governance) Act 2018

(Amendments made by section 104 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 104)

17. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 149 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 149 of the Schedule)

18. 2020 Revised Edition — Singapore Tourism Board Act 1963

Operation	:	31 December 2021
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19. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022
(Amendments made by the above Act)

Bill	:	24/2022
First Reading	:	12 September 2022
Second and Third Readings	:	3 October 2022
Commencement	:	1 November 2022

20. Act 28 of 2022 — Singapore Tourism Board (Amendment) Act 2022
(Amendments made by the above Act)

Bill	:	20/2022
First Reading	:	1 August 2022
Second and Third Readings	:	12 September 2022
Commencement	:	1 January 2023 1 April 2023

Abbreviations

(updated on 29 August 2022)

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

COMPARATIVE TABLE
SINGAPORE TOURISM BOARD
ACT 1963

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.	1997 Ed.
—	13—(4) [<i>Deleted by Act 5 of 2018</i>]
14	13A
15	14
16	14A
17	15
18	16
19	17
—	18 [<i>Repealed by Act 5 of 2018</i>]
—	19 [<i>Repealed by Act 5 of 2018</i>]
20	19A
21	19B
22	19C
23	19D
24	19E
25	19F
26	19G
27	19H
28	19I
29	19J
30	19K
31	19L
32	19M
33	19N

2020 Ed.	1997 Ed.
34	190
35	20
36	21
37	22
38	23
39	24
40	25
41	25A
42	25B
43	25C
44	25D
45	26
(4)	(3A)
(5)	(4)
46	27
THE SCHEDULE	FIRST SCHEDULE
—	SECOND SCHEDULE [<i>Repealed by Act 5 of 2018</i>]