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GOVERNMENT GAZETTE

ACTS SUPPLEMENT

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The following Act was passed by Parliament on 25th July 2001 and assented to by the President on 30th July 2001:—

REPUBLIC OF SINGAPORE

No. 28 of 2001.

I assent.

(LS)

S R NATHAN,
President.
30th July 2001.

An Act to amend the Road Traffic Act (Chapter 276 of the 1997 Revised Edition) and to make a consequential amendment to the Public Transport Council Act (Chapter 259B of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Road Traffic (Amendment) Act 2001 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 11

2. Section 11(4A) of the Road Traffic Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the word “may” in the 1st line, the words “, subject to such conditions as he thinks fit to impose,”.

Amendment of section 11A

3. Section 11A of the principal Act is amended —

(a) by deleting the words “motor car” wherever they appear in the following subsections and substituting in each case the words “motor vehicle”:

Subsections (1) (2nd, 3rd and 5th lines), (3) (1st, 3rd, 7th and 12th lines) and (4) (2nd, 5th and 7th lines);

(b) by deleting the word “cars” in the 2nd and 3rd lines of subsection (2)(b) and substituting in each case the word “vehicles”; and

(c) by deleting the word “car” in the 4th line of subsection (3) and substituting the word “vehicle”.

Amendment of section 21

4. Section 21 of the principal Act is amended by deleting the words “the period of 14 days following”.

Amendment of section 28

5. Section 28 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Any person being a manufacturer or repairer of or a dealer in vehicles may apply to the Registrar in the

prescribed manner to be allowed, in lieu of taking out a licence under this Part for each vehicle kept or used by him, to take out a general licence in respect of all vehicles kept or used by him.

(1A) Subject to subsection (4), the Registrar, upon receiving an application under subsection (1), may —

(a) if satisfied as to the bona fides of the applicant; and

(b) on payment by the applicant of the prescribed levy,

issue a general licence to the applicant either unconditionally or subject to such conditions as the Registrar thinks fit to impose.”;

(b) by deleting the words “motor vehicle” in the 2nd line of subsection (2) and substituting the word “vehicle”;

(c) by deleting the words “as may be prescribed” in the 2nd line of subsection (4) and substituting the words “as the Registrar may require”;

(d) by deleting the words “motor vehicle” in paragraph (a) and in the 1st line of paragraph (b) of subsection (4) and substituting in each case the word “vehicle”;

(e) by inserting, immediately after subsection (6), the following subsections:

“(6A) The Registrar may suspend or revoke a general licence if he is satisfied —

(a) that the issue of the licence has been procured by fraud or misrepresentation; or

(b) that the person to whom the general licence was issued has contravened or failed to comply with any of the provisions of this Act or the rules or with any condition of the general licence.

(6B) Upon the suspension or revocation of a licence under subsection (6A), the holder of the general licence shall surrender the general licence to the Registrar.”;

(f) by deleting subsection (7) and substituting the following subsection:

“(7) If any person is aggrieved by the refusal of the Registrar to issue a general licence or by the suspension or revocation of a general licence, he may appeal to the Minister.”; and

(g) by deleting subsections (9), (10) and (11) and substituting the following subsection:

“(9) Any order made by the Minister under subsection (8) shall be final.”.

New section 28A

6. The principal Act is amended by inserting, immediately after section 28, the following section:

“Special purpose licences

28A.—(1) Any person intending to keep or use any vehicle for purposes of research and development or for any other special purpose may apply to the Registrar for a licence (referred to hereinafter as a special purpose licence) allowing him so to keep or use such vehicle on a road.

(2) Sections 10 and 11 shall not apply in respect of a vehicle that is licensed under this section.

(3) Upon receiving an application under subsection (1) and upon payment by the applicant of the prescribed levy, the Registrar may issue a special purpose licence to the applicant either unconditionally or subject to such conditions as the Registrar thinks fit to impose.

(4) The Registrar may suspend or cancel a special purpose licence if the vehicle in respect of which the special purpose licence has been issued is kept or used in contravention of —

- (a) any of the provisions of this Act or the rules; or
- (b) any of the conditions subject to which the special purpose licence was issued.

(5) The Registrar shall not issue a special purpose licence in respect of any vehicle until the applicant for the special purpose licence has produced to the Registrar such evidence as the Registrar may require that either —

- (a) for the period of the special purpose licence there will be in force such policy of insurance or security as is required by law in relation to the use of the vehicle by the applicant or by any other person on his order or with his permission; or
- (b) the vehicle is a vehicle to which section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) does not apply at any time when it is being driven by the owner thereof or by an employee of his in the course of his employment or when it is otherwise subject to the control of the owner.

(6) A special purpose licence issued to any person under this section shall not be transferable to any other person and the holder of any such special purpose licence who transfers or attempts to transfer his licence to any other person shall be guilty of an offence.”.

Amendment of section 29

7. Section 29 (1) of the principal Act is amended by deleting the words “motor vehicles” in the 5th line and substituting the word “vehicles”.

New section 29A

8. The principal Act is amended by inserting, immediately after section 29, the following section:

“Court may order offender to pay arrears of taxes

29A. Where a person is convicted of an offence under section 15 or 29, the court before which such person is

convicted may, in addition to the punishment prescribed for the offence, order him to pay the amount of any taxes as may be certified by an officer appointed by the Authority to be due and payable under section 11(1)(b) by such person at the date of his conviction, and such amount may be recovered according to the law for the time being in force for the recovery of fines.”.

Amendment of section 34

9. Section 34 (e) of the principal Act is amended —

- (a) by deleting the words “motor vehicles” in the 2nd line and substituting the word “vehicles”; and
- (b) by deleting the words “motor vehicle” in the 5th and in the 6th lines and substituting in each case the word “vehicle”.

Amendment of section 65A

10. Section 65A (1) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) any public service vehicle which is classified as a type of bus under the Second Schedule,”.

Repeal of section 72

11. Section 72 of the principal Act is repealed.

Amendment of section 95

12. Section 95 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) Where a police officer, the Registrar or an authorised officer has reason to believe that a vehicle is a vehicle in connection with which an offence under this Act or the rules has been or is being committed or a vehicle that has been or is being used in contravention of the conditions of any licence issued in respect thereof under this Act, the police officer, Registrar or authorised officer, on production of his authority, may —

- (a) seize the vehicle and take it to a place of safety; or

(b) require the owner, driver or person in charge of the vehicle to take the vehicle and any trailer attached thereto to a specified place of safety.

(1A) The power conferred on a police officer, the Registrar or an authorised officer under subsection (1)(a) may be exercised whether or not the owner, driver or person in charge of the vehicle is present at the time of its seizure.

(1B) Any vehicle which is taken to a place of safety under subsection (1) shall be detained thereat until it is released by order of a Magistrate or the Deputy Commissioner of Police or the Registrar.

(1C) In this section, “authorised officer” means any employee of the Authority who is authorised in writing by the Registrar to act under this section.

(2) Any person who refuses or neglects to comply with any requirement under subsection (1)(b) shall be guilty of an offence.”.

Repeal and re-enactment of section 100

13. Section 100 of the principal Act is repealed and the following section substituted therefor:

“Classification and descriptions of public service vehicles

100.—(1) The classification and descriptions of public service vehicles for the purpose of this Act and the rules shall be as set out in the Second Schedule.

(2) The Authority may by order published in the *Gazette*, add to, amend or vary the Second Schedule.

(3) The Authority may, by rules made under section 111, subdivide any class of public service vehicles as set out in the Second Schedule, and any reference in this Act or the rules to a class of public service vehicles shall include a reference to any subdivision of such class.

(4) Notwithstanding the classification and descriptions of public service vehicles in the Second Schedule, the Authority

may permit any class of public service vehicles to be used for any prescribed purpose.”.

New section 123A

14. The principal Act is amended by inserting, immediately after section 123, the following section:

“Removal of stationary vehicles from expressways

123A.—(1) Without prejudice to section 123, an employee of the Authority or an agent authorised by the Authority may remove any stationary vehicle from an expressway.

(2) An employee or authorised agent of the Authority who has removed any vehicle from an expressway under subsection (1) shall take the vehicle to a parking place that is near to that part of the expressway from which the vehicle was removed.

(3) A vehicle which has been removed from an expressway and taken to a parking place under this section shall remain at such parking place at the risk of the owner of the vehicle, and such owner shall be responsible for any parking charges incurred in respect of that vehicle while it remains at that parking place.

(4) An employee or authorised agent of the Authority who has removed a vehicle from an expressway and taken it to a parking place under this section shall with all reasonable despatch give to the owner of the vehicle (if his name and address are known) notice in writing of the removal and the location of the parking place to which the vehicle has been taken, and shall in such notice inform such owner of the procedure by which he may claim the vehicle.

(5) Any person who without the authority of an employee of the Authority removes any vehicle from a parking place to which it has been taken under subsection (2) or otherwise tampers with such vehicle shall be guilty of an offence.

(6) Where a vehicle has been removed from an expressway and taken to a parking place under this section, neither the Authority nor any of its employees or authorised agents who effected the removal shall be liable for any damage to or loss of the vehicle or

the contents thereof not caused wilfully or negligently by the Authority or by any of its employees or authorised agents in the exercise of their powers under this section or by any person acting under the direction of any employee or authorised agent of the Authority.

(7) The costs and expenses (as determined by the Authority) of removing any vehicle and of taking the vehicle to a parking place under this section shall be borne by the owner of the vehicle and if such costs and expenses are not paid upon demand therefor, they may be recovered from the owner of the vehicle as a debt due to the Authority.

(8) If a vehicle is not claimed by its owner within one month of the date on which it was taken to a parking place under subsection (2), the Authority, after giving one month's notice in the *Gazette* of its intention to do so, may sell the vehicle by public auction or otherwise dispose of the vehicle.

(9) The proceeds, if any, from the sale or disposal of any vehicle under subsection (8) shall be applied in payment of any charges incurred in carrying out the provisions of this section and thereafter shall be applied in payment of any damage that may have been caused to any property of the Government by any unlawful use of the vehicle and the surplus, if any, shall be paid to the owner of the vehicle or, if not claimed by the owner of the vehicle within 12 months after the date of the sale or disposal, shall be forfeited to the Government.

(10) The Authority may waive, in whole or in part, the costs and expenses of the removal of a vehicle as referred to in subsection (7).

(11) Except as provided in subsection (1), any person who, without the prior authorisation of the Authority, tows any stationary vehicle from a tunnel forming part of an expressway shall be guilty of an offence.

(12) In this section —

“expressway” means any road which is prescribed by the Minister by order published in the *Gazette* to be an expressway for the purposes of this section;

“parking charges” means the charges which are prescribed under section 9 of the Parking Places Act (Cap. 214) as being payable by the owner of a vehicle for the use of any parking place.”.

Amendment of section 131

15. Section 131 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) A person who without lawful excuse —

(a) refuses or neglects to do anything he is by this Act required to do;

(b) fails to comply with the requirements of any notice served on him under this Act; or

(c) acts in contravention of or fails to comply with any provision of this Act or of the rules,

shall be guilty of an offence.

(1A) Any person who, by virtue of this section or any other provision of this Act or the rules, is guilty of an offence shall be liable on conviction, where no special penalty is provided in the case of a first offence, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months and, in the case of a second or subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months.”;

(b) by deleting subsections (3) and (4); and

(c) by deleting the section heading and substituting the following section heading:

“Offences and penalties”.

New section 131A

16. The principal Act is amended by inserting, immediately after section 131, the following section:

“Service of summonses and other documents

131A.—(1) Every summons issued for an offence under this Act or the rules, and every notice, order or other document required or authorised to be given or served under this Act or the rules may be served on any person —

- (a) by delivering it to the person or to some adult member or employee of his family at his usual or last known place of residence;
- (b) by leaving it at the usual or last known place of residence or place of business of the person in a cover addressed to him;
- (c) by sending it by registered post in a prepaid letter addressed to the person at his usual or last known place of residence or business or any address furnished by him; or
- (d) in the case of a notice to be served on a person whose usual or last known place of residence or business cannot, with reasonable diligence, be ascertained, by publication of such notice in the *Gazette*.

(2) Where any summons, notice, order or document is served on any person by registered post, it shall be deemed to have been served within such time as it would take to arrive in the ordinary course of transmission and in proving service of the same it shall be sufficient to prove that the envelope containing the summons, notice, order or document was properly addressed, stamped and posted by registered post.

(3) All notices, orders and other documents which the Registrar is empowered to give by this Act or the rules may be given by any officer duly authorised by the Registrar.”.

Amendment of section 133

17. Section 133 (3) of the principal Act is amended by deleting the words “section 131 (3)” and substituting the words “section 131A”.

Miscellaneous amendments

18. The principal Act is amended by deleting the words “the Schedule” wherever they appear in the following provisions and substituting in each case the words “the First Schedule”:

Sections 19(3)(c), (3A) and (7), 35(8)(a) and (b) and (9) and 42A(1)(a) and (d)(iii).

Amendment of Schedule and new Second Schedule

19. The principal Act is amended —

- (a) by deleting the word “THE” in the heading to the Schedule and substituting the word “FIRST”; and
- (b) by inserting, immediately after the First Schedule, the following Schedule:

“SECOND SCHEDULE

Section 100

CLASSIFICATION AND DESCRIPTIONS OF PUBLIC SERVICE VEHICLES

1. The classification and descriptions of public service vehicles for the purpose of this Act and the rules shall be as follows:

<i>First column</i>	<i>Second column</i>
<i>Class of Public Service Vehicles</i>	<i>Description</i>
(a) Excursion buses	Buses which are used on unscheduled services and in which passengers are charged separate and distinct fares.

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| (b) Omnibuses | Buses which are used on scheduled services and in which passengers are charged separate and distinct fares. |
| (c) Private buses | Buses owned by any person and used exclusively for the conveyance of the employees of the owner of such buses or for the conveyance of persons in connection with his business, any charges made for the conveyance of such persons being such that no profit results therefrom. |
| (d) Private hire buses | Buses which do not ply for hire on any road but are hired under a contract, express or implied, for the use of each such vehicle as a whole. |
| (e) Private hire cars | Motor cars which do not ply for hire on any road but are hired under a contract, express or implied, for the use of each such vehicle as a whole. |
| (f) School buses | Buses used for carrying children to and from schools and hired under a contract, express or implied, at a fixed or agreed rate or sum. |
| (g) Taxis | Motor cars having a seating capacity for not more than 8 persons (including the driver), which ply for hire on any road and are hired under a contract, express or implied, for the use of each such vehicle as a whole or for the use of 2 or more persons who pay separate fares. |
| (h) Trishaws | Three-wheeled pedal cycles constructed or adapted for the carriage of passengers. |

2. For the purposes of this Schedule, “bus” means a public service vehicle of a design approved by the Registrar and having a seating capacity for not less than 9 persons (excluding the driver).”.

Consequential amendment to Public Transport Council Act

20. Section 2 of the Public Transport Council Act (Cap. 259B) is amended by deleting the definition of “taxi” and substituting the following definition:

“ “taxi” means any public service vehicle which is classified as a taxi under the Second Schedule to the Road Traffic Act (Cap. 276).”.
