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**GOVERNMENT GAZETTE**

**ACTS SUPPLEMENT**

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The following Act was passed by Parliament on 16th November 2012 and assented to by the President on 6th December 2012:—

**REPUBLIC OF SINGAPORE**

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**No. 37 of 2012.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*6th December 2012.*

(LS)

An Act to amend the Road Traffic Act (Chapter 276 of the 2004 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 2012 and shall come into operation on such date as the Minister charged with the responsibility for transport may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2(1) of the Road Traffic Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the word “and” at the end of paragraph (b) of the definition of “road”;
- (b) by inserting, at the end of paragraph (c) of the definition of “road”, the word “and”; and
- (c) by inserting, immediately after paragraph (c) of the definition of “road”, the following paragraph:

“(d) any road, to which the public does not have access, which the Minister charged with the responsibility for transport prescribes, by notification in the *Gazette*, to be a road to which this Act applies;”.

### **Amendment of section 5**

3. Section 5 of the principal Act is amended —

- (a) by deleting the words “of altering a vehicle or trailer in contravention of this section” in subsection (7);
- (b) by inserting, immediately after subsection (7), the following subsections:

“(7A) Where in any proceedings relating to an offence under subsection (6), it is proved to the satisfaction of the court that a vehicle or trailer is used or caused or permitted to be used in contravention of this section, the court may, upon the application of the Public Prosecutor, make an order for the vehicle or trailer to be detained for a period not exceeding 3 months (referred to in this

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section as the detention period) by the Registrar or an authorised officer.

(7B) Any vehicle or trailer detained pursuant to subsection (7A) shall be kept at such place of safety as may be determined by the Registrar or an authorised officer.

(7C) The Registrar or an authorised officer shall not be liable for —

- (a) any damage to or loss of a vehicle or trailer during the period when the vehicle or trailer is in the possession of the Registrar or the authorised officer which is not wilfully or negligently caused by the Registrar or the authorised officer in the exercise of his powers under this section; or
- (b) any depreciation in the value of the vehicle or trailer because of the detention of the vehicle or trailer.

(7D) At the end of the detention period of any vehicle or trailer, the Registrar or an authorised officer shall, as soon as is reasonably practicable, notify the person in whose name the vehicle or trailer is registered that the vehicle or trailer is released from detention and of the procedure by which the person may secure the release of the vehicle or trailer.

(7E) If the vehicle or trailer is not claimed by the person notified under subsection (7D), or another person authorised in writing by that person, within 3 calendar days after the date of its release as stated in the notice in subsection (7D), the person notified under that subsection shall be liable for all charges reasonably incurred by the Registrar or an authorised officer in storing the vehicle or trailer in the place of safety thereafter.

(7F) Any person who, without lawful authority, removes or causes to be removed any vehicle or trailer from the place of safety at which it is detained during its detention period shall be guilty of an offence.

(7G) If any vehicle or trailer detained pursuant to subsection (7A) is not claimed by or on behalf of the person notified under subsection (7D), the Registrar or an authorised officer may, after giving one month's notice in the *Gazette* of his intention to do so, sell the vehicle or trailer by public auction or otherwise dispose of the vehicle or trailer in such manner as he thinks fit.

(7H) The proceeds, if any, from the sale or disposal of any such vehicle or trailer under subsection (7G) shall be applied —

- (a) firstly, in payment of any licence fee which may be due in respect of the vehicle or trailer;
- (b) secondly, in payment of expenses occasioned by the sale or disposal and any charges reasonably incurred in storing, detaining or otherwise carrying out the provisions of this section; and
- (c) thirdly, any damage caused to any property of the Government by the unlawful use of the vehicle or trailer,

and the surplus, if any, shall be paid to the person in whose name the vehicle or trailer was registered at the time of its sale or disposal or, if not claimed by such person within 12 months after the date of the sale or disposal, shall be forfeited to the Government.

(7I) The Registrar or an authorised officer may reject any transfer of ownership or cancellation of registration of a vehicle or trailer if the Registrar or the authorised officer has reason to believe that any person is guilty of an offence under subsection (6).”; and

- (c) by inserting, immediately after subsection (8), the following subsection:

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

### **Amendment of section 6**

4. Section 6 of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(3) The Authority may by such rules confer on the Registrar or an authorised officer a discretion to waive, in any particular case, the operation of any rules made under this section subject to such conditions as the Registrar or the authorised officer may impose.

(4) In this section, “authorised officer” means any employee of the Authority, or any other person, who is duly authorised by the Registrar in writing to carry out any particular function or to exercise any particular power under any rules made under this section.”.

### **New section 11AA**

5. The principal Act is amended by inserting, immediately after section 11, the following section:

#### **“Carbon emissions tax**

**11AA.**—(1) In addition to the taxes under section 11, a tax (referred to in this Act as the carbon emissions tax) shall be charged in respect of the first registration, on or after 1st July 2013, of any vehicle which has a carbon emission level exceeding the maximum limit of the neutral carbon emission band and which is of a prescribed description or within a prescribed class (referred to in this section to be a taxable vehicle).

(2) The carbon emissions tax under subsection (1) —

- (a) shall be paid upon the first registration of a taxable vehicle by the person keeping the taxable vehicle; and
- (b) shall be the amount prescribed for that taxable vehicle.

(3) Where a person who is registered as the owner of a vehicle (referred to in this section as the replaced vehicle) replaces that vehicle with another vehicle (referred to in this section as the replacement vehicle) which is a taxable vehicle, and the replacement vehicle has a carbon emission level exceeding that of the replaced vehicle, the person shall pay a tax which is the difference between —

- (a) the amount of the carbon emissions tax chargeable in respect of the replaced vehicle, if any; and
- (b) the amount of the carbon emissions tax chargeable in respect of the replacement vehicle as if the replacement vehicle had been first registered under this Act on the same date as the replaced vehicle.

(4) The difference in tax referred to in subsection (3) shall be payable to the Registrar without demand within the prescribed time from the date the Registrar registers the particulars of the replacement vehicle.

(5) The Minister may, subject to such conditions as he thinks fit to impose, prescribe —

- (a) a rebate on all or any part of the tax payable under section 11(1)(a) for vehicles of any class, category or description or vehicles used for different purposes which are registered on or after 1st January 2013 and have carbon emission levels falling below the minimum limit of the neutral carbon emission band; and
- (b) different amounts of rebate or the methods for determining the amount of the rebate for vehicles of different classes, categories or descriptions or vehicles used for different purposes which have carbon emission levels falling within any carbon emission band.

(6) The Minister may make rules for carrying out or giving effect to this section and for prescribing anything which may be prescribed under this section and, in particular, the rules may —

- (a) prescribe a carbon emission band to be the neutral carbon emission band;

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- (b) prescribe different amount of carbon emissions tax chargeable for vehicles of different classes, categories or descriptions or vehicles used for different purposes which have carbon emission levels exceeding the maximum limit of the neutral carbon emission band so prescribed;
  - (c) provide for the method for determining the carbon emission level of any vehicle; and
  - (d) for the purposes of charging any tax or granting any rebate under this section, prescribe carbon emission bands for vehicles of different classes, categories or descriptions or vehicles used for different purposes.

(7) Nothing in this section shall operate so as to render lawful the keeping of a vehicle for any period, in any manner or at any place, if to do so would be unlawful apart from this section.

(8) Any person who gives any incorrect information in relation to any matter affecting the amount of carbon emissions tax chargeable or any rebate that may be granted under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months, and the court shall order him to pay to the Registrar the amount of carbon emissions tax, or the tax payable under section 11(1)(a), which has been undercharged.

(9) The Registrar may, in his discretion, compound any offence punishable under subsection (8) by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000 and the amount of the carbon emissions tax, or the tax payable under section 11(1)(a), which has been undercharged, and may before judgment stay or compound any proceedings thereunder.

(10) In this section, “carbon emission band” means a range of maximum and minimum carbon emission levels prescribed for any class, category or description of vehicle or vehicle used for any purpose.”.

**Amendment of section 27**

6. Section 27(1) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (d)(ii);
- (b) by inserting, at the end of paragraph (d)(iii), the word “or”;  
and
- (c) by inserting, immediately after sub-paragraph (iii) of paragraph (d), the following sub-paragraph:
  - “(iv) has been lost through theft or criminal breach of trust and the prescribed period after such loss has lapsed;”.

**Amendment of section 33B**

7. Section 33B(2) of the principal Act is amended —

- (a) by deleting the words “on application by any person made in such manner as it may specify, and”; and
- (b) by deleting the word “him” and substituting the words “any person who files or submits to the Registrar such application or other document under this Part or the rules made thereunder as may be prescribed”.

**Amendment of section 83**

8. Section 83 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:
  - “(1) When a specified offence is committed, the person who, at the time of the occurrence of the specified offence, is the owner of the motor vehicle in respect of which the specified offence is committed shall, by virtue of this section, be guilty of the specified offence in all respects as if he were the actual offender guilty of the specified offence, unless —
    - (a) in any case where that offence is dealt with under section 132 or 133, the owner satisfies the police officer or employee of the Authority



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referred to in section 132 or 133(7), as the case may be, that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or

- (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.”;
- (b) by deleting the words “any offence under Part IA or any parking offence” in subsection (2) and substituting the words “a specified offence”;
- (c) by deleting the words “an offence under Part IA or a parking offence” in subsection (3) and substituting the words “a specified offence”;
- (d) by deleting the words “offence under Part IA or to more than one parking offence” in subsection (5) and substituting the words “specified offence”;
- (e) by deleting the definition of “offence under Part IA” in subsection (6);
- (f) by deleting the definition of “parking offence” in subsection (6) and substituting the following definition:
- “ “specified offence” means any offence set out in the Third Schedule.”; and
- (g) by deleting the words “offence under Part IA or parking offence” in the section heading and substituting the words “specified offence”.

### **New sections 102A and 102B**

9. The principal Act is amended by inserting, immediately after section 102, the following sections:

#### **“Modification of public service vehicle licence conditions**

**102A.**—(1) Subject to this section, the Authority may at any time modify the conditions of a public service vehicle licence.

(2) Before modifying any conditions of a public service vehicle licence under subsection (1), the Authority shall give notice to the holder of the licence —

- (a) stating that the Authority proposes to make the modification in the manner specified in the notice; and
- (b) specifying the time (not being less than 28 days after the date of service of the notice on such holder of a licence) within which written representations with respect to the proposed modification may be made.

(3) Upon receipt of any written representation within the time specified under subsection (2)(b), the Authority shall consider such representation and may —

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

(4) Subject to subsection (6), if the Authority rejects any written representation under subsection (3)(a) or amends any proposed modification to the conditions of a public service vehicle licence under subsection (3)(b), the Authority shall issue a notice to the holder of the licence stating that the modification as specified in the notice under this subsection shall take effect on a date specified in that notice by the Authority.

(5) Subject to subsection (6), if no written representation is received by the Authority within the time specified under subsection (2)(b) or if any written representation made under subsection (2)(b) is subsequently withdrawn before any decision is made under subsection (3), the Authority shall issue a notice to the holder of the licence stating that the modification as specified in the notice under this subsection shall take effect on a date specified in that notice by the Authority.

(6) Any decision to modify the conditions of a public service vehicle licence shall not take effect —

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- (a) during the period for appeals referred to in section 102B(1); and
  - (b) where the holder of the licence has appealed against the modification, until the determination of the appeal.

### **Appeal to Minister**

**102B.**—(1) A holder of a public service vehicle licence who is aggrieved by any decision to modify the conditions of his licence under section 102A may, within 14 days after receiving the notice referred to in section 102A(4), appeal to the Minister.

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

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

### **Amendment of section 110**

**10.** Section 110(1) of the principal Act is amended by deleting the words “while it is being used for the carriage of passengers for hire or reward on a road” in paragraph (b).

### **Amendment of heading to Part VB**

**11.** The heading to Part VB of the principal Act is amended by inserting, immediately after the word “INTERCHANGE”, the words “AND BUS DEPOT”.

### **Amendment of section 111K**

**12.** Section 111K of the principal Act is amended —

- (a) by inserting, immediately before the definition of “bus interchange”, the following definition:

“ “bus depot” means any premises with purpose-built facilities for the parking, maintenance or refuelling of buses by bus service operator licensees;”;

- (b) by inserting, immediately after the definition of “bus service licensee”, the following definition:

““bus service operator licensee” means the holder of a bus service operator’s licence within the meaning of the Public Transport Council Act;”.

### **Amendment of section 111L**

**13.** Section 111L of the principal Act is amended —

- (a) by inserting, immediately after the word “interchange” in subsections (1) and (2), the words “or bus depot”; and
- (b) by inserting, immediately after the word “interchange” in the section heading, the words “or bus depot”.

### **Amendment of section 111M**

**14.** Section 111M of the principal Act is amended —

- (a) by inserting, immediately after the word “interchange” in subsections (1), (3) and (4), the words “or bus depot”; and
- (b) by inserting, immediately after the word “interchange” in the section heading, the words “or bus depot”.

### **Amendment of section 111N**

**15.** Section 111N of the principal Act is amended by inserting, immediately after the word “interchange”, the words “or bus depot”.

### **Amendment of section 111O**

**16.** Section 111O of the principal Act is amended —

- (a) by inserting, immediately after the word “service” in paragraph (a), the words “of the bus interchange or bus depot that is the subject of the licence”;
- (b) by inserting, immediately after the word “interchange” in paragraphs (b), (c), (e) and (f), the words “or bus depot”;
- (c) by deleting paragraph (d) and substituting the following paragraph:

“(d) the maximum fee payable to the licensee for the use of the bus interchange that is the subject of the licence by —

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- (i) any bus service licensee; or
  - (ii) any operator of any bus service using buses registered whether within or outside Singapore and which ply between Singapore and Malaysia;”;
- (d) by inserting, immediately after the word “licensees” in paragraph (e), the words “and operators of bus services referred to in paragraph (d)”;
- (e) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:
- “(2) Without prejudice to the generality of subsection (1), conditions included in a licence to operate a bus interchange or bus depot may require the licensee —
- (a) to maintain any premises, structure or facility used for the purposes of, or which is otherwise reasonably necessary or incidental to, the smooth operation of the bus interchange or bus depot;
  - (b) to prepare itself to deal with any plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any public emergency; and
  - (c) to provide travel information systems and directional signs for the purpose of ensuring integration of the bus interchange with transport services and facilities and developments surrounding the bus interchange operated by the licensee so as to enhance passenger services.”.

### **Amendment of section 111P**

17. Section 111P(3) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a); and

(b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) withdraw the proposed modification.”.

### **Amendment of section 111Q**

**18.** Section 111Q(1) of the principal Act is amended —

- (a) by inserting, immediately after the word “interchange” in paragraphs (b), (c) and (d), the words “or bus depot”; and
- (b) by inserting, immediately after the word “licensees” in paragraph (d), the words “and operators of bus services referred to in section 111O(1)(d)”.

### **New section 111QA**

**19.** The principal Act is amended by inserting, immediately after section 111Q, the following section:

#### **“Codes of practice**

**111QA.—(1)** The Authority may issue or approve and from time to time modify codes of practice in connection with —

- (a) the maintenance or operation of bus interchanges or bus depots and any equipment relating thereto;
- (b) the provision of services at bus interchanges or bus depots;
- (c) the conduct of licensees;
- (d) the security and safety of persons who use or who are engaged in any work at bus interchanges or bus depots; and
- (e) the measures necessary for licensees to deal with any plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any public emergency.

(2) Every licensee shall comply with any code of practice issued or approved by the Authority under subsection (1), except that if any provision in any such code of practice is inconsistent

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with this Act, that provision shall not have effect to the extent of the inconsistency.

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

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

### **Amendment of section 111R**

**20.** Section 111R(1) of the principal Act is amended —

(a) by deleting the word “or” at the end of paragraph (b); and

(b) by deleting the comma at the end of paragraph (c) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(d) fails to comply with any provision of any code of practice issued or approved by the Authority under section 111QA,”.

### **Amendment of section 111T**

**21.** Section 111T of the principal Act is amended —

(a) by inserting, immediately after paragraph (c) of subsection (1), the following paragraph:

“(ca) any code of practice issued or approved by the Authority under section 111QA;”;

(b) by inserting, immediately after the word “direction” in subsection (2)(a) and (b), the words “, code of practice”;

(c) by inserting, immediately after the word “interchange” in subsection (3), the words “or bus depot”; and

(d) by deleting the words “or direction” in subsection (4) and substituting the words “, direction or code of practice”.

**New section 127B**

22. The principal Act is amended by inserting, immediately after section 127A, the following section:

**“Powers of search on omnibuses and within bus interchanges**

**127B.**—(1) For the purpose of ensuring the security or safety of persons on any omnibus or within any bus interchange, a public transport official may, without giving any reason, require any person on the omnibus or within the bus interchange to allow the public transport official to inspect and search any baggage or other thing carried by the person or apparently in the immediate control of the person.

(2) Any person upon whom a request is made pursuant to subsection (1) shall permit the baggage or thing to be inspected and searched.

(3) Without prejudice to subsection (4), the public transport official may require any person who refuses to permit any baggage or thing carried by the person or apparently in the immediate control of the person to be inspected and searched to leave the omnibus or bus interchange with the baggage or thing, and that person shall do so within a reasonable time.

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

(5) In this section, “public transport official” means —

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



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

### **Amendment of section 131A**

**23.** Section 131A of the principal Act is amended —

- (a) by inserting, immediately after the word “residence” in subsection (1)(a), the words “or any address furnished by him”;
- (b) by inserting, immediately after the words “to him” in subsection (1)(b), the words “or any address furnished by him”;
- (c) by inserting, immediately after the words “sending it by” in subsection (1)(c), the words “normal post or”; and
- (d) by inserting, immediately after subsection (3), the following subsection:

“(4) Subsection (1) shall not apply to any summons in connection with any offence punishable with imprisonment and such summons shall be served in the manner prescribed by the Criminal Procedure Code (Cap. 68) for the service of summonses under that Code.”.

### **New Third Schedule**

**24.** The principal Act is amended by inserting, immediately after the Second Schedule, the following Schedule:

## “THIRD SCHEDULE

Section 83

## SPECIFIED OFFENCES

1. Section 11A.
  2. Any offence in contravention of any of the provisions of Part IA or the rules made under section 34D.
  3. Any offence of parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any rules made under this Act or any offence under section 122.
  4. Rule 26A of the Road Traffic Rules (R 20).
  5. Rule 8 of the Road Traffic (Traffic Signs) Rules (R 33).”
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