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Notification No. B 16 — The Fire Safety (Amendment) Bill is published for general information. It was introduced in Parliament on 8 July 2019.

Fire Safety (Amendment) Bill

Bill No. 16/2019.

Read the first time on 8 July 2019.

A BILL

intituled

An Act to amend the Fire Safety Act (Chapter 109A 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 is the Fire Safety (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the Fire Safety Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the word “Commissioner” in the definition of “Fire Code” in subsection (1), the words “on the website maintained by the Force,”;

(b) by deleting paragraph (b) of the definition of “fire hazard” in subsection (1);

(c) by deleting paragraphs (d) and (e) of the definition of “fire hazard” in subsection (1) and substituting the following paragraph:

“(d) any specified fire hazard; and”;

(d) by deleting the definition of “fire safety works” in subsection (1) and substituting the following definition:

““fire safety works” means —

(a) any fire protection works;

(b) the installation, provision or removal of, or addition or alteration to, any fire safety measure;

(c) any relevant pipeline works; or

(d) any relevant works;”;

(e) by inserting, immediately after the definition of “Force” in subsection (1), the following definition:

““install”, in relation to a regulated fire safety product, includes the use of the regulated fire safety product in the construction of a building;”;

(f) by deleting the definition of “minor works” in subsection (1);

(g) by deleting the definition of “public building” in subsection (1) and substituting the following definitions:

““public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, but does not include a Town Council; 5

“public building” means a building to which the public or a section of the public has access as of right, or by virtue of express or implied permission with or without payment of a fee;” 10

(h) by inserting, immediately after the definition of “registered inspector” in subsection (1), the following definition:

““regulated fire safety product” means any material or product prescribed under section 61(1) to be such;” 15

(i) by inserting, immediately after the definition of “relevant pipeline works” in subsection (1), the following definitions: 20

““relevant works” means —

(a) the erection, extension, alteration, addition or repair of a building —

(i) that involves the use of combustible materials; or 25

(ii) that affects the means of escape from the building or the effectiveness of fire safety measures;

(b) the provision, extension or alteration of any air-conditioning service or ventilating system in or in connection with a building; or 30

(c) the provision, extension or alteration of any system for the delivery of liquefied petroleum gas from a cylinder to the point of use, in or in connection with any building that is used for a non-residential purpose;

“specified fire hazard”, in relation to a building, means —

(a) the overcrowding of a building that is a public building such as might render escape in the event of fire more difficult;

(b) any fire safety measure in the building that is not in proper working order, whether because of lack of proper maintenance or for any other reason; or

(c) the obstruction of escape routes, passageways, common property or limited common property of the building such as might render escape in the event of fire more difficult;” and

(j) by inserting, immediately after subsection (3), the following subsection:

“(4) Where —

(a) by or under any provision of this Act, an act or a thing is required or directed to be done within a particular period or before a particular time;

(b) failure to do that act or thing within the period or before the time mentioned in paragraph (a) constitutes an offence; and

(c) that act or thing is not done within the period or before the time mentioned in paragraph (a),

the obligation to do that act or thing continues, despite that the period or time mentioned in paragraph (a) has expired or passed, until that act or thing is done; and a person shall be guilty of a separate offence in respect of each day or part of a day after that period or time has expired or passed, during which the person continues to refuse or fail to comply with that requirement or direction.”.

New section 3A

3. The principal Act is amended by inserting, immediately after section 3, the following section:

“Registration required to act as registered inspector

3A. A person commits an offence if —

- (a) the person is not a registered inspector; and
- (b) the person, knowing that he is not a registered inspector, intentionally does any of the following, whether or not for reward:
 - (i) certify that any completed fire safety works have been carried out in accordance with the approved plans of fire safety works, the Fire Code, and the provisions of this Act, for the purposes of section 29(5);
 - (ii) inspect any fire safety works for the purpose of making a certification mentioned in sub-paragraph (i);
 - (iii) advertise or otherwise hold out that the person is willing to do (whether or not for reward) anything in sub-paragraph (i) or (ii).”.

Amendment of section 5A

4. Section 5A of the principal Act is amended —

(a) by deleting the words “whose decision shall be final” in subsection (5); and

5 (b) by deleting subsections (6), (7) and (8).

Amendment of section 6C

5. Section 6C of the principal Act is amended —

(a) by deleting the words “whose decision shall be final” in subsection (10); and

10 (b) by deleting subsections (11), (12) and (13).

Amendment of section 8

6. Section 8(1) of the principal Act is amended —

15 (a) by inserting, immediately after the words “this Act” in paragraph (a), the words “, or any contravention of or failure to comply with a licence condition imposed under section 22K or 22L”; and

(b) by inserting, immediately after paragraph (d), the following paragraph:

20 “(e) obtaining any evidence of the commission of any offence under this Act or contravention of or failure to comply with any licence condition imposed under section 22K or 22L in the premises, where there is reason to suspect that there is such evidence;”.

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New section 8CA

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

“Power to examine persons and secure attendance, etc.

8CA.—(1) Where the Commissioner, or any member of the Force authorised by him in writing, reasonably suspects that an offence has been committed under this Act, the Commissioner or the authorised member may do all or any of the following: 5

- (a) examine orally any person who appears to be acquainted with matters related to the offence;
- (b) require, by written notice, any person within Singapore who appears to be acquainted with matters related to the offence, to attend before the Commissioner or the authorised member; 10
- (c) require any person to provide any information, produce any book or document related to the offence in the possession of that person, or provide a copy of the book or document; 15
- (d) without payment, inspect, take or retain copies of, or extracts from, any book, document or copy mentioned in paragraph (c).

(2) A person is not excused from making an oral statement under subsection (1)(a) on the ground that the statement might tend to incriminate the person but, where the person claims before making the statement that the statement might tend to incriminate the person, that statement is not admissible in evidence against that person in criminal proceedings other than proceedings for an offence under subsection (4)(c) or (d). 20 25

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

- (a) be in writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and 30
- (d) after correction (if necessary), be signed by the person.

(4) A person commits an offence if the person —

(a) without reasonable excuse, neglects or refuses to provide any information or produce any book or document, or any copy of the book or document, required under this section;

(b) without reasonable excuse, neglects or refuses to attend before the Commissioner or the authorised member as required under this section;

(c) provides any information or produces any book or document, or any copy of the book or document, required under this section that is false in a material particular and that the person knows to be false or does not believe to be true; or

(d) by the intentional suppression of any material fact, provides information required under this section that is misleading.

(5) Any person who is guilty of an offence under subsection (4)(a) or (b) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

(6) Any person who is guilty of an offence under subsection (4)(c) or (d) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.”.

New section 8F

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

“Appointment of supplementary enforcement officers

8F.—(1) The Commissioner may appoint an individual (including an employee of a public authority) as a supplementary enforcement officer to do all or any of the following, if the individual is suitably trained to do so:

(a) to exercise the power in section 8(1)(a), (d), (f) or (g);

(b) to do anything authorised in section 8C(1)(a), (b), (c) or (f) or (2)(a) when exercising any power or doing anything mentioned in paragraph (a);

(c) to exercise the power or do anything authorised in section 13(1), 51(1) or 57(1) or (2) in relation to an offence under this Act that is prescribed for the purposes of this paragraph.

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(2) An appointment under subsection (1) is subject to the provisions of this Act and any conditions or limitations specified by the Commissioner.

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(3) Section 8, 8C, 13(1), 51(1) or 57 applies to an individual appointed under subsection (1) as if the individual were —

(a) in the case of section 8 or 8C — a member of the Force authorised by the Commissioner;

(b) in the case of section 13 or 51(1) — the Commissioner; and

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(c) in the case of section 57 — an authorised officer.

(4) An individual appointed under subsection (1) who, in the course of duty as an individual so appointed, exercises any power mentioned in subsection (1), is deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.”

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New sections 12A and 12B

9. The principal Act is amended by inserting, immediately before section 13 in Part II, the following sections:

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“Offence for owner or occupier to cause, etc., specified fire hazard

12A.—(1) An owner or occupier of any building commits an offence if the owner or occupier causes, or does or omits to do anything that is likely to cause, a specified fire hazard to arise at the building.

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(2) An owner or occupier of any building commits an offence if the owner or occupier knows or ought to know that —

(a) there is a specified fire hazard in the building; or

(b) a specified fire hazard is likely to arise at the building,

but does not take reasonable steps to abate the specified fire hazard or prevent the specified fire hazard from arising, as the case may be.

(3) In a prosecution for an offence under subsection (1), it is not necessary for the prosecution to prove that the defendant intended to cause a specified fire hazard to arise at the building.

(4) The offence under subsection (1) is a strict liability offence.

Offence for any person to cause specified fire hazard

12B. A person commits an offence if the person does anything or omits to do anything that causes or is likely to cause —

(a) any fire safety measure in the premises not to be in proper working order; or

(b) any escape route, passageway, common property or limited common property of a building to be obstructed —

(i) such as might render escape in the event of fire more difficult; and

(ii) which obstruction cannot be easily removed by an individual escaping from a fire,

and the person knows or ought to know that the act or omission causes or is likely to cause the effect mentioned in paragraph (a) or (b).”.

Repeal and re-enactment of section 20 and new section 20A

10. Section 20 of the principal Act is repealed and the following sections substituted therefor:

“Fire certificate

20.—(1) This section applies only to buildings or classes of buildings that the Minister, by notification in the *Gazette*, designates.

(2) A person must not —

(a) occupy or use a building; or

(b) permit a building owned or managed by the person to be occupied or used,

unless there is a fire certificate authorising the occupation or use.

(3) An application for a fire certificate for a building must be made in accordance with regulations made under this Act.

(4) Any person who contravenes subsection (2) shall be guilty of an offence.

(5) In a prosecution for an offence under subsection (4) in relation to the use or occupation of a building, it is not necessary for the prosecution to prove that the defendant knew that there was no fire certificate authorising the use or occupation of the building.

(6) The offence under subsection (4) is a strict liability offence.

Order to install fire safety measures

20A.—(1) Where the Commissioner is of the view that the provision or installation of a fire safety measure in any building is necessary for public safety, the Commissioner may, by written order given to the owner of the building, require the owner to provide or install, at the owner’s expense, the fire safety measure within the time specified in the written order.

(2) To avoid doubt, a requirement may be given under subsection (1) whether or not the owner is carrying out or proposing to carry out any fire safety works in relation to that building.

(3) Any owner of a building who fails to comply with any requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction —

5 (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and

 (b) 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.

10 (4) The offence under subsection (3) is a strict liability offence.

 (5) Any owner of a building who is aggrieved by the Commissioner's requirement under subsection (1) may, within 14 days after being notified of the written order, appeal to the Minister.”.

15 **Amendment of section 21**

11. Section 21 of the principal Act is amended by deleting subsection (5) and substituting the following subsections:

 “(4A) The Commissioner may direct the owner or occupier of the premises to do any of the following:

20 (a) implement fire safety programmes for occupants of the premises, within the time specified in the direction;

 (b) maintain records of fire safety programmes conducted for the premises, for the period specified in the direction.

25 (5) Any person who contravenes subsection (2), (3) or (4), or who, without reasonable excuse, fails to comply with a direction of the Commissioner under subsection (4A), shall be guilty of an offence.”.

Amendment of section 22

12. Section 22 of the principal Act is amended by deleting subsections (3), (3A) and (4) and substituting the following subsections:

“(3) The fire safety manager and Company Emergency Response Team of the premises must — 5

(a) assist the owner or occupier of the premises in the performance of the owner or occupier’s duties under this Act; and

(b) perform such duties with respect to the premises as may be prescribed. 10

(4) If the Commissioner is satisfied that any particular premises mentioned in subsection (1) are at-risk premises, the Commissioner may, by written notice given to the owner or occupier of the particular premises, require the owner or occupier to do all or any of the following: 15

(a) establish and maintain for the particular premises a Company Emergency Response Team comprising a specified number of members that is higher than the number prescribed; 20

(b) provide the Company Emergency Response Team for the particular premises with such additional pieces or types of fire safety equipment as the Commissioner considers necessary for the premises, in addition to that prescribed; 25

(c) notify the Commissioner of any intended change in ownership or occupancy of the particular premises not less than 14 days before the change in ownership or occupancy is to take effect.

(5) Premises are at-risk premises for the purposes of subsection (4) where — 30

(a) the risk of fire occurring in or spreading in or from the particular premises is higher than that for other premises in general; or

(b) the age, physical ability or such other characteristics of the individuals who occupy or frequent the particular premises render escape by these individuals in the event of fire more difficult.

5 (6) Any person who contravenes subsection (2) or (3) or fails to comply with the Commissioner's written notice under subsection (4) shall be guilty of an offence.

(7) In a prosecution for an offence under subsection (6), it is not necessary for the prosecution to prove that the defendant
10 intended to commit the offence.

(8) The offence under subsection (6) is a strict liability offence.”.

Repeal of section 22AA and new sections 22AA and 22AB

15 **13.** Section 22AA of the principal Act is repealed and the following sections substituted therefor:

“Extension of time

22AA.—(1) The Commissioner may do all or any of the following:

20 (a) extend the period for doing anything under this Part (including in a direction or a written notice given under this Part);

(b) shorten the period of an extension granted under paragraph (a);

25 (c) impose conditions for an extension granted under paragraph (a).

(2) Any owner or occupier of a building who is aggrieved by the Commissioner's decision to shorten the period of an extension under subsection (1)(b) to do anything in relation to the building may appeal to the Minister within 14 days after
30 being notified of the Commissioner's decision.

Meaning of owner or occupier in this Part

22AB. In this Part, where a building or premises is a building erected on land comprised in a strata subdivision plan approved by the competent authority, references to the owner or occupier of the building or premises do not include references to the subsidiary proprietors or tenants of any part of the building or premises.”.

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Amendment of section 22A

14. Section 22A of the principal Act is amended —

- (a) by inserting, immediately after the words “prepare or propose” in subsection (1), the words “, or hold out or advertise in any way that the person is willing to prepare or propose,”;
- (b) by deleting “\$50,000” in subsection (10) and substituting “\$200,000”; and
- (c) by deleting the words “12 months” in subsection (10) and substituting the words “2 years”.

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Amendment of section 22B

15. Section 22B(5) of the principal Act is amended by deleting the words “whose decision shall be final”.

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Amendment of section 22C

16. Section 22C of the principal Act is amended —

- (a) by deleting subsection (5) and substituting the following subsection:
 - “(5) Any decision of the Commissioner under subsection (2), (3) or (4) in relation to a fire safety engineer does not take effect until the 15th day after the date on which the decision is communicated to the fire safety engineer concerned.”; and
- (b) by deleting subsections (7) and (8).

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New Part IIIB

17. The principal Act is amended by inserting, immediately after section 22F, the following Part:

“PART IIIB

ALARM MONITORING SERVICES

Interpretation of this Part

22G. In this Part, unless the context otherwise requires —

“alarm monitoring service” means the service consisting of monitoring signals from any alarm system installed in or for a building for the purpose of fire safety and for transmission to the Force;

“alarm monitoring station” means any building at which an alarm monitoring service is carried out;

“communication link” means the part of an alarm monitoring system that transmits a signal from the system to an alarm monitoring network;

“licensing officer” means the Commissioner or such other public officer that the Commissioner appoints, by name or office, to assist the Commissioner in carrying out the Commissioner’s functions and duties under this Part;

“responsible officer”, in relation to an applicant for a licence or a licensee, means —

(a) where the applicant or licensee is a partnership — a partner of the partnership;

(b) where the applicant or licensee is an unincorporated association — a member of the governing body of the unincorporated association; and

(c) where the applicant or licensee is a company or other body corporate — a director of the company or an officer holding a managerial or similar executive position in the body corporate.

Licence required to carry on business of providing alarm monitoring services

22H.—(1) A person must not carry on a business of providing alarm monitoring services at a building to be used as an alarm monitoring station unless the person is authorised to do so at that building by a licence under section 22J. 5

(2) A person must not advertise or otherwise hold out that the person is carrying on a business of providing alarm monitoring services at a building to be used as an alarm monitoring station unless the person is authorised to carry on such a business at that building by a licence under section 22J. 10

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence. 15

(5) The offence under subsection (3) is a strict liability offence.

Application for grant or renewal of licence

22I.—(1) An application for the grant or renewal of a licence must be — 20

(a) made to the licensing officer in the form or manner that the licensing officer requires; and

(b) accompanied by —

(i) the particulars, information and documents that the licensing officer requires; and 25

(ii) the prescribed fee, if any.

(2) If a person intends to carry on the business of providing alarm monitoring services at more than one alarm monitoring station, a separate application must be made in respect of each alarm monitoring station. 30

(3) The licensing officer may, in order to properly consider an application under subsection (1), request the applicant to provide, within a specified time, any additional information.

(4) The licensing officer may refuse to consider an application relating to a proposed alarm monitoring service in the following circumstances:

(a) the application is incomplete or otherwise not made in accordance with this section;

(b) in the case of an application for the grant of a licence, the alarm monitoring system provided or to be provided by the applicant cannot be connected, or be converted to be connected, to the alarm monitoring network kept by the Force;

(c) in the case of an application to renew a licence, the application is submitted less than 2 months before the expiry of the licence.

Grant of licence

22J.—(1) After considering an application for the grant or renewal of a licence, the licensing officer may —

(a) grant the licence to carry on a business of providing alarm monitoring services, specifying the alarm monitoring station from which the service is or is to be carried out (called in this Part the licensed alarm monitoring station); or

(b) refuse the application.

(2) A person may be granted more than one licence.

(3) The licensing officer may refuse to grant or renew a licence if any of the following applies:

(a) the building specified in the application to be used as an alarm monitoring station is not suitable to be used as such;

(b) the applicant is not a fit and proper person to hold a licence;

(c) it is not in the public interest to grant the licence.

(4) For the purposes of determining whether a person is a fit and proper person to hold a licence under subsection (3)(b), the licensing officer may consider such criteria and requirements as may be prescribed, including criteria and requirements relating to —

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(a) any responsible officer of the applicant;

(b) any person having substantial interest in, or control or direction over, the business of the applicant; or

(c) any person having control of or direction over the applicant's operations at the building to be used as an alarm monitoring station.

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(5) Any person whose application for the grant or renewal of a licence is refused may, within 14 days after being notified in writing of the refusal, appeal to the Minister.

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Licence conditions

22K. In granting a licence, the licensing officer may impose conditions, which may include conditions —

(a) relating to the operational and technical requirements for the licensed alarm monitoring station; and

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(b) requiring the licensee to establish a communication link from the alarm monitoring system used in the licensed alarm monitoring station to the alarm monitoring network kept by the Force, in the manner specified.

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Modifying conditions of licence

22L.—(1) The licensing officer may, in accordance with this section, modify the conditions of a licence without compensating the licensee to whom the licence is granted.

(2) Before modifying any conditions of a licence, the licensing officer must give notice to the licensee concerned —

(a) stating the modification that the licensing officer proposes to make; and

5 (b) specifying the time within which the licensee may make written representations to the licensing officer with respect to the proposed modification.

(3) The time specified by the licensing officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

10 (4) Despite subsection (3), the licensing officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if the licensing officer is of the opinion that it is in the public interest for the licence conditions to be modified as soon as possible.

(5) On receipt of any written representation made in accordance with this section by the licensee concerned, the licensing officer must consider that representation and may —

(a) reject the representation;

20 (b) amend the proposed modification in the manner that the licensing officer thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

(6) Where —

25 (a) the licensing officer rejects any written representation under subsection (5)(a);

(b) the licensing officer amends any proposed modification to the conditions of the licence under subsection (5)(b); or

30 (c) no written representation is received by the licensing officer within the time specified by the licensing officer, or any written representation made by the

licensee is subsequently withdrawn, and the licensee has not given immediate effect to the modification, the licensing officer must give a direction to the licensee requiring the licensee (within the time specified in the direction) to give effect to the modification as specified in the notice given under subsection (2), or as amended by the licensing officer, as the case may be. 5

(7) Where the licensing officer has given a direction mentioned in subsection (6) to a licensee, the licensee may, within 14 days after the date of the direction, appeal in writing to the Minister against the direction. 10

(8) The direction mentioned in subsection (6) takes effect on the date specified in the direction despite an appeal being made to the Minister.

(9) In this section, “modification” and “modify”, in relation to the conditions of a licence, include deleting, or varying and substituting a condition, and adding a condition. 15

Failure to verify fire, etc., before cancelling request

22M.—(1) Where a request is made to the Commissioner to extinguish a fire or protect life and property from a fire, or to contain or mitigate the escape of any petroleum or flammable material, at any building, the licensee providing alarm monitoring services for the building must take all reasonable steps to ascertain that there is no fire or escape of petroleum or flammable material (as the case may be) at the building before cancelling the request. 20 25

(2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both. 30

(3) In this section, “request” includes the transmission, on a communication link, of a signal from an alarm system to the alarm monitoring network kept by the Force.

Revocation of licence

22N.—(1) The licensing officer may revoke a licence if the licensing officer is satisfied that —

- 5 (a) the licensee has contravened any condition of the licence;
- (b) the licence had been obtained by fraud or misrepresentation;
- 10 (c) a circumstance that the licensing officer becomes aware of would have required or permitted the licensing officer to refuse to grant or renew the licensee’s licence, had the licensing officer been aware of the circumstance immediately before the licence was granted or renewed;
- 15 (d) the licensee has ceased to carry on the business of providing alarm monitoring services in respect of which the licence is granted;
- (e) the licensee has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- 20 (f) the licensee is contravening, or has contravened, any requirement of this Act;
- (g) the licensee has been convicted of any offence under this Act;
- 25 (h) the licensee is no longer a fit and proper person to continue to hold the licence; or
- (i) it is in the public interest to do so.

(2) Before revoking the licence, the licensing officer must give notice to the licensee concerned —

- 30 (a) stating that the licensing officer intends to revoke the licence; and
- (b) specifying the time within which written representations may be made to the licensing officer.

(3) The time specified by the licensing officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

(4) Despite subsection (3), the licensing officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if the licensing officer is of the opinion that it is in the public interest for the licence to be revoked as soon as possible.

(5) The licensing officer may, after considering any written representation made by the licensee concerned, revoke the licence and notify the licensee of the revocation.

(6) The licensing officer must provide the licensee with the grounds of revocation of the licence, in writing, within 7 days after being so required by the licensee.

(7) Any person who is aggrieved by the revocation of the person's licence may appeal to the Minister —

(a) within 14 days after being notified of the revocation;
or

(b) if, within the period mentioned in paragraph (a), the person requires the licensing officer to provide the grounds of revocation — within 14 days after being provided with the grounds of revocation.

(8) A decision of the licensing officer to revoke the licence takes effect despite an appeal against that decision being made to the Minister.”.

Amendment of section 24

18. Section 24 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) A person must not carry out, or permit or authorise the carrying out of, any fire safety works —

(a) before the Commissioner has approved all the plans of the fire safety works under section 23; or

(b) otherwise than in accordance with the plans approved under section 23.”.

Amendment of section 25

19. Section 25 of the principal Act is amended —

5 (a) by inserting, immediately after subsection (1), the following subsection:

“(1A) Where any fire safety works involve the installation of a regulated fire safety product and the qualified person appointed under subsection (1) is not
10 an appropriate qualified person to supervise the installation, every person for whom the fire safety works are or are to be carried out must appoint an appropriate qualified person to supervise the installation of the regulated fire safety product.”;

15 (b) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or (1A)”;

(c) by inserting, immediately after the words “subsection (1)” in subsection (5), “, (1A)”;

20 (d) by deleting subsection (6) and substituting the following subsections:

“(6) Subject to subsection (6B), any qualified person or fire safety engineer who fails to comply with a requirement mentioned in subsection (4)(a) or
25 (b) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and

30 (b) in respect of a continuing failure to comply with the requirement mentioned in subsection (4)(a) or (b) (as the case may be), to an additional fine not exceeding \$1,000 for every day or part of a day the

qualified person or fire safety engineer fails to comply with the requirement.

(6A) Subject to subsection (6B), any qualified person or fire safety engineer who fails to comply with a requirement mentioned in subsection (4)(c) shall be guilty of an offence and shall be liable on conviction —

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(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

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(b) in respect of a continuing failure to comply with the requirement mentioned in that subsection, to an additional fine not exceeding \$1,000 for every day or part of a day the qualified person or fire safety engineer fails to comply with the requirement.

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(6B) Where the failure to comply in respect of which the qualified person or fire safety engineer is convicted under subsection (6) or (6A) continues after the conviction, the qualified person or fire safety engineer shall be guilty of a further offence and shall be liable on conviction of the further offence to a fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.”.

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25

Amendment of section 26

20. Section 26(1) of the principal Act is amended by inserting, immediately after the words “section 25(1)”, “, (1A)”.

Amendment of section 27

30

21. Section 27 of the principal Act is amended —

(a) by deleting the words “in the prescribed form and manner together with payment of the prescribed fees” in subsection (3); and

(b) by deleting subsections (4) and (5).

Repeal of section 28

22. Section 28 of the principal Act is repealed.

Amendment of section 29

5 **23.** Section 29 of the principal Act is amended —

(a) by inserting, immediately after the words “approved plans of” in subsection (5), the word “fire”; and

(b) by inserting, immediately after subsection (5), the following subsection:

10 “(5A) Any registered inspector who —

(a) issues a certificate mentioned in subsection (5) that is false or misleading in any material particular; and

15 (b) does so knowing, or reckless as to whether, the certificate is false or misleading in any material particular,

20 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 2 years or to both.”.

Amendment of section 30

24. Section 30(5) of the principal Act is amended by deleting “\$10,000” and substituting the words “\$200,000 or to imprisonment for a term not exceeding 2 years or to both”.

Amendment of section 30C

25 **25.** Section 30C of the principal Act is amended by deleting subsections (2), (3), (4) and (5).

New Part V

30 **26.** The principal Act is amended by inserting, immediately after section 30D, the following Part:

“PART V

REGULATED FIRE SAFETY PRODUCTS

Interpretation of this Part

31. In this Part, unless the context otherwise requires —

“accredited certification body” means a person accredited 5
under the Singapore Accreditation Council’s
Certification Body Accreditation Scheme administered
by the Enterprise Singapore Board;

“accredited laboratory” means a person providing 10
laboratory testing services that is —

(a) accredited under the Singapore Accreditation
Council’s Laboratory Accreditation Scheme
administered by the Enterprise Singapore
Board;

(b) recognised under a bilateral mutual recognition 15
agreement or arrangement between Singapore
and any other country; or

(c) recognised under a multilateral mutual
recognition agreement or arrangement between
Singapore and 2 or more other countries; 20

“applicable standard”, in relation to a regulated fire safety
product, means the standard specified in the Fire Code
for the regulated fire safety product;

“certificate of conformity”, in relation to a regulated fire
safety product, means a certificate issued by an 25
accredited certification body as to the compliance of
the regulated fire safety product with the applicable
standard for the regulated fire safety product;

“compliant fire safety product” means any regulated fire
safety product — 30

(a) that is tested by an accredited laboratory for
compliance with the applicable standard for the
regulated fire safety product;

(b) that complies with the applicable standard for the regulated fire safety product;

(c) in respect of which there is a valid certificate of conformity; and

5 (d) that is not prescribed under section 33B(3) as a non-compliant fire safety product;

“Enterprise Singapore Board” means the Enterprise Singapore Board established by section 3 of the Enterprise Singapore Board Act 2018 (Act 10 of 2018);

10 “foreign person” means any person who is not a Singapore person;

“non-compliant fire safety product” means any regulated fire safety product that is not a compliant fire safety product;

15 “offer to supply”, in relation to any regulated fire safety product, includes an attempt to supply or exposure for supply;

“Singapore person” means any person who is —

(a) a citizen of Singapore;

20 (b) a body corporate or corporation incorporated or constituted under the law of Singapore; or

(c) a person domiciled in Singapore;

“supply”, in relation to any regulated fire safety product, includes —

25 (a) the supply of the regulated fire safety product by way of sale (including by way of barter or exchange), lease, loan, hire or hire-purchase;

(b) causing or allowing the supply of the regulated fire safety product;

30 (c) the supply of the regulated fire safety product in connection with any agreement; and

(d) receiving, sending or delivering the regulated fire safety product for supply;

“valid certificate of conformity” means a certificate of conformity that —

(a) is issued —

(i) to a Singapore person; or

(ii) to a foreign person who has, at the time of the issue, appointed a local representative who is a Singapore person; and

(b) is not expired, terminated or otherwise suspended or cancelled by an accredited certification body (under this Act or otherwise).

False test reports for regulated fire safety products

32.—(1) Any accredited laboratory that issues a false test report knowing that it is false 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 2 years or to both.

(2) Any accredited laboratory that issues a false test report reckless or negligent as to whether it is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

(3) If a person is guilty of an offence under subsection (2) with respect to a false test report for a regulated fire safety product and —

(a) in reliance on the false test report, an accredited certification body —

(i) issues a certificate of conformity for the regulated fire safety product; or

(ii) determines that the requirements of a post-certification test mentioned in section 32B(3)(b) are satisfied in respect of the regulated fire safety product;

(b) a fire occurs in a building in which that regulated fire safety product is installed;

(c) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and

(d) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

(5) In this section, “false test report”, in relation to a regulated fire safety product, means a test report that —

(a) states the result of a test of compliance with an applicable standard conducted on the regulated fire safety product; and

(b) is false or misleading in any material particular.

Giving false information to accredited certification body

32A.—(1) Any person who gives false information to an accredited certification body for the purposes of obtaining a certificate of conformity for a regulated fire safety product knowing that the information is false 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 2 years or to both.

(2) Any person who gives false information to an accredited certification body for the purposes of obtaining a certificate of conformity for a regulated fire safety product, reckless or negligent as to whether the information is false, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000. 5

(3) If a person is guilty of an offence under subsection (2) with respect to a certificate of conformity for a regulated fire safety product and —

(a) a fire occurs in a building in which that regulated fire safety product is installed; 10

(b) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and 15

(c) damage, death or injury attributable to the fire occurs, then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both. 20

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

Certification of regulated fire safety products 25

32B.—(1) A person commits an offence if —

(a) the person is not an accredited certification body;

(b) the person certifies, or holds out or advertises in any way that the person is willing to certify, that any regulated fire safety product complies with the applicable standard for the regulated fire safety product; and 30

(c) the person —

(i) knows that it is not an accredited certification body; or

(ii) is reckless or negligent as to whether it is an accredited certification body.

(2) An accredited certification body commits an offence if the accredited certification body issues a certificate of conformity for a regulated fire safety product that does not comply with the applicable standard for the regulated fire safety product if —

(a) the accredited certification body knows that the regulated fire safety product does not so comply; or

(b) the accredited certification body is reckless or negligent as to whether the regulated fire safety product so complies.

(3) An accredited certification body that issues a certificate of conformity for a regulated fire safety product must cancel the certificate of conformity for the purposes of this Act —

(a) as soon as practicable after the accredited certification body knows or has reasonable cause to believe (whether by a test or analysis conducted under section 33(1) or otherwise) that the regulated fire safety product does not comply with the applicable standard for the regulated fire safety product; or

(b) where the Fire Code requires any post-certification test to be conducted for the regulated fire safety product within a specified period after the issue of the certificate of conformity — as soon as practicable after the accredited certification body knows or has reasonable cause to believe that the post-certification test is not conducted within the specified period.

(4) Any person who is guilty of an offence under subsection (1)(c)(i) or (2)(a) —

- (a) shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of a continuing contravention of subsection (1)(c)(i) — 5
- (i) shall be liable on conviction to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues; and
- (ii) if the contravention continues after the conviction, shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction. 10
- (5) Any person who is guilty of an offence under subsection (1)(c)(ii) or (2)(b) — 15
- (a) shall be liable on conviction to a fine not exceeding \$50,000; and
- (b) in the case of a continuing contravention of subsection (1)(c)(ii) — 20
- (i) shall be liable on conviction to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues; and
- (ii) if the contravention continues after the conviction, shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction. 25
- (6) If a person is guilty of an offence under subsection (1)(c)(ii) or (2)(b) and — 30
- (a) a fire occurs in a building in which that regulated fire safety product is installed;

(b) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and

5 (c) damage, death or injury attributable to the fire occurs, then the person shall, instead of the punishment prescribed in subsection (5)(a), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

10 (7) However, subsection (6) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

15 (8) Any accredited certification body that contravenes subsection (3)(a) or (b) shall be guilty of an offence and shall be liable on conviction to —

(a) a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and

20 (b) in the case of a continuing contravention of subsection (3)(a) or (b) (as the case may be), to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

Supply of regulated fire safety products

32C.—(1) Any person (whether in Singapore or not) who —

30 (a) supplies or offers to supply to a person in Singapore any non-compliant fire safety product as a compliant fire safety product or for use as a regulated fire safety product; or

- (b) in the course of such supply or offer, represents that the non-compliant fire safety product is a compliant fire safety product or is fit for use as a regulated fire safety product,

knowing that the non-compliant fire safety product is a non-compliant fire safety product, shall be guilty of an offence and shall be liable on conviction — 5

- (c) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and

- (d) in the case of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues, 10

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction. 15

(2) Any person (whether in Singapore or not) who —

- (a) supplies or offers to supply to a person in Singapore any non-compliant fire safety product as a compliant fire safety product or for use as a regulated fire safety product; or 20

- (b) in the course of such supply or offer, represents that the non-compliant fire safety product is a compliant fire safety product or is fit for use as a regulated fire safety product, 25

reckless or negligent as to whether the non-compliant fire safety product is a non-compliant fire safety product, shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$50,000; and 30

(d) in the case of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

(3) If a person is guilty of an offence under subsection (2) and —

(a) a fire occurs in a building in which that non-compliant fire safety product is installed;

(b) the non-compliant fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and

(c) damage, death or injury attributable to the fire occurs, then the person shall, instead of the punishment prescribed in subsection (2)(c), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the non-compliant fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

Installation of non-compliant fire safety products

32D.—(1) Any relevant person who installs, or causes to be installed, in or on the building —

(a) any non-compliant fire safety product, knowing that it is a non-compliant fire safety product; or

- (b) any regulated fire safety product, knowing that the manner in which it is installed adversely affects fire safety in the building,

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 2 years or to both.

(2) Any relevant person who installs, or causes to be installed, in or on the building any non-compliant fire safety product, reckless or negligent as to whether it is a non-compliant fire safety product shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

(3) Any relevant person who installs, or causes to be installed, in or on the building any regulated fire safety product in a manner that adversely affects fire safety in the building, reckless or negligent as to whether the manner in which the regulated fire safety product is installed adversely affects fire safety in the building, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

(4) If a relevant person is guilty of an offence under subsection (2) and —

(a) a fire occurs in a building in which that non-compliant fire safety product is installed;

(b) the non-compliant fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and

(c) damage, death or injury attributable to the fire occurs, then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) If a relevant person is guilty of an offence under subsection (3) and —

(a) a fire occurs in a building in which that regulated fire safety product is installed; and

(b) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (3), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) However, subsection (4) or (5) does not apply if it is proved, on a balance of probabilities, that the failure of the non-compliant fire safety product to function or perform in the manner in which the regulated fire safety product was installed (as the case may be) did not cause or worsen any damage, death or injury attributable to the fire.

(7) It is a defence to a prosecution for an offence under subsection (2) if it is proved, on a balance of probabilities, that the relevant person had taken all reasonable steps to ensure that the regulated fire safety product so installed was a compliant fire safety product at the time the regulated fire safety product was delivered to the relevant person.

(8) It is a defence to a prosecution for an offence under subsection (3) if the relevant person proves, on a balance of probabilities, that the relevant person had taken all reasonable steps to ensure that the regulated fire safety product was installed in accordance with the Fire Code.

(9) Subsections (1)(a) and (2) do not apply in relation to a relevant person if the regulated fire safety product in question is a non-compliant fire safety product only by reason that the certificate of conformity for the regulated fire safety product expires or is suspended or terminated after the regulated fire safety product is delivered to the relevant person.

(10) In this section —

“builder” has the meaning given by section 2(1) of the Building Control Act (Cap. 29);

“relevant person”, in relation to a building, means the owner or builder of the building.

Commissioner may require testing of regulated fire safety product

33.—(1) The Commissioner may, by written notice to any of the following persons, require the person to submit a regulated fire safety product or samples of the regulated fire safety product to an accredited laboratory for the purpose of testing or analysis, within the time specified in the notice: 5

- (a) an accredited certification body that has issued a certificate of conformity for the regulated fire safety product; 10
- (b) a person carrying on a trade or business that consists of or includes the supply of the regulated fire safety product (called in this section the supplier); 15
- (c) a person to whom a certificate of conformity for the regulated fire safety product is issued (called in this section the certificate holder).

(2) Where the accredited certification body, the supplier or the certificate holder does not have possession, charge or control of the regulated fire safety product specified in the notice, any person who has such possession, charge or control must render all necessary and reasonable assistance to enable the accredited certification body, the supplier or the holder (as the case may be) to comply with the notice. 20 25

(3) Any accredited certification body, supplier or certificate holder who, without reasonable excuse, refuses or fails to comply with any requirement of the Commissioner under subsection (1) shall be guilty of an offence.

(4) Any person who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence. 30

Commissioner may give directions relating to regulated fire safety products

5 **33A.**—(1) The Commissioner may give one or more of the directions in subsection (2) to any person with possession, charge or control of a regulated fire safety product or who supplied a regulated fire safety product, if the Commissioner has reasonable grounds to believe that —

- (a) the direction is necessary for fire safety; and
- (b) the regulated fire safety product —
 - 10 (i) is a non-compliant fire safety product; or
 - (ii) was installed in a manner that adversely affects fire safety in a building.

(2) The directions are —

- (a) to recall a non-compliant fire safety product;
- 15 (b) to cease supplying a non-compliant fire safety product;
- (c) to remove a regulated fire safety product from a building;
- (d) to dispose of a non-compliant fire safety product recalled under paragraph (a) in any manner required by the Commissioner; and
- 20 (e) to rectify any contravention of the Fire Code in the installation of a regulated fire safety product.

25 (3) In relation to a direction mentioned in subsection (2)(a), (c), (d) or (e), the Commissioner —

- (a) may specify, in the direction, the manner in which the recall, removal, disposal or rectification (as the case may be) is to be conducted; and
- 30 (b) must specify, in the direction, the period within which the recall, removal, disposal or rectification (as the case may be) is to be completed.

(4) A person to whom a direction mentioned in subsection (2)(a), (c), (d) or (e) has been given must give written notice to the Commissioner of the completion of the recall, removal, disposal or rectification (as the case may be) as soon as practicable after that completion. 5

(5) Subject to subsection (6), any person who, without reasonable excuse, refuses or fails to comply with the Commissioner's direction under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and 10

(b) to an additional fine not exceeding \$1,000 for each day or part of a day the person fails to comply with the direction after the expiry of the period, or the time, specified in the direction. 15

(6) If the failure to comply in respect of which the person is convicted under subsection (1) continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction. 20

(7) Any person who is aggrieved by any direction of the Commissioner under subsection (1) may, within 14 days after being notified of the direction, appeal to the Minister.

(8) A direction of the Commissioner under subsection (1) takes effect despite an appeal against that decision being made to the Minister. 25

Commissioner may give directions in relation to certificates of conformity

33B.—(1) The Commissioner may, by written notice to the accredited certification body that issued a certificate of conformity for a regulated fire safety product, direct the accredited certification body to cancel the certificate, within the time specified in the written notice if — 30

(a) the accredited certification body contravenes section 32B(2) or (3); or

(b) the person to whom the certificate of conformity is issued refuses or fails to comply with a requirement under section 33(1) in respect of the regulated fire safety product or a sample of the regulated fire safety product.

(2) The Commissioner may, by written notice to an accredited certification body, direct the accredited certification body not to issue any certificate of conformity to a person for the period specified in the written notice if the Commissioner has reason to believe that the person has contravened section 32C(1) or (2).

(3) The Minister may prescribe that a regulated fire safety product is a non-compliant fire safety product if the accredited certification body that issued the certificate of conformity in respect of the regulated fire safety product refuses or fails to comply with a direction under subsection (1) or (2) in respect of that certificate.

(4) The Commissioner must, before making the direction under subsection (1)(b), give the person to whom the certificate of conformity is issued —

(a) written notice of the Commissioner's intention to make the direction; and

(b) an opportunity to submit reasons, within 14 days after the notice is given, as to why the direction should not be made.

(5) The Commissioner must, before making the direction under subsection (2), give the person in respect of which the direction applies —

(a) written notice of the Commissioner's intention to make the direction; and

(b) an opportunity to submit reasons, within 14 days after the notice is given, as to why the direction should not be made.

(6) Despite subsections (4) and (5), the Commissioner may specify a time, being less than 14 days after the date of the written notice mentioned in subsection (4) or (5) (as the case may be) if the Commissioner is of the opinion that it is in the public interest for the direction to be made as soon as possible. 5

(7) The Commissioner may, at any time, cancel a direction given under subsection (2).

(8) Any accredited certification body that, without reasonable excuse, refuses or fails to comply with the Commissioner's direction under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction — 10

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a continuing refusal or failure to comply, to an additional fine not exceeding \$1,000 for each day or part of a day the refusal or failure continues. 15

(9) Any person who is aggrieved by any direction of the Commissioner under subsection (1) or (2) may, within 14 days after being notified of the direction, appeal to the Minister.

(10) A direction of the Commissioner under subsection (1) or (2) takes effect despite an appeal against that decision being made to the Minister. 20

Power to enter premises to carry out direction upon notice or under warrant

33C.—(1) If a person to whom a direction mentioned in section 33A(1) is given refuses or fails, without reasonable excuse, to comply with the direction, the Commissioner — 25

(a) may authorise any member (called in this section an authorised member) to carry out the direction; and

(b) may recover the costs and expenses reasonably incurred in carrying out the direction as a debt due to the Government from that person. 30

(2) An authorised member may enter any premises at any reasonable time to carry out the direction mentioned in section 33A(1) after giving at least 24 hours' notice of the intention to do so to the owner or occupier of the premises.

5 (3) Before entering the premises under subsection (2), an authorised member must produce, if so required —

(a) the authorised member's original identity card or any identification card that the Commissioner directs to be carried by the authorised member as proof of the authorised member's identity; and

10 (b) a duly authenticated document showing the authorised member's authority.

(4) A Magistrate may by warrant authorise a member to enter any premises, with such force as may be necessary, if the Magistrate is satisfied, on sworn information in writing —

15 (a) that the member needs to enter into any premises to carry out a direction mentioned in section 33A(1); and

(b) that —

20 (i) entry into the premises has been refused, or such refusal is likely; or

(ii) the premises are unoccupied or the owner or occupier is temporarily absent.

(5) The warrant continues in force until the purpose for which the entry is necessary has been satisfied.

25 (6) If the owner or occupier is present when an authorised member seeks to execute the warrant, the authorised member must —

(a) identify himself to the owner or occupier;

30 (b) show the owner or occupier the authorised member's identity card or identification card and the duly authenticated document mentioned in subsection (3);

(c) show the owner or occupier the warrant; and

(d) if required, give the owner or occupier a copy of the warrant.

(7) If the owner or occupier is not present when an authorised member seeks to execute the warrant, but some other person who appears to be in charge of the premises is present, then subsection (6) applies to that other person as if that other person were the owner or occupier.

5

(8) An authorised member entering the premises under a warrant issued under subsection (4) may do all or any of the following:

10

(a) break open any outer or inner door or window leading to the premises;

(b) enter any part of the premises with such force as may be necessary;

(c) remove by force any obstruction to the entry.

15

(9) An authorised member entering the premises under subsection (2), or under a warrant issued under subsection (4), may do any of the following:

(a) take with him such other persons as may be necessary;

(b) remove or demolish any fixtures or fittings in the premises if such removal or demolition is necessary for carrying out the direction under section 33A(1).

20

(10) If the premises are unoccupied at the time of entry, the authorised member must leave the premises as effectually secured against trespassers as the authorised member found the premises.

25

(11) Subject to subsection (10), the Commissioner is not liable to compensate the owner or occupier for any loss (including reinstatement costs) incurred by the owner or occupier, or for any damage caused to the premises, as a result of anything done with reasonable care and in good faith under subsection (9)(b).

30

Power to enter premises to carry out direction without notice or warrant

33D.—(1) If —

5 (a) a person to whom a direction mentioned in section 33A(1) is given refuses or fails to comply with the direction; and

10 (b) the Commissioner has reasonable grounds to believe in respect of any premises that the non-compliant fire safety product is posing an imminent danger affecting public safety,

the Commissioner —

15 (c) may authorise any member (called in this section an authorised member) to enter the premises without warrant to carry out the direction; and

 (d) may recover the costs and expenses reasonably incurred in carrying out the direction as a debt due to the Government from that person.

20 (2) If the owner or occupier of the premises is present when an authorised member seeks to enter the premises, the authorised member must show the owner or occupier the identity card or identification card and the duly authenticated document mentioned in section 33C(3).

25 (3) If the owner or occupier is not present when entry under subsection (2) is sought, but some other person who appears to be in charge of the premises is present, then subsection (2) applies to that other person as if that other person were the owner or occupier.

 (4) An authorised member entering the premises under this section may do all or any of the following:

30 (a) take with him such other persons as may be necessary;

 (b) break open any outer or inner door or window leading to the premises;

- (c) forcibly enter the premises and every part of the premises;
- (d) remove by force any obstruction to the entry;
- (e) remove or demolish any fixtures or fittings in the premises if such removal or demolition is necessary for carrying out the direction mentioned in section 33A(1).

5

(5) If the premises are unoccupied at the time of entry, the authorised member must leave the premises as effectually secured against trespassers as the authorised member found the premises.

10

(6) Subject to subsection (5), the Commissioner is not liable to compensate the owner or occupier for any loss (including reinstatement costs) incurred by the owner or occupier, or for any damage caused to the premises, as a result of anything done with reasonable care and in good faith under subsection (4)(e).”.

15

Amendment of section 39

27. Section 39(5) of the principal Act is amended by deleting the words “whose decision shall be final”.

Amendment of section 40

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28. Section 40 of the principal Act is amended —

- (a) by deleting the words “whose decision shall be final” in subsection (4); and
- (b) by deleting subsection (6).

New Part VIA

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29. The principal Act is amended by inserting, immediately after section 42, the following Part:

“PART VIA
APPEALS

Appeals to Minister

5 **42A.**—(1) This section applies to every appeal to the Minister made under this Act.

(2) An appeal to the Minister must be made in the manner prescribed.

10 (3) The Minister may determine an appeal against a decision of or an order made by the Commissioner or a licensing officer —

(a) by confirming the decision or order in whole or varying it in part; or

(b) by reversing the decision or order.

15 (4) Before determining an appeal, the Minister may consult the Appeal Advisory Board appointed under section 42B.

(5) In deciding an appeal, the Minister may have regard to any report made to the Minister by the Appeal Advisory Board.

(6) The Minister’s decision on any appeal is final.

20 (7) Except where provided by sections 22L(8), 22N(8), 33A(8) and 33B(10) or unless the Minister otherwise directs, a decision or an order appealed against does not take effect until —

(a) the appeal is determined by the Minister under subsection (3); or

25 (b) the appeal is withdrawn.

(8) The Minister may designate any of the following persons to hear and determine, in the Minister’s place, any appeal under this Act:

(a) the Second Minister, if any, for his Ministry;

30 (b) a Minister of State (which includes a Senior Minister of State) for his Ministry;

(c) a Parliamentary Secretary (which includes a Senior Parliamentary Secretary) assisting the Minister under this Part;

(d) any public officer in his Ministry not subordinate to the Commissioner whose decision or order is appealed against.

5

(9) Any reference to the Minister in subsections (1) to (7) includes a reference to a person designated under subsection (8).

Appeal Advisory Board

42B.—(1) The Appeal Advisory Board consists of a Chairperson, a Vice-Chairperson and such other members as the Minister may appoint.

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(2) The Chairperson, Vice-Chairperson and members of the Appeal Advisory Board —

(a) hold their office for such period as the Minister may determine, and may be re-appointed;

15

(b) may at any time be removed from office by the Minister; and

(c) may at any time resign from their office by writing addressed to the Minister.”.

20

Amendment of section 43

30. Section 43 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) The Commissioner may recover as a debt due to the Government, from the classes of prescribed persons mentioned in subsection (1), the reasonable costs and expenses of investigating a fire mentioned in that subsection, including charges for any laboratory analysis.”.

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Repeal and re-enactment of section 49

31. Section 49 of the principal Act is repealed and the following section substituted therefor:

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“Service of documents

49.—(1) A document that is permitted or required by this Act to be served on, given or communicated to a person may be served as described in this section.

5 (2) A document may be served on an individual —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- 10 (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
- 15 (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- 20 (f) by sending it by email to the individual’s last email address.

25 (3) A document may be served on a partnership (other than a limited liability partnership) —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership’s business address;
- 30 (c) by sending it by fax to the fax number used at the partnership’s business address; or
- (d) by sending it by email to the partnership’s last email address.

(4) A document may be served on a body corporate (including a limited liability partnership) —

- (a) by giving it to the body corporate’s secretary or other similar officer, or the limited liability partnership’s manager; 5
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate’s registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate’s registered office or principal office in Singapore; or 10
- (d) by sending it by email to the body corporate’s last email address.

(5) Service of a document under this section takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission; 15
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and 20
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) However, service of any document under this Act on a person by email may be effected only with the person’s prior consent (express or implied) to service in that way. 25

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means — 30

- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means —

(a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or

(b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.”.

Repeal of section 54 and new sections 54 and 54A

32. Section 54 of the principal Act is repealed and the following sections substituted therefor:

“Offences by corporations

54.—(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 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 V and VA of the Penal Code; or
- (b) the Evidence Act (Cap. 97) 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 within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

5 “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

10 (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;

“state of mind” of a person includes —

15 (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

20 **54A.**—(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 —

25 (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his 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.

30 (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

5

10

(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,

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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.

25

(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.

30

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

- (a) Chapters V and VA of the Penal Code; or
- (b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

5 (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 —

10 “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 —

- 15 (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;

20 “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
- 25 (b) the person’s reasons for the intention, opinion, belief or purpose.”.

New section 57A

33. The principal Act is amended by inserting, immediately after section 57, the following section:

“False or misleading information

30 **57A.** Any person who provides any information, that the person knows or has reason to believe is false or misleading, to the Commissioner or licensing officer in connection with any

application for a licence or permit under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.”.

Amendment of section 59

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34. Section 59(3) of the principal Act is amended by inserting, immediately after the words “member of the Force”, the words “or done by an individual appointed under section 8F”.

Amendment of section 61

35. Section 61(1) of the principal Act is amended —

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(a) by inserting, immediately after the words “such persons to” in paragraph (a), the words “be provided with fire safety equipment as may be prescribed or to”;

(b) by inserting, immediately after paragraph (e), the following paragraphs:

15

“(f) the time and manner of making an application for a fire certificate under section 20, and the circumstances in which the Commissioner may revoke a fire certificate;

20

(fa) the duties of persons granted licences under section 22J;”;

(c) by inserting, immediately after paragraph (j), the following paragraphs:

“(ja) the duties of accredited certification bodies in relation to the certification of regulated fire safety products;

25

(jb) the duties of a local representative appointed by a foreign person to whom a certificate of conformity is issued;

30

(jc) the duties of a person to whom a certificate of conformity is issued;” and

(d) by inserting, immediately after paragraph (zaa), the following paragraphs:

“(zab) the prescribing of the procedure of or any other matter relating to an appeal to the Minister;

(zac) the prescribing of a right to appeal to the Minister against a decision made under the regulations;”.

Saving and transitional provisions

36.—(1) An appeal that is —

(a) made to the Minister under section 5A(5), 6C(10), 22B(5), 22C(6), 27(3), 30C(1), 39(5) or 40(4) of the principal Act as in force immediately before the date of commencement of sections 4, 5, 15, 16, 21, 25, 27 and 28, respectively; and

(b) pending immediately before that date,

must continue to be dealt with under the principal Act as if not amended by this Act.

(2) Every fire certificate that —

(a) is issued, before the date of commencement of section 10, under section 20 of the principal Act as then in force; and

(b) is valid immediately before that date,

is to continue as if, and is to be treated as, a fire certificate issued under section 20 of the principal Act as so re-enacted.

(3) Every notice in writing that —

(a) is given, before the date of commencement of section 12, under section 22(3A) of the principal Act as then in force specifying that the owner or occupier of the premises is to establish and maintain a Company Emergency Response Team comprising more than 6 members; and

(b) is not cancelled immediately before that date,
is to be treated as a notice in writing given under section 22(4)(a) of
the principal Act as so amended.

(4) Every certificate of conformity that —

(a) is in force immediately before the date of commencement
of section 26; and 5

(b) on or after that date, is not a valid certificate of conformity
under the principal Act only because it was not issued to a
Singapore person or to a foreign person that has, at the time
of issue, appointed a local representative who is a
Singapore person, 10

is deemed to be a valid certificate of conformity under the principal
Act for a period of 6 months after the date of commencement of
section 26 or until the expiry, termination, suspension or cancellation
of the certificate of conformity, whichever ends earlier. 15

(5) Sections 22A(10), 25(6) and 30(5) of the principal Act as in
force on or after the date of commencement of sections 14, 19(d) and
24, respectively, do not apply in respect of any contravention that
occurs before that date.

(6) For a period of 2 years after the date of commencement of any
provision of this Act, the Minister may, by regulations, prescribe such
additional provisions of a saving or transitional nature consequent on
the enactment of that provision as the Minister may consider
necessary or expedient. 20

EXPLANATORY STATEMENT

This Bill seeks to amend the Fire Safety Act (Cap. 109A) for the following main
purposes:

- (a) to empower the Commissioner of Civil Defence (the Commissioner) to
order owners of buildings to provide or install fire safety measures;
- (b) to license persons who provide alarm monitoring services;
- (c) to regulate certain fire safety products;

- (d) to consolidate the provisions regarding appeals to the Minister;
- (e) to enhance enforcement powers;
- (f) to make other amendments for the better administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to amend and define certain terms. The re-enacted definition of “public building” widens the meaning of the term such that it is not limited to specified types of buildings but any building to which the public has access.

Clause 3 inserts a new section 3A, which makes it an offence for a person other than a registered inspector to certify fire safety works for the purposes of section 29(5) or inspect any fire safety works for the purpose of making such a certification.

Clause 4 amends section 5A to remove provisions that are now consolidated in the new section 42A on appeals to the Minister.

Clause 5 amends section 6C to remove provisions that are now consolidated in the new section 42A on appeals to the Minister.

Clause 6 amends section 8 to allow the power of entry to be exercised to ascertain breaches of licence conditions imposed under the new section 22K or 22L for alarm monitoring service licensees, and to obtain evidence of the commission of an offence under the Act.

Clause 7 inserts a new section 8CA, which empowers the Commissioner or an authorised Singapore Civil Defence Force (SCDF) member to examine persons and summon persons to attend before the Commissioner or authorised SCDF member for the purpose of investigations into any offence under the Act. The Commissioner or authorised SCDF member is also empowered to require a person to produce documents and articles relevant to such investigations.

Clause 8 inserts a new section 8F, which provides that certain enforcement powers may be exercised by suitably-trained individuals who are appointed by the Commissioner for that purpose. Appointed individuals are deemed to be public servants for the purposes of the Penal Code (Cap. 224) in the exercise of the powers under the Act.

Clause 9 inserts new sections 12A and 12B.

The new section 12A makes it an offence for an owner or occupier of any building to cause or fail to abate or prevent a specified fire hazard (which is defined in the amended section 2). The penalty for an offence under section 12A is the general penalty under section 56. The offence under section 12A(1) of an owner or occupier of any building causing a specified fire hazard is a strict liability offence.

The new section 12B also makes it an offence for any person (not just an owner or occupier of any building) to do anything to cause a fire safety measure not to be in proper working order, or to cause an obstruction that would render escape in the event of a fire more difficult. The penalty for an offence under the new section 12B is the general penalty under section 56.

Clause 10 repeals and re-enacts section 20 and inserts a new section 20A.

The re-enacted section 20 provides that buildings to which this section applies may be occupied or used only where there is a fire certificate authorising such occupation or use. This section applies to a building or class of buildings that the Minister, by notification in the *Gazette*, designates to be subject to this section. This is different from the current section 20, where a building is subject to the requirement for a fire certificate only when the Commissioner requires the owner or occupier of the building to obtain a fire certificate. The offence of occupying or using a building where there is no fire certificate for the building is a strict liability offence, and the penalty is the general penalty under section 56.

The new section 20A empowers the Commissioner to issue a written order to require the owner of a building to provide or install a fire safety measure where the Commissioner is of the view that the provision or installation is necessary for public safety. The owner has to provide or install the fire safety measure within a time specified in the order and at the owner's own expense, and regardless of whether the owner is carrying out or proposing to carry out any fire safety works at the time. Failure to comply with any requirement in the order is an offence and the penalty is a fine not exceeding \$50,000 or imprisonment for a term not exceeding 12 months or both, and, in the case of a continuing offence, is a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. An aggrieved owner may appeal to the Minister against the written order.

Clause 11 amends section 21 to provide that the Commissioner may direct an owner or occupier of any premises to implement fire safety programmes and maintain records of such programmes. Failure to comply with any requirement in the direction is an offence and the penalty for the offence is the general penalty under section 56.

Clause 12 amends section 22 to provide that the Commissioner may, if certain specified factors apply to any particular premises, require the owner or occupier of the particular premises to establish and maintain a Company Emergency Response Team comprising a higher number of members than prescribed, provide the Company Emergency Response Team with additional pieces or types of fire safety equipment, and to notify the Commissioner of any intended change in ownership or occupancy.

Clause 13 repeals section 22AA and inserts new sections 22AA and 22AB.

The new section 22AA empowers the Commissioner to extend the period for doing anything under Part III, to shorten the extension granted, and to impose conditions for an extension. An owner or occupier aggrieved by the shortening of an extension may appeal to the Minister against the shortening.

The new section 22AB is the re-enacted section 22AA.

Clause 14 amends section 22A to make it an offence for any person other than a fire safety engineer or a qualified person to hold out or advertise that he or she is willing to prepare or propose plans for any fire safety works. Section 22A(10) is also amended to impose higher penalties on a fire safety engineer who contravenes section 22A(3), (4) or (5).

Clause 15 amends section 22B due to the new section 42A on appeals to the Minister.

Clause 16 amends section 22C to provide for when a decision under section 22C(2), (3) or (4) is to take effect, and to remove provisions that are now consolidated in the new section 42A on appeals to the Minister.

Clause 17 inserts a new Part IIIB (consisting of new sections 22G to 22N) on the licensing of alarm monitoring services.

The new section 22G contains definitions of terms used in the new Part IIIB.

The new section 22H makes it an offence for a person to carry on a business of providing alarm monitoring services at a building to be used as an alarm monitoring station or to advertise or hold out that the person is carrying on such a business at that building, unless the person is authorised to do so by a licence under the new section 22J. The penalty for an offence under this section is the general penalty under section 56.

The new section 22I provides for the application for the grant or renewal of a licence by a licensing officer. The section also provides for the circumstances in which a licensing officer may refuse an application without considering the application.

The new section 22J provides for the grant or renewal of a licence, and sets out the reasons a licensing officer may refuse to grant or renew a licence. In considering whether an applicant is a fit and proper person to hold a licence, the licensing officer may consider criteria and requirements that are prescribed. A person whose application is refused may appeal to the Minister against the refusal.

The new section 22K provides that the licensing officer may impose conditions on a licence.

The new section 22L sets out the procedure for the modification of licence conditions. A licensee that is aggrieved by the licensing officer's decision to modify a condition of the licensee's licence may appeal to the Minister against the modification, but the modification takes effect despite the appeal.

The new section 22M makes it an offence for a licensee to cancel a request for SCDF's firefighting services or assistance in containing or mitigating a petroleum or flammable material leak, without first verifying that there is no such fire or leak. The penalty for this offence is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

The new section 22N provides for the circumstances in which the licensing officer may revoke a licence granted under the new section 22J, and the procedure for revoking a licence. A person aggrieved by the revocation of the person's licence may appeal to the Minister against the revocation, but the revocation takes effect despite the appeal.

Clause 18 amends section 24 to make it clear that fire safety works must be carried out in accordance with the plans approved under section 23.

Clause 19 amends section 25 to impose a requirement to appoint an appropriate qualified person to supervise the installation of regulated fire safety products (the list of such products is prescribed in regulations). A qualified person who is so appointed is subject to section 25, in particular the duty to take all reasonable steps and exercise due diligence in supervising the installation of the regulated fire safety product and to notify the Commissioner of any contravention in such installation. The clause also amends section 25 to increase the penalty for the contravention of section 25(4).

Clause 20 amends section 26 to include a reference to a qualified person appointed under the new section 25(1A).

Clause 21 amends section 27 to remove provisions that are now consolidated in the new section 42A on appeals to the Minister.

Clause 22 repeals section 28 on the Appeal Advisory Board, which is re-enacted in the new section 42B.

Clause 23 amends section 29 to make a technical correction and to insert a new subsection (5A) to make it an offence for a registered inspector to issue a false or misleading certificate under section 29(5). A registered inspector who issues the certificate for any fire safety works without inspecting those fire safety works will be committing an offence under this section. The penalty for the offence is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both.

Clause 24 amends section 30 to increase the penalty from a fine of \$10,000 to a fine of \$200,000 or imprisonment for a term not exceeding 2 years or both.

Clause 25 amends section 30C to remove provisions that are now consolidated in the new section 42A on appeals to the Minister.

Clause 26 inserts a new Part V (consisting of sections 31 to 33D) on regulated fire safety products.

The new section 31 contains definitions of terms used in the new Part V.

The new section 32 makes it an offence for an accredited laboratory to issue a test report that states the result of a test of compliance conducted on a regulated fire safety product knowing that the test report is false or misleading in any material particular. An example of a false or misleading report would be one where the test was not carried out or the test did not have the stated result. The penalty for this offence is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both.

It is also an offence to issue such a report if the accredited laboratory is reckless or negligent as to whether the test report is false or misleading, and the penalty for this offence is a fine not exceeding \$50,000. If, in reliance on the false test report, an accredited certification body issues a certificate of conformity or determines that a post-certification test is satisfied, and the regulated fire safety product fails, in a fire, to function or perform in accordance with the applicable standard, and damage, death or injury attributable to the fire occurs, then the person is liable for enhanced punishment under the new section 32(3) for recklessly or negligently issuing the test report. However, the enhanced punishment does not apply if it is proved that the failure did not cause or worsen the damage, death or injury.

The new section 32A makes it an offence for any person to give false information to an accredited certification body for the purposes of obtaining a certificate of conformity for a regulated fire safety product. The penalty is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both if the person knew that the information was false, and the penalty is a fine not exceeding \$50,000 if the person was reckless or negligent as to whether the information was false. As is the case in the new section 32(3), reckless or negligent contravention here is also subject to enhanced punishment.

The new section 32B creates several offences in relation to the certification of regulated fire safety products. It is an offence for any person other than an accredited certification body to certify that a regulated fire safety product complies with the applicable standard for the regulated fire safety product. It is also an offence for an accredited certification body to issue a certificate of conformity for a regulated fire safety product if the regulated fire safety product does not comply with the applicable standard for the regulated fire safety product, and the accredited certification body must cancel, in certain specified circumstances and only for the purposes of the Act, a certificate that it has issued. The penalty is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both if the person knew that it is not an accredited certification body, and the penalty is a fine not exceeding \$50,000 if the person is reckless or negligent as to whether it is an accredited certification body. A continuing offence is subject to a further fine for each day or part of a day of the contravention and a further offence if the contravention continues after conviction. As is the case in the new section 32(3), reckless or negligent contravention is also subject to enhanced punishment.

The new section 32C makes it an offence for any person (whether in Singapore or not) to supply, offer to supply, or in the course of supply or offer represent, a non-compliant fire safety product as a compliant fire safety product. The penalty is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both if the person knew that the non-compliant fire safety product was non-compliant, and the penalty is a fine not exceeding \$50,000 if the person was reckless or negligent as to whether the non-compliant fire safety product was non-compliant. A continuing offence is subject to a further fine for each day or part of a day of the contravention and a further offence if the contravention continues after conviction. As is the case in the new section 32(3), reckless or negligent contravention is also subject to enhanced punishment.

The new section 32D makes it an offence for any relevant person (defined as the owner or builder of a building) to install, or cause the installation of, a non-compliant fire safety product in or on the building. However, it is a defence for the relevant person to prove that he or she had taken all reasonable steps to ensure that the regulated fire safety product was a compliant fire safety product at the time of delivery to the relevant person. It is similarly an offence for a relevant person to install, or cause the installation of, any regulated fire safety product in a manner that adversely affects fire safety in the building, and it is a defence if the relevant person proves that he or she had taken all reasonable steps to ensure that the regulated fire safety product was installed in accordance with the Fire Code. It is not an offence, however, if the regulated fire safety product in question is a non-compliant fire safety product only by reason that the certificate of conformity for the regulated fire safety product expires or is suspended or terminated after the regulated fire safety product is delivered to the person.

The penalty is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 2 years or both if the relevant person knew that the regulated fire safety product installed is non-compliant, or was installed in a manner that adversely affects fire safety, and the penalty is a fine not exceeding \$50,000 if the relevant person was reckless or negligent as to the same. As is the case in the new section 32(3), reckless or negligent contravention is also subject to enhanced punishment.

The new section 33 empowers the Commissioner to require certain specified persons to submit a regulated fire safety product to an accredited laboratory for testing or analysis. Refusal or failure to comply with the Commissioner's requirement is an offence, and the penalty for the offence is the general penalty under section 56.

The new section 33A empowers the Commissioner, if the Commissioner has reason to believe that it is necessary for fire safety, to direct any supplier or any person with possession, charge or control of a non-compliant fire safety product or regulated fire safety product that is installed in a manner that adversely affects fire safety in a building to recall the product, cease supplying the product, remove the

product from a building, dispose of the product or rectify any contravention of the Fire Code in relation to the installation of the regulated fire safety product. The direction may specify how the recall, removal, disposal or rectification (as the case may be) is to be conducted and completed and the time in which it is to be completed. It is an offence for a person to, without reasonable excuse, not comply with the Commissioner's direction. The penalty for the offence is a fine not exceeding \$100,000 or imprisonment for a term not exceeding 12 months or both, and an additional fine not exceeding \$1,000 for each day or part of a day the person fails to comply with the direction and a fine of \$2,000 for each day or part of a day that the offence continues after conviction. A person aggrieved by the direction may appeal to the Minister, but the direction takes effect despite the appeal.

The new section 33B empowers the Commissioner to direct an accredited certification body to cancel or not issue a certificate of conformity in certain specified circumstances. The Commissioner must first give notice of his or her intention to make the direction and give the relevant person 14 days to submit reasons why the direction should not be made. The Commissioner may also prescribe a regulated fire safety product as a non-compliant fire safety product. It is an offence for an accredited certification body not to comply with the direction and the penalty for the offence is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both, and an additional fine not exceeding \$1,000 for each day or part of a day the refusal or failure to comply continues. A person aggrieved by the Commissioner's direction under this section may also appeal to the Minister, but the direction takes effect despite the appeal.

The new section 33C empowers the Commissioner to authorise any SCDF member to carry out a direction under the new section 33A(1) if the person to whom the direction is given does not comply with the direction. The Commissioner may also recover the costs and expenses of doing so from that person. An authorised SCDF member has certain powers of entry into any premises to carry out the Commissioner's direction. This section is adapted from section 26A of the Housing and Development Act (Cap. 129).

The authorised member must give the owner or occupier of the premises at least a 24-hour notice of his or her intention to enter the premises, and must show the owner, occupier or some other person in charge of the premises the authorised member's original identity card (or SCDF identity card) and a duly authenticated document showing his or her authority.

If an authorised member is unable to enter the premises, he or she can apply for a warrant authorising the authorised member to enter the premises forcibly, if necessary, to carry out the direction. The warrant has force until the purpose in respect of which the warrant is issued has been satisfied.

The authorised member must show the owner, occupier or some other person in charge of the premises the authorised member's original identity card (or SCDF

identity card), a duly authenticated document showing his or her authority, and a copy of the warrant.

An authorised member entering the premises under a notice or warrant may remove or demolish any fixtures or fittings in the premises if such removal or demolition is necessary for the carrying out of the direction. The Commissioner is not liable to compensate the owner or occupier for any loss (including reinstatement costs) incurred by the owner or occupier or any damage caused to the premises, resulting from any removal or demolition of fixtures or fittings carried out with reasonable care and in good faith.

The new section 33D empowers the Commissioner to authorise an SCDF member to enter with force if necessary, without any notice to the owner or occupier and without a warrant, any premises to carry out a direction under the new section 33A(1) if the person to whom the direction is given does not comply with the direction and there is reasonable ground for believing that the non-compliant fire safety product poses an imminent danger affecting public safety. The Commissioner may also recover the costs and expenses of doing so from that person. This section is similar to the new section 33C, except that this section is to address circumstances where it may be impracticable or impossible to give notice to the owner or occupier or to get a warrant in time to remove or prevent the imminent danger.

Clause 27 amends section 39 to provide that an appeal to the Minister is to be made under the new section 42A.

Clause 28 amends section 40 due to the new section 42A on appeals to the Minister.

Clause 29 inserts a new Part VIA (consisting of sections 42A and 42B) on appeals to the Minister.

The new section 42A provides the procedure for an appeal to the Minister. The Minister may have regard to any report by the Appeal Advisory Board and may designate other persons to hear and determine an appeal in the Minister's place.

The new section 42B provides for the establishment and composition of the Appeal Advisory Board.

Clause 30 amends section 43 to empower the Commissioner to recover, from classes of prescribed persons, the cost and expenses of investigating a fire on inland waters or the sea, including charges for any laboratory analysis.

Clause 31 repeals and re-enacts section 49 which provides for the service of documents as required or allowed under the Act. Documents may now be served on a person by email, if the person has given prior consent (express or implied) to be served by email.

Clause 32 repeals section 54 and inserts new sections 54 and 54A. The new sections 54 and 54A are standard provisions regarding the liability of officers of corporations, unincorporated associations and partnerships which have committed an offence under the Act.

Clause 33 inserts a new section 57A which makes it an offence to give information that a person knows is false or misleading, in connection with any licence or permit application under the Act. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

Clause 34 amends section 59 to extend the protection from liability to an individual appointed under section 8F to exercise certain enforcement powers under the Act.

Clause 35 amends section 61 to provide for matters that are to be prescribed in regulations.

Clause 36 contains saving and transitional provisions consequential upon the amendments in the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
