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Cross-Border Railways Bill

Bill No. 43/2017.

Read the first time on 3 October 2017.

CROSS-BORDER RAILWAYS ACT 2017

(No. of 2017)

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A BILL

intituled

An Act to provide for the construction, maintenance, operation and regulation of cross-border railways between Singapore and Malaysia in accordance with bilateral railway agreements, and to make related and consequential amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Cross-Border Railways Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Interpretation

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

10 “act of unlawful interference” means the doing or attempting to do anything to jeopardise the safety of a cross-border railway, and includes any of the following:

- 15 (a) unlawful taking control of a cross-border train by force, or threat of force, or any other form of intimidation or by any trick or false pretence;
- (b) destroying a cross-border train in service;
- (c) hostage-taking on board a cross-border train, or at a train station of a cross-border railway;
- 20 (d) forcible intrusion on board a cross-border train, at a train station of a cross-border railway or on the premises of a concessionaire or licensee, or a subcontractor of a concessionaire or licensee, that puts the safety of the cross-border train, or any person on board or outside the cross-border train, at risk;
- 25 (e) introducing on board a cross-border train, or at a train station of a cross-border railway, a weapon, hazardous device or any material intended for criminal purposes;
- 30 (f) use of a cross-border train in service or other railway asset for the purpose of causing death, serious bodily injury or serious damage to property or the environment;

(g) communication of false or misleading information for the purposes of putting the safety of a cross-border train, or of passengers or crew or the general public at a train station of a cross-border railway or on the premises of a licensee, at risk;

5

“auxiliary police officer” means a person appointed as such under Part IX of the Police Force Act (Cap. 235);

“bilateral committee”, in relation to a bilateral railway agreement, means the committee of individuals established jointly by the Government of the Republic of Singapore and the Government of the Federation of Malaysia under the bilateral railway agreement for the purpose of coordinating the implementation of that agreement;

10

“bilateral railway agreement” means —

(a) the High Speed Rail Bilateral Agreement; or

15

(b) any other agreement, between the Government of the Republic of Singapore and the Government of the Federation of Malaysia only, signed after 3 October 2017 and providing for or about any other railway starting outside but ending in Singapore, a redacted copy of which the Minister makes available for inspection at a public office prescribed;

20

“code of practice” means a code of practice issued or approved under section 36, and includes any such code of practice as amended from time to time under that section;

25

“concession agreement” means an agreement entered into between the Government and a person (called in this Act the concessionaire) in return for the undertaking of such obligations by the person as may be specified in the agreement with respect to the design, construction, maintenance, operation or improvement of a cross-border railway, and includes a concession agreement as varied or supplemented from time to time;

30

“concessionaire” means the person who is a party to the concession agreement, and includes the person for the time being entitled to exercise those rights because of an assignment or transfer of the agreement to that person;

5 “construction”, in relation to railway infrastructure, includes —

(a) the reconstruction or realignment of the railway infrastructure; and

(b) permanently improving the railway infrastructure or otherwise bringing it to a higher standard,

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

15 “corresponding rail authority”, in relation to the Federation of Malaysia, means a person or body that the Minister designates as such, on being satisfied that the person or body is authorised under the law of the Federation of Malaysia to discharge functions similar to the LTA’s under this Act;

“cross-border railway” means a railway which —

20 (a) has a railway network with a terminus in Singapore and runs to any part of peninsular Malaysia; and

(b) is constructed under this Act;

“cross-border railway security agency” means a person or body of persons designated under section 58 to be the cross-border railway security agency for the purposes of this Act;

25 “cross-border train” means a train used for or in connection with providing a cross-border train service;

“cross-border train service” means a passenger train service provided using a cross-border railway, for journeys that are partly in Singapore;

30 “cross-border train service licence” means a licence granted under section 31 authorising the licensee to provide a cross-border train service on a cross-border railway specified in the licence;

- “High Speed Rail Bilateral Agreement” means the agreement between the Government of the Republic of Singapore and the Government of the Federation of Malaysia, dated 13 December 2016, concerning the Kuala Lumpur — Singapore High Speed Rail, a redacted copy of which the Minister makes available for inspection at a public office prescribed; 5
- “improve”, in relation to any railway infrastructure or railway asset, includes renewing the railway infrastructure or railway asset; 10
- “independent safety auditor” means an individual appointed under section 49;
- “land” has the same meaning as in the Land Titles Act (Cap. 157);
- “licence” means — 15
- (a) a railway assets operating licence; or
 - (b) a cross-border train service licence;
- “licensee” means the holder of a licence but excludes such a holder when the licence is suspended;
- “LTA” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act (Cap. 158A); 20
- “maintenance” includes the prevention, detection and rectification of any fault;
- “management”, in relation to any railway asset, means to acquire, design, construct, install, operate, maintain in proper condition and improve the railway asset; 25
- “modification” and “modify”, in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition; 30
- “network services”, in relation to a railway, means —
- (a) the construction, maintenance, realignment and renewal of tracks of the railway;

- (b) the installation, operation, maintenance and renewal of a railway signalling system, railway communications system and railway control system;
- 5 (c) the installation, operation, maintenance and renewal of operation control centres;
- (d) the installation, operation, maintenance and renewal of electrical conductor rails or overhead lines, of any support for electrical conductor rails or overhead lines, and of any electrical substation (including those for traction power or power connections) used or to be used in connection with those rails or lines, and the provision of electrical power by those means;
- 10 (e) the provision and operation of services for the recovery or repair of trains or other rolling stock in connection with any accident on, or malfunction of, the railway network;
- 15 (f) the operation of a train being used on a railway network for any purpose comprised in the operation of that network, including for a purpose preparatory or incidental to, or consequential on, using such a train;
- 20 (g) the provision and operation of services for keeping the track free from, or serviceable despite, obstruction (whether by water, fallen leaves or any other natural or man-made obstacle) or for removing any such obstruction;
- 25 (h) the provision, operation, maintenance and renewal of any plan, equipment or machinery used in carrying out any activity specified in paragraphs (a) to (g);
- 30 (i) the exercise of day-to-day control over train movements over or along any track comprised in the railway network, including the preparation of a timetable for purposes of such control; and

(j) for a particular licensee, any other service which consists of, or is comprised in, the provision or operation of the railway network (or of any track or other installations comprised in that network), and which is specified in the licensee’s licence;

5

“open network services” means network services provided to a train service operator for or in connection with a cross-border train service provided by that operator;

“operation of a railway network” does not include operating a train on the network in the course of providing a passenger train service;

10

“passenger train service” means a service consisting of the carriage of passengers provided to the public, for a fare, by trains operated on a railway;

“rail safety inspector” means an individual who is appointed under section 50 as a rail safety inspector;

15

“railway” means a network or system of fixed horizontal rails, tracks, grooves or other guide-ways on, under or above the ground along which a train moves or runs, and includes —

(a) all railway assets built, installed or used for the operation of the railway; and

20

(b) all railway infrastructure constructed or intended to be constructed for any railway and any extension of the railway;

“railway area” means the land delineated as such in plans and maps prepared, amended or replaced under section 5(1) or (5);

25

“railway asset”, for any cross-border railway, means any of the following within Singapore that is used or intended to be used for or in connection with the cross-border railway:

(a) any train and rolling stock;

30

(b) train tracks;

(c) railway signalling equipment;

(d) railway communications equipment;

(e) power equipment;

(f) any other item or property which is part of the network of the cross-border railway and is prescribed as a railway asset for that cross-border railway;

5 “railway assets contract” has the meaning given by section 22;

“railway assets operating licence” means a licence granted under section 31 authorising the licensee to manage railway assets of a cross-border railway specified in the licence;

10 “railway infrastructure”, in relation to a cross-border railway, means any of the following buildings or structures within Singapore that is used or intended to be used for the cross-border railway, but not including any railway asset in or on the building or structure:

(a) a train station;

15 (b) a railway tunnel;

(c) a viaduct;

(d) a bridge;

(e) a railway yard;

20 (f) a maintenance facility for trains and maintenance or engineering vehicles used for or in connection with the railway;

(g) any other building or structure prescribed as railway infrastructure for that cross-border railway;

“railway network” means —

25 (a) any railway line, or combination of railway lines; and

(b) any installation associated with any track comprised in that line or those lines,

30 together constituting a system of tracks and other installations which is used solely for and in connection with the support, guidance and operation of trains;

- “rolling stock” includes motors, coaches, wagons, locomotives, trucks, trolleys, maintenance or engineering vehicles, carriages of any kind and other kinds of engines used on a railway;
- “security directive” means a security directive given by the cross-border railway security agency under section 59; 5
- “ticket” means any form of authorisation, issued for the carriage of any passenger on a cross-border train service;
- “train” means a carriage, tram, car or other vehicle for the carriage of passengers on a railway; 10
- “train service operator” means a person providing services for and in connection with the carriage of passengers by train, including the carriage of luggage, parcels or mail on trains which at the time are available, and primarily intended for use by passengers; 15
- “train station” means a building designed, equipped or set apart with facilities for —
- (a) the commencement or termination of a passenger train service;
 - (b) the purchase of tickets by intending train passengers; 20
 - (c) the boarding and alighting of train passengers and other matters incidental to the carriage of passengers by train; and
 - (d) the conduct of border control functions (if any) in connection with train passengers boarding or alighting. 25

Purpose of Act

3. The purpose of this Act is to provide for the construction, maintenance, operation and regulation of a cross-border railway so as to give effect to any bilateral railway agreement for the cross-border railway. 30

PART 2

PLANNING AND CONSTRUCTION OF
CROSS-BORDER RAILWAY*Division 1 — Railway plans and maps*5 **Cross-border railway to be constructed according to railway
plans and maps**

4. The railway infrastructure and railway assets for a cross-border railway must be constructed and maintained within the railway area shown in and according to the plans and maps prepared under section 5(1) or any amended or substitute plan or map prepared under section 5(5).

Preparation and publishing of railway plans and maps

5.—(1) Before the construction of any railway infrastructure or railway asset for a cross-border railway begins, the LTA must cause plans and maps to be prepared in such detail and with such markings and endorsements on the plans and maps as are sufficient to delineate the area within Singapore (called in this Act the railway area) —

(a) within which land may be acquired; or

(b) within which rights in, under or over land may be exercised by the LTA or a concessionaire or licensee under this Act,

for the purpose of or incidental to constructing, maintaining, operating and improving the railway infrastructure or managing the railway assets of, or providing a network service or passenger train service on, that cross-border railway.

(2) Every plan and map prepared under subsection (1) must be approved by the competent authority.

(3) An abstract of every plan and map prepared under subsection (1) that is approved by the competent authority under subsection (2) must —

(a) be signed by an authorised officer of the LTA;

(b) be deposited with the competent authority; and

(c) be made available for inspection by the public free of charge at the office of the LTA, during the normal operating hours of the LTA.

(4) The LTA must, within 21 days after the deposit under subsection (3)(b) with the competent authority of an abstract of a plan and map, cause a notice of the deposit to be published in the *Gazette* containing —

(a) a general description of the plan and map; and

(b) particulars of the places and times at which an abstract of the plan and map may be inspected by the public in conformity with subsection (3)(c).

(5) Any plan or map prepared under subsection (1) may, from time to time —

(a) be amended; or

(b) be replaced by a substitute plan or map.

(6) Subsections (2), (3) and (4) apply to every amended plan or map or every substitute plan or map (as the case may be) as if it were the original plan or map prepared under subsection (1), and the reference in subsection (4)(a) to a general description of a plan or map must also include a description of the nature and extent of the amendment or substitution.

(7) Sections 3 and 4 of the Land Acquisition Act (Cap. 152) are applicable to the lands likely to be delineated in any plan or map prepared for the purposes of subsection (1), or in any amended plan or map or substitute plan or map prepared under subsection (5), as being within the railway area.

(8) The reference to a competent authority —

(a) in subsection (2) is a reference to the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the review of the Master Plan under that Act; and

(b) in subsections (3)(b) and (4) is a reference to the competent authority appointed under section 5 of the Planning Act in respect of the development of land.

Railway plans and maps are final as to railway area

6.—(1) No person has a right of objection to the delineation of land as railway area in any plan or map prepared under section 5(1) or to any amended plan or map or substitute plan or map prepared under section 5(5).

(2) The fact that land is so delineated in any plan or map prepared for the purposes of section 5(1), or in any amended plan or map or substitute plan or map prepared under section 5(5), as being within the railway area is for all purposes conclusive evidence that —

(a) the land may be required to be acquired; or

(b) rights in, under or over the land may need to be exercised by the LTA or a concessionaire or licensee under this Act,

for the purpose of or incidental to constructing, maintaining, operating and improving the railway infrastructure or managing the railway assets of, or providing network services or train services on, a cross-border railway subject to this Act.

(3) Such of the lands shown in any plan or map prepared under section 5(1), or any amended plan or map or substitute plan or map prepared under section 5(5), as within the railway area are to be treated as land required for a public purpose within the meaning of the Land Acquisition Act (Cap. 152).

Division 2 — Powers for construction of railway

Power to enter State land to construct, etc., railway

7. The LTA or any person it authorises for the purpose of this section may do all or any of the following for the purpose of constructing, maintaining, operating or improving the railway infrastructure or railway assets of any cross-border railway:

(a) at any reasonable time, enter upon any State land within or adjoining the railway area and take possession of that land;

(b) subject to the approval of the Commissioner of Lands, do all things as are reasonably necessary for constructing, maintaining, operating or improving the railway

infrastructure or railway assets of the cross-border railway on, under or over the State land, including —

- (i) removing any building, or any object or structure or vegetation from the land;
- (ii) digging or boring of a tunnel under the land and erecting any building, object or structure over or under the land; 5
- (iii) underpinning or strengthening a building; and
- (iv) constructing railway passenger facilities on, under or over that land. 10

Power to enter private land to construct, etc., railway

8.—(1) This section applies only to land which is not State land, and land which is not owned by the LTA.

(2) The LTA or any person it authorises for the purposes of this section may do all or any of the following for the purpose of constructing, maintaining, operating or improving the railway infrastructure of any cross-border railway: 15

- (a) subject to subsection (3), enter upon the land within or adjoining the railway area and take possession of that land;
- (b) do all things as are reasonably necessary for constructing, maintaining, operating or improving the railway infrastructure of the cross-border railway on, under or over the land, including — 20
 - (i) removing any building, or any object or structure or vegetation from the land; 25
 - (ii) digging or boring of a tunnel under the land and erecting any building, object or structure over or under the land;
 - (iii) underpinning or strengthening a building; and
 - (iv) constructing railway passenger facilities on, under or over that land. 30

(3) The LTA or person authorised must not exercise any power conferred by subsection (2) in respect of any land unless every owner and occupier of the land is given not less than 2 months' notice of the intention to exercise a power conferred by that subsection.

5 (4) A notice mentioned in subsection (3) must —

(a) give a brief description of the works which the LTA proposes to carry out on the land;

(b) state the estimated period during which the LTA intends to occupy or take possession of the land;

10 (c) describe the area or extent of the land needed for the carrying out of the works mentioned in paragraph (a); and

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

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

Power to enter land for pre-construction survey, etc.

20 **9.—**(1) Subject to subsection (3), the LTA or a person it authorises for the purposes of this section may, at reasonable times, enter any land or building described in subsection (2) in order to carry out all or any of the following:

(a) survey and take levels of the land;

25 (b) set out the line of any works reasonably necessary for constructing, maintaining, operating or improving the railway infrastructure of the cross-border railway;

(c) dig or bore into the soil for the purpose of determining whether the soil is suitable for constructing, maintaining, operating or improving the railway infrastructure of the cross-border railway on, under or over the land;

30 (d) inspect any object or structure for the purpose in section 12(1).

(2) The land or building in respect of which a power under this section may be exercised is any land or building within the railway area in respect of which a notice has been published in the *Gazette* in accordance with section 5 of the Land Acquisition Act (Cap. 152) but the land or building has not vested in the State. 5

(3) The LTA or person authorised must not exercise any power conferred by subsection (1) in respect of any land or building unless every owner and occupier of the land or building is given not less than 14 days' notice of the intention to exercise a power conferred by that subsection. 10

Power to enter land for inspection and survey, etc.

10.—(1) Subject to subsection (3), the LTA or a person it authorises for the purposes of this section may, at reasonable times, enter any land or building described in subsection (2) in order to carry out all or any of the following: 15

- (a) inspect or survey the land or building to ascertain the condition of the land or building before or during the construction, maintenance or operation of, or improvement to, the railway infrastructure of a cross-border railway;
- (b) carry out all reasonably necessary work of a preventative or remedial nature; 20
- (c) inspect the railway infrastructure of the cross-border railway which has been constructed on, over or under the land or building;
- (d) carry out all reasonably necessary work for the purpose of maintaining or operating the railway infrastructure of the cross-border railway, causing as little damage as possible and paying compensation to any person affected for any damage that may be caused. 25

(2) The land or building in respect of which a power under this section may be exercised are the following: 30

- (a) any land or building situated wholly or partly within the railway area;

(b) any land or building situated wholly or partly within 150 metres of the railway area.

5 (3) The LTA or person authorised must not exercise any power conferred by subsection (1) in respect of any land or building unless every owner and occupier of the land or building is given not less than 7 days' notice of the intention to exercise a power conferred by that subsection.

(4) However, subsection (3) does not apply if —

10 (a) the LTA is of the opinion that an emergency exists which necessitates immediate entry; or

(b) the entry is required only for the purpose of an inspection or a survey.

(5) A notice of entry mentioned in subsection (3) —

15 (a) must describe the purpose of the entry and the nature of any work to be carried out; and

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

20 (6) In subsection (1)(b), “work of a preventative or remedial nature” means the underpinning or strengthening of any land or building and other work on the land or building, as the case may be, intended to render it reasonably safe or to repair or detect damage caused in the course of the construction, maintenance, operation or improvement of the railway infrastructure of a cross-border railway.

25 (7) The decision of the LTA that any work is of a preventative or remedial nature or that such work or any inspection or survey is reasonably necessary is final.

(8) The LTA, or any person acting under its authority, may —

30 (a) as the occasion requires, enter and re-inspect and re-survey any land or building in respect of which any of the powers contained in subsection (1) have been exercised; and

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

Utility services

11.—(1) The LTA, or a person it authorises for the purpose of this section, may serve a notice on the owner or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to —

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

(b) repair any street surface disturbed by such alteration,

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if, in the opinion of the LTA, the alteration is required for the purposes of the construction, maintenance, operation or improvement of the railway infrastructure of any cross-border railway.

(2) A notice under subsection (1) must —

(a) specify the structure or apparatus to which the notice applies and set out the requirements of the LTA as to the alteration of its course or position and the repair of any street surface;

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(b) stipulate the period within which such work is to be carried out;

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(c) be served upon the owner or supplier at least one month before the start of that period in paragraph (b); and

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

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Removal of projections or obstructions

12.—(1) The LTA, or any person it authorises for the purpose of this section may, by giving notice to the owner of any land or building in the railway area, require the owner to remove any object or structure which is erected on or attached to, or projects from, the land or building if in the opinion of the LTA the removal of the object or structure is reasonably necessary for constructing, maintaining,

30

operating or improving the railway infrastructure of a cross-border railway.

(2) A notice under subsection (1) is taken to be given to and received by an owner if a written notice is affixed to a conspicuous part of the land or building that the object or structure is erected on, or attached to or projects from.

(3) A notice under subsection (1) must —

(a) describe the object or structure to be removed;

(b) stipulate the period within which the work of removal is to be carried out;

(c) be given to the owner of the land or building not later than 28 days before the start of that period in paragraph (b); and

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

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

How power to enter land is to be exercised

13.—(1) Any individual authorised under this Division to enter upon any land or building must, if so required by the owner or occupier of the land or building concerned, produce evidence of his or her authority before so entering the land.

(2) Any person who refuses to give access to, or obstructs, hinders or delays, an individual authorised under this Division in the exercise of his or her power conferred under this Division shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Construction of railway bridges over Johore Straits

14.—(1) The LTA may, with the approval of the Minister, construct or authorise to be constructed, over or in and across the Straits of Johore that is within Singapore and any other area outside Singapore but agreed between Singapore and Malaysia, the following: 5

- (a) a bridge suitable for the passage of railway traffic on a cross-border railway;
- (b) any railway infrastructure on, under or over that bridge, and such roadways and footways as the Minister deems expedient. 10

(2) A railway assets operator for a cross-border railway may, with the approval of the Minister, construct or authorise to be constructed on a bridge mentioned in subsection (1), railway assets necessary for the purpose of the cross-border railway.

(3) Every bridge mentioned in subsection (1) must be constructed and maintained in accordance with the plans and maps prepared under section 5(1) or any amended plan or map or substitute plan or map prepared under section 5(5). 15

Division 3 — Compensation and funding

Owners who suffer substantial impairment in rights in land may require their land to be acquired 20

15.—(1) The owner of any land possession of which is or has been taken in accordance with section 8 may, by notice in writing given to the LTA, request the Government to acquire under the Land Acquisition Act (Cap. 152) — 25

- (a) the land; and
- (b) any other land of the owner related to the land in paragraph (a),

if the owner considers that he or she suffers substantial impairment of his or her rights in the lands in paragraphs (a) and (b) because of the taking of that possession. 30

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the LTA.

5 (4) For the purposes of this section and section 16, land (called *A* land) is related to other land possession of which is or has been taken in accordance with section 8 (in this section and section 16 called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily occupied land.

10 (5) In this section and section 16 —

“owner”, in relation to any land, means —

- (a) a person who has the fee simple estate in the land;
- (b) a person who is the grantee or lessee under a State title for the land;
- 15 (c) a person who has become entitled to exercise a power of sale of the land; or
- (d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- 20 (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

25 and where a single building is erected on 2 or more such adjoining lands or lots mentioned in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

Owner-initiated acquisition

30 **16.—**(1) Upon the LTA receiving a notice under section 15(1) in relation to any temporarily occupied land, and any other land related to the temporarily occupied land, the President is to proceed under the

Land Acquisition Act (Cap. 152) to acquire that land as if those lands were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any land that is the subject of a notice under section 15(1) with the following exceptions, modifications and adaptations: 5

(a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act must be read as a reference to the land that is the subject of a notice under section 15(1); 10

(b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act must be read as a reference to any land possession of which is or has been taken in accordance with section 8; 15

(c) any reference in those sections to an owner of land must be read as a reference to an owner of land mentioned in section 15;

(d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of that Act must be read as a reference to one year starting from either of the following dates: 20

(i) the date of the notice under section 8 relating to that land; 25

(ii) the date of the expiry of the term of possession in a notice under section 8 for the temporary occupation of the land, or the date the land is returned to the owner if earlier;

(e) such other exceptions, modifications and adaptations as the differences between them necessarily require. 30

(3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 15 is to be paid out of the funds of the LTA.

Funding for construction of railway infrastructure

17. For the purpose of enabling the concessionaire under a concession agreement granted under Part 3, or the LTA if no such concession agreement is granted, to carry out its function and duty of constructing any railway infrastructure of a cross-border railway, the Minister for Finance must, from time to time, provide funds by way of grants, subject to such conditions as the Minister for Finance may impose, to the concessionaire or LTA (as the case may be) out of moneys provided by Parliament.

PART 3

CONCESSIONAIRE FOR RAILWAY INFRASTRUCTURE

Concession agreement for railway infrastructure

18.—(1) The Minister may, on behalf of the Government, enter into one concession agreement relating to the construction, maintenance, operation and improvement of the railway infrastructure of a cross-border railway.

(2) A concession agreement in subsection (1) may authorise the concessionaire to exercise, in place of the LTA, all or any of the LTA's powers and functions in Division 2 of Part 2.

(3) The Minister may cause the grant to the concessionaire of a concession agreement a lease of any land it appears to the Minister to be expedient to do so for the purpose of or in connection with the exercise by the concessionaire of its functions under that agreement and this Act.

Transfer or termination of concession agreement

19.—(1) A concession agreement, and any right, benefit or privilege of a concessionaire under a concession agreement, may be transferred or assigned to another person only if —

- (a) the concession agreement contains a condition authorising the transfer or assignment; and
- (b) the Minister consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Minister thinks fit to impose, which may include modifying, or requiring or otherwise providing for the making of modifications to, the terms of the concession agreement. 5

(3) A transfer or an assignment, or a purported transfer or assignment, of a concession agreement, or of any right, benefit or privilege of a concessionaire under the concession agreement, is void and of no effect —

- (a) if the concession agreement, or right, benefit or privilege under the concession agreement, is not capable of transfer or assignment; 10
- (b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the concession agreement; or 15
- (c) if there has been, before the transfer or assignment or purported transfer or assignment, a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) If financial assistance has been provided under section 17 to the concessionaire for the purpose of constructing, maintaining, operating and improving the railway infrastructure of a cross-border railway, then upon the termination of the concession agreement by the effluxion of time or otherwise, there shall be transferred to a prescribed transferee by virtue of this section, without the need for any further conveyance, transfer, assignment or assurance, all such property, rights and liabilities of the concessionaire as in accordance with the concession agreement that fall to be so transferred in the circumstances. 20 25

(5) In subsection (4), “prescribed transferee” means the LTA or a nominee of the LTA. 30

Restrictions on voluntary winding up, etc.

20.—(1) Despite the provisions of any other written law, where a concessionaire is a company and financial assistance has been

provided under section 17 to the concessionaire for the purpose of constructing, maintaining, operating and improving the railway infrastructure of a cross-border railway —

5 (a) the company must not be wound up voluntarily without the consent of the Minister;

10 (b) no application for a judicial management order under the Companies Act (Cap. 50) may be made by any person in relation to the company, unless that person has served on the Minister 14 days' notice in writing of the person's intention to make the application;

15 (c) no application under section 210 or 211I of the Companies Act may be made by any person in relation to the company, unless that person has served on the Minister 14 days' notice in writing of the person's intention to make that application; and

(d) no step may be taken by any person to enforce any security over the company's property unless that person has served on the Minister 14 days' notice in writing of the person's intention to take that step.

20 (2) The Minister must be a party to —

(a) any proceeding under the Companies Act relating to the winding up of the affairs of a company which is a concessionaire;

25 (b) any proceeding relating to the making of a judicial management order under the Companies Act in relation to a company which is a concessionaire; or

(c) any proceeding relating to the making of an order under section 210 or 211I of the Companies Act in relation to a company which is a concessionaire.

30 (3) A court must, when deciding any proceeding mentioned in subsection (2), take into consideration any representation made by the Minister in that proceeding.

PART 4

RAILWAY ASSETS OPERATOR

Railway assets operator

21.—(1) The concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, may, in accordance with the bilateral railway agreement for that cross-border railway, authorise by a railway assets contract one person (called in this Act the railway assets operator) — 5

(a) to have the management of the railway assets of that cross-border railway; 10

(b) to provide network services involving the railway assets of that cross-border railway; and

(c) to perform such other functions specified in the bilateral railway agreement relating to that cross-border railway in relation to those railway assets. 15

(2) The concessionaire or LTA, as the case may be, may grant to the railway assets operator a lease of any railway infrastructure or railway asset it appears to the concessionaire or LTA (as the case may be) to be expedient to do so for the purpose of or in connection with the exercise by the railway assets operator its functions under the railway assets contract and this Act. 20

Contents of railway assets contract

22.—(1) A railway assets contract for a cross-border railway must relate to all railway assets in Singapore of that cross-border railway.

(2) A railway assets contract relating to the railway assets of a cross-border railway — 25

(a) must specify the term of the contract;

(b) must be subject to a condition precedent that requires the railway assets operator under the contract to obtain a railway assets operating licence before providing open network services involving those railway assets; and 30

(c) must not provide for an option to renew the contract exercisable by the railway assets operator.

(3) A railway assets contract may make provision in relation to the management of the railway assets and the provision of network services under the contract, and the administration of the contract, including —

(a) the fees (if any) payable under the contract;

(b) monetary or other penalties —

(i) for a breach of the contract;

(ii) for a failure (being not a breach of contract) to meet a requirement specified in the contract; or

(iii) payable on the termination of the contract; and

(c) the records (including accounts) to be made and kept, and how they are to be made and kept.

(4) Subsection (3) does not limit the matters about which a railway assets contract may make provision.

(5) A railway assets contract that is inconsistent with subsection (2) is void to the extent of that inconsistency.

Railway assets contract non-transferable

23.—(1) A railway assets contract, and any right, benefit or privilege of a railway assets operator under a railway assets contract, are not transferable.

(2) A transfer or an assignment, or a purported transfer or assignment, of a railway assets contract, or of any right, benefit or privilege of a railway assets operator under the railway assets contract, is void and of no effect.

Restrictions on voluntary winding up, etc.

24.—(1) Despite the provisions of any other written law, where a railway assets operator is a company —

(a) the company must not be wound up voluntarily without the consent of the Minister;

- (b) no application for a judicial management order under the Companies Act (Cap. 50) may be made by any person in relation to the company, unless that person has served on the Minister 14 days' notice in writing of the person's intention to make the application; 5
- (c) no application under section 210 or 211I of the Companies Act may be made by any person in relation to the company, unless that person has served on the Minister 14 days' notice in writing of the person's intention to make that application; and 10
- (d) no step may be taken by any person to enforce any security over the company's property, unless that person has served on the Minister 14 days' notice in writing of the person's intention to take that step.
- (2) The Minister must be a party to — 15
- (a) any proceeding under the Companies Act relating to the winding up of the affairs of a company which is a railway assets operator;
- (b) any proceeding relating to the making of a judicial management order under the Companies Act in relation to a company which is a railway assets operator; or 20
- (c) any proceeding relating to the making of an order under section 210 or 211I of the Companies Act in relation to a company which is a railway assets operator.
- (3) A court must, when deciding any proceeding mentioned in subsection (2), take into consideration any representation made by the Minister in that proceeding. 25

Unauthorised open network services on cross-border railway

25.—(1) A person must not provide in Singapore any open network services in connection with a cross-border railway unless the person — 30

- (a) is authorised to do so by a railway assets operating licence; or

(b) is authorised to do so by contract with a person mentioned in paragraph (a) (called in this Act a subcontractor).

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

PART 5

TRAIN SERVICE OPERATOR

Train service operator

26. The concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, may, in accordance with the bilateral railway agreement for the cross-border railway, authorise by a cross-border train service contract a person (called in this Act the train service operator) to provide a cross-border train service on that cross-border railway.

Contents of cross-border train service contract

27.—(1) A cross-border train service contract —

- (a) must specify the term of the contract;
- (b) must be subject to a condition precedent that requires the train service operator under the contract to obtain a cross-border train service licence before providing a cross-border train service on that cross-border railway; and
- (c) must not provide for an option to renew the contract exercisable by the train service operator.

(2) A cross-border train service contract may make provision in relation to the provision of a cross-border train service under the contract, and the administration of the contract, including —

- (a) the fees (if any) payable under the contract;

(b) monetary or other penalties —

(i) for a breach of the contract;

(ii) for a failure (being not a breach of contract) to meet a requirement specified in the contract; or

(iii) payable on the termination of the contract; and

5

(c) the records (including accounts) to be made and kept, and how they are to be made and kept.

(3) Subsection (2) does not limit the matters about which a cross-border train service contract may make provision.

(4) A cross-border train service contract that is inconsistent with subsection (1) is void to the extent of that inconsistency.

10

Cross-border train service contract non-transferable

28.—(1) A cross-border train service contract, and any right, benefit or privilege of a train service operator under a cross-border train service contract, are not transferable.

15

(2) A transfer or an assignment, or a purported transfer or assignment, of a cross-border train service contract, or of any right, benefit or privilege of a train service operator under a cross-border train service contract, is void and of no effect.

Unauthorised provision of cross-border train service

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29.—(1) A person must not provide a cross-border train service unless the person —

(a) is authorised to do so by a cross-border train service licence; or

(b) is authorised to do so by contract with a person mentioned in paragraph (a) (called in this Act a subcontractor).

25

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

30

PART 6

GENERAL PROVISIONS FOR LICENCES

Application for or to renew licences

5 **30.**—(1) An application for or to renew a licence must be made to the LTA in accordance with this section.

(2) An application for or to renew a licence must —

(a) be in such form and manner as the LTA may determine;

(b) be accompanied by an application fee, if prescribed; and

10 (c) be accompanied by such prescribed information and any other additional information that the LTA requires to decide on the application.

(3) The LTA may refuse to consider an application for or to renew a licence that is incomplete or not made in accordance with this section.

Grant or renewal of licences

15 **31.**—(1) After considering any application for or to renew a licence, the LTA may —

(a) on payment of —

(i) a licence fee (if prescribed), grant the applicant the licence applied for; or

20 (ii) a renewal fee or late renewal fee (if prescribed), renew the licence; or

(b) refuse to grant or renew the licence, as the case may be.

(2) In deciding whether to grant or renew a licence under subsection (1), and the conditions to impose or modify, the LTA must have regard to, and give such weight as the LTA considers appropriate to, the following matters:

25 (a) whether the applicant is a railway assets operator in the case of an application for a railway assets operating licence, or has a cross-border train service contract in the case of an application for a cross-border train service licence;

(b) the applicant's capacity to do the following in a safe and secure manner:

(i) to manage the railway assets of, and provide open network services of the type to be specified in the licence on, the cross-border railway in the application; or

(ii) to provide a cross-border train service on the cross-border railway in the application.

(3) To avoid doubt, the LTA is not confined to considering the matters specified in subsection (2) and may take into account such other matters and evidence as may be relevant.

(4) Without prejudice to subsection (1), the LTA may grant a renewal of a licence with or without modifying the conditions of the licence, but section 35 does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the original licence.

Validity of licences

32.—(1) Every licence is to be in such form as the LTA may determine.

(2) Every licence granted or renewed under this Part is to continue in force for such period as may be specified in the licence unless it is earlier cancelled or suspended under section 39.

Restriction on transfer of licence

33.—(1) A licence, and any right, benefit or privilege of the licensee under the licence, are not capable of being transferred or assigned.

(2) A transfer or an assignment, or a purported transfer or assignment, of a licence, or of any right, benefit or privilege of the licensee under the licence, is void and of no effect.

Conditions of licences

34.—(1) In granting a licence to any person, the LTA may impose such conditions as the LTA considers requisite or expedient having

regard to the purposes of this Act, and the relevant bilateral railway agreement relating to the licence.

(2) In particular, in granting a railway assets operating licence to a railway assets operator for a cross-border railway specified in the licence, the LTA may impose conditions —

(a) about the safety and security of persons using or engaged in work in managing the railway assets of and providing open network services on the cross-border railway;

(b) relating to the conduct of the employees, agents and subcontractors of the licensee;

(c) requiring the licensee itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency;

(d) restricting the carrying on by the licensee of any trade or business not related to the activity which the licensee is authorised by its licence to carry on;

(e) requiring the licensee to undergo (at its own cost) such audit as the LTA may require to ascertain the licensee's compliance with —

(i) the requirements of or under this Act applicable to the licensee;

(ii) the conditions of the licence granted to that licensee;
or

(iii) a direction given under section 37;

(f) requiring the licensee —

(i) to comply with any requirement from time to time imposed by the LTA (or a person nominated by the LTA for this purpose) with respect to such matters concerning the management of the railway assets and provision of open network services as are specified in the licence or are of a description so specified;

(ii) except insofar as the LTA (or a person nominated by the LTA for this purpose) consents to the licensee

doing or not doing them, to do, or not to do, such things as are specified in the licence or are of a description so specified; or

(iii) to refer for determination by a person nominated by the LTA for this purpose such questions arising under the licence as are specified in the licence or are of a description so specified; and 5

(g) requiring the licensee to acquire from such person as may be specified in the licence, and to use, such property or rights as may be so specified, or to undertake such liabilities as may be so specified. 10

(3) In particular, in granting a cross-border train service licence to a train service operator for a cross-border railway specified in the licence, the LTA may impose conditions —

(a) about the safety and security of persons using or engaged in work in providing passenger train services on the cross-border railway; 15

(b) relating to the safety and security of passengers of trains in the provision of the cross-border train service, and other persons using or engaged in work on those trains; 20

(c) relating to the conduct of the employees, agents and subcontractors of the licensee;

(d) requiring the licensee itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; 25

(e) requiring the licensee to undergo (at its own cost) such audit as the LTA may require to ascertain the licensee's compliance with —

(i) the requirements of or under this Act applicable to the licensee; 30

(ii) the conditions of the licence granted to that licensee; or

(iii) a direction given under section 37;

(f) requiring the licensee —

(i) to comply with any requirement from time to time imposed by the LTA (or a person nominated by the LTA for this purpose) with respect to such matters concerning the provision of train services as are specified in the licence or are of a description so specified;

(ii) except insofar as the LTA (or a person nominated by the LTA for this purpose) consents to the licensee doing or not doing them, to do, or not to do, such things as are specified in the licence or are of a description so specified; or

(iii) to refer for determination by a person nominated by the LTA for this purpose such questions arising under the licence as are specified in the licence or are of a description so specified; and

(g) requiring the licensee to acquire from such person as may be specified in the licence, and to use, such property or rights as may be so specified, or to undertake such liabilities as may be so specified.

(4) An audit mentioned in subsection (2)(e) or (3)(e) must be carried out by authorised officers or other officers of the LTA or such qualified individuals approved by the LTA for that purpose.

Modification of conditions of licence

35.—(1) Subject to this section, the LTA may modify the conditions of a licence without compensating the licensee to whom the licence is granted.

(2) Before making any modification to the conditions of a licence under subsection (1), the LTA must give notice to the licensee concerned —

(a) stating that the LTA proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (not being less than 28 days after the date of service of notice on the licensee) within which the

licensee may make written representations to the LTA with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the LTA must consider such representation and may — 5

(a) reject the representation;

(b) amend the proposed modification to the conditions of a licence in such manner as it thinks fit having regard to the representation; or

(c) withdraw the proposed modification. 10

(4) Where the LTA —

(a) rejects any written representation under subsection (3)(a);
or

(b) amends any proposed modification under subsection (3)(b), the LTA must issue a direction in writing to the licensee requiring the licensee, within the time specified by the LTA, to give effect to the modification as specified in the notice or as amended by the LTA, as the case may be. 15

(5) The LTA must not enforce its direction —

(a) during the period mentioned in section 40(1); and 20

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

(6) If no written representation is received by the LTA within the time specified in subsection (2)(b) or if any written representation made under that subsection is subsequently withdrawn, the LTA may immediately carry out the modification to the conditions of the licence as specified in the notice given to the licensee under subsection (2). 25

Codes of practice

36.—(1) The LTA may, from time to time —

(a) issue one or more codes of practice applicable to licensees; 30

(b) approve as a code of practice applicable to licensees any document prepared by a person other than the LTA if it considers the document suitable for this purpose; or

(c) amend or revoke any code of practice issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the following:

(i) the safe provision of open network services and cross-border train services on a cross-border railway;

(ii) the coordination and cooperation, on such terms as the LTA may specify, with any other person in the use or sharing of any railway asset or part of it, owned or used by the licensee in providing any open network service or cross-border train service on a cross-border railway;

(iii) the technical compatibility and safety of operation of any railway asset used in the provision of open network services and cross-border train services on a cross-border railway;

(iv) the duties and obligations of any licensee in relation to its business operation insofar as it relates to the provision of open network services and cross-border train services on a cross-border railway.

(2) If any provision in any code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

(a) is to have effect subject to the provisions of this Act; and

(b) having regard to this Act, is not to have effect.

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

(a) publish a notice of the issue, approval, amendment or revocation, as the case may be, of the code of practice in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;

(b) specify in the notice mentioned in paragraph (a) the date of the issue, approval, amendment or revocation, as the case may be; and

(c) ensure that, so long as the code of practice remains in force, copies of that code, and of all amendments to that code, are available for inspection by licensees free of charge and for their purchase at a reasonable price.

5

(4) No code of practice, no amendment to a code of practice, and no revocation of any code of practice, has any force or effect until the notice relating to it is published in accordance with subsection (3).

10

(5) Any code of practice does not have legislative effect.

(6) Every licensee must comply with the codes of practice issued or approved under this section that apply to the licensee.

(7) The LTA must give a copy of each code of practice and any amendment to or revocation of a code of practice to the Minister; but failure to comply with this subsection in respect of any code of practice, or any amendment or revocation of a code of practice, does not invalidate the code of practice or the amendment or revocation, as the case may be.

15

Directions affecting licensees

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37.—(1) The LTA may give directions to be observed by a licensee for or in respect of the following matters:

(a) the maintenance and operation of the cross-border railway specified in the licence of the licensee;

(b) the safety of passengers travelling on or persons who use, or who are engaged in any work on, the cross-border railway specified in the licence of the licensee;

25

(c) the testing and commissioning of the cross-border railway specified in the licence of the licensee;

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

30

- (e) any survey for any improvement or expansion of the cross-border railway specified in the licence of the licensee;
- (f) any other matters affecting the interests of the public in connection with the services provided by the licensee.

5 (2) Subject to subsection (5), any direction given under subsection (1) —

- (a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified in the direction;
- 10 (b) takes effect at such time, being the earliest practicable time, as is determined by or under that direction; and
- (c) may be revoked at any time by the LTA.

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

- (a) must give notice to the licensee —
 - (i) informing the licensee of the proposed direction and setting out its effect; and
 - (ii) specifying the time within which representations may be made by the licensee in connection with the proposed direction,
- 20 unless the LTA, in respect of any particular direction, considers that it is not practicable or desirable that such notice be given; and
- 25 (b) must consider any written representation mentioned in paragraph (a)(ii) which is duly made by the licensee.

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

30 (5) This section does not authorise the giving of a direction to any licensee to stop —

- (a) providing a cross-border train service on any cross-border railway; or

- (b) providing network services to the extent that any cross-border train service must stop.

Provisional orders for securing compliance

38.—(1) Subject to subsections (5) and (6), where it appears to the LTA that —

5

- (a) a licensee is contravening, or is likely to contravene —

- (i) any of the conditions of its licence; or
- (ii) any code of practice applicable to the licensee; or

- (b) a licensee has failed to secure the compliance by its employees, agents or subcontractors with —

10

- (i) any of the conditions of its licence; or
- (ii) any code of practice applicable to the licensee,

and that it is appropriate or requisite that a provisional order be made under this section, the LTA must, instead of taking any decision under section 39, by provisional order make such provision as appears to it requisite for securing compliance with that licence condition or code of practice.

15

(2) A provisional order —

- (a) must require the licensee to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the provisional order or are of a description so specified;

20

- (b) takes effect at such time, being the earliest practicable time, as is determined by or under the provisional order; and

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

25

(3) In determining whether it is appropriate or requisite that a provisional order be made, the LTA must have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the condition of a licence or code of practice, is done or likely to be done, or omitted to be done, before a decision under section 39 may be made.

30

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

5 (a) the LTA is satisfied that the licensee to whom the order relates is contravening, or is likely to contravene any condition of its licence or any code of practice, or has failed to secure the compliance by its employees, agents or subcontractors with any condition of its licence or any code of practice; and

10 (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that licence condition or code of practice.

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

15 (a) that the duties imposed on the LTA under this Act or the Land Transport Authority of Singapore Act (Cap. 158A), or the terms of the relevant bilateral railway agreement, preclude the making of such an order;

20 (b) that the licensee has agreed to take, and is taking, all such steps as it appears to the LTA for the time being to be appropriate for the licensee to take for the purpose of securing or facilitating compliance with the licence condition or code of practice in question; or

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

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

(a) stating that the LTA proposes to make or confirm the provisional order and setting out its effect;

30 (b) setting out —

(i) the relevant licence condition or code of practice for the purpose of securing compliance with which the provisional order is to be made or confirmed;

- (ii) the acts or omissions which, in the LTA’s opinion, constitute or would constitute contraventions of that licence condition or code of practice; and
 - (iii) the other facts which, in the LTA’s opinion, justify the making or confirmation of the provisional order; and
- (c) specifying the period (not being less than 28 days after the date of service of the notice) within which representations with respect to the proposed provisional order or proposed confirmation may be made,

and must consider any representation which is duly made and not withdrawn.

(7) The LTA must not confirm a provisional order with modifications except —

(a) with the consent of the licensee to whom the provisional order relates; or

(b) after —

(i) serving on that licensee such notice of the proposal to confirm the provisional order with modifications and in that notice, specifying the period (not being less than 28 days after the date of service of the notice) within which representations with respect to the proposed modifications may be made; and

(ii) considering any representation which is duly made and not withdrawn.

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

Suspension or cancellation of licence, etc.

39.—(1) Subject to subsection (2), if any licensee for a cross-border railway —

(a) contravenes or fails to comply with, or fails to secure the compliance by its employees, agents or subcontractors with —

(i) any of the conditions of its licence;

(ii) any code of practice applicable to the licensee; or

(iii) any requirement of or under this Act which is applicable to the licensee in relation to that railway and for which no criminal penalty is prescribed for a contravention of the requirement;

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

(c) in the opinion of the LTA, fails or is likely to fail to provide and maintain a safe and secure service in relation to that cross-border railway;

(d) fails to comply with any direction given by the LTA under section 37 in relation to that cross-border railway;

(e) fails to comply with any provisional order confirmed under section 38;

(f) fails to comply with any service suspension order under section 56 in relation to that cross-border railway;

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

(h) makes any assignment to, or composition with, its creditors or, if a company, is unable to pay its debts,

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

(i) suspend or cancel the licence of the licensee for that cross-border railway;

(ii) require the licensee to pay, within a specified period, a financial penalty of such amount as the LTA thinks fit, which in any case must not exceed the maximum amount specified in subsection (2).

(2) For the purposes of requiring a licensee for a cross-border railway to pay a financial penalty under subsection (1)(ii), the maximum amount means the higher of the following amounts:

- (a) \$1 million; or
- (b) 10% of the licensee's gross annual revenue that is received during the licensee's last-completed financial year (as ascertained from the licensee's latest audited accounts) from the management of railway assets and provision of open network services, or the provision of cross-border train services (as the case may be) involving that cross-border railway.

(3) For the purposes of subsection (1)(h), a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254(2) of the Companies Act (Cap. 50).

Appeal to Minister

40.—(1) Any licensee aggrieved by —

- (a) any licence condition imposed by the LTA under section 34(2) or (3);
- (b) any modification of the conditions of its licence under section 35;
- (c) any direction given by the LTA under section 37;
- (d) any decision made by the LTA under section 39(1)(i) or (ii);
- (e) any confirmed provisional order under section 38; or
- (f) the refusal of the LTA to renew its licence,

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

(2) Except as provided in subsection (3) or section 35(5) or unless the Minister otherwise directs, where an appeal is lodged by a licensee under this section, the licensee must continue to comply with any licence condition, direction, decision, confirmed provisional order or refusal being appealed against, until the determination of the appeal.

(3) If any such appeal is made in relation to a provision of a notice under section 39(1)(ii) requiring the payment of a financial penalty and the financial penalty would be payable before the time when the appeal is determined, it need not be paid until that time.

5 (4) The Minister may determine an appeal under this section by confirming, varying or reversing any decision of the LTA, or by amending any licence condition, direction, or confirmed provisional order, affecting the licensee.

(5) The decision of the Minister on appeal is final.

10 (6) In deciding on an appeal under this section, the Minister may consult the relevant bilateral committee for the railway concerned, but is not bound by the opinion of the bilateral committee.

(7) In subsections (1) and (2), a reference to licensee includes a former licensee if the decision appealed against is the cancellation of a licence or refusal to renew a licence.
15

Outstanding fees, penalties, etc.

41.—(1) If —

(a) any fee imposed under section 31 in respect of a licence is not paid in full by the due date for payment; or

20 (b) any financial penalty imposed under section 39(1)(ii) in respect of a licensee is not paid in full by the due date for payment,

interest at the prescribed rate is payable by the licensee concerned on the outstanding amount of any such fee or financial penalty.

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

(a) any fee imposed under section 31 in respect of a licence;

(b) any financial penalty imposed under section 39(1)(ii);

30 (c) any interest imposed under subsection (1),

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

PART 7

MONITORING COMPLIANCE

Submission of reports, accounts, etc.

42.—(1) Within 3 months after the end of each financial year of a licensee or such longer period as the LTA may in writing allow on any particular instance, the licensee must deliver to the LTA — 5

- (a) a report of its operations during that financial year containing such information as is necessary to enable the LTA to assess the licensee; and
- (b) its audited annual balance sheet, profit and loss account and the reports of its auditor and directors. 10

(2) The report required under subsection (1)(a) must be in such form as may be required by the LTA.

Submission of further information

43. The LTA may, by order in writing, require a licensee to submit such further or additional information as it may deem necessary with reference to any report, accounts or information forwarded by that licensee under section 42, and that further or additional information must be submitted within such period and in such manner as the LTA may require. 15 20

LTA to be informed of industrial disputes, etc.

44. It is the duty of every licensee, at all times, to inform the LTA immediately of the following matters:

- (a) any industrial dispute between the licensee and its employees; 25
- (b) any fire occurrence within the premises it carries out activities authorised under its licence;
- (c) any proceeding or claim instituted or made against the licensee which might have an adverse effect on its financial condition or on its ability to comply with any condition of its licence, any code of practice applicable to the licensee and any applicable requirement by or under this Act. 30

PART 8

CROSS-BORDER RAILWAY ADMINISTRATION

*Division 1 — Railway opening***Notice of intended opening of cross-border railway**

5 **45.**—(1) Subject to subsection (2), the concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, must at least 3 months before the intended date of opening of the cross-border railway —

- 10 (a) cause notice to be given in writing to the Minister of the intention to open the railway; and
- (b) apply to the Minister for approval under section 46 to open the railway.

15 (2) The Minister may, in his or her discretion or on application, reduce the period of or dispense with the notice mentioned in subsection (1).

(3) In this Part, opening a cross-border railway means to start providing to the public cross-border train services on the cross-border railway, and includes —

- 20 (a) selling, offering to sell or advertising for sale any ticket for carriage on a train as part of those services; or
- (b) supplying a ticket for carriage on a train as part of those services, in circumstances in which the supplier derives a direct benefit, pecuniary or otherwise.

25 **Minister to approve opening of railway**

46.—(1) A cross-border railway must not be opened except with the Minister's approval.

30 (2) The Minister may refuse an application under section 45(1) to open a cross-border railway if there is no satisfactory report by an independent verification and validation agent about the cross-border railway.

(3) A report by an independent verification and validation agent is unsatisfactory unless it states that —

(a) the independent verification and validation agent has inspected the cross-border railway in question, including the railway assets and all other equipment to be used for or in connection with the provision of network services for and cross-border train services on that cross-border railway; and

(b) in the independent verification and validation agent's opinion —

(i) the cross-border railway in question is fit to receive trains and to open; and

(ii) the opening of the cross-border railway is unlikely to endanger or damage any railway asset or railway infrastructure of the railway, or endanger any passenger to be carried or person lawfully employed or engaged to work on that railway.

(4) The Minister may require the independent verification and validation agent to provide such other information as the Minister requires for the purpose of this section.

(5) In deciding whether to give his or her approval under subsection (1) to open a cross-border railway, the Minister must consult the relevant bilateral committee for the railway but is not bound by the opinion of the bilateral committee.

(6) An independent verification and validation agent is a person who is jointly appointed by —

(a) the concessionaire for a cross-border railway, or the LTA if there is no concession agreement; and

(b) the corresponding concessionaire,

with the approval of the bilateral committee for that railway.

(7) In subsection (6), the corresponding concessionaire for a cross-border railway is a person or body whom the Minister designates as such, on being satisfied that the person or body is

authorised to design, construct, maintain, operate or improve the railway infrastructure in Malaysia of the cross-border railway.

Division 2 — Rights for railway administration

Creation of rights in, under or over land

5 **47.**—(1) From the date of publication in the *Gazette* of an order of creation of a right under this subsection —

(a) the concessionaire or, the LTA if there is no concession agreement for a cross-border railway;

(b) the railway assets operator for a cross-border railway; and

10 (c) the train service operator for a cross-border railway,

may enter upon such land within the railway area for that cross-border railway as described in the order (not being State land or land belonging to the LTA), and exercise such permanent rights in, under or over such land or such rights of temporary occupation of the land as
15 may be specified in the order.

(2) Any right mentioned in an order under subsection (1) is limited to a right conferring such rights and powers as are necessary or convenient —

20 (a) in the case of the concessionaire or, the LTA if there is no concession agreement granted, for the purposes of and incidental to constructing, maintaining, operating and improving the railway infrastructure of a cross-border railway specified in the order;

25 (b) in the case of the railway assets operator for a cross-border railway, for the purposes of and incidental to management of the railway assets of, and providing network services for, the cross-border railway specified in the order; and

30 (c) in the case of the train service operator for a cross-border railway, for the purposes of and incidental to providing a cross-border train service on the cross-border railway specified in the order.

(3) Subject to this section, the LTA may, by order in the *Gazette*, declare that land within the railway area for a cross-border railway as described in the order (not being State land or land belonging to the LTA), is set aside for use by members of the public as an entrance to or exit from a train station of a cross-border railway, but without derogating from any right of passage conferred by the common law. 5

(4) An order made under this section attaches to the land and is binding on all persons who from time to time have an interest in the land.

(5) An order made under this section must — 10

(a) be made by the LTA;

(b) describe the right in, under or over land, the right of temporary occupation or the public's right of passage, as the case may be, and the area of land subject to such right; and 15

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

(6) In addition, an order made under subsection (3) may —

(a) provide for periods during which the entrance to or exit from a train station is closed; and 20

(b) include terms and conditions as to the use and management of the entrance or exit.

(7) An order made under this section may be amended at any time.

Tracks, etc., are not fixtures 25

48. Every track, installation or plant used for a cross-border railway and placed under, over, along, across, in or upon any property by the LTA, a concessionaire or a railway assets operator in the discharge of their functions under this Act remains the property of the LTA, concessionaire or railway assets operator (as the case may be), whether or not it has become in whole or in part a fixture. 30

PART 9

SAFETY AND SECURITY MATTERS

*Division 1 — Safety inspections***Appointment of independent safety auditor**

- 5 **49.** The LTA must, in accordance with the relevant bilateral railway agreement for the cross-border railway in question, jointly appoint an individual as the independent safety auditor for the cross-border railway.

Appointment of rail safety inspectors

- 10 **50.**—(1) The LTA may, in writing, appoint as rail safety inspectors any of the following persons:

- (a) any employee of the LTA with suitable qualifications and experience to properly exercise the powers of a rail safety inspector;
- 15 (b) any individual who is not an employee of the LTA and has suitable qualifications and experience to properly exercise the powers of a rail safety inspector.

- (2) The LTA must issue to each rail safety inspector an identification card, which must be carried at all times by the rail safety inspector when exercising powers under this Act.
- 20

- (3) Without affecting the Land Transport Authority of Singapore Act (Cap. 158A), but subject to subsection (4), the LTA may delegate the exercise of all or any of the powers conferred or duties imposed upon it under this Part to such of its employees, and such other individuals who are not its employees, as it appoints under this section to be a rail safety inspector.
- 25

- (4) However, nothing in subsection (3) authorises delegating the power of delegation conferred by that subsection.

- (5) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the LTA may specify.
- 30

(6) Every rail safety inspector who is not an employee of the LTA and acting under this Part is to be regarded as a public servant for the purposes of the Penal Code (Cap. 224).

Safety inspections and monitoring

51.—(1) The LTA or independent safety auditor may, by notice in writing, require, after the opening of a cross-border railway — 5

- (a) any licensee for the cross-border railway;
- (b) the concessionaire for the cross-border railway; or
- (c) a subcontractor of a licensee for the cross-border railway,

to undergo such inspection or monitoring as the LTA or independent safety auditor considers, on reasonable grounds, necessary in the interests of ensuring the safety of the cross-border railway. 10

(2) In addition, the independent safety auditor may, by notice in writing, after the opening of a cross-border railway, require the LTA if there is no concession agreement granted for the cross-border railway, to undergo such inspection or monitoring as the independent safety auditor considers, on reasonable grounds, necessary in the interests of ensuring the safety of the cross-border railway. 15

(3) For the purposes of any inspection or monitoring under subsection (1) or (2), the LTA or independent safety auditor may in respect of any person described in subsection (1) or (2), by notice in writing, require from that person such information as the LTA or independent safety auditor, as the case may be, considers relevant to the inspection or monitoring. 20

(4) Any person to whom a notice under subsection (1), (2) or (3) is given who, without reasonable excuse, fails to comply with the requirements of the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both. 25

Power of entry to premises, trains, etc.

52.—(1) For the purpose of finding out whether an applicable requirement of this Act is being complied with, every rail safety 30

inspector has the right of access, at any reasonable time, to the following:

- (a) any railway infrastructure of a cross-border railway;
- (b) any railway asset of a cross-border railway;
- 5 (c) any premises in Singapore used for undertaking any activity connected with managing railway assets, providing network services for or providing a cross-border train service on a cross-border railway;
- 10 (d) any document or record concerning any matter or activity mentioned in paragraph (a), (b) or (c).

(2) A rail safety inspector is authorised to enter any railway infrastructure, railway asset or premises mentioned in subsection (1) only if its occupier has consented to the entry or after giving 3 hours' prior notice of that entry to the occupier.

15 (3) A rail safety inspector who is authorised under subsection (1) to have access to or to enter any railway infrastructure, railway asset or premises mentioned in that subsection may —

- 20 (a) require any person who is in possession of any certificate, book, manual, record or other document relating to any railway infrastructure or railway asset, or the provision of network services or cross-border train services to produce the certificate, book, manual, record or document, and take and retain extracts or copies of it;
- 25 (b) require any person in possession of, or having control of, any machinery, equipment or other thing relating to the maintenance, operation or improvement of any railway infrastructure, the management of a railway asset, or the provision of network services or a cross-border train service, as the case may be —
 - 30 (i) to produce the machinery, equipment or other thing for inspection; and
 - (ii) to answer questions or provide information relating to the machinery, equipment or other thing;

- (c) inspect and test any machinery, equipment or other thing mentioned in paragraph (b), or require any person to do anything which the rail safety inspector reasonably considers to be necessary for facilitating such test or inspection; 5
- (d) if the rail safety inspector considers it necessary to do so for the purpose of obtaining evidence of the contravention of any applicable requirement of this Act, seize any machinery, equipment, substance, record or other thing;
- (e) inspect, examine and take samples of any substance or thing on or in the railway infrastructure or railway asset or the premises mentioned in subsection (1)(c); and 10
- (f) photograph, or make sketches of, the railway infrastructure or railway asset or the premises mentioned in subsection (1)(c) and any substance or thing on or in the railway infrastructure, railway asset or premises. 15

(4) For the purpose of discharging his or her duties to the bilateral committee for a cross-border railway that has opened, the independent safety auditor for the cross-border railway has the same right of access and may exercise in Singapore the same powers conferred under this section on a rail safety inspector; and any reference in this section to a rail safety inspector includes a reference to the independent safety auditor. 20

(5) In this section, a requirement of this Act means any of the following relating to safety of cross-border railways: 25

- (a) a requirement of or under a provision of this Act;
- (b) a requirement of or under any regulation made under this Act;
- (c) a requirement of a notice, direction or order given by the LTA under this Act; 30
- (d) a condition of a licence or a code of practice.

Obstructing rail safety inspectors, etc.

53.—(1) A person who refuses to give access to, or obstructs, hinders or delays —

(a) the independent safety auditor; or

(b) a rail safety inspector,

in the discharge of his or her duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by the independent safety auditor or a rail safety inspector who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that person.

(3) Any person who —

(a) without reasonable excuse, refuses or fails to comply with a requirement under section 50 or 51 made by the independent safety auditor or a rail safety inspector; or

(b) knowingly furnishes to the independent safety auditor or a rail safety inspector information that is false or misleading in a material particular,

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

Division 2 — Accidents and suspension of railway

Interpretation of this Division

54. In this Division, unless the context otherwise requires —

“accident” means an accident associated with the operation of any railway infrastructure or a cross-border train or other railway asset where —

(a) a cross-border train is destroyed or seriously damaged as a result;

- (b) an individual dies or suffers serious injury as a result;
or
- (c) any property is destroyed or seriously damaged as a
result;

“passenger” includes an intending passenger;

5

“railway security incident” means a threatened act of unlawful interference or an act of unlawful interference;

“serious incident” means an occurrence involving the operation of a cross-border train or other railway asset where —

- (a) the cross-border train is involved in a near-accident;
or
- (b) the occurrence could have affected or affected the
safety of the operation of the train.

10

Compulsory reporting of accidents, etc., on cross-border railway

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55.—(1) This section applies where —

- (a) an accident or a serious incident occurs in Singapore; or
- (b) an accident or a serious incident occurs outside Singapore involving a train operated by a licensee holding a cross-border train service licence.

20

(2) If a relevant person has knowledge of an accident or a serious incident mentioned in subsection (1), the relevant person must give notice of the accident or serious incident to —

- (a) the competent authority for transport accidents in accordance with the written law in force governing transport accidents in Singapore; and
- (b) the bilateral committee for that cross-border railway within the prescribed time and in the prescribed manner.

25

(3) A relevant person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

30

(4) To avoid doubt, nothing in this section affects the operation of —

- (a) the Electricity Act (Cap. 89A);
- (b) the Fire Safety Act (Cap. 109A); or
- (c) the Workplace Safety and Health Act (Cap. 354A).

5 (5) In this section, “relevant person” means —

(a) the licensee having charge of the railway infrastructure or railway asset involved, or the master of the cross-border train involved, at the time of the accident or serious incident;

10 (b) where the accident or serious incident occurs on or adjacent to a train station of a cross-border railway in Singapore, the owner or operator of the train station; and

15 (c) in all other accidents or serious incidents, such persons as may be prescribed by the written law in force governing transport accidents.

Service suspension order

56.—(1) Where it appears to the Minister that —

20 (a) there is a serious and imminent risk to travel on a cross-border railway because of an accident, a malfunction, natural disaster, terrorist act or other exceptional reason; and

25 (b) it is appropriate or requisite, to avoid any actual or imminent occurrence that endangers or threatens to endanger the safety of the public, that an order be made under this section,

the Minister may make an order suspending the provision of cross-border train services on the cross-border railway (called in this section a service suspension order).

30 (2) A service suspension order must require the licensee to whom it relates (according to the circumstances of the case) —

- (a) to close the cross-border railway for the carriage of passengers; and

(b) to do, or not to do, such other things as are specified in the order or are of a description so specified.

(3) A service suspension order —

(a) must take effect at such time, being the earliest practicable time, as is determined by or under the order; and

(b) may be revoked at any time by the Minister.

(4) In determining whether it is appropriate or requisite that a service suspension order be made, the Minister must have regard, in particular, to the views of the bilateral committee and the corresponding rail authority unless it is not practicable to first obtain those views.

(5) A service suspension order under this section will cease to have effect at the end of such period (not exceeding 30 days) as is determined by or under the order.

(6) However, the cessation of a service suspension order having effect does not prevent a further service suspension order being made by the Minister if the Minister is satisfied that the circumstances warrant it.

Reopening railway after service suspension order

57.—(1) A cross-border railway which has been closed under section 56 must not be reopened when the service suspension order has effect, except with the Minister's approval.

(2) The Minister may refuse approval to reopen a cross-border railway if there is no satisfactory report by a rail safety inspector about the cross-border railway.

(3) A report by a rail safety inspector is unsatisfactory unless it states that —

(a) the rail safety inspector has inspected the cross-border railway in question, including the railway infrastructure, railway assets and all other equipment to be used for or in connection with the provision of network services and cross-border train services; and

(b) in the rail safety inspector's opinion —

- (i) the cross-border railway in question is fit to resume receiving trains and to reopen; and
- (ii) the reopening of the railway is unlikely to endanger or damage any railway asset or railway infrastructure of the cross-border railway, or endanger any passenger to be carried on or person lawfully employed or engaged to work on that railway.

(4) In deciding whether to give his or her approval under subsection (1) to reopen a cross-border railway, the Minister must consult the relevant bilateral committee for the railway but is not bound by the opinion of the bilateral committee.

Division 3 — Railway security

Cross-border railway security agency

58. The Minister may designate a person or body of persons to be the cross-border railway security agency for the purposes of this Act.

Security directives

59.—(1) The cross-border railway security agency may, by a security directive, require any of the following persons to carry out, within the time delimited by the security directive, such security measures as the cross-border railway security agency may specify in the security directive:

- (a) any licensee for a cross-border railway;
- (b) the concessionaire for a cross-border railway;
- (c) the LTA;
- (d) any person who is not mentioned in paragraph (a), (b) or (c) but who —
 - (i) operates, maintains or improves, or does any other act (whether or not at a train station) in respect of any railway infrastructure, railway asset, network service or cross-border train service; or

- (ii) for the purposes of any business carried on or service provided by the person, has access to the train station of a cross-border railway or to an area or place within such a train station public access to which is restricted.

5

(2) The cross-border railway security agency may, at any time, vary or rescind a security directive given under subsection (1), and that security directive has effect until it is so varied or rescinded, or rescinded and replaced by another security directive.

(3) If —

10

- (a) a security directive is given to a person in subsection (1);
- (b) the security directive is in force; and
- (c) the person fails to comply or do anything required of the person by the security directive,

that person 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 5 years or to both.

15

(4) Subsection (3) does not apply if the person has a reasonable excuse, the burden of proof of which lies with the person.

(5) Despite subsection (1), a security directive need not be in writing in cases of extreme urgency, in order to respond rapidly —

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- (a) to any specific railway security incident requiring immediate action or additional security measures; or
- (b) to a change in the nature of an existing general threat of an act of unlawful interference, requiring immediate action or additional security measures,

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and in such a case, the cross-border railway security agency may issue a verbal security directive to any person in subsection (1), which must be confirmed in writing as soon as practicable.

(6) In this section, “security measure” includes —

30

- (a) any measure, equipment or procedure to carry out screening or re-screening and clearing of —

- (i) any person boarding a train; or
 - (ii) any baggage or other thing to be carried on a cross-border train;
- 5 (b) passenger check-in and boarding procedures, including procedures for dealing with —
- (i) diplomats and other special passengers, their diplomatic bags and baggage;
 - (ii) passengers with reduced mobility or a medical condition;
 - 10 (iii) passengers in custody and suspicious behaviour in passengers; or
 - (iv) anomalies in passenger reconciliation that may arise during check-in or boarding;
- 15 (c) any security measures or procedures to be used within a train station of a cross-border railway, including measures —
- (i) to control access at the train stations of a cross-border railway and maintain the integrity of access control systems;
 - 20 (ii) to deter and detect unauthorised access by people, aircraft, vehicles or things into an area or place within a train station or railway infrastructure of a cross-border railway public access to which is restricted;
 - 25 (iii) to assess, identify and respond to unknown substances;
 - (iv) to investigate, secure, and remove unattended or suspicious vehicles, baggage and other things; and
 - 30 (v) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges;
- (d) any measure to deter unauthorised possession of firearms, weapons and other prohibited items in a train station of a

cross-border railway, any other part of the railway or a cross-border train, including procedures —

- (i) for dealing with surrendered firearms, other weapons and prohibited items; and
 - (ii) for handling and movement of firearms and other weapons; 5
- (e) any measure or procedure for responding to and investigating railway security incidents and threats and breaches of railway security, including measures and procedures by a concessionaire, the LTA, a licensee or the master of a cross-border train in Singapore — 10
 - (i) to hold the train in a particular position or within a particular area until specified actions are taken or until a specified event occurs;
 - (ii) to ensure that the train leaves a particular place or a particular area; or 15
 - (iii) to ensure that the train arrives and departs at a particular place or within a particular area;
- (f) any measure or procedure —
 - (i) for reporting railway security incidents or security breaches, including occurrences that threaten the security of any part of a cross-border railway or any cross-border train; 20
 - (ii) for evacuation and emergency management in case of a railway security incident, security threat or breach of security, including a train hijacking, a bomb threat or a failure of critical security equipment; or 25
 - (iii) for responding to any security directive verbally given under subsection (5), including any procedure to communicate the directive within a train station; 30
- (g) any measure or procedure to undertake reasonable searches of —
 - (i) any person boarding a cross-border train;

- (ii) any thing carried on or to be carried on a cross-border train;
 - (iii) any cross-border train or class of such train, or any train station or class of stations of a cross-border railway, or any railway asset used in providing network services or cross-border train services or class of such railway assets, specified in a security directive; or
 - (iv) any unattended item, substance or vehicle in a train station of a cross-border railway or in a cross-border train;
- (h) any measure to seize any item or substance specified in a security directive if the person given the security directive (or the person's agent) has reasonable grounds to believe that there is no lawful authority or reasonable excuse for the item or substance to be carried in a cross-border train; and
- (i) any measure by the master of a cross-border train in Singapore and that has not departed a train station —
- (i) to hold the train in a particular position or within a particular area until specified actions are taken or until a specified event occurs;
 - (ii) to take particular actions, or ensure that particular actions are taken, on or in relation to the train;
 - (iii) to take particular actions, or ensure that particular actions are taken, in relation to a person or thing on, or to be carried by the train; or
 - (iv) to allow any police officer or any other person authorised by the cross-border railway security agency to inspect the train.

Powers of cross-border railway security agency

60.—(1) For the purposes of ensuring the security of any cross-border railway in Singapore, the cross-border railway security agency or a police officer authorised by the cross-border railway security agency may —

- (a) enter and inspect —
 - (i) any part of a cross-border railway or a cross-border train;
 - (ii) any area, building (other than a residence) or vehicle under the control of a person mentioned in section 59(1)(a) to (d) (called in this section a relevant person); or
 - (iii) if a relevant person operates from a residence or a part of a residence, the residence or the part of the residence from which the person operates;
- (b) inspect equipment in a place or vehicle mentioned in paragraph (a);
- (c) observe the operating procedures of a relevant person with a view to railway security;
- (d) discuss the procedures of a relevant person after observation under paragraph (c) with an employee of another relevant person, or with another such person, with a view to railway security;
- (e) inspect, photograph or copy a document or record made or kept by a relevant person;
- (f) operate equipment at a place mentioned in paragraph (a) for the purposes of gaining access to a document or record made or kept by a relevant person;
- (g) enter and inspect a train at a train station at a cross-border railway;
- (h) inspect equipment in the train mentioned in paragraph (g);
- (i) observe the operating procedures for a cross-border train (whether carried out by the crew or some other person) with a view to railway security;
- (j) discuss those procedures mentioned in paragraph (i) with a person carrying them out or with a relevant person; and
- (k) inspect, photograph or copy a document or record held in the train that relates to a passenger or an item of baggage.

(2) The cross-border railway security agency, or a police officer authorised by the cross-border railway security agency, may exercise a power specified in subsection (1) —

5 (a) if the power is exercised within the boundaries of a train station of a cross-border railway — at any time and without notice;

(b) at any time and without notice, if the power is exercised outside the boundaries of a train station of a cross-border railway and is a power specified —

10 (i) in subsection (1)(a)(i) or (ii), (c) or (d);

(ii) in subsection (1)(e) to the extent that it relates to subsection (1)(a) or (d); or

(iii) in subsection (1)(f) to the extent that it relates to subsection (1)(a)(iii); and

15 (c) otherwise — after giving the person concerned reasonable notice.

(3) An auxiliary police officer who is authorised in writing by the cross-border railway security agency may assist the cross-border railway security agency or a police officer authorised by that agency exercising in Singapore any power under any provision of this Division.

Passenger, etc., searches on railway

25 **61.**—(1) Without affecting section 60, for the purposes of ensuring the security of persons on any cross-border railway in Singapore (whether or not passengers), a railway official may, without giving any reason, ask any individual in —

(a) a train station of a cross-border railway; or

(b) a cross-border train at a train station mentioned in paragraph (a),

30 to allow the railway official to inspect and search any baggage or other thing carried by the individual or apparently in the immediate control of the individual; and that individual must permit that baggage or thing to be inspected and searched.

(2) Without prejudice to subsection (3), a railway official may require any individual who refuses to permit any baggage or other thing carried by the individual or apparently in the immediate control of the individual to be inspected and searched to leave the train station or train, with that baggage or thing, and that individual must do so within a reasonable time. 5

(3) Any individual who, without reasonable excuse, contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) In this section, “railway official” means any of the following individuals who is authorised by the cross-border railway security agency in writing to exercise the power to search under this section at or in relation to any train station specified in that written authorisation: 10

- (a) any officer of the LTA;
- (b) a police officer or an auxiliary police officer in uniform; 15
- (c) any employee of a licensee;
- (d) any security officer (within the meaning of the Private Security Industry Act (Cap. 250A)) engaged by a licensee.

Offence of wilfully endangering safety

62. Any person who wilfully does or omits to do anything in relation to any cross-border railway as a result of which the safety of any individual travelling or being upon the railway is endangered, or is likely to be so endangered, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both. 20 25

Damage to railway

63. Any person who wilfully removes, destroys or damages any part of a cross-border railway shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 12 months or to both. 30

Obstructing cross-border railway security agency, etc.

64.—(1) A person who refuses to give access to, or obstructs, hinders or delays —

(a) the cross-border railway security agency;

(b) a police officer authorised by the cross-border railway security agency to exercise powers under this Part;

(c) an auxiliary police officer who is authorised in writing by the cross-border railway security agency to assist the cross-border railway security agency or a police officer mentioned in paragraph (b); or

(d) a railway official within the meaning of section 61,

in the discharge of his or her duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by an out-of-uniform police officer or auxiliary police officer who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that person.

PART 10

MISCELLANEOUS

Administration of Act

65.—(1) It is the function of the LTA to administer this Act.

(2) The Minister may give to the LTA directions as to the performance by the LTA of its functions under this Act, and the LTA must give effect to those directions.

Service of documents

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

(2) A document permitted or required by this Act to be served on an individual may be served —

- (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; 5
- (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; 10
- (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 given by the individual as the fax number for the service of documents; or 15
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership; 20
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or 25
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served — 30

- (a) by giving it to the secretary or other like officer of the body corporate or the unincorporated association, or the limited liability partnership's manager;

(b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

5 (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's or unincorporated association's last email address.

(5) Service of a document under subsection (1) takes effect —

10 (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

15 (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) In this section, “document” includes a notice or an order permitted or required by this Act to be served.

20 (7) However, this section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

25 (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;

“last email address” means —

30 (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.

5

Certain statements to be conclusive

67. Where it is stated by the LTA in a notice under section 8, 9, 10, 11 or 12 that the entry or the work described in the notice or required to be carried out is, in the opinion of the LTA, necessary or required for the construction, maintenance, operation or improvement of the railway infrastructure of a cross-border railway, then such statement must be accepted by all courts, tribunals and persons as conclusive evidence of the truth of the fact so stated.

10

Power to require evidence of identity in certain cases

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68.—(1) Any police officer or employee of the LTA who reasonably believes that any person has committed an offence under this Act may require the person to furnish evidence of his or her identity, and that person must then furnish such evidence of his or her identity as may be required by such police officer or employee of the LTA.

20

(2) Any person who refuses to furnish any information required of him or her by any police officer or any employee of the LTA under subsection (1) or wilfully mis-states such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

25

Powers of arrest

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

30

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

Jurisdiction of courts

5 **70.** Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

Offences by corporations

10 **71.—**(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

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

15 (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 —

20 (i) an officer of the corporation, or a member of a corporation whose affairs are managed by its members; or

25 (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;

30 (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,

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shall be guilty of the 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 as that corporation would bear.

10

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

- (a) Chapters V and VA of the Penal Code (Cap. 224); or

- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

15

(5) To avoid doubt, subsection (2) 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 —

20

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

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

25

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

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

30

“state of mind” of a person includes —

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

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

Offences by unincorporated association or partnership

5 **72.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

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

10 (b) the employee or agent had that state of mind,

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

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

15 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

20 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of that unincorporated association or partnership in relation to the commission of the offence; and

(b) who —

25 (i) consented or connived, or conspired with others, to effect the commission of the offence;

30 (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 that unincorporated association or partnership, and shall be liable on conviction to be punished accordingly.

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

10

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

15

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) 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.

20

(6) In this section —

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

25

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

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(b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

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

Composition of offences

73.—(1) The Chief Executive, or any officer of the LTA authorised by the Chief Executive for the purpose of this section, may, in his or her discretion, compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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

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

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

Exemption

74. The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any provisions of Part 9, either generally or in a particular case and subject to such conditions as the Minister considers fit.

Regulations

75.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, the Minister may make regulations for any of the following:

- (a) regulating the management of railway assets of a cross-border railway and the provision of network services and cross-border train services;
- (b) providing for the safe maintenance and use of railway assets and railway infrastructure of a cross-border railway; 5
- (c) prohibiting or regulating —
 - (i) advertising on railway infrastructure or railway assets of a cross-border railway;
 - (ii) the custody and disposal of property found on a cross-border train or a train station of a cross-border railway; and 10
 - (iii) any activity which may damage the railway infrastructure or railway assets of a cross-border railway, or may endanger passengers carried or to be carried, or persons employed or engaged to work, on the cross-border railway; 15
- (d) providing for the safe carriage of passengers on the cross-border railway or the safety of persons employed or engaged to work on the cross-border railway;
- (e) prescribing the requirements relating to — 20
 - (i) the management and control of passengers (including persons in custody) on board a cross-border train;
 - (ii) the security features on a train used or to be used on a cross-border railway;
 - (iii) pre-departure checks of train facilities and other parts of a cross-border train; 25
 - (iv) procedures to be used and measures to be taken in relation to baggage that is loaded, or is intended to be loaded, onto a train used or to be used on a cross-border railway; 30
 - (v) unattended cross-border trains and other railway assets of a cross-border railway; or

- (vi) such other matters for the purposes of safeguarding a cross-border railway against acts of unlawful interference;
- 5 (f) prescribing the requirements relating to the control of access to different parts of railway infrastructure and railway assets of a cross-border railway or other facility related to the provision of network services for or a cross-border train service on such a railway, including —
 - 10 (i) conditions of entry, the issue and use of security passes and other identification systems; and
 - (ii) the screening of people, vehicles, baggage or goods (other than cargo) for entry to different parts of the railway infrastructure or railway assets of a cross-border railway, or such other related facilities;
- 15 (g) prescribing the requirements relating to —
 - (i) the provision of lighting, fencing and storage facilities in the different parts of railway infrastructure and railway assets of a cross-border railway, or such other related facilities; and
 - 20 (ii) the approval of building works within, or adjacent to, the different parts of railway infrastructure or railway assets of a cross-border railway, or such other related facilities;
- 25 (h) prescribing the powers and duties of the independent safety auditor and rail safety inspectors;
- (i) prescribing the requirements for or in connection with the giving of security directives under section 59;
- (j) prohibiting or regulating the carriage of articles, materials or animals on a cross-border railway;
- 30 (k) prescribing the fees in respect of the grant or renewal of any licence, and the doing of anything by the LTA under this Act;
- (l) regulating the work and conduct of the employees of licensees.

(3) Regulations made under this section may —

- (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000; and
- (b) provide for such transitional, saving and other consequential, incidental and supplemental provisions as are necessary or expedient.

5

(4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

Interface with other laws

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76.—(1) This Act does not apply to any railway that is the subject of regulation under the following written laws:

- (a) the Railways Act (Cap. 263);
- (b) the Rapid Transit Systems Act (Cap. 263A).

(2) Nothing in this Act affects any power of the LTA to construct and maintain any street, road structure or road related facility under the Street Works Act (Cap. 320A).

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PART 11

AMENDMENTS TO OTHER ACTS

Amendments to Arms and Explosives Act

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77. The Arms and Explosives Act (Cap. 13, 2003 Ed.) is amended —

- (a) by deleting the definition of “railway administration” in section 2(1); and
- (b) by inserting, immediately after the words “the railway administration” in section 31(c), the words “within the meaning of the Railways Act (Cap. 263), the relevant licensee under the Rapid Transit Systems Act (Cap. 263A), the licensed railway assets operator for a cross-border railway within the meaning of the Cross-Border Railways Act 2017”.

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30

Amendments to Land Transport Authority of Singapore Act

78.—(1) The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

5 (a) by inserting, immediately after the words “Rapid Transit Systems Act” in the definition of “railway” in section 2, the words “or the Cross-Border Railways Act 2017, as the case may be”;

(b) by inserting, immediately after paragraph (k) of section 6(1), the following paragraph:

10 “(ka) to plan, design, construct, manage, operate and maintain the railway in accordance with this Act and the Cross-Border Railways Act 2017;”;

15 (c) by inserting, immediately after paragraph (l) of section 6(1), the following paragraph:

“(la) to approve and regulate the operation of the railway in accordance with this Act and the Cross-Border Railways Act 2017;”;

20 (d) by inserting, immediately after the words “Rapid Transit Systems Act (Cap. 263A)” in section 11(2), the words “and section 39 of the Cross-Border Railways Act 2017, as the case may be”;

25 (e) by deleting the word “or” at the end of paragraph (a) of section 19(1), and by inserting immediately thereafter the following paragraph:

30 “(aa) to restrain the doing of anything which is authorised by or under the Cross-Border Railways Act 2017 or to compel the doing of anything which may be omitted to be done under that Act; or”;

(f) by inserting, immediately after the words “Rapid Transit Systems Act” in section 19(1)(b), the words “or the Cross-Border Railways Act 2017”; and

- (g) by inserting, immediately after subsection (1) of section 22A, the following subsection:

“(1A) If an owner of any land temporary possession of which is or has been taken in the exercise of any power in section 8 of the Cross-Border Railways Act 2017 gives to the Authority any notice under section 15(1) of that Act in relation to that land within the claim period mentioned in section 16(2)(d) of that Act, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the notice under section 8 of that Act, and no other item in the Fourth Schedule.”.

- (2) Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended —

- (a) by inserting, immediately after the words “Street Works Act (Cap. 320A)” in item 1(a) in the first column, the words “, or the Authority’s or concessionaire’s right under section 8 of the Cross-Border Railways Act 2017”;
- (b) by inserting, immediately after the words “Rapid Transit Systems Act” in item 1(a) in the third column, the words “, section 8(3) of the Cross-Border Railways Act 2017”;
- (c) by inserting, immediately after the words “Rapid Transit Systems Act” in item 1(a) in the fourth column, the words “, section 8(3) of the Cross-Border Railways Act 2017”;
- (d) by inserting, immediately after the words “Rapid Transit Systems Act” in item 1(b) in the first column, the words “, section 8 of the Cross-Border Railways Act 2017”;
- (e) by inserting, immediately after the words “Rapid Transit Systems Act” in item 1(b)(ii) in the second column, the words “, section 8 of the Cross-Border Railways Act 2017”;
- (f) by inserting, immediately after the words “Rapid Transit Systems Act” in item 1(b) in the fourth column, the words “, or the cross-border railway to which the notice under section 8 of the Cross-Border Railways Act 2017”;

(g) by inserting, immediately after the words “Rapid Transit Systems Act (Cap. 263A)” in item 3 in the first column, the words “, section 10 of the Cross-Border Railways Act 2017”;

5 (h) by inserting, immediately after the words “Rapid Transit Systems Act” in item 3 in the fourth column, the words “, section 10 of the Cross-Border Railways Act 2017”;

10 (i) by inserting, immediately after the words “Rapid Transit Systems Act” in item 4 in the first column, the words “, section 11 of the Cross-Border Railways Act 2017”;

(j) by inserting, immediately after the words “Rapid Transit Systems Act” in item 4 in the third column, the words “, section 11 of the Cross-Border Railways Act 2017”;

15 (k) by inserting, immediately after the words “Rapid Transit Systems Act (Cap. 263A)” in item 5(a) in the first column, the words “, section 12 of the Cross-Border Railways Act 2017”;

20 (l) by inserting, immediately after the words “Rapid Transit Systems Act” in item 5(a) and (b) in the third column, the words “, section 12 of the Cross-Border Railways Act 2017”;

25 (m) by inserting, immediately after the words “Rapid Transit Systems Act (Cap. 263A)” in item 5(c) in the third column, the words “, section 12(4) of the Cross-Border Railways Act 2017”; and

(n) by deleting the words “by the Authority” in items 4 and 5(a) in the first column.

(3) Part II of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended —

30 (a) by inserting, immediately after the words “Rapid Transit Systems Act” in paragraph 3(b)(i), the words “or section 5 of the Cross-Border Railways Act 2017, as the case may be,”; and

(b) by inserting, immediately after the words “Rapid Transit Systems Act” in paragraph 6, the words “or section 12(4) of the Cross-Border Railways Act 2017, as the case may be”.

(4) Part I of the Fifth Schedule to the Land Transport Authority of Singapore Act is amended by inserting, immediately after item 4, the following item: 5

“4A. All provisions of the Cross-Border Railways Act 2017 and any subsidiary legislation made thereunder.”.

Amendment to Railways Act

79. Section 1 of the Railways Act (Cap. 263, 1985 Ed.) is amended by inserting, immediately after the words “all railways in Singapore”, the words “, except a rapid transit system the construction and operation of which is subject to the Rapid Transit Systems Act (Cap. 263A), and a cross-border railway the construction and operation of which is subject to the Cross-Border Railways Act 2017”. 10 15

Amendments to Rapid Transit Systems Act

80. The Rapid Transit Systems Act (Cap. 263A, 2004 Ed.) is amended —

(a) by deleting the words “Collector of Land Revenue” in section 4(1)(b) and substituting the words “Commissioner of Lands”; and 20

(b) by repealing section 46.

EXPLANATORY STATEMENT

This Bill seeks to provide for the construction, maintenance, operation and regulation of cross-border railways between Singapore and Malaysia in accordance with the High Speed Rail Bilateral Agreement between the Government of the Republic of Singapore and the Government of the Federation of Malaysia, dated 13 December 2016, concerning the Kuala Lumpur – Singapore High Speed Rail, and any other bilateral railway agreement between the 2 countries entered into after the introduction of the Bill.

The Bill also makes related and consequential amendments to the Arms and Explosives Act (Cap. 13), the Land Transport Authority of Singapore Act (Cap. 158A), the Railways Act (Cap. 263) and the Rapid Transit Systems Act (Cap. 263A).

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 contains various definitions to support the provisions in the other parts of the Bill.

Clause 3 sets out the purpose of the Bill.

PART 2

PLANNING AND CONSTRUCTION OF CROSS-BORDER RAILWAY

Clause 4 requires the railway infrastructure and railway assets for a cross-border railway to be constructed and maintained according to the plans and maps prepared under clause 5(1) or any amendment or substitute plan or map prepared under clause 5(5).

Clause 5 requires the Land Transport Authority of Singapore (LTA) to cause plans and maps to be prepared delineating the railway area within Singapore for a cross-border railway. The railway area is the area within which land may be compulsorily acquired, or within which rights in, under or over land may be exercised by the LTA, a concessionaire or licensee under the Bill, such as under clause 47.

Railway maps and plans must be approved by the Chief Planner, and abstracts of those maps and plans must be deposited with the Urban Redevelopment Authority, being the competent authority for the development of land, and then made available for inspection by the public free of charge at the office of the LTA, during the normal operating hours of the LTA.

Clause 6 states that no person has a right of objection to the delineation of land as railway area in any plan or map prepared under clause 5(1) or to any amendment on the plan or map or substitute plan or map prepared under clause 5(5).

Clause 7 provides powers for the LTA to carry out works on State land for the purpose of constructing, maintaining, operating and improving the railway infrastructure of any cross-border railway.

Clause 8 applies to land which is not State land, and land which is not owned by the LTA. The clause authorises the LTA to carry out works to construct, maintain

and improve the railway infrastructure of any cross-border railway on such land, provided the requisite procedure on giving notice is followed.

Clause 9 further empowers the LTA to enter any land or building within the railway area to do work in the nature of pre-construction surveys, digging or boring for the purpose of determining whether the soil is suitable for constructing, maintaining or improving the railway infrastructure of a cross-border railway on, over or under the land, etc. The provision also sets out a procedure of giving notice before entry.

Clause 10 empowers the LTA to enter upon any land or building (whether in or outside the railway area) to inspect or survey the land to ascertain the condition of the land or building before or during the construction or maintenance of or improvement to the railway infrastructure of a cross-border railway, to carry out all reasonably necessary work of a preventative or remedial nature, to inspect the railway infrastructure of the cross-border railway which has been constructed on, under or over the land or building, and to carry out all reasonably necessary work for the purpose of maintaining the railway infrastructure of the cross-border railway, causing as little damage as possible and paying compensation to any person affected for any damage that may be caused. The provision also sets out a procedure of giving notice before entry.

Clause 11 empowers the LTA to require the owner or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to change the course or position of any structure or apparatus which belongs to or is maintained by that owner or supplier, and to repair any street surface disturbed by the change, if, in the opinion of the LTA, the change is required for the purposes of the construction, maintenance or improvement of the railway infrastructure of a cross-border railway.

Clause 12 empowers the LTA to require an owner of any land or building in the railway area to remove any object or structure which is erected on or attached to, or projects from, the land or building if, in the opinion of the LTA, the removal of the object or structure is reasonably necessary for constructing, maintaining or improving the railway infrastructure of a cross-border railway.

Clause 13 sets out how an individual authorised by the LTA to enter any land or building is to do so and sets out an offence of refusing access to or obstructing such an individual.

Clause 14 empowers the LTA, with the approval of the Minister, to construct or authorise to be constructed, over or in and across the Straits of Johore that is within Singapore and any other area outside Singapore but agreed between Singapore and Malaysia, a bridge suitable for the passage of railway traffic on a cross-border railway and any railway infrastructure on, under or over that bridge, and such roadways and footways as the Minister deems expedient. Clause 14 also requires a railway assets operator for a cross-border railway, with the approval of the

Minister, to construct or authorise to be constructed on the railway bridge, such railway assets for the purpose of the cross-border railway.

Clause 15 enables owners of land who suffer substantial impairment of their rights in land because of any temporary possession of their land or airspace above, due to the exercise of powers in clause 8 to request the Government to acquire their land.

Clause 16 imports the provisions of sections 49 and 49A of the Land Acquisition Act (Cap. 152) to any land that is the subject of a request under clause 15(1), with prescribed exceptions, modifications and adaptations.

Clause 17 provides that the Minister for Finance must, from time to time, provide funds by way of grants, subject to such conditions as he or she may impose, to the concessionaire or LTA (as the case may be) out of moneys provided by Parliament, to enable the concessionaire under a concession agreement, or the LTA if no such concession agreement is granted, to carry out its function and duty of constructing any railway infrastructure of a cross-border railway.

PART 3

CONCESSIONAIRE FOR RAILWAY INFRASTRUCTURE

Clause 18 authorises the Minister to enter into, on behalf of the Government, one concession agreement relating to the construction, maintenance, operation and improvement of the railway infrastructure of a cross-border railway. The party to that concession agreement is called the concessionaire.

A concession agreement may authorise the concessionaire to exercise, in place of the LTA, such powers and functions of the LTA in Division 2 of Part 2.

Clause 19 provides that a concession agreement, and any right, benefit or privilege of a concessionaire under a concession agreement, may be transferred or assigned to another person only if the concession agreement contains a condition authorising the transfer or assignment, and the Minister consents in writing to the transfer or assignment.

Clause 19 also provides that where financial assistance has been provided under clause 17 to the concessionaire for the purpose of constructing, maintaining, operating and improving the railway infrastructure of a cross-border railway, then upon the termination of the concession agreement by the effluxion of time or otherwise, the clause will transfer to the LTA or a nominee of the LTA, without the need for any further conveyance, transfer, assignment or assurance, all such property, rights and liabilities of the concessionaire as in accordance with the concession agreement that fall to be so transferred in the circumstances.

Clause 20 imposes restrictions on the voluntary winding up, judicial management, etc., of a concessionaire which is a company and to which

financial assistance has been provided under clause 17 for the purpose of constructing, maintaining, operating and improving the railway infrastructure of a cross-border railway.

PART 4

RAILWAY ASSETS OPERATOR

Clause 21 provides for the appointment of a single railway assets operator by way of a railway assets contract, by the concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, in accordance with the bilateral railway agreement for that cross-border railway. The role of the railway assets operator is to have the management of the railway assets of that cross-border railway, to provide network services involving the railway assets of that cross-border railway, and to perform such other functions specified in the bilateral railway agreement for that cross-border railway in relation to those railway assets.

Clause 22 sets out the minimum requirements of the railway assets contract. A basic requirement is that the contract must be subject to a condition precedent that requires the railway assets operator under the contract to obtain a railway assets operating licence before providing open network services to a train service operator involving those railway assets, and the contract must not provide for an option to renew exercisable by the railway assets operator.

Clause 23 provides that the railway assets contract, and any right, benefit or privilege of a railway assets operator under a railway assets contract, are not transferable.

Clause 24 contains similar restrictions as in clause 20 in relation to the railway assets operator.

Clause 25 makes it an offence for a person to provide in Singapore any open network services in connection with a cross-border railway if the person is not authorised to do so by a railway assets operating licence, or the person is not a subcontractor of a licensed railway assets operator.

PART 5

TRAIN SERVICE OPERATOR

Clause 26 provides for the appointment of the train service operator for a cross-border railway. The appointment is to be by way of a cross-border train service contract, by the concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, in accordance with the bilateral railway agreement for that cross-border railway.

Clause 27 sets out the minimum requirements of the cross-border train service contract. A basic requirement is that the contract must be subject to a condition precedent that requires the train service operator under the contract to obtain a cross-border train service licence before providing cross-border train services, and the contract must not provide for an option to renew exercisable by the train service operator.

Clause 28 provides that the cross-border train service contract, and any right, benefit or privilege of a train service operator under a cross-border train service contract, are not transferable.

Clause 29 makes it an offence for a person to provide in Singapore any cross-border train service to the public in connection with a cross-border railway if the person is not authorised to do so by a cross-border train service licence, or the person is not a subcontractor of a cross-border train service licensee.

PART 6

GENERAL PROVISIONS FOR LICENCES

Clause 30 provides for the application and renewal of licences.

Clause 31 deals with the process of granting and renewing licences.

Clause 32 deals with the validity of licences.

Clause 33 imposes restrictions on the transfer of licences.

Clause 34 sets out the conditions for the different licences.

Clause 35 provides the LTA with power to modify licence conditions and sets out the process that must be observed when doing so.

Clause 36 empowers the LTA to issue one or more codes of practice applicable to licensees, or to approve as a code of practice applicable to licensees any document prepared by a person other than the LTA if the LTA considers the document as suitable for this purpose. The LTA is also conferred the power to amend or revoke any code of practice so issued or approved.

A code of practice may relate to a variety of matters concerning a cross-border railway, such as the safety of open network services and cross-border train services on a cross-border railway, the coordination and cooperation, on such terms as the LTA may specify, with any other person in the use or sharing of any railway asset or part of it, owned or used by the licensee in providing any open network service or cross-border train service on a cross-border railway, and the technical compatibility and safety of operation of any railway asset used in the provision of open network services and cross-border train services on a cross-border railway.

Clause 37 provides the LTA with power to issue directions to be observed by a licensee for or in respect of the functioning of the cross-border railway, such as the

maintenance and operation of the cross-border railway specified in the licence of the licensee, the safety of passengers travelling on or persons who use, or who are engaged in any work on, the cross-border railway specified in the licence of the licensee, and the measures necessary for licensees to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or other public emergency. Non-compliance with a direction gives rise to a ground for regulatory action under clause 39.

Clause 38 provides an alternative to regulatory action under clause 39 in the event of default by a licensee. Where it appears to the LTA that a licensee is contravening, or is likely to contravene, any condition of its licence or a code of practice applicable to the licensee, or a licensee has failed to secure the compliance by its employees, agents or subcontractors with any condition of its licence or such a code of practice, and that it is appropriate or requisite for lesser regulatory action be taken to secure compliance by the licensee, the LTA may, instead of taking action under clause 39, make a provisional order. A provisional order will state whatever appears to the LTA requisite for securing compliance with the condition or code of practice that has been breached.

However, the LTA must not make a provisional order in relation to a licensee if it is satisfied (among other things) that the licensee has agreed to take, and is taking, all such steps as it appears to the LTA for the time being to be appropriate for the licensee to take for the purpose of securing or facilitating compliance with the condition or code of practice in question, or the contraventions were, or the apprehended contraventions are, of a trivial nature.

A provisional order will take effect only for such period as may be specified in the order, which cannot exceed 3 months. However, the validity of the provisional order will be longer if the order is confirmed by the LTA before its expiry.

Clause 39 prescribes the regulatory action that the LTA may take against a licensee. The actions are suspension or cancellation of a licence, or requiring the licensee to pay, within a specified period, a financial penalty of such amount as the LTA thinks fit. However, the maximum amount of financial penalty is \$1 million, or 10% of the licensee's annual revenue that is received during the licensee's last-completed financial year (as ascertained from the licensee's latest audited accounts) from the management of railway assets and provision of network services, or the provision of cross-border train services, (as the case may be) involving that cross-border railway, whichever is higher.

Clause 40 provides for a right of appeal to the Minister against certain decisions by the LTA.

Clause 41 provides for the recovery of licence fees and financial penalties in arrears.

PART 7

MONITORING COMPLIANCE

Clause 42 imposes a requirement on every licensee, within 3 months after the end of each financial year of the licensee or such longer period as the LTA may allow, to deliver to the LTA a report of its operations during that financial year containing such information as is necessary to enable the LTA to assess the licensee, and its audited annual balance sheet, profit and loss account, and the reports of its auditor and directors.

Clause 43 provides additional powers to the LTA to obtain further information from licensees.

Clause 44 makes it a duty for every licensee, at all times, to inform the LTA immediately of any industrial dispute between the licensee and its employees, any fire occurrence within the premises it carries out activities authorised under its licence and any proceedings or claim instituted or made against the licensee which might have an adverse effect on its financial condition or on its ability to perform any condition under the licence.

PART 8

CROSS-BORDER RAILWAY ADMINISTRATION

Clause 45 requires the concessionaire under a concession agreement granted under Part 3 for a cross-border railway, or the LTA if no concession agreement is granted, at least 3 months before the intended date of opening of the cross-border railway, to cause notice to be given to the Minister of the intention to open the railway, and to apply to the Minister for approval under clause 46 to open the railway.

Opening a cross-border railway means to start providing to the public cross-border train services using the cross-border railway, and includes selling, offering to sell or advertising for sale any ticket for carriage on a train as part of those services, or supplying a ticket for carriage on a train as part of those services, in circumstances in which the supplier derives a direct benefit, pecuniary or otherwise.

Clause 46 provides that ministerial approval is required before a cross-border railway can open.

Clause 47 provides for the creation of rights in, under and over land within the railway area for the benefit of the concessionaire, the LTA if there is no concessionaire, or the railway assets operator or the train service operator in order for them to carry out their respective functions under the Bill. The clause also creates a public right of way at the entrances and exits of cross-border railway train

stations. The rights are created on the publication of an order made by the LTA in the *Gazette*.

Clause 48 provides that every track, installation or plant used for a cross-border railway and placed under, over, along, across, in or upon any property by the LTA, a concessionaire or railway assets operator in the discharge of their functions under the Bill remains the property of the LTA, concessionaire or a railway assets operator (as the case may be), whether or not it has become in whole or in part a fixture.

PART 9

SAFETY AND SECURITY MATTERS

Clause 49 provides for the appointment by the LTA of the independent safety auditor for the cross-border railway in accordance with the relevant bilateral railway agreement for the cross-border railway.

Clause 50 provides for the appointment by the LTA of rail safety inspectors, from among employees of the LTA with suitable qualifications and experience to properly exercise the powers of a rail safety inspector, or any individual who is not an employee of the LTA and has suitable qualifications and experience to properly exercise the powers of a rail safety inspector.

Clause 51 provides that after the opening of a cross-border railway, the LTA or the independent safety auditor may, by notice, require, any licensee for the cross-border railway, the concessionaire for the cross-border railway or a subcontractor of a licensee for the cross-border railway, to undergo such inspection or monitoring as the LTA or independent safety auditor considers, on reasonable grounds, necessary in the interests of ensuring the safety of the cross-border railway.

In addition, the independent safety auditor is given power, after the opening of a cross-border railway, to require the LTA if there is no concession agreement granted for the cross-border railway, to undergo such inspection or monitoring as the independent safety auditor considers, on reasonable grounds, necessary in the interests of ensuring the safety of the cross-border railway.

Clause 52 authorises every rail safety inspector to have the right of access, at any reasonable time to any railway infrastructure or railway asset of a cross-border railway which has opened, any premises in Singapore used for undertaking any activity connected with managing railway assets, providing network services or providing a cross-border train service and to any document or record concerning any matter or activity earlier mentioned, for the purpose of finding out whether the applicable requirements of the Bill are being complied with.

Clause 53 sets out the offence of refusing to give access to, or obstructing, hindering or delaying a rail safety inspector or the independent safety auditor.

Clause 54 sets out definitions necessary to support the provisions in clauses 55, 56 and 57 relating to accidents and suspension of train services.

Clause 55 provides for compulsory reporting of an accident or a serious incident which occurs in Singapore which is associated with a cross-border railway. Clause 55 also applies where such an accident or a serious incident occurs outside Singapore involving a train operated by a licensee holding a cross-border train service licence. Such accidents and serious incidents must be reported to the competent authority for transport accidents in accordance with the written law in force governing transport accidents in Singapore, and to the bilateral committee for that cross-border railway within the prescribed time and in the prescribed manner.

The persons under duty to report are the licensee having charge of the railway infrastructure or railway asset involved, or the master of the train involved, at the time of the accident or serious incident. Where the accident or serious incident occurs on or adjacent to a train station in Singapore, the owner or operator of the train station is under duty to report. In all other accidents or serious incidents, such persons as may be prescribed by the written law in force governing transport accidents will be under duty to report.

Clause 56 vests in the Minister power to make an order suspending the provision of cross-border train services on the cross-border railway (called in the clause a service suspension order).

The power to make a service suspension order may be exercised only where it appears to the Minister that there is a serious and imminent risk to travel on a cross-border railway because of an accident, a malfunction, natural disaster, terrorist act or other exceptional reason, and it is appropriate or requisite, to avoid any actual or imminent occurrence that endangers or threatens to endanger the safety of the public, that an order be made under the clause.

Clause 57 provides that a cross-border railway can be re-opened when a service suspension order is in effect only with the approval of the Minister.

Clause 58 provides for the designation of the cross-border railway security agency.

Clause 59 empowers the cross-border railway security agency to issue security directives.

Clause 60 prescribes the powers of the cross-border railway security agency.

Clause 61 provides for searches of passengers and non-passengers in a train station.

Clause 62 provides for an offence of wilfully endangering the safety of a cross-border railway.

Clause 63 provides for an offence of damaging a cross-border railway.

Clause 64 provides for a similar offence as in clause 53, which is that of refusing to give access to, or obstructing, hindering or delaying the cross-border railway security agency.

PART 10

MISCELLANEOUS

Clause 65 provides that the LTA is responsible for administering the Bill when enacted.

Clause 66 is a general provision on service of documents.

Clause 67 provides for certain notices to be conclusive of the truth of the contents.

Clause 68 confers power on LTA employees or a police officer who reasonably suspects a person to have committed an offence under the Bill to require the person to give evidence of his or her identity.

Clause 69 confers on an authorised LTA employee or a police officer powers of arrest of persons found committing an offence under the Bill or reasonably believed to have committed an offence under the Bill.

Clause 70 provides for the jurisdiction of courts regarding offences under the Bill.

Clauses 71 and 72 are standard provisions regarding the liability of officers of firms and corporations which have committed an offence under the Bill.

Clause 73 provides for the composition of offences.

Clause 74 empowers the Minister to exempt persons from Part 9 of the Bill.

Clause 75 prescribes the regulation-making power which is vested in the Minister.

Clause 76 explains the interface the Bill has with existing laws on roads and railways.

PART 11

AMENDMENTS TO OTHER ACTS

Clause 77 makes related amendments to the Arms and Explosives Act.

Clause 78 makes several related amendments to the Land Transport Authority of Singapore Act to support claims for compensation for owners whose lands are affected by the powers for the construction of the railway in Part 2.

Clause 79 makes a consequential amendment to the Railways Act.

Clause 80 makes consequential amendments to the Rapid Transit Systems Act.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
