
First published in the Government *Gazette*, Electronic Edition, on 25 June 2021 at 6.15 pm.

No. S 404

SMALL MOTORISED VEHICLES (SAFETY) ACT 2020 (ACT 25 OF 2020)

SMALL MOTORISED VEHICLES (SAFETY) REGULATIONS 2021

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In exercise of the powers conferred by section 27 of the Small Motorised Vehicles (Safety) Act 2020, the Land Transport Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Small Motorised Vehicles (Safety) Regulations 2021 and come into operation on 28 June 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicant” means the person who makes an application for import approval to the Authority, or the person on whose behalf an application for import approval is made by an agent;

“application for import approval” means an application for an import approval to import one or more small motorised vehicles specified or described in the import approval;

“contact address” means the address of —

- (a) for a partnership (other than a limited liability partnership), the partnership’s principal place of business in Singapore;
- (b) for a body corporate, the body corporate’s registered office or principal office in Singapore;
- (c) for an unincorporated association, the unincorporated association’s principal office in Singapore;
- (d) for an individual carrying on business as a sole proprietor, the principal place of business in Singapore; or
- (e) for any other individual, the individual’s place of residence or workplace in Singapore;

“conveyance” means —

- (a) an aircraft;
- (b) a vessel;
- (c) a vehicle (but not while it is goods imported); or
- (d) a train (including railway rolling stock);

“distinguishing mark”, for a small motorised vehicle, means a sign, mark or label used to distinguish the small motorised vehicle as a non-compliant small motorised vehicle;

“entity” means a body corporate (including a limited liability partnership), corporation, partnership or an unincorporated association;

“holder”, for an import approval, means the person to whom an import approval is granted;

“non-compliant small motorised vehicle” means any of the following small motorised vehicles:

- (a) a non-compliant personal mobility device, the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under the Active Mobility Act 2017 (Act 3 of 2017) either for all personal mobility devices generally or for the particular type of that personal mobility device;
- (b) a non-compliant power-assisted bicycle, the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under the Road Traffic Act (Cap. 276) either for all power-assisted bicycles generally or for the particular type of that power-assisted bicycle;

“officer”, in relation to an entity, means —

- (a) where the entity is a body corporate (including a limited liability partnership) —
 - (i) an individual for the time being holding the office of chairperson, director, partner, chief executive officer, manager or company secretary (as the case may be) of the body or any position analogous to any of those offices; or
 - (ii) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;
- (b) where the entity is a partnership (including a limited partnership), a partner of the partnership; or
- (c) where the entity is an unincorporated association (other than a partnership), an individual for the time being holding the office of president, secretary or member (as the case may be) of the committee of the

unincorporated association, or any position analogous to any of those offices,

and includes any person carrying out the duties of any such office referred to in paragraph (a), (b) or (c) if the office is vacant;

“permissible purpose” has the meaning given by regulation 8(4);

“re-export” means to export any thing that has previously been imported;

“working day” means a day other than a Saturday, a Sunday or a public holiday.

PART 2

APPLICATION FOR IMPORT APPROVAL

How to make application for import approval

3. An application for import approval must be made in a form approved by the Authority and be made in one of the following ways:

- (a) by using the electronic system called TradeNet;
- (b) in exceptional circumstances —
 - (i) in person at the office of the Authority at 71 Chai Chee Street, Singapore 468981 during its business hours; or
 - (ii) by sending by email to an electronic address specified by the Authority for such applications.

Application may be made by agent

4. An application for import approval may be made —
- (a) by the applicant personally; or
 - (b) on behalf of the applicant by an agent.

Time to make application for import approval

5. For the purposes of section 6 of the Act, an application for import approval authorising the import of a small motorised vehicle must be made at least 3 working days before the import takes place.

Information needed in import approval application

6.—(1) For the purposes of section 6 of the Act, an application for or to renew an import approval must be accompanied by the following information:

- (a) the name of the applicant and the applicant's telephone number and contact address;
- (b) where the applicant is not an individual — the Unique Entity Number (UEN) of the applicant;
- (c) where the application is made by an agent on behalf of the applicant — the name of the agent, the agent's telephone number and contact address;
- (d) the name, address and contact details of at least one person in Singapore who is authorised by the applicant to accept on the applicant's behalf service of notices and other documents under the Act with respect to the import of the small motorised vehicle;
- (e) a description of the construction or type of every small motorised vehicle and the total number of such vehicles to be imported, and the purpose for which they are to be imported;
- (f) whether any of the small motorised vehicles to be imported under the authority of the import approval is a non-compliant small motorised vehicle;
- (g) documents and other evidence of the information mentioned in sub-paragraphs (a), (b), (c), (d), (e) and (f);
- (h) any other information that the Authority specifies it requires to decide the particular application, and documents and other evidence of that other information.

(2) However, the Authority may in any particular case and if satisfied that it is just and equitable waive any requirement in paragraph (1).

Inspection of non-compliant small motorised vehicle storage

7. On receiving an application for import approval authorising the import of a non-compliant small motorised vehicle, the Authority may carry out, or require the applicant to arrange to be carried out within a time specified, an inspection of the premises at which the non-compliant small motorised vehicle is to be kept or stored after it is imported.

PART 3

IMPORT APPROVAL: GRANT AND CANCELLATION

Determining application for import approval

8.—(1) After considering any application for import approval, the Authority may —

- (a) grant the applicant an import approval authorising the applicant to import a small motorised vehicle specified or described in the import approval; or
- (b) refuse to grant the import approval.

(2) Import approval is ordinarily granted by the Authority to authorise the import of a small motorised vehicle that is not a non-compliant small motorised vehicle.

(3) The Authority may grant an application for import approval authorising the import of a non-compliant small motorised vehicle only if the Authority is satisfied that —

- (a) the non-compliant small motorised vehicle is imported for a permissible purpose; and
- (b) the applicant has established and applies appropriate internal policies, procedures and controls to ensure that the non-compliant small motorised vehicle when in Singapore —

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- (i) will not be used on any road or public path, or in an area outside of any area specified by the Authority in any condition of the import approval; and
 - (ii) will be used and maintained in a safe manner.

(4) In paragraph (3)(a), “permissible purpose”, in relation to any non-compliant small motorised vehicle that is to be imported under the authority of an import approval, means any of the following:

- (a) a research or research and development activity —
 - (i) requiring the use of a non-compliant small motorised vehicle; and
 - (ii) the object of which the Authority is satisfied would not be adequately met if the research or research and development activity is carried out using a thing that is not a non-compliant small motorised vehicle;
- (b) using the non-compliant small motorised vehicle —
 - (i) only on land that is private land or public land and to which members of the public have access only by virtue of an express or implied permission (whether or not involving payment of a fee or charge); and
 - (ii) in the course of the conduct of any business where the Authority is satisfied that the use of a non-compliant small motorised vehicle is essential (and not merely expedient) for carrying on that business;
- (c) re-export of the small motorised vehicle;
- (d) using the non-compliant small motorised vehicle in connection with any of the following purposes and where the Authority is satisfied that the purpose would not be adequately met using a thing that is not a non-compliant small motorised vehicle:
 - (i) the defence of Singapore or any part of it;
 - (ii) the performance of defence forces in Singapore of its functions, or the carrying out of other activities by or

for Singapore for the purposes of Singapore's defence or safety;

- (iii) the protection of the integrity of Singapore's territory and its borders from serious threats;
- (iv) the protection of Singapore or any part of it, or the people of Singapore, from terrorism or espionage or other threats to the national security of Singapore.

(5) In paragraph (4), "private land" and "public land" have the meanings given by section 5 of the Active Mobility Act 2017.

Import approval fee

9. The fee payable for an import approval authorising the import of any small motorised vehicle is the total sum calculated as follows:

- (a) \$30 for each small motorised vehicle authorised to be imported under the import approval, unless paragraph (b) applies;
- (b) \$90 for each non-compliant small motorised vehicle authorised to be imported under the import approval.

Refusing application for import approval

10. After considering any application for import approval, the Authority may refuse an application for import approval authorising the import of any small motorised vehicle if —

- (a) the application is incomplete or not made in accordance with Part 2;
- (b) the Authority reasonably believes that information given in the application is false or misleading;
- (c) the Authority has sought further information or supporting evidence in relation to the proposed import or proposed use of the small motorised vehicle in Singapore and the information or evidence has not been given to the Authority;
- (d) in the case of an application that appears to the Authority to be made by an agent on behalf of an applicant, the agent

does not provide the Authority with evidence of the agent's identity in a form acceptable to the Authority or a document evidencing the authority of the agent to act as agent for the applicant; or

- (e) the applicant, without reasonable excuse, refuses or fails to arrange to be carried out an inspection of premises as required by the Authority under regulation 7.

Conditions of import approval

11. In granting an import approval to any person, the Authority may impose conditions —

- (a) fixing the maximum number of small motorised vehicles, or the small motorised vehicle of a type or description, authorised to be imported under the import approval;
- (b) where the import approval authorises the import of a non-compliant small motorised vehicle for re-export, requiring the holder of the import approval to establish and apply appropriate internal policies, procedures and controls to ensure that the non-compliant small motorised vehicle when in Singapore —
- (i) is not ridden or allowed to be ridden anywhere except with the prior approval of the Authority;
 - (ii) is not altered (whether in the course of repair or otherwise) except with the prior approval of the Authority;
 - (iii) is not used in a manner which involves charging any of its batteries or otherwise engaging its electrical system, except with the prior approval of the Authority;
 - (iv) is kept or stored in a place and in a manner which does not materially increase the likelihood of fire, or the danger to life or property that would result from the outbreak of fire, at the place; and

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- (v) is kept or stored securely, is not lost or stolen, and does not come into the possession of someone who is not authorised to use the vehicle;
 - (c) where the import approval authorises the import of a non-compliant small motorised vehicle for a permissible purpose other than re-export, requiring the holder of the import approval —
 - (i) to present the non-compliant small motorised vehicle when in Singapore to the Authority, at a place and time specified by the Authority, for a distinguishing mark to be installed, affixed or engraved on the small motorised vehicle before it may be used for the permissible purpose; and
 - (ii) to establish and apply appropriate internal policies, procedures and controls to ensure that the non-compliant small motorised vehicle when in Singapore —
 - (A) is used only for the permissible purpose specified or described in that import approval;
 - (B) is kept or stored in a place and in a manner which does not materially increase the likelihood of fire, or the danger to life or property that would result from the outbreak of fire, at the place; and
 - (C) is kept or stored securely, is not lost or stolen, and does not come into the possession of someone who is not authorised to use the vehicle; and
 - (d) that the Authority considers requisite or expedient having regard to the purposes of the Act.

Validity of import approval

12. Every import approval granted is in force for the period specified in the import approval unless it is earlier cancelled under section 7 of the Act.

Import approval not transferable

13. An import approval, and any rights, benefits or privileges under the import approval, are not transferable or assignable to any other person.

Manner of cancelling import approval

14. For the purposes of section 7(1) of the Act, the Authority may, without giving any opportunity to be heard, cancel an import approval by giving written notice to the holder of the import approval —

- (a) stating that the Authority cancels the import approval and the date the cancellation takes effect; and
- (b) specifying each ground for the cancellation.

Time to appeal to Minister

15. For the purposes of section 7(2) of the Act, an appeal to the Minister must be in writing and specify the grounds on which it is made, and be made within 14 days after the date the decision appealed against is given to the appellant.

PART 4**DUTIES OF HOLDER OF IMPORT APPROVAL****Notice of re-export or destruction**

16.—(1) A holder of an import approval authorising the import of a small motorised vehicle that is a non-compliant small motorised vehicle for the purpose of re-export must give the Authority notice of the re-export of the vehicle, accompanied by documents and other relevant evidence of the re-export, not later than 7 days after the re-export takes place.

(2) A holder of an import approval authorising the import of a small motorised vehicle that is a non-compliant small motorised vehicle must give the Authority notice of the vehicle's destruction in Singapore, accompanied by documents and other relevant evidence of the destruction, not later than 7 days after the destruction occurred.

Updating of particulars about permissible purpose

17.—(1) A holder of an import approval authorising the import of any small motorised vehicle that is a non-compliant small motorised vehicle must give notice to the Authority of any change in any particulars contained in —

- (a) the application for the import approval earlier given under regulation 6 regarding the permissible purpose for which the import approval was granted; or
- (b) any notice under this regulation.

(2) A notice of a change in particulars required by paragraph (1) must be given to the Authority no later than 14 days after the change occurs.

Record-keeping

18.—(1) The holder of an import approval authorising the import of a small motorised vehicle must keep and retain, for a period of 2 years after the import takes place, the following records relevant to the import of the small motorised vehicle:

- (a) the vehicle specifications list, containing particulars as to the design, build and technical specifications of the vehicle;
- (b) the invoices, receipts or other like documents that evidence the acquisition or transfer of possession of the small motorised vehicle to the holder;
- (c) the bill of lading, air waybill or packing list covering the small motorised vehicle, where these are made out and required for the carriage of the vehicle during import;
- (d) if the small motorised vehicle is a personal mobility device which has been subject to tests for conformity, a certificate by a certification body certifying that the small motorised vehicle conforms to all the standards contained or referred to in UL 2272;
- (e) if the small motorised vehicle is a power-assisted bicycle which has been subject to tests for conformity, a certificate

by a certification body certifying that the small motorised vehicle conforms to all the standards contained or referred to in EN 15194;

- (f) any document or evidence mentioned in regulation 6(1)(g) or connected to information mentioned in regulation 6(1)(h), which was provided in connection with the application for the import approval.

(2) In this regulation —

“certification body” means an organisation that is accredited by a signatory of the International Accreditation Forum Multilateral Recognition Agreement in relation to ISO/IEC 17065 for the purpose of certifying products for conformity with the prescribed standards;

“EN 15194” means —

- (a) the European Standard EN 15194:2009+A1:2011 titled “Cycles — Electrically power assisted cycles — EPAC Bicycles” approved by the European Committee for Standardization (called in this definition CEN) on 22 November 2008 but does not include clause 4.2.4.3 in EN 15194:2009+A1:2011, and as amended by Amendment 1 approved by CEN on 8 October 2011; or
- (b) the European Standard EN 15194:2017 titled “Cycles — Electrically power assisted cycles — EPAC Bicycles” approved by CEN on 28 May 2017 but does not include clause 4.2.12 in EN 15194:2017;

“UL 2272” means the standard known as ANSI/CAN/UL-2272: 2016, Electrical Systems for Personal E-Mobility Devices, approved by the UL Standards Technical Panel on Electrical Systems for Personal E-Mobility Devices, STP 2272, and issued on 21 November 2016.

PART 5**OFFENCES AND GENERAL PROVISIONS****Failure in duties**

19. A holder of an import approval who, without reasonable excuse, fails to comply with any requirement in regulation 16, 17 or 18 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both.

Tampering with distinguishing marks

20.—(1) A person commits an offence if —

- (a) the person without the permission of the Authority, intentionally damages, removes, tampers, defaces or mutilates any distinguishing mark installed, affixed or engraved by the Authority on a non-compliant small motorised vehicle; and
- (b) the person knows or ought reasonably to know that the person does not have that permission to damage, remove, tamper, deface or mutilate the distinguishing mark.

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

Offences involving false distinguishing marks

21.—(1) A person commits an offence if —

- (a) the person installs, affixes, engraves or displays on a non-compliant small motorised vehicle —
 - (i) a false distinguishing mark which the person knows, or ought reasonably to have known, to be a false distinguishing mark; or

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- (ii) a distinguishing mark which the person knows, or ought reasonably to have known, to be a distinguishing mark not issued by the Authority for that small motorised vehicle,
with the intention of dishonestly inducing another person to accept it as genuine or a distinguishing mark installed, affixed or engraved by the Authority;
 - (b) the person knows, or ought reasonably to have known, that the small motorised vehicle is a non-compliant small motorised vehicle; and
 - (c) by reason of the other person so accepting, the person —
 - (i) obtains a gain (whether for the person or someone else);
 - (ii) causes a loss to the other person or someone else; or
 - (iii) influences the exercise of a public duty.
- (2) A person commits an offence if —
- (a) the person makes a false distinguishing mark with the intention of dishonestly inducing another person to accept it as genuine; and
 - (b) by reason of the other person so accepting it as genuine —
 - (i) obtains a gain (whether for the person or someone else);
 - (ii) causes a loss to the other person or someone else; or
 - (iii) influences the exercise of a public duty.
- (3) A person commits an offence if —
- (a) the person has possession or control of a false distinguishing mark; and
 - (b) the person knows or ought reasonably to have known that it is a false distinguishing mark.
- (4) Paragraph (3) does not apply if the person has a reasonable excuse.

(5) A person may be treated for the purposes of this regulation as making a false distinguishing mark if the person alters a label, adhesive or other document so as to make it false in any respect, whether or not it was already a false distinguishing mark before the alteration or is false in some other respect apart from that alteration.

(6) A person who is guilty of an offence under paragraph (1) or (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) A person who is guilty of an offence under paragraph (3) 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.

Claim to vehicle or vehicle components seized or surrendered

22.—(1) For the purposes of section 15(2)(c) of the Act, a claim to a vehicle or vehicle components seized or surrendered under the Act must —

- (a) be addressed to the Authority;
- (b) be made either by email or online at LTA_import_amdevice@lta.gov.sg; and
- (c) be accompanied by documents that evidence the claimant's ownership or entitlement to possession of the vehicle or vehicle components seized or surrendered, whether in physical or electronic form and whether original or copies thereof.

(2) Where a person making a claim mentioned in paragraph (1) provides copies of original documents, whether in physical or electronic form, the Authority may require the person to produce the original document from which the copy was made.

Other fees

23.—(1) Where a vehicle is seized and moved to a holding yard under section 11(1)(a) of the Act, the owner of the vehicle at the time of moving must pay to the Authority a fee of \$150 for that moving.

(2) Where a vehicle is stored in a holding yard for the purposes of section 11 or 15 of the Act, the owner of the vehicle must pay to the

Authority a fee for that storing calculated at \$21.40 for each day or part of a day during which the vehicle is stored at the holding yard.

Waiver, refund, etc., of fees

24. The Authority may in any particular case and if satisfied that it is just and equitable —

- (a) refund, in whole or part, any fee mentioned in these Regulations that has been paid; or
- (b) waive or reduce, in whole or part, any fee mentioned in these Regulations.

Made on 25 June 2021.

RICHARD LIM CHERNG YIH
Deputy Chairman,
Land Transport Authority of
Singapore.

[LTA/L18.SMVS.002/AL/Reg.21.01; AG/LEGIS/SL/308A/2020/2
Vol. 1]

(To be presented to Parliament under section 28 of the Small Motorised Vehicles (Safety) Act 2020).