

Active Mobility (Amendment No. 2) Bill

Bill No. 22/2020.

Read the first time on 4 May 2020.

A BILL

i n t i t u l e d

An Act to amend the Active Mobility Act 2017 (Act 3 of 2017) to deal with public paths and seized personal mobility devices and other vehicles and to make a similar related amendment to the Road Traffic Act (Chapter 276 of the 2004 Revised Edition).

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

Short title and commencement

1. This Act is the Active Mobility (Amendment No. 2) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Active Mobility Act 2017 (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the words “a length” in the definitions of “footpath”, “pedestrian-only path” and “shared path”, the words “or area”;

(b) by inserting, immediately after the definition of “path”, the following definition:

““path-connected open space” means a courtyard, plaza, square, quadrangle, atrium, peristyle or other substantially level and unenclosed open space that —

(a) is surfaced and is not a green verge or other area provided for the growing of grass, trees or other vegetation;

(b) is fronting, adjoining or abutting, or connected by stairs (mechanised or otherwise) to, a path (whether or not a public path); and

(c) is used or capable of being used as a means of access to and from a path by pedestrians from any direction,

but does not include an area with barbecue or open-fire cooking facilities, an outdoor children’s playground, a spray pool, a fitness park, a court for basketball, badminton, sepak takraw or other similar sport, a parking area for bicycles or other vehicles or a similar amenity or facility that is ordinarily a stop or journey’s end;”; and

- (c) by inserting, immediately after the words “a path” in the definition of “public path”, the words “or path-connected open space”.

Amendment of section 5

3. Section 5 of the principal Act is amended by inserting, immediately after the words “a path” in paragraph (a) of the definition of “dedicated land”, the words “or path-connected open space”. 5

Amendment of section 6

4. Section 6 of the principal Act is amended — 10

(a) by inserting, immediately after the words “declare that” in subsection (1), the words “a path, or a path-connected open space, located on”; and

(b) by inserting, immediately after the words “is closed” in subsection (5)(b), the words “, partly closed or used temporarily for a purpose other than as a path”. 15

Amendment of section 51

5. Section 51 of the principal Act is amended —

(a) by deleting the words “, or an order for the release of a vehicle liable to forfeiture, under this section” in subsection (2) and substituting the words “of a vehicle seized or surrendered under section 50”; 20

(b) by deleting the words “or non-compliant PAB” in subsection (2)(a) and substituting the words “, non-compliant PAB or non-compliant mobility vehicle”; 25

(c) by deleting the word “and” at the end of subsection (2)(b);

(d) by inserting, immediately after paragraph (b) of subsection (2), the following paragraph:

“(ba) at the end of 30 days after the date of the seizure or surrender, no claim to the vehicle is earlier made in the prescribed manner to the Authority by a person who is not the person from whom the vehicle was seized or required to surrender the vehicle (or the latter person’s agent); and”;

(e) by deleting subsection (3) and substituting the following subsection:

“(3) Despite subsection (2), the Authority may at once order the forfeiture of a vehicle seized or surrendered under section 50 —

(a) that is a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle; and

(b) that the Authority considers is of such a nature or in such condition that it would be dangerous for the Authority to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard.”; and

(f) by deleting the words “subsection (3)(b)” in subsection (4) and substituting the words “subsection (2)(ba)”.

Amendment of section 53

6. Section 53 of the principal Act is amended —

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

“(1A) However, the Authority may direct that a vehicle that is forfeited by the Authority under section 51(3) and is the subject of a notice under subsection (1) be returned to a person if —

(a) before the end of the period of the notice in subsection (1), the Authority receives from that person a written objection to the intended sale, destruction or disposal of the vehicle and showing good cause why possession of the vehicle should be returned to the person; and 5

(b) there is no reasonable cause for the Authority to believe that an offence under this Act has been committed and the vehicle was the subject matter, or was used in the commission, of the offence.”; 10

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

“(3A) Despite subsection (3), where it appears to the Authority that any vehicle, article or thing which is moved to a holding yard under section 45 or 46 — 15

(a) is —

(i) a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle; and 20

(ii) of such a nature or in such condition that it would be dangerous for the Authority to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard; 25

(b) is a perishable article or thing that may rapidly depreciate in value; or 30

(c) is an article or a thing of such a nature or in such condition that it would be dangerous for the Authority to retain custody of the article or thing,

5 the Authority may, after giving one month's notice in the *Gazette* of its intention to do so, cause the vehicle, article or thing to be —

(d) sold (by public auction or otherwise) at once; or

10 (e) destroyed or otherwise disposed of at once in such manner as the Authority thinks fit.”;

(c) by deleting the words “or (3)” in subsections (4) and (5) and substituting in each case the words “, (3) or (3A)”;

15 (d) by inserting, immediately after subsection (6), the following subsection:

“(7) If —

20 (a) before the end of one year starting on the date a vehicle, an article or a thing was moved to a holding yard under section 45 or 46; but

(b) after the vehicle, article or thing has been sold, destroyed or disposed of under subsection (3A),

25 a person who appears, to the satisfaction of the Authority, to be the owner of the vehicle, article or thing claims that vehicle, article or thing, the Authority may pay the person, out of the funds of the Authority, the balance after deducting all reasonable costs and expenses incurred by the Authority in moving, storing and selling, destroying or disposing of the vehicle, article or thing (as the case may be) from the value of the vehicle, article or thing
30 when it was moved to a holding yard.”.

Related amendments to Road Traffic Act

7. Section 95B of the Road Traffic Act (Cap. 276) is amended —

(a) by deleting the words “, or an order for the release of a vehicle liable to forfeiture, under this section” in subsection (1) and substituting the words “of a vehicle seized or taken to a place of safety under section 95 or 95A”; 5

(b) by deleting the words “or a non-compliant personal mobility device” in subsection (1)(a) and substituting the words “, a non-compliant personal mobility device or a non-compliant mobility vehicle”; 10

(c) by deleting the words “or the non-compliant personal mobility device” in subsection (1)(b) and substituting the words “, non-compliant personal mobility device or non-compliant mobility vehicle (as the case may be)”; 15

(d) by deleting the word “and” at the end of subsection (1)(b);

(e) by inserting, immediately after paragraph (b) of subsection (1), the following paragraph:

“(ba) at the end of 30 days after the date of the seizure or taking to a place of safety, no claim to the vehicle is earlier made in the prescribed manner to the Authority by a person who is not the person from whom the vehicle was seized or required to take the vehicle to a place of safety (or the latter person’s agent); and”; 20 25

(f) by deleting subsection (2) and substituting the following subsection:

“(2) Despite subsection (1), the Authority may at once order the forfeiture of a vehicle seized or taken to a place of safety under section 95 or 95A — 30

(a) that is a non-compliant power-assisted bicycle, non-compliant personal mobility

device or non-compliant mobility vehicle;
and

(b) that the Authority considers is of such a nature or in such condition that it would be dangerous for the Authority to retain custody, or its detention in a place of safety materially increases the likelihood of an outbreak of fire at the place of safety.”;

(g) by deleting the words “subsection (2)(b)” in subsection (3) and substituting the words “subsection (1)(ba)”;

(h) by deleting the words “or non-compliant personal mobility device” wherever they appear in subsections (3) and (7) and substituting in each case the words “, non-compliant personal mobility device or non-compliant mobility vehicle”;

(i) by deleting the words “or the non-compliant personal mobility device” wherever they appear in subsections (4)(a) and (b) and (5) and substituting in each case the words “, the non-compliant personal mobility device or the non-compliant mobility vehicle”;

(j) by inserting, immediately after subsection (7), the following subsection:

“(7A) However, the Authority may direct that a non-compliant power-assisted bicycle, non-compliant personal mobility device or non-compliant mobility vehicle forfeited by the Authority under subsection (2) and is the subject of a notice under subsection (7) be returned to a person if —

(a) before the end of the period of the notice in subsection (7), the Authority receives from that person a written objection to the intended sale, destruction or disposal of the vehicle and showing good cause why

possession of the vehicle should be returned to the person; and

(b) there is no reasonable cause for the Authority to believe that an offence under this Act has been committed and the vehicle was the subject matter, or was used in the commission, of the offence.”; and

(k) by inserting, immediately before the definition of “non-compliant personal mobility device” in subsection (9), the following definition:

““non-compliant mobility vehicle” has the meaning given by the Active Mobility Act 2017;”.

Saving and transitional provisions

8.—(1) Section 5 applies to a non-compliant personal mobility device, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle seized or surrendered under section 50 of the principal Act before the date of commencement of section 5, except that a claim to the vehicle mentioned in section 51(2) of the principal Act as amended by this Act may be made not later than 30 days after the date of commencement of section 5(d).

(2) Section 6(b) applies to a vehicle, an article or a thing moved to a holding yard under section 45 or 46 of the principal Act before the date of commencement of section 6(b).

(3) Section 7(a) to (i) applies to a non-compliant personal mobility device, non-compliant PAB or non-compliant mobility vehicle seized under section 95 or 95A of the Road Traffic Act before the date of commencement of section 7(e), except that a claim to a vehicle mentioned in section 95B(1) of the Road Traffic Act as amended by this Act may be made not later than 30 days after the date of commencement of section 7(e).

(4) Any word or expression in this section that is defined in section 2(1) of the principal Act has the meaning given to it by that section.

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

EXPLANATORY STATEMENT

This Bill seeks to amend the Active Mobility Act 2017 (Act 3 of 2017) for the following main purposes:

- (a) to extend the public path system to encompass certain open spaces that front, adjoin, abut or are connected to paths;
- (b) to enable the earlier disposal by the Land Transport Authority of Singapore (LTA) of non-compliant vehicles seized or removed to holding yards, where these vehicles are of such a nature or in such condition as would be dangerous for the LTA to retain custody, or their detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard.

The Bill makes a similar amendment to section 95B of the Road Traffic Act (Cap. 276) to enable the earlier disposal by the LTA of non-compliant vehicles seized where these are of such a nature or in such condition that would be dangerous for the LTA to retain custody, or their detention in a place of safety materially increases the likelihood of an outbreak of fire at the place of safety.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce a new definition of “path-connected open space” so as to support the amendments in clauses 3 and 4.

A “path-connected open space” has to relate to a path which may or may not already be declared a public path. The word means a courtyard, plaza, square, quadrangle, atrium, peristyle or other substantially level and unenclosed open space that is surfaced, is not a green verge or other area provided for the growing of grass, trees or other vegetation, that fronts, adjoins or abuts a path, or is connected to a path by stairs (which may even be moving stairs like an escalator), and is used or capable of being used as a means of access to and from the path by pedestrians from any direction.

However, an area which has special or dedicated purposes that render the area (even if so connected) a destination in itself is not recognised as a path-connected open space.

Clause 2 also amends the definitions of “footpath”, “pedestrian-only path” and “shared path” to refer to an area and not just a length of path, since path-connected open spaces can be of any shape. The definition of “public path” is also amended to include a path-connected open space as clause 4 will enable such a space to be declared a public path.

Clause 3 extends the definition of “dedicated land” in section 5 to include a path-connected open space.

Clause 4 amends section 6(1) firstly, to enable the LTA, by order in the *Gazette*, to declare a path-connected open space on public land (which includes dedicated land) or private land as a pedestrian-only path, a footpath or a shared path.

Clause 4 further amends section 6(5) to require the declaration of a public path (by order in the *Gazette*) to state not only when the public path is closed, but also when it is partly closed or used temporarily for a purpose other than as a path. This is to address path-connected open spaces which are occasionally used temporarily as fair grounds or other event venues. The public right of way on the closed parts of the path would be suspended then.

Clause 5 amends section 51 which presently relates to the forfeiture of vehicles seized under the Act and empowers the LTA to forfeit, without a court order in certain circumstances, a non-compliant personal mobility device (PMD), non-compliant bicycle or non-compliant power-assisted bicycle (PAB) seized.

By the amendments in clause 5, the circumstances are that the LTA is satisfied that an offence under the Act had been committed and the vehicle was the subject matter, or was used in the commission, of the offence, that at the end of 30 days after the date of the seizure or surrender, no permissible claim to the vehicle is earlier made in the prescribed manner to the LTA and that a person is convicted of the offence, or a person reasonably suspected of having committed the offence had the offence compounded. A permissible claim is one made by someone who is not the person from whom the vehicle was seized or required to surrender the vehicle (or the latter person’s agent). As is the case today, this is an opportunity for a third party to recover his or her vehicle used by another to commit an offence and seized or surrendered under the Act.

By the amendments in clause 5, the LTA is now allowed to order the forfeiture of a non-compliant mobility vehicle (like a motorised wheelchair or mobility scooter) that is either seized or surrendered under section 50. The seizure or surrender would have been on an order of an enforcement officer because the vehicle is reasonably believed to be a vehicle in connection with which an offence under Part 3, 3A or 4 of the Act is committed. This is in addition to the power to

forfeit non-compliant PMDs, non-compliant bicycles and non-compliant PABs allowed under section 51 today.

The amendment also provides for forfeiture by the LTA before the end of the 30-day claim period and before a person is convicted of an offence under the Act involving that seized or surrendered vehicle, or a person has had that offence compounded.

The expedited procedure applies where the LTA considers that the seized or surrendered vehicle is of such a nature or in such condition that it would be dangerous for the LTA to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard. It does not matter whether proceedings in respect of any offence are instituted.

This amendment is to address the fire risk presented by the high number of non-compliant models of PMDs and modified vehicles already seized or surrendered and presently being stored in holding yards. There are also many vehicles with damaged batteries due to accidents detained at holding yards. The present law does not take into account this danger as it requires a conviction or an offence compounded before these seized or surrendered vehicles may be disposed of under section 53.

Clause 6 amends section 53 (relating to the disposal of forfeited or surrendered vehicles) to provide an opportunity for objections to be made before the expedited forfeiture cases covered by the amendments in clause 5, are sold, destroyed or otherwise disposed of.

The LTA is required to give one month's notice before selling, destroying or otherwise disposing of forfeited vehicles. The amendment provides that if before the one-month period ends, the LTA receives a written objection to its intended sale, destruction or disposal (as the case may be) of a non-compliant PMD, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle earlier seized (or surrendered) and forfeited due to danger under section 51 as amended by the Bill, the LTA has a discretion to direct that the vehicle be returned to the objector showing good cause why possession of the vehicle should be returned.

However, releasing to an objector is impermissible if there is reasonable cause for the LTA to believe that an offence under the Act has been committed and the vehicle was the subject matter, or was used in the commission, of the offence.

Clause 6 also amends section 53 to enable an expedited sale or disposal of any non-compliant PMD, non-compliant bicycle, non-compliant PAB or non-compliant mobility vehicle moved to a holding yard under section 45 or 46. The expedited process may be applied where the vehicle concerned is of such a nature or in such condition that it would be dangerous for the LTA to retain custody, or its detention in a holding yard materially increases the likelihood of an outbreak of fire at the holding yard.

The expedited process may be applied to a perishable article or thing that may rapidly depreciate in value, or an article or a thing of such a nature or in such condition that it would be dangerous for the LTA to retain custody of the article or thing.

However, if after the vehicle, article or thing has been sold, destroyed or disposed of but before the end of one year starting on the date the vehicle, article or thing was moved under section 45 or 46, a person who appears to be the owner of the vehicle, article or thing claims that vehicle, article or thing, the LTA may pay whatever balance remains of the value of the vehicle, article or thing when it was moved to a holding yard, after deducting from that value the reasonable costs and expenses incurred by the LTA in moving, storing and selling, destroying or disposing of the vehicle, article or thing.

Clause 7 contains a related amendment to section 95B of the Road Traffic Act similar to that in clauses 5 and 6, with respect to non-compliant PABs, non-compliant PMDs and non-compliant mobility vehicles seized or taken to a place of safety under section 95 or 95A of the Road Traffic Act and which are of such a nature or in such condition that it would be dangerous for the LTA to retain custody, or their detention in a place of safety materially increases the likelihood of an outbreak of fire at the place of safety.

Clause 8 contains saving and transitional provisions dealing with vehicles, articles and things that have been seized, surrendered or forfeited before the respective operative dates of the amendments in clauses 5, 6 and 7.

The Minister is also conferred the power to prescribe additional provisions of a saving or transitional nature consequent on the enactment of the amendments. The additional provisions are by way of regulations in the *Gazette* which must be made within a 2-year time limit.

EXPENDITURE OF PUBLIC MONEY

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