

Maritime and Port Authority of Singapore (Amendment) Bill

Bill No. 24/2026.

Read the first time on 6 October 2026.

A BILL

i n t i t u l e d

An Act to amend the Maritime and Port Authority of Singapore Act 1996 and to make consequential and related amendments to certain other Acts.

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 Maritime and Port Authority of Singapore (Amendment) Act 2026 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENTS RELATING TO CYBERSECURITY

Amendment of section 7

2. In the Maritime and Port Authority of Singapore Act 1996 (called in this Act the MPA Act), in section 7(1), after paragraph (e), insert —

“(ea) to oversee and promote the cybersecurity of computers and computer systems (as defined in Part 13B) in the maritime sector in Singapore and regulate persons who own or operate such computers and computer systems;”.

Amendment of section 41

3. In the MPA Act, in section 41 —

(a) in subsection (1), replace paragraph (e) with —

“(e) the information to be supplied by the masters, owners, agents and other persons in respect of —

(i) vessels arriving in and departing from the port; and

(ii) for the purposes of Part 13B, any computer or computer system used on or in relation to such vessels,

and the time and manner in which such information must be supplied;”;

(b) in subsection (1)(ic) (as inserted by section 13(b)), after “within the limits of the port and the approaches to the port”, insert “, which includes information (for the

purposes of Part 13B) on any computer or computer system used on or in relation to the maritime device”; and

(c) replace subsection (2) with —

“(2) Regulations made under this section may provide —

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(a) that any contravention of any specified provision of the regulations shall be an offence;

(b) for penalties not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 6 months or both for each offence; and

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(c) in the case of a continuing offence, for a further penalty not exceeding a fine of \$2,000 for every day or part of a day during which the offence continues after conviction.”.

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New Part 13B

4. In the MPA Act, before Part 14, insert —

“PART 13B

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CYBERSECURITY

Division 1 — Preliminary

Interpretation of Part 13B

89K. In this Part and the Seventh Schedule —

“computer” means an electronic, magnetic, optical, electrochemical, or other data processing device performing logical, arithmetic or storage functions, and includes —

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(a) a virtual computer; and

(b) any data storage facility or communications facility directly related to or operating in conjunction with such device,

but does not include such device as the Minister may, by notification in the *Gazette*, prescribe;

“computer program” means data representing instructions or statements that, when executed in a computer, cause the computer to perform a function;

“computer system” means an arrangement of interconnected computers that is designed to perform one or more specific functions, and includes —

(a) a virtual computer system;

(b) an information technology system; and

(c) an operational technology system such as an industrial control system, a programmable logic controller, a supervisory control and data acquisition system, or a distributed control system;

“connected computer system” means a computer or computer system that is directly or indirectly connected to a computer or computer system owned or operated by the Authority;

“cybersecurity” means the state in which a computer or computer system is protected from unauthorised access or attack, and because of that state —

(a) the computer or computer system continues to be available and operational;

(b) the integrity of the computer or computer system is maintained; and

(c) the integrity and confidentiality of information stored in, processed by or transmitted through the computer or computer system is maintained;

“cybersecurity incident” means an act or activity carried out without lawful authority on or through a computer or computer system that jeopardises or adversely affects the cybersecurity of that or another computer or computer system;

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“cybersecurity program” means any computer program designed for, or purported to be designed for, ensuring or enhancing the cybersecurity of a computer or computer system;

“cybersecurity service” has the meaning given by section 2(1) of the Cybersecurity Act 2018;

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“cybersecurity service provider” means a person who provides a cybersecurity service;

“cybersecurity threat” means an act or activity (whether known or suspected) carried out on or through a computer or computer system, that may imminently jeopardise or affect adversely, without lawful authority, the cybersecurity of that or another computer or computer system;

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“cybersecurity vulnerability” means any vulnerability in a computer or computer system that can be exploited by one or more cybersecurity threats;

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“designated III” means a computer or computer system in respect of which a designation under section 89N is in effect;

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“essential transport service” has the meaning given by section 86A(1);

“excluded computer or computer system” means a computer or computer system that is —

(a) designated under section 7 of the Cybersecurity Act 2018 as a provider-owned critical information infrastructure;

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(b) designated under section 16A of the Cybersecurity Act 2018 as a third-party-owned critical information infrastructure;

5 (c) designated under section 17 of the Cybersecurity Act 2018 as a system of temporary cybersecurity concern; or

(d) prescribed as an excluded computer or computer system;

10 “important information infrastructure” or “III” means a computer or computer system that meets the criteria in section 89N(1) and (2);

“key appointment holder”, in relation to a notified owner or notified operator, means —

15 (a) if the notified owner or notified operator is a corporation, limited liability partnership or other body corporate — a member of the board of directors, the committee or board of trustees or any other governing body of the notified owner or notified operator;

20 (b) if the notified owner or notified operator is a partnership — a partner of the notified owner or notified operator;

25 (c) if the notified owner or notified operator is a sole proprietorship — the sole proprietor of the notified owner or notified operator; or

(d) in any other case — any individual who has general management or control of the business of the notified owner or notified operator;

“maritime entity” has the meaning given by section 89L;

30 “notified operator”, in relation to a designated III, means, subject to section 89N(10) and (11), an operator or owner-operator of the designated III who has been notified of the designation under section 89N;

“notified owner”, in relation to a designated III, means, subject to section 89N(10) and (11), an owner (not being an owner-operator) of the designated III who has been notified of the designation under section 89N;

“operate”, in relation to a computer or computer system, has the meaning given by section 89M; 5

“owner”, in relation to a computer or computer system —

(a) means the legal owner of the computer or computer system; and

(b) where the computer or computer system is jointly owned by more than one person, includes every joint owner; 10

“owner-operator”, in relation to a computer or computer system, means an owner of the computer or computer system who also operates that computer or computer system; 15

“prescribed” means prescribed by regulations mentioned in section 89Z;

“standard of performance” means any standard of performance issued or adopted under section 89X; 20

“virtual computer” means a purely digital analogue of a computer, created by the simulation of software and hardware, performing logical, arithmetic or storage functions including communications functions, but does not include the physical computing resources used for the simulation; 25

“virtual computer system” means a purely digital analogue of a computer system, created by the simulation of an arrangement of interconnected computers that is designed to perform one or more specific functions, but does not include the physical computing resources used for the simulation. 30

What is a maritime entity

89L.—(1) In this Part, a maritime entity is a person who satisfies one or more of the following conditions:

- (a) the person is in the business of providing any essential transport service in Singapore;
- (b) the person is the owner of —
 - (i) a Singapore ship; or
 - (ii) any other vessel that is in, or intending to enter, the territorial waters of Singapore;
- (c) the person is the owner or operator of any maritime device that is in, or intending to enter, the territorial waters of Singapore.

(2) In this section, “Singapore ship” has the meaning given by section 2(1) of the Merchant Shipping Act 1995.

Meaning of “operate” in relation to computer or computer system

89M.—(1) In this Part, a person is taken to operate a computer or computer system if the person has effective control over the operations of the computer or computer system.

(2) Without limiting subsection (1), a person is taken to have effective control over the operations of a computer or computer system if the person has —

- (a) the right and ability to carry out changes to the computer or computer system; or
- (b) the right and ability to perform security configuration and management tasks in respect of the computer or computer system, including to make any modification for the cybersecurity of the computer or computer system.

(3) To be clear, a person who merely uses a computer or computer system is not operating that computer or computer system.

Extraterritorial application of this Part

89MA.—(1) This Part applies to a computer or computer system whether the computer or computer system is located (or, in the case of a virtual computer or virtual computer system, is hosted) in or outside Singapore. 5

(2) A notice or direction under this Part may be given to —

(a) an individual, whether or not a resident or citizen of Singapore, whether physically in or outside Singapore, and whether carrying on a business or operating in or outside Singapore; or 10

(b) any other person whether formed, constituted or registered in or outside Singapore, and whether carrying on business or operating in or outside Singapore.

(3) The offences under this Part apply whether the person commits the offence in or outside Singapore. 15

Powers under Cybersecurity Act 2018 not affected

89MB. To be clear, this Part does not affect the exercise of any power under the Cybersecurity Act 2018.

Division 2 — Designation of important information infrastructure

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Designation of important information infrastructure and notification of owner and operator

89N.—(1) Subject to subsection (2), the Authority may designate a computer or computer system as an important information infrastructure for the purposes of this Part if — 25

(a) the computer or computer system is owned or operated by a maritime entity; or

(b) the computer or computer system is a connected computer system. 30

(2) Subsection (1) applies only if —

(a) the Authority is satisfied that the computer or computer system is necessary for the continuous delivery of any essential transport service, and the loss or compromise of that computer or computer system will substantially affect or impair —

(i) the availability of that essential transport service in Singapore;

(ii) the operation of the port or any part of the port;
or

(iii) the reputation of Singapore as a provider of marine services; and

(b) that computer or computer system is not an excluded computer or computer system.

(3) The designation under subsection (1) must be made by the Authority by written notice to —

(a) the owner-operator (if any) of the computer or computer system to be designated; or

(b) the owner, and the operator, of the computer or computer system to be designated.

(4) If there is more than one person who is an owner, operator or owner-operator of a computer or computer system to be designated, the Authority may determine the person to whom the written notice or notices mentioned in subsection (3)(a) or (b), respectively, is or are to be given.

(5) The Authority may, from time to time, give written notice of the designation to any other person who is or becomes an owner, operator or owner-operator of a designated III.

(6) A notice under subsection (3) or (5) must —

(a) identify the computer or computer system that is being or has been (as the case may be) designated as an important information infrastructure;

- (b) specify the date the designation takes or took effect, as the case may be;
- (c) specify whether the person (*A*) to whom the notice is given is being notified as the owner, operator or owner-operator of that computer or computer system; 5
- (d) identify every owner, operator and owner-operator of that computer or computer system that is being or has been notified of the designation;
- (e) inform *A* regarding *A*'s duties and responsibilities under this Part as a notified owner or notified operator, as the case may be; 10
- (f) inform *A* that any representations against the designation or being a notified owner or notified operator (as the case may be) are to be made to the Authority by a specified date, being a date not earlier than 14 days after the date of the notice; and 15
- (g) provide the name and contact particulars of the officer assigned by the Authority to supervise the important information infrastructure in relation to its cybersecurity. 20

(7) A notice under this section need not be published in the *Gazette*.

(8) A designation under subsection (1) takes effect on the date specified in the notice until the designation is withdrawn by the Authority under section 89P. 25

(9) The owner, operator or owner-operator of a designated III who has been given written notice under subsection (3) or (5) becomes a notified owner or notified operator (as the case may be) on the date specified in the notice.

(10) The owner, operator or owner-operator of a designated III who has been notified of the designation ceases to be a notified owner or notified operator (as the case may be) in respect of the designated III — 30

(a) when the designation is withdrawn by the Authority under section 89P;

(b) if the notified owner or notified operator gives notice under section 89U(1) that it will cease to be the owner, operator or owner-operator (as the case may be) of the designated III —

(i) when that notified owner or notified operator ceases to be the owner, operator or owner-operator (as the case may be) of the designated III; or

(ii) on an earlier date specified by the Authority in a written notice to the notified owner or notified operator; or

(c) at the time provided by section 89V(2), if applicable.

(11) Subject to subsections (8) and (10), where a computer or computer system becomes an excluded computer or computer system while it is a designated III, its designation as a designated III is suspended for so long as it remains an excluded computer or computer system.

Power to obtain information to ascertain if criteria for designation as important information infrastructure met

89O.—(1) This section applies if the Authority has reason to believe that a computer or computer system may meet the criteria to be designated as an important information infrastructure mentioned in section 89N(1) and (2).

(2) The Authority may, by written notice, require any person who appears to be the owner, operator or owner-operator of the computer or computer system mentioned in subsection (1) to provide to the Authority, within a reasonable period specified in the notice, any information that the Authority may require in order to ascertain whether the computer or computer system fulfils the criteria to be designated as an important information infrastructure, including information relating to any of the following:

- (a) the function that the computer or computer system is employed to serve;
- (b) the location of the computer or computer system and every component of the computer or computer system; 5
- (c) the person or persons, or other computer or computer systems, that are served by that computer or computer system;
- (d) the design of the computer or computer system;
- (e) whether the computer or computer system is an excluded computer or computer system. 10

(3) A person who, without reasonable excuse, fails to comply with a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 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 \$2,000 for every day or part of a day during which the offence continues after conviction. 15

(4) A person to whom a notice is issued under subsection (2) is not obliged to disclose any information that is subject to any right, privilege or immunity conferred, or obligation or limitation imposed, by or under any written law or rules of professional conduct in relation to the disclosure of such information. 20

Withdrawal of designation of important information infrastructure 25

89P.—(1) The Authority may, on its own initiative or on the application of the owner, operator or owner-operator of a designated III, withdraw the designation of any important information infrastructure at any time if the Authority is of the opinion that — 30

- (a) the computer or computer system no longer fulfils the criteria to be designated as an important information infrastructure; or

(b) the person who owns or operates the computer or computer system —

(i) if the computer or computer system is not a connected computer system — is no longer a maritime entity; or

(ii) ceases to own or operate that computer or computer system.

(2) The Authority must give written notice of the withdrawal of designation of a designated III to every notified owner and notified operator of the designated III.

(3) The withdrawal takes effect on the date specified in the notice under subsection (2).

*Division 3 — Duties and obligations of
notified owner or notified operator*

Duty to provide information relating to designated III

89Q.—(1) The Authority may, by written notice, require a notified operator to provide in respect of a designated III, within a reasonable period specified in the notice, the following:

(a) information on the design, configuration and security of the designated III;

(b) information on the design, configuration and security of any other computer or computer system that is operated by the notified operator and is interconnected with or that communicates with the designated III;

(c) information relating to the operation of the designated III, and of any other computer or computer system that is operated by the notified operator and is interconnected with or that communicates with the designated III;

(d) any other information that the Authority may require in order to ascertain the level of cybersecurity of the designated III, including any information relating to

the readiness of the notified operator to deal with and respond to future cybersecurity threats and cybersecurity incidents relating to that designated III;

(e) any other prescribed information.

(2) A notified operator who, without reasonable excuse, fails to comply with a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 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 \$2,000 for every day or part of a day during which the offence continues after conviction. 5 10

(3) If a material change is made by or on behalf of the notified operator to the design, configuration, security or operation of the designated III, the notified operator must notify the Authority of the change not later than 30 days after the change is made. 15

(4) For the purposes of subsection (3), a change is a material change if —

(a) the change affects or may affect the cybersecurity of the designated III or the ability of the notified operator to respond to a cybersecurity threat or cybersecurity incident affecting the designated III; or 20

(b) the change is a prescribed change.

(5) A notified operator who, without reasonable excuse, fails to comply with subsection (3) 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 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction. 25

Duty to report cybersecurity incident in respect of designated III, etc. 30

89R.—(1) A notified operator must notify the Authority of the occurrence of any of the following in the form and manner published on the Authority's Internet website at

<https://www.mpa.gov.sg> or any other prescribed website, within the prescribed period after becoming aware of such occurrence:

(a) a prescribed cybersecurity incident in respect of any designated III operated by that notified operator;

(b) a prescribed cybersecurity incident in respect of any computer or computer system that is operated by the notified operator and is interconnected with or that communicates with any designated III operated by that notified operator;

(c) a prescribed cybersecurity incident in respect of any other computer or computer system that is operated by the notified operator.

(2) Every notified operator must establish such mechanisms and processes for the purposes of detecting cybersecurity threats and cybersecurity incidents in respect of every designated III operated by that notified operator, as set out in any applicable standards of performance.

(3) A notified operator who, without reasonable excuse, fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

Cybersecurity audits and risk assessments of designated III

89S.—(1) A notified operator must, in respect of each designated III operated by the notified operator —

(a) at least once every 5 years (or at such higher frequency as may be directed by the Authority in any particular case), starting from the date the designation of the III takes effect, cause to be carried out by an auditor approved or appointed by the Authority an audit of the compliance of the designated III with the requirements of this Part, including —

(i) any regulations mentioned in section 89Z;

- (ii) any direction given under section 89W; and
 - (iii) any standard of performance issued or adopted under section 89X that is applicable to the notified operator; and
- (b) at least once a year, starting from the date the designation of the III takes effect, conduct a cybersecurity risk assessment of the designated III in the prescribed form and manner. 5
- (2) The notified operator must, not later than 30 days after the completion of the audit mentioned in subsection (1)(a) or the cybersecurity risk assessment mentioned in subsection (1)(b), provide a copy of the report of the audit or assessment to the Authority. 10
- (3) Where it appears to the Authority from the report of an audit provided under subsection (2) that any aspect of the audit was not carried out satisfactorily, the Authority may direct the notified operator to cause the auditor to carry out that aspect of the audit again. 15
- (4) Where it appears to the Authority, from the report of a cybersecurity risk assessment provided under subsection (2), that the assessment was not carried out satisfactorily, the Authority may either — 20
 - (a) direct the notified operator to carry out further steps to evaluate the level of cybersecurity of the designated III; or 25
 - (b) appoint a cybersecurity service provider to conduct another cybersecurity risk assessment of the designated III, and the cost of such assessment must be borne by the notified operator.
- (5) A notified operator who — 30
 - (a) without reasonable excuse, fails to comply with subsection (1);
 - (b) fails to comply with the Authority's direction under subsection (3) or (4)(a); or

- (c) obstructs or prevents a cybersecurity risk assessment mentioned in subsection (4)(b) from being carried out,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 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 \$2,000 for every day or part of a day during which the offence continues after conviction.

(6) A notified operator who, without reasonable excuse, fails to comply with subsection (2) 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 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Cybersecurity exercises

89T.—(1) The Authority may conduct cybersecurity exercises for the purpose of testing the state of readiness of any notified operator in respect of any designated III operated by the notified operator in responding to cybersecurity incidents.

(2) A notified operator must participate in a cybersecurity exercise conducted in respect of any designated III if directed in writing to do so by the Authority.

(3) A notified operator who, without reasonable excuse, fails to comply with a direction under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

Duty to notify Authority of certain changes

89U.—(1) The person specified in the second column in the following table must notify the Authority in the form published on the Authority's Internet website at <https://www.mpa.gov.sg> or any other prescribed website, of matters specified in the third

column opposite the change within the time for notification specified in the fourth column:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	
<i>Change</i>	<i>Person required to notify</i>	<i>Matters to be notified</i>	<i>Time for notification</i>	5
(a) The change of ownership of a designated III owned by the notified owner or notified operator	The notified owner or notified operator (who is an owner-operator)	That change, the intended effective date of the change, the identity of the new owner of the designated III and any other prescribed matters in relation to the change	At least 90 days prior to the change	10 15
(b) The notified operator ceases to be the operator of a designated III	The notified operator	That change, the intended effective date of the change, the identity of the new operator of the designated III and any other prescribed matters in relation to the change	At least 90 days prior to the change	20 25
(c) Any other prescribed change	The prescribed person	The prescribed change and any other prescribed matters in relation to the change	Within the prescribed period	30

(2) A notified owner or notified operator who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both. 35

(3) In a prosecution of a person for an offence under subsection (2), it is a defence for the person charged to prove, on a balance of probabilities, that the person charged — 40

- (a) was not aware of the change before the expiry of the time for notification under subsection (1); and
- (b) provided the information to the Authority as soon as the person became aware of that change.

Continuation as notified owner or notified operator if failure to provide information within time required by section 89U

89V.—(1) This section applies if —

- (a) a notified owner or notified operator (*X*) ceases to be the owner or operator of a designated III; and
- (b) another person becomes the owner, operator or owner-operator of the designated III in place of *X*.

(2) Despite anything in this Part, if *X* fails to notify the Authority within the time for notification under section 89U(1) that *X* will cease to be the owner, operator or owner-operator of a designated III, *X* continues to be the notified owner or notified operator of the designated III until —

- (a) the expiry of 90 days after *X* notifies the Authority; or
- (b) an earlier date specified by the Authority in a written notice to *X*.

*Division 4 — Directions to notified operators
and standards of performance*

Directions to notified operators in relation to designated III

89W.—(1) The Authority may give a direction to a notified operator in respect of any designated III operated by the notified operator if the Authority is of the opinion that it is necessary or expedient —

- (a) to ensure the cybersecurity of any designated III; or
- (b) for the effective administration of this Part.

(2) A direction to a notified operator under subsection (1) may require the notified operator —

- (a) to take any action in relation to a cybersecurity threat;
- (b) to comply with any prescribed technical or other standards relating to cybersecurity in respect of the designated III operated by the notified operator; 5
- (c) to comply with any standard of performance issued or adopted under section 89X applicable to the notified operator;
- (d) to appoint an auditor approved by the Authority to audit the notified operator on its compliance with this Part or any such standard of performance applicable to the notified operator; or 10
- (e) to comply with any other matters that the Authority considers necessary or expedient to ensure the cybersecurity of any designated III. 15

(3) A direction under subsection (1) must specify a deadline for compliance, and may be revoked at any time by the Authority.

(4) Before giving a direction under subsection (1) to any notified operator, the Authority must, unless the Authority considers that it is not practicable or desirable to do so, give a written notice to the notified operator stating — 20

- (a) that the Authority proposes to issue the direction and setting out its effect; and 25
- (b) the time within which representations or objections to the proposed direction may be made.

(5) The Authority must consider any representations or objections which are duly made before giving any direction.

(6) A notified operator who, without reasonable excuse, fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a 30

further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

Standards of performance for cybersecurity

89X.—(1) To promote the cybersecurity of any designated III or class of designated III, the Authority may —

(a) issue one or more standards of performance applicable to notified operators, or any class of notified operators, in respect of cybersecurity measures to be taken in respect of any designated III or a class of designated III;

(b) adopt as a standard of performance applicable to notified operators, or any class of notified operators who operate the designated III or the class of designated III (as the case may be), any document (in whole or part) prepared by a person other than the Authority; or

(c) amend or revoke any standard of performance issued under paragraph (a) or adopted under paragraph (b).

(2) The standards of performance mentioned in subsection (1) may include (but are not limited to) the matters mentioned in the Seventh Schedule.

(3) If any provision in a standard of performance mentioned in subsection (1) is inconsistent with this Part, the provision, to the extent of the inconsistency, does not have effect.

(4) Where a standard of performance is issued, adopted, amended or revoked by the Authority under this section, the Authority must —

(a) give written notice of the issue, adoption, amendment or revocation (as the case may be) of the standard of performance to every notified operator to whom the standard of performance applies;

- (b) specify in the notice under paragraph (a) the date of issue, adoption, amendment or revocation, as the case may be; and
 - (c) ensure that, so long as the standard of performance remains in force, copies of that standard of performance, and of all amendments to that standard of performance, are available for inspection (without charge) by the notified operator to whom the standard of performance applies. 5
- (5) A standard of performance has no legislative effect. 10
- (6) Subject to subsection (7), a notified operator must comply with all the standards of performance that apply to the notified operator.
- (7) The Authority may, either generally or for such time as the Authority may specify, waive the application to a notified operator of any standard of performance, or any part of it. 15

Division 5 — Appeals under Part 13B

Appeal to Minister under this Part

89Y.—(1) A person (called in this section an appellant) who is aggrieved by any of the following (called in this section an appealable decision) may appeal to the Minister against the decision: 20

- (a) the decision of the Authority to designate a computer or computer system as an important information infrastructure or to notify a person as a notified owner or notified operator of a designated III under section 89N; 25
- (b) the decision of the Authority under section 89P to refuse to withdraw the designation of any important information infrastructure on the application of the notified owner or notified operator of the designated III; 30
- (c) a direction of the Authority under section 89W.

(2) An appeal under subsection (1) must —

- (a) be made in the prescribed manner;
- (b) specify the grounds on which it is made; and
- (c) be made within a prescribed period after the date of receipt of the appealable decision that is appealed against.

(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

(4) The Minister may determine an appeal made under subsection (1) by —

- (a) dismissing the appeal and confirming the decision appealed against;
- (b) allowing the appeal and referring the matter back to the maker of the appealable decision to reconsider the case; or
- (c) allowing the appeal and substituting or varying the decision appealed against.

(5) The Minister's decision under subsection (4) is final.

(6) Every appellant must be notified of the Minister's decision under subsection (4).

(7) An appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of any action to implement the decision.

(8) Unless otherwise directed by the Minister under this section, the decision appealed against must be complied with until the determination of the appeal.

Division 6 — Regulations for Part 13B

Cybersecurity regulations

89Z.—(1) The Authority may make regulations under section 119 for the purposes of this Part, including in relation to the following matters:

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(a) the procedure for the designation of an important information infrastructure;

(b) the technical or other standards relating to cybersecurity to be maintained in respect of an important information infrastructure;

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(c) the responsibilities and duties of a notified owner or notified operator in relation to a designated III owned or operated by the notified owner or notified operator, including requirements to keep records and to notify the Authority of matters relating to the designated III;

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(d) the types of changes that are considered to be material changes to the design, configuration, security or operations of a designated III to be reported by the notified operator;

(e) the types of cybersecurity incidents relating to a designated III that are required to be reported by the notified operator;

20

(f) the requirements for, and the manner for the carrying out of, cybersecurity audits and cybersecurity risk assessments required to be conducted by a notified operator in relation to any designated III owned or operated by that person;

25

(g) the form and nature of cybersecurity exercises that may be conducted;

(h) the skills, competencies, functions and duties of key appointment holders of notified owners and notified operators in relation to cybersecurity;

30

(i) the cybersecurity governance of notified owners and notified operators by key appointment holders and the

duties and responsibilities of those key appointment holders.

(2) Regulations made for the purposes of this Part may apply to —

- (a) all notified owners and notified operators or particular classes of notified owners and notified operators; and
- (b) all important information infrastructure or particular classes of important information infrastructure.

(3) The regulations made for the purposes of this Part may provide —

- (a) that any contravention of any specified provision of the regulations is an offence;
- (b) for penalties not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 6 months or both for each offence; and
- (c) in the case of a continuing offence, for a further penalty not exceeding a fine of \$2,000 for every day or part of a day during which the offence continues after conviction.”.

Amendment of section 118B

5. In the MPA Act, in section 118B (as inserted by section 19) —

- (a) in the section heading, replace “**Fourth Schedule**” with “**Fourth and Seventh Schedules**”; and
- (b) in subsection (1), replace “Fourth Schedule” with “Fourth or Seventh Schedule”.

Renaming of Fourth Schedule

6. In the MPA Act, rename the Fourth Schedule (as in force immediately before the date of commencement of this section) as the Sixth Schedule.

New Seventh Schedule

7. In the MPA Act, after the Sixth Schedule (as renamed by section 6), insert —

“SEVENTH SCHEDULE

Sections 89K, 89X and 118B

5

STANDARDS OF PERFORMANCE FOR CYBERSECURITY: INCLUDED MATTERS

1. Standards or specifications relating to the design, configuration or security of any designated III.
2. Measures and procedures to monitor, detect, identify and analyse cybersecurity threats and cybersecurity incidents. 10
3. Measures and procedures to minimise the risk posed by cybersecurity threats including the periodic review of such measures and procedures.
4. The keeping of records relating to the matters mentioned in paragraphs 2 and 3. 15
5. Procedures to disclose information relating to any cybersecurity threat or cybersecurity incident to other persons who may be potentially affected by that threat or incident or similar threat or incident.
6. Procedures to assess, test and evaluate the cybersecurity of any designated III including by searching for cybersecurity vulnerabilities that may compromise the cybersecurity defences of the designated III. 20
7. Measures and procedures to deal with and respond to cybersecurity threats and cybersecurity incidents adequately including the establishment of contingency, communications, recovery and business continuity plans in respect of those threats and incidents. 25
8. The keeping of records relating to any designated III and any computer or computer system or other device or asset that is directly connected to the designated III.
9. Engagement of a cybersecurity service provider for the provision of cybersecurity service for the designated III, or installation of any computer program, to ensure or safeguard the cybersecurity of a computer or computer system. 30
10. Procedures and measures to develop, maintain and improve competencies and standards of employees and officers of notified operators in relation to cybersecurity and promote awareness of the need for and the importance of cybersecurity. 35

11. Measures to strengthen accountability for and oversight of cybersecurity by the key appointment holders of notified operators.”.

PART 2

AMENDMENTS RELATING TO REGULATION OF MARINE SERVICES AND MARITIME DEVICES

Amendment of section 2

8. In the MPA Act, in section 2(1) (as renumbered by section 29(a)) —

(a) before the definition of “appointed officer”, insert —

““aircraft” means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth;”;

(b) in the definition of “equipment”, replace “marine or port services and facilities” with “marine services”;

(c) in the definition of “goods”, after “carcases,”, insert “corpses, human remains,”;

(d) replace the definition of “marine services and facilities” with —

““marine facility” means a facility used in connection with the conduct of any activity mentioned in paragraph (a) of the definition of “marine services”;

“marine services” means —

(a) any activity conducted within the port or territorial waters of Singapore that relates to —

(i) port operations;

(ii) the provision of goods or services; or

- (iii) the transport of any person or the transport or delivery of any goods or supplies;
 - (b) any activity conducted within a marine facility; or 5
 - (c) the provision of any marine facility;
- “maritime device” has the meaning given by section 2A;”;
- (e) replace the definition of “port services and facilities” with — 10
 - ““port operations” includes —
 - (a) the handling, storage and transportation of goods on land adjoining the foreshores of Singapore; 15
 - (b) the handling of passengers (including their baggage) carried by vessels; and
 - (c) the facilitation of navigation in the port;”;
- (f) delete the definition of “public licence”; 20
- (g) after the definition of “rates”, insert —
 - ““regulated service” means —
 - (a) providing any marine service specified in the Fourth Schedule; and
 - (b) if the manner of providing the marine service is specified in the Fourth Schedule — providing the marine service in the manner so specified;”;25
- (h) after the definition of “seaman”, insert —
 - ““unmanned aircraft” means an aircraft that may be flown or used without any individual on board the aircraft to operate it;”;30

- (i) in the definition of “vessel”, after “sea”, insert “, but excludes any maritime device”.

New section 2A

9. In the MPA Act, after section 2, insert —

“What is a maritime device

2A.—(1) In this Act, a “maritime device” is —

(a) a remotely-operable machine or an autonomous machine that —

(i) is designed to —

(A) travel on the surface of water;

(B) travel underwater;

(C) travel by hovering above the surface of water by reactions of the air against the surface of the water beneath the machine;
or

(D) move on the outer hull or side of a vessel or any structure in the port; and

(ii) is not designed to transport any person; or

(b) a portable machine that is designed to transport any person (who is wearing or holding it) —

(i) on the surface of water;

(ii) underwater; or

(iii) by hovering above the surface of water by reactions of the air against the surface of the water beneath the machine,

but excludes an aircraft.

(2) For the purposes of subsection (1) —

“autonomous machine” means a machine that is capable of operation without the active physical control of, or

monitoring by, a human operator (whether or not the machine is also a remotely-operable machine);

“portable machine” means a machine that is designed to be worn or held by one or more persons and is all or any of the following:

5

(a) capable of being operated by the wearer or holder;

(b) an autonomous machine;

(c) a remotely-operable machine;

“remotely-operable machine” means a machine that is capable of being remotely operated by a human operator (whether or not the machine is also an autonomous machine).

10

Illustrations

1. A remotely-operable underwater drone used to inspect the hull of a vessel or perform seabed mapping is a maritime device.

15

2. An autonomous machine that cleans the hull of a vessel by moving along the hull when attached to the hull is a maritime device.

3. A remotely-operable machine that is worn like a lifejacket (such as a jetpack, flyboard or hydroflight device) is a portable machine.

20

4. A self-propelled lifebuoy designed to be held by one or more persons is a portable machine.”.

Amendment of section 7

10. In the MPA Act, in section 7 —

25

(a) in subsection (1), replace paragraph (e) with —

“(e) to regulate the provision of regulated services;”;

(b) in the following provisions, replace “marine and port services and facilities” with “marine services”:

30

Subsection (1)(f), (i) and (n)

Subsection (2)(a), (b) and (c);

(c) in subsections (1)(g) and (6), replace “marine or port services and facilities” with “marine services”;

(d) in subsection (1)(g), replace “the services and facilities” with “the services”;

5 (e) in subsection (2)(c), replace “those services and facilities” with “those services”;

(f) in subsection (2)(e) and (f), replace “fields of marine and port services and facilities” with “field of marine services”;

10 (g) in subsection (2)(g), replace “port services and facilities” with “marine services”;

(h) in subsection (5), after “marine or port services and facilities”, insert “(within the meanings given by this Act as in force on 2 February 1996)”; and

15 (i) in subsection (6), replace “public licence” wherever it appears with “licence”.

Amendment of section 9

11. In the MPA Act, in section 9(3)(a) and (b), replace “marine or port services and facilities” wherever it appears with “marine services or marine facilities”.

20 Amendment of section 27

12. In the MPA Act, in section 27(8), after “means of transportation”, insert “or conveyance through a pipeline”.

Amendment of section 41

13. In the MPA Act, in section 41(1) —

25 (a) in paragraph (b), after “vessel”, insert “or maritime device”; and

(b) after paragraph (i), insert —

“*(ia)* regulating, directing and controlling the use of maritime devices within the limits of the port and the approaches to the port, including the circumstances and the

conditions under which maritime devices are permitted to be controlled or operated remotely or independently of human intervention, whether fully or partially;

- (*ib*) regulating and directing the navigation of maritime devices within the limits of the port and the approaches to the port, including directing that maritime devices being operated without human intervention are to be remotely operated by a human operator; 5 10
- (*ic*) the information to be supplied by persons operating or using any maritime device within the limits of the port and the approaches to the port;”. 15

Amendment of section 43

14. In the MPA Act, in section 43 —

- (*a*) in the section heading, after “**vessel**”, insert “**and maritime device**”; 20
- (*b*) in paragraph (*c*), delete “and” at the end;
- (*c*) in paragraph (*d*), replace “and the areas which are prohibited or restricted areas.” with “; and”; and
- (*d*) after paragraph (*d*), insert —
 - “(e) regulate, direct, restrict or prohibit the movement or use of maritime devices in the port and the approaches to the port, including — 25
 - (i) specifying the circumstances and the conditions under which maritime devices are permitted to be controlled or operated remotely or independently of human intervention, whether fully or partially; and 30

- (ii) directing maritime devices that are being operated without human intervention to be remotely operated by a human operator.”.

5 **Deletion of section 80**

15. In the MPA Act, delete section 80.

Replacement of Part 12

16. In the MPA Act, replace Part 12 with —

“PART 12

10 LICENCES FOR REGULATED SERVICES

Division 1 — General

Purposes of this Part

81. The purposes of this Part are to regulate the provision of certain marine services so as to —

- 15 (a) promote and facilitate the continuous delivery of safe, secure, reliable, efficient, environmentally sustainable and economical marine services in Singapore; and
 - (b) ensure the continuity of the operations of the port in Singapore.
- 20

Interpretation of Part 12

82. In this Part —

“applicant” means an applicant for or to renew a licence;

25 “capped service” means a regulated service prescribed for the purposes of section 84A;

“key appointment holder”, in relation to an applicant or a licensee, means —

- (a) if the applicant or licensee is a corporation or limited liability partnership or other body corporate —
- 30

- (i) a member of the board of directors, the committee or board of trustees or any other governing body of the applicant or licensee, as the case may be; or
 - (ii) any other individual, however designated, who has general management or supervision of the applicant's or licensee's provision of the regulated service to which the application or licence (as the case may be) relates;
 - 5
 - 10
- (b) if the applicant or licensee is a partnership or limited partnership —
 - (i) a partner of the applicant or licensee, as the case may be; or
 - (ii) any other individual, however designated, who has general management or supervision of the applicant's or licensee's business of the regulated service to which the application or licence (as the case may be) relates;
 - 15
 - 20
- (c) if the applicant or licensee is a sole proprietorship —
 - (i) the sole proprietor of the applicant or licensee, as the case may be; or
 - (ii) any other individual, however designated, who has general management or supervision of the applicant's or licensee's business of the regulated service to which the application or licence (as the case may be) relates; or
 - 25
 - 30
- (d) in any other case — any individual who has general management or supervision of the applicant's or licensee's business of the regulated service to which the application or licence (as the case may be) relates;
 - 35

“licence” means a licence granted under this Part to undertake a regulated service specified in the licence;

“licensee” means a person to whom a licence under this Part is granted;

5 “modification” or “modify”, in relation to the conditions of a licence, includes deleting or varying and substituting a condition, and adding a condition;

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

10 (a) where the applicant or licensee is a body corporate (including a limited liability partnership) —

15 (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 corporate or any position analogous to any of those offices; or

20 (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 applicant or licensee is a partnership (including a limited partnership), a partner of the partnership; or

25 (c) where the applicant or licensee 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 a committee of the unincorporated association, or any position analogous to any of those offices,

30 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;

“partial suspension” or “partially suspend”, in relation to a licence for a regulated service, means suspension of the licence under section 85E in respect of —

- (a) some but not all of the types of unmanned aircraft or maritime device authorised by the licence for use when providing the regulated service; 5
- (b) if the licence specifies one or more locations where the regulated service may be provided — some but not all of the locations, or part of a location; or 10
- (c) some aspects of the regulated service authorised by the licence;

“prescribed” means prescribed by regulations made under section 119; 15

“representative”, for a licensee who is a provider of a regulated service, means an individual (whether or not an employee or officer of the provider) who —

- (a) is directly involved in the day-to-day management of the provision of that regulated service; 20
- (b) has access to and is authorised to provide any information relating to the regulated service that is required by or under this Act; and
- (c) is authorised to represent, for the purposes of this Act, the provider of the regulated service in providing that service. 25

Unauthorised regulated service

83.—(1) A person commits an offence if the person provides any regulated service when the person — 30

- (a) is not authorised to do so by a licence; and
- (b) is not exempt from this section under section 118.

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

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual — to a fine not exceeding \$10,000 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 \$250 for every day or part of a day during which the offence continues after conviction; and

(b) if the person is not an individual — to a fine not exceeding \$500,000 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.

Division 2 — Licences

Application for or to renew licence

84.—(1) An application for a licence or the renewal of a licence must be made in accordance with this section.

(2) Unless the Authority allows otherwise, an application for a licence or the renewal of a licence must —

(a) be made in the form and manner specified by the Authority;

(b) be accompanied by an application fee or late application fee, if any;

(c) state the regulated service to which the licence relates; and

(d) be accompanied by any information or documents that the Authority requires.

(3) An application for the renewal of a licence must be made no later than a prescribed period before the date of expiry of the licence unless the Authority allows otherwise.

(4) The Authority may reject an application for a licence or the renewal of a licence without further consideration if —

- (a) the applicant has not complied with subsection (2) or (3);
- (b) any information or documents that the Authority considers necessary for a proper consideration of the application, including any information or documents sought by any investigation, inquiry or inspection under subsection (5), has not been provided to the Authority; or
- (c) in the case of an application for a licence for a capped service (not being an application mentioned in section 84A(4)) — the application is made outside the application period specified under section 84A(3) for that licence.

(5) Upon receiving an application for a licence or the renewal of a licence, the Authority, or an employee of the Authority who is authorised by the Authority, may carry out such investigations and inquiries in relation to the application as the Authority considers necessary for a proper consideration of the application, which may include an inspection of any of the following that the applicant intends to use for or in connection with providing the regulated service:

- (a) any premises or facility;
- (b) any vessel;
- (c) any unmanned aircraft or maritime device;
- (d) any equipment or other thing.

Capped service and application period

84A.—(1) The Authority may prescribe a regulated service as a capped service if the Authority decides to limit the number of licences for that regulated service.

(2) In deciding to prescribe a regulated service as a capped service, and in determining the number of licences for the

capped service and the application period for licences for the capped service, the Authority may consider, and give such weight as the Authority considers appropriate to, any matter or evidence that the Authority considers to be relevant, including all or any of the following matters:

- (a) whether there is any demand for the regulated service;
- (b) whether the demand for the regulated service is already adequately met by other licensees;
- (c) whether the grant of new licences is likely to adversely affect the viability or development of the shipping and port industry in Singapore;
- (d) where the regulated service is new or entails danger or risk — whether to run a pilot with a limited number of licences;
- (e) the impact of the provision of the regulated service on space constraints and the use of any other scarce resource in Singapore.

(3) Where the Authority decides to accept applications for a licence for any capped service, the Authority must specify the application period on the Authority's Internet website at <https://www.mpa.gov.sg> or any other prescribed website.

(4) Where any application for a licence for a regulated service is pending immediately before the date that the regulated service is prescribed as a capped service, the Authority may —

- (a) reject the application without further consideration; or
- (b) if an application period is specified for a licence for the capped service — at the request of the applicant, treat the application as if it were an application for a licence for the capped service made during the application period.

(5) To be clear, a reference to a regulated service in this Act includes a reference to a capped service unless the context otherwise requires.

Grant of licence

84B.—(1) The Authority may —

- (a) on payment of a licence fee (if any), grant an applicant a licence authorising the applicant to provide a regulated service, generally or at one or more locations specified in the licence; 5
- (b) on payment of a renewal fee (if any), renew a licence, with or without modifying the conditions of the licence; or
- (c) refuse to grant or renew a licence, as the case may be. 10

(2) In deciding whether an applicant should be granted a licence or whether the applicant's licence should be renewed, and whether to impose or modify any conditions, the Authority may consider, and give such weight as the Authority considers appropriate to, all or any of the following matters: 15

- (a) whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to undertake the regulated service specified in the application according to this Act, the conditions of the licence and the applicable standards of performance; 20
- (b) the likelihood that the applicant, in providing the regulated service to which the application relates, will comply with the requirements of this Act, the conditions of the licence and any standard of performance applicable to the regulated service; 25
- (c) whether the applicant is a corporation, a partnership, a limited liability partnership or an unincorporated association;
- (d) whether the applicant, and (where the Authority considers it necessary) every officer of the applicant, is a suitable person to be involved in the management and operation of providing the regulated services specified in the application; 30

- (e) the demand for the regulated service specified in the application and the extent to which other licensees can meet that demand;
- (f) if the provision of the regulated service involves the use of any vessel, unmanned aircraft, maritime device, equipment or appliance —
 - (i) the existence of other licensees providing the regulated service using the same type or other types of vessel, unmanned aircraft, maritime device, equipment or appliance, as the case may be;
 - (ii) the design and safety of the vessel, unmanned aircraft, maritime device, equipment or appliance (as the case may be) to be used by the applicant in providing the regulated service; or
 - (iii) the adequacy of facilities and infrastructure necessary for the use of the vessel, unmanned aircraft, maritime device, equipment or appliance (as the case may be) to provide the regulated service;
- (g) the design and safety of any equipment, appliance or other thing which the applicant intends to use, construct or install for or in connection with the provision of the regulated service specified in the application;
- (h) whether the applicant had provided, or caused or permitted to be provided, any information in connection with the application, which was false or misleading in a material particular;
- (i) whether it is contrary to the public interest for the licence to be granted to the applicant;
- (j) in relation to the applicant or any officer of the applicant (each called a relevant person) —

- (i) any evidence that a relevant person was involved in any prior contravention of a provision or direction given under this Act, whether or not that relevant person was a part of the applicant at the point in time that the power was exercised; 5
- (ii) whether a relevant person was an officer of a former licensee that had its licence suspended or revoked by the Authority;
- (iii) any prior conviction of a relevant person for committing any offence under this Act; 10
- (iv) any prior conviction of a relevant person of any offence involving fraud, corruption or dishonesty, whether or not the conviction was in a Singapore court; or 15
- (v) any previous occasions where a relevant person accepted any composition sum offered under any written law for offences mentioned in sub-paragraph (iii) or (iv).

(3) To be clear, the Authority is not confined to consideration of the matters specified in subsection (2) and may consider, and give such weight as the Authority considers appropriate to, any matter or evidence that the Authority considers to be relevant. 20

Validity of licence

84C.—(1) Every licence granted under this Part is valid for the period specified in the licence and is in force unless the licence is earlier suspended or revoked under section 85E. 25

(2) If a licence granted under this Part is partially suspended under section 85E, that licence is valid for the period specified in the licence in relation to any aspect of the regulated service authorised by the licence that has not been suspended. 30

Periodic fee

84D.—(1) Each licensee must pay to the Authority, not later than the prescribed date, a periodic fee, if required by regulations made under section 119 for that licence.

(2) The periodic fee for a licence is payable for each prescribed period during the validity of a licence.

Conditions of licence

84E.—(1) In granting a licence to any person, the Authority may impose any conditions that the Authority considers requisite or expedient having regard to the purposes of this Part.

(2) Without limiting subsection (1), in granting a licence, the Authority may impose conditions —

(a) requiring the licensee to prepare itself to deal with any public emergency;

(b) requiring the licensee to provide aid or assistance during the occurrence of any incident, disaster or emergency in the port or within the territorial waters of Singapore and to use the licensee's resources for such purposes;

(c) regulating the prices, fees or charges (each called *X*) to be charged or levied by the licensee for the provision of any regulated services (except for the handling and storage of goods declared to be transshipment goods by the Minister by notification in the *Gazette*), including —

(i) the fixing of *X* or the rate of increase or decrease in *X*;

(ii) the fixing of a maximum *X* or maximum rate of increase or minimum rate of decrease in the maximum *X*;

(iii) the fixing of an average *X* or an average rate of increase or decrease in the average *X*;

- (iv) the setting of policies or principles relating to *X*;
and
- (v) the setting of *X* with reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factors; 5
- (d) prohibiting the licensee from engaging in conduct that —
 - (i) prevents, restricts or distorts competition or misuses any monopoly or market power in relation to any regulated service; 10
 - (ii) misuses or abuses any dominant position or monopoly or market power in relation to any regulated service; or
 - (iii) may result in a merger (within the meaning given by section 54(2) of the Competition Act 2004) between the licensee and any other person, if that merger is likely to result in a substantial lessening of competition within Singapore for any regulated service, 15

but only where sections 34(1), 47(1) and 54(1) of the Competition Act 2004 do not apply to that conduct; 20
- (e) requiring the licensee to publish information on the regulated services provided by the licensee and the prices, fees or charges for the provision of that service, or make the information available to others, on any website or in any other manner specified by the Authority; 25
- (f) if the provision of the regulated service involves the use of any vessel, unmanned aircraft, maritime device, equipment or appliance (each called *Y*) — 30
 - (i) fixing the types of *Y* that may be used by the licensee;

(ii) fixing the maximum or minimum number, or both, of *Y* that may be used by the licensee to provide the regulated service; or

(iii) fixing the area within the limits of the port in which the licensee may use *Y* to provide the regulated service;

(g) requiring the licensee —

(i) to appoint, and ensure that at all times there is appointed, one or more persons in Singapore authorised by the licensee to accept, on the licensee's behalf, service of notices and other documents under this Act; and

(ii) to provide the name, address and contact details of the person or persons appointed as required by sub-paragraph (i);

(h) requiring the licensee —

(i) to nominate, and ensure that at all times there is nominated, one or more representatives each of whom satisfies the prescribed qualifications; and

(ii) to provide the name, address and contact details of the representative or representatives nominated as required by sub-paragraph (i);

(i) requiring the licensee to maintain oversight over the conduct of the licensee's employees, agents and contractors;

(j) 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;

(k) controlling and restricting, directly or indirectly, the creation, holding or disposal of shares in the licensee, or of interests in the undertaking of the licensee or any part of the undertaking;

- (*l*) requiring the licensee to keep records relating to financial information about the regulated service provided during such period as may be specified by the Authority and to provide to the Authority such records, upon the Authority's request; 5
- (*m*) requiring the licensee to keep and retain records relating to the provision of the regulated service for such period specified by the Authority and to provide to the Authority such records, upon the Authority's request; 10
- (*n*) requiring the furnishing of a performance bond, guarantee or any other form of security of such amount and on such terms and conditions as the Authority may determine —
 - (i) to secure compliance by the licensee with any condition attached to the licence or any standard of performance applicable to the licensee; or 15
 - (ii) to meet any financial penalty arising out of any regulatory action against the licensee;
- (*o*) requiring the licensee to be insured and maintain insurance for a prescribed minimum amount for the validity period of the licence, under one or more approved policies with an insurer within the meaning of the Insurance Act 1966 against third-party liabilities for death, personal injury or damage to property which another person may sustain or incur in the course of the provision of the regulated service authorised by the licence; and 20 25
- (*p*) requiring the licensee to undergo (at its own cost) such audit as the Authority may require to ascertain the licensee's compliance with — 30
 - (i) the provisions of this Act or a standard of performance applicable to the licensee;
 - (ii) the conditions of the licence granted to that licensee; or 35

(iii) a direction given under this Part.

Modifying conditions of licence

5 **84F.**—(1) Subject to this section, it is lawful for the Authority to modify the conditions of a licence without compensating the licensee concerned.

(2) Before modifying any condition of a licence, the Authority must give written notice to the licensee holding that licence —

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

(b) specifying —

15 (i) the time (being at least 28 days from the date of service of notice on the licensee) within which the licensee may make written representations to the Authority with respect to the proposed modification; and

(ii) the date the proposed modification takes effect and the time within which the licensee must give effect to the modification if —

20 (A) no written representation is received by the Authority or any written representation made is subsequently withdrawn; or

25 (B) the licensee informs the Authority of the licensee's intention to not make any written representations.

(3) If any of the circumstances mentioned in subsection (2)(b)(ii)(A) or (B) occurs —

30 (a) the modification specified in the notice takes effect on the date specified in the notice corresponding to that circumstance; and

(b) the licensee must give effect to the modification within the time specified in the notice.

(4) Upon receiving any written representation from the licensee, the Authority must consider that representation (unless it is withdrawn) and may —

- (a) reject the representation;
- (b) amend the proposed modification of any condition of a licence in the manner that the Authority thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

(5) Where —

- (a) the Authority rejects any written representation under subsection (4)(a); or
- (b) the Authority amends any proposed modification to any condition of a licence under subsection (4)(b),

the Authority must issue a written direction to the licensee in question requiring the licensee, within the time specified by the Authority, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Authority, as the case may be.

(6) Subsections (2), (3) and (4) do not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence.

Restriction on transfer and surrender of licence

84G.—(1) A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless the Authority consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with any conditions that the Authority thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence; but section 84F does not apply to or in relation to these modifications to the conditions of the licence.

(3) A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect —

(a) if the licence is not capable of transfer or assignment;

(b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or

(c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence is not capable of being surrendered without the written consent of the Authority, and any surrender or purported surrender of a licence is void if it is without such consent.

Division 3 — Duties of licensees

General duty of licensee

85. It is the duty of a licensee to provide the regulated service specified in the licensee's licence in a manner that is safe, secure, reliable, efficient, environmentally sustainable and economical in accordance with the conditions of the licence granted to the licensee and the directions of the Authority.

Appointment of key appointment holders

85A.—(1) A prescribed licensee must not appoint an individual as, or allow an individual to become, the licensee's key appointment holder, unless the licensee has obtained the prior written approval of the Authority.

(2) An application for the purposes of obtaining the approval mentioned in subsection (1) must be made by the licensee concerned in the form and manner prescribed.

(3) If an application is made to the Authority for the purposes of obtaining the approval mentioned in subsection (1), the Authority may —

- (a) approve the application with or without conditions; or
- (b) refuse the application.

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(4) An approval granted under this section may include any conditions that the Authority considers appropriate and the Authority may at any time add to, vary or revoke any condition so imposed.

(5) A person who contravenes subsection (1), or who fails to comply with any condition imposed under subsection (3)(a), shall be guilty of an offence.

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

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(7) This section has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, limited liability partnership agreement, partnership contract or other constitution, of the licensee in relation to which the application for approval under subsection (1) is made.

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(8) In this section and section 85B, “prescribed licensee” means a licensee within any class of licensees prescribed in relation to this section.

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Removal of key appointment holder

85B.—(1) The Authority may issue a direction to a prescribed licensee to remove an individual as a key appointment holder of the licensee if —

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- (a) the individual was appointed in contravention of section 85A(1);

(b) any condition of approval for the appointment of the individual imposed under section 85A(3)(a) has not been complied with; or

(c) the Authority would not have granted its approval for the appointment of the individual under section 85A(3) had it been aware, at the time of approval, of circumstances relevant to the application for such approval.

(2) Before issuing any direction to a licensee under subsection (1), the Authority must —

(a) unless the Authority decides that it is not practicable or desirable to do so, give the licensee written notice of the Authority's intention to issue the direction and specify a date by which the licensee may make written representations with regard to the direction; and

(b) consider every written representation from the licensee received on or before the specified date mentioned in paragraph (a).

(3) The Authority may, at any time, revoke, vary or discharge, or suspend the operation of, any direction given by it under subsection (1).

(4) A direction issued under subsection (1) has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, limited liability partnership agreement, partnership contract or other constitution, of the licensee in question.

(5) Nothing in this section is to be taken as depriving an individual who is removed pursuant to a direction under subsection (1) of compensation or damages payable to the individual in respect of the termination of his or her appointment as the key appointment holder.

(6) A person who fails to comply with a direction issued by the Authority under subsection (1) (including a direction that is varied under subsection (3)) within the period specified by the Authority shall be guilty of an offence.

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

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*Division 4 — Directions to licensees and
standards of performance*

Standards of performance for licensees

85C.—(1) The Authority may —

- (a) issue one or more standards of performance applicable to licensees generally or specially; 10
- (b) adopt as a standard of performance applicable to licensees, any relevant standard (whether issued in Singapore or otherwise) or document prepared by a person other than the Authority if the Authority considers the document to be suitable for this purpose; or 15
- (c) amend or revoke any standard of performance issued under paragraph (a) or adopted under paragraph (b), with respect to all or any of the matters mentioned in subsection (2) or (3), as the case may be. 20

(2) The matters for the purposes of subsection (1) include any of the following:

- (a) standards of performance relating to the provision of regulated services and the quality of aspects of the provision of regulated services; 25
- (b) measures to deal with safety and safety incidents and accidents in providing a regulated service, and reporting to the Authority those safety incidents and accidents; 30
- (c) other standards of performance relating to the provision of regulated services.

(3) A standard of performance may, in particular, specify the duties and obligations of any licensee in relation to its business operation insofar as it relates to the provision of regulated services in Singapore.

5 (4) If any provision in any standard of performance is inconsistent with any provision of this Act or the regulations, that provision, to the extent of the inconsistency —

(a) is to have effect subject to this Act and the regulations; or

10 (b) having regard to this Act and the regulations, is not to have effect.

(5) Where a standard of performance is issued, adopted, amended or revoked by the Authority under subsection (1), the Authority must —

15 (a) give written notice of the issue, adoption, amendment or revocation (as the case may be) of the standard of performance to every licensee to whom the standard of performance applies;

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

25 (c) ensure that, so long as the standard of performance remains in force, copies of that standard of performance, and of all amendments to that standard of performance, are available for inspection (without charge) by the licensees to whom the standard of performance applies.

30 (6) No standard of performance, no amendment to an adopted standard of performance, and no revocation of any adopted standard of performance, has any force or effect as an adopted standard of performance until the notice relating thereto is given in accordance with subsection (5).

(7) A standard of performance issued or adopted under this section does not have legislative effect.

(8) Subject to subsection (9), every licensee must comply with the standards of performance applicable to the licensee.

(9) The Authority may, for such time as the Authority may specify, waive the application of any standard of performance or part of a standard of performance, issued or adopted under this section to any particular licensee.

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Direction to licensee

85D.—(1) The Authority may give a direction to a licensee for or in respect of —

(a) the efficiency, safety, security, reliability, environmental sustainability or quality of the regulated services provided by the licensee;

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(b) matters relating to public safety within the port or territorial waters of Singapore; or

(c) any matter affecting the interests of the public in connection with the regulated services provided by the licensee.

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(2) A 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, for a specified period, things specified in the direction or things that are of a description specified in the direction;

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

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

(3) A direction under this section continues in force until the earlier of the following occurs:

(a) the expiry date (if any) stated in the direction is reached;

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(b) the Authority revokes the direction.

(4) Before exercising any powers under subsection (1), the Authority must give written notice to the licensee concerned —

(a) stating that the Authority intends to give a direction to the licensee under this section and the nature of the direction; and

(b) specifying the time (being at least 7 days after the date of service of notice on the licensee) within which written representations may be made to the Authority with respect to the proposed direction.

(5) However, subsection (4) does not apply in the following circumstances:

(a) in an emergency, or where the Authority otherwise considers that it is not practicable or desirable to comply with that subsection in respect of any particular direction;

(b) if the licensee is contravening or not complying with, or has contravened or failed to comply with, any condition of the licensee's licence;

(c) if the licensee, or a key appointment holder of the licensee, is convicted of any offence involving fraud, corruption or dishonesty or criminal proceedings (whether in Singapore or elsewhere) in relation to such an offence have commenced against the licensee or the key appointment holder.

(6) The Authority may, after considering any written representation made pursuant to subsection (4)(b) (if any), decide to give or not to give the direction as the Authority considers appropriate.

(7) The Authority must serve on the licensee concerned a notice of its decision under subsection (6).

(8) Where the Authority gives written notice to the licensee under subsection (4) and the licensee fails to make written representations to the Authority on or by the date mentioned in subsection (4)(b), the Authority must, on a date that is not more than 28 days after the date on which written representations were to have been made under subsection (4)(b), give to the licensee the direction mentioned in subsection (4)(a). 5

(9) A licensee must comply with every direction given under this section to the licensee as soon as it takes effect.

(10) No civil or criminal liability is incurred by the licensee, or an officer, employee or agent of the licensee, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to a direction given under this section. 10
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Division 5 — Regulatory actions

Revocation or suspension, etc., of licence

85E.—(1) Subject to section 85G, the Authority may revoke (without compensation) the licensee's licence, with or without forfeiting the whole or part of any performance bond, guarantee or other form of security furnished by the licensee under this Act, if the Authority is satisfied that — 20

(a) a licensee is contravening or not complying with, or has contravened or failed to comply with —

- (i) any condition of the licensee's licence; 25
- (ii) any provision of this Act, the contravention of which is not an offence under this Act;
- (iii) any provision of a standard of performance applicable to the licensee; or
- (iv) any direction given to the licensee under subsection (2)(c) or (e) or (3) or section 85D; 30

(b) the licensee or a key appointment holder of the licensee is convicted of any of the following offences committed during the term of the licence:

(i) any offence under this Act;

(ii) an offence, whether in Singapore or elsewhere, involving fraud, corruption or dishonesty or the conviction for which involved a finding that the licensee or key appointment holder had acted dishonestly;

(iii) any prescribed offence;

(c) the licensee is not providing a regulated service adequately or satisfactorily;

(d) the licensee fails to provide the regulated service in a safe manner;

(e) the licence has been obtained by fraud or misrepresentation;

(f) the licensee —

(i) is, or is likely to be, declared a bankrupt;

(ii) has gone, or is likely to go, into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or

(iii) has made any assignment to, or composition with, its creditors or if a corporation, a limited liability partnership or an unregistered company is unable to pay its debts; or

(g) the public interest so requires.

(2) However, the Authority, instead of revoking a licensee's licence, may do any one or more of the following (without compensation):

(a) censure the licensee in writing;

(b) modify any condition of the licensee's licence;

- (c) direct the licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(a);
- (d) suspend or partially suspend the licence for not more than 12 months; 5
- (e) direct the furnishing by the licensee of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, for all or any of the following: 10
 - (i) to secure compliance by the licensee with any condition attached to the licence or any standard of performance applicable to the licensee;
 - (ii) to meet any financial penalty arising out of any regulatory action started or likely to start against the licensee. 15

(3) The Authority may, instead of taking any action under subsection (1) or in addition to taking any action under subsection (2), direct the licensee to pay, within a period specified in a direction, a financial penalty of such amount as the Authority thinks fit, which must not exceed the higher of the following amounts: 20

- (a) \$1 million;
- (b) 10% of the annual turnover of the licensee's business. 25

(4) Where any financial penalty is imposed on a licensee for contravening or not complying with —

- (a) any condition attached to the licence; or
- (b) any standard of performance applicable to the licensee, 30

any performance bond, guarantee or other form of security furnished by the licensee to secure compliance by the licensee with any condition attached to that licence or any standard of performance applicable to the licensee must not be forfeited by

the Authority for that contravention or non-compliance except to the extent to pay the financial penalty.

(5) In any proceedings under this section, or any appeal to the Minister under section 85I against the Authority's decision under this section, in relation to the conviction of a licensee or a key appointment holder of a licensee for a criminal offence, the Authority may accept the licensee's or the key appointment holder's conviction as final and conclusive.

(6) Despite subsection (1) and section 85G, the Authority may immediately suspend a licence if proceedings have commenced against the licensee, or a key appointment holder of the licensee, for any of the following offences:

- (a) any offence under this Act;
- (b) an offence, whether in Singapore or elsewhere, involving fraud, corruption or dishonesty or the conviction for which involved a finding that the licensee or key appointment holder had acted dishonestly;
- (c) any prescribed offence.

(7) If a licence is suspended under subsection (6), the suspension ceases upon the conclusion of the proceeding mentioned in that subsection.

(8) For the purposes of subsection (1)(f)(iii) —

- (a) a corporation is unable to pay its debts if it is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018;
- (b) a limited liability partnership is unable to pay its debts if it is deemed to be so unable under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act 2005; and
- (c) an unregistered company (other than a corporation mentioned in paragraph (a) or a limited liability partnership mentioned in paragraph (b)) is unable to pay its debts if it is deemed to be so unable under

section 246(2) of the Insolvency, Restructuring and
Dissolution Act 2018.

(9) In this section —

“annual turnover”, in relation to a licensee’s business,
means the annual gross revenue received by the licensee
from the licensee’s trade or business in Singapore in a
year that is derived from or attributable to providing the
regulated service specified in the licensee’s licence,
determined in a prescribed manner;

“unregistered company” has the meaning given by
section 245(1) of the Insolvency, Restructuring and
Dissolution Act 2018.

Regulatory action may continue despite licence expiry, etc.

85F. Despite the expiry of a licensee’s licence —

- (a) any proceedings started under section 85E against a
licensee may continue;
- (b) the Authority may exercise any power under
section 85E(2)(e)(ii) or (3) against the former
licensee; and
- (c) any performance bond, guarantee or any other form of
security furnished as a condition of the licence
mentioned in section 84E(2)(n) by the former
licensee does not need to be discharged or refunded
until the conclusion of those proceedings.

Proceedings for regulatory action

85G.—(1) Before exercising any power under section 85E(1),
(2) or (3), the Authority must give written notice to the licensee
or former licensee concerned —

- (a) stating that the Authority intends to take regulatory
action against the licensee or former licensee;
- (b) specifying the type of action in section 85E(1), (2) or
(3) that the Authority proposes to take, and each

instance of contravention or non-compliance that is the subject of the action; and

- (c) specifying the time (being at least 14 days from the date of service of notice on the licensee or former licensee) within which written representations may be made to the Authority with respect to the proposed regulatory action.

(2) The Authority may decide to take any appropriate regulatory action in section 85E(1), (2) or (3) —

- (a) after considering any written representation made under subsection (1)(c); or
- (b) after the time delimited in the written notice in subsection (1)(c) lapses, if no representation is made.

(3) Where the Authority has made any decision under subsection (2) against any licensee or former licensee, the Authority must serve on the licensee or former licensee concerned a notice of its decision.

(4) Subject to section 85I, a decision to revoke a licence under section 85E(1), or to impose a regulatory action in section 85E(2) or (3), which is specified in the notice under subsection (3), takes effect from the date on which that notice is given or on any other date specified in the notice, despite any appeal to the Minister under section 85I against the Authority's decision.

(5) Any suspension (whether partial or otherwise) or revocation of a licence under section 85E does not affect —

- (a) the enforcement by any person of any right or claim against the licensee or former licensee; or
- (b) the enforcement by the licensee or former licensee of any right or claim against any person.

(6) All financial penalties imposed under section 85E(3) and any interest payable thereon must be paid into the Consolidated Fund.

Division 6 — Appeals under Part 12

Interpretation of Division 6 of Part 12

85H. In this Division —

“appealable decision” means any of the following decisions of the Authority:

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(a) a decision under section 84B refusing the grant or renewal of a licence;

(b) a decision under section 84E imposing a condition of a licence;

(c) a modification under section 84F of a condition of a licence;

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(d) a refusal under section 84G(4) to consent to a surrender of a licence;

(e) a refusal under section 85A(3)(b) to approve the appointment of an individual as a key appointment holder of a licensee;

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(f) a direction under section 85B(1) to remove an individual as a key appointment holder of a licensee;

(g) a modification under section 85A(4) to add or vary any condition imposed under section 85A(3)(a) in relation to an individual’s appointment as a key appointment holder of a licensee;

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(h) a direction under section 85D to a licensee;

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(i) a decision under section 85E(1) to revoke a licence;

(j) a decision under section 85E(2) or (3) to take regulatory action against a licensee or former licensee;

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“appellant” means the following in relation to an appealable decision:

- (a) where the appealable decision is within paragraph (a) of the definition of “appealable decision” — an applicant for the grant or renewal of a licence;
- (b) where the appealable decision is within paragraph (j) of the definition of “appealable decision” and the appealable decision concerns a regulatory action relating to a licensee or former licensee — the licensee or former licensee, as the case may be;
- (c) where the appealable decision is within any other paragraph of the definition of “appealable decision” — a licensee.

Appeal to Minister under Part 12

85I.—(1) An appellant who is aggrieved by an appealable decision may appeal to the Minister against the decision in accordance with this section.

(2) An appeal under this section 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, or such longer period as the Minister may allow in any particular case for special reasons.

(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

(4) An appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister under this subsection, the decision appealed against must be complied with until the determination of the appeal.

Decision on appeal

85J.—(1) After considering an appeal under section 85I, the Minister may —

- (a) reject the appeal and confirm the appealable decision;
or
- (b) allow the appeal and reverse the appealable decision.

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(2) Every appellant must be notified of the Minister’s decision under subsection (1).

(3) The Minister’s decision on an appeal is final.

Division 7 — Miscellaneous

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Recovery of fees and penalties

85K.—(1) The Authority may impose interest at the prescribed rate on any outstanding amount of —

- (a) any fee payable under section 84B for the grant of a licence;
- (b) any periodic fee payable under section 84D; or
- (c) any financial penalty imposed under section 85E(3).

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(2) The following may be recovered by the Authority in any court of competent jurisdiction as if they were simple contract debts:

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- (a) any fee payable under section 84B for the grant of a licence;
- (b) any periodic fee payable under section 84D;
- (c) any financial penalty imposed under section 85E(3);
- (d) any interest mentioned in subsection (1).”.

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Deletion of section 93

17. In the MPA Act, delete section 93.

Amendment of section 118

18. In the MPA Act, in section 118 —

- (a) in subsections (1) and (2), after “vehicle”, insert “, maritime device, unmanned aircraft”; and
- (b) in subsection (1), after “vehicles”, insert “, maritime devices, unmanned aircraft”.

New section 118B

19. In the MPA Act, after section 118A, insert —

“Power to amend Fourth Schedule

118B.—(1) The Minister may, by order in the *Gazette*, amend the Fourth Schedule.

(2) The Minister may, in an order under subsection (1), make any provision of a saving or transitional nature consequent on the enactment of the order that the Minister considers necessary or expedient.

(3) Every order under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

New Fourth Schedule

20. In the MPA Act, after the Third Schedule, insert —

“FOURTH SCHEDULE

Sections 2 and 118B

REGULATED SERVICES

1. Cargo terminal services and facilities
2. Passenger terminal services and facilities
3. Pilotage service
4. Towage service
5. Water supply service

Note: In this Schedule —

“cargo terminal services and facilities” means port terminal services and the provision of facilities for the handling, storage and transportation of goods on land adjoining the foreshore of Singapore;

“passenger terminal services and facilities” means port terminal services and the provision of facilities for the handling of passengers (including their baggage) and human remains carried by vessels;

“pilotage service” means the pilotage of vessels;

“towage service” means the provision of towage for vessels;

“water supply service” means the supply of water to vessels.”.

Saving and transitional provisions for Part 2

21.—(1) Subsections (2) to (7) apply to each public licence under Part 12 of the MPA Act (called in this section an existing licence) that —

- (a) was granted or renewed before the commencement date;
- (b) remains in force immediately before that date; and
- (c) authorises the licensee to provide a service that is specified as a regulated service in the Fourth Schedule to the MPA Act as in force on that date.

(2) Part 12 of the MPA Act as in force on or after the commencement date applies to each existing licence as if the existing licence were a licence granted or renewed under section 84B of the MPA Act to provide the regulated service that corresponds to the service authorised by the existing licence for the period the existing licence had been granted or renewed.

(3) The conditions of an existing licence continue to apply on or after the commencement date as if they were conditions imposed under section 84E of the MPA Act, so far as the conditions are not inconsistent with that section.

(4) If —

- (a) a direction is given to the holder of an existing licence pursuant to the condition mentioned in section 81(4)(d) of

the MPA Act (as in force immediately before the commencement date); and

(b) the direction is in force immediately before the commencement date,

5 that direction continues to apply on or after the commencement date as if it were a direction given under section 85D(1) of the MPA Act, so far as the direction is not inconsistent with that section.

(5) If —

10 (a) a direction is given to the holder of an existing licence for or with respect to standards of performance and procedures under section 85(1) of the MPA Act (as in force before the commencement date); and

(b) the direction is in force immediately before the commencement date,

15 those standards of performance and procedures continue to apply on or after the commencement date as if they were standards of performance issued or adopted under section 85C(1) of the MPA Act, so far as the standards of performance are not inconsistent with that section.

20 (6) If —

(a) before the commencement date, an application is made to the Authority under section 81 of the MPA Act (as in force before the commencement date) for or to renew a licence to provide any marine service or facility or any port service or facility; and

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(b) immediately before the commencement date, the application is pending before the Authority,

then on or after the commencement date, the application is treated as an application under section 84 of the MPA Act as in force on the

30 commencement date.

(7) If —

- (a) before the commencement date, an appeal is made to the Minister under section 81(10) or 84(2) of the MPA Act (as in force before the commencement date); and
- (b) immediately before the commencement date, the appeal is pending before the Minister,

5

then on or after the commencement date, the appeal is treated as an appeal made under section 85I of the MPA Act as in force on the commencement date.

(8) The amount of the fees payable in respect of a licence under Part 12 of the MPA Act on or after the commencement date may be determined (as the case may be) under section 27(4) of the MPA Act or, despite section 16, as if section 81(4)(c) of the MPA Act as in force immediately before the commencement date applies to such a licence.

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(9) In this section, “commencement date” means the date of commencement of section 16.

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PART 3

AMENDMENTS RELATING TO PORT EXPANSION AND DEVELOPMENT

Amendment of section 7

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22. In the MPA Act, in section 7(1), after paragraph (*m*), insert —

“(ma) to expand and develop the port and its facilities, and undertake all works (including the reclamation of any land) in relation to such expansion and development;”.

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New Part 12AA

23. In the MPA Act, before Part 12A, insert —

“PART 12AA

POWERS FOR PORT DEVELOPMENT

Division 1 — Installation and use of facilities by licensee

Direction to allow licensee to install and use facilities

85L.—(1) Subject to subsection (2), the Authority may give a direction to a person (*P*) described in the first column of the following table to allow a licensee granted a licence under Part 12 (*L*) to carry out any activity listed opposite the description of *P* in relation to any regulated service that *L* is licensed to provide:

<i>First column</i>	<i>Second column</i>
<i>Person to whom direction may be given (P)</i>	<i>The direction which may be given</i>
1. <i>P</i> owns or occupies any premises in which any related marine facility is located	(a) To allow <i>L</i> to install and use any equipment, apparatus, appliance, installation or facility in the premises; (b) To allow <i>L</i> to use any equipment, apparatus, appliance, installation or facility in the premises; (c) To allow <i>L</i> to use any gas, electricity, water, telecommunication, sewerage or drainage services supplied to <i>P</i>
2. <i>P</i> owns or provides any related marine facility	(a) To allow <i>L</i> to use that related marine facility
3. <i>P</i> owns any computer system (including any computer server or network equipment) or telecommunication system that is located in any premises mentioned in item 1	(a) To allow <i>L</i> to use that computer system or telecommunication system

(2) The Authority may make a direction under subsection (1) only if it considers that the direction is necessary —

(a) in the public interest; or

- (b) to ensure the provision of regulated services in a safe, reliable, efficient, environmentally sustainable or economical manner in Singapore.

(3) To be clear, the Authority may —

- (a) issue directions under subsection (1) to more than one *P* at any one time, in relation to the same *L*; and
- (b) issue directions to *P* whether or not *P* is a licensee.

(4) Where a direction under subsection (1) requiring *P* to allow *L* to carry out any activity specified in the direction has been served on *P* and *L* —

- (a) *P* must comply with the direction and allow *L* to enter the premises or facility (as the case may be) to which the direction relates to carry out the activity;
- (b) *P* must not do, or cause or allow to be done, anything that may prevent *L* from carrying out the activity; and
- (c) *P* and *L* must (within the agreement period for the direction) enter into an agreement —
 - (i) granting *L* a wayleave or easement to carry out the activity and maintenance works on any equipment, apparatus, appliance, installation or facility installed by *L* (if relevant); and
 - (ii) for reasonable compensation to *P* for any loss suffered as a result of the installation or use by *L*.

(5) The Authority may, upon the request of *P* or *L*, grant one or more extensions of the agreement period.

(6) Despite subsection (4), *P* need not comply with the direction under subsection (1) if *P* appeals under section 85Y against the direction, for so long as the appeal is pending.

(7) Subject to subsection (6), a person who contravenes a requirement in subsection (4) shall be guilty of an offence and shall be liable on conviction —

(a) if the person is an individual — to a fine not exceeding \$10,000 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 \$250 for every day or part of a day during which the offence continues after conviction; and

(b) if the person is not an individual — to a fine not exceeding \$500,000 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.

(8) In this section —

“agreement period”, in relation to a direction under subsection (1), means the period for compliance with subsection (4)(c) specified in the direction or the extended period granted under subsection (5), if any;

“broadcasting service” means a service whereby signs or signals transmitted (whether or not encrypted) comprise —

(a) any programme capable of being received, or received and displayed, as visual images, whether moving or still;

(b) any sound programme for reception; or

(c) any programme, being a combination of both visual image (whether moving or still) and sound for reception, or reception and display,

by persons having equipment appropriate for receiving or receiving and displaying (as the case may be) that service, irrespective of the means of delivery of that service;

“computer system” means an arrangement of interconnected computers that is designed to perform one or more specific functions, and includes —

(a) a virtual computer system;

- (b) an information technology system; and
- (c) an operational technology system such as an industrial control system, a programmable logic controller, a supervisory control and data acquisition system, or a distributed control system;

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“related marine facility” means —

- (a) a marine facility that is used in connection with the conduct of any regulated service; or
- (b) a marine facility the provision of which is a regulated service;

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“telecommunication system” means any system used or intended to be used for telecommunications, including (to be clear) any such system capable of being used for the operation of any broadcasting service;

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“telecommunications” means a transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to re-arrangement, computation or other processes by any means in the course of their transmission, emission or reception.

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Cessation of agreement under section 85L

85M.—(1) An agreement under section 85L ceases to be binding on *P* and *L* upon —

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- (a) the determination of the agreement upon the expiry of the period specified in the agreement;
- (b) the termination of the agreement pursuant to a term contained in the agreement, or any written law or rule of law; or
- (c) despite anything in the agreement, *P* ceasing, after the agreement is entered into, to —

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(i) own or occupy the premises covered by the agreement; or

(ii) own the equipment, apparatus, appliance, installation or facility that is covered by the agreement.

(2) Upon the agreement ceasing to be binding on *P* and *L*, a notice to remove *L*'s equipment, apparatus, appliance, installation or facility, covered by the agreement, may be given to *L* —

(a) where subsection (1)(a), (b) or (c)(ii) applies — by *P*; or

(b) where subsection (1)(c)(i) applies — by the person who is the owner or occupier of the premises following the change in the ownership or occupation.

(3) The notice must give *L* at least the period prescribed by regulations to effect the removal.

(4) *L* may, during the period given in the notice to remove, apply to the Authority —

(a) where *L* is of the view that the period given to it (including where the period is the prescribed period mentioned in subsection (3)) is insufficient for it to effect the removal — for an extension of the period; or

(b) for another direction under section 85L.

(5) Where *L* has made an application under subsection (4), *L* need not comply with the notice to remove pending the Authority's decision on the application.

(6) Where the Authority refuses to grant the application under subsection (4), then, unless the person withdraws the notice, *L* must comply with the notice to remove before the end of the latest of the following periods:

(a) the period in the notice to remove;

(b) for an application under subsection (4)(b), the period prescribed by regulations after the date of the Authority's refusal to grant the direction requested;

(c) the period specified (if any) in the notice of the Authority's refusal.

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(7) Despite subsection (6), *L* need not comply with the notice to remove if *L* appeals under section 85Y against a decision of the Authority mentioned in that subsection, for so long as the appeal is pending.

(8) Where the decision on appeal confirms the decision of the Authority, *L* must comply with the notice to remove before the end of the later of the following periods:

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(a) for an application under subsection (4)(b), the period prescribed by regulations after the date of the decision on appeal;

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(b) the period specified (if any) in the decision on appeal.

(9) Where, pursuant to section 85L, *L* has at any premises installed any equipment, apparatus, appliance, installation or facility, each of these —

(a) continues to remain the property of *L* and is deemed not to be a fixture, and does not vest in the owner of the premises; and

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(b) is not to be subject to distress or be liable to be taken under or pursuant to an enforcement order of any court or any proceedings in bankruptcy against the person in whose possession it is.

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*Division 2 — Installation of essential port infrastructure
by Authority on licensee's premises*

Interpretation of Division 2 of Part 12AA

85N. In this Division —

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“essential port infrastructure” means any infrastructure, installation, facility, pipe, cable, plumbing station,

charging station, fitting, apparatus or appliance (and to be clear, includes any infrastructure for the generation or storage of energy) that is requisite or expedient for any of the following purposes:

- (a) for the operations of a port;
- (b) for the provision of adequate and satisfactory marine services in a port;
- (c) for, or to support, the provision of sea transport;

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

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

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

- (a) is the subject of a separate certificate of title registered under the Land Titles Act 1993; or
- (b) is a lot in a lawful division of land and capable of being separately held by any owner,

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.

Circumstances for exercise of section 85P powers

85O. The Authority may exercise the power in section 85P in respect of any premises only if the premises —

- (a) are owned or occupied by a licensee who is granted a licence under Part 12; and

- (b) are required by the Authority for the construction, installation, alteration or replacement of any essential port infrastructure.

Power to enter licensee's premises to install, etc., essential port infrastructure

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85P.—(1) The Authority may, for the purposes of carrying out the Authority's functions and duties by its employees, agents or contractors, enter any premises at all reasonable hours in the day or night, or at any other time that may be agreed with the owner or occupier of the premises, for all or any of the following purposes:

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- (a) to lay, construct or install under, over, in, on or through the premises, any essential port infrastructure;
- (b) to inspect, maintain, adjust, repair or alter any essential port infrastructure mentioned in paragraph (a);
- (c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b).

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(2) Except as provided under this Part, the Authority is not liable to pay any person any fee, charge or expense on account of any entry to any premises or of anything done to the premises under this section.

(3) However, the Authority must not enter any premises for the purposes specified in subsection (1) unless the Authority has given at least 14 days' written notice of its intention to enter to every owner or occupier of the premises.

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

- (a) state the estimated period (if any) during which the Authority intends to temporarily occupy or take possession of the premises;
- (b) give a brief description of the works (if any) which are to be carried out in or on the premises;

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

(d) state that the owner or occupier of the premises may serve on the Authority a claim of compensation for the items of loss, damage or cost set out in the first column of the Fifth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.

(5) The Authority may serve a written notice on the owner or supplier of any gas, electricity, water or telecommunication services —

(a) to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to that owner or supplier or is maintained by that owner or supplier if, in the opinion of the Authority, such alteration is required for any of the purposes specified in subsection (1); and

(b) to repair any premises thereby disturbed,

and where any approval of a statutory authority is required for that alteration, to do so in accordance with that approval.

(6) The Authority may give written notice to the owner or occupier of any premises requiring the owner or occupier to remove any object or structure described in the notice which is erected on or attached to, or projects from, the premises if, in the opinion of the Authority, the removal of the object or structure is required for any of the purposes specified in subsection (1).

(7) Any costs and expenses reasonably incurred by the owner, supplier or occupier in complying with any notice under subsection (5) or (6) must be borne by the Authority if the claim for the costs and expenses is made to the Authority within one year from the date that the notice is complied with.

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

(9) A person authorised under this section to enter upon any premises must, if so required by the owner or occupier, produce evidence of the person's authority before entering the premises.

(10) A person who refuses to give access to, or obstructs, hinders or delays, an agent, employee or contractor of the Authority, at any time in the exercise of his or her authority under this section, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Compensation for owner or occupier of premises

85Q.—(1) Subject to sections 85R and 85S, every owner or occupier of premises of which temporary possession is taken under section 85P is entitled to claim compensation for the items of loss, damage or cost set out in the first column of the Fifth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier, as the case may be.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Fifth Schedule is to be assessed by the Authority —

(a) on the basis of the matters specified opposite in the second column of that Schedule; and

(b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account is to be taken of the following in the assessment of any claim for compensation by any owner or occupier of premises of which temporary possession is taken under section 85P:

(a) the financial loss resulting from the interruption of or interference with any trade or business carried on at the premises;

(b) any increase or decrease in the value of the premises to which the compensation relates which is

attributable to the purpose for which the premises are occupied and used;

(c) any building, object or structure within those premises which was erected and maintained in contravention of any written law in force on the date of the written notice under section 85P(3) relating to those premises;

(d) any building or part of a building within those premises which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act 1989 within the meaning of that Act.

(4) On receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 85P, the Authority must inquire into that claim and must, within a reasonable time, pay to the owner or occupier (as the case may be) compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

(5) To be clear, nothing in this section prevents the Authority from restoring premises of which temporary possession is taken under section 85P to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Fifth Schedule.

Time for, and manner of, claiming for compensation

85R.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Fifth Schedule is not served on the Authority before the expiry of the relevant period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Fifth Schedule must be served on the Authority is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the written notice under section 85P(3) — 2 years starting from the date of that notice; 5
- (b) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 85P(1) — 6 years starting from the date those premises are returned; 10
- (c) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;
- (d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable. 15

(4) The Authority may extend the period specified in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Authority, either before or after the expiry of that period, and the Authority considers — 20

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or 25
- (b) that the Authority is not materially prejudiced by the delay.

(5) An extension may be granted by the Authority under subsection (4) with or without conditions, and for such period as the Authority thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose. 30

Disqualification as to certain compensation

85S. If an owner of any premises of which temporary possession is or has been taken in accordance with section 85P gives to the Authority any notice under section 85U(1) in relation to those premises within the claim period referred to in section 85V(2)(d), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the written notice under section 85P(3) and no other item in the Fifth Schedule.

Bar to other proceedings

85T. Except as provided in this Part, no action, claim or other proceeding shall lie against the Authority or any employee, agent or contractor of the Authority —

(a) to restrain the doing of anything which is authorised by or under section 85P, or to compel the doing of anything which may be omitted to be done under that section; or

(b) to recover damages, compensation or costs for —

(i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;

(ii) personal disturbance or inconvenience;

(iii) extinguishment, modification or restriction of rights; or

(iv) effecting or complying with any requirement or condition imposed by the Authority or its employee, agent or contractor,

which is authorised by or under section 85P, or arises from any act or omission so authorised.

Owners who suffer substantial impairment in rights in premises may require premises to be acquired by Government

85U.—(1) The owner of any premises of which temporary possession is or has been taken in accordance with section 85P may, by written notice given to the Authority, request the Government to acquire under the Land Acquisition Act 1966 —

(a) the premises; and

(b) any other premises of the owner related to the premises in paragraph (a),

if the owner considers that the owner suffers substantial impairment of the owner's rights in the premises in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the premises 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 Authority.

(4) For the purposes of this section and section 85V, premises (called premises *A*) are related to other premises temporary possession of which is or has been taken in accordance with section 85P (called in this section and section 85V the temporarily occupied premises) if premises *A* are the remainder of a parcel of land part of which are the temporarily occupied premises.

Owner-initiated acquisition

85V.—(1) Upon the Authority receiving a written notice under section 85U(1) in relation to any temporarily occupied premises, and any other premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act 1966 to acquire those premises as if those premises 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 1966 apply (so far as relevant) to any premises that are the subject of a notice under section 85U 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 1966 must be read as a reference to the premises that are the subject of a notice under section 85U;

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 1966 must be read as a reference to any temporarily occupied premises mentioned in section 85U(4);

15 (c) any reference in those sections to an owner of land must be read as a reference to an owner of premises mentioned in section 85U;

20 (d) any reference in section 49A of the Land Acquisition Act 1966 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:

25 (i) the effective date of the notice under section 85P(3) relating to the premises;

 (ii) the date of the expiry of the period of temporary possession of those premises stated in the notice under section 85P(3), or the date the premises are returned to the owner if earlier;

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

35 (3) All compensation for the acquisition under the Land Acquisition Act 1966 of any land that is the subject of a written notice under section 85U is to be paid out of the funds of the Authority.

**Compensation, damages, etc., to be determined by
Magistrate's Court or District Court**

85W.—(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under this Part to be paid, the amount and (if necessary) the apportionment of the amount and any question of liability are, in case of dispute, or failure to pay, to be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.

(2) In any proceeding under subsection (1), the Magistrate's Court or District Court may —

(a) inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings; and

(b) make any order concerning the expenses or their apportionment that appears to the Court to be just.

(3) A Magistrate's Court or District Court is not to order the expenses or any part of the expenses to be borne by any person other than the defendant in the proceedings unless the Court is satisfied that the other person has had due notice of the proceedings and an opportunity of being heard.

(4) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court or District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or District Court, as the case may be.

(5) An appeal lies to the General Division of the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to all such appeals.

*Division 3 — Order creating rights on licensee's land
in connection with essential port infrastructure*

Creation of rights in, under or over land

5 **85X.**—(1) The Authority may, by order in the *Gazette*, declare the creation of a right under this section, for the Authority, as from the date of publication of the order, to —

 (a) enter upon such essential port infrastructure land described in the order (not being State land or land belonging to the Authority); and

10 (b) exercise such permanent rights in, under or over such land or such rights of temporary occupation of the land as may be specified in the order.

15 (2) Any right mentioned in an order under subsection (1) is limited to such rights and powers as are necessary or convenient for the purposes of and incidental to constructing, maintaining, operating and improving the essential port infrastructure specified in the order.

20 (3) Subject to this section, the Authority may, by order in the *Gazette*, declare that land (called access land) within any essential port infrastructure land described in the order, is set aside for use by members of the public for the purposes of accessing or using the essential port infrastructure specified in the order, but without derogating from any right of passage conferred by common law.

25 (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 —

 (a) be made by the Authority;

30 (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

- (c) state the 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 access land is closed; and
- (b) include terms and conditions as to the use and management of the access land.

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

(8) In this section —

“essential port infrastructure” means any infrastructure, installation, facility, pipe, cable, plumbing station, charging station, fitting, apparatus or appliance laid, constructed or installed under, over, in, on or through any land, pursuant to section 85P;

“essential port infrastructure land” means any land —

- (a) that satisfies the circumstances mentioned in section 85O; and
- (b) on which any essential port infrastructure is laid, constructed or installed pursuant to section 85P.

Division 4 — Appeals in respect of section 85L or 85M decision

Request to establish Appeal Panel and decision on appeal

85Y.—(1) A person who is —

- (a) aggrieved by the Authority’s direction under section 85L(1) or refusal of an application under section 85M(6); or

(b) required to enter into an agreement with another person under section 85L(4)(c) but is unable to agree on any of the terms of the agreement with the other person,

may, within the time specified in subsection (2), notify the Minister that the person wishes to make an appeal, providing adequate details of the grounds for the appeal and requesting the Minister to establish an Appeal Panel to consider and determine the appeal.

(2) An appeal in relation to a direction or refusal of the Authority mentioned in subsection (1)(a) must be notified within 14 days after the receipt of a notification from the Authority of the direction or refusal.

(3) When requested to establish an Appeal Panel, the Minister must, unless the request is in the Minister's opinion of a frivolous, trivial or vexatious nature, establish an Appeal Panel within 30 days after the request to consider and determine the appeal in question.

(4) After considering an appeal mentioned in the first column of the following table, the Appeal Panel must decide the appeal by making the decision mentioned opposite in the second column of that table:

<i>First column</i>	<i>Second column</i>
<i>Type of appeal</i>	<i>Decision</i>
1. An appeal against the Authority's direction under section 85L(1) or refusal of application under section 85M(6)	(a) Dismiss the appeal and confirm the direction or refusal appealed against; or (b) Allow the appeal and substitute or vary the direction or refusal appealed against
2. An appeal to determine the reasonable terms for any matter relating to an agreement between <i>P</i> and <i>L</i> , in accordance with a requirement under section 85L(4)	(a) Determine the reasonable terms of the agreement; and (b) Determine the date on which <i>P</i> and <i>L</i> are treated as having entered into an agreement comprising —

	(i) the terms agreed between <i>P</i> and <i>L</i> (if any); and (ii) the reasonable terms determined by the Appeal Panel
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(5) Where the Appeal Panel determines an appeal mentioned in item 2 of the table in subsection (4), *P* and *L* are treated as having entered into an agreement with each other from the date determined by the Appeal Panel.

(6) To be clear, nothing in subsection (5) prevents *P* and *L* from varying or terminating the agreement treated as entered into under that subsection.

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(7) In this section, “*P*” and “*L*” have the meanings given by section 85L.

Composition and procedure of Appeal Panel

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85Z.—(1) An Appeal Panel established by the Minister is to consist of at least 3 persons, one of whom must be appointed by the Minister to be the chairperson of the Appeal Panel.

(2) The Minister may, in establishing an Appeal Panel, provide for —

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- (a) the terms and conditions of the membership of the Appeal Panel as the Minister considers appropriate;
- (b) the procedure to be adopted by the Appeal Panel in considering any matter referred to it; and
- (c) any other matters which the Minister considers incidental or expedient for the proper and efficient conduct of an appeal by the Appeal Panel.

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(3) The Minister is to determine the remuneration and allowances (if any) of a member of an Appeal Panel.

(4) The remuneration and allowances of a member of an Appeal Panel must be borne equally by the person concerned and the licensee, or in any other proportion between the person concerned and the licensee that the Appeal Panel may specify.

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(5) An Appeal Panel must be independent in the performance of its functions.

Powers of Appeal Panel

5 **85ZA.**—(1) An Appeal Panel must, by written notice to the person concerned and the licensee, specify the date on and the place at which the appeal is to be heard.

(2) An Appeal Panel has all the powers and duties of the Authority that are necessary to carry out the Appeal Panel's functions and duties under this Act.

10 (3) An Appeal Panel has the powers, rights and privileges vested in a District Court on the hearing of an action, including —

(a) the enforcement of the attendance of witnesses and their examination on oath or otherwise;

15 (b) the compelling of the production of documents; and

(c) the award of costs and expenses of and incidental to any proceedings before the Appeal Panel.

20 (4) A summons signed by any member of the Appeal Panel as may be authorised by the Appeal Panel is equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

25 (5) If a person being duly summoned to attend before an Appeal Panel does not so attend, that person commits an offence and 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.

30 (6) A witness before an Appeal Panel is entitled to the same immunities and privileges as if he or she were a witness before a District Court.

(7) All appeals under section 85Y are to be determined, having regard to the nature and complexity of the appeal, as soon as reasonably practicable.

(8) The Appeal Panel must —

(a) if the decision relates to an appeal mentioned in section 85Y(1)(a) — notify the person who made the appeal of its decision; or

(b) if the decision relates to an appeal mentioned in section 85Y(1)(b) — notify the person concerned and the licensee of its decision in respect of the terms of the agreement required to be determined by it, and the reasons for its decision.”.

New Fifth Schedule

24. In the MPA Act, before the Sixth Schedule (as renamed by section 6), insert —

“FIFTH SCHEDULE

Sections 85P(4), 85Q, 85R and 85S

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the written notice under section 85P(3)	(a) The financial loss naturally and reasonably resulting from the displacement of the person from the premises
	(b) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement

2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 85P	(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage (b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement (c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building (d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 85P
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use of the premises under section 85P	(a) The amount that is, or might be, fairly and reasonably incurred in repairing the damage (b) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 85P

4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 85P	(a) The cost of reinstating the object or structure or of replacing the same with a similar object or structure (b) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Authority, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure	5 10 15 ”.
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PART 4 20

AMENDMENTS RELATING TO
REMOTE PILOTAGE AND OPERATIONS

Amendment of section 2

25. In the MPA Act, in section 2 —

- (a) in the definition of “master”, after “of any vessel”, insert “(whether or not the person is on board the vessel)”; 25
- (b) in the definition of “pilot”, replace “it” with “the vessel, and includes a person who has the conduct of the vessel from a location other than the vessel”; and
- (c) after the definition of “regulations”, insert — 30
- ““remote operations centre” means any location from which one or more functions of a vessel may be remotely operated, monitored, supervised or controlled, and excludes any location on board the vessel which is being remotely operated, monitored, supervised or controlled; 35

“remote pilotage” means the conduct of a vessel from a location other than the vessel;

“remote pilotage centre” means any location from which one or more pilots provide remote pilotage and excludes any location on board the vessel which is being remotely piloted;”.

Amendment of section 41

26. In the MPA Act, in section 41(1) —

(a) after paragraph (f), insert —

“(fa) regulating, directing and controlling the operations or use of vessels within the territorial waters of Singapore, including the circumstances and the conditions under which vessels are permitted to be controlled or operated remotely or independently of human intervention, whether fully or partially;

(fb) regulating and controlling the operation of any remote operations centre;”;

(b) in paragraph (i), after “use”, insert “, operation”; and

(c) in paragraph (m), replace “manning” with “operating or manning”.

Amendment of section 73

27. In the MPA Act, in section 73 —

(a) in subsection (1)(d), insert “or” at the end;

(b) in subsection (1)(e), replace “; or” at the end with a comma;

(c) in subsection (1), delete paragraph (f); and

(d) after subsection (1), insert —

“(1A) An authorised pilot must not —

(a) where the authorised pilot is engaged to provide pilotage on board a vessel — quit the vessel without the master’s consent before completing the pilotage service for which the pilot was engaged; or

5

(b) where the authorised pilot is engaged to provide remote pilotage for a vessel — fail to commence or complete the pilotage service of the vessel after establishing remote communications with the master of the vessel for the provision of that service.

10

(1B) An authorised pilot who contravenes subsection (1A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.”.

15

Amendment of section 76

28. In the MPA Act, in section 76, replace subsection (1) with —

“(1) The Authority may, with the approval of the Minister, make regulations —

20

(a) to regulate pilotage in any pilotage district and the operation of any remote pilotage centre used in relation to remote pilotage;

(b) for the maintenance of good conduct and discipline of authorised pilots; and

25

(c) to prescribe the duties of authorised pilots in relation to piloting any vessel and for related matters.”.

PART 5

AMENDMENTS RELATING TO
POWERS, OFFENCES, SERVICE AND OTHER MATTERS**Amendment of section 2**

5 **29.** In the MPA Act, in section 2 —

 (a) renumber the section as subsection (1) of that section; and

 (b) after subsection (1), insert —

 “(2) To be clear, a reference in this Act to a vessel
 (or any type of vessel) includes a reference to a vessel
10 (or that type of vessel) that is designed to be or
 capable of being —

 (a) operated independently of human
 intervention (whether fully or partially);

 (b) operated, monitored, supervised or
15 controlled remotely from a location other
 than the vessel; or

 (c) operated, monitored, supervised or
 controlled (as the case may be) through a
 combination of the manner of operation
20 mentioned in paragraphs (a) and (b).”.

Amendment of section 7

30. In the MPA Act, in section 7(2), after paragraph (c), insert —

 “(ca) the safety and security of the port, the users of the port
 and the vessels and facilities in the port (including
25 individuals and property within those vessels and
 facilities);”.

Amendment of section 44

31. In the MPA Act, in section 44(2)(b), replace “provide within
 such time and by such means to” with “provide to the Port Master
30 within the time and by the means specified by”.

Amendment of section 46

32. In the MPA Act, in section 46 —

(a) in subsection (2)(a), replace “provide to the Port Master within such time and by such means as the Port Master may determine” with “provide to the Port Master within the time and by the means specified by the Port Master”;

5

(b) in subsection (2)(b), after “inspection”, insert “, within the time and by the means specified by the Port Master,”;

(c) after subsection (3), insert —

“(3A) The Port Master may grant port clearance to a vessel before subsection (2)(a) has been complied with.

10

(3B) Where a vessel has left the port with port clearance, any owner, agent or master of the vessel who fails to comply with any requirement under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.”; and

15

(d) delete subsection (5).

Amendment of section 57

20

33. In the MPA Act, in section 57 —

(a) in the section heading, replace “**obstruction**” with “**object**”;

(b) replace subsection (1) with —

“(1) The Authority may, by written notice, require the owner or agent of a vessel, aircraft or other object (each called *X*) to raise, remove or destroy the whole or any part of *X* within the time specified in the notice if one or more of the following circumstances applies in relation to *X*:

25

30

(a) *X* is sunk or stranded in the territorial waters of Singapore, and it appears to the Authority that *X* —

(i) is, or is likely to become, an obstruction, impediment or danger to navigation or to the safe and convenient use or operation of the port; or

(ii) poses, or is likely to pose, harmful consequences to the marine environment or damage to the coastline;

(b) *X* is in the territorial waters of Singapore and is, or appears to the Authority to be, abandoned.”;

(c) in subsection (2)(a), replace “telex or registered post” with “post”;

(d) in subsection (2)(a), delete “or” at the end;

(e) in subsection (2), after paragraph (a), insert —

“(aa) sent by post to the business or registered office of the duly authorised agent of the owner of the vessel, aircraft or object;

(ab) published at least once in an English local daily newspaper; or”; and

(f) after subsection (2), insert —

“(2A) To be clear, section 105 does not limit subsection (2).”.

Amendment of section 58

34. In the MPA Act, in section 58 —

(a) in the section heading, replace “**obstruction**” with “**object**”;

(b) in subsection (1), replace “, if the vessel, aircraft or other object is not raised, removed or destroyed within the time given in the notice under that section” with “but subject to subsection (1A)”;

(c) after subsection (1), insert —

5

“(1A) The Authority may exercise the power in subsection (1) in any of the following circumstances:

(a) a vessel, aircraft or other object that is specified in a notice served under section 57, is not raised, removed or destroyed within the time given to do so in that notice;

10

(b) there is an imminent risk to safe navigation of any vessel or to the marine environment or of damage to the coastline;

15

(c) the owner of the vessel, aircraft or other object is not known to the Authority after reasonable effort is made by the Authority to identify the owner.”.

New sections 97A, 97B and 97C

20

35. In the MPA Act, after section 97, insert —

“False information

97A. A person —

(a) who intentionally alters, suppresses or destroys any information or any document or material which the person has been required to provide to the Authority or any duly authorised officer of the Authority under or for the purposes of this Act;

25

(b) who, in providing any information or any document or material required to be provided to the Authority or any duly authorised officer of the Authority under or for the purposes of this Act or in connection with any function or power of the Authority under this Act,

30

provides any information or document or material that the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular; or

- 5 (c) who, in relation to any application under or for the purposes of this Act, makes a statement that the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

10 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 12 months or to both.

Purpose for which powers are exercisable

15 **97B.** An authorised officer of the Authority may exercise the powers set out in section 97C for all or any of the following purposes:

- (a) to detect and investigate offences under this Act;
- (b) to determine whether there are grounds for taking any regulatory action under Part 12;
- 20 (c) to determine whether any information given to the Authority or any duly authorised officer of the Authority under any provision of this Act is correct.

Powers of entry, etc., at premises and vessels

25 **97C.—(1)** An authorised officer of the Authority may, without warrant, enter at any reasonable time and remain at —

- (a) any premises or vessel that a licensee or former licensee has an office or keeps records that relate to any regulated service undertaken by the licensee or former licensee;
- 30 (b) any premises or vessel that the authorised officer believes on reasonable grounds is used for the carrying on of a business or a trade (but not as a residence) of a regulated service; or

- (c) any premises or vessel that the authorised officer believes on reasonable grounds that an offence under the Act is being or has been committed,

provided that where the premises is a residence, entry is made only if the occupier of the premises has consented to the entry or after giving 6 hours' prior notice of that intended entry.

5

(2) Upon entering any premises or vessel under subsection (1), an authorised officer may do all or any of the following:

- (a) examine any thing or observe any activity conducted in or on the premises or vessel;

10

- (b) inspect the premises or vessel and any document or article or other thing in or on the premises or vessel;

- (c) make a still or moving image or recording of the premises or vessel and any document or article or other thing in or on the premises or vessel;

15

- (d) inspect any document or article found in or on the premises or vessel and take extracts from, or make copies of, any such document or article;

- (e) seize any document or article found in or on the premises or vessel if, in the opinion of the authorised officer —

20

- (i) the inspection or copying of or extraction from the document or article cannot reasonably be performed without taking possession;

- (ii) the document or article may be interfered with or destroyed unless possession is taken; or

25

- (iii) the document or article may be required as evidence in any criminal proceedings or regulatory action instituted or commenced under this Act;

30

- (f) operate electronic equipment in or on the premises or vessel;

- (g) take into or onto the premises or vessel any equipment and materials as the authorised officer requires for the purpose of exercising powers under this section in relation to those premises.

5 (3) For the purposes of subsection (2), if any information in a document or article required by an authorised officer is kept in electronic form —

- (a) the power of an authorised officer to inspect the document or article includes the power —

10 (i) to access any computer or other equipment (including a mobile telephone) in which the information is stored; and

15 (ii) to require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

- (b) the power of an authorised officer to seize such document includes the power —

20 (i) to make copies of the document in legible or electronic form; and

(ii) to transfer the information from the document to a disk, tape or other storage device.

25 (4) If an authorised officer under subsection (3)(b) is unable to make copies of the document or transfer the information from the document, any authorised officer may —

- (a) seize the computer or other equipment (including a mobile telephone) in which the document or information is stored, as evidence in proceedings for an offence under any provision of this Act; and

30 (b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or information held in the computer or equipment.

(5) The power under subsection (2)(f) to operate electronic equipment in or on any premises or vessel includes the power —

(a) to use a disk, tape or other storage device that is in or on the premises or vessel and can be used with the equipment or in association with the equipment; 5

(b) to operate electronic equipment in or on the premises or vessel to put the relevant data in documentary form and remove the documents so produced from the premises or vessel, as the case may be; and

(c) to operate electronic equipment in or on the premises or vessel to transfer the relevant data to a disk, tape or other storage device that — 10

(i) is brought into or onto the premises or vessel for the exercise of the power; or

(ii) is in or on the premises or vessel and the use of which for that purpose has been agreed in writing by the occupier of the premises or the owner of the vessel, 15

and to remove the disk, tape or other storage device from those premises or vessel, as the case may be.”. 20

Renumbering and amendment of section 97A

36.—(1) In the MPA Act, renumber section 97A as section 97D.

(2) In the MPA Act, in section 97D (as renumbered by subsection (1)) —

(a) in subsection (1)(d), replace the full-stop at the end with a semi-colon; 25

(b) in subsection (1), after paragraph (d), insert —

“(e) require any person whom he or she reasonably believes to have committed an offence under any such written law to provide evidence of the person’s identity; 30

(f) require any person to provide to any duly authorised officer of the Authority any article or other thing in the possession of that person in connection with the matter;

(g) without payment, inspect, keep or take a sample of the article or other thing mentioned in paragraph (f);

(h) without payment, make a still or moving image or recording of the article or other thing mentioned in paragraph (f).”;

(c) in subsection (5)(a), delete “or” at the end;

(d) in subsection (5)(b), replace the comma at the end with “; or”; and

(e) in subsection (5), after paragraph (b), insert —

“(c) without reasonable excuse, fails to do anything required of the person under subsection (1),”.

Replacement of section 105

37. In the MPA Act, replace section 105 with —

“Service of documents

105.—(1) Unless otherwise expressly provided in this Act, a document that is permitted or required by or under this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by or under 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 generally, or specifically for the document, or (if no address is so specified) the individual’s residential address or business address;

- (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;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address; 5
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or 10
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by or under this Act to be served on a partnership (other than a limited liability partnership) may be served — 15

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

(4) A document permitted or required by or under this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served — 25

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the manager of the limited liability partnership; 30
- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;

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

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

(5) In addition, a document permitted or required by or under this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

(a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or

(b) by any other method authorised by the regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

(6) Service of a document takes effect —

(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 prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered); or

(c) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent.

(7) However, service of any document under this Act on a person by email or by an electronic notice using the person's chosen means of notification may be effected only with the person's prior written consent to service in that way.

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

(9) Any document to be served on the Minister, the Authority, the Port Master or the Director of Marine under this Act must be served in the manner required by the Minister, the Authority, the Port Master or the Director of Marine, as the case may be.

(10) In this section —

“authorised representative”, in relation to a partnership (other than a limited liability partnership), means any person authorised to accept service of documents on behalf of the partnership;

“business address” means —

(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;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by or under this Act, means an electronic means the addressee agrees with the person serving the document as the means by which the addressee may access that document's contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by or under this Act, means an electronic means that the addressee nominates to the person serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

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

“last email address” means 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;

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

New section 111A

38. In the MPA Act, after section 111, insert —

“Appeals may be heard by certain persons designated by Minister

111A.—(1) The Minister may designate any Minister of State, Senior Minister of State, Parliamentary Secretary or Senior Parliamentary Secretary for his or her Ministry, to hear and determine, in the Minister’s place, any relevant appeals or a specific relevant appeal.

(2) A reference to the Minister in any provision relating to a relevant appeal includes a reference to a person designated under subsection (1).

(3) For the purposes of this section, “relevant appeal” means an appeal under any of the following provisions:

(a) Section 49(2);

(b) Section 70(3);

(c) Section 85I;

(d) Section 86HD;

(e) Section 89Y.”.

PART 6

MISCELLANEOUS PROVISIONS

Consequential amendments to MPA Act**39. In the MPA Act —**

- (a) in section 2(1), in the definition of “appointed officer”,
replace “section 89A(1)” with “section 89H(1)”; 5
 - (b) in section 2(1), after the definition of “premises”, insert —
 - ““Public Utilities Board” means the Public Utilities
Board continued under section 3 of the Public
Utilities Act 2001;”;
10
 - (c) in section 2(1), before the definition of “seaman”, insert —
 - ““reservoir” means a body of water maintained as a
reservoir by the Public Utilities Board in the
following areas as defined in regulations made
under section 72 of the Public Utilities Act 2001:
 - (a) a Catchment Area Park;
 - (b) the Central Water Catchment Area;”;
15
 - (d) in section 2(1), after the definition of “vessel”, insert —
 - ““waterway” has the meaning given by section 2 of
the Public Utilities Act 2001;”;
20
 - (e) in the following provisions, replace “public licensee” with
“licensee under Part 12”:
- Section 7(1)(f)
 - Section 9(1)(b), (6)(a) and (8)
 - Section 90;
- 25
- (f) in sections 7(1)(h) and 9(6)(b), replace “public licensees”
with “licensees under Part 12”;
 - (g) in section 27(1A)(a), replace “Fourth Schedule” with
“Sixth Schedule”;
 - (h) in section 86A(1), in the definition of “essential transport
service”, replace paragraphs (a) and (b) with — 30

“(a) any regulated service; or”;

(i) delete section 86HE;

(j) in section 90, replace “public licence” with “licence under Part 12”;

5 (k) in section 97D (as renumbered by section 36(1)), in subsection (6), replace “section 89C” with “section 89J”;

(l) in sections 102(2) and 111(2)(b), replace “section 89C” with “section 89J”;

(m) in section 111, delete subsection (1);

10 (n) in section 118A, in the section heading, replace “**Fourth Schedules**” with “**Sixth Schedules**”;

(o) in section 118A, replace “Fourth Schedule” with “Sixth Schedule”;

15 (p) in the Second Schedule, in paragraph 2, replace “marine and port services and facilities” with “marine services and users of marine facilities”; and

(q) in the Second Schedule, in paragraph 4, replace “port services and facilities” with “marine services and marine facilities”.

20 **Consequential amendment to Copyright Act 2021**

40. In the Copyright Act 2021, in section 364(1)(b), replace “port services or facilities” with “any regulated service involving port operations”.

25 **Consequential amendment to Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992**

41. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, in section 59(1), replace the definition of “eligible place” with —

““eligible place” means any of the following:

30 (a) any islet, landing place, wharf, dock, railway or quay;

(b) any premises of a provider of any regulated service involving port operations licensed or exempted under the Maritime and Port Authority of Singapore Act 1996;

(c) any premises of a provider of any airport operated under a licence or exemption under the Civil Aviation Authority of Singapore Act 2009;”.

5

Consequential amendment to Criminal Law (Temporary Provisions) Act 1955

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42. In the Criminal Law (Temporary Provisions) Act 1955, in the First Schedule, replace item 13 with —

“13. Port, dock and harbour services and undertakings, including the following:

(a) services relating to the tracking and safe navigation of vessels in the territorial waters of Singapore;

15

(b) regulated services (within the meaning given by section 2(1) of the Maritime and Port Authority of Singapore Act 1996) involving port operations;

(c) services for the provision of pilotage;

20

(d) services for the provision of towage;

(e) the supply of water in any port.”.

Consequential amendment to Energy Conservation Act 2012

43. In the Energy Conservation Act 2012, in section 2, replace the definition of “port service operator” with —

25

““port service operator” means a person providing any regulated service (within the meaning given by section 2(1) of the Maritime and Port Authority of Singapore Act 1996) under a licence or an exemption granted under that Act;”.

30

Consequential amendment to Films Act 1981

44. In the Films Act 1981, in section 12(1)(a), replace “port services or facilities” with “any regulated service involving port operations”.

5 Consequential amendment to Geographical Indications Act 2014

45. In the Geographical Indications Act 2014, in section 72(1)(b), replace “port services or facilities” with “any regulated service involving port operations”.

10 Consequential amendment to Registered Designs Act 2000

46. In the Registered Designs Act 2000, in section 68V(1)(b), replace “port services or facilities” with “any regulated service involving port operations”.

15 Related and consequential amendment to Regulation of Imports and Exports Act 1995

47. In the Regulation of Imports and Exports Act 1995, in section 25, replace subsection (1) with —

“(1) For the purpose of exercising the powers conferred by sections 17 to 22, an authorised officer or a senior authorised officer (as the case may be) may, without warrant, enter upon —

- (a) any islet, landing place, wharf, dock, railway or quay;
- (b) any premises of a provider of any regulated service involving port operations licensed or exempted under the Maritime and Port Authority of Singapore Act 1996; or
- (c) any premises of any airport operated under a licence or exemption under the Civil Aviation Authority of Singapore Act 2009.”.

Consequential amendments to Singapore Tourism Board Act 1963

48. In the Singapore Tourism Board Act 1963 —

- (a) in section 29B(4)(c)(i)(B), replace “public licence issued to the applicant under” with “licence granted to the applicant under Part 12 of”; 5
- (b) in section 29B(4)(c)(i)(C), replace “a public licensee under” with “the holder of a licence granted under Part 12 of”;
- (c) in section 29E(2)(b), replace “public licence under” with “licence granted under Part 12 of”; 10
- (d) in section 29G(1)(a)(ii), replace “public licence granted to it under” with “licence granted to the cruise terminal licensee under Part 12 of”;
- (e) in section 29G(1)(a)(iii), replace “a public licensee” with “the holder of a licence granted under Part 12 of that Act”; 15
and
- (f) in section 29G(1)(h), replace “public licence granted under” with “licence granted under Part 12 of”.

Consequential amendment to Trade Marks Act 1998 20

49. In the Trade Marks Act 1998, in section 98(1)(b), replace “port services or facilities” with “any regulated service involving port operations”.

Consequential amendment to Transport Sector (Miscellaneous Amendments) Act 2025 25

50. In the Transport Sector (Miscellaneous Amendments) Act 2025, in section 6, delete paragraphs (a), (b), (c), (d) and (h).

Saving and transitional provision

51. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any additional provisions of a saving or transitional nature consequent on 30

the enactment of that provision that the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Maritime and Port Authority of Singapore Act 1996 (the MPA Act) and makes consequential and related amendments to certain other Acts. The amendments are organised into 6 Parts.

Part 1 (Amendments relating to Cybersecurity) comprises clauses 2 to 7. It establishes a cybersecurity regulatory framework for the maritime sector in Singapore. This regulatory framework complements the existing national regulatory framework for cybersecurity under the Cybersecurity Act 2018.

Part 2 (Amendments relating to Regulation of Marine Services and Maritime Devices) comprises clauses 8 to 21. It replaces the existing licensing framework for the provision of marine services and facilities and port services and facilities under Part 12 of the MPA Act with an updated and comprehensive regime. This Part also extends the power to regulate vessels used within the limits of the port and the approaches to the port to also cover maritime devices.

Part 3 (Amendments relating to Port Expansion and Development) comprises clauses 22, 23 and 24. It introduces a new framework to facilitate port expansion and development by (a) empowering the Authority to make directions to allow licensees to install and use certain facilities, (b) enabling the Authority to install essential port infrastructure on licensee's premises and (c) providing for the creation of rights over land for the purposes of constructing, maintaining, operating, improving, accessing and using essential port infrastructure.

Part 4 (Amendments relating to Remote Pilotage and Operations) comprises clauses 25 to 28. It amends the MPA Act to provide for the regulation of remote pilotage and remote operation of vessels, anticipating the increased use of autonomous and remotely operated vessels in the maritime sector and the need to regulate them.

Part 5 (Amendments relating to Powers, Offences, Service and Other Matters) comprises clauses 29 to 38. It amends the MPA Act to address operational matters, strengthen enforcement powers and update the provision relating to service of documents.

Part 6 (Miscellaneous Provisions) comprises clauses 39 to 51. It makes consequential amendments to the MPA Act relating to amendments contained in other Parts of the Bill and amendments to certain other Acts that are related to and consequential on the enactment of the Bill. This Part also provides for a general saving and transitional provision.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENTS RELATING TO CYBERSECURITY

Clause 2 amends section 7 of the MPA Act to make cybersecurity oversight in the maritime sector a function and duty of the Maritime and Port Authority of Singapore (the Authority).

Clause 3 amends section 41 of the MPA Act to allow port regulations to be made to require information about computers and computer systems used on or in relation to vessels arriving in and departing from the port and maritime devices within the limits of the port and the approaches to the port for the purposes of the new Part 13B. It also adds paragraphing to section 41(2) for readability.

Clause 4 inserts a new Part 13B into the MPA Act to establish a cybersecurity regulatory regime for the maritime sector in Singapore. The regulatory regime imposes duties relating to cybersecurity on the notified owner or notified operator of a designated important information infrastructure.

Division 1 of the new Part 13B (Preliminary) comprises new sections 89K to 89MB.

New section 89K defines key terms used in Part 13B, which are largely identical to the definitions in the Cybersecurity Act 2018. The new terms used in Part 13B include “connected computer system”, “designated III”, “excluded computer or computer system”, “important information infrastructure” or “III”, “maritime entity”, “notified operator”, “notified owner” and “owner-operator”.

The term “connected computer system” is defined to mean a computer or computer system that is directly or indirectly connected to a computer or computer system owned or operated by the Authority. A connected computer system may be designated as an III under the new section 89N regardless of whether it is owned or operated by a maritime entity.

The term “important information infrastructure” or “III” is defined to mean a computer or computer system that meets the criteria set out in the new section 89N(1) and (2). Those criteria require that the computer or computer system be owned or operated by a maritime entity or be a connected computer system and that the Authority is satisfied that the computer system is necessary for the continuous delivery of an essential transport service such that its loss or compromise would substantially affect or impair the availability of that service, the operation of the port or Singapore’s reputation as a provider of marine services. The computer or computer system must also not be an excluded computer or computer system.

The term “designated III” is defined to mean a computer or computer system in respect of which a designation under the new section 89N is in effect. A computer or computer system becomes a designated III on the date specified in the written notice of designation issued by the Authority, and ceases to be a designated III when the designation is withdrawn by the Authority under the new section 89P. The designation is suspended at any time while the computer or computer system is an excluded computer or computer system.

The term “excluded computer or computer system” is defined to mean a computer or computer system designated as a critical information infrastructure under section 7 or 16A of the Cybersecurity Act 2018 or as a system of temporary cybersecurity concern under that Act, or prescribed as an excluded computer or computer system.

The term “notified operator” is defined to mean an operator or owner-operator of a designated III who has been notified of the designation under the new section 89N.

The term “notified owner” is defined to mean an owner (not being an owner-operator) of a designated III who has been notified of the designation under the new section 89N.

“Owner-operator” is defined as a person who owns a computer or computer system, and also operates that computer or computer system.

The notified operator bears the duties and obligations imposed by the new Part 13B. The notified owner has certain responsibilities under the new Part 13B such as notifying the Authority about certain changes in relation to the computer or computer system.

New section 89L defines “maritime entity” as a person who provides any essential transport service in Singapore, owns a Singapore ship or any other vessel in or intending to enter Singapore’s territorial waters, or owns or operates any maritime device that is in or intending to enter Singapore’s territorial waters.

New section 89M defines what it means to “operate” a computer or computer system. A person operates a computer or computer system if the person has effective control over its operations, including the right and ability to carry out changes to it or to perform security configuration and management tasks. The provision also clarifies that the mere use of a computer or computer system does not constitute operation.

New section 89MA relates to the extraterritorial application of the new Part 13B. It provides that the new Part 13B applies to computers and computer systems whether located (or, in the case of virtual computers or virtual computer systems, hosted) in or outside Singapore, and that notices or directions may be given to individuals and entities regardless of their location or nationality. It also

provides that the offences under the new Part 13B apply whether the person commits the offence in or outside Singapore.

New section 89MB clarifies that the new Part 13B does not affect the exercise of any power under the Cybersecurity Act 2018.

Division 2 of the new Part 13B (Designation of important information infrastructure) comprises new sections 89N, 89O and 89P.

New section 89N establishes the mechanism by which the Authority may designate a computer or computer system as an “important information infrastructure” or “III” for the purposes of the new Part 13B. This provision empowers the Authority to designate a computer or computer system as an III by written notice to its owner, operator or owner-operator, if the Authority is satisfied that —

- (a) it is owned or operated by a maritime entity or is a connected computer system;
- (b) it is necessary for the continuous delivery of an essential transport service, and its loss or compromise would substantially affect or impair the availability of that service, the operation of the port, or Singapore’s reputation as a provider of marine services; and
- (c) it is not an excluded computer or computer system.

The term “essential transport service” has the meaning given by section 86A(1) of the MPA Act.

A designation remains in effect until withdrawn by the Authority under the new section 89P. If a designated III becomes an excluded computer or computer system (for example, by being designated as critical information infrastructure under the Cybersecurity Act 2018), the designation is suspended for the duration of that status. Designations under this new section need not be published in the *Gazette* due to the sensitivity of information.

New section 89N also provides that a person ceases to be the notified owner or notified operator of a designated III when the designation is withdrawn by the Authority under section 89P, or (if the notice under the new section 89U(1) has been given) when the notified owner or notified operator ceases to be the owner, operator or owner-operator of the designated III or on an earlier date specified by the Authority, or at the time provided by the new section 89V(2), if applicable.

New section 89O empowers the Authority to require, by written notice, a person who appears to be the owner, operator or owner-operator of a computer or computer system to provide information to assist the Authority in determining whether to designate it as an III if the Authority reasonably believes that the computer or computer system may meet the criteria to be so designated.

New section 89P empowers the Authority to withdraw a designation, on its own initiative or on the application of the owner, operator or owner-operator, if the computer or computer system no longer meets the designation criteria or if the person who owns or operates it (a) is no longer a maritime entity (in the case of a computer or computer system that is not a connected computer system) or (b) no longer owns or operates that computer or computer system.

Division 3 of the new Part 13B (Duties and obligations of notified owner or notified operator) comprises new sections 89Q to 89V.

New section 89Q requires notified operators to provide information to the Authority on the design, configuration, security and operation of their designated IIIs and interconnected systems, and any of the information required by the Authority to assess the level of cybersecurity of the designated III, within a reasonable period specified in a written notice. Notified operators must also notify the Authority within 30 days of any material change to the design, configuration, security or operation of a designated III.

New section 89R requires notified operators to report prescribed cybersecurity incidents affecting their designated IIIs, interconnected systems, or other systems they operate, within a prescribed period of becoming aware of the incident. Notified operators are also required to establish mechanisms and processes for detecting cybersecurity threats and cybersecurity incidents in accordance with applicable standards of performance.

New section 89S requires notified operators to cause an auditor approved or appointed by the Authority to carry out a compliance audit of each designated III at least once every 5 years (or more frequently if directed by the Authority in a particular case), and to conduct an annual cybersecurity risk assessment. The Authority may direct further steps or appoint a cybersecurity service provider to conduct another assessment (at cost of the notified operator) if an assessment is found to be unsatisfactory.

New section 89T empowers the Authority to conduct cybersecurity exercises to test the readiness of any notified operator in responding to cybersecurity incidents in respect of any designated III operated by them. Notified operators must participate in such exercises if directed in writing to do so by the Authority.

New section 89U requires notified owners and notified operators (who are owner-operators) to notify the Authority at least 90 days before a change in ownership of a designated III. Every notified operator must also notify the Authority of its intended cessation to be the operator of a designated III. The Authority may prescribe other changes to be notified under the new section 89U.

New section 89V provides for the continuation as notified owner or notified operator where the notified owner or notified operator (*X*) ceases to own or operate a designated III and another person takes over, but *X* fails to notify the Authority within the time for notification under section 89U(1). *X* continues to be treated as

the notified owner or notified operator until the expiry of 90 days after *X* notifies the Authority or an earlier date specified by the Authority. This provision ensures continuity of regulatory accountability during transitions in ownership or operational control, preventing gaps in oversight that could arise from delayed notifications.

Division 4 of the new Part 13B (Directions to notified operators and standards of performance) comprises new sections 89W and 89X.

New section 89W empowers the Authority to give directions to notified operators in respect of their designated IIIs where necessary to ensure the cybersecurity of any designated III or for the effective administration of the new Part 13B. Directions may require notified operators to take action in relation to cybersecurity threats, comply with technical standards, comply with standards of performance, appoint an auditor, or take any other steps considered necessary or expedient. Directions under this section must specify a deadline for compliance and may be revoked at any time. Before issuing a direction, the Authority must (unless impracticable or undesirable) give written notice and allow the notified operator to make representations.

New section 89X empowers the Authority to issue, adopt, amend or revoke standards of performance for the cybersecurity of designated IIIs or classes of designated IIIs. Standards of performance may include (but are not limited to) the matters set out in the new Seventh Schedule. Where a standard of performance is inconsistent with the new Part 13B, the standard does not have effect to the extent of the inconsistency. The Authority must notify affected notified operators of any issue, adoption, amendment or revocation, and must make copies available for inspection free of charge. Notified operators are required to comply with all applicable standards of performance.

Division 5 of the new Part 13B (Appeals under Part 13B) comprises new section 89Y.

New section 89Y provides a right of appeal to the Minister against —

- (a) the Authority's decision to designate a computer or computer system as an III or to notify a person as a notified owner or notified operator;
- (b) the Authority's refusal to withdraw a designation; and
- (c) a direction of the Authority under the new section 89W.

The provision also sets out the requirements for an appeal and provides that the Minister may reject an appeal if the requirements are not complied with.

Division 6 of the new Part 13B (Regulations for Part 13B) comprises new section 89Z.

New section 89Z empowers the Authority to make regulations under section 119 for the purposes of the new Part 13B, covering matters such as the

designation procedure, technical standards, duties of notified owners and notified operators, material changes, cybersecurity incident reporting, cybersecurity audits and risk assessments, cybersecurity exercises, and the skills and governance responsibilities of key appointment holders of notified owners and notified operators. Regulations may apply to all or particular classes of notified owners and notified operators and IIIs.

Clauses 5, 6 and 7 relate to the renaming of the existing Fourth Schedule and the insertion of the new Seventh Schedule.

Clause 5 amends section 118B (inserted by clause 19) to extend the Minister's power to amend Schedules by order in the *Gazette* to the new Seventh Schedule.

Clause 6 renames the existing Fourth Schedule to the MPA Act as the Sixth Schedule, to make way for the new Fourth Schedule (inserted by clause 20) and the new Fifth Schedule (inserted by clause 24).

Clause 7 inserts a new Seventh Schedule setting out the matters that may be included in standards of performance for cybersecurity issued or adopted under the new section 89X. The matters include standards relating to the design, configuration or security of designated IIIs, measures and procedures to monitor, detect and analyse cybersecurity threats and cybersecurity incidents, measures and procedures to minimise cybersecurity risks and record-keeping requirements.

PART 2

AMENDMENTS RELATING TO REGULATION OF MARINE SERVICES AND MARITIME DEVICES

Clause 8 amends section 2(1) of the MPA Act to provide for definitions to support the new regulatory framework for marine services and maritime devices introduced by Part 2 of the Bill. In particular, definitions of “marine facility”, “marine services” and “regulated service” are introduced in section 2(1) of the MPA Act. These are key terms used in the new Part 12.

“Marine facility” is a facility used in connection with the conduct of any activity within the port or territorial waters of Singapore that relates to port operations, the provision of goods or services, or the transport of any person or the transport or the delivery of any goods or supplies.

The concept of a marine facility is also relevant to the powers for port development under the new Part 12AA, which empowers the Authority to direct persons who own or provide a related marine facility to allow a licensee to use that facility.

“Marine services” is defined to mean any activity conducted within the port or territorial waters of Singapore that relates to port operations, the provision of

goods or services, or the transport of any person or the transport or delivery of any goods or supplies, as well as any activity conducted within a marine facility or the provision of any marine facility. The definition replaces the existing definitions of “marine services and facilities” and “port services and facilities” in the MPA Act, and is intended to capture the full range of activities carried out within the port and territorial waters of Singapore in connection with maritime commerce and operations.

“Regulated service” is defined to mean providing any marine service specified in the new Fourth Schedule, or (if the manner of providing the marine service is specified) providing the marine service in the manner so specified.

Clause 8(i) amends the definition of “vessel” to exclude maritime devices.

Clause 9 inserts a new section 2A into the MPA Act to define “maritime device” and related terms. A “maritime device” is defined as either —

- (a) a remotely-operable machine or autonomous machine designed to travel on the surface of water, underwater, by hovering above the surface of water by reactions of the air against the surface of the water, or by moving on the outer hull or side of a vessel or any structure in the port, and that is not designed to transport any person; or
- (b) a portable machine designed to transport a person (who is wearing or holding it) on the surface of water, underwater, or by hovering above the surface of water.

However, a maritime device does not include an aircraft.

The section also defines “autonomous machine”, “portable machine” and “remotely-operable machine” for the purposes of the definition of “maritime device”.

Clause 10 amends section 7 of the MPA Act to update the functions and duties of the Authority to reflect the new regulatory framework and the new terms introduced in the new Part 12.

Clause 11 similarly makes a consequential amendment to section 9.

Clause 12 amends section 27(8) of the MPA Act to extend the scope of the provision to cover conveyance through a pipeline. This amendment clarifies that the provision applies to goods brought into or taken out of a private wharf or premises by conveyance through a pipeline as well as by other means of transportation.

Clauses 13 and 14 amend sections 41 and 43 of the MPA Act to expand the scope of port regulations and the Port Master’s power to give directions respectively to cover maritime devices.

Clause 15 deletes section 80 of the MPA Act as this provision is no longer necessary following the replacement of Part 12 by clause 16.

Clause 16 replaces the existing Part 12 of the MPA Act with a new framework for the licensing of persons who provide a regulated service, which is defined in the amended section 2(1) of the MPA Act.

Division 1 of the new Part 12 (General) comprises new sections 81, 82 and 83.

New section 81 sets out the purposes of the new Part 12, which are to regulate the provision of certain marine services so as to promote and facilitate the continuous delivery of safe, secure, reliable, efficient, environmentally sustainable and economical marine services in Singapore, and to ensure the continuity of operations of the port.

New section 82 defines certain terms used in the new Part 12 including “applicant”, “capped service”, “key appointment holder”, “licence”, “licensee”, “modification”, “officer”, “partial suspension”, and “representative”. The definition of “key appointment holder” in the new Part 12 extends to any individual who has general management or supervision of the applicant’s or licensee’s business of the regulated service that the application for licence relates to. (This differs from the definition of “key appointment holder” in the new Part 13B.)

New section 83 creates a strict liability offence for providing any regulated service without a licence or exemption.

Division 2 of the new Part 12 (Licences) comprises new sections 84 to 84G.

New section 84 sets out the requirements for applications for licences or renewals. These must be made to the Authority. The Authority may refuse to consider an application for or to renew a licence that is incomplete or not made in accordance with this new section, where an inspection in relation to the application is refused or (in the case of a capped service) if the application is made outside the specified application period.

New section 84A empowers the Authority to limit the number of licences for a particular regulated service by prescribing it as a “capped service”, and to specify the period during which applications for such licences may be made. In deciding to do so, the Authority may consider matters including demand for the service, whether existing licensees adequately meet that demand, the impact on the viability of the shipping and port industry in Singapore, whether a pilot with limited licences is appropriate for new or risky services, and space and resource constraints. Where the Authority decides to accept applications for a capped service, the Authority must specify the application period on its website. Applications for a capped service made outside the specified application period may be rejected or may be treated as an application made during the application period.

New section 84B deals with the matters that the Authority considers when granting or renewing licences. The Authority may grant a licence upon payment of a licence fee or a renewal fee (if any), or refuse to do so.

In deciding to do so, the Authority may consider matters such as the applicant's financial capacity, likelihood of compliance, corporate structure, suitability of the applicant and its officers, demand for the service, the design and safety of vessels, unmanned aircraft, maritime devices or equipment to be used in the provision of the regulated service, whether the applicant has provided false or misleading information in connection with the application, and whether it is contrary to the public interest to grant or renew the licence. However, the Authority is not confined to only considering these matters and may consider other matters which the Authority considers to be relevant and give such weight as the Authority considers appropriate.

The Authority may grant a renewal of a licence with or without modifying the conditions of the licence. But when it does so, the process for modifying the conditions of the licence in the new section 84F does not apply.

New section 84C provides that every licence is valid for the period specified in the licence and remains in force unless earlier suspended or revoked under the new section 85E.

New section 84D provides for the periodic fee to be payable for a licence (if required by regulations) which is in addition to the licence fee or renewal fee (if any) payable at the grant or renewal.

New section 84E empowers the Authority to impose conditions on a licence as it considers requisite or expedient having regard to the purposes of the new Part 12.

The conditions may include requirements relating to emergency preparedness, price regulation, conduct relating to competition (but only where sections 34, 47 and 54 of the Competition Act 2004 do not apply to that conduct), publication of information, types and numbers of vessels, unmanned aircraft, maritime devices, equipment or appliances used in the provision of the regulated service, appointment of authorised persons to accept service of documents, nomination of representatives with prescribed qualifications, oversight of employees and contractors, restrictions on unrelated business activities, shareholding controls, record-keeping, performance bonds, insurance, and compliance audits.

New section 84F empowers the Authority to modify conditions of a licence after observing the process prescribed in that section. Subsections (2), (3) and (4) do not apply to or in relation to granting a renewal of a licence with modifications to the conditions of licence.

New section 84G prohibits the transfer, assignment or surrender of a licence unless the Authority consents. Any transfer or assignment or purported transfer or

assignment of a licence is void in certain circumstances. Any surrender or purported surrender of a licence is void if it is without the Authority's written consent.

Division 3 of the new Part 12 (Duties of licensees) comprises new sections 85, 85A and 85B.

New section 85 imposes a general duty on licensees to provide the regulated services in a manner that is safe, secure, reliable, efficient, environmentally sustainable and economical, in accordance with the conditions of the licence and the Authority's directions.

New section 85A requires prescribed licensees to obtain the Authority's prior written approval before appointing any individual as a key appointment holder. The Authority may approve the application with or without conditions or refuse the application. Contravention of this requirement or failure to comply with conditions of approval is an offence. This section has effect despite any contrary provision in the licensee's constitution or other governing documents.

New section 85B empowers the Authority to direct a licensee to remove an individual as a key appointment holder if the individual was appointed without approval, if conditions of approval have not been complied with, or if the Authority would not have granted approval had it been aware of relevant circumstances. Failure to comply with a direction is an offence. Nothing in this section deprives a removed individual of any compensation or damages payable in respect of the termination of their appointment.

Division 4 of the new Part 12 (Directions to licensees and standards of performance) comprises new sections 85C and 85D.

New section 85C empowers the Authority to issue one or more standards of performance applicable to licensees generally or specially. The Authority is also empowered to adopt as a standard of performance applicable to licensees any document prepared by a person other than the Authority if the Authority considers the document as suitable for this purpose. The Authority is also empowered to amend or revoke any such standard of performance issued or adopted.

Standards of performance are not subsidiary legislation, but non-compliance can give rise to regulatory action being taken under the new section 85E.

New section 85D empowers the Authority to give directions to licensees in respect of the efficiency, safety, security, reliability, environmental sustainability or quality of regulated services, matters relating to public safety, or matters affecting the public interest. A direction may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction.

Ordinarily, a direction may be given only after observing due process. The exception is where the Authority, in respect of any particular direction, considers that it is not practicable or desirable to comply with such due process requirements, or in certain other circumstances (such as if the licensee is contravening or not complying with any conditions of the licence or the licensee or a key appointment holder of the licensee is convicted of certain offences or criminal proceedings for such offences have commenced).

A direction continues in force until the expiry date (if any) or until the Authority earlier revokes the direction. Non-compliance with a direction can give rise to regulatory action under the new section 85E.

Division 5 of the new Part 12 (Regulatory actions) comprises new sections 85E, 85F and 85G.

New section 85E sets out the various regulatory actions that the Authority can take against a licensee in certain circumstances such as —

- (a) the Authority is satisfied that the licensee is contravening or not complying with, or has contravened or failed to comply with any of the conditions of its licence, or any provision of the MPA Act applicable to the licensee, any provision of a standard of performance applicable to the licensee, or any direction given to the licensee;
- (b) if the licensee or a key appointment holder is convicted of certain offences; or
- (c) the licensee is not providing a regulated service adequately or satisfactorily.

The Authority may revoke a licence without any compensation or, instead of revoking the licence, the Authority can do one or more of the following:

- (a) censure the licensee in writing;
- (b) modify any condition of the licensee's licence;
- (c) direct the licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance;
- (d) suspend or partially suspend the licence for not more than 12 months;
- (e) direct the furnishing by the licensee of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security.

The Authority may, instead of taking any action under subsection (1) or in addition to any action under subsection (2), direct the licensee to pay a financial penalty.

The maximum amount of financial penalty that may be imposed on a licensee is the higher of either —

- (a) \$1 million; or
- (b) 10% of the annual turnover of the licensee's business, where annual turnover is the annual gross revenue received by the licensee from the licensee's trade or business in Singapore in a year that is derived from or attributable to providing the regulated service specified in the licensee's licence, which is to be determined in a prescribed manner.

New section 85E also provides that the Authority may immediately suspend a licence if proceedings have commenced against the licensee, or a key appointment holder of the licensee for —

- (a) any offence under the MPA Act; or
- (b) any offence, whether in Singapore or elsewhere, involving fraud, corruption or dishonesty or the conviction for which involved a finding that the licensee or key appointment holder had acted dishonestly.

If a licence is immediately suspended, that suspension ceases upon the conclusion of the proceedings that caused the suspension.

New section 85F ensures that regulatory proceedings commenced against a licensee may continue even after the expiry of the licence, and that a performance bond to meet a financial penalty and a financial penalty may still be imposed and have effect.

New section 85G sets out the process which must be observed before any regulatory action is taken. However, this process need not be observed in the case of an immediate suspension of a licence pursuant to the new section 85E(6).

Division 6 of the new Part 12 (Appeals under Part 12) comprises new sections 85H, 85I and 85J. It provides for appeals to be made to the Minister against certain decisions of the Authority under the new Part 12.

New section 85H sets out definitions connected with appeals against decisions of the Authority under the new Part 12. Only certain decisions are defined as appealable and only certain persons can be appellants.

New section 85I provides an avenue of appeal to the Minister against appealable decisions. The appellant has to comply with procedural and administrative requirements for the appeal, such as applying within 14 days and submitting an appeal in writing which includes the grounds of appeal.

New section 85I also provides that an appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision. Despite an appeal, the appellant must comply with the appealable decision appealed against until the Minister's decision on the

appeal. However, the Minister has power to suspend the appealable decision until the determination of the appeal.

New section 85J provides that the Minister may, after considering an appeal, confirm or reverse the appealable decision. The Minister's decision is final, and every appellant must be notified of the decision.

Division 7 of the new Part 12 (Miscellaneous) comprises new section 85K.

New section 85K empowers the Authority to impose late payment interest on any fee payable under the new section 84B for the grant of a licence, any periodic fee payable under the new section 84D and any financial penalty imposed under the new section 85E(3).

Clause 17 deletes section 93 of the MPA Act as the provision is no longer necessary following the replacement of Part 12 by clause 16.

Clause 18 amends section 118(1) and (2) of the MPA Act to empower the Minister to grant exemption for any maritime device or unmanned aircraft or class or description of maritime devices or unmanned aircraft.

Clause 19 inserts a new section 118B into the MPA Act, empowering the Minister to amend the Fourth Schedule (which lists the prescribed marine services that constitute "regulated services") by order in the *Gazette*. The order to amend the Fourth Schedule may include saving or transitional provisions and every order amending the Fourth Schedule must be presented to Parliament as soon as possible after publication in the *Gazette*.

Clause 20 inserts a new Fourth Schedule into the MPA Act, listing the regulated services for the purposes of the new Part 12.

Clause 21 is a saving and transitional provision. Generally, a licence granted under the replaced Part 12 (existing licence) continues in force and the new Part 12 applies to those licences as if they were granted or renewed under the new Part 12. Conditions of an existing licence continue to apply as if they were conditions imposed under the new section 84E of the MPA Act so far as the conditions are not inconsistent with that section. Similarly, directions given to a licensee pursuant to the condition mentioned in section 81(4)(d) in the replaced Part 12 (that was in force immediately before the date the new Part 12 comes into operation) will continue to apply on or after the commencement date as if it were a direction given under the new section 85D(1), so far as the direction is not inconsistent with that section. Pending applications and appeals are treated as having been made under the corresponding provisions of the new Part 12. Fees payable in respect of licences on or after the commencement date may be determined (as the case may be) under section 27(4) of the MPA Act or section 81(4)(c) of the MPA Act as in force immediately before the commencement date applicable to such a fee. "Commencement date", in this clause, is the date clause 16 comes into operation.

PART 3

AMENDMENTS RELATING TO
PORT EXPANSION AND DEVELOPMENT

Clause 22 amends section 7 of the MPA Act to clarify that the Authority has the function and duty to expand and develop the port and its facilities, and undertake all works in relation to such expansion and development (including the reclamation of any land). This is a function that is currently assigned to the Authority by the Minister under section 7(4) of the MPA Act.

Clause 23 inserts a new Part 12AA into the MPA Act. The new Part 12AA confers on the Authority a suite of powers to facilitate port expansion and development. The new Part 12AA is divided into 4 Divisions.

Division 1 of the new Part 12AA (Installation and use of facilities by licensee) comprises new sections 85L and 85M.

New section 85L empowers the Authority to direct the following third parties (who can also be a licensee) to allow licensees to install and use facilities on their premises, where this is necessary in the public interest or to ensure the safe, reliable, efficient, environmentally sustainable or economical provision of regulated services:

- (a) owners or occupiers of premises where a related marine facility is located to allow a licensee to install and use equipment, to use the premises, or to use utility services (such as gas, electricity, water, or telecommunications) supplied to those premises;
- (b) owners or providers of related marine facilities to allow a licensee to use those facilities;
- (c) owners of computer systems or telecommunication systems located in the premises mentioned in paragraph (a) to allow a licensee to use those systems.

A “related marine facility” is a marine facility (as defined in section 2(1) of the MPA Act) that is used in connection with the conduct of any regulated service or a marine facility the provision of which is a regulated service.

Where a direction is given, the person to whom it is directed must comply and allow the licensee to carry out the specified activity. Under the new section 85L(4), the person and the licensee must enter into an agreement within the period specified in the direction (or such extended period as the Authority may allow) granting the licensee a wayleave or easement for the continuation of the installation or use and for maintenance works, and providing for reasonable compensation for any loss suffered as a result.

If the parties are unable to agree on the terms for any matter and are so unable to enter into an agreement, either party may request the Minister to establish an

Appeal Panel under section 85Y to determine the reasonable terms for that matter. The Appeal Panel's decision is binding on both parties, and the Authority's direction is revoked to the extent it is inconsistent with the Panel's decision.

The parties are also entitled to appeal to the Minister to establish an Appeal Panel if they are aggrieved with any direction of the Authority under the new section 85L. The direction of the Authority is not to be enforced pending any appeal.

A person who contravenes a direction commits an offence.

New section 85M provides when an agreement made under the new section 85L ceases to be binding. Where an agreement under the new section 85L ceases to be binding, notice may be given to the licensee to remove any of the things covered by the agreement that are installed in the premises. The notice to remove must give the licensee at least the period prescribed by regulations to effect the removal. However, the licensee may apply to the Authority for an extension of that period to effect the removal, or for another direction under the new section 85L(1).

Division 2 of the new Part 12AA (Installation of essential port infrastructure by Authority on licensee's premises) comprises new sections 85N to 85W.

New section 85N defines key terms used in Division 2. "Essential port infrastructure" means any infrastructure, installation, facility, pipe, cable, plumbing station, charging station, fitting, apparatus or appliance that is requisite or expedient for operations of the port or the provision of adequate and satisfactory marine services or for, or to support, the provision of sea transport. "Owner" and "parcel of land" are also defined for the purposes of the Division.

New section 85O sets out the conditions that must be satisfied before the Authority may exercise the powers under the new section 85P to enter a licensee's premises to install any essential port infrastructure. The Authority may only exercise those powers in respect of premises that are owned or occupied by a licensee and required by the Authority for the construction, installation, alteration or replacement of essential port infrastructure.

New section 85P empowers the Authority to enter licensee premises to lay, construct, install, inspect, maintain, adjust, repair or alter any essential port infrastructure, and to carry out any incidental works.

The Authority must give at least 14 days' written notice of its intention to enter, specifying the estimated period of occupation, a description of the works, the area of land required, and the owner or occupier's right to claim compensation. The Authority may also require utility providers to alter the course of their apparatus, and may require owners or occupiers to remove objects or structures that obstruct the works. The Authority must bear the cost of any such diversion or removal

works if claimed within one year of compliance. The section also provides that the ownership of anything placed on the premises pursuant to this section is not altered by reason of its placement there.

New section 85Q provides that owners or occupiers of premises of which temporary possession is taken under new section 85P are entitled to claim compensation for items of loss, damage, or cost set out in the new Fifth Schedule (inserted by clause 24). Compensation is assessed on the basis of matters specified in the new Fifth Schedule. Certain matters are excluded from the assessment, such as financial loss from business interruption, changes in property value attributable to the purpose for which the premises are occupied or used, and buildings or structures erected in contravention of written law.

The section also requires the Authority to inquire into claims and pay compensation within a reasonable time after receiving a claim for compensation from any owner or occupier. However, the Authority may restore premises before returning the premises to the owner or occupier in lieu of paying compensation.

New section 85R sets out the time limits and procedural requirements for claiming compensation under new section 85Q.

New section 85S limits the compensation available to an owner who requests the Government to acquire the premises under the new section 85U. If such a request is made within the relevant claim period, the owner is entitled to claim only for displacement losses and not for any other item in the new Fifth Schedule.

New section 85T bars legal proceedings against the Authority, its employees, agents or contractors in respect of acts authorised by or under new section 85P. No action, claim or other proceeding may be brought to restrain or compel anything authorised or omitted under the new section 85P, or to recover damages, compensation or costs for damage, disturbance, loss of value, personal inconvenience or extinguishment of rights arising from acts authorised under the new section 85P.

New section 85U provides that an owner of premises temporarily occupied under new section 85P may, by written notice to the Authority, request the Government to acquire the premises (and any related premises) under the Land Acquisition Act 1966 if the owner considers that the temporary occupation substantially impairs the owner's rights in the premises. Such a notice is irrevocable once given.

New section 85V applies the Land Acquisition Act 1966 to acquisitions requested under new section 85U. Upon receiving such a request, the President is to proceed under the Land Acquisition Act 1966 to acquire the premises as if they were the subject of a notice under section 49 of that Act. The provisions of sections 49 and 49A of the Land Acquisition Act 1966 apply with the necessary modifications and adaptations. All compensation for such acquisitions is to be paid out of the Authority's funds.

New section 85W provides for the determination of disputed compensation, damages, fees, costs or expenses under new Part 12AA by the courts. In cases of dispute or failure to pay, the amount is to be summarily determined by a Magistrate's Court or, if the amount exceeds the Magistrate's Court limit, a District Court. The decision of a Magistrate's Court or a District Court can be appealed to the General Division of the High Court.

Division 3 of the new Part 12AA (Order creating rights on licensee's land in connection with essential port infrastructure) comprises new section 85X.

New section 85X empowers the Authority to create permanent or temporary rights over a licensee's land for the purposes of essential port infrastructure, by order published in the *Gazette*. The Authority may, by order, enter upon and exercise permanent rights in, under, or over the land (not being State land or Authority land), or rights of temporary occupation, as specified in the order, for the purposes of constructing, maintaining, operating and improving essential port infrastructure.

The Authority may also, by order, declare access to land within any land specified in the order to be set aside for public use for the purposes of accessing or using the essential port infrastructure. Orders made under this section attach to the land and are binding on all persons who from time to time have an interest in the land, and the order must describe the rights and the area of land subject to them, and state where plans may be inspected.

Division 4 of the new Part 12AA (Appeals in respect of section 85L or 85M decision) comprises new sections 85Y to 85ZA.

New section 85Y provides a right of appeal against directions or refusals of the Authority under the new section 85L or 85M(6), and a mechanism for resolving disputes about the terms of agreements required to be entered into under the new section 85L(4)(c). A person aggrieved by such a direction or refusal may, within 14 days of notification, request the Minister to establish an Appeal Panel. The Minister must, unless the request is frivolous, trivial, or vexatious, establish an Appeal Panel within 30 days. The Appeal Panel may dismiss or allow an appeal against a direction or refusal, or determine the reasonable terms of an agreement.

New section 85Z sets out the composition and procedure of an Appeal Panel. The provision also provides that the remuneration and allowances of members are to be borne equally by the parties, or in such other proportion as the Appeal Panel may specify. The Appeal Panel is required to be independent in the performance of its functions.

New section 85ZA sets out the powers of an Appeal Panel. It has all the powers and duties of the Authority necessary to carry out its functions, and the powers, rights, and privileges of a District Court, including the power to enforce attendance of witnesses, compel production of documents, and award costs.

Witnesses who appear before an Appeal Panel have the same immunities and privileges as witnesses before a District Court.

Clause 24 inserts a new Fifth Schedule into the MPA Act, setting out the items for which compensation may be claimed and the basis of assessment for temporary occupation of premises under the new section 85P. The new Fifth Schedule lists out 4 categories of compensable items: (a) loss due to displacement; (b) structural damage to buildings; (c) other damage to land or buildings; and (d) removal of objects or structures.

PART 4

AMENDMENTS RELATING TO REMOTE PILOTAGE AND OPERATIONS

Clause 25 updates the definitions in section 2 of the MPA Act to accommodate remote pilotage and operations. The following changes are made in section 2:

- (a) the definition of “master” is amended to clarify that it includes a person who has charge of a vessel whether or not that person is on board;
- (b) the definition of “pilot” is amended to include a person who has conduct of a vessel from a location other than the vessel;
- (c) a definition of “remote pilotage” is added;
- (d) definitions of “remote operations centre” (which is a location from which vessel functions may be remotely operated, monitored, supervised, or controlled excluding any location on board the vessel being remotely operated) and “remote pilotage centre” (which is any location from which one or more pilots provide remote pilotage, excluding any location on board the vessel being remotely piloted) are inserted.

Clause 26 amends section 41(1) to insert paragraphs (fa) and (fb), allowing port regulations to be made for regulating, directing and controlling the operations or use of vessels within Singapore’s territorial waters, including the circumstances and conditions under which vessels may be controlled or operated remotely or autonomously; and regulating and controlling the operation of remote operations centres.

Clause 27 amends section 73 to clarify that section 73 of the MPA Act applies to pilots who provide remote pilotage.

Clause 28 amends section 76 to extend the Authority’s regulation-making powers to cover remote pilotage centres.

PART 5

AMENDMENTS RELATING TO
POWERS, OFFENCES, SERVICE AND OTHER MATTERS

Clause 29 amends section 2 to clarify that a reference to “vessel” (or any type of vessel) in the MPA Act includes vessels (or those types of vessels) designed to be or capable of being autonomous or remotely operated or both.

Clause 30 amends section 7 to add that the Authority must have regard to the safety and security of the port and its users when discharging the functions and duties imposed on the Authority by section 7(1).

Clause 31 amends section 44 to make it clear that the Port Master has the power to determine the time and means by which information must be given for the purposes of obtaining port clearance.

Clause 32 amends section 46 to allow the Port Master to grant port clearance before all the pre-departure requirements necessary for a vessel to depart the port are complied with. It also creates an offence for owners, agents or masters of vessels that have left port with clearance but fail to comply with the pre-departure requirements.

Clause 33 amends section 57 to expand the circumstances in which the Authority may require the removal of a vessel, aircraft or object, and to update the methods by which a removal notice may be served.

Clause 34 amends section 58 to expand the circumstances in which the Authority may itself raise, remove or destroy a vessel, aircraft or object. The Authority will be empowered to exercise its removal powers not only where the owner has failed to comply with a removal notice, but also where there is an imminent risk to safe navigation or the marine environment, or where the owner is not known to the Authority after reasonable efforts to identify the owner.

Clause 35 introduces a new offence of providing false information (new section 97A) and specifies the purposes for which enforcement powers under the new section 97C may be exercised (new section 97B).

Clause 35 also inserts a new section 97C, which confers powers of entry and inspection on authorised officers of the Authority. An authorised officer may, without a warrant, enter and remain at premises or vessels where a licensee or former licensee keeps records relating to a regulated service, where the business of a regulated service is being carried on, or where an offence under the Act is being or has been committed (with consent or 6 hours’ notice required for residential premises). Upon entry, the authorised officer may examine things and observe activities, inspect premises and documents, make images or recordings, take extracts or copies of documents, seize documents or articles in specified circumstances, operate electronic equipment, and bring in equipment and materials. The section also provides for access to electronically stored

information, including the power to require passwords or access codes, and to seize computers or equipment if copies cannot otherwise be made.

Clause 36 renumbers section 97A as section 97D and extends the powers of authorised officers. New paragraphs (e) to (h) are inserted into section 97D(1), empowering authorised officers to —

- (a) require a person reasonably believed to have committed an offence to furnish evidence of identity;
- (b) require any person to provide articles or things in their possession in connection with the matter;
- (c) inspect, keep or take samples of such articles or things without payment; and
- (d) make images or recordings of such articles or things without payment.

The offence provision in section 97D(5) is also extended to cover failure to comply with any requirement under section 97D(1) without reasonable excuse.

Clause 37 replaces section 105 of the MPA Act with a standard service provision found in other Acts.

Clause 38 inserts a new section 111A which provides that the Minister may designate any Minister of State, Senior Minister of State, Parliamentary Secretary or Senior Parliamentary Secretary for his or her Ministry to hear and determine certain appeals in the Minister's place.

PART 6

MISCELLANEOUS PROVISIONS

Clause 39 makes consequential amendments to the MPA Act arising from the changes introduced by the Bill. The clause reproduces some of the amendments to the MPA Act made by section 6 of the Transport Sector (Miscellaneous Amendments) Act 2025 with amendments necessitated by the Bill.

Clauses 40 to 50 make related and consequential amendments to the Copyright Act 2021, the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, the Criminal Law (Temporary Provisions) Act 1955, the Energy Conservation Act 2012, the Films Act 1981, the Geographical Indications Act 2014, the Registered Designs Act 2000, the Regulation of Imports and Exports Act 1995, the Singapore Tourism Board Act 1963, the Trade Marks Act 1998 and the Transport Sector (Miscellaneous Amendments) Act 2025.

Clause 51 provides a general power for the Minister to make saving and transitional provisions by regulations for a period of 2 years after the date of commencement of any provision of the Bill.

EXPENDITURE OF PUBLIC MONEY

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