

Air Navigation (Amendment) Bill

Bill No. 24/2006.

Read the first time on 8th November 2006.

A BILL

intituled

An Act to amend the Air Navigation Act (Chapter 6 of the 1985 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Air Navigation (Amendment) Act 2006 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Air Navigation Act (referred to in this Act as the principal Act) is amended by deleting the words “signed by the Government of the United Kingdom” in the definition of “Chicago Convention” and substituting the word “concluded”.

10 Amendment of section 3

3. Section 3 of the principal Act is amended —

(a) by inserting, immediately after the words “air navigation” in subsection (1)(c), the words “, including the investigation of any accident or incident arising out of or in the course of air navigation”;

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

“(ga) for authorising any person, so far as may be necessary for the purposes of an investigation, to enter, inspect and examine any place, structure or aircraft;

(gb) for prohibiting, pending an investigation, access to or interference with aircraft to which an accident or incident has occurred, and for authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any aircraft.”;

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

“(3A) Nothing in this section shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to merchant shipping.”; and

(d) by deleting the words “\$5,000 and imprisonment for a term of one year” in subsection (4) and substituting the words “\$100,000

or imprisonment for a term of 5 years or both for any offence thereunder”.

Repeal of section 12

4. Section 12 of the principal Act is repealed.

5 **New section 27A**

5. The principal Act is amended by inserting, immediately after section 27, the following section:

“Offences by bodies corporate, etc.

10 **27A.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

15 the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

20 (3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

25 the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

30 (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

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

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.”.

Amendment of section 28A

6. Section 28A of the principal Act is amended —

(a) by deleting the words “a sum not exceeding \$200.” in subsection (1) and substituting the following words:

“a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.”; and

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

“(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Air Navigation Act (Cap. 6).

Clause 1 relates to the short title and commencement.

Clause 2 amends the definition of “Chicago Convention” in section 2(1) to remove the reference to the signature of the Government of the United Kingdom as the reference is obsolete.

Clause 3 amends section 3 —

(a) to empower the Minister to make provisions, by order, for and in relation to the investigation of any accident or incident involving air navigation and, in particular, for authorising the entry, inspection and examination of any place, structure or aircraft; and

(b) to increase the maximum penalties that may be prescribed for any breach of the provisions of an order made under the section.

Clause 4 repeals section 12 which is no longer necessary in the light of the amendment made to section 3 by clause 3.

Clause 5 inserts a new section 27A to provide for the liability of officers or members where an offence is committed by a body corporate or an unincorporated association.

Clause 6 amends section 28A(1) to increase the maximum sum for which any offence which is prescribed as a compoundable offence may be compounded under the Act. The clause also inserts a new subsection (1A) to provide that no further proceedings will be taken against the person on payment of the sum of money.

EXPENDITURE OF PUBLIC MONEY

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