

# **Road Traffic (Amendment) Bill**

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**Bill No. 18/2010.**

*Read the first time on 16th August 2010.*

A BILL

*i n t i t u l e d*

An Act to amend the Road Traffic Act (Chapter 276 of the 2004 Revised Edition) and to make related and consequential amendments to the Land Transport Authority of Singapore Act (Chapter 158A of the 1996 Revised Edition) and the Private Security Industry Act (Chapter 250A of the 2008 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 Road Traffic (Amendment) Act 2010 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 of the Road Traffic Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the definition of “company” in subsection (1) and substituting the following definition:

10                   “ “company” means any company as defined in the Companies Act (Cap. 50) and includes any company to which Division 2 of Part XI of that Act applies, any company formed in pursuance of any other Act or by royal charter or letters patent, a limited liability  
15                   partnership and any other body corporate formed or incorporated by or under any written law;”;

(b) by deleting the definition of “Minister” in subsection (1) and substituting the following definition:

“ “Minister” means —

20                   (a) except as provided in paragraphs (b) and (c), the Minister charged with the responsibility for transport;

25                   (b) for the purposes of the whole of Parts II and III and sections 74(1) and (2), 75(1), 76(1), 112(1), (3) and (4), 113(1) and (2), 114(1), 116(2), 121(2) and 143(3) and (11), the Minister charged with the responsibility for home affairs; and

30                   (c) for the purposes of sections 131B(7), 132(7), 133(7), 134, 135(2), 140(1) and (2), 142 and 142A(1), the Minister charged with the responsibility for transport or the Minister charged with the responsibility for home affairs, as appropriate;”;

35                   (c) by inserting, immediately after the definition of “rules” in subsection (1), the following definition:

5 ““security officer” means a licensed security officer within the meaning of the Private Security Industry Act (Cap. 250A) who is authorised by the Deputy Commissioner of Police or the Authority (as appropriate) under section 142B to regulate traffic under any provision of this Act;”; and

(d) by deleting the words “sections 38(1) and 47F(4)” in subsection (2) and substituting the words “section 38”.

### **Amendment of section 35A**

10 **3.** Section 35A of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Deputy Commissioner of Police may revoke a driving licence if —

15 (a) within a period of 12 months from the date of the grant of the licence, the record of the holder of the licence (as kept by the Deputy Commissioner of Police for the purposes of this section) as a driver of motor vehicles establishes that it would not be in the interests of public safety for him to continue to hold the licence, or that he is not competent to drive a motor vehicle;

20 (b) the holder of the licence —

(i) had, at any time before being granted that licence, committed an offence while driving a motor vehicle of a class or description which he was authorised to drive by virtue of another driving licence held by him at the time; and

25 (ii) after being granted the first-mentioned licence, is dealt with by the court or the Deputy Commissioner of Police for the offence referred to in sub-paragraph (i) in such manner as would, by virtue of any rules relating to the prescribed test of competence leading to the grant of the first-mentioned licence, have caused him to be disallowed from taking such test had he been so dealt with for that offence before he took that test; or

30 (c) the Deputy Commissioner of Police becomes aware of a circumstance that would have required or permitted him to

refuse to grant a driving licence to any person, had the Deputy Commissioner of Police been aware of the circumstance immediately before granting the driving licence.”.

5 **Amendment of section 38**

**4. Section 38 of the principal Act is amended —**

(a) by deleting subsection (1) and substituting the following subsection:

10 “(1) Subject to the provisions of this Act, it shall be lawful for any of the following persons who holds a valid foreign driving licence to drive in Singapore, during the period specified in paragraph (a) or (b) (as the case may be), a motor vehicle of the class or description which the foreign driving licence authorises him to drive, notwithstanding that he does  
15 not hold a driving licence granted under this Part:

(a) in the case of a person who, on or after the date of commencement of section 4 of the Road Traffic (Amendment) Act 2010, becomes a citizen or permanent resident of Singapore, a period of  
20 3 months commencing from the date on which he is issued with a certificate of citizenship pursuant to the Constitution of the Republic of Singapore or an entry permit pursuant to the Immigration Act (Cap. 133) (as the case may be);

25 (b) in the case of a person who —

(i) is neither a citizen nor permanent resident of Singapore; and

(ii) is resident outside Singapore but is temporarily in Singapore,

30 a period of 12 months commencing from the date of his last entry into Singapore.”;

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

“(3) In this section —

“permanent resident” means a person who is not subject to any restriction as to his period of residence in Singapore imposed under the Immigration Act (Cap. 133);

“visiting force” and “civilian component” shall have the same meanings as in the Visiting Forces Act (Cap. 344).”; and

(c) by deleting the words “held by members of visiting forces” in the section heading.

### **Amendment of section 47C**

**5.** Section 47C of the principal Act is amended —

(a) by deleting subsections (1) to (4) and substituting the following subsections:

“(1) Where any police investigation into the possible commission of any offence referred to in subsection (2) is commenced against any person who, while driving a motor vehicle on a road or in any public place, was involved in any traffic incident resulting in —

(a) serious injury or death to another person; or

(b) serious damage to any building or structure,

the Deputy Commissioner of Police may, immediately upon or at any time after the commencement of such police investigation, suspend the driving licence of that person.

(2) Subsection (1) applies in respect of any of the following offences:

(a) an offence under section 64, 65A, 66 or 67;

(b) an offence under section 84(7) arising from a failure to comply with section 84(3);

(c) an offence under section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189);

(d) an offence under section 279 or 304A of the Penal Code (Cap. 224).

(3) The suspension of a person's driving licence under subsection (1) shall, unless it is sooner rescinded by the Deputy Commissioner of Police under subsection (10), remain in force until the offence on account of which the person's driving licence is so suspended has been tried and determined by a court.

(4) Where the Deputy Commissioner of Police suspends the driving licence of a person under subsection (1), the Deputy Commissioner of Police shall, as soon as is practicable, give to the person concerned a notice in writing —

(a) informing the person concerned of the suspension of his driving licence and the date from which the suspension is to take effect; and

(b) requiring the person concerned to surrender his driving licence to the Deputy Commissioner of Police within such time as may be specified in the notice.”; and

(b) by deleting subsection (8) and substituting the following subsections:

“(8) A person aggrieved by the suspension of his driving licence under subsection (1) may, within 14 days after the receipt of the notice referred to in subsection (4) or such extended period of time as the Minister may allow in any particular case, appeal in writing against the suspension to the Minister whose decision shall be final.

(9) Notwithstanding that any appeal under subsection (8) is pending, the suspension of a person's driving licence under subsection (1) shall take effect from the date specified in the notice given to him by the Deputy Commissioner of Police under subsection (4), unless the Minister otherwise orders.

(10) The Deputy Commissioner of Police may, at any time, rescind the suspension of a person's driving licence under subsection (1) on account of any offence referred to in

subsection (2), but shall, as soon as is practicable, rescind the suspension if —

- (a) the investigation reveals that that person was not involved in the commission of any such offence;
- 5 (b) it is decided that that person shall not be charged with any such offence; or
- (c) the charge against that person in respect of any such offence is withdrawn.

10 (11) In this section, “structure” has the same meaning as in section 65A(2).”.

### **Amendment of section 47F**

**6.** Section 47F of the principal Act is amended —

- (a) by inserting, immediately after the word “suspend” wherever it appears in subsection (1), the words “or revoke”;
- 15 (b) by deleting the words “a foreign motorist” in subsections (1), (2) and (3) and substituting in each case the words “the holder of a foreign driving licence”;
- (c) by deleting the words “foreign motorist” in subsections (1) and (2) and substituting in each case the words “holder of a foreign driving licence”;
- 20 (d) by inserting, immediately after the word “suspension” wherever it appears in subsections (2) and (3), the words “or revocation”;
- (e) by inserting, immediately after the word “suspended” in subsection (2), the words “or revoked”;
- 25 (f) by deleting subsection (4) and substituting the following subsection:
 

“(4) In this section, “holder of a foreign driving licence” means a person who holds a foreign driving licence and who is allowed by section 38(1) to drive a motor vehicle in Singapore using the foreign driving licence, but does not include any member of any visiting force or a civilian component thereof to whom section 38(2) applies.”; and
- 30 (g) by deleting the words “foreign motorists” in the section heading and substituting the words “holders of foreign driving licences”.

### **Amendment of section 70**

7. Section 70 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

5 “(2) A breath test under this section shall be conducted by a police officer and may be conducted either at or near the place where the arrest is made, or at a police station.”.

### **Amendment of section 81**

8. Section 81 of the principal Act is amended —

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

15 “(1A) For the purposes of subsection (1), where the owner of the motor vehicle is a company, a partnership or an unincorporated body, such owner shall not be deemed to have discharged the burden of proving that it could not, with reasonable diligence, have ascertained the information required under that subsection unless such owner also proves to the satisfaction of the court that —

(a) it had kept a proper and accurate record as required under subsection (8); but

20 (b) the record reveals that no person had been permitted by such owner to drive the motor vehicle at or about the time of the alleged offence.”;

(b) by inserting, immediately after the word “wilfully” in subsection (3), the words “or recklessly”; and

25 (c) by inserting, immediately after subsection (7), the following subsections:

30 “(8) Where the owner of a vehicle is a company, a partnership or an unincorporated body, it shall be the duty of such owner to keep a proper and accurate record of each occasion on which it permits any person to drive the motor vehicle, whether or not such person is a director, member, partner, officer, employee or agent of such owner or otherwise, and whether or not such person is permitted to drive the motor vehicle in the course of his employment with such owner or otherwise.

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(9) The record required to be kept under subsection (8) —

(a) shall contain —

(i) the registration number of the motor vehicle;

(ii) the name, address, driving licence number (whether local or foreign) and identity card or passport number of the person permitted by the owner of the motor vehicle to drive the motor vehicle; and

(iii) the date and time, or the period, during which the motor vehicle is allocated to such person for him to drive it; and

(b) shall be retained by the owner of the motor vehicle for a period of at least 6 months beginning with the date, or with the date of the commencement of the period, referred to in paragraph (a)(iii).”.  
referred to in paragraph (a)(iii).”.

#### **Amendment of section 95**

**9.** Section 95 of the principal Act is amended by deleting subsection (8) and substituting the following subsection:

“(8) Where any vehicle or trailer is detained under this section, the Deputy Commissioner of Police or the Registrar shall with all reasonable despatch notify the owner of the seizure, and such notification may be given —

(a) by posting a notice in writing to the owner of the vehicle at his usual or last known place of residence or business in Singapore; or

(b) in such other manner as the Deputy Commissioner of Police or the Registrar thinks expedient.”.

#### **Amendment of section 95A**

**10.** Section 95A of the principal Act is amended —

(a) by deleting the words “give notice in writing to” in subsection (6) and substituting the word “notify”;

(b) by deleting the words “and shall in such notice inform that person” in subsection (6);

- (c) by deleting the word “notice” in subsections (6)(b) and (9) and substituting in each case the word “notification”;
- (d) by deleting subsection (7) and substituting the following subsection:

- 5           “(7) The notification under subsection (6) may be given —
- (a) where the vehicle has been immobilised, by affixing a notice onto the windscreen or any other conspicuous part of the vehicle; or
  - (b) where the vehicle has been seized and detained —
    - 10           (i) by posting a notice in writing to the person in whose name the vehicle is registered at his usual or last known place of residence or business in Singapore; or
    - 15           (ii) in such other manner as the police officer or employee of the Authority thinks expedient.”;
- and
- (e) by deleting the definition of “police officer” in subsection (13).

#### **New section 114A**

- 20       **11.** The principal Act is amended by inserting, immediately after section 114, the following section:

#### **“Regulation of use of excluded vehicles on expressways**

**114A.**—(1) The Minister may make rules to prohibit, restrict or regulate the use of any excluded vehicle on an expressway.

(2) Rules made under subsection (1) may —

- 25       (a) require the owner or driver of any excluded vehicle to —
- (i) obtain a permit from the Authority before using the excluded vehicle on an expressway;
  - (ii) comply with such conditions as may be imposed by the Authority when granting the permit; and
  - 30       (iii) comply with such directions as the Authority or an employee thereof may give regarding the use of the

excluded vehicle on an expressway, or the inspection of the permit granted to such owner or driver;

(b) authorise, or empower the Authority or an employee thereof to authorise, the use of an excluded vehicle on any expressway on any occasion or in an emergency or for the purpose of crossing, or for the purpose of securing access by that excluded vehicle to any premises abutting on or adjacent to the expressway;

(c) relax, or empower the Authority or an employee thereof to relax, in a particular case any prohibition or restriction imposed by such rules; and

(d) prescribe the form and manner in which an application for a permit referred to in paragraph (a) is to be made.

(3) In this section —

“excluded vehicle” means a vehicle which is prescribed by rules made under subsection (1) to be an excluded vehicle for the purpose of this section;

“expressway” means any road that is prescribed by rules made under subsection (1) to be an expressway for the purpose of this section;

“use”, in relation to an expressway, includes crossing.”.

## **Amendment of section 115**

**12.** Section 115 of the principal Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(1) Subject to this section, if the Authority is satisfied that traffic on any road should, by reason of any construction works or works of repair being required or being in progress on, over or under the road, be restricted or prohibited, the Authority may, if it thinks fit, restrict or prohibit the use of that road or any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as the Authority may consider necessary.

(2) The Authority shall cause a notice to be issued to the general public or to such persons as the Authority may determine, informing them of the prohibition or restriction and of the alternative route or routes, if any, available for traffic.

5 (3) A notice under subsection (2) shall be issued in such form and manner and for such period as the Authority thinks fit.”;

(b) by deleting the words “Any person, authorised by name or office in writing in that behalf by the Minister,” in subsection (5) and substituting the words “The Authority”;

10 (c) by deleting the words “the highway, it appears to him” in subsection (5) and substituting the words “the road or part thereof, it appears to the Authority to be”;

(d) by deleting subsections (6) and (7) and substituting the following subsections:

15 “(6) Any such notice shall describe the alternative route or routes, if any, available for traffic and shall be issued in such form and manner and for such period as the Authority thinks fit.

20 (7) Where the Authority has issued a notice under subsection (6), the Authority may, before the expiration of the period referred to in that subsection, proceed to make a restriction or prohibition under subsection (1) with respect to the same road or part thereof.

25 (7A) For the purposes of subsection (1), any person who intends to carry out any construction works or works of repair on, over or under the road shall give notice to the Authority in the prescribed form and manner, and within the prescribed time before the commencement of the works, failing which he shall be guilty of an offence.”;

30 (e) by inserting, immediately after subsection (8), the following subsections:

“ (9) The Authority may, with the approval of the Minister, make rules for carrying out or giving effect to this section, and in particular, for prescribing —

- (a) the form and manner in which, and the period within which, a notice referred to in subsection (7A) is to be given to the Authority;
- (b) the documents, information and indemnity to be given to the Authority together with the notice referred to in subsection (7A);
- (c) the duties of —
  - (i) the person carrying out any construction works or works of repair on, over or under any road or part thereof; or
  - (ii) the person for whom such works are being carried out,
 in relation to the restriction or prohibition of the use of that road or part thereof by vehicles or by vehicles of any particular class or description; and
- (d) the penalties (not exceeding those provided by section 131) for any breach or failure to comply with any such rules.

(10) Where any construction works or works of repair are being carried out on, over or under any road or part thereof, an employee of the Authority, may at any time without notice, enter upon the site of the works to —

- (a) inspect the measures that have been put in place for the regulation or diversion of traffic in connection with the restriction or prohibition of the use of that road or part thereof arising from such works, in order to ensure that such measures are suitable and adequate; and
- (b) give such directions as he thinks necessary to the person carrying out the works or for whom the works are being carried out in relation to the restriction or prohibition of the use of that road or part thereof by vehicles or by vehicles of any particular class or description.

(11) A person shall be guilty of an offence if he —

(a) refuses to give access to or obstructs or hinders an employee of the Authority who is carrying out any inspection under subsection (10)(a); or

5 (b) fails to comply with any direction given to him by an employee of the Authority under subsection (10)(b).”;  
and

(f) by deleting the word “Minister” in the section heading and substituting the word “Authority”.

### 10 **Amendment of section 116**

**13.** Section 116 of the principal Act is amended —

(a) by deleting the words “without the written approval of the Minister” in subsection (1) and substituting the words “except under, and in accordance with the conditions of, a permit granted  
15 by the Deputy Commissioner of Police”;

(b) by deleting subsections (2) to (6) and substituting the following subsections:

“(2) An application for a permit referred to in subsection (1) shall —

20 (a) be made to the Deputy Commissioner of Police in such form or manner, and not less than such period before the date of the competition or trial of speed, as the Deputy Commissioner of Police may require; and

25 (b) be accompanied by such fee (if any) as the Minister may prescribe.

(3) Upon receiving an application under subsection (2), the Deputy Commissioner of Police may —

(a) grant the permit applied for —

30 (i) in such form and manner as the Deputy Commissioner of Police may determine; and

(ii) subject to such conditions as the Deputy Commissioner of Police thinks fit to impose; or

(b) refuse to grant the permit.”; and

- (c) by deleting the words “without the written approval of the Minister” in subsections (7) and (8) and substituting in each case the words “that is in contravention of subsection (1)”.

### **Repeal and re-enactment of section 120**

- 5     **14.** Section 120 of the principal Act is repealed and the following section substituted therefor:

#### **“Duty to comply with traffic directions and traffic signs**

10     **120.**—(1) Where a police officer, an employee of the Authority or a security officer, who is in uniform, is for the time being engaged in the regulation of traffic on a road —

15         (a) any person driving or propelling any vehicle shall stop the vehicle or make it proceed in or keep to a particular line of traffic when directed to do so by the police officer, employee of the Authority or security officer (as the case may be) in the execution of his duty; and

       (b) any pedestrian shall comply with any direction given by the police officer, employee of the Authority or security officer (as the case may be) in the execution of his duty, either to pedestrians or to pedestrians and other traffic.

20     (2) Where a police officer or a security officer, who is in uniform, is for the time being engaged in the regulation of traffic on a road at any place where there are traffic light signals regulating the movement of traffic, any person driving a vehicle shall comply with the directions given by the police officer or security officer notwithstanding that the traffic light signals indicate otherwise.

25     (3) Where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near any road pursuant to section 119, any person driving or propelling any vehicle shall comply with the indication given by the sign.

30     (4) Any person who fails to comply with subsection (1), (2) or (3) shall be guilty of an offence.

35     (5) In any proceedings for an offence under subsection (3), in so far as it is necessary to establish the offence charged, it shall be presumed until the contrary is proved that the sign was of the

prescribed size, colour and type and that it was lawfully placed under section 119.”.

### **Repeal and re-enactment of section 123**

5 **15.** Section 123 of the principal Act is repealed and the following section substituted therefor:

#### **“Removal or immobilisation of abandoned or illegally parked vehicles, etc.**

**123.—**(1) Where a vehicle —

10 (a) is parked or permitted to stand on any road in contravention of any provision of this Act or in such a manner as to constitute a danger or unreasonable obstruction to traffic or persons using the road; or

(b) appears to have been abandoned on a road,

an enforcement officer who is in uniform may —

15 (i) require the owner, driver or other person in control or in charge of the vehicle to remove the vehicle;

(ii) remove the vehicle (including any trailer drawn or any load carried thereby) to such place as the enforcement officer thinks fit and detain it thereat; or

20 (iii) immobilise the vehicle.

(2) Where an enforcement officer has removed and detained, or has immobilised, any vehicle under subsection (1), the enforcement officer shall, with all reasonable despatch, notify the owner of the vehicle as to the procedure by which such owner may secure the  
25 release of the vehicle.

(3) The notification under subsection (2) may be given —

(a) where the vehicle has been removed and detained —

30 (i) by posting a notice in writing to the owner of the vehicle at his usual or last known place of residence or business in Singapore; or

(ii) in such other manner as the enforcement officer thinks expedient; or



- (b) where the vehicle has been immobilised, by affixing a notice onto the windscreen or any other conspicuous part of the vehicle.

(4) No vehicle which has been removed and detained, or immobilised, under this section shall be released to the owner thereof except —

- (a) by or under the direction of a Magistrate or the Deputy Commissioner of Police or the Registrar; and

- (b) upon the owner of the vehicle having paid the costs of the removal and detention, or the immobilisation, of the vehicle, and such other charges as may be prescribed,

and the vehicle shall remain at the risk of the owner of the vehicle until all such costs and charges have been paid.

(5) A person shall be guilty of an offence if he —

- (a) without reasonable excuse, fails to remove his vehicle when required to do so by an enforcement officer under subsection (1)(i); or

- (b) without being authorised to do so by a Magistrate or the Deputy Commissioner of Police or the Registrar, removes, attempts to remove or tampers with —

- (i) any notice that has been affixed to a vehicle under subsection (3)(b);

- (ii) any vehicle from the place at which it is being detained under this section; or

- (iii) the immobilisation device that has been fixed to a vehicle under this section.

(6) Where the owner or driver of a vehicle which has been immobilised under this section does not appear to secure the release of the vehicle within the time stipulated in the notice referred to in subsection (3)(b), an enforcement officer may remove the vehicle (including any trailer drawn or any load carried thereby) to such place as he thinks fit and detain it thereat, and shall give notice to the owner of the vehicle in accordance with subsection (3)(a) as to the procedure by which such owner may secure the release of the vehicle.

(7) Where any vehicle which has been removed and detained, or immobilised, under this section is not claimed by its owner within 3 months from the date on which it was so removed and detained or immobilised (as the case may be), the Deputy Commissioner of Police or the Registrar may, after giving due notice in the *Gazette* and after giving not less than one month's notice in writing to the owner (if the name and address of such owner are known to the Deputy Commissioner of Police or the Registrar), sell the vehicle by public auction or otherwise dispose of the vehicle.

(8) The proceeds from the sale or disposal of any such vehicle shall be applied in the payment of the costs incurred in carrying out the provisions of this section and such other charges as may be prescribed, and the surplus, if any, shall be paid to the owner of the vehicle or, if not claimed by such owner within 12 months, shall be forfeited to the Government.

(9) The enforcement officer who removes and detains, or who immobilises, a vehicle under this section, the Deputy Commissioner of Police, the Registrar, the Authority or any person who assists the enforcement officer to remove and detain, or to immobilise, the vehicle shall not be liable for any damage to or loss of the vehicle or the contents thereof not caused wilfully or negligently by the enforcement officer, the Deputy Commissioner of Police, the Registrar, the Authority or the person assisting the enforcement officer in the exercise of the powers under this section.

(10) In this section —

“enforcement officer” means a police officer or an employee of the Authority;

“immobilise”, in relation to a vehicle, means to prevent the removal of the vehicle by fixing to the vehicle a device or appliance which is designed or adapted for the purpose of preventing the removal of the vehicle.”.

### **Amendment of section 131**

**16.** Section 131 of the principal Act is amended by deleting subsection (3).

### **New section 131B**

**17.** The principal Act is amended by inserting, immediately after section 131A, the following section:

#### **“Offences by bodies corporate, etc.**

5       **131B.**—(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 act or default on his part,  
10       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  
15       as if he were a director of the body corporate.

          (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

20       (b) to be attributable to any act or default on his part,  
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 a limited liability partnership is proved to have been committed with the  
25       consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

          (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 act or default on the part of such an officer or a 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.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

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

(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 the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

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

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

#### **Amendment of section 140**

**18.** Section 140(2) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (n); and
- (b) by deleting the full-stop at the end of paragraph (o) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(p) prescribing the fees, costs and charges that may be imposed for the purposes of this Act, where no provision has already been made therefor in any of the foregoing provisions.”.

5 **New sections 142A and 142B**

**19.** The principal Act is amended by inserting, immediately after section 142, the following sections:

**“Designation of Minister of State and Parliamentary Secretary to hear appeals**

10 **142A.**—(1) Where pursuant to any provision of this Act an appeal may be made to the Minister, the appropriate Minister may designate —

(a) any Minister of State for his Ministry; or

(b) any Parliamentary Secretary to his Ministry,

15 to hear and determine such appeal in his place.

(2) In this section, the references to a Minister of State and a Parliamentary Secretary include, respectively, references to a Senior Minister of State and a Senior Parliamentary Secretary.

**Authorisation of security officers to regulate traffic**

20 **142B.**—(1) The Deputy Commissioner of Police or the Authority may, for the purpose of assisting him or it in the regulation of traffic under any provision of this Act, authorise, subject to such restrictions as he or it may impose, such number of security officers as he or it thinks necessary to regulate traffic under that provision.

25 (2) Every security officer who is authorised to regulate traffic pursuant to subsection (1) shall, when in uniform and while carrying out his duties in regulating traffic under any provision of this Act, comply with such directions as the Deputy Commissioner of Police or the Authority (as the case may be) may give.”.

30 **Repeal and re-enactment of section 143**

**20.** Section 143 of the principal Act is repealed and the following section substituted therefor:

**“Regulation of traffic in connection with events, etc.**

5      **143.**—(1) Except as otherwise provided by rules made under subsection (11), no person shall conduct any event on any road or part thereof unless he has obtained a permit from the Deputy Commissioner of Police under this section authorising him to use that road or part thereof for the conduct of such event.

(2) The Deputy Commissioner of Police may, on his own motion, or upon granting a permit referred to in subsection (1), issue police orders to —

10      (a) close any road or part thereof to traffic to such extent, for such period and subject to such conditions as may be specified in the order; and

(b) prescribe —

15      (i) the routes, entrances and exits by which vehicles or pedestrians shall approach or leave the venue of an event or any place of assembly or public resort;

(ii) where and the order in which vehicles shall park at or around the venue of an event or any place of assembly or public resort;

20      (iii) one or more parking places upon any land at or around such venue, place of assembly or public resort that is in private ownership, if the owner or occupier of such land consents; and

25      (iv) such other matters as may be necessary or incidental to the closure of any road or part thereof under paragraph (a).

(3) An application for a permit referred to in subsection (1) shall —

30      (a) be made to the Deputy Commissioner of Police in such form or manner, and not less than such period before the date of the event, as the Deputy Commissioner of Police may require; and

(b) be accompanied by such fee (if any) as the Minister may prescribe.

35      (4) Upon receiving an application under subsection (3), the Deputy Commissioner of Police may, after consulting the Authority —

(a) grant the permit applied for —

(i) in such form and manner as the Deputy Commissioner of Police may determine; and

5 (ii) subject to such conditions as the Deputy Commissioner of Police and the Authority may each think fit to impose; or

(b) refuse to grant the permit.

10 (5) The conditions which may be imposed under subsection (4)(a)(ii) include conditions requiring the person to whom the permit is granted, at such person's own expense —

(a) to publish, in such form and manner and for such period as the Deputy Commissioner of Police may require, a notice informing the general public or such persons as the Deputy Commissioner of Police thinks fit of —

15 (i) the closure of any road or part thereof under subsection (2); and

(ii) the alternative route or routes, if any, that are available for vehicles or pedestrians;

20 (b) to post conspicuously at any part of any road, and for such period as the Deputy Commissioner of Police may require, such notices and signs as the Deputy Commissioner of Police may specify to inform motorists and pedestrians of —

(i) the closure of any road or part thereof under subsection (2); and

25 (ii) the alternative route or routes, if any, that are available for vehicles or pedestrians;

(c) to place such signs, barriers and barricades at such places and for such period as the Deputy Commissioner of Police may require; and

30 (d) to engage a sufficient number of auxiliary police officers or security officers to regulate traffic on any road or at or around the venue of the event to which the permit relates in accordance with such directions as the Deputy Commissioner of Police may give.

(6) Without prejudice to subsection (5), the Deputy Commissioner of Police may take such measures as he thinks fit to implement any police order issued under subsection (2) and may deploy police officers, auxiliary police officers and security officers to regulate traffic on any road or at or around any venue affected by the police order.

(7) Any person who contravenes subsection (1) shall be guilty of an offence.

(8) If the person to whom a permit is granted under this section fails to comply with any condition imposed by the Deputy Commissioner of Police or the Authority (as the case may be) under subsection (4)(a)(ii), that person shall be guilty of an offence, and the Deputy Commissioner of Police may revoke the permit granted to that person.

(9) If any person neglects or refuses to stop a vehicle or to make it proceed in or keep to a particular line of traffic or neglects or refuses himself to proceed in or keep to a particular line of traffic when directed to do so by a police officer, an auxiliary police officer or a security officer, who is in uniform and who is engaged or deployed to regulate traffic for the purpose of this section, that person shall be guilty of an offence.

(10) Police orders issued under this section shall be published in the *Gazette* and may be published in such other manner as the Deputy Commissioner of Police may think fit.

(11) The Minister may make rules to prescribe the types of event to which subsection (1) does not apply and to make provisions subject to which any road or part thereof may be used for the conduct of any such event.

(12) In this section, “event” means —

(a) any sporting event (such as a marathon, a walkathon, a triathlon or a cycling rally); or

(b) any procession, parade, celebration, ceremony, gathering, activity or event,

that is to be conducted mainly or partly on a road or any part thereof, and includes a competition or trial of speed involving the use of vehicles as referred to in section 116.”.



### **Amendment of Land Transport Authority of Singapore Act**

**21.** The Land Transport Authority of Singapore Act (Cap. 158A) is amended —

5       (a) by deleting paragraph (f) of section 6(1) and substituting the following paragraph:

10               “(f) to provide registration and licensing procedures and systems for road transport in accordance with the Road Traffic Act (Cap. 276), and to perform such other functions as may be conferred on the Authority by that Act, including —

                  (i) the regulation of the parking of vehicles on roads and the taking of enforcement action in relation thereto;

15               (ii) the regulation, prohibition or restriction of the use of roads on account of any construction or maintenance works being carried thereon, or any other considerations of safety; and

                  (iii) the determination and prescription of vehicular speed limits on roads;”;

20       (b) by deleting the marginal reference “Cap. 276.” in section 6(1)(f);

              (c) by deleting the words “for which the Minister for Communications has been charged with responsibility” in item 13 in the Second Schedule and substituting the words “which falls under the purview of the Minister charged with the responsibility for transport”; and

25       (d) by inserting, immediately after item 20 in the Second Schedule, the following item:

                  “21. All fees, costs and charges prescribed under section 140(2)(p) of the Road Traffic Act that are payable to the Authority.”.

### **Amendment of Private Security Industry Act**

**22.** Section 13 of the Private Security Industry Act (Cap. 250A) is amended —

              (a) by deleting the word “or” at the end of paragraph (c); and

(b) by deleting the full-stop at the end of paragraph (d) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(e) regulating traffic under the Road Traffic Act (Cap. 276).”.

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### **Saving and transitional provision**

**23.** For a period of 2 years after the date of commencement of this Act, the Minister may make rules to prescribe such additional provisions of a saving or transitional nature consequent on the enactment of this Act as he may consider necessary or expedient.

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## **EXPLANATORY STATEMENT**

This Bill seeks to amend the Road Traffic Act (Cap. 276) and to make related and consequential amendments to the Land Transport Authority of Singapore Act (Cap. 158A) and the Private Security Industry Act (Cap. 250A).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 by deleting and substituting the definition of “Minister” in subsection (1) in order to transfer certain provisions from the purview of the Minister for Home Affairs to the purview of the Minister for Transport, and to incorporate certain consequential amendments arising from the amendments made by clauses 12, 13, 15, 17, 19 and 20.

The clause also amends section 2(1) by updating the definition of “company” and inserting a new definition of “security officer”, and makes a consequential amendment to section 2(2) arising from the amendment made by clause 6 to section 47F.

Clause 3 amends section 35A(1) to provide for certain additional grounds on which the Deputy Commissioner of Police may revoke a driving licence.

Clause 4 amends section 38 to allow persons who become Singapore citizens or permanent residents on or after the date of commencement of the clause, and who hold foreign driving licences but not Singapore driving licences, to temporarily use their foreign driving licences to drive a motor vehicle in Singapore. (The new section 38(1)(b) retains the provision of the existing section 38(1) in relation to holders of foreign driving licences who are neither Singapore citizens nor permanent residents and who are resident outside Singapore but are temporarily in Singapore.)

Clause 5 amends section 47C to empower the Deputy Commissioner of Police to suspend the driving licence of a person at any time upon the commencement of any police investigation against that person for committing, while driving a motor vehicle on a road or in any public place, any of the traffic offences that are specified in that

section, if that person was involved in any traffic incident resulting in serious injury or death to another person, or serious damage to any building or structure, while so driving the motor vehicle.

Clause 6 amends section 47F to replace the words “foreign motorist” with “holder of a foreign driving licence”. This amendment and the amendment made by clause 6(f) to subsection (4) are consequential amendments arising from the amendment made by clause 4 to section 38 (whereby persons who become Singapore citizens or permanent residents on or after the date of commencement of clause 4 will be temporarily allowed to drive in Singapore using foreign driving licences).

The clause also amends section 47F to empower the Deputy Commissioner of Police to make a prohibition order against a driver who holds a foreign driving licence in cases where the Deputy Commissioner of Police is empowered to revoke a driving licence granted under Part II.

Clause 7 amends section 70 to allow for a breath test under that section (for the purpose of determining the proportion of alcohol in a person’s breath) to be conducted by a police officer either at or near the place where the person being subject to the breath test is arrested, or at a police station. Currently, the breath test may only be conducted at a police station.

Clause 8 amends section 81 such that a company, a partnership or an unincorporated body which owns a motor vehicle and which fails to keep a proper and accurate record of each occasion on which it permits any person to drive the motor vehicle will be deprived of the defence of proving that it could not, with reasonable diligence, have ascertained the information required when charged with an offence under subsection (1) of failing to give information when so required by a police officer or an employee of the Land Transport Authority of Singapore (the Authority).

The clause also amends subsection (3) to make it an offence for any person to recklessly furnish any false or misleading information to a police officer or an employee of the Authority under subsection (1) or (2). (Currently, subsection (3) only makes it an offence for a person to wilfully furnish any false or misleading information.)

Clauses 9 and 10 amend sections 95 and 95A, respectively, to make certain changes to the procedure by which the owner of a vehicle which has been seized or immobilised (as the case may be) under either of those sections may be notified of the seizure or immobilisation as well as the procedure for securing the release of the vehicle. The amended procedures in sections 95 and 95A will be in line with the procedure in the new section 123 (see clause 15) and will help expedite the release of the vehicle to its owner.

Clause 10 also deletes the definition of “police officer” in section 95A(13). The definition is no longer necessary since pursuant to section 92(4) of the Police Force Act (Cap. 235), the Commissioner of Police has conferred the relevant powers of police officers on auxiliary police officers. (See Notification N 6 relating to the “Powers, Privileges and Immunities of Auxiliary Police Officers”.)

Clause 11 inserts a new section 114A which empowers the Minister for Transport to make rules to prohibit, restrict or regulate the use on an expressway of any vehicle which is prescribed to be an excluded vehicle. Such rules may, amongst other things, require the owner or driver of an excluded vehicle to obtain a permit from the Authority before using the excluded vehicle on an expressway.

Clause 12 amends section 115 to transfer (with certain procedural changes) from the Minister for Home Affairs to the Authority the power to prohibit or restrict traffic on roads that are undergoing repair or reconstruction, or which are seriously damaged or dangerous for use.

Clause 13 amends section 116 to transfer (with certain procedural changes) from the Minister for Home Affairs to the Deputy Commissioner of Police the function and power to regulate the holding of competitions and trials of speed involving the use of vehicles on roads. With the amendments, the organiser of any such competition or trial of speed must apply to the Deputy Commissioner of Police for a permit under section 116 authorising him to conduct the competition or trial of speed, as well as a permit under the new section 143 (see clause 20) for the use of any road to be restricted or prohibited for the purposes of the competition or trial of speed. The deletion of subsections (3) to (6) is a consequential amendment arising from the repeal and re-enactment of section 143.

Clause 14 repeals and re-enacts section 120 to re-organise the provision for greater clarity, and to empower an employee of the Authority and a security officer to exercise certain traffic regulation powers. The amendments will facilitate the Authority's taking of enforcement action against motorists who park their vehicles illegally on the roads.

Clause 15 repeals and re-enacts section 123 to allow a police officer or an employee of the Authority (referred to in the section as an enforcement officer) to remove and detain, or to immobilise, vehicles that are abandoned, dangerously parked or illegally parked on the roads. (Currently, the powers under that section are vested in the Deputy Commissioner of Police only.) The amendments will facilitate the Authority's taking of enforcement action against motorists who park their vehicles illegally on the roads.

Clause 16 deletes subsection (3) of section 131. This is a consequential amendment arising from the insertion of the new section 131B by clause 17.

Clause 17 inserts a new section 131B which relates to the liability of directors, partners and other relevant officers for any offence under the Act committed by any company or firm. This is a standard provision found in many recent Acts.

Clause 18 amends section 140 to allow for rules to be made to prescribe the fees, costs and charges that may be imposed for the purposes of the Act, where no provision has already been made therefor in any of the other provisions of the Act.

Clause 19 inserts —

- (a) a new section 142A which empowers the appropriate Minister to designate any Minister of State (including any Senior Minister of State) of or any Parliamentary Secretary (including any Senior Parliamentary Secretary) to his Ministry to hear and determine any appeal under any provision of the Act that provides for such an appeal to be made to the Minister; and

- (b) a new section 142B which empowers the Deputy Commissioner of Police and the Authority to authorise security officers who are licensed under the Private Security Industry Act (Cap. 250A) to regulate traffic under any provision of the Road Traffic Act (Cap. 276).

Clause 20 repeals and re-enacts section 143 to incorporate certain new procedural measures relating to the closure of roads for the conduct of events, and to provide for the regulation of traffic in connection with any such road closure. The organiser of any event that is to be conducted on any road must obtain a permit from the Deputy Commissioner of Police authorising him to use that road or part thereof for the conduct of the event, and must comply with the conditions imposed by the Deputy Commissioner of Police and the Authority in respect of the permit. Such conditions may include conditions that facilitate traffic regulation for the purposes of any road closure arising from the conduct of the event.

Clause 21 amends section 6(1) of the Land Transport Authority of Singapore Act (Cap. 158A) to set out certain new functions that will be taken on by the Authority arising from the amendments made by the Bill to the Road Traffic Act.

The clause also updates item 13 of the Second Schedule to the Land Transport Authority of Singapore Act, and inserts a new item 21 to that Schedule to enable the Authority to retain all fees, costs and charges prescribed under the new section 140(2)(p) that are payable to the Authority.

Clause 22 amends section 13 of the Private Security Industry Act to include the regulation of traffic under the Road Traffic Act as a function of a security officer. This is a consequential amendment arising from the amendments made to the Road Traffic Act by clauses 2(c), 14, 19 and 20.

Clause 23 is a saving and transitional provision.

## EXPENDITURE OF PUBLIC MONEY

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

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