

Amusement Rides Safety Bill

Bill No. 1/2011.

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AMUSEMENT RIDES SAFETY ACT 2011

(No. of 2011)

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A BILL

i n t i t u l e d

An Act to make provision relating to the safety of amusement rides and matters connected therewith.

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

PART I

PRELIMINARY

Short title and commencement

5 **1.** This Act may be cited as the Amusement Rides Safety Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“adverse incident”, in relation to an amusement ride, includes —

- 10 (a) any malfunction of the amusement ride;
- (b) any accident arising from the operation of the amusement ride;
- (c) any occurrence of fire on the amusement ride or any part thereof (including the spread of smoke or any other harmful emission arising from such fire);
- 15 (d) the collapse, breakage, dislodgement or disengagement of any structure or component of the amusement ride;
- (e) any occurrence arising from the operation of the amusement ride that results or is likely to result in —
- 20 (i) any injury to or the death of any person who is using or operating, or in the vicinity of, the amusement ride; or
- (ii) any person being stranded or trapped on or in any part of the amusement ride; and
- 25 (f) such other occurrence as may be prescribed as an adverse incident for the purposes of this Act;

“amusement ride” means any mechanised or power-driven device or any combination of such devices, together with any machinery, equipment and plant connected thereto or used in connection therewith, which —

30

(a) is designed to carry patrons on, along, around, over or through a fixed or restricted course, or within a defined area, for the primary purpose of giving such patrons amusement, pleasure, thrills or excitement; and

5 (b) is available for use by members of the public upon their payment of a fee or otherwise,

whether or not such device or combination of devices is erected to remain as a lasting part of any premises or is regularly relocated, and —

10 (i) includes such other device or combination of devices as may be prescribed to be an amusement ride for the purposes of this Act; but

(ii) does not include any —

(A) coin-operated ride;

15 (B) playground equipment; or

(C) device or combination of devices which is prescribed as not being an amusement ride for the purposes of this Act;

“appointed day” means the date of commencement of this Act;

20 “Authority” means the Building and Construction Authority established under section 3 of the Building and Construction Authority Act (Cap. 30A);

25 “building” has the same meaning as in the Building Control Act (Cap. 29), and includes any part of an amusement ride which is declared to be a building under paragraph (g) of the definition of “building” in section 2(1) of that Act;

“building works” has the same meaning as in section 2(1) of the Building Control Act;

30 “certificate of compliance” means a certificate of compliance issued by the Commissioner of Civil Defence under section 36(4)(a) in respect of the fire and rescue management system of an amusement ride;

“Commissioner” means the Commissioner of Amusement Rides Safety appointed under section 3(1);

“Commissioner of Building Control” means the appropriate Commissioner of Building Control appointed under section 3(1) of the Building Control Act (Cap. 29);

5 “Commissioner of Civil Defence” means the Commissioner of Civil Defence appointed under section 6 of the Civil Defence Act (Cap. 42) and includes any public officer or member of the Civil Defence Force who is designated by the Commissioner of Civil Defence to act in his place for the purposes of this Act;

“coin-operated ride” means any device which —

- 10 (a) is fixed to a non-moving base; and
(b) upon the insertion of any coin, slug, token, plate or disc, operates as a ride for children;

“component”, in relation to an amusement ride, means any part in the entire assembly of parts that make up the amusement ride, and
15 includes —

- (a) any part of the structure of the amusement ride;
(b) any chair, car, capsule, cabin, gondola, boat, raft, vehicle or other conveyance which forms part of the amusement ride;
(c) any cable, chain, rope or cord used for the purposes of the
20 amusement ride; and
(d) any electrical gadget, switch or device or any computer hardware or software used in connection with the operation of the amusement ride;

“conformity assessor” means any person or body of persons (whether
25 incorporated or not, and whether local or foreign) —

- (a) whose expertise is or includes the carrying out of procedures (including inspections, tests and certifications) for determining whether the design and specifications, the proposed installation method and programme or the proposed
30 modification method and programme relating to a major amusement ride or the major modification thereof conform to any given technical standard or requirement; and
(b) who satisfies the prescribed requirements;

“design and specifications” —

(a) in relation to an amusement ride, means the design and specifications (including any plans and calculations) of or relating to —

- 5 (i) the machinery, equipment and plant connected to, or used in connection with, the amusement ride;
- (ii) the structure and components of the amusement ride;
- (iii) the materials used to construct the amusement ride;
- (iv) the stability and structural integrity of the amusement
10 ride; and
- (v) such other aspects of the amusement ride as may be prescribed; and

(b) in relation to any major modification to be carried out on an amusement ride, means the design and specifications
15 (including any plans and calculations) in accordance with which any aspect of the amusement ride as referred to in paragraph (a)(i) to (v) is to be modified pursuant to the major modification;

“enforcement officer” means any person who is appointed under
20 section 3(3) to be an enforcement officer for the purposes of this Act;

“existing amusement ride” means an amusement ride which has been
25 in operation at any time during the period of 12 months immediately preceding the appointed day, whether on a continuous or an intermittent basis;

“fire and rescue management system”, in relation to an amusement
ride, means any installation, apparatus or equipment (whether
integrated as part of the amusement ride or otherwise) and the
protocols and instructions for the activation, operation and use
30 thereof, which are designed to be used for —

(a) addressing —

- (i) any occurrence of fire on the amusement ride or any part thereof (including the spread of smoke or any other harmful emission arising from such fire);

- (ii) any occurrence arising from the operation of the amusement ride that results or is likely to result in any person being injured, stranded or trapped on or in any part of the amusement ride; and
- 5 (iii) such other occurrence arising from the operation of the amusement ride as may be prescribed;
- (b) giving warning of any of the occurrences referred to in paragraph (a), or of the likelihood of any such occurrence;
- (c) providing a means of rescue, escape or evacuation of persons from the amusement ride in the event of any of the occurrences referred to in paragraph (a); and
- 10 (d) providing access to any premises or place for the purpose of addressing any of the occurrences referred to in paragraph (a);
- 15 “install”, in relation to an amusement ride, means to construct, erect, assemble or put in place the amusement ride on any premises, but in relation to an amusement ride that is capable of being relocated, does not include to construct, erect, assemble or put in place that amusement ride on any premises arising from its relocation to those
- 20 premises;
- “installation method and programme”, in relation to an amusement ride, means the method and programme to be followed for the installation of the amusement ride, and includes all safety assessments and tests to be carried out during or upon the
- 25 completion of the installation works;
- “installation permit” means a permit issued by the Commissioner under section 6 authorising the installation of an amusement ride;
- “installation works” means all works relating to the installation of an amusement ride, but does not include any building works relating
- 30 to the construction or modification of any building which forms part of the amusement ride or to which the amusement ride is connected;
- “major amusement ride” means any type of amusement ride which, on account of its design, size, structure, speed or other characteristics,
- 35 is prescribed as a major amusement ride for the purposes of this Act;

“major modification”, in relation to an amusement ride, means any manner of change to the structure or mechanism of the amusement ride which is prescribed as a major modification for the purposes of this Act;

5 “minor modification”, in relation to an amusement ride, means any modification to the amusement ride (including any refurbishment thereof) which is not prescribed as a major modification for the purposes of this Act;

10 “modification method and programme”, in relation to the major modification of an amusement ride, means the method and programme to be followed for the major modification of the amusement ride, and includes all safety assessments and tests to be carried out during or upon the completion of the modification works;

15 “modification permit” means a permit issued by the Commissioner under section 24 authorising the major modification of an amusement ride;

20 “modification works” means all works relating to the major modification or minor modification (as the case may be) of an amusement ride, but does not include any building works relating to the construction or modification of any building which forms part of the amusement ride or to which the amusement ride is connected;

25 “operate”, in relation to an amusement ride, means to cause the amusement ride to be put to function for the purpose of making the use of the amusement ride available to members of the public, whether upon their payment of a fee or otherwise, and “operator” shall be construed accordingly;

30 “operating method”, in relation to an amusement ride, means the method by which, according to its design and specifications, the amusement ride is to be put to function, and includes all safety measures to be taken in the event of any adverse incident occurring in respect of the amusement ride;

35 “operating permit” means a permit issued by the Commissioner under section 14 authorising the holder thereof to operate an amusement ride;

“owner” —

(a) in relation to any premises, means the person for the time being receiving the rents or profits for the lease of the premises, whether on his own account or as agent or trustee for any other person, or who would so receive the rents or profits if the premises were so leased, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254); and

(b) in relation to an amusement ride, means the person for the time being receiving the rents or profits for the lease of the amusement ride, whether on his own account or as agent or trustee for any other person, or who would so receive the rents or profits if the amusement ride were so leased;

“patron” means any person who uses the amusement ride;

“person responsible”, in relation to an amusement ride —

(a) means the person who holds the operating permit in respect of the amusement ride; but

(b) if no person holds an operating permit in respect of the amusement ride for the time being, means any of the following persons:

(i) the owner of the amusement ride or the person who has the charge, management or control of the amusement ride;

(ii) the owner of the premises on which the amusement ride is installed;

(iii) where the amusement ride is installed in an approved place within the meaning in section 2 of the Public Entertainments and Meetings Act (Cap. 257), and notwithstanding that the amusement ride is not a public entertainment within the meaning of that section, the holder of a licence under that Act in respect of the public entertainment that is provided at that approved place;

(iv) the person who is allowed by virtue of section 75 to operate the amusement ride without an operating permit; or

- (v) such other person who is prescribed to be the person responsible for the amusement ride for the purposes of this Act;

“playground equipment” means any apparatus which is designed for recreational use in a playground and includes swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines and physical fitness devices;

“power-driven” means driven by mechanical, electrical, magnetic, pneumatic, hydraulic or any other means but does not include being driven solely by human physical effort;

“premises” means any place or building or part thereof, whether privately owned or not, to which the general public or any section of the general public is permitted to have access, whether on payment of a fee or otherwise;

“prescribed requirements” means the requirements, if any, that are prescribed by any provision of this Act or by the regulations and, where appropriate, includes such codes, standards and specifications as may be adopted by such regulations pursuant to section 73;

“qualified person” means a person who —

(a) is registered as a specialist professional engineer in the discipline of amusement ride engineering under the Professional Engineers Act (Cap. 253); and

(b) has in force a specialist practising certificate issued under that Act;

“regulations” means any regulations made under section 72;

“relocate”, in relation to an amusement ride, means to move the amusement ride, with or without disassembly, from its present location to another location for operation thereat;

“relocation works” means all works relating to the relocation of an amusement ride, including the disassembling and reassembling of the amusement ride for the purposes of such relocation;

“ride manager”, in relation to an amusement ride, means a person who is appointed under section 16 to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride;

5 “routine operation”, in relation to an amusement ride, means the carrying out of any task or activity that is necessary for putting the amusement ride to function, and includes —

(a) the activation and exercise of mechanical control of the amusement ride;

10 (b) the driving or steering of any vehicle, boat or other conveyance that forms part of the amusement ride;

(c) the control of the number of patrons allowed on the amusement ride at any one time and the supervision of the boarding or alighting of such patrons;

15 (d) the giving of directions to patrons regarding their use of the amusement ride and the safety measures to be observed by them when using the amusement ride; and

(e) any other task or activity that is prescribed as being an aspect of the routine operation of the amusement ride for the purposes of this Act;

20 “structure”, in relation to an amusement ride, includes any tower, supporting frame, wheel, axle, arm, pendulum, drive system, launch mechanism, platform, flume, track or slide which forms part of the amusement ride.

25 (2) For the purposes of this Act, a device shall be regarded as being wholly or, where appropriate, partly driven by a particular kind of power if it is so driven by that kind of power at any stage of its operation or propulsion.

(3) Where —

30 (a) by or under any provision of this Act, any act or thing is required or directed to be done within a particular period or before a particular time;

(b) failure to do that act or thing within the period or before the time referred to in paragraph (a) constitutes an offence; and

35 (c) that act or thing is not done within the period or before the time referred to in paragraph (a),

the obligation to do that act or thing shall continue, notwithstanding that that period has expired or that time has passed, until that act or thing is done; and if the failure to do that act or thing within the period or before the time referred to in paragraph (a) is an offence, a person shall be guilty
 5 of a separate offence in respect of each day (including the day of a conviction for any such offence or any later day) or part thereof during which the person continues to refuse or fail to comply with that requirement or direction.

Appointment of Commissioner and enforcement officers

10 **3.**—(1) The Minister may appoint any person to be the Commissioner of Amusement Rides Safety.

(2) The Commissioner shall, subject to any general or special directions of the Minister, have charge of the administration of this Act and may perform such duties as are imposed and may exercise such powers as are
 15 conferred upon him by this Act.

(3) The Commissioner may appoint, by name or office, from among —

(a) public officers; or

(b) persons in the employment of the Authority or such other public authority constituted by any written law as the Minister may
 20 approve for the purpose,

such number of enforcement officers as the Commissioner considers necessary for the purpose of assisting him in administering and enforcing this Act.

(4) Any powers conferred on and duties to be performed by the
 25 Commissioner under this Act may, subject to any general or special directions of the Commissioner, be exercised or performed by any enforcement officer appointed under subsection (3).

(5) Every enforcement officer appointed under subsection (3) shall be subject to the general supervision of the Commissioner.

30 (6) Every enforcement officer when exercising any powers under this Act shall, if not in uniform, declare his office and shall, on demand, produce to any person affected by the exercise of those powers such identification card as the Commissioner may direct to be carried by the enforcement officer when exercising such powers.

(7) It shall not be an offence for any person to refuse to comply with any requirement, demand or order made or given by any enforcement officer who fails to produce his identification card on demand being made by that person.

5 **Commissioner and enforcement officers deemed to be public servants**

4. The Commissioner and every enforcement officer shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

PART II

INSTALLATION OF AMUSEMENT RIDES

10 **Requirement for installation permit**

5.—(1) No person shall install or cause any amusement ride to be installed unless the installation of the amusement ride is authorised by, and is carried out in accordance with the conditions of, a valid installation permit.

15 (2) Any person who commences or carries out, or who causes, permits or authorises the commencement or carrying out of, any installation works in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction —

20 (a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof during which the contravention continues,

25 and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

(3) If any installation works are being carried out in contravention of subsection (1), the Commissioner may —

30 (a) by notice in writing, require the person who is carrying out, or who has caused, permitted or authorised the carrying out of, the installation works to take or cause to be taken, at the expense of

such person and within such time as may be stipulated in the notice, all such measures as may be specified in the notice to secure the cessation of such installation works; or

5 (b) take or cause to be taken all such measures as the Commissioner thinks necessary to secure the cessation of such installation works and recover from the person referred to in paragraph (a) by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing such measures to be taken.

10 (4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —

(a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

15 (b) the Commissioner may take or cause to be taken all such measures as he thinks necessary to secure the cessation of such installation works, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the
20 Commissioner in taking or causing such measures to be taken.

(5) The measures referred to in subsections (3)(a) and (b) and (4)(b) include —

(a) the closure or cordoning off of the premises on which the installation works are being carried out; and

25 (b) the dismantling of any part of the amusement ride that has already been installed.

(6) In addition to the powers exercisable by him under subsection (3) or (4), the Commissioner may, if he thinks necessary for securing the cessation of any installation works being carried out in contravention of
30 subsection (1), seize and detain —

(a) any machinery, equipment or plant connected or used in connection with the amusement ride being installed or with the installation works relating thereto; or

(b) any component of the amusement ride being installed.

(7) Section 51(2) shall apply to any item seized and detained under subsection (6).

Application for and issue of installation permit

6.—(1) An application for an installation permit shall —

- 5 (a) be made to the Commissioner in such form and manner as the Commissioner may require;
- (b) be submitted to the Commissioner together with such documents and particulars as the Commissioner may require; and
- (c) be accompanied by the prescribed fee.

10 (2) A person who wishes to obtain an installation permit must, before making an application under subsection (1) —

- (a) appoint a qualified person to —
 - 15 (i) review the design and specifications and the proposed installation method and programme of the amusement ride to be installed and certify that they conform to the prescribed requirements;
 - (ii) supervise the installation works; and
 - (iii) inspect and certify the amusement ride under section 12 upon the completion of its installation,
- 20 for which purpose either the same qualified person may be appointed to carry out all of the functions referred to in subparagraphs (i), (ii) and (iii), or a different qualified person may be appointed to carry out each such function;
- 25 (b) where applicable, apply, in accordance with section 5 of the Building Control Act (Cap. 29), for the approval of the Commissioner of Building Control for the plans of any building works relating to any building which forms part of the amusement ride to be installed or to which the amusement ride is connected; and
- 30 (c) apply, in accordance with section 36, for the approval of the Commissioner of Civil Defence for the design and plans of the fire and rescue management system of the amusement ride to be installed.

(3) Upon receipt of an application under subsection (1) and the accompanying documents and particulars, the Commissioner may —

(a) subject to subsection (4), issue an installation permit to the applicant —

5 (i) in such form or manner as the Commissioner may determine; and

(ii) subject to such conditions as the Commissioner thinks fit to impose;

10 (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

(i) make such alterations or amendments as the Commissioner may require to either or both the design and specifications and the proposed installation method and programme of the amusement ride;

15 (ii) take such measures as the Commissioner may specify for the purpose of ensuring that the installation works will conform to the prescribed requirements; and

20 (iii) re-submit the application for the installation permit upon having made such alterations or amendments or taken such measures; or

(c) refuse to issue the installation permit, in which case the Commissioner shall, if requested to do so by the applicant, state in writing the reasons for the refusal.

25 (4) The Commissioner shall not issue an installation permit unless the Commissioner is satisfied that —

(a) the applicant —

(i) is a fit and appropriate person to be issued an installation permit; and

(ii) satisfies the prescribed requirements;

30 (b) the design and specifications and the proposed installation method and programme of the amusement ride to be installed have been reviewed in accordance with section 46 by a qualified person appointed by the applicant pursuant to subsection (2)(a)(i)

and certified by the qualified person as conforming to the prescribed requirements;

- 5 (c) where applicable, the plans of any building works relating to any building which forms part of the amusement ride to be installed or to which the amusement ride is connected have been approved by the Commissioner of Building Control under section 5 of the Building Control Act (Cap. 29);
- 10 (d) the design and plans of the fire and rescue management system of the amusement ride to be installed have been approved by the Commissioner of Civil Defence under section 36(3)(a); and
- 15 (e) the installation works will be carried out under the supervision of a qualified person appointed by the applicant pursuant to subsection (2)(a)(ii) (whether or not such qualified person is the same qualified person referred to in paragraph (b) or a different qualified person).

(5) If any direction given by the Commissioner under subsection (3)(b) is not complied with within the time specified in that direction, or such further period as may be allowed by the Commissioner in any particular case, the Commissioner may dismiss the application.

20 **Carrying out of installation works**

7.—(1) The holder of an installation permit shall ensure that no installation works are carried out except under the supervision of a qualified person.

(2) It shall be the duty of —

- 25 (a) the holder of an installation permit;
- (b) any person who is directly engaged in the carrying out of the installation works authorised by the installation permit; and
- (c) the qualified person supervising the installation works,

30 to ensure that the installation works are at all times carried out in accordance with —

- (i) the design and specifications and the proposed installation method and programme, as authorised by the installation permit;
- (ii) the conditions of the installation permit;
- (iii) the prescribed requirements; and

(iv) any direction given by the Commissioner in respect of the installation works.

(3) Where, in relation to any installation works or part thereof, the Commissioner is of the opinion that —

- 5 (a) any of the requirements under subsection (1) or (2) has not been or is not being complied with; or
- (b) the installation works are dangerous or liable to pose a danger to persons who are employed in connection with the installation works, or who are using or operating, or in the vicinity of, the amusement ride being installed,
- 10

the Commissioner may, without revoking or suspending the installation permit under section 11, direct the holder of the installation permit or the person directly engaged in carrying out the installation works to —

- 15 (i) cease the installation works or part thereof, either immediately or within such time as may be specified by the Commissioner; and
- (ii) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

20 and such installation works or part thereof, as the case may be, shall not be resumed without the consent in writing of the Commissioner.

(4) The Commissioner may, upon an application made by the holder of the installation permit in such form and manner as the Commissioner may require, grant his consent for the installation works or any part thereof to resume if he is satisfied that any such installation works or part thereof, if

25 allowed to resume —

- (a) will comply with the requirements under subsections (1) and (2); and
- (b) will not pose a danger to any person.

30 (5) If the holder of an installation permit contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

5 and if the contravention continues after the conviction, the holder of the installation permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

10 (6) If any person to whom subsection (2) applies contravenes that subsection, he shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

15 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

20 and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

25 (7) Any person who is directly engaged in the carrying out of any installation works and who, in carrying out such installation works, deviates or permits or authorises any deviation, in any material way from the design and specifications or the proposed installation method and programme as authorised by the installation permit, shall, unless such deviation has been submitted to and approved by the Commissioner in accordance with the regulations, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

30 (8) Where a person to whom a direction has been given by the Commissioner under subsection (3) —

(a) fails to comply with the direction; or

(b) resumes the installation works without the consent in writing of the Commissioner,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

Duty to notify Commissioner of contravention of Act in relation to installation works

8.—(1) If —

- (a) the holder of an installation permit;
- (b) any person who is directly engaged in the carrying out of the installation works authorised by the installation permit; or
- (c) the qualified person supervising the installation works,

knows or ought reasonably to know of any contravention of this Act relating to the carrying out of the installation works, it shall be the duty of such person to notify the Commissioner, as soon as practicable, of the contravention.

(2) If any person to whom subsection (1) applies contravenes that subsection, he 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 3 months or to both.

(3) It shall be a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that he did not know and could not reasonably have discovered the contravention referred to in the charge.

Alteration of conditions of installation permit

9.—(1) The Commissioner may —

- (a) on his own volition; or
- (b) on an application made by the holder of an installation permit,

at any time alter (whether by adding to, varying or revoking) the conditions of an installation permit.

(2) Before the Commissioner alters the conditions of an installation permit on his own volition under subsection (1)(a), the Commissioner shall give notice in writing to the holder of the installation permit —

(a) stating that he proposes to make the alteration to the conditions of the installation permit in the manner specified in the notice; and

5 (b) specifying the time (being not less than 14 days from the date of service of the notice on the holder of the installation permit) within which written representations with respect to the proposed alteration of conditions may be made.

10 (3) Upon receipt of any written representation referred to in subsection (2)(b), the Commissioner shall consider the representation and may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, shall thereupon issue a direction in writing to the holder of the installation permit —

15 (a) specifying the alteration that has been made to the conditions of the installation permit; and

(b) requiring the holder of the installation permit to comply with the altered conditions of the installation permit as from the date specified in the direction.

20 (4) An application under subsection (1)(b) for the alteration of the conditions of an installation permit shall be made to the Commissioner in such form and manner as the Commissioner may require and shall —

(a) specify the alteration required by the applicant and the reasons therefor; and

(b) be accompanied by —

25 (i) such documents and particulars as the Commissioner may require; and

(ii) the prescribed fee.

30 (5) Where the Commissioner decides to alter the conditions of an installation permit pursuant to an application made under subsection (1)(b), the Commissioner shall issue a direction in writing to the holder of the installation permit —

(a) specifying the alteration that has been made to the conditions of the installation permit; and

- (b) requiring the holder of the installation permit to comply with the altered conditions of the installation permit as from the date specified in the direction.

Installation permit not transferable

- 5 **10.** An installation permit shall not be transferable by its holder to any other person, and any such purported transfer of any installation permit shall be void.

Lapsing, revocation and suspension of installation permit

- 11.—(1)** An installation permit shall automatically lapse —

- 10 (a) if the holder thereof —
- (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or
- (ii) ceases to be the person for whom the amusement ride is to be installed or the person carrying out the installation works
- 15 (as the case may be);
- (b) if the qualified person appointed by the holder of the installation permit pursuant to section 6(2)(a)(ii) to supervise the installation works has vacated his appointment and the holder of the installation permit has failed to appoint a substitute qualified person to supervise the installation works and to notify the Commissioner of the substitute appointment in accordance with
- 20 section 41(1)(b)(i) and (ii); or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.
- 25 (2) The Commissioner may revoke an installation permit if —
- (a) the installation works as authorised by the installation permit, having commenced, are suspended for a continuous period of more than 3 months;
- (b) in the opinion of the Commissioner, the holder of the installation permit has contravened or is contravening, or the installation works as authorised by the installation permit have been or are
- 30 being carried out in a manner which contravenes —
- (i) any condition of the installation permit;

- (ii) any of the prescribed requirements; or
 - (iii) any direction given by the Commissioner in respect of the installation works;
- (c) the Commissioner has reason to believe that the installation permit had been obtained by fraud or misrepresentation;
- (d) the Commissioner becomes aware of any circumstance that would have required or permitted him to refuse to issue the installation permit had the Commissioner been aware of the circumstance immediately before issuing the installation permit; or
- (e) the Commissioner considers it in the public interest to revoke the installation permit.
- (3) The Commissioner may, if he considers it desirable to do so —
- (a) suspend an installation permit for a specific period instead of revoking it under subsection (2); and
 - (b) at any time extend or rescind the suspension.
- (4) Subject to subsection (5), the Commissioner shall not revoke or suspend an installation permit under subsection (2) or (3) without giving the holder thereof an opportunity to be heard in accordance with the prescribed procedure.
- (5) The Commissioner may revoke or suspend an installation permit without giving the holder thereof an opportunity to be heard if —
- (a) the holder of the installation permit —
 - (i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or
 - (ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;
 - (b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the installation permit; or
 - (c) the holder of the installation permit has been convicted —
 - (i) of an offence under this Act; or

- (ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that he had acted fraudulently or dishonestly.

Inspection and certification of amusement ride after installation

- 5 **12.** Upon the completion of the installation of an amusement ride —
- (a) the qualified person appointed by the holder of the installation permit pursuant to section 6(2)(a)(iii) shall, in accordance with section 46, inspect the amusement ride and issue a certificate stating that, in the opinion of the qualified person —
- 10 (i) the installation works have been properly carried out in accordance with —
- (A) the design and specifications and the proposed installation method and programme, as authorised by the installation permit;
- 15 (B) the conditions of the installation permit;
- (C) the prescribed requirements; and
- (D) any direction given by the Commissioner in respect of the installation works; and
- (ii) the amusement ride, as installed —
- 20 (A) conforms to the prescribed requirements; and
- (B) is in a safe working condition and fit for operation; and
- (b) the holder of the installation permit shall, in accordance with section 36, apply for and obtain from the Commissioner of Civil Defence a certificate of compliance in respect of the fire and
- 25 rescue management system of the amusement ride.

PART III

OPERATION OF AMUSEMENT RIDES

Requirement for operating permit, etc.

- 30 **13.**—(1) No person shall operate an amusement ride unless —

(a) he holds a valid operating permit and operates the amusement ride in accordance with the conditions of the operating permit; and

(b) at all times when the amusement ride is being operated —

5 (i) the amusement ride is in a state of good repair and safe working condition, and is fit for operation;

(ii) there is in force a certificate of compliance in respect of the fire and rescue management system of the amusement ride, and the fire and rescue management system of the amusement ride complies with such requirements, if any, as may be prescribed under section 38;

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(iii) there is in force an insurance covering the person responsible for the amusement ride against liability for any injury to or the death of any person arising out of the operation or use of such amusement ride in an amount that is not less than the prescribed minimum limits; and

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(iv) there is appointed in respect of the amusement ride at least one ride manager to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride.

20 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof during which the contravention continues,

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and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

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(3) If any amusement ride is being operated in contravention of subsection (1), the Commissioner may —

(a) by notice in writing, require the person responsible for the amusement ride to take or cause to be taken, at the expense of such person and within such time as may be stipulated in the

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notice, all such measures as may be specified in the notice to secure the cessation of the operation of the amusement ride; or

(b) take or cause to be taken all such measures as the Commissioner thinks necessary to secure the cessation of the operation of the amusement ride and recover from the person responsible for the amusement ride by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing such measures to be taken.

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(4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —

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(a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) the Commissioner may take or cause to be taken all such measures as he thinks necessary to secure the cessation of the operation of the amusement ride, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing such measures to be taken.

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(5) The measures referred to in subsections (3)(a) and (b) and (4)(b) include —

(a) the closure or cordoning off of the amusement ride; and

(b) the dismantling of the whole or any part of the amusement ride.

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(6) In addition to the powers exercisable by him under subsection (3) or (4), the Commissioner may, if he thinks necessary for securing the cessation of the operation of an amusement ride in contravention of subsection (1), seize and detain —

(a) any machinery, equipment or plant connected or used in connection with the amusement ride; or

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(b) any component of the amusement ride.

(7) Section 51(2) shall apply to any item seized and detained under subsection (6).

Application for and issue of operating permit

14.—(1) An application for an operating permit shall —

(a) be made to the Commissioner in such form and manner as the Commissioner may require;

5 (b) be submitted to the Commissioner together with such documents and particulars as the Commissioner may require; and

(c) be accompanied by the prescribed fee.

(2) Upon receipt of an application under subsection (1) and the accompanying documents and particulars, the Commissioner may inspect
10 the amusement ride in respect of which the application has been made or cause such amusement ride to be inspected by an enforcement officer, and thereafter —

(a) subject to subsection (3), issue an operating permit to the applicant —

15 (i) in such form or manner as the Commissioner may determine; and

(ii) subject to such conditions as the Commissioner thinks fit to impose;

20 (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

(i) take such measures or comply with such requirements (including the carrying out of any works or modifications to the amusement ride) as the Commissioner may specify for the purpose of ensuring that the amusement ride conforms to
25 the prescribed requirements; and

(ii) re-submit the application for the operating permit upon having taken such measures or complied with such requirements; or

30 (c) refuse to issue the operating permit, in which case the Commissioner shall, if requested by the applicant, state in writing the reasons for the refusal.

(3) The Commissioner shall not issue an operating permit unless the Commissioner is satisfied that —

(a) the applicant —

- (i) is a fit and appropriate person to be issued an operating permit; and
 - (ii) satisfies the prescribed requirements;
- (b) the amusement ride in respect of which the operating permit is sought —
- (i) has (as the case requires) been inspected and certified by a qualified person —
 - (A) under section 12 upon the completion of its installation;
 - (B) under section 30 upon the completion of its major modification; or
 - (C) in accordance with the regulations, in any case to which sub-paragraph (A) or (B) does not apply; and
 - (ii) satisfies the prescribed requirements;
- (c) where applicable, the Commissioner of Building Control has issued a certificate of statutory completion or granted a temporary occupation permit under section 12 of the Building Control Act (Cap. 29) in respect of any building which forms part of the amusement ride or to which the amusement ride is connected;
- (d) the Commissioner of Civil Defence has issued a certificate of compliance under section 36 in respect of the fire and rescue management system of the amusement ride, and the fire and rescue management system of the amusement ride complies with such requirements, if any, as may be prescribed under section 38;
- (e) there will be in force for the duration of the operating permit, if issued, an insurance covering the person responsible for the amusement ride against liability for any injury to or the death of any person arising out of the operation or use of such amusement ride in an amount that is not less than the prescribed minimum limits; and
- (f) the applicant has appointed at least one ride manager under section 16 to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride at all times when the amusement ride is in operation.

(4) If any direction given by the Commissioner under subsection (2)(b) is not complied with within the time specified in that direction, or such further period as may be allowed by the Commissioner, the Commissioner may dismiss the application.

5 **Duration and renewal of operating permit**

15.—(1) An operating permit —

(a) shall, unless it has earlier lapsed or been revoked or suspended, be valid for such period, not exceeding 12 months commencing from the date of its issue, as may be specified in the operating permit; and

(b) may be renewed upon its expiry.

(2) An application for the renewal of an operating permit shall be made in accordance with the prescribed requirements.

Appointment of ride managers

15 **16.**—(1) The holder of an operating permit in respect of an amusement ride shall appoint at least one suitably qualified and trained person as a ride manager to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride.

20 (2) If any ride manager appointed under subsection (1) in respect of an amusement ride for any reason vacates his appointment —

(a) both the holder of the operating permit and the ride manager shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and

(b) the holder of the operating permit shall —

25 (i) without delay appoint under subsection (1) another ride manager to substitute the first-mentioned ride manager; and

(ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

30 (3) If a ride manager who vacates his office is the only ride manager who has been appointed in respect of the amusement ride, the holder of the operating permit shall not commence or (as the case may be) shall immediately cease the operation of the amusement ride until he has appointed a substitute ride manager under subsection (2)(b)(i) and notified

the Commissioner of the substitute appointment under subsection (2)(b)(ii).

(4) If the holder of an operating permit contravenes subsection (1) or (3), he shall be guilty of an offence and shall be liable on conviction —

5 (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

10 and if the contravention continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

15 (5) If a ride manager who has vacated his appointment contravenes subsection (2)(a), he 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 3 months or to both.

20 (6) If the holder of an operating permit contravenes subsection (2)(a) or (b)(ii), he 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 3 months or to both.

Duties of ride managers in respect of operation of amusement ride

17.—(1) Every ride manager of an amusement ride shall —

25 (a) take all reasonable steps and exercise all due diligence to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride in accordance with —

(i) the conditions of the operating permit issued in respect of the amusement ride;

30 (ii) the prescribed requirements; and

(iii) any direction given by the Commissioner in respect of the operation of the amusement ride; and

(b) carry out with such other duties as may be prescribed.

(2) If any ride manager contravenes subsection (1)(a) or (b), he shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- 5 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the ride manager shall be guilty of a further offence and shall be liable on conviction of this
10 further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

Operation of amusement ride

18.—(1) It shall be the duty of the holder of an operating permit to take all reasonable steps and exercise all due diligence to —

- 15 (a) ensure that at all times the amusement ride is operated safely and in a manner which —
 - (i) does not endanger, and is not likely to endanger, the safety of persons who are using or operating, or in the vicinity of, the amusement ride;
 - 20 (ii) is in accordance with the operating method of the amusement ride; and
 - (iii) complies with —
 - (A) the conditions of the operating permit issued in respect of the amusement ride;
 - 25 (B) the prescribed requirements; and
 - (C) any direction given by the Commissioner in respect of the operation of the amusement ride; and
- (b) take every precaution as is reasonable in the circumstances for the protection of persons who are using or operating, or in the
30 vicinity of, the amusement ride.

(2) Where the Commissioner is of the opinion that an amusement ride has been or is being operated in a manner that is in contravention of any of the requirements under subsection (1), the Commissioner may, without

revoking or suspending the operating permit under section 22, direct the holder of an operating permit to —

- (a) cease the operation of the amusement ride, either immediately or within such time as may be specified by the Commissioner; and
- 5 (b) take, at the expense of the holder of the operating permit, such remedial measures as the Commissioner may require,

and the operation of the amusement ride shall not be resumed without the consent in writing of the Commissioner.

10 (3) The Commissioner may, upon an application made by the holder of the operating permit in such form and manner as the Commissioner may require, grant his consent for the operation of the amusement ride to resume if he is satisfied that the operation of the amusement ride, if allowed to resume —

- (a) will comply with the requirements under subsection (1); and
- 15 (b) will not pose a danger to any person.

(4) If the holder of an operating permit contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- 20 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

(5) Where the holder of an operating permit to whom a direction has been given by the Commissioner under subsection (2) —

- 30 (a) fails to comply with the direction; or
- (b) resumes the operation of the amusement ride without the consent in writing of the Commissioner,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Duty to notify Commissioner of contravention of Act in relation to operation of amusement ride

19.—(1) If the holder of an operating permit or any ride manager knows or ought reasonably to know of any contravention of this Act relating to the operation of the amusement ride, it shall be the duty of such person to notify the Commissioner, as soon as practicable, of the contravention.

(2) If any person to whom subsection (1) applies contravenes that subsection, he 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 3 months or to both.

(3) It shall be a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that he did not know and could not reasonably have discovered the contravention referred to in the charge.

Alteration of conditions of operating permit

20.—(1) The Commissioner may —

(a) on his own volition; or

(b) on an application made by the holder of an operating permit,

at any time alter (whether by adding to, varying or revoking) the conditions of an operating permit.

(2) Before the Commissioner alters the conditions of an operating permit on his own volition under subsection (1)(a), the Commissioner shall give notice in writing to the holder of the operating permit —

(a) stating that he proposes to make the alteration to the conditions of the operating permit in the manner specified in the notice; and

(b) specifying the time (being not less than 14 days from the date of service of notice on the holder of the operating permit) within which written representations with respect to the proposed alteration of conditions may be made.

(3) Upon receipt of any written representation referred to in subsection (2)(b), the Commissioner shall consider the representation and

may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, shall thereupon issue a direction in writing to the holder of the operating permit —

- 5 (a) specifying the alteration that has been made to the conditions of the operating permit; and
- (b) requiring the holder of the operating permit to comply with the altered conditions of the operating permit as from the date specified in the direction.
- 10 (4) An application under subsection (1)(b) for the alteration of the conditions of an operating permit shall be made to the Commissioner in such form and manner as the Commissioner may require and shall —
- (a) specify the alteration required by the applicant and the reasons therefor; and
- 15 (b) be accompanied by —
- (i) such documents and particulars as the Commissioner may require; and
- (ii) the prescribed fee.
- (5) Where the Commissioner decides to alter the conditions of an operating permit pursuant to an application made under subsection (1)(b), the Commissioner shall issue a direction in writing to the holder of the operating permit —
- 20 (a) specifying the alteration that has been made to the conditions of the operating permit; and
- 25 (b) requiring the holder of the operating permit to comply with the altered conditions of the operating permit as from the date specified in the direction.

Operating permit not transferable

30 **21.** An operating permit shall not be transferable by its holder to any other person, and any such purported transfer of any operating permit shall be void.

Lapsing, revocation and suspension of operating permit

22.—(1) An operating permit shall automatically lapse —

- (a) if the holder thereof —
- (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or
 - (ii) ceases to be the operator of the amusement ride;
- 5 (b) if the insurance required under section 13(1)(b)(iii) ceases to be in force; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.
- (2) The Commissioner may revoke an operating permit if —
- 10 (a) the amusement ride (not being an amusement ride that is capable of being relocated) has not been in operation for a continuous period of more than 3 months;
- (b) in the opinion of the Commissioner, the holder of the operating permit has contravened or is contravening, or the operation of the amusement ride has been or is being carried out in a manner which contravenes —
- 15 (i) any condition of the operating permit;
- (ii) any of the prescribed requirements; or
- (iii) any direction given by the Commissioner in respect of the operation of the amusement ride;
- 20 (c) the Commissioner has reason to believe that the operating permit had been obtained by fraud or misrepresentation;
- (d) the Commissioner becomes aware of any circumstance that would have required or permitted him to refuse to issue the operating permit had the Commissioner been aware of the circumstance immediately before issuing the operating permit; or
- 25 (e) the Commissioner considers it in the public interest to revoke the operating permit.
- (3) The Commissioner may, if he considers it desirable to do so —
- 30 (a) suspend an operating permit for a specific period instead of revoking it under subsection (2); and
- (b) at any time extend or rescind the suspension.

(4) Subject to subsection (5), the Commissioner shall not revoke or suspend an operating permit under subsection (2) or (3) without giving the holder thereof an opportunity to be heard in accordance with the prescribed procedure.

5 (5) The Commissioner may revoke or suspend an operating permit without giving the holder thereof an opportunity to be heard if —

(a) the holder of the operating permit —

10 (i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or

(ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;

15 (b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the operating permit;

(c) the holder of the operating permit has been convicted —

(i) of an offence under this Act; or

20 (ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that he had acted fraudulently or dishonestly; or

25 (d) the Commissioner of Civil Defence has, pursuant to section 37, withdrawn the certificate of compliance that has been issued in respect of the fire and rescue management system of the amusement ride being operated by the holder of the operating permit.

PART IV

MAJOR MODIFICATION OF AMUSEMENT RIDES

Requirement for modification permit

30 **23.**—(1) No person shall carry out or cause any major modification to be carried out to any amusement ride unless the major modification to be

carried out to the amusement ride is authorised by, and is carried out in accordance with the conditions of, a valid modification permit.

(2) Any person who commences or carries out, or who permits or authorises the commencement or carrying out of, any modification works in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part thereof during which the contravention continues after conviction.

(3) If any modification works are being carried out in contravention of subsection (1), the Commissioner may —

(a) by notice in writing, require the person who is carrying out, or who has caused, permitted or authorised the carrying out of, the modification works to take or cause to be taken, at the expense of such person and within such time as may be stipulated in the notice, all such measures as may be specified in the notice to secure the cessation of such modification works; or

(b) take or cause to be taken all such measures as the Commissioner thinks necessary to secure the cessation of such modification works and recover from the person referred to in paragraph (a) by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing such measures to be taken.

(4) If the person on whom a notice under subsection (3)(a) is served fails to comply with the notice within the time stipulated in the notice —

(a) that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) the Commissioner may take or cause to be taken all such measures as he thinks necessary to secure the cessation of such

modification works, including those measures specified in the notice, and recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in taking or causing such measures to be taken.

5 (5) The measures referred to in subsections (3)(a) and (b) and (4)(b) include —

(a) the closure or cordoning off of the premises on which the modification works are being carried out; and

10 (b) the dismantling of any part of the amusement ride on which any such modification works have been or are being carried out.

(6) In addition to the powers exercisable by him under subsection (3) or (4), the Commissioner may, if he thinks necessary for securing the cessation of any modification works being carried out in contravention of subsection (1), seize and detain —

15 (a) any machinery, equipment or plant connected or used in connection with the amusement ride being modified or with the modification works relating thereto; or

(b) any component that has been or is to be incorporated into the amusement ride in connection with the modification works.

20 (7) Section 51(2) shall apply to any item seized and detained under subsection (6).

Application for and issue of modification permit

24.—(1) An application for a modification permit shall —

25 (a) be made to the Commissioner in such form and manner as the Commissioner may require;

(b) be submitted to the Commissioner together with such documents and particulars as the Commissioner may require; and

(c) be accompanied by the prescribed fee.

30 (2) A person who wishes to obtain a modification permit must, before making an application under subsection (1) —

(a) appoint a qualified person to —

(i) review the design and specifications and the proposed modification method and programme of the major

modification of the amusement ride and certify that they conform to the prescribed requirements;

(ii) supervise the modification works; and

(iii) inspect and certify the amusement ride under section 30 upon the completion of its major modification,

for which purpose either the same qualified person may be appointed to carry out all of the functions referred to in subparagraphs (i), (ii) and (iii), or a different qualified person may be appointed to carry out each such function;

(b) where applicable, apply, in accordance with section 5 of the Building Control Act (Cap. 29), for the approval of the Commissioner of Building Control for the plans of any building works relating to any building which forms part of the amusement ride to be modified or to which the amusement ride is connected; and

(c) apply, in accordance with section 36, for the approval of the Commissioner of Civil Defence for the design and plans of the fire and rescue management system of the amusement ride as proposed to be modified.

(3) Upon receipt of an application under subsection (1) and the accompanying documents and particulars, the Commissioner may —

(a) subject to subsection (4), issue a modification permit to the applicant —

(i) in such form or manner as the Commissioner may determine; and

(ii) subject to such conditions as the Commissioner thinks fit to impose;

(b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

(i) make such alterations or amendments as the Commissioner may require to either or both the design and specifications and the proposed modification method and programme of the major modification;

- (ii) take such measures as the Commissioner may specify for the purpose of ensuring that the modification works will conform to the prescribed requirements; and
 - (iii) re-submit the application for the modification permit upon having made such alterations or amendments or taken such measures; or
 - (c) refuse to issue the modification permit, in which case the Commissioner shall, if requested to do so by the applicant, state in writing the reasons for the refusal.
- 10 (4) The Commissioner shall not issue a modification permit unless the Commissioner is satisfied that —
- (a) the applicant —
 - (i) is a fit and appropriate person to be issued a modification permit; and
 - 15 (ii) satisfies the prescribed requirements;
 - (b) the design and specifications and the proposed modification method and programme of the major modification have been reviewed in accordance with section 46 by a qualified person appointed by the applicant pursuant to subsection (2)(a)(i) and certified by the qualified person as conforming to the prescribed requirements;
 - 20 (c) where applicable, the plans of any building works relating to any building which forms part of the amusement ride to be modified or to which the amusement ride is to be connected have been approved by the Commissioner of Building Control under section 5 of the Building Control Act (Cap. 29);
 - 25 (d) the design and plans of the fire and rescue management system of the amusement ride as proposed to be modified have been approved by the Commissioner of Civil Defence under section 36(3)(a); and
 - 30 (e) the modification works will be carried out under the supervision of a qualified person appointed by the applicant pursuant to subsection (2)(a)(ii) (whether or not such qualified person is the same qualified person referred to in paragraph (b) or a different qualified person).
 - 35

(5) If any direction given by the Commissioner under subsection (3)(b) is not complied with within the time specified in that direction, or such further period as may be allowed by the Commissioner, the Commissioner may dismiss the application.

5 **Carrying out of modification works**

25.—(1) The holder of a modification permit shall ensure that no modification works are carried out except under the supervision of a qualified person.

(2) It shall be the duty of —

- 10 (a) the holder of a modification permit;
- (b) any person who is directly engaged in the carrying out of the modification works authorised by the modification permit; and
- (c) the qualified person supervising the modification works,

15 to ensure that the modification works are at all times carried out in accordance with —

- (i) the design and specifications and the proposed modification method and programme, as authorised by the modification permit;
- (ii) the conditions of the modification permit;
- 20 (iii) the prescribed requirements; and
- (iv) any direction given by the Commissioner in respect of the modification works.

(3) Where, in relation to any modification works or part thereof, the Commissioner is of the opinion that —

- 25 (a) any of the requirements under subsection (1) or (2) has not been or is not being complied with; or
- (b) the modification works are dangerous or liable to pose a danger to persons who are employed in connection with the modification works, or who are using or operating, or in the
- 30 vicinity of, the amusement ride being modified,

the Commissioner may, without revoking or suspending the modification permit under section 29, direct the holder of the modification permit or the person directly engaged in carrying out the modification works to —

- (i) cease the modification works or part thereof, either immediately or within such time as may be specified by the Commissioner; and
- (ii) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

and such modification works or part thereof, as the case may be, shall not be resumed without the consent in writing of the Commissioner.

(4) The Commissioner may, upon an application made by the holder of the modification permit in such form and manner as the Commissioner may require, grant his consent for the modification works or any part thereof to resume if he is satisfied that any such modification works or part thereof, if allowed to resume —

- (a) will comply with the requirements under subsections (1) and (2); and
- (b) will not pose a danger to any person.

(5) If the holder of a modification permit contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the holder of the modification permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

(6) If any person to whom subsection (2) applies contravenes that subsection, he shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

5 and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

10 (7) Any person who is directly engaged in the carrying out of any modification works and who, in carrying out such modification works, deviates or permits or authorises any deviation, in any material way from the design and specifications or the proposed modification method and programme as authorised by the modification permit, shall, unless such deviation has been submitted to and approved by the Commissioner in accordance with the regulations, be guilty of an offence and shall be liable
15 on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) Where a person to whom a direction has been given by the Commissioner under subsection (3) —

(a) fails to comply with the direction; or
20 (b) resumes the modification works without the consent in writing of the Commissioner,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

25 **Duty to notify Commissioner of contravention of Act in relation to modification works**

26.—(1) If —

(a) the holder of a modification permit;
30 (b) any person who is directly engaged in the carrying out of the modification works authorised by the modification permit; or
(c) the qualified person supervising the modification works,

knows or ought reasonably to know of any contravention of this Act relating to the carrying out of the modification works, it shall be the duty

of such person to notify the Commissioner, as soon as practicable, of the contravention.

(2) If any person to whom subsection (1) applies contravenes that subsection, he 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 3 months or to both.

(3) It shall be a defence in any prosecution for a contravention of subsection (1) for the person charged to prove to the satisfaction of the court that he did not know and could not reasonably have discovered the contravention referred to in the charge.

Alteration of conditions of modification permit

27.—(1) The Commissioner may —

(a) on his own volition; or

(b) on an application made by the holder of a modification permit,

at any time alter (whether by adding to, varying or revoking) the conditions of a modification permit.

(2) Before the Commissioner alters the conditions of a modification permit on his own volition under subsection (1)(a), the Commissioner shall give notice in writing to the holder of the modification permit —

(a) stating that he proposes to make the alteration to the conditions of the modification permit in the manner specified in the notice; and

(b) specifying the time (being not less than 14 days from the date of service of notice on the holder of the modification permit) within which written representations with respect to the proposed alteration of conditions may be made.

(3) Upon receipt of any written representation referred to in subsection (2)(b), the Commissioner shall consider the representation and may reject the representation or amend the proposed alteration of conditions in accordance with the representation and, in either event, shall thereupon issue a direction in writing to the holder of the modification permit —

(a) specifying the alteration that has been made to the conditions of the modification permit; and

(b) requiring the holder of the modification permit to comply with the altered conditions of the modification permit as from the date specified in the direction.

5 (4) An application under subsection (1)(b) for the alteration of the conditions of a modification permit shall be made to the Commissioner in such form and manner as the Commissioner may require and shall —

(a) specify the alteration required by the applicant and the reasons therefor; and

(b) be accompanied by —

10 (i) such documents and particulars as the Commissioner may require; and

(ii) the prescribed fee.

15 (5) Where the Commissioner decides to alter the conditions of a modification permit pursuant to an application made under subsection (1)(b), the Commissioner shall issue a direction in writing to the holder of the modification permit —

(a) specifying the alteration that has been made to the conditions of the modification permit; and

20 (b) requiring the holder of the modification permit to comply with the altered conditions of the modification permit as from the date specified in the direction.

Modification permit not transferable

25 **28.** A modification permit shall not be transferable by its holder to any other person, and any such purported transfer of any modification permit shall be void.

Lapsing, revocation and suspension of modification permit

29.—(1) A modification permit shall automatically lapse —

(a) if the holder thereof —

30 (i) dies, is wound up or otherwise dissolved, whether in Singapore or elsewhere; or

(ii) ceases to be the person carrying out the modification works or for whom the modification works are to be carried out (as the case may be);

- (b) if the qualified person appointed by the holder of the modification permit pursuant to section 24(2)(a)(ii) to supervise the modification works has vacated his appointment and the holder of the modification permit has failed to appoint a substitute qualified person to supervise the modification works and to notify the Commissioner of the substitute appointment in accordance with section 44(1)(b)(i) and (ii); or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.
- (2) The Commissioner may revoke a modification permit if —
- (a) the modification works authorised by the modification permit, having commenced, are suspended for a continuous period of more than 3 months;
- (b) in the opinion of the Commissioner, the holder of the modification permit has contravened or is contravening, or the modification works authorised by the modification permit have been or are being carried out in a manner which contravenes —
- (i) any condition of the modification permit;
- (ii) any of the prescribed requirements; or
- (iii) any direction given by the Commissioner in respect of the modification works;
- (c) the Commissioner has reason to believe that the modification permit had been obtained by fraud or misrepresentation;
- (d) the Commissioner becomes aware of any circumstance that would have required or permitted him to refuse to issue the modification permit had the Commissioner been aware of the circumstance immediately before issuing the modification permit; or
- (e) the Commissioner considers it in the public interest to revoke the modification permit.
- (3) The Commissioner may, if he considers it desirable to do so —
- (a) suspend a modification permit for a specific period instead of revoking it under subsection (2); and
- (b) at any time extend or rescind the suspension.

(4) Subject to subsection (5), the Commissioner shall not revoke or suspend a modification permit under subsection (2) or (3) without giving the holder thereof an opportunity to be heard in accordance with the prescribed procedure.

5 (5) The Commissioner may revoke or suspend a modification permit without giving the holder thereof an opportunity to be heard if —

(a) the holder of the modification permit —

10 (i) has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; or

(ii) is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;

15 (b) a receiver, a receiver and manager or an equivalent person has been appointed, whether in Singapore or elsewhere, in relation to or in respect of any property of the holder of the modification permit; or

(c) the holder of the modification permit has been convicted —

(i) of an offence under this Act; or

20 (ii) whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that he had acted fraudulently or dishonestly.

Inspection and certification of amusement ride after major modification

25 **30.** Upon the completion of the major modification of an amusement ride —

(a) the qualified person appointed by the holder of the modification permit pursuant to section 24(2)(a)(iii) shall, in accordance with section 46, inspect the amusement ride and issue a certificate stating that, in the opinion of the qualified person —

30 (i) the modification works have been properly carried out in accordance with —

(A) the design and specifications and the proposed modification method and programme, as authorised by the modification permit;

- (B) the conditions of the modification permit;
 - (C) the prescribed requirements; and
 - (D) any direction given by the Commissioner in respect of the modification works; and
- 5 (ii) the amusement ride, as so modified —
- (A) conforms to the prescribed requirements; and
 - (B) is in a safe working condition and fit for operation; and
- 10 (b) the holder of the modification permit shall, in accordance with section 36, apply for and obtain from the Commissioner of Civil Defence a certificate of compliance in respect of the fire and rescue management system of the amusement ride as so modified.

PART V

15 MAINTENANCE, REPAIR, MINOR MODIFICATION AND RELOCATION OF AMUSEMENT RIDES

Amusement ride to be maintained in safe condition

- 17 **31.**—(1) It shall be the duty of the person responsible for an amusement ride —
- 20 (a) to ensure that the amusement ride is at all times maintained in a state of good repair and in a safe working condition; and
 - (b) to comply with such directions as the Commissioner may give from time to time concerning the maintenance and safety of the amusement ride.
- 25 (2) If the person responsible for an amusement ride contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
 - 30 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

5 **Commissioner may require repairs and modifications to amusement ride**

32.—(1) The Commissioner may by notice in writing require the person responsible for an amusement ride —

10 (a) to carry out, at the expense of such person and within the time specified in the notice, such repairs or modifications to the amusement ride as the Commissioner considers necessary for —

(i) the proper maintenance of the amusement ride; and

(ii) the safety of persons who are using or operating, or in the vicinity of, the amusement ride; and

15 (b) if the Commissioner thinks necessary, to close or cordon off the amusement ride until all such repairs and modifications to the amusement ride have been completed to the satisfaction of the Commissioner.

20 (2) Where at any time there exists, in the opinion of the Commissioner, any circumstance requiring the immediate putting into effect of any repairs or modifications referred to in subsection (1) in respect of an amusement ride, he may by notice in writing order the immediate closure or cordoning off of the amusement ride and the prohibition of its use by members of the public until all such repairs and modifications have been completed to his satisfaction.

(3) If a person responsible for an amusement ride fails to comply with a notice given to him under subsection (1) or (2), he shall be guilty of an offence and shall be liable on conviction —

30 (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in respect of a continuing failure to comply, to an additional fine not exceeding \$500 for each day or part thereof during which the failure to comply continues,

35 and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this

further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the failure to comply continues after conviction.

Duty to notify Commissioner of minor modification of amusement ride

5 **33.**—(1) Where any minor modification is to be carried out on any amusement ride, the person responsible for the amusement ride shall give the Commissioner notice in writing of the intended minor modification —

- (a) in such form and manner as the Commissioner may require; and
- 10 (b) of not less than one month (or such shorter period as the Commissioner may allow in any particular case) before the date on which the modification works are to commence.

(2) Upon receiving a notice under subsection (1), the Commissioner may, by notice in writing —

- 15 (a) require the person responsible for the amusement ride to furnish, within the time specified in the notice, such further information concerning the minor modification as the Commissioner may specify before commencing the modification works;
- 20 (b) impose such conditions or give such directions as the Commissioner thinks fit subject to which the modification works are to be carried out; or
- 25 (c) if the Commissioner is of the opinion that the modification works amount to a major modification of the amusement ride, prohibit the commencement of the modification works and direct the person responsible for the amusement ride to apply for a modification permit instead.

(3) If any person responsible for an amusement ride —

- (a) contravenes subsection (1); or
- 30 (b) fails to comply with any requirement of the Commissioner under subsection (2)(a) or with any condition, direction or prohibition that is imposed, given or made by the Commissioner under subsection (2)(b) or (c) (as the case may be),

he shall be guilty of an offence and shall be liable on conviction —

- (i) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

(ii) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention or failure to comply continues,

5 and if the contravention or failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention or failure to comply continues after conviction.

10 **Relocation of amusement ride**

34.—(1) The holder of an operating permit in respect of an amusement ride that is capable of being relocated shall not relocate or cause that amusement ride to be relocated unless he has given the Commissioner notice in writing of his intention to so relocate the amusement ride —

- 15 (a) in such form and manner as the Commissioner may require; and
 (b) of not less than the prescribed period before the date on which the relocation is to be carried out.

(2) Upon receiving a notice under subsection (1), the Commissioner may, by notice in writing —

- 20 (a) require the holder of the operating permit to furnish, within the time specified in the notice, such further information concerning the relocation of the amusement ride as the Commissioner may specify before the relocation works are carried out;
 (b) impose such conditions or give such directions as the
 25 Commissioner thinks fit subject to which the relocation works are to be carried out; or
 (c) if the Commissioner is of the opinion that the premises to which the amusement ride is to be relocated are unsafe or unsuitable for the operation of the amusement ride, prohibit the relocation of
 30 the amusement ride.

(3) If the holder of the operating permit —

- (a) contravenes subsection (1); or
 (b) fails to comply with any requirement of the Commissioner under subsection (2)(a) or with any condition, direction or prohibition

that is imposed, given or made by the Commissioner under subsection (2)(b) or (c) (as the case may be),

he shall be guilty of an offence and shall be liable on conviction —

- 5 (i) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (ii) in respect of a continuing contravention or failure to comply, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention or failure to comply continues,

10 and if the contravention or failure to comply continues after the conviction, the holder of the operating permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention or failure to comply continues after conviction.

15 (4) The holder of the operating permit shall ensure that no relocation works are carried out in respect of an amusement ride except under the supervision of —

- (a) the ride manager of the amusement ride; or
- (b) in the case of a major amusement ride, a qualified person.

20 (5) It shall be the duty of —

- (a) the holder of the operating permit;
- (b) any person who is directly engaged in the carrying out of the relocation works; and
- 25 (c) the ride manager or qualified person (as the case may be) supervising the relocation works,

to ensure that the relocation works are at all times carried out in accordance with —

- 30 (i) where applicable, the design and specifications and the proposed installation method and programme, as authorised by the installation permit that has been issued in respect of the amusement ride;
- (ii) the prescribed requirements; and
- (iii) any condition imposed or direction given by the Commissioner under subsection (2) in respect of the relocation works.

(6) Where, in relation to the relocation of an amusement ride, the Commissioner is of the opinion that —

- (a) any of the requirements under subsection (4) or (5) has not been or is not being complied with; or
- 5 (b) the relocation works are dangerous or liable to pose a danger to persons who are employed in connection with the relocation works, or who are using or operating, or in the vicinity of, the amusement ride,

10 the Commissioner may direct the holder of the operating permit in respect of the amusement ride or the person directly engaged in carrying out the relocation works to —

- (i) cease the relocation works or part thereof, either immediately or within such time as may be specified by the Commissioner; and
- 15 (ii) where necessary, take, at the expense of the person to whom the direction is given, such remedial measures as the Commissioner may require,

and such relocation works or part thereof, as the case may be, shall not be resumed without the consent in writing of the Commissioner.

20 (7) The Commissioner may, upon an application made by the holder of the operating permit in such form and manner as the Commissioner may require, grant his consent for the relocation works or any part thereof to resume if he is satisfied that any such relocation works or part thereof, if allowed to resume —

- 25 (a) will comply with the requirements under subsections (4) and (5); and
- (b) will not pose a danger to any person.

(8) Upon the completion of the relocation of an amusement ride —

- 30 (a) the ride manager or qualified person who supervised the relocation works shall inspect the amusement ride and issue a certificate stating that, in the opinion of the ride manager or qualified person (as the case may be) —
 - (i) the relocation works have been properly carried out in accordance with —

- (A) where applicable, the design and specifications and the proposed installation method and programme, as authorised by the installation permit that has been issued in respect of the amusement ride;
- 5 (B) the prescribed requirements; and
- (C) any condition imposed or direction given by the Commissioner under subsection (2) in respect of the relocation works; and
- (ii) the amusement ride, as relocated —
- 10 (A) conforms to the prescribed requirements; and
- (B) is in a safe working condition and fit for operation; and
- (b) the holder of the operating permit —
- (i) shall, in the case only of a major amusement ride, apply for and obtain from the Commissioner of Civil Defence, in accordance with section 36, a certificate of compliance in respect of the fire and rescue management system of the amusement ride; and
- 15 (ii) shall not, in any case, resume operation of the amusement ride unless he has, in accordance with the prescribed requirements, submitted to the Commissioner the certificate issued by the ride manager or qualified person (as the case may be) under paragraph (a).
- 20
- (9) Where —
- 25 (a) a person to whom a direction has been given by the Commissioner under subsection (6) —
- (i) fails to comply with the direction; or
- (ii) resumes the relocation works without the consent in writing of the Commissioner; or
- 30 (b) the holder of an operating permit, in contravention of subsection (8)(b)(ii), resumes the operation of an amusement ride without the consent in writing of the Commissioner,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

Closure or cordoning off of amusement ride for safety reasons

5 **35.**—(1) The person responsible for an amusement ride shall wholly or partially close or cordon off the amusement ride whenever such action appears reasonably necessary —

(a) for the safety of persons who are using or operating, or in the vicinity of, the amusement ride; or

10 (b) in the case of the occurrence of any adverse incident in respect of the amusement ride.

(2) The person responsible for an amusement ride shall as soon as practicable notify the Commissioner (in such form and manner as the Commissioner may require) of any closure or cordoning off of the amusement ride under subsection (1).

(3) If a person responsible for an amusement ride contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

20 (4) If a person responsible for an amusement ride contravenes subsection (2), he 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 3 months or to both.

PART VI

25 APPROVAL AND CERTIFICATION OF
FIRE AND RESCUE MANAGEMENT SYSTEM

Application for approval and certification of fire and rescue management system

36.—(1) An application for —

30 (a) the approval of the design and plans of the fire and rescue management system of an amusement ride that is to be installed or undergo a major modification; or

- (b) a certificate of compliance in respect of the fire and rescue management system of an amusement ride,

shall be made to the Commissioner of Civil Defence in such form and manner as the Commissioner of Civil Defence may require.

5 (2) An application under subsection (1) shall —

- (a) be submitted to the Commissioner of Civil Defence together with such documents and particulars as the Commissioner of Civil Defence may require; and

- (b) be accompanied by the prescribed fee.

10 (3) Upon receipt of an application under subsection (1)(a) and the accompanying documents and particulars, the Commissioner of Civil Defence may —

- (a) if satisfied that the fire and rescue management system as shown in the design and plans are adequate and workable, grant the approval applied for —

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- (i) in such form or manner and for such duration as the Commissioner of Civil Defence may determine; and

- (ii) subject to such conditions as the Commissioner of Civil Defence thinks fit to impose;

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- (b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

- (i) make such alterations or amendments as the Commissioner of Civil Defence may require to the design and plans of the fire and rescue management system;

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- (ii) take such measures as the Commissioner of Civil Defence may specify for the purpose of ensuring that the fire and rescue management system will comply with such requirements, if any, as may be prescribed under section 38; and

30

- (iii) re-submit the application for the approval upon having made such alterations or amendments or taken such measures; or

- (c) refuse to grant the approval, in which case the Commissioner of Civil Defence shall, if requested to do so by the applicant, state in writing the reasons for the refusal.

(4) Upon receipt of an application under subsection (1)(b) and the accompanying documents and particulars, the Commissioner of Civil Defence may inspect the fire and rescue management system of the amusement ride in respect of which the application has been made, and thereafter —

(a) if satisfied that the fire and rescue management system —

(i) accords with the design and plans in respect of which an approval has been granted under subsection (3)(a) (where applicable);

(ii) complies with such requirements, if any, as may be prescribed under section 38; and

(iii) is adequate and workable,

issue the certificate of compliance applied for —

(A) in such form or manner and for such duration as the Commissioner of Civil Defence may determine; and

(B) subject to such conditions as the Commissioner of Civil Defence thinks fit to impose;

(b) in writing direct the applicant, at the applicant's own expense and within the time specified in the direction, to —

(i) make such modifications as the Commissioner of Civil Defence may require to the fire and rescue management system;

(ii) take such measures as the Commissioner of Civil Defence may specify for the purpose of ensuring that the fire and rescue management system will comply with such requirements, if any, as may be prescribed under section 38; and

(iii) re-submit the application for the certificate of compliance upon having made such modifications or taken such measures; or

(c) refuse to grant the certificate of compliance, in which case the Commissioner of Civil Defence shall, if requested to do so by the applicant, state in writing the reasons for the refusal.

(5) If any direction given by the Commissioner of Civil Defence under subsection (3)(b) or (4)(b) is not complied with within the time specified in that direction, or such further period as may be allowed by the Commissioner of Civil Defence in any particular case, the Commissioner of Civil Defence may dismiss the application.

Withdrawal of approval or certificate of compliance

37.—(1) The Commissioner of Civil Defence may at any time withdraw any approval granted under section 36(3)(a) or any certificate of compliance if —

(a) in the opinion of the Commissioner of Civil Defence —

(i) the person to whom the approval has been granted or the certificate of compliance issued has failed to comply with any condition of the approval or certificate of compliance; or

(ii) the fire and rescue management system in respect of which the approval has been granted or the certificate of compliance issued no longer complies with any of the conditions of the approval or certificate of compliance (as the case may be) or any of the requirements prescribed under section 38;

(b) the Commissioner of Civil Defence has reason to believe that the approval or certificate of compliance had been obtained by fraud or misrepresentation; or

(c) the Commissioner of Civil Defence becomes aware of any circumstance that would have required or permitted him to refuse to grant the approval or issue the certificate of compliance had the Commissioner of Civil Defence been aware of the circumstance immediately before granting the approval or issuing the certificate of compliance.

(2) The Commissioner of Civil Defence shall not exercise his power under subsection (1) to withdraw any approval granted under section 36(3)(a) or any certificate of compliance without giving the person to whom the approval has been granted or the certificate of compliance issued an opportunity to be heard in accordance with the prescribed procedure.

Regulations for purposes of this Part

5 **38.** The Minister may, after consultation with the Commissioner of Civil Defence, make such regulations as he may consider necessary or expedient for giving effect to this Part and, in particular, may make regulations —

- (a) relating to the making of applications under this Part; and
- (b) prescribing —
 - (i) the requirements with which the fire and rescue management system of an amusement ride must comply;
 - 10 (ii) the procedure (including the carrying out of any inspection) for the renewal of any approval granted under section 36(3)(a) or any certificate of compliance;
 - (iii) the fees payable for the purposes of this Part; and
 - (iv) such other matters which are required to be prescribed for
 - 15 the purpose of this Part.

PART VII

PROVISIONS RELATING TO QUALIFIED PERSONS

Qualified person to be independent

20 **39.—(1)** No person shall, for the purposes of this Act, appoint any qualified person to —

- (a) review or certify any design and specifications, proposed installation method and programme or proposed modification method and programme in respect of any amusement ride;
- 25 (b) supervise any installation works, modification works or relocation works;
- (c) inspect or certify any amusement ride; or
- (d) carry out any other function in respect of any amusement ride,

30 if he knows or ought reasonably to know that the qualified person has any professional or financial interest in the amusement ride or the operation thereof, or in the installation works, modification works or relocation

works that are being or are to be carried out in respect of the amusement ride.

(2) A qualified person shall not, for the purposes of this Act —

- 5 (a) review or certify any design and specifications, proposed installation method and programme or proposed modification method and programme in respect of any amusement ride;
- (b) supervise any installation works, modification works or relocation works;
- (c) inspect or certify any amusement ride; or
- 10 (d) carry out any other function in respect of any amusement ride,

if he has any professional or financial interest in the amusement ride or the operation thereof, or in the installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride.

15 (3) A qualified person shall be regarded as having a professional or financial interest in any amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride if —

- 20 (a) he is or has, in any capacity, been responsible for, or is or has acted as a consultant in, the preparation of the design and specifications, proposed installation method and programme or proposed modification method and programme in respect of the amusement ride;
- 25 (b) he or any nominee of his is a member, an officer or an employee of any company or other body which has a professional or financial interest in the amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride;
- 30 (c) he is a partner or is in the employment of a person who has a professional or financial interest in the amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride; or
- 35 (d) he holds any interest in the amusement ride or any part thereof.

(4) For the purposes of this section —

- 5 (a) a person shall be treated as having a professional or financial interest in an amusement ride or the operation thereof, or in any installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride, even if he has that interest only as trustee for the benefit of some other person; and
- 10 (b) in the case of a husband and wife living together, the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other.

(5) For the purposes of this section —

- (a) the carrying out of any function under this Act as a qualified person; and
- 15 (b) the entitlement to any fee paid for carrying out any such function,

shall not of itself be regarded as constituting a professional or financial interest.

- (6) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.
- 20

Qualified person vacating his appointment before issue of installation permit

25 **40.**—(1) If at any time while an application for an installation permit is pending before the Commissioner the qualified person appointed pursuant to section 6(2)(a)(i) by the applicant for the installation permit should for any reason vacate his appointment —

- (a) both the applicant for the installation permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact;
- 30 (b) the applicant for the installation permit shall —
- (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment; and

- (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and
- (c) the Commissioner shall not consider the application for the installation permit until —
 - 5 (i) the applicant for the installation permit has, pursuant to paragraph (b), appointed a substitute qualified person and notified the Commissioner of the appointment; and
 - (ii) the substitute qualified person has, in accordance with section 46 —
 - 10 (A) reviewed the design and specifications and the proposed installation method and programme of the amusement ride to be installed; and
 - (B) issued a certificate stating that, in the opinion of the substitute qualified person, the design and specifications and the proposed installation method and programme of the amusement ride conform to the prescribed requirements.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

20 **Qualified person vacating his appointment during installation works**

- 41.—**(1) If the qualified person appointed pursuant to section 6(2)(a)(ii) by the holder of an installation permit to supervise the carrying out of any installation works should for any reason vacate his appointment while the installation works are still in progress —
- 25 (a) both the holder of the installation permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and
 - (b) the holder of the installation permit shall —
 - 30 (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment;
 - (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and

(iii) ensure that the installation works are ceased until he has complied with sub-paragraphs (i) and (ii).

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

5 (3) If the holder of an installation permit contravenes subsection (1)(b)(iii), he shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

10 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the holder of the installation permit shall be guilty of a further offence and shall be liable
15 on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

Qualified person vacating his appointment before inspection or certification of amusement ride under section 12

20 **42.**—(1) If the qualified person appointed pursuant to section 6(2)(a)(iii) by the holder of an installation permit to inspect and certify an amusement ride under section 12 upon the completion of its installation should for any reason vacate his appointment before carrying out or completing the inspection or certification —

25 (a) both the holder of the installation permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and

(b) the holder of the installation permit shall —

30 (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment; and

(ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Qualified person vacating his appointment before issue of modification permit

5 **43.**—(1) If at any time while an application for a modification permit is pending before the Commissioner the qualified person appointed pursuant to section 24(2)(a)(i) by the applicant for the modification permit should for any reason vacate his appointment —

10 (a) both the applicant for the modification permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact;

(b) the applicant for the modification permit shall —

15 (i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment; and

(ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and

(c) the Commissioner shall not consider the application for the modification permit until —

20 (i) the applicant for the modification permit has, pursuant to paragraph (b), appointed a substitute qualified person and notified the Commissioner of the appointment; and

(ii) the substitute qualified person has, in accordance with section 46 —

25 (A) reviewed the design and specifications and the proposed modification method and programme of the major modification of the amusement ride; and

30 (B) issued a certificate stating that, in the opinion of the substitute qualified person, the design and specifications and the proposed modification method and programme of the major modification of the amusement ride conform to the prescribed requirements.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

Qualified person vacating his appointment during modification works

5 **44.**—(1) If the qualified person appointed pursuant to section 24(2)(a)(ii) by the holder of a modification permit to supervise the carrying out of any modification works should for any reason vacate his appointment while the modification works are still in progress —

10 (a) both the holder of the modification permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and

(b) the holder of the modification permit shall —

(i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment;

15 (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment; and

(iii) ensure that the modification works are ceased until he has complied with sub-paragraphs (i) and (ii).

20 (2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

(3) If the holder of a modification permit contravenes subsection (1)(b)(iii), he shall be guilty of an offence and shall be liable on conviction —

25 (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

30 and if the contravention continues after the conviction, the holder of the modification permit shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

Qualified person vacating his appointment before inspection or certification of amusement ride under section 30

5 **45.**—(1) If the qualified person appointed pursuant to section 24(2)(a)(iii) by the holder of a modification permit to inspect and certify an amusement ride under section 30 upon the completion of its major modification should for any reason vacate his appointment before carrying out or completing the inspection or certification —

10 (a) both the holder of the modification permit and the qualified person shall each, within 14 days after the vacation of the appointment, notify the Commissioner of that fact; and

(b) the holder of the modification permit shall —

(i) within such time as may be allowed by the Commissioner, appoint another qualified person to substitute the qualified person who has vacated his appointment; and

15 (ii) within 7 days thereafter, notify the Commissioner of that substitute appointment.

(2) Any person who, without reasonable excuse, contravenes subsection (1)(a) or (b)(ii) shall be guilty of an offence.

20 **Standard of skill, care and diligence to be exercised by qualified persons**

46.—(1) Subject to subsection (2), every qualified person appointed for the purposes of this Act to —

(a) review and certify —

25 (i) the design and specifications and the proposed installation method and programme of an amusement ride; or

(ii) the design and specifications and the proposed modification method and programme of the major modification of an amusement ride;

30 (b) supervise any installation works, modification works or relocation works;

(c) inspect and certify any amusement ride; or

(d) carry out any other function under this Act in respect of an amusement ride,

shall, when carrying out such function, exercise the standard of skill, care and diligence that could reasonably be expected to be exercised by a specialist professional engineer having the requisite specialised knowledge and experience in carrying out functions of a similar nature, scope and complexity.

(2) Except as otherwise provided by subsections (3) and (5), a qualified person shall appoint and consider the opinion and advice of a conformity assessor for the purpose of —

(a) reviewing and certifying —

(i) the design and specifications and the proposed installation method and programme of a major amusement ride; or

(ii) the design and specifications and the proposed modification method and programme of the major modification of a major amusement ride;

(b) supervising any installation works or modification works in respect of a major amusement ride;

(c) inspecting and certifying any major amusement ride; or

(d) carrying out any other function under this Act in respect of a major amusement ride.

(3) The Commissioner may, on the application of a qualified person, waive the requirement for the qualified person to consult and consider the opinion and advice of a conformity assessor as required under subsection (2) if the Commissioner is satisfied that the qualified person has the requisite qualifications, skill, expertise and experience to carry out the functions referred to in that subsection without the assistance of a conformity assessor.

(4) A qualified person who fails to comply with subsection (2) does not commit an offence, but —

(a) the Commissioner may refuse to accept any certificate issued by the qualified person in respect of any major amusement ride for the purposes of any provision of this Act unless the Commissioner has granted a waiver to the qualified person under subsection (3); and

(b) in any proceedings under this Act in which the question arises as to whether the qualified person has or has not exercised the

standard of skill, care and diligence required of him, the failure of the qualified person to comply with subsection (2) shall be taken into consideration in the determination of that question.

5 (5) Subsection (2) does not apply to a qualified person for the purposes of section 34(4)(b) or (8)(a).

Other general duties of qualified persons

47.—(1) Every qualified person who is appointed to carry out any function under this Act in respect of an amusement ride shall —

10 (a) whenever required by the Commissioner, submit to the Commissioner in such form and manner and within such time as the Commissioner may allow such information and reports as may be prescribed or otherwise specified by the Commissioner concerning the amusement ride or any installation works, modification works or relocation works that are being or are to be carried out thereto;

15

(b) notify the Commissioner if any such installation works or modification works (as the case may be) have been suspended for a period of more than 3 months; and

(c) comply with such other duties as may be prescribed.

20 (2) If any qualified person contravenes subsection (1), he shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both; and

25 (b) in respect of a continuing contravention, to an additional fine not exceeding \$500 for each day or part thereof during which the contravention continues,

and if the contravention continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the contravention continues after conviction.

30

PART VIII

ENFORCEMENT

Furnishing of information

5 **48.**—(1) The Commissioner or an enforcement officer may, for the purposes of —

(a) conducting an investigation into —

(i) any offence or suspected offence under this Act; or

(ii) any adverse incident that has occurred in respect of an amusement ride; or

10 (b) otherwise discharging his functions under this Act,

by notice in writing require any person who appears to the Commissioner or enforcement officer to be acquainted with the facts or circumstances of the case under investigation or with the facts or circumstances relating to the installation, operation, major or minor modification, relocation,
15 maintenance or repair of an amusement ride (as the case may be) to furnish to the Commissioner or enforcement officer, within such time as may be specified in the notice, any information or document which such person knows or has in his possession or which such person is in a position to obtain regarding the case under investigation or the amusement
20 ride to which the notice relates.

(2) Any person who fails to comply with a notice given to him by the Commissioner or an enforcement officer 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 3 months
25 or to both.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that he did not know or have, and could not with reasonable diligence have ascertained or obtained, the information or document required.

30 **Misrepresentation**

49.—(1) Any person who, for the purposes of obtaining any permit, consent, certificate, approval, direction or other decision from the

Commissioner under this Act, or who, in purported compliance with any provision of this Act —

- 5 (a) furnishes the Commissioner or an enforcement officer with any particulars or information which such person knows is false or misleading; or
- (b) submits to the Commissioner or an enforcement officer any declaration, certificate, report, record, notice or other document which —
 - 10 (i) contains any statement which such person knows to be false in a material particular or to have been recklessly made;
 - (ii) has not been made by the person by whom it is purported to have been made; or
 - (iii) has been in any way altered or tampered with,

15 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) In this section, the reference to the Commissioner includes a reference to the Commissioner of Civil Defence.

Power to enter and inspect premises

20 **50.**—(1) The Commissioner or an enforcement officer may, at any time and without warrant, enter any premises and inspect any amusement ride that has been or is being installed, operated, modified or relocated thereon, or any building that forms part of or is connected to such amusement ride, for the purpose of —

- 25 (a) ascertaining whether there is, or has been, any contravention of this Act;
- (b) ascertaining whether any circumstances exist that would authorise the Commissioner or enforcement officer to take any action or execute any work under this Act;
- 30 (c) taking any action or carrying out any work, authorised or required to be taken or carried out by this Act;
- (d) inspecting any record, book or other document kept and maintained, as required by this Act, in relation to the amusement ride or its installation, operation, modification or relocation; or

(e) carrying out any investigation into any adverse incident that has occurred in respect of the amusement ride.

(2) The owner of any premises referred to in subsection (1) as well as the person responsible for the amusement ride on those premises (if such person is not the same person as the owner of those premises) shall, without cost —

(a) afford the Commissioner or an enforcement officer such facilities and assistance as the Commissioner or enforcement officer may reasonably require for the purposes of carrying out any inspection under subsection (1); and

(b) produce for the inspection of the Commissioner or enforcement officer, or provide the Commissioner or enforcement officer with copies of, any record, book or other document as the Commissioner or enforcement officer may require for the purposes of subsection (1).

(3) If any person to whom subsection (2) applies contravenes that subsection, that person shall be guilty of an offence.

Seizure and detention of documents, components of amusement ride, etc.

51.—(1) The Commissioner or an enforcement officer may, in the course of carrying out any inspection under section 50 —

(a) seize and detain any record, book or other document which the Commissioner or enforcement officer has reasonable cause to believe to be a record, book or document which —

(i) may be required for the purposes of enforcing this Act; or

(ii) may contain evidence relating to the commission of any offence under this Act; and

(b) dismantle and seize and detain —

(i) any machinery, equipment or plant connected or used in connection with an amusement ride or with any installation works, modification works or relocation works; or

(ii) any component of an amusement ride,

if the Commissioner or enforcement officer has reason to believe that such machinery, equipment, plant or component does not

comply with the prescribed requirements or has been or could have been the cause of the occurrence of any adverse incident in respect of the amusement ride.

5 (2) Where any item has been seized under subsection (1) or any other provision of this Act —

- (a) the Commissioner or enforcement officer who seized the item shall as soon as practicable give notice in writing of the seizure to the person from whom the item was seized, unless that person was present at the time of the seizure;
- 10 (b) any person claiming the item seized may within 48 hours after the seizure complain thereof to a Magistrate, and the complaint may be heard and determined by the Magistrate who may —
 - (i) confirm the seizure wholly or in part;
 - (ii) disallow the seizure wholly or in part;
 - 15 (iii) order that the item seized be restored to its owner, subject to such condition which the Magistrate may think fit to impose to ensure that the item is preserved for any purpose for which it may subsequently be required; or
 - (iv) order payment to be made to the owner of the item seized of such amount as the Magistrate considers will compensate him for any loss or depreciation resulting from the seizure;
- (c) in the absence of any claim under paragraph (b) or pending the determination of any such claim, the item may be kept or stored in such place or premises as the Commissioner may direct;
- 25 (d) the Commissioner or an enforcement officer may —
 - (i) mark, seal or label the item in such manner as he thinks fit for the purpose of indicating that the item is under detention; and
 - (ii) lock or seal the premises where the item is being detained;
 - 30 and
- (e) any person who, without the authority of the Commissioner or an enforcement officer —
 - (i) interferes, removes or otherwise tampers with the item;

(ii) alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the Commissioner or enforcement officer on the item under paragraph (d)(i); or

(iii) opens, breaks or otherwise tampers with the lock or seal placed by the Commissioner or enforcement officer at the entrance to, or any other part of, any premises under paragraph (d)(ii),

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 3 months or to both.

Powers of arrest

52.—(1) A police officer may arrest without warrant any person who has committed, or whom the police officer reasonably suspects to have committed, an offence under this Act if —

(a) the person declines to give his name and address when required to do so by the police officer;

(b) the person gives to the police officer an address that is outside Singapore; or

(c) the police officer has reason to doubt the accuracy of the name or address given by that person.

(2) A person arrested under subsection (1) may be detained until his name and address are correctly ascertained except that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

Power to require dismantling of amusement ride in dangerous condition, etc.

53.—(1) Where in the opinion of the Commissioner any amusement ride has been or is being installed, operated, modified or relocated in such a manner, or is in such a condition or state of disrepair, as to pose an imminent danger to persons who are using or operating, or in the vicinity of, the amusement ride, the Commissioner may do either or both of the following:

(a) direct the holder of the installation permit, operating permit or modification permit (as the case may be) in respect of the

amusement ride or any other person responsible for the amusement ride to —

- 5 (i) immediately cease any installation works, modification works or relocation works being carried out on the amusement ride or the operation of the amusement ride, and close or cordon off the amusement ride; and
- 10 (ii) take such measures as may be specified by the Commissioner to secure, stabilise or dismantle the amusement ride within such time as may be stipulated by the Commissioner;
- (b) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise the Commissioner on all matters relating to the safety of the amusement ride or any installation works, modification works or relocation works which have been or are being carried out in respect of the amusement ride.
- 15

(2) If any person fails to comply with any direction given to him under subsection (1)(a) —

- 20 (a) he shall be guilty of an offence and shall be liable on conviction —
- (i) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- 25 (ii) in respect of a continuing failure to comply, to an additional fine not exceeding \$500 for each day or part thereof during which the failure to comply continues,
- and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$1,000 for every day or part thereof during which the failure to comply continues after conviction; and
- 30 (b) the Commissioner may —
- (i) take or cause to be taken all such measures as may be necessary to secure, stabilise or dismantle, and to close or cordon off, the amusement ride in accordance with the direction given by him under subsection (1)(a); and
- 35

(ii) recover from the person in default by way of a civil suit all costs and expenses reasonably incurred by the Commissioner in the exercise of his powers under subparagraph (i).

5 (3) The Commissioner may give a direction under subsection (1)(a) in writing or in such other form or manner as he thinks fit in the circumstances of the case.

10 (4) The Commissioner may order the person referred to in subsection (1)(a) to pay or reimburse the Commissioner all or a specified part of the expenses that the Commissioner has incurred in engaging a qualified person or a specialist under subsection (1)(b), failing which the Commissioner may recover such expenses from that person by way of a civil suit.

Reporting of adverse incidents

15 **54.**—(1) The person responsible for an amusement ride and the ride manager of the amusement ride shall, as soon as practicable upon the occurrence of any adverse incident in respect of the amusement ride, inform the Commissioner of such occurrence.

20 (2) Where the Commissioner receives any information under subsection (1) or becomes aware of the occurrence of any adverse incident in respect of an amusement ride through any other means, the Commissioner may —

25 (a) direct the person responsible for the amusement ride to immediately close or cordon off the amusement ride and take such measures as the Commissioner may specify to —

(i) safely and expeditiously rescue and evacuate all patrons and other persons who are on the amusement ride;

(ii) protect the safety of persons who are in the vicinity of the amusement ride; and

30 (iii) otherwise address the adverse incident; and

(b) by notice in writing require the person responsible for the amusement ride to investigate into the adverse incident and submit a report of his findings and recommendations to the Commissioner within such time as the Commissioner may specify.

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(3) The Commissioner may also in any notice given under subsection (2)(b) require the person responsible for the amusement ride to submit to the Commissioner in such form and manner and within such time and for such period as the Commissioner may specify, a report containing such information as the Commissioner may require concerning —

- (a) the measures that the person responsible for the amusement ride has taken pursuant to the direction given to him under subsection (2)(a);
- (b) the results of the measures so taken; and
- (c) any other matter as the Commissioner thinks necessary or relevant in the circumstances.

(4) The Commissioner may give a direction under subsection (2)(a) in writing or in such other form or manner as he thinks fit in the circumstances of the case.

(5) Any person who —

- (a) contravenes subsection (1); or
- (b) fails to comply with —
 - (i) any direction given to him under subsection (2)(a); or
 - (ii) any notice given to him under subsection (2)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

Obstructing Commissioner or enforcement officers in execution of their duties

55. Any person who obstructs, hinders or impedes —

- (a) the Commissioner;
- (b) any enforcement officer; or
- (c) any other person acting under the direction of the Authority, the Commissioner or an enforcement officer,

in the performance or execution of his duty or anything which he is authorised, empowered or required to do under this Act shall be guilty of

an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

PART IX

PROVISIONS RELATING TO OFFENCES AND PROSECUTION

5

General penalty

56. Any person who is guilty of an offence under this Act or the regulations for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

10

Jurisdiction of court

57. Notwithstanding any provision to the contrary in the Criminal Procedure Code 2010 (Act 15 of 2010), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

15

Evidence

58.—(1) Subject to this section, the contents of any notice or document prepared, issued or served under, by virtue of or for the purposes of this Act shall, until the contrary is proved be presumed to be correct.

(2) All records and other documents required by this Act to be kept by the Commissioner shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by that officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts.

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(3) Where any information in respect of any amusement ride is provided by the Commissioner by electronic means, the production of any document under the hand of the officer responsible for providing such information purporting to be a hard-copy transcript of all or any such information shall, in all courts and in all proceedings, be sufficient evidence of the information provided electronically and all courts shall in all proceedings take judicial notice of the signature of that officer.

30

Presumptions and defences

59.—(1) In any proceedings instituted under this Act for —

(a) the commencement or carrying out of any installation works, modification works or relocation works; or

5 (b) the operation of any amusement ride,

on any premises in contravention of the provisions of this Act, the owner of the premises at the time the installation works, modification works, relocation works or the operation of the amusement ride was commenced or carried out shall be presumed, until the contrary is proved, to be the person commencing or carrying out the installation works, modification works, relocation works or the operation of the amusement ride, as the case may be.

(2) Where anything is required under this Act to be done by the person responsible for an amusement ride or by the ride manager of an amusement ride, and there is more than one person responsible for such amusement ride or more than one such ride manager, it shall be a defence to any prosecution for failing to do that thing for the accused to prove —

15 (a) that such thing was done by another person responsible for the amusement ride or by another ride manager of the amusement ride (as the case may be); or

20 (b) that any notice or order in respect of such thing required under this Act to be served on the person responsible for the amusement ride or on the ride manager of the amusement ride was served on another person responsible for that amusement ride or on another ride manager of that amusement ride (as the case may be) and not on the person charged.

Offences by bodies corporate, etc.

60.—(1) Where an offence under this Act committed by a body corporate is proved —

30 (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,

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.

5 (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 act or default on his part,

10 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 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
15 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.

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

20 (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,

25 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 —

30 “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 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, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Liability for offences by agents or employees

61. Where an offence under this Act is committed by a person —

(a) acting as an agent or employee; or

(b) being otherwise subject to the supervision or instruction,

of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

Composition of offences

62.—(1) The Commissioner may, in his discretion, compound any offence under this Act or the regulations which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence 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.

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

(3) All sums collected under this section shall be paid to the Consolidated Fund.

Forfeiture

63.—(1) The court before which any person is tried for an offence under this Act may make an order for the forfeiture of any item which has been seized under the provisions of this Act if the court is satisfied that —

- (a) an offence under this Act has been committed; and
- (b) the item seized was the subject-matter, or was used in the commission, of the offence.

(2) Where no party raises the question of forfeiture under subsection (1), the court may consider the question on its own motion and make such order as it thinks appropriate.

(3) The court may make an order under subsection (1) for the forfeiture of any item which has been seized under the provisions of this Act notwithstanding that no person has been convicted of an offence.

(4) If the court, having regard to the circumstances of the case, does not think it fit to order the forfeiture of any item which has been seized under the provisions of this Act, the court shall order that the item be released to the owner thereof or the person entitled thereto.

(5) If —

- (a) no prosecution is instituted with regard to any item which has been seized under the provisions of this Act; and
- (b) no claim is made for the item under section 51(2)(b),

the item to which the notice relates shall be deemed to be forfeited.

(6) Where the owner of any item seized under the provisions of this Act consents to its disposal, the item shall thereupon be deemed to be forfeited.

(7) Any item forfeited or deemed to be forfeited under this section shall be delivered to the Commissioner and shall be disposed of in such manner as the Commissioner thinks fit.

(8) The costs of the disposal of any item under subsection (7) shall be borne by the owner thereof or person entitled thereto.

PART X

MISCELLANEOUS

5 **Issue of permits not to be taken as evidence of title to or interest in land**

64. The issue of an installation permit, an operating permit or a modification permit to any person —

(a) does not confer on such person; and

10 (b) shall not be taken as evidence that such person has,

any title or right to, or any interest in, the land on which the amusement ride to which the permit relates has been or is being installed.

Service of documents, etc.

15 **65.**—(1) Any notice, order or other document (hereafter referred to collectively) required or authorised to be given or served under this Act may be served —

(a) in the case of an individual —

(i) by delivering it to the individual personally;

20 (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;

25 (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the document in a conspicuous place at the usual or last known address of residence or business of the individual; or

30 (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the

individual, or the last fax number given to the Commissioner or an enforcement officer by the individual as the facsimile transmission number for the service of documents on the individual;

5 (b) in the case of a partnership other than a limited liability partnership —

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

10 (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore; or

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and

15 (c) in the case of any limited liability partnership or any other body corporate —

(i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;

20 (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or

25 (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) Any document that is to be served by the Commissioner, an enforcement officer or the Minister shall —

30 (a) if sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a
35 notification (by electronic or other means) of a successful

transmission to the place of residence or business or registered office or principal office, as the case may be;

(b) if sent by electronic communication to an email address in accordance with subsection (1), be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

(c) if sent by pre-paid registered post, be deemed to have been duly served on the person to whom it is addressed 2 days after the day the document was posted, whether or not it is returned undelivered.

(3) Any document required or authorised to be served under this Act on —

(a) any person responsible for an amusement ride; or

(b) any person carrying out any installation works, modification works or relocation works,

shall also be deemed to be sufficiently served —

(i) by delivering a copy of the document personally to some adult person on the premises on which the amusement ride has been installed or on which the installation works, modification works or relocation works (as the case may be) are being carried out; or

(ii) if there is no such person to whom the document can with reasonable diligence be delivered, by affixing the document to some conspicuous part of the premises or amusement ride.

(4) Any document required or authorised by this Act to be served on any person responsible for an amusement ride shall be deemed to be properly addressed if addressed by the description of the “person responsible” for the amusement ride without further name or description.

(5) Any document to be issued by the Commissioner under this Act may be issued in such form or manner as the Commissioner may determine and every such document shall be valid if the signature of the Commissioner or any enforcement officer duly authorised by the Commissioner under this Act is duly printed or written thereon.

(6) Any document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the

time when the document, as the case may be, would in the ordinary course of post be delivered and, in proving service of the document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

- 5 (7) This section shall not apply to documents to be served in proceedings in court.

Form and authentication of documents

10 **66.**—(1) All notices, orders and other documents which the Commissioner or an enforcement officer is empowered to give by this Act may be in such form or manner as the Commissioner may determine, and may be given by any enforcement officer.

(2) Where any such notice, order or document requires authentication —

(a) the signature of the Commissioner or an enforcement officer; or

(b) an official facsimile of such signature,

15 appended thereto shall be sufficient authentication.

Inaccuracies in documents

20 **67.**—(1) No misnomer or inaccurate description of any person, premises, amusement ride or any other thing named or described in any notice, order or document prepared, issued or served under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person, premises, amusement ride or thing if that person, premises, amusement ride or thing is so designated or described in the notice, order or document as to be identifiable.

25 (2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

Protection from liability

30 **68.**—(1) No liability shall lie against the Commissioner, any enforcement officer or any employee of the Authority by reason of the fact that any installation works, modification works or relocation works are or are to be carried out in accordance with the provisions of this Act, or that any amusement ride or the design and specifications, proposed installation method and programme or proposed modification method and programme or any installation works, modification works or relocation works relating to such amusement ride are subject to inspection, alteration

or approval by the Commissioner, enforcement officer or employee of the Authority.

5 (2) Nothing in this Act shall make it obligatory for the Commissioner, an enforcement officer or an employee of the Authority to inspect any amusement ride or any installation works, modification works or relocation works relating thereto, or the premises on which an amusement ride has been or is being installed, modified, relocated or operated, to ascertain whether the provisions of this Act are complied with or whether any design and specifications, proposed installation method and programme, proposed modification method and programme, certificate, notice or other document submitted to the Commissioner, enforcement officer or employee of the Authority concerning the amusement ride are accurate or otherwise in compliance with the provisions of this Act.

15 (3) No matter or thing done by the Commissioner, an enforcement officer or an employee of the Authority shall, if it were done in good faith for the purpose of carrying out the provisions of this Act, subject the Commissioner, enforcement officer or employee of the Authority personally to any action, liability, claim or demand.

20 (4) Where the Commissioner provides any information to any person in respect of any amusement ride or any works or matter in relation to an amusement ride by electronic or other means, neither the Commissioner nor any enforcement officer or employee of the Authority shall be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the electronic equipment used for providing the information, if such error or omission had been made in good faith and in the ordinary course of duties of the Commissioner, enforcement officer or employee of the Authority.

Appeals to Minister

30 **69.**—(1) Any person who is aggrieved by the decision of the Commissioner —

35 (a) to refuse to issue any installation permit, operating permit, modification permit, direction for the alteration of the conditions of any such permit or consent sought by the person under this Act;

- (b) to alter, on his own volition, any of the conditions of any installation permit, operating permit or modification permit;
- (c) to revoke or suspend any installation permit, operating permit or modification permit;
- 5 (d) to give any notice or direction —
 - (i) requiring the cessation of any installation works, modification works, relocation works or the operation of an amusement ride;
 - (ii) requiring the closure or cordoning off of an amusement ride;
 - 10 (iii) requiring the taking of any measures in relation to any amusement ride; or
 - (iv) otherwise affecting the carrying out of any installation works, modification works, relocation works or the operation of an amusement ride,

15 may appeal to the Minister in such form and manner and within such time as may be prescribed.

(2) Where an appeal is brought under this section from a decision of the Commissioner, the Minister may, after giving the aggrieved appellant an opportunity to make representations in writing, dismiss or allow the
20 appeal, unconditionally or subject to such conditions as the Minister thinks fit.

(3) The decision of the Minister on any appeal under this section shall be final.

- (4) Notwithstanding any appeal to the Minister under this section —
- 25 (a) the revocation or suspension by the Commissioner of any installation permit, operating permit or modification permit; and
 - (b) any notice or direction given by the Commissioner as referred to in subsection (1)(d),

30 shall take effect from the date specified by the Commissioner for the revocation or suspension or in the notice or direction given (as the case may be), unless the Minister otherwise directs.

Exemption

70.—(1) The Minister may by order published in the *Gazette*, either generally or in any particular case, and subject to such conditions as he may impose, exempt any person, amusement ride, installation works, modification works or relocation works from all or any of the provisions of this Act.

(2) The Minister may at any time by order published in the *Gazette* revoke an exemption granted under this section.

Fees

71.—(1) Except as provided in subsection (2), all fees payable under this Act shall be credited into the funds of the Authority.

(2) Any fee payable to the Commissioner of Civil Defence under Part VI shall be credited into the Consolidated Fund.

Regulations

72.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) the making of any application for and the issue of any permit, consent, permission or approval under this Act;
- (b) the regulation of the design, specifications, manufacture, installation, operation, modification, relocation, maintenance and repair of amusement rides, including the following:
 - (i) the properties and design strength of the materials to be used in the construction of an amusement ride;
 - (ii) the speed at which an amusement ride may be opened;
 - (iii) the equipment, drives, brakes, anchorages, tensioning devices and safety devices to be incorporated as part of the amusement ride;

- (iv) the signalling and communication systems to be applied in the installation, operation, modification or relocation of an amusement ride;
- 5 (v) the testing of an amusement ride, whether after its installation, modification, relocation or repair, or routinely as part of its maintenance;
- (vi) the codes, standards and specifications relating to the safety and other aspects of the installation, operation, modification or relocation (as the case may be) of an amusement ride; and
- 10 (vii) the illumination or marking of an amusement ride;
- (c) the maximum number of persons that may be carried on board an amusement ride at any one time (whether as patrons or otherwise) and the classes of persons or goods who or which may not be carried on board an amusement ride at any time;
- 15 (d) the conduct and safety of persons using or operating, or in the vicinity of, amusement rides;
- (e) the procedure for the inspection of amusement rides by the Commissioner or any enforcement officer;
- (f) the requirements that a person must satisfy before he may be
- 20 appointed as a ride manager;
- (g) the making of reports to the Commissioner concerning any adverse incident that has occurred in respect of an amusement ride and the conduct of investigations into any such adverse incident;
- 25 (h) the types of amusement rides that are to be considered as major amusement rides for the purposes of this Act and the types of amusement rides to which this Act will not apply;
- (i) the types of modifications to an amusement ride that amount to major modifications for the purposes of this Act;
- 30 (j) the requirements in respect of insurance coverage for the operation of amusement rides;
- (k) the records, books or other documents to be kept and the reports and certificates to be made and issued in respect of an amusement ride for the purposes of this Act;

- (l) the duties and responsibilities of —
- (i) the holder of an installation permit, an operating permit or a modification permit and any other person responsible for an amusement ride;
 - 5 (ii) a qualified person appointed to carry out any function in respect of an amusement ride for the purposes of this Act; and
 - (iii) the ride manager of an amusement ride;
 - (m) the manner in which appeals may be made to and determined by
10 the Minister under this Act and the documents, information and other particulars to be furnished to the Minister by the appellant and the Commissioner in connection therewith;
 - (n) the prescribing of the forms for use for the purposes of this Act;
 - (o) the prescribing of the fees and charges payable for the purposes
15 of this Act;
 - (p) the prescribing of the offences that may be compounded under section 62;
 - (q) such other matters as may be necessary or expedient to be prescribed or provided for to facilitate the effective
20 administration and enforcement of this Act.

(3) The Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

25 **Adoption of codes, standards and specifications**

73.—(1) Any regulations made under section 72 may adopt wholly or partially or as amended by the regulations or by reference any code, standard or specification which relates to the design, manufacture,
30 installation, operation, modification, relocation, maintenance or repair of amusement rides or to any other matter that is relevant to the purposes of this Act, and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the Commissioner; or

(b) is considered by the Commissioner to be appropriate for adoption for the purposes of this Act.

(2) In any proceedings under this Act, a copy of any code, standard or specification adopted under subsection (1) which is certified by the Commissioner as a true copy thereof shall be prima facie evidence of that code, standard or specification.

Presentation of regulations to Parliament

74. Any regulations made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

10

PART XI

SAVING AND TRANSITIONAL PROVISIONS

Saving and transitional provision for existing operators of amusement rides

75.—(1) Notwithstanding section 13(1)(a) —

(a) the operator of an existing amusement ride who has never been issued with an amusement park licence in respect of that amusement ride may continue operating that amusement ride without an operating permit, as if this Act had not been enacted, until the expiration of 6 months beginning on the appointed day; and

(b) the operator of an existing amusement ride who, immediately before the appointed day, was holding a valid amusement park licence in respect of that amusement ride may continue operating that amusement ride without an operating permit, as if this Act had not been enacted, until the date on which the amusement park licence would have expired had it not been cancelled on account of the enactment of this Act.

(2) Section 13(1)(b)(ii), (iii) and (iv) shall not apply to the operator of an existing amusement ride until the expiration of 6 months beginning on the appointed day.

30

(3) The Commissioner may —

- (a) give to the operator of an existing amusement ride such directions as the Commissioner thinks necessary concerning the operation of that amusement ride; and
- 5 (b) having regard to the length of time which the operator has, by virtue of subsection (1)(b), to obtain an operating permit in respect of that amusement ride —
 - (i) waive or modify; or
 - 10 (ii) defer the time for the operator to comply with, any of the requirements under section 14(3)(a)(ii), (b), (c), (d), (e) and (f), to such extent as the Commissioner thinks fit,

so as to facilitate the obtainment of an operating permit by the operator.

15 (4) If any operator to whom any direction is given under subsection (3)(a) fails to comply with such direction, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

20 (5) In this section, “amusement park licence” means a licence issued under the Public Entertainments and Meetings Act (Cap. 257) for an amusement park or an amusement ride.

Power of Minister to prescribe additional saving and transitional provisions

25 **76.** For a period of 2 years after the appointed day, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of this Act as he may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to make provision relating to the safety of amusement rides and matters connected therewith.

PART I

PRELIMINARY

Part I (consisting of clauses 1 to 4) relates to preliminary matters.

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill and makes it clear that where any act or thing has to be done within a particular period or before a particular time, then any failure to do that act or thing within the period or before that time constitutes a separate offence for each day it is not done, and the obligation to do that act or thing will continue, notwithstanding that that period has expired or that time has passed, until that act or thing is done.

Clause 3 provides for the appointment of the Commissioner of Amusement Rides Safety (the Commissioner) and the enforcement officers who will be responsible for administering and enforcing the Bill.

Clause 4 deems the Commissioner and every enforcement officer to be public servants within the meaning of the Penal Code (Cap. 224).

PART II

INSTALLATION OF AMUSEMENT RIDES

Part II (consisting of clauses 5 to 12) relates to the installation of amusement rides.

Clause 5 prohibits the installation of an amusement ride unless the installation of the amusement ride is authorised by, and is carried out in accordance with the conditions of, a valid installation permit. The clause also empowers the Commissioner to take enforcement measures to secure the cessation of any installation works that are not authorised by an installation permit.

Clause 6 sets out the procedure for the application for, and issue of, an installation permit.

Clause 7 requires the holder of an installation permit to ensure that no installation works are carried out except under the supervision of a qualified person. The clause also sets out certain other requirements in accordance with which the installation works must be carried out, and empowers the Commissioner to require the cessation of the installation works in certain circumstances.

Clause 8 imposes a duty on the holder of an installation permit, any person who is directly engaged in the carrying out of the installation works authorised by the installation permit and the qualified person supervising the installation works to notify

the Commissioner of any contravention of the Bill relating to the carrying out of the installation works should such person come to know of any such contravention.

Clause 9 sets out the procedure by which the Commissioner may alter the conditions of an installation permit.

Clause 10 provides that an installation permit is not transferable by its holder to any other person.

Clause 11 sets out the circumstances under which an installation permit would automatically lapse, or may be revoked or suspended by the Commissioner.

Clause 12 relates to the inspection and certification of an amusement ride after its installation.

PART III

OPERATION OF AMUSEMENT RIDES

Part III (consisting of clauses 13 to 22) relates to the operation of amusement rides.

Clause 13 prohibits any person from operating of an amusement ride unless —

- (a) he holds a valid operating permit and operates the amusement ride in accordance with the conditions of the operating permit;
- (b) the amusement ride is in a state of good repair and safe working condition, and is fit for operation;
- (c) there is in force a certificate of compliance (issued by the Commissioner of Civil Defence) in respect of the fire and rescue management system of the amusement ride, and the fire and rescue management system of the amusement ride complies with such requirements as may be prescribed under clause 38;
- (d) the person responsible for the amusement ride is covered by insurance against liability for any injury to or the death of any person arising out of the operation or use of such amusement ride in an amount that is not less than the prescribed minimum limits; and
- (e) there is appointed in respect of the amusement ride at least one ride manager to oversee, manage and supervise the daily routine operation and maintenance of the amusement ride.

The clause also empowers the Commissioner to take enforcement measures to secure the cessation of the operation of an amusement ride in the event of any non-compliance with any of the abovementioned requirements.

Clause 14 sets out the procedure for the application for, and issue of, an operating permit.

Clause 15 relates to the duration and renewal of an operating permit.

Clause 16 requires the holder of an operating permit in respect of an amusement ride to appoint at least one suitably qualified and trained person as a ride manager to

oversee, manage and supervise the daily routine operation and maintenance of the amusement ride. The clause also imposes certain duties on the holder of an operating permit and a ride manager in the event that the ride manager should vacate his appointment.

Clause 17 sets out the duties of a ride manager in respect of the operation of an amusement ride.

Clause 18 sets out the duties of the holder of an operating permit in respect of the operation of an amusement ride, and empowers the Commissioner to require the cessation of the operation of the amusement ride in certain circumstances.

Clause 19 imposes a duty on the holder of an operating permit and a ride manager to notify the Commissioner of any contravention of the Bill relating to the operation of the amusement ride should such person come to know of any such contravention.

Clause 20 sets out the procedure by which the Commissioner may alter the conditions of an operating permit.

Clause 21 provides that an operating permit is not transferable by its holder to any other person.

Clause 22 sets out the circumstances under which an operating permit would automatically lapse, or may be revoked or suspended by the Commissioner.

PART IV

MAJOR MODIFICATION OF AMUSEMENT RIDES

Part IV (consisting of clauses 23 to 30) relates to the major modification of amusement rides.

Clause 23 prohibits the major modification of an amusement ride unless such major modification of the amusement ride is authorised by, and is carried out in accordance with the conditions of, a valid modification permit. The clause also empowers the Commissioner to take enforcement measures to secure the cessation of any modification works that are not authorised by a modification permit.

Clause 24 sets out the procedure for the application for, and issue of, a modification permit.

Clause 25 requires the holder of a modification permit to ensure that no modification works are carried out except under the supervision of a qualified person. The clause also sets out certain other requirements in accordance with which the modification works must be carried out, and empowers the Commissioner to require the cessation of the modification works in certain circumstances.

Clause 26 imposes a duty on the holder of a modification permit, any person who is directly engaged in the carrying out of the modification works authorised by the modification permit and the qualified person supervising the modification works to notify the Commissioner of any contravention of the Bill relating to the carrying out of the modification works should such person come to know of any such contravention.

Clause 27 sets out the procedure by which the Commissioner may alter the conditions of a modification permit.

Clause 28 provides that a modification permit is not transferable by its holder to any other person.

Clause 29 sets out the circumstances under which a modification permit would automatically lapse, or may be revoked or suspended by the Commissioner.

Clause 30 relates to the inspection and certification of an amusement ride after its major modification.

PART V

MAINTENANCE, REPAIR, MINOR MODIFICATION AND RELOCATION OF AMUSEMENT RIDES

Part V (consisting of clauses 31 to 35) relates to the maintenance, repair and minor modification of amusement rides.

Clause 31 imposes a duty on the person responsible for an amusement ride —

- (a) to ensure that the amusement ride is at all times maintained in a state of good repair and in a safe working condition; and
- (b) to comply with such directions as the Commissioner may give from time to time concerning the maintenance and safety of the amusement ride.

Clause 32 empowers the Commissioner to require the person responsible for an amusement ride —

- (a) to carry out repairs or modifications to the amusement ride to ensure its proper maintenance or safety; and
- (b) if necessary, to close or cordon off the amusement ride until all such repairs and modifications have been completed to the satisfaction of the Commissioner.

Clause 33 imposes a duty on the person responsible for an amusement ride to notify the Commissioner of any minor modification that is to be carried out on the amusement ride. The clause also empowers the Commissioner to require further information concerning the minor modification of the amusement ride, to impose conditions or give directions for the carrying out of the modification works, or to require the person responsible for the amusement ride to apply for a modification permit in respect of the modification of the amusement ride.

Clause 34 contains provisions regulating the relocation of an amusement ride.

Clause 35 imposes a duty on the person responsible for an amusement ride to wholly or partially close or cordon off the amusement ride whenever such action appears reasonably necessary —

- (a) for the safety of persons who are using or operating, or in the vicinity of, the amusement ride; or

- (b) in the case of the occurrence of any adverse incident in respect of the amusement ride.

PART VI

APPROVAL AND CERTIFICATION OF FIRE AND RESCUE MANAGEMENT SYSTEM

Part VI (consisting of clauses 36, 37 and 38) relates to the approval and certification by the Commissioner of Civil Defence of the fire and rescue management system of an amusement ride.

Clause 36 sets out the procedure for obtaining from the Commissioner of Civil Defence —

- (a) an approval of the design and plans of the fire and rescue management system of an amusement ride; or
- (b) a certificate of compliance in respect of the fire and rescue management system of an amusement ride.

Clause 37 empowers the Commissioner of Civil Defence to withdraw any approval granted under clause 36(3)(a) or any certificate of compliance in certain circumstances.

Clause 38 empowers the Minister, after consultation with the Commissioner of Civil Defence, to make regulations for giving effect to the Part.

PART VII

PROVISIONS RELATING TO QUALIFIED PERSONS

Part VI (consisting of clauses 39 to 47) contains provisions relating to qualified persons.

Clause 39 requires that a qualified person who is appointed to carry out any function in respect of any amusement ride for the purposes of the Bill should have no professional or financial interest in the amusement ride or the operation thereof, or in the installation works, modification works or relocation works that are being or are to be carried out in respect of the amusement ride.

Clauses 40 to 45 deal with the various scenarios in which a qualified person who is appointed to carry out any function in respect of an amusement ride for the purposes of the Bill vacates his appointment before or while in the course of carrying out such function.

Clause 46 requires a qualified person, when carrying out any function in respect of an amusement ride for the purposes of the Bill, to exercise the standard of skill, care and diligence that could reasonably be expected to be exercised by a specialist professional engineer having the requisite specialised knowledge and experience in carrying out functions of a similar nature, scope and complexity.

The clause also requires a qualified person who is carrying out any such function in respect of a major amusement ride to appoint and consider the opinion and advice of a

conformity assessor unless the Commissioner has granted him a waiver from this requirement. A qualified person who fails to comply with the requirement to appoint and consider the opinion and advice of a conformity assessor does not commit an offence, but the Commissioner may refuse to accept any certificate issued by the qualified person in respect of any major amusement ride for the purposes of the Bill, and in any proceedings under the Bill in which the question arises as to whether the qualified person has or has not exercised the standard of skill, care and diligence required of him, the failure of the qualified person to comply with this requirement shall be taken into consideration in the determination of that question.

Clause 47 sets out certain other general duties of a qualified person who is appointed to carry out any function in respect of an amusement ride for the purposes of the Bill.

PART VIII

ENFORCEMENT

Part VIII (consisting of clauses 48 to 55) contains provisions relating to the enforcement of the Bill.

Clause 48 empowers the Commissioner or an enforcement officer, in conducting an investigation under the Bill or otherwise discharging his functions under the Bill, to require any person who appears to be acquainted with the facts or circumstances of the case under investigation or with the facts or circumstances relating to the installation, operation, major or minor modification, relocation, maintenance or repair of an amusement ride (as the case may be) to furnish to the Commissioner or enforcement officer any information or document which such person knows or has in his possession or which such person is in a position to obtain.

Clause 49 makes it an offence for any person to furnish false or misleading information for the purposes of obtaining any permit, consent, certificate, approval, direction or other decision from the Commissioner or the Commissioner of Civil Defence (as the case may be) under the Bill, or in purported compliance with any provision of the Bill.

Clause 50 confers on the Commissioner and an enforcement officer the power to enter, inspect and search any premises without warrant for the purpose of administering and enforcing the Bill.

Clause 51 empowers the Commissioner or an enforcement officer, in the course of carrying out any inspection under clause 50, to seize and detain certain items which appear to be relevant for the purposes of enforcing the Bill or which may contain evidence relating to the commission of any offence under the Bill. The clause also sets out the procedure by which a person may reclaim any item that has been seized and detained by the Commissioner or an enforcement officer.

Clause 52 empowers a police officer, in certain circumstances, to arrest without warrant any person who has committed, or whom the police officer reasonably suspects to have committed, an offence under the Bill. A person who is arrested under the clause by a police officer may not be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

Clause 53 sets out the powers which may be exercised by the Commissioner if, in his opinion, any amusement ride has been or is being installed, operated or modified in such a manner, or is in such a condition or state of disrepair, as to pose an imminent danger to persons who are using or operating, or in the vicinity of, the amusement ride.

Clause 54 imposes on the person responsible for an amusement ride and the ride manager of the amusement ride the duty to inform the Commissioner of the occurrence of any adverse incident in respect of the amusement ride. The clause also sets out the powers which the Commissioner may exercise for the purpose of addressing such adverse incident.

Clause 55 makes it an offence for any person to obstruct, hinder or impede the Commissioner, any enforcement officer or any other person acting under the direction of the Authority, the Commissioner or an enforcement officer, in the performance or execution of his duty or anything which he is authorised, empowered or required to do under the Bill.

PART IX

PROVISIONS RELATING TO OFFENCES AND PROSECUTION

Part IX (consisting of clauses 56 to 63) contains provisions relating to the prosecution of offences under the Bill.

Clause 56 sets out the penalty that is applicable to an offence under the Bill or the regulations where no penalty is expressly provided for such offence.

Clause 57 confers jurisdiction on a District Court to try any offence under the Bill and to impose the full penalty or punishment in respect of the offence.

Clauses 58 and 59 contain certain evidentiary provisions, presumptions and defences that are applicable in respect of offences under the Bill.

Clause 60 makes certain officers of a body corporate, a partnership, a limited liability partnership or an unincorporated association liable for offences committed by the body corporate, partnership, limited liability partnership or unincorporated association.

Clause 61 makes a person liable, in certain circumstances, for the offences under the Bill which are committed by his agent or employee.

Clause 62 provides for the composition of offences under the Bill.

Clause 63 provides for the forfeiture of items seized pursuant to the enforcement provisions of the Bill.

PART X

MISCELLANEOUS

Part X (consisting of clauses 64 to 74) contains miscellaneous provisions.

Clause 64 provides, for the avoidance of doubt, that the issue of an installation permit, an operating permit or a modification permit to any person does not confer on such person, and is not to be taken as evidence that such person has, any title or right to, or any interest in, the land on which the amusement ride to which the permit relates has been or is being installed.

Clause 65 provides for the service of documents under the Bill.

Clause 66 relates to the form and authentication of notices, orders and other documents under the Bill.

Clause 67 provides that certain inaccuracies in documents issued under the Bill will not invalidate proceedings under the Bill.

Clause 68 confers certain immunities on the Commissioner, an enforcement officer and an employee of the Authority in relation to the administration and enforcement of the Bill.

Clause 69 provides for appeals to the Minister from certain decisions of the Commissioner under the Bill.

Clause 70 empowers the Minister to exempt any person, amusement ride, installation works, modification works or relocation works from all or any of the provisions of the Bill.

Clause 71 provides for the fees payable under the Bill to be credited into the funds of the Authority, except for the fees payable to the Commissioner of Civil Defence under Part VI, which are to be credited into the Consolidated Fund.

Clause 72 empowers the Minister to make regulations for carrying out the purposes of the Bill and for any matter which is required under the Bill to be prescribed.

Clause 73 relates to the adoption of certain codes, standards and specifications by way of regulations made under clause 72.

Clause 74 requires the regulations and other subsidiary legislation made under the Bill to be presented to Parliament as soon as possible after publication in the *Gazette*.

PART XI

SAVING AND TRANSITIONAL PROVISIONS

Part XI (consisting of clauses 75 and 76) contains saving and transitional provisions.

Clause 75 sets out certain saving and transitional provisions that are applicable to existing operators of amusement rides (being persons who, immediately before the commencement of the Bill, have been operating amusement rides).

Clause 76 empowers the Minister to prescribe additional saving and transitional provisions arising from the enactment of the Bill.

EXPENDITURE OF PUBLIC MONEY

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