

Fire Safety (Amendment) Bill

Bill No. 1/2013.

Read the first time on 14th January 2013.

A BILL

i n t i t u l e d

An Act to amend the Fire Safety Act (Chapter 109A of the 2000 Revised Edition) and to make a related amendment to the Civil Defence Act (Chapter 42 of the 2001 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Fire Safety (Amendment) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Fire Safety Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “alternative solution” in subsection (1), the following definition:

10 ““authorised officer”, in relation to any power conferred or duties imposed on the Commissioner by or under this Act, means a person authorised under section 3 to exercise that power or to carry out that duty;”;

15 (b) by inserting, immediately after the definition of “building works” in subsection (1), the following definition:

““class of petroleum” means any petroleum prescribed to be a class of petroleum for the purposes of this Act;”;

20 (c) by deleting the words “by the Commissioner under section 55 in lieu of the Fire Code” in the definition of “Fire Code” in subsection (1) and substituting the words “under section 55”;

(d) by deleting the word “or” at the end of paragraph (c) of the definition of “fire safety measures” in subsection (1);

25 (e) by inserting, at the end of paragraph (d) of the definition of “fire safety measures” in subsection (1), the word “or”, and by inserting immediately thereafter the following paragraph:

30 “(e) providing a means of communication to facilitate fire-fighting operations or the evacuation of persons in the event of fire;”;

(f) by inserting, immediately after the word “measures” in the definition of “fire safety works” in subsection (1), the words “, relevant pipeline works”;

- (g) by inserting, immediately after the definition of “fire safety works” in subsection (1), the following definition:

““flammable material” means any substance prescribed to be a flammable material for the purposes of this Act;”;

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- (h) by deleting the word “service,” in paragraph (b) of the definition of “minor works” in subsection (1) and substituting the words “service or”;

- (i) by deleting the word “any” where it appears the second time in the definition of “occupier” in subsection (1) and substituting the word “the”;

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- (j) by deleting the words “authenticated under section 15” in paragraph (a) of the definition of “owner” in subsection (1) and substituting the words “prepared under section 10”;

- (k) by deleting the word “and” at the end of paragraph (ba) of the definition of “owner” in subsection (1);

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- (l) by inserting, immediately after paragraph (c) of the definition of “owner” in subsection (1), the following paragraphs:

“(d) in relation to an aircraft or a vessel, includes the charterer of the aircraft or vessel, as the case may be; and

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(e) in relation to a vehicle, means the registered owner of the vehicle;”;

- (m) by inserting, immediately after the definition of “peer reviewer” in subsection (1), the following definition:

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““petroleum” includes crude petroleum, liquefied petroleum gas and other naturally occurring hydrocarbon liquid derived from crude petroleum, coal, shale, peat or other bituminous substances;”;

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- (n) by inserting, immediately before the definition of “premises”, the following definitions:

““pipeline” includes any section of a pipeline;

“pipeline owner”, in relation to any section of a relevant pipeline, means —

(a) a person who owns or leases the piperack or pipetrack and manages that section of the relevant pipeline; or

(b) if paragraph (a) does not apply, a person who owns or leases that section of the relevant pipeline and uses that section of the relevant pipeline for the conveyance of any class of petroleum or any flammable material;

“piperack” means a multi-tiered rack supporting one or more pipelines above the ground;

“pipetrack” means an area where one or more pipelines are supported on sleepers on the ground;”;

(o) by inserting, immediately after the definition of “registered inspector” in subsection (1), the following definitions:

““relevant pipeline” means a pipeline used, or to be used, for the conveyance of any class of petroleum or any flammable material, and includes the piperack or pipetrack for the management of the pipeline but does not include such a pipeline located in licensed premises;

“relevant pipeline works” means the construction, alteration or repair of a relevant pipeline commenced or carried out on or after the date of commencement of section 2(o) of the Fire Safety (Amendment) Act 2013;”;

(p) by deleting the full-stop at the end of the definition of “street” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““vessel” includes —

- (a) any ship or boat or air-cushioned vehicle;
and
- (b) any rig or platform, whether floating at sea
or fixed to the sea bed, used in any form of
operations at sea.”; 5
- (q) by deleting the words “a building includes a reference to a
part of a building” in subsection (2) and substituting the
words “premises or building includes a reference to a part of
such premises or building, as the case may be”; and 10
- (r) by inserting, immediately after subsection (2), the following
subsection:

“(3) For the purposes of the definition of “pipeline
owner” in subsection (1), the owner of the land on which
any piperack, pipetrack or pipeline is located shall not be 15
regarded as the person who owns or leases the piperack,
pipetrack or pipeline (as the case may be) by reason only
that the piperack, pipetrack or pipeline is a fixture
annexed to that land.”.

Amendment of section 3

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3. Section 3(1) of the principal Act is amended by deleting the
words “and any regulations made thereunder” and substituting the
words “, except sections 7, 8, 8A, 8B, 8C and 46,”.

Amendment of section 5A

4. Section 5A(12) of the principal Act is amended by deleting the 25
word “forthwith” and substituting the words “as soon as may be
practicable”.

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) by deleting the words “any part thereof or in the building” 30
wherever they appear in subsections (1), (2) and (3) and

substituting in each case the words “relevant pipeline, or any part thereof,”;

(b) by inserting, immediately after the word “building” in subsection (2)(a), the words “or relevant pipeline,”; and

(c) by deleting subsection (5).

Amendment of section 6A

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

(a) by deleting the words “Inquiry Panel” in subsections (1), (2) and (3) and substituting in each case the words “Registered Inspectors Inquiry Panel”;

(b) by inserting, immediately after subsection (8), the following subsection:

“(9) Each person who, immediately before the date of commencement of section 6 of the Fire Safety (Amendment) Act 2013, is a member of the Inquiry Panel appointed under this section shall be deemed to have been appointed as a member of the Registered Inspectors Inquiry Panel for a term expiring on the date when his term would have expired if section 6 of the Fire Safety (Amendment) Act 2013 had not been enacted.”; and

(c) by deleting the words “Inquiry Panel” in the section heading and substituting the words “Registered Inspectors Inquiry Panel”.

Amendment of section 6B

7. Section 6B(5) of the principal Act is amended by deleting the words “Inquiry Panel” wherever they appear and substituting in each case the words “Registered Inspectors Inquiry Panel”.

Amendment of section 7

8. Section 7(1) of the principal Act is amended —

(a) by deleting the word “thing” in paragraph (a) and substituting the word “structure”;

(b) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) enter, break into, take possession of, remove or destroy, or cause to be taken possession of, removed or destroyed, any aircraft, vehicle, vessel or thing for the purpose of extinguishing or preventing the spread of the fire;”;

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(c) by inserting, immediately after the word “premises” in paragraph (b), the words “, aircraft, vehicle or vessel”;

(d) by deleting the words “or structure” in paragraph (c) and substituting the words “, structure, aircraft, vehicle or vessel”;

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(e) by deleting the words “fuel oil” in paragraph (f) and substituting the words “petroleum, flammable material”; and

(f) by deleting the word “vehicle” wherever it appears in paragraph (h) and substituting in each case the words “aircraft, vehicle, vessel or thing”.

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Amendment of section 8

9. Section 8 of the principal Act is amended —

(a) by deleting the words “Subject to this section, the” in subsection (1) and substituting the word “The”;

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(b) by deleting the words “or any regulations made thereunder” in subsection (1)(a);

(c) by deleting subsection (2) and substituting the following subsections:

“(2) Subject to subsection (3), the Commissioner or any member of the Force authorised under subsection (1) shall not exercise the right of entry conferred by subsection (1) unless 24 hours’ notice in writing of the intended entry has been given to the occupier.

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(3) Subsection (2) shall not apply in respect of any of the following:

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(a) entry into a place of public entertainment or public assembly, factory, workshop or workplace or premises otherwise used for business purposes;

(b) entry into any premises within 48 hours after a fire has occurred in the premises for the purpose of determining the cause or causes of the fire.”; and

(d) by deleting the section heading and substituting the following section heading:

“Power to enter premises for various purposes”.

New sections 8A to 8D

10. The principal Act is amended by inserting, immediately after section 8, the following sections:

“Power to board vessel for various purposes

8A.—(1) The Commissioner or any member of the Force authorised by him in writing on producing, if so required, an authenticated document showing his authority shall have a right to board any vessel at all reasonable hours for all or any of the following purposes:

(a) obtaining information required for fire-fighting purposes with respect to the character of the vessel, the availability of water supplies and the means of access thereto and other material circumstances relating to fire-fighting purposes;

(b) conducting fire-drills and exercises;

(c) determining the cause or causes of any fire which has occurred on board such vessel;

(d) performance by the Commissioner or the Force of his or its powers under this Act or any other written law.

(2) Except in respect of the boarding of any vessel within 48 hours after a fire has occurred on board the vessel for the purpose of determining the cause or causes of the fire, the

Commissioner or any member of the Force authorised under subsection (1) shall not exercise the right to board any vessel conferred by subsection (1) unless prior reasonable notice in writing has been given to the owner of a vessel.

Power to investigate fire in or on aircraft or vehicle

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8B. The Commissioner or any member of the Force authorised by him in writing on producing, if so required, an authenticated document showing his authority may, for the purpose of determining the cause or causes of a fire which has occurred in or on any aircraft or vehicle (not including a vessel), do one or both of the following:

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- (a) seize or detain the aircraft or vehicle;
- (b) break into the aircraft or vehicle.

Powers ancillary to sections 8, 8A and 8B

8C.—(1) The Commissioner or any member of the Force exercising the powers under section 8, 8A or 8B may (so far as may be reasonably necessary for the purpose to which his exercise of the powers relates) do all or any of the following in the premises, aircraft, vehicle or vessel, as the case may be:

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- (a) take with him any assistance or equipment;
- (b) search the premises, aircraft, vehicle or vessel;
- (c) take photographs or video recordings of and conduct any inspection, measurement or test on the premises, aircraft, vehicle or vessel or any thing found therein;
- (d) take, without payment, for the purpose of examination reasonable samples of any description from the premises, aircraft, vehicle or vessel;
- (e) seize or detain any thing found in the premises, aircraft, vehicle or vessel that he believes on reasonable grounds to be connected with the commission of any offence under this Act or to be otherwise relevant to the administration or enforcement of this Act;

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(f) do any other thing reasonably necessary for carrying out the purpose to which his exercise of the powers relates.

(2) For the purposes of section 8, 8A or 8B or subsection (1)(b), the Commissioner or a member of the Force authorised under section 8, 8A or 8B, as the case may be, may —

(a) require the owner or occupier of the premises, or the owner or person having charge of the aircraft, vehicle or vessel, as the case may be, to provide all reasonable assistance to the Commissioner or a member of the Force authorised under section 8, 8A or 8B, as the case may be; and

(b) if the circumstances so warrant, with such assistance as he thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container, receptacle or any other thing.

(3) Any person who fails to comply with any requirement made under subsection (2)(a) shall be guilty of an offence.

(4) Where the Commissioner or a member of the Force seizes any thing under subsection (1)(e), he shall —

(a) immediately give notice in writing of the seizure to the owner of the thing seized or to the agent of such owner; or

(b) if the name and address of the owner or agent of the thing seized are not known, affix a notice prominently at the place where the thing was seized.

(5) Any person aggrieved by the seizure of any thing under subsection (1)(e) may, within 48 hours after the seizure, complain thereof to a Magistrate's Court.

(6) Upon hearing such complaint, the Magistrate's Court may —

(a) confirm the seizure wholly or in part;

(b) disallow the seizure wholly or in part;

(c) order that any thing seized be restored to its owner, subject to any condition which the Court may think fit to impose to ensure that the thing is preserved for any purpose for which it may subsequently be required; or

(d) order payment to be made to the owner of the thing seized of such amount as the Court considers will compensate him for any loss or depreciation resulting from the seizure.

(7) Any thing seized under subsection (1)(e) may be kept or stored at the place where it was seized or may, at the direction of the Commissioner or a member of the Force authorised under section 8, 8A or 8B, be removed to any other place to be kept or stored thereat.

(8) The Commissioner or a member of the Force authorised under section 8, 8A or 8B may mark, seal or label any thing being detained under subsection (1)(e) in such manner as he thinks fit for the purpose of indicating that the thing is under detention and may lock or seal the place (or any part thereof) in which the thing is being detained.

(9) Any person who, without the authority of the Commissioner or a member of the Force authorised under section 8, 8A or 8B, as the case may be —

(a) interferes with, removes or otherwise disposes of any thing seized or detained under section 8, 8A or 8B or tampers with, alters or removes any mark, seal or label placed under subsection (8); or

(b) opens, breaks or otherwise tampers with the lock or seal placed under subsection (8),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(10) Subsections (4) to (9) shall apply to any aircraft or vehicle seized under section 8B as if they were seized or detained under subsection (1)(e).

(11) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

Exemption of Singapore Armed Forces

5 **8D.** Sections 7 to 8C shall not apply to any aircraft, vehicle or vessel belonging to or exclusively employed in the service of the Singapore Armed Forces or of any visiting force lawfully present in Singapore.”.

Amendment of heading to Part II

10 **11.** The heading to Part II of the principal Act is amended by deleting the word “BUILDINGS” and substituting the word “PREMISES”.

Amendment of section 13

15 **12.** Section 13 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

20 “(2A) The notice may, if the Commissioner thinks fit, require the person on whom the notice is served under subsection (1) to submit, within the period specified in the notice, a fire hazard mitigation plan to prevent such fire hazard from recurring in or on the premises.”.

Amendment of section 15

13. Section 15 of the principal Act is amended —

25 (a) by deleting the words “the safety of persons in the premises cannot reasonably be ensured by other means” in subsection (1) and substituting the words “it is necessary for the safety of persons that the premises should be closed immediately”;

30 (b) by deleting the words “forthwith to close the premises” in subsection (1)(a) and substituting the words “to close the premises immediately”;

 (c) by deleting the word “forthwith” in subsection (1)(b) and substituting the word “immediately”;

- (d) by inserting, immediately after subsection (1), the following subsections:

“(1A) The Commissioner may exercise the powers under subsection (1)(a) or (b) in respect of the occurrence of a fire hazard, whether or not the fire hazard has been abated since the service of a fire hazard abatement notice on the owner or occupier of the premises under section 13, if —

(a) within the 24 months immediately before that fire hazard arose, the same owner or occupier of the premises (as the case may be) had been convicted of any combination of 3 or more offences under subsection (8) or section 13(4), 16(5) or 17(3) in respect of the premises, whether or not any of those offences related to a fire hazard similar to that fire hazard;

(b) the Commissioner is satisfied that it is necessary for the safety of persons for the premises to be closed immediately; and

(c) the Commissioner has not previously exercised the powers under this subsection in respect of the same occurrence of the fire hazard.

(1B) The period of 24 months referred to in subsection (1A)(a) shall not start on a date earlier than the date of commencement of section 13(d) of the Fire Safety (Amendment) Act 2013.”;

- (e) by inserting, immediately after the words “subsection (1)” in subsections (2), (3), (5) and (7), the words “or (1A)”;

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

“(8) Any person who, without reasonable excuse, fails to comply with any closing order given by the Commissioner under subsection (1) or (1A) or the order made by the Magistrate’s Court under

subsection (6) 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 the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(9) In considering whether it is necessary for the safety of persons for the premises to be closed immediately or whether a danger has been alleviated, in relation to the application of this section to a fire hazard, the Commissioner or the Magistrate's Court (as the case may be) may consider whether —

(a) that fire hazard is likely to recur in or on the premises; and

(b) that fire hazard, if it were to recur in or on the premises, would —

(i) constitute an immediate or substantial danger of fire in or on the premises; or

(ii) be likely, if a fire breaks out in or on the premises, to increase the normal risk to life which occurs in the event of a fire.”.

Amendment of section 16

14. Section 16 of the principal Act is amended by deleting subsection (5) and substituting the following subsection:

“(5) Any person in respect of whom a fire hazard order is made who, without reasonable excuse, fails to comply with the order shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding

\$1,000 for every day or part thereof during which the offence continues after conviction; or

- (b) where the offence involves failure to comply with a closing order, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.”.

Amendment of section 17

15. Section 17 of the principal Act is amended —

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

“(1) Where a person appeals to the High Court against a fire hazard order, the fire hazard order shall be suspended pending the determination or abandonment of the appeal.

(1A) If the fire hazard order has not been quashed on appeal, the period for compliance with the requirements of the fire hazard order shall commence to run on the determination or abandonment of the appeal.”; and

- (b) by deleting subsections (3) and (4) and substituting the following subsections:

“(3) If the appeal against a fire hazard order is dismissed or is abandoned, then notwithstanding subsections (1) and (1A), the appellant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day or part thereof during the period prior to the dismissal or abandonment of the appeal when the fire hazard order was not complied with.

(4) A fine under subsection (3) shall not be payable if the appellant satisfies the court before which proceedings are taken for the imposition of the fine that there was substantial ground for the appeal and that

the appeal was not brought merely for the purpose of delay.”.

Amendment of section 20

16. Section 20 of the principal Act is amended —

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

“**(1C)** The Commissioner may, pending compliance with any requirements relating to fire safety affecting any part of a building subject to this section, issue a fire certificate in respect only of any other part of the building if he is satisfied that those requirements do not affect the fire safety of that other part of the building.”; and

- 10 (b) by inserting, immediately after the words “any building” in subsection (2), the words “or part thereof”.
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Amendment of section 21

17. Section 21 of the principal Act is amended —

- 20 (a) by deleting the words “a fire emergency plan” in subsection (1) and substituting the words “an Emergency Response Plan”;
- (b) by deleting the word “plan” in subsection (2) and substituting the words “Emergency Response Plan”;
- 25 (c) by inserting, immediately after the word “Act” in subsection (2), the words “, and such requirements may differ for different classes of premises”;
- (d) by deleting the words “fire emergency plan” in subsection (3) and substituting the words “Emergency Response Plan”;
- (e) by deleting the words “the emergency plan” in subsection (3) and substituting the words “the Emergency Response Plan”;
- 30 (f) by inserting, immediately after subsection (5), the following subsection:

“(6) Unless otherwise prescribed under this Act, this Act shall apply to a fire emergency plan prepared before the date of commencement of section 17 of the Fire Safety (Amendment) Act 2013 in like manner as it applies to an Emergency Response Plan.”; and

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- (g) by deleting the section heading and substituting the following section heading:

“Emergency Response Plan”.

Amendment of section 22

18. Section 22 of the principal Act is amended —

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- (a) by inserting, immediately after the word “managers” in subsection (1), the words “and Company Emergency Response Teams”;
- (b) by deleting the words “regulations made under this Act and are of the standard specified by the Commissioner” in subsection (2) and substituting the words “requirements of this Act”;
- (c) by inserting, immediately after the word “manager” in subsection (3), the words “and Company Emergency Response Team”;
- (d) by deleting the words “or any regulations made thereunder” in subsection (3);
- (e) by inserting, immediately after subsection (3), the following subsection:

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“(3A) The owner or occupier of the premises shall establish and maintain a Company Emergency Response Team comprising such number of members as the Commissioner may, by notice in writing to the owner or occupier of the premises, specify.”; and

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- (f) by inserting, immediately after the word “managers” in the section heading, the words “and Company Emergency Response Teams”.

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New section 22AA

19. The principal Act is amended by inserting, immediately after section 22, the following section:

“Meaning of owner or occupier in this Part

22AA. In this Part, where a building or premises is a building erected on land comprised in a strata subdivision plan approved by the competent authority, references to the owner or occupier of the building or premises shall not include references to the subsidiary proprietors or tenants of any part of the building or premises.”.

Amendment of section 22A

20. Section 22A of the principal Act is amended —

- (a) by deleting the words “or any part thereof” in subsection (5)(b) and substituting the words “or relevant pipeline or any part thereof,”;
- (b) by inserting, immediately after the words “any building” in subsection (6), the words “or relevant pipeline,”;
- (c) by inserting, immediately after the word “building” in subsection (6)(a), the words “or relevant pipeline”;
- (d) by inserting, immediately after the words “interest in the building” in subsection (6)(b), the words “or relevant pipeline,”;
- (e) by inserting, immediately after the words “interest in the building” in subsection (6)(c), the words “or relevant pipeline,”; and
- (f) by inserting, immediately after the words “interest in the building” in subsection (7)(a), the words “or relevant pipeline,”.

Amendment of section 22B

21. Section 22B of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) The Commissioner may, subject to such conditions as he may impose, exempt any person from the requirements in subsection (2) if the Commissioner is satisfied that the person possesses such other qualifications or practical experience as the Commissioner considers adequate to enable that person to effectively carry out his duties and responsibilities as a fire safety engineer under this Act.”.

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Amendment of section 22C

22. Section 22C of the principal Act is amended —

(a) by deleting the words “, upon consideration of the report of any Investigation Committee in respect of any complaint against or information received about a fire safety engineer,” in subsection (1);

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(b) by deleting paragraph (e) of subsection (1) and substituting the following paragraph:

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“(e) has not complied with the prescribed requirements relating to such continuing professional education programme for a fire safety engineer, or has failed to submit records relating thereto, as the Commissioner may require;”;

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(c) by deleting the word “or” at the end of subsection (1)(g);

(d) by deleting the comma at the end of paragraph (h) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

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“(i) has not complied with any condition of his registration,”; and

(e) by deleting the words “Investigation Committee” in subsection (10) and substituting the words “Inquiry Committee”.

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Amendment of section 22D

23. Section 22D of the principal Act is amended —

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

“**(1)** The Commissioner may constitute an Inquiry Committee and refer a complaint or information to the Committee to investigate —

(a) if he receives any written complaint against or any written information about the conduct of a fire safety engineer as a peer reviewer or otherwise, or the discharge of his duties as a fire safety engineer or peer reviewer; or

(b) on his own motion, if the Commissioner reasonably suspects that there may be grounds for disciplinary action against the fire safety engineer.”;

(b) by deleting the words “Investigation Committee” wherever they appear in subsections (2) to (8) and substituting in each case the words “Inquiry Committee”;

(c) by deleting the words “Discipline Panel” in subsection (2) and substituting the words “Inquiry Panel”;

(d) by deleting the word “investigation” wherever it appears in subsections (3)(a), (4) and (6) and substituting in each case the word “inquiry”;

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

“(3A) The Commissioner may, for the purposes of exercising his powers under section 22C(1) in respect of a fire safety engineer, consider the findings and recommendations of any Inquiry Committee constituted to investigate any complaint against or information about that fire safety engineer.”;

(f) by deleting the words “and any regulations made thereunder” in subsection (8);

- (g) by inserting, immediately after subsection (8), the following subsection:

“(9) References in this Act or any other written law to an Inquiry Committee constituted under this section shall include references to an Investigation Committee constituted under this section before the date of commencement of section 23 of the Fire Safety (Amendment) Act 2013.”; and

- (h) by deleting the word “Investigation” in the section heading and substituting the word “Inquiry”.

Amendment of section 22E

24. Section 22E of the principal Act is amended —

- (a) by deleting the words “Discipline Panel” in subsections (1) to (5) and substituting in each case the words “Inquiry Panel”;
- (b) by deleting the words “Investigation Committees” in subsection (1) and substituting the words “Inquiry Committees”;
- (c) by deleting the word “investigation” wherever it appears in subsection (5) and substituting in each case the word “inquiry”;
- (d) by deleting the words “Investigation Committee” in subsection (5) and substituting the words “Inquiry Committee”;
- (e) by inserting, immediately after subsection (5), the following subsection:

“(6) Each person who, immediately before the date of commencement of section 24 of the Fire Safety (Amendment) Act 2013, is a member of the Fire Safety Engineers Discipline Panel appointed under this section shall be deemed to have been appointed as a member of the Fire Safety Engineers Inquiry Panel for a term expiring on the date when his term would have expired if section 24 of the Fire Safety (Amendment) Act 2013 had not been enacted.”; and

- (f) by deleting the words “Discipline Panel” in the section heading and substituting the words “Inquiry Panel”.

Amendment of section 22F

25. Section 22F(3) of the principal Act is amended —

- 5 (a) by deleting the word “immediately” in paragraph (a); and
 (b) by inserting, immediately after the words “engineers and” in paragraph (a), the words “, as soon as it may be practicable,”.

Amendment of section 23

26. Section 23 of the principal Act is amended —

- 10 (a) by deleting the words “in any building” in subsection (1); and
 (b) by deleting the words “adopted under section 55” in subsection (7)(a).

Amendment of section 24

27. Section 24 of the principal Act is amended —

- 15 (a) by deleting the words “in any building” in subsection (1);
 (b) by deleting “\$50,000” in subsection (2) and substituting “\$200,000”;
 (c) by deleting the words “12 months” in subsection (2) and substituting the words “2 years”; and
 (d) by inserting, immediately after the word “day” in
 20 subsection (2), the words “or part thereof”.

Amendment of section 25

28. Section 25 of the principal Act is amended —

- 25 (a) by deleting the words “or the regulations” in subsection (4)(b);
 (b) by inserting, immediately after the word “day” in subsection (5), the words “or part thereof”;
 (c) by deleting “\$500” in subsection (6) and substituting “\$1,000”; and

- (d) by inserting, immediately after the word “day” in subsection (6), the words “or part thereof”.

Amendment of section 26

29. Section 26(2) of the principal Act is amended —

- (a) by deleting “\$50,000” and substituting “\$200,000”; 5
- (b) by deleting the words “12 months” and substituting the words “2 years”;
- (c) by deleting “\$1,000” and substituting “\$2,000”; and
- (d) by inserting, immediately after the word “day”, the words “or part thereof”. 10

Amendment of section 27

30. Section 27 of the principal Act is amended —

- (a) by inserting, immediately after the word “buildings” in subsection (1), the words “or in relation to relevant pipelines”; and 15
- (b) by inserting, immediately after the word “building” in subsection (2)(a), the words “or the person for whom the relevant pipeline works are being carried out, as the case may be,”.

Amendment of section 29

31. Section 29 of the principal Act is amended — 20

- (a) by inserting, immediately after the word “building” in subsection (3), the words “or relevant pipeline,”;
- (b) by deleting the words “adopted under section 55” in subsections (5) and (8)(a); 25
- (c) by deleting “\$500” in subsection (12) and substituting “\$1,000”; and
- (d) by inserting, immediately after the word “day” in subsection (12), the words “or part thereof”.

Amendment of section 30

32. Section 30 of the principal Act is amended —

- (a) by deleting the word “in” in subsection (3)(b)(i) and substituting the words “in relation to”;
- 5 (b) by deleting “\$500” in subsection (5) and substituting “\$1,000”; and
- (c) by inserting, immediately after the word “day” in subsection (5), the words “or part thereof”.

Amendment of section 30A

33. Section 30A of the principal Act is amended —

- (a) by deleting the words “adopted under section 55” wherever they appear in subsection (1);
- (b) by deleting the words “or any regulations made thereunder” in subsection (1);
- 15 (c) by deleting the words “and any regulations made thereunder” in subsection (1)(b);
- (d) by inserting, immediately after the word “building” in subsection (1)(c), the words “or relevant pipeline,”;
- (e) by deleting the word “or” at the end of subsection (3)(a);
- 20 (f) by deleting the word “in” in subsection (3)(b) and substituting the words “in relation to”;
- (g) by deleting the comma at the end of paragraph (b) of subsection (3) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:
 - 25 “(c) where a temporary fire permit has been granted in respect of a relevant pipeline under section 29, on the pipeline owner or the person for whom the relevant pipeline works are carried out; or
 - 30 (d) where fire safety works are being carried out in relation to a relevant pipeline or part thereof, on the person for whom the fire safety works are

carried out or the qualified person supervising the fire safety works,”;

- (h) by inserting, immediately after the words “altered, the building” in subsection (4)(a), the words “, the relevant pipeline”;
- (i) by inserting, immediately after the word “thereof” in subsection (4)(a), the words “or cessation of use of the relevant pipeline”;
- (j) by deleting “\$10,000” in subsection (5) and substituting “\$100,000”;
- (k) by deleting the words “6 months” in subsection (5) and substituting the words “12 months”; and
- (l) by deleting “\$500” in subsection (5) and substituting “\$1,000”.

Amendment of section 30B

34. Section 30B of the principal Act is amended —

- (a) by inserting, immediately after the words “any building” in subsection (1), the words “or cessation of use of any relevant pipeline,”;
- (b) by deleting the word “or” at the end of subsection (1)(a);
- (c) by deleting the full-stop at the end of paragraph (b) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
 - “(c) where the closure order relates to a relevant pipeline, on the pipeline owner.”;
- (d) by deleting subsection (2) and substituting the following subsection:

“(2) A closure order shall specify a date, not less than 14 days after the date of the closure order, on which the closure order shall take effect, and may require the person served —

(a) where the order relates to a building or a part of the building, to cease to inhabit or use the building or that part thereof and to remove all goods, furniture and effects from the building or that part thereof before the closure order takes effect; or

(b) where the order relates to a relevant pipeline, to cease using the pipeline or allowing it to be used.”;

(e) by deleting the words “or be in” in subsections (3) and (5) and substituting in each case the words “, be in or use”;

(f) by deleting “\$200” in subsection (4) and substituting “\$1,000”;

(g) by inserting, immediately after the words “a building” in subsection (7), the words “or relevant pipeline,”;

(h) by deleting the word “or” at the end of subsection (7)(a);

(i) by deleting the full-stop at the end of paragraph (b) of subsection (7) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) where the closure order relates to a relevant pipeline, on the pipeline owner.”; and

(j) by deleting the words “building or the part thereof” in subsection (8) and substituting the words “building or relevant pipeline, or the part thereof,”.

Amendment of section 34

35. Section 34 of the principal Act is amended —

(a) by deleting the definitions of “Class O petroleum”, “Class I petroleum” and “Class II petroleum” in subsection (1);

(b) by inserting, immediately after the words “other means” in the definition of “dispensing” in subsection (1), the words “(but not including a licensed pipeline)”;

(c) by deleting the definition of “flammable material” in subsection (1);

(d) by deleting the definition of “licensed premises” in subsection (1) and substituting the following definitions:

““licensed pipeline” means any relevant pipeline licensed for the conveyance of any class of petroleum or any flammable material under section 36A;

“licensed premises” means any premises licensed for the storage or keeping of any class of petroleum or any flammable material under section 35;”;

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

““pipeline licence” means a licence for the conveyance of any class of petroleum or any flammable material through any relevant pipeline specified in the licence;”;

(f) by inserting, immediately after the definition of “road tanker” in subsection (1), the following definition:

““storage licence” means a licence to store or keep any class of petroleum or any flammable material at any premises specified in the licence;”;

(g) by deleting the words “petroleum or” where they first appear in paragraph (b) of the definition of “transport” in subsection (1) and substituting the words “any class of petroleum or any”; and

(h) by deleting subsection (3).

Amendment of section 35

36. Section 35 of the principal Act is amended —

(a) by deleting paragraph (a) and substituting the following paragraph:

“(a) in or on licensed premises;”;

(b) by deleting the words “subject to such conditions as may be” in paragraph (b) and substituting the words “in accordance with requirements”; and

5 (c) by inserting, immediately before the word “licence” in paragraph (c), the word “storage”.

Amendment of section 35A

37. Section 35A(2) of the principal Act is amended by deleting the words “subject to such conditions as may be” in paragraph (b) and
10 substituting the words “in accordance with requirements”.

Amendment of section 35B

38. Section 35B of the principal Act is amended —

(a) by deleting the words “subject to such conditions as may be” in subsections (2)(b) and (4) and substituting in each case the
15 words “in accordance with requirements”; and

(b) by deleting the word “material” in the section heading and substituting the word “materials”.

Repeal and re-enactment of section 36

39. Section 36 of the principal Act is repealed and the following
20 section substituted therefor:

“Dispensing of petroleum and flammable materials

36. No person shall dispense or cause to be dispensed any class of petroleum or any flammable material except —

- (a) in or on licensed premises;
- 25 (b) in accordance with the provisions of the storage licence for the licensed premises and with every condition specified therein; and
- (c) in the case of the dispensing of any class of petroleum or any flammable material into cylinders, where the
30 regulations require a person so dispensing that class of petroleum or flammable material to have the specific

approval of the Commissioner, with such approval and in accordance with any conditions the Commissioner may impose.”.

New sections 36A, 36B and 36C

40. The principal Act is amended by inserting, immediately after section 36, the following sections:

“Pipelines for petroleum and flammable materials

36A. No pipeline owner shall convey, or allow the conveyance of, any class of petroleum or any flammable material through any section of a relevant pipeline in relation to which he is the pipeline owner except under the authority of and in accordance with the provisions of a pipeline licence from the Commissioner and every condition specified therein.

Conduct of works in vicinity of licensed pipeline

36B.—(1) No person (other than the holder of the licence) shall commence or carry out, or cause or permit the commencement or carrying out of, any works in the vicinity of the licensed pipeline unless the person —

- (a) has given to the holder of the licence not less than 7 days’ notice in writing of the date on which it is proposed to commence the works;
- (b) has obtained from the holder of the licence the necessary information on the location of the licensed pipeline; and
- (c) has consulted the holder of the licence on the steps to be taken to prevent the licensed pipeline from being damaged while the works are being carried out.

(2) Every person who commences or carries out, or causes or permits the commencement or carrying out of, any works referred to in subsection (1) shall —

- (a) comply with all reasonable requirements of the holder of the licence for the prevention of damage to the licensed pipeline;

(b) ensure that reasonable precautions are taken when such works are being carried out to prevent any damage to the licensed pipeline; and

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(c) allow the holder of the licence reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the licensed pipeline.

(3) Upon receiving a notice under subsection (1)(a), the holder of the licence shall —

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(a) promptly inform the person giving the notice of the location of the licensed pipeline, and provide the person with such other information as may be necessary to enable him to ascertain the exact location of the licensed pipeline;

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(b) advise the person on the precautions to be taken to prevent damage to the licensed pipeline; and

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(c) take all such measures at the work site as may be reasonable and necessary for the protection of the licensed pipeline and, in so doing, the holder of the licence shall have regard to the potential risks and dangers that can arise from any damage to the licensed pipeline.

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(4) Nothing in subsection (1) shall prohibit a person from commencing or carrying out, or causing or permitting the commencement or carrying out of, any works where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety.

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(5) The person referred to in subsection (4) shall, as soon as practicable but not more than 24 hours after commencing the work, give to the holder of the licence notice in writing stating the nature and extent of those works.

(6) Any person who contravenes subsection (1), (2), (3) or (5) shall be guilty of an offence.

(7) Subject to subsection (8), in any proceedings for an offence under subsection (6), it shall be a defence for the person charged to prove —

(a) that he took all reasonable steps to discharge his duty under subsection (1), (2), (3) or (5), as the case may be; or

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(8) If, in any proceedings for an offence under subsection (6), the defence involves acting on information supplied by the holder of the licence, the person charged shall not, without leave of the court, be entitled to rely on that defence unless he has, within 14 clear days before the hearing, served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.

(9) In this section —

“construction works and services” has the same meaning as in the Building and Construction Authority Act (Cap. 30A);

“earthworks” has the same meaning as in the Gas Act (Cap. 116A);

“holder of the licence” means the holder of a pipeline licence for the licensed pipeline concerned;

“works” means any construction works and services or earthworks.

Damage to licensed pipeline

36C.—(1) Any person who wilfully or recklessly removes, destroys, damages or suffers to be damaged any licensed pipeline or hinders or prevents a licensed pipeline from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence.

(2) In any proceedings for an offence under subsection (1), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

5 (3) If, in any proceedings for an offence under subsection (1), the defence involves acting on information supplied by a holder of the licence, the person charged shall not, without leave of the court, be entitled to rely on that defence unless he has, within 14 clear days before the hearing, served on the prosecutor a
10 notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.”.

Amendment of section 37

41. Section 37 of the principal Act is amended —

- 15 (a) by deleting “36(1)” and substituting “36”; and
(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

20 “(2) Any person who contravenes section 36A or 36B shall be guilty of an offence.

(3) Any person who contravenes section 36C 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 and, in the case
25 of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.”.

Amendment of section 38

42. Section 38 of the principal Act is amended —

- 30 (a) by deleting paragraph (a);
(b) by deleting the words “or any regulations made thereunder” in paragraphs (b) and (d);

- (c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) If any place liable to inspection under this section is closed, any person residing in or being in charge of such place shall, on demand by any authorised officer, allow him free entry thereto and afford all reasonable facilities for a search therein.

(3) If entry to such place cannot be obtained, any authorised officer may —

(a) break open any outer or inner door or window of that place;

(b) forcibly enter that place and every part thereof; or

(c) remove by force any obstruction to such entry or search.”; and

- (d) by deleting the word “Commissioner” in the section heading and substituting the words “entry, inspection, etc.”.

New section 38A

43. The principal Act is amended by inserting, immediately after section 38, the following section:

“Power to waive requirements

38A.—(1) The Commissioner may upon application by any person —

(a) waive or modify any of the requirements of any licence or permit issued under this Part; or

(b) waive the requirement for that person to obtain any licence or permit issued under this Part in any circumstances specified in writing by the Commissioner if the Commissioner is satisfied that fire safety will not be compromised in those circumstances.

(2) A waiver or modification under subsection (1) —

(a) may be granted subject to such conditions as the Commissioner may specify in writing; and

(b) need not be published in the *Gazette* and may be revoked at any time by the Commissioner.

(3) The Commissioner may at any time add to, vary or revoke any condition imposed under this section.

(4) The Minister may, by regulations prescribed under section 61, provide that the powers of the Commissioner under subsection (1) shall be limited only to certain kinds of licences or permits or certain circumstances specified in the regulations.”.

Amendment of section 40

44. Section 40(3) of the principal Act is amended —

(a) by deleting the word “forthwith”; and

(b) by inserting, immediately after the word “cancellation”, the words “as soon as it may be practicable”.

Repeal and re-enactment of sections 43 and 44

45. Sections 43 and 44 of the principal Act are repealed and the following sections substituted therefor:

“Charging for extinguishing fires, etc., on inland waters or sea

43.—(1) The Commissioner may charge fees for extinguishing any fire or protecting life and property in the event of any fire on inland waters or the sea, from such classes of persons as may be prescribed.

(2) Different classes of persons and amounts of fees may be prescribed for different circumstances.

(3) Any such unpaid fees may be recovered by the Government as a civil debt in any court of competent jurisdiction.

(4) In this section, references to the sea are not restricted to the territorial waters of Singapore.

Obstructing authorised persons in execution of their duty

44. Any person who obstructs, hinders or impedes the Commissioner or any person authorised under this Act in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of or under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.”.

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Amendment of section 49

46. Section 49 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

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“(1) Any notice, order or document required or authorised by this Act to be served on any person shall be deemed to be sufficiently served —

(a) by delivering it to the person or to some adult member of his family or household at his last known place of residence;

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(b) by delivering it at his usual or last known place of residence or business in an envelope addressed to that person;

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(c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or

(d) in the case of an incorporated company, a partnership or a body of persons —

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(i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

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(1A) Any notice, order or 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 notice, order or document, as the case may be, would in the ordinary course of post be delivered and, in proving service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.”.

Amendment of section 50

47. Section 50 of the principal Act is amended —

- (a) by deleting the words “or a Magistrate’s Court”; and
- (b) by deleting the word “Courts” in the section heading and substituting the word “court”.

Amendment of section 51

48. Section 51 of the principal Act is amended —

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

“(1) The Commissioner may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following sums:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

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

- (b) by deleting the word “Compounding” in the section heading and substituting the word “Composition”.

Amendment of section 53

49. Section 53 of the principal Act is amended by deleting the word “vehicle” and substituting the words “structure, aircraft, vehicle, vessel”.

Amendment of section 55

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50. Section 55 of the principal Act is amended —

- (a) by deleting the words “wholly or partially or as amended by the regulations or by reference” in subsection (1) and substituting the words “(wholly or partially or as amended by the regulations or by reference)”; and

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

“(4) Unless otherwise provided in any regulations made under section 61, in the event that any code, standard, rule, specification or provision adopted under subsection (1) is inconsistent with the Code of Practice for Fire Precautions in Buildings published by the Commissioner, the Code of Practice for Fire Precautions in Buildings shall prevail.”.

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Amendment of section 56

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51. Section 56 of the principal Act is amended —

- (a) by deleting “\$500” and substituting “\$1,000”; and
- (b) by inserting, immediately after the word “day”, the words “or part thereof”.

Repeal and re-enactment of section 57

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52. Section 57 of the principal Act is repealed and the following section substituted therefor:

“Furnishing of information

57.—(1) In addition to any other powers under this Act, the Commissioner or any authorised officer may by notice require any person to furnish, within a reasonable period specified in the

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notice, any document, record or information in the possession or knowledge of that person that the Commissioner or the authorised officer, as the case may be, believes on reasonable grounds to be relevant to the administration or enforcement of this Act.

(2) The power to require a person to furnish any document or record under subsection (1) includes the power to retain the original copy of the document or record or to copy or make extracts from the document or record.

(3) Any person who, without reasonable excuse, fails to comply with any notice under subsection (1) or who furnishes any information which he knows or has reason to believe is false or misleading shall be guilty of an offence.”.

Amendment of section 59

53. Section 59(3) of the principal Act is amended —

- (a) by inserting, immediately after the words “public officer”, the words “or member of the Force”; and
- (b) by deleting the words “bona fide” and substituting the words “with reasonable care and in good faith”.

Amendment of section 61

54. Section 61(1) of the principal Act is amended —

- (a) by inserting, immediately after the word “managers” in paragraph (a), the words “and Company Emergency Response Teams”;
- (b) by inserting, immediately after the word “Minister” in paragraph (a), the words “, and the requirement for such persons to undergo such training or assessment and satisfy such standards as the Commissioner may specify”;
- (c) by deleting the words “a fire emergency plan in designated premises” in paragraph (e) and substituting the words “an Emergency Response Plan required under this Act”;

- (d) by inserting, immediately after the words “management of” in paragraph (m), the words “relevant pipelines and”;
- (e) by inserting, immediately after the word “material” in paragraph (m), the words “, including requirements to establish Company Emergency Response Teams and to prepare Emergency Response Plans for such Company Emergency Response Teams to undergo such training or assessment and satisfy such standards as the Commissioner may specify”;
- (f) by inserting, immediately after paragraph (o), the following paragraph:
- “(oa) the regulation of the conveyance of any class of petroleum or any flammable material by a relevant pipeline;”;
- (g) by inserting, immediately after paragraph (u), the following paragraph:
- “(ua) the regulation of the import, storage, transport, distribution, maintenance and disposal of cylinders used to contain any class of petroleum or flammable material, including requirements to store different brands of cylinders at different licensed premises and for labelling and colour-coding of cylinders;”;
- (h) by inserting, immediately after the words “any licence or permit,” in paragraph (w), the words “including the requirement for licensees to impose specified contractual terms on other parties to enable the licensee to maintain fire safety in its operations,”;
- (i) by inserting, immediately after paragraph (x), the following paragraph:
- “(xa) the requirement for security to be given by any class of licensees to ensure compliance with this Act;”;

(j) by deleting the words “and any Investigation Committee constituted under” in paragraph (*zaa*) and substituting the word “or”; and

(k) by deleting paragraph (*zab*).

5 **Repeal of Schedule**

55. The Schedule to the principal Act is repealed.

Miscellaneous amendments

56. The principal Act is amended —

10 (a) by deleting the words “Singapore Civil Defence” in the following provisions:

Sections 3(1)(a), 7(1), 22D(2)(b) and (c) and 22E(2)(a) and (b);

(b) by deleting the words “or any regulations made thereunder” in the following provisions:

15 Sections 3(3) and (5), 5(3), 5A(1)(c) and (d), 6(1), 22B(4)(b), 22C(1)(a) and (f), 24(1), 26(1), 46(1), 47(1), 48(1) and (2), 49(2) and (3), 52, 53, 54, 55(3), 58(1) and 59(2) and (3);

20 (c) by deleting the words “and any regulations made thereunder” wherever they appear in the following provisions:

Sections 6C(3), 23(2)(c), (4)(a) and (b) and (7)(a), 28(6), 29(3)(b), (5) and (8)(a) and 30(3)(b); and

(d) by deleting the words “or any such regulations” in the following provisions:

25 Sections 47(1) and (2) and 58(1).

Saving and transitional provisions

30 **57.** For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

Related amendment to Civil Defence Act

58. Section 105A of the Civil Defence Act (Cap. 42) is amended by inserting, immediately after subsection (6), the following subsection:

“(6A) For the avoidance of doubt, the Minister may order such number of members of the Force as to him seems expedient to carry out duties in international waters, and this Part shall apply, with the necessary modifications, to members of the Force serving outside Singapore pursuant to such an order as it applies to members of the Force serving outside Singapore pursuant to an order under subsection (1).”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Fire Safety Act (Cap. 109A) for the following main purposes:

- (a) to strengthen the powers of the Commissioner of Civil Defence (the Commissioner) to prevent the recurrence of fire hazards by making an order to close premises for up to 72 hours in certain circumstances;
- (b) to provide for the regulation of pipelines used for the conveyance of any class of petroleum or any flammable material by a licensing regime (referred to as relevant pipelines);
- (c) to provide for the oversight of construction works and earthworks in the vicinity of relevant pipelines;
- (d) to empower the Singapore Civil Defence Force (SCDF) to carry out marine fire-fighting and rescue and to provide for the recovery of costs and expenses incurred in extinguishing fires or protecting life and property in the event of fires on inland water or the sea (whether within Singapore territorial waters or beyond);
- (e) to improve fire safety by requiring Emergency Response Plans and Company Emergency Response Teams (CERTs) for certain buildings;
- (f) to enhance the powers of entry, search and seizure of the Commissioner or an SCDF member authorised by the Commissioner in writing in relation to premises, aircraft, vehicles and vessels for various purposes under the Act, including the collection of samples and documents for the investigation of occurrences of fire and to extend such powers to aircraft, vehicles and vessels;

- (g) to fine-tune the powers of the Commissioner in respect of fire safety engineers;
- (h) to enhance the penalties under certain provisions of the Act; and
- (i) to make other minor amendments for better administration of the Act.

The Bill also makes an amendment to section 105A of the Civil Defence Act (Cap. 42) to allow for the deployment of SCDF members to carry out marine fire-fighting operations in international waters.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to amend certain definitions, in particular —

- (a) to extend the meaning of fire safety measures to include providing a means of communication to facilitate fire-fighting operations or the evacuation of persons in the event of fire;
- (b) to allow for the meanings of “class of petroleum” and “flammable material” to be prescribed by regulations;
- (c) to provide the meaning of “owner” in relation to an aircraft, a vessel or a vehicle;
- (d) to define “petroleum”, “pipeline”, “pipeline owner”, “piperack” and “pipetrack”; and
- (e) to define “relevant pipeline” and “relevant pipeline works”.

The new subsection (3) is inserted to clarify that the owner of the land on which any piperack, pipetrack or pipeline is located is not a pipeline owner by reason only that the piperack, pipetrack or pipeline (as the case may be) is a fixture annexed to the land.

Clause 3 amends section 3(1) to exclude sections 7, 8, 8A, 8B, 8C and 46 from the operation of section 3(1) as specific provision has been made for the Commissioner or certain officers authorised by the Commissioner in writing to exercise the powers under those sections.

Clause 4 amends section 5A(12) to substitute the archaic term “forthwith” with the words “as soon as may be practicable”.

Clause 5 amends section 6 to make certain amendments consequential upon the extension of Parts IIIA and IV to apply to relevant pipelines. Section 6(5) is deleted as the definition of “fire safety works” in section 2(1) already provides the same.

Clauses 6 and 7 amend sections 6A and 6B(5), respectively, to rename the Inquiry Panel as the Registered Inspectors Inquiry Panel for clarity.

Clause 8 amends section 7(1) to extend the powers of the Commissioner or an SCDF member authorised by the Commissioner in writing in the event of fire to aircraft, vehicles and vessels.

Clause 9 amends section 8 by deleting subsection (2) and substituting new subsections (2) and (3) to allow entry to any premises without 24 hours' notice in writing within the first 48 hours after a fire has occurred in the premises for the purpose of determining the cause or causes of the fire.

Clause 10 inserts new sections 8A to 8D.

The new section 8A gives the Commissioner or an SCDF member authorised by the Commissioner in writing to board a vessel at all reasonable hours for certain purposes relating to fire safety. The new section 8A(2), similar to the new section 8(3), allows boarding of a vessel without reasonable prior notice in writing within the first 48 hours after a fire has occurred in the vessel for the purpose of determining the cause or causes of the fire.

The new section 8B empowers the Commissioner or an SCDF member authorised by the Commissioner in writing to seize or detain or break into an aircraft or a vehicle for the purpose of determining the cause or causes of a fire.

The new section 8C relates to powers ancillary to sections 8, 8A and 8B. A person aggrieved by seizure of any thing under subsection (1)(e) may complain to a Magistrate's Court within 48 hours.

The new section 8D clarifies that sections 7 to 8C do not apply to aircraft, vehicles or vessels belonging to or exclusively employed in the service of the Singapore Armed Forces or any visiting force lawfully present in Singapore.

Clause 11 amends the heading to Part II to refer to "premises" instead of "buildings".

Clause 12 amends section 13 by inserting a new subsection (2A) to empower the Commissioner to issue a fire hazard abatement notice requiring a fire hazard mitigation plan within a period specified in the notice.

Clause 13 amends section 15 to substitute the precondition in subsection (1) for ordering the closure of premises that the safety of persons cannot be ensured by any other means with the requirement that it is necessary for the safety of persons for the premises to be closed immediately. The new subsection (1A) allows the Commissioner to order the closure of premises whether or not the fire hazard has been abated since the service of a fire hazard abatement notice if within the 24 months immediately before that fire hazard arose, the same owner or occupier of the premises had been convicted of any combination of 3 or more offences under certain sections in respect of the premises and the Commissioner is satisfied that it is necessary for the safety of persons that the premises should be closed immediately, and the Commissioner has not previously exercised that power in respect of the same occurrence of the fire hazard. The new subsection (8) enhances the penalties for failure to comply with a closing order. The new subsection (9) clarifies that the Commissioner or the Magistrate's Court may consider the likelihood of recurrence of a fire hazard in considering whether it is necessary for

the safety of persons for the premises to be closed or whether a danger has been alleviated.

Clause 14 amends section 16 by substituting subsection (5) to enhance the penalties for failure to comply with a fire hazard order.

Clause 15 amends section 17 for clarity and to enhance the penalties under section 17(3).

Clause 16 amends section 20 by inserting a new subsection (1C) to issue a fire certificate in respect only of other parts of a building, pending compliance with any requirements relating to fire safety affecting a part of a building.

Clause 17 amends section 21 to replace references to the fire emergency plan with references to the Emergency Response Plan and to clarify that different requirements may be made for different classes of premises.

Clause 18 amends section 22 to insert provisions relating to the requirement for Company Emergency Response Teams.

Clause 19 inserts a new section 22AA to clarify that the meaning of “owner” or “occupier” in Part III does not include subsidiary proprietors or tenants of any part of the building or premises.

Clause 20 amends section 22A to extend the application of the provision to relevant pipelines.

Clause 21 amends section 22B by inserting a new subsection (2A) which allows the Commissioner to exempt a person from the requirement prescribed qualifications and practical experience for registration as a fire safety engineer if he possesses other qualifications or practical experience which the Commissioner considers adequate to enable that person to carry out his duties and responsibilities effectively.

Clause 22 amends section 22C relating to disciplinary action against fire safety engineers. Section 22C(1)(e) is amended to enhance the requirements relating to professional education programme for fire safety engineers, in particular, disciplinary action may be taken if they fail to submit records relating to the professional education programme as required by the Commissioner to any condition of their registration.

Clause 23 amends section 22D to clarify that the Commissioner may constitute an Inquiry Committee either upon written complaint or on his own motion. The amendment to section 22C(1) (by clause 22) is consequential upon the fact that there may not have been written complaint. The new subsection (3A) clarifies that the Commissioner has a discretion to consider the findings and recommendations of the Inquiry Committee in exercising his disciplinary powers.

Clause 24 amends section 22E to rename the Fire Safety Engineers Discipline Panel as the Fire Safety Engineers Inquiry Panel.

Clause 25 amends section 22F(3) to substitute the reference to “immediate” with the words “as soon as it may be practicable”.

Clauses 26 and 27 amend sections 23 and 24, respectively, by deleting the words “in any building” as fire safety works have been extended to include relevant pipeline works which may not relate to any building. Clause 27 also increases the penalties under section 24(2).

Clauses 28 and 29 amend sections 25(6) and 26(2), respectively, to increase the penalties thereunder.

Clauses 30 and 31 amend sections 27 and 29, respectively, to extend their application to relevant pipelines. Clause 31 also increases the penalties under section 29(12).

Clause 32 amends section 30 to increase the penalty under subsection (5).

Clause 33 amends section 30A to extend its application to relevant pipelines and increase the penalties under subsection (5).

Clause 34 amends section 30B to extend its application to relevant pipelines and increase the penalties under subsection (4).

Clause 35 amends section 34 to provide for definitions of terms related to the licensing of relevant pipelines. In particular, the definition of “dispensing” in section 34(1) is amended to exclude licensed pipelines.

Clauses 36, 37 and 38 amend sections 35, 35A and 35B, respectively, to make various consequential amendments.

Clause 39 repeals and re-enacts section 36 to clarify the provisions on the regulation of dispensing of petroleum and flammable materials.

Clause 40 inserts new sections 36A (relating to the licensing of relevant pipelines), 36B (regulating construction works and earthworks in the vicinity of a licensed pipeline) and 36C (which makes it an offence to wilfully or recklessly damage a licensed pipeline).

Clause 41 amends section 37 to provide for offences for the contravention of sections 36, 36A, 36B and 36C.

Clause 42 amends section 38 relating to the powers of enforcement of Part VI. The new section 38(2) and (3) reproduces existing section 44 which relates to the powers of forcible entry in respect of inspection under section 38.

Clause 43 inserts a new section 38A to allow the Commissioner to waive the requirement for a licence or permit under the Act in circumstances where the Commissioner is satisfied that fire safety will not be compromised. The new section 38A(4) allows the Minister to prescribe regulations to limit the Commissioner’s powers of waiver to certain kinds of licences or circumstances. The Commissioner will waive licences on a case by case basis within those limits

and specify appropriate conditions for particular cases (new section 38A(2)). The existing power to waive or modify the requirements of any licence or permit in the existing section 38(a) will also be moved to the new section 38A.

Clause 44 amends section 40(3) to replace the archaic term “forthwith” with the term “as soon as it may be practicable”.

Clause 45 repeals and re-enacts sections 43 and 44. The new section 43 provides for the recovery of costs and expenses incurred in extinguishing fires or protecting life and property in the event of fires on inland water or the sea (whether within Singapore territorial waters or beyond). The new section 44 makes it an offence to obstruct the Commissioner or a person authorised under the Act in the performance and execution of his duty or power.

Clause 46 amends section 49 to update the provisions on service of notices.

Clause 47 amends section 50 to delete the words “or a Magistrate’s Court”.

Clause 48 amends section 51 to update the provision on the composition of offences.

Clause 49 amends section 53 to extend the power of exemption to structures, aircraft and vessels.

Clause 50 amends section 55 to insert a new subsection (4) to clarify that the Code of Practice for Fire Precautions in Buildings will prevail over any code, standard, rule, specification or provision adopted under section 55(1) in the event of inconsistency.

Clause 51 amends section 56 to increase the penalty thereunder.

Clause 52 repeals and re-enacts section 57 with amendments to clarify that the provision includes the production of documents and records.

Clause 53 amends section 59 to extend the protection from liability under subsection (3) to SCDF members, not all of whom may be public officers. Subsection (3) is also updated by changing the term “bona fide” to “in good faith” and to add a requirement for reasonable care.

Clause 54 amends section 61(1) to amend the regulation-making powers of the Minister.

Clause 55 repeals the Schedule as the flammable materials will be prescribed in regulations made under the Act.

Clause 56 relates to miscellaneous amendments. Clause 56(a) deletes the words “Singapore Civil Defence” from various provisions as the term “Force” is already defined in section 2(1). Clause 56(b), (c) and (d) deletes references to regulations made under the Act as section 26A of the Interpretation Act (Cap. 1) (which provides that a reference in any written law to an Act includes a reference to any subsidiary legislation made under that Act) may be relied upon.

Clause 57 provides for the making of saving and transitional provisions.

Clause 58 makes a related amendment to the Civil Defence Act to enable the Minister to deploy SCDF members to carry out duties in international waters.

EXPENDITURE OF PUBLIC MONEY

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