

# Road Traffic (Amendment) Bill

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**Bill No. 19/2013.**

*Read the first time on 21st October 2013.*

A BILL

*intituled*

An Act to amend the Road Traffic Act (Chapter 276 of the 2004 Revised Edition).

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

## Short title and commencement

1. This Act may be cited as the Road Traffic (Amendment) Act 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(1) of the Road Traffic Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “Deputy Commissioner of Police”, the following definition:

10 ““de-registered vehicle” means a vehicle the registration of which has been cancelled by the Registrar under section 27(1);”;

(b) by inserting, immediately after “121(2)” in paragraph (b) of the definition of “Minister”, “, 133(7)(a)”;

15 (c) by deleting “133(7),” in paragraph (c) of the definition of “Minister”; and

(d) by deleting the definition of “public service vehicle” and substituting the following definition:

20 ““public service vehicle” means a vehicle used or kept for use for the carriage, for hire or reward, of —

(a) in the case of a motor car which does not ply for hire on any road but is hired under a contract, express or implied, for the use of the car as a whole, the driver of the car or any passenger; or

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(b) in any other case, any passenger,

but excludes any vehicle constructed for use on fixed rails or specially prepared ways;”.

### **Amendment of section 6A**

3. Section 6A(4) of the principal Act is amended by inserting, immediately after the words “In this section”, the words “and section 6B”.

### **New section 6B**

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4. The principal Act is amended by inserting, immediately after section 6A, the following section:

**“Leaving Singapore in motor vehicle with altered fuel-measuring equipment**

**6B.**—(1) Any person, being in charge of a motor vehicle, who leaves or attempts to leave Singapore in the motor vehicle knowing that the fuel-measuring equipment of the motor vehicle has been altered for the purpose of preventing it from duly measuring or indicating the quantity of motor fuel in any fuel supply tank of the motor vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months.

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(2) In proceedings for an offence under subsection (1), it shall be presumed until the contrary is proved —

(a) that the person in charge of a motor vehicle has attempted to leave Singapore in the motor vehicle if the motor vehicle is driven past the Customs gantry before the departure bay of the Immigration Checkpoint at any place prescribed for the purposes of section 136 of the Customs Act (Cap. 70); and

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(b) that the person in charge of a motor vehicle knew that the fuel-measuring equipment of the motor vehicle has been altered for the purpose of preventing it from duly measuring or indicating the quantity of motor fuel in the fuel supply tank if there is found in the motor vehicle or on him, at the time he leaves or attempts to leave Singapore in the motor vehicle, any artificial or mechanical means which, either alone or in

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conjunction with additional artificial or mechanical means (whether or not found) —

- (i) could be used for altering or facilitating the alteration of the index of the fuel-measuring equipment of the motor vehicle; or
- (ii) would make the fuel-measuring equipment false or unjust in measuring or indicating the quantity of motor fuel in any fuel supply tank of the motor vehicle.”.

### **Amendment of section 11**

5. Section 11 of the principal Act is amended —

- (a) by deleting the word “and” at the end of subsection (1)(a);
- (b) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

“(aa) the registration under this Act of a de-registered vehicle; and”;

- (c) by inserting, immediately after the words “subsection (1)(a)” in subsection (3), the words “or (aa)”.

### **Amendment of section 27**

6. Section 27 of the principal Act is amended by deleting the word “permanently” wherever it appears in subsections (1)(d)(ii) and (2).

### **Repeal and re-enactment of section 103**

7. Section 103 of the principal Act is repealed and the following section substituted therefor:

#### **“Maximum number of new public service vehicle licences**

**103.—**(1) Subject to subsection (3), the Authority may, in respect of any period, by determination fix the maximum number of new public service vehicle licences which may be issued under section 102(1) during that period, and the Registrar must comply with that determination.

(2) The maximum number of new public service vehicle licences may be fixed by the Authority in one or more of the following terms:

(a) for public service vehicles of any class;

(b) for a particular person or class of persons;

(c) for such period not exceeding one year.

(3) In determining under subsection (1) the maximum number of new taxi licences which may be issued to a taxi service operator during such period as may be determined by the Authority, the Authority may take into consideration all relevant matters, including the contravention before that period by the taxi service operator of any service standard condition applicable to that operator.

(4) Before taking into consideration any matter referred to in subsection (3), the Authority shall give the taxi service operator concerned notice in writing of its intention to do so and a reasonable opportunity to submit reasons, within such period as the Authority may specify in that notice, as to why such matter should not be taken into consideration.

(5) The Authority shall, as soon as practicable after making a determination under subsection (1), provide a copy of the determination to the Registrar and —

(a) in the case where the determination applies to a particular person or class of persons, provide a copy of the determination to that person or everyone in that class of persons; or

(b) in any other case, publish in the *Gazette*, or in one or more local daily newspapers as the Authority considers appropriate, a notice of the making of the determination.

(6) In this section —

“new”, in relation to a public service vehicle licence, does not include the renewal of an existing public service vehicle licence;

“service standard condition” means a condition of a taxi service operator’s licence granted under section 111C relating to the extent, hours and general level of the services to be provided by the taxi service operator to members of the public;

“taxi licence” means a public service vehicle licence which authorises a motor vehicle to be used as a taxi;

“taxi service operator” means the holder of a licence to operate a taxi service granted under section 111C.”.

### **Amendment of section 133**

8. Section 133 of the principal Act is amended by deleting subsection (7) and substituting the following subsection:

“(7) A notice served under subsection (1) may, at any time before the date specified in the notice, be cancelled by —

- (a) a police officer not below the rank of sergeant specially authorised by name, by notification in the *Gazette*, made by the Minister; or
- (b) an employee of the Authority specially authorised by name, by notification in the *Gazette*, made in person by the Registrar of Vehicles appointed under section 9(1).”.

### **Amendment of section 135**

9. Section 135(1) of the principal Act is amended by deleting the words “by the Minister for Transport” and substituting the words “personally by the Registrar of Vehicles appointed under section 9(1)”.

### **Saving and transitional provisions**

10.—(1) Every employee of the Authority who, immediately before the appointed day, is specially authorised by name by the Minister charged with the responsibility for transport under section 133(7) or 135(1) of the principal Act in force immediately before that day shall be deemed to be specially authorised by name under that section as amended by this Act, except that such authorisation shall expire on the

day the authorisation would have expired if this Act had not been enacted.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for transport may, by rules, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

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(3) In this section, “appointed day” means —

(a) in the case of an authorisation referred to in subsection (1) that is made under section 133(7) of the principal Act in force immediately before that day, the date of commencement of section 8 of this Act; and

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(b) in the case of an authorisation referred to in subsection (1) that is made under section 135(1) of the principal Act in force immediately before that day, the date of commencement of section 9 of this Act.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Road Traffic Act (Cap. 276) for the following main purposes:

- (a) to amend the definition of the term “public service vehicle” to extend it to cover a motor car that is used or kept for use for the carriage, for hire or reward, of the driver of the car;
- (b) to make it an offence for a person in charge of a motor vehicle to leave or attempt to leave Singapore in the motor vehicle knowing that the fuel-measuring equipment of the motor vehicle has been altered for the purpose of preventing it from duly measuring or indicating the amount of fuel in any fuel supply tank of the motor vehicle;
- (c) to impose a tax on the registration under the Act of a de-registered vehicle (as defined in clause 2);
- (d) to provide for how the Land Transport Authority of Singapore (the Authority) may administratively fix the maximum number of new public service vehicle licences for any class of public service vehicles which may be issued by the Registrar of Vehicles (the Registrar); and

- (e) to empower the Registrar of Vehicles personally, instead of the Minister charged with the responsibility for transport, to authorise an employee of the Authority to cancel traffic ticket notices and compound certain offences under the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) —

- (a) to define the term “de-registered vehicle”, which is used in the new section 11(1)(aa) (see clause 5);
- (b) to make technical amendments to the definition of the term “Minister” occasioned by clause 8; and
- (c) to amend the definition of the term “public service vehicle” to extend it to cover a motor car that is used or kept for use for the carriage, for hire or reward, of the driver of the car.

Clause 3 amends section 6A(4) to provide that the definition of the term “fuel-measuring equipment” in that section also applies to the new section 6B inserted by clause 4.

Clause 4 inserts a new section 6B to make it an offence for a person in charge of a motor vehicle to leave or attempt to leave Singapore in the motor vehicle if he knows that the fuel-measuring equipment of the motor vehicle has been altered for the purpose of preventing it from duly measuring or indicating the amount of fuel in any fuel supply tank of the motor vehicle.

The new section 6B(2) creates 2 rebuttable presumptions to facilitate the prosecution of section 6B(1) offences. First, where a motor vehicle is driven past the Customs gantry before the departure bay of an Immigration Checkpoint, the person in charge of the motor vehicle is presumed, until the contrary is proved, to have attempted to leave Singapore in the motor vehicle. Second, the person in charge of a motor vehicle is presumed to know, until the contrary is proved, that the fuel-measuring equipment of the motor vehicle has been altered if, at the time he leaves or attempts to leave Singapore in the motor vehicle, there is found in the motor vehicle or on him any means that could be used to alter or facilitate the alteration of the index of the fuel-measuring equipment, or that would make the fuel-measuring equipment give a false or unjust indication of the amount of fuel in the fuel supply tank of the motor vehicle.

Clause 5 amends section 11 to impose a tax on the registration under the Act of a de-registered vehicle (as defined in clause 2).

Clause 6 amends section 27 because the amendments in clause 5 admit the registration of vehicles the registration of which had been earlier cancelled. Under the current section 27, where the registration of a vehicle under the Act is cancelled by the Registrar, the registered owner or the person in possession of the vehicle



must satisfy the Registrar that the vehicle has been permanently removed from all roads in Singapore, or has been destroyed or permanently removed from Singapore. Under the amended section 27, the registered owner or the person in possession of the vehicle must satisfy the Registrar that the vehicle has been removed from all roads in Singapore, or has been destroyed or removed from Singapore.

Clause 7 repeals and re-enacts section 103. Under the current section 103, the Authority may prescribe by rules published in the *Gazette* the maximum number of public service vehicles of any class which may be licensed by the Registrar under section 102(1). Under the new section 103(1), the Authority's determination of the maximum number of licences which may be issued by the Registrar need not be prescribed by rules published in the *Gazette*.

The new section 103(1) clarifies that the Authority's determination under the section relates to the maximum number of new licences which the Registrar may issue.

The new section 103(2) clarifies that the Authority's determination may be in one or more of the following terms:

- (a) for public service vehicles of any class;
- (b) for a particular person or class of persons;
- (c) for such period not exceeding one year.

The new section 103(3) allows the Authority to, in determining the maximum number of new taxi licences (as defined in the new section 103(6)) which may be issued to a taxi service operator during such period as may be determined by the Authority, take into consideration all relevant matters, including the contravention before that period by the taxi service operator of any service standard condition (as defined in the new section 103(6)) applicable to that operator.

The new section 103(4) requires the Authority to, before taking into consideration any matter referred to in the new section 103(3), give the taxi service operator concerned notice in writing of its intention to do so and a reasonable opportunity to submit reasons as to why such matter should not be taken into consideration.

The new section 103(5) requires the Authority to provide a copy of its determination to the Registrar and, in the case where the determination applies to a particular person or class of persons, provide a copy of the determination to that person or everyone in that class of persons. In any other case, the Authority must publish in the *Gazette*, or in one or more local daily newspapers as the Authority considers appropriate, a notice of the making of the determination.

The new section 103(6) defines certain terms used in the new section 103.

Clause 8 amends section 133(7) to empower the Registrar of Vehicles in person, instead of the Minister charged with the responsibility for transport, to authorise an employee of the Authority to cancel traffic ticket notices.

Clause 9 amends section 135(1) to empower the Registrar of Vehicles in person, instead of the Minister charged with the responsibility for transport, to authorise an employee of the Authority to compound certain offences under the Act.

Clause 10 relates to the saving and transitional provisions required by the above amendments to the Act, and provides for the making of such saving and transitional provisions as the Minister charged with the responsibility for transport considers necessary or expedient.

## EXPENDITURE OF PUBLIC MONEY

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

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