

Third-Party Taxi Booking Service Providers Bill

Bill No. 14/2015.

Read the first time on 13 April 2015.

THIRD-PARTY TAXI BOOKING SERVICE PROVIDERS ACT 2015

(No. of 2015)

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title and commencement
2. General interpretation
3. Meaning of “third-party taxi booking service” and associated terms
4. Purpose of Act
5. Licensed taxi service operator not subject to Act
6. Extra-territorial application

PART 2

REGISTRATION OF THIRD-PARTY TAXI BOOKING SERVICE PROVIDERS

7. Prohibition against unregistered providers
8. Classes of registration
9. Application for registration
10. Matters to be considered before registration, etc.
11. Conditions of registration
12. Issue of certificate of registration
13. Term and transferability of registration, etc.
14. Variation in class of registration

Section

15. Renewal of registration
16. Modification of conditions of registration

PART 3

COMPLIANCE MEASURES AND ENFORCEMENT

17. Codes of practice
18. Directions
19. Compliance orders
20. Regulatory sanctions
21. Surrender of certificate of registration
22. Appeal to Minister
23. Designation of persons to hear appeals
24. Powers of enforcement

PART 4

MISCELLANEOUS

25. Offences by bodies corporate, etc.
 26. Composition of offences
 27. Service of documents
 28. Financial penalties payable into Consolidated Fund
 29. Recovery of sums payable
 30. General exemption
 31. Regulations
 32. Savings and transitional provisions
 33. Consequential and related amendments to Land Transport Authority of Singapore Act
 34. Related amendments to Road Traffic Act
-

A BILL

intituled

An Act to regulate third-party taxi booking services and to make consequential and related amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Third-Party Taxi Booking Service
5 Providers Act 2015 and comes into operation on such date as the
Minister may, by notification in the *Gazette*, appoint.

General interpretation

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

“access” includes —

- 10 (a) access that is subject to a precondition (such as the use
of a password);
(b) access through push technology; or
(c) access through a standing request;

15 “Authority” means the Land Transport Authority of Singapore
established under the Land Transport Authority of Singapore
Act (Cap. 158A);

“booking” means an arrangement between a taxi driver and a
passenger for the taxi driver to transport the passenger in a
taxi on a journey determined by that passenger;

20 “business” includes a venture or concern in trade or commerce,
conducted on a regular, repetitive or continuous basis;

“certificate of registration” means a certificate issued to a
registered provider under section 12(1);

25 “code of practice” includes performance standards and technical
standards;

“modification” and “modify”, in relation to the conditions of
registration, include deleting or varying and substituting a
condition and adding a condition;

30 “public service vehicle” has the same meaning as in the Road
Traffic Act (Cap. 276);

“register” means to register under this Act;

“registered provider” means a person who is registered under this Act;

“taxi” means a public service vehicle which is classified as a taxi under the Second Schedule to the Road Traffic Act.

Meaning of “third-party taxi booking service” and associated terms

5

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

“taxi service” means the transport by taxi of passengers within, or partly within, Singapore;

“third-party taxi booking service” means a taxi booking service —

10

(a) that can be accessed by taxi drivers who are not employees of, or hirers of taxis from, the provider of the taxi booking service;

(b) that facilitates bookings for taxi services; and

15

(c) that has a number of participating taxis equal to or greater than the threshold number;

“threshold number” means 21 or such other number as the Minister may, by notification in the *Gazette*, prescribe in substitution.

20

(2) For the purposes of this Act, a person provides a taxi booking service if the person does all of the following in the course of business:

(a) facilitate bookings for taxi services;

(b) send information about bookings for taxi services to taxi drivers;

25

(c) assign bookings for taxi services to taxi drivers;

(d) assign taxis to persons making bookings for taxi services.

(3) For the purposes of this Act, a taxi is a participating taxi in relation to a third-party taxi booking service if one or more taxi drivers licensed under the Road Traffic Act (Cap. 276) to drive the taxi —

30

(a) have access to the third-party taxi booking service; and

(b) receive information about bookings for taxi services from that service.

(4) Where the Minister prescribes another threshold number in substitution by notification in the *Gazette*, the notification may contain such savings, transitional, incidental or consequential provisions as the Minister considers necessary or proper.

Purpose of Act

4. The purpose of this Act is to regulate the provision of third-party taxi booking services for journeys within, or partly within, Singapore with the object of facilitating the provision of third-party taxi booking services that are safe, reliable and efficient, and that are responsive to the demand for taxi services in Singapore.

Licensed taxi service operator not subject to Act

5. This Act does not apply to a taxi service operator within the meaning of section 111A of the Road Traffic Act (Cap. 276) in respect of any taxi booking service that the taxi service operator provides to any taxi driver licensed under that Act to drive a taxi owned by the taxi service operator.

Extra-territorial application

6. This Act extends to any conduct outside Singapore, or partly inside or partly outside Singapore, that results in the provision of any third-party taxi booking service for journeys by taxi within, or partly within, Singapore.

PART 2

REGISTRATION OF THIRD-PARTY TAXI BOOKING SERVICE PROVIDERS

Prohibition against unregistered providers

7.—(1) A person (called in this section the provider) must not provide any third-party taxi booking service for journeys by taxi within, or partly within, Singapore, unless the provider —

(a) is a registered provider and does so in accordance with the conditions of the provider's registration; or

(b) is exempt from this section under section 30.

(2) Any provider who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction — 5

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day that the offence continues after conviction. 10

Classes of registration

8.—(1) There may be one or more classes of registration based on —

(a) the number of participating taxis for a third-party taxi booking service; or 15

(b) the type of third-party taxi booking service to be provided.

(2) The Authority may register a person according to the appropriate class or classes of registration.

Application for registration 20

9.—(1) An application to be a registered provider must be made to the Authority in accordance with this section.

(2) An application under subsection (1) must —

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

(b) state the class or classes of registration applied for;

(c) include an address in Singapore at which notices and other documents under this Act may be served;

(d) be accompanied by the prescribed application fee; and

(e) be accompanied by such other additional information that the Authority requires for the application.

(3) In determining an application under subsection (1), the Authority may —

5 (a) carry out such inquiries and investigations in relation to the application as necessary for a proper consideration of the application; and

(b) require the applicant to provide, within a specified time, any additional information that the Authority requires for a proper
10 consideration of the application.

(4) The Authority may refuse to consider an application that is incomplete or otherwise not made in accordance with this section.

Matters to be considered before registration, etc.

15 **10.** In deciding whether to register an applicant, vary any class of registration or renew the registration of an applicant, and the conditions of registration to impose or modify, the Authority must have regard to —

(a) the financial standing and business experience of the applicant and the applicant's ability to provide a third-party taxi booking service that is safe, reliable and efficient;
20

(b) the demand for third-party taxi booking services in Singapore;

(c) the appropriate class or classes of registration for the applicant; and

25 (d) any other matter that the Authority considers relevant.

Conditions of registration

30 **11.** In registering any person as a registered provider, the Authority may impose such conditions as the Authority considers necessary in relation to any third-party taxi booking service provided or to be provided by the registered provider, such as but not limited to any of the following conditions:

- (a) requiring the registered provider to comply with requirements concerning the operation, monitoring and supervision of the service, as specified by the Authority specially or generally by description;
- (b) requiring the registered provider to furnish to the Authority any information that the Authority may require for the purpose of exercising the Authority's functions under this Act, in such manner and within such time as the Authority may specify; 5
- (c) concerning the participating taxis and the drivers of the participating taxis; 10
- (d) concerning the fees that may be imposed for the service;
- (e) concerning the Authority's audit of the service;
- (f) concerning the conduct of employees, agents and contractors of the registered provider; 15
- (g) requiring the registered provider to do, or not to do, such other things as specified by the Authority specially or generally by description for the purpose of this Act.

Issue of certificate of registration

12.—(1) Upon registration, the Authority must issue a certificate of registration to the registered provider as evidence of the registration. 20

(2) The certificate issued by the Authority under subsection (1) must specify —

- (a) the class or classes of registration of the registered provider;
- (b) the term of registration; 25
- (c) the conditions of registration; and
- (d) such other matters that the Authority considers relevant.

Term and transferability of registration, etc.

13.—(1) Any registration under this Act is valid for such term as the Authority may specify in the certificate of registration, unless the registration is earlier revoked under section 20. 30

(2) Every registration under this Act is neither transferable nor assignable; and any transfer or assignment, or purported transfer or assignment, of the registration is void.

Variation in class of registration

5 **14.**—(1) An application to vary any class of registration of a registered provider must —

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

 (b) state the variation in the class of registration applied for;

10 (c) be accompanied by the prescribed variation fee;

 (d) be submitted to the Authority not later than the renewal deadline (within the meaning of section 15) for that registration; and

15 (e) be accompanied by such other additional information that the Authority requires for the application.

(2) Sections 9, 10 and 11 apply, with the necessary modifications and subject to this section, to an application and an applicant under this section as they do to an application and an applicant for registration.

20 (3) To avoid doubt, section 16 does not apply to or in relation to a variation in the class of registration with modified conditions of registration.

Renewal of registration

25 **15.**—(1) An application to renew any registration as a registered provider must —

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

 (b) be accompanied by the prescribed renewal fee;

30 (c) be submitted to the Authority not later than the prescribed time before the date the registration expires (called in this section the renewal deadline); and

(d) be accompanied by such other additional information that the Authority requires for the application.

(2) If a renewal application under subsection (1) is submitted after the renewal deadline, the application must be accompanied by the prescribed late renewal fee, in addition to the prescribed renewal fee. 5

(3) Sections 9 to 13 apply, with the necessary modifications and subject to this section, to an application and an applicant under this section as they do to an application and an applicant for registration.

(4) To avoid doubt, section 16 does not apply to or in relation to a renewal of registration with modified conditions of registration. 10

Modification of conditions of registration

16.—(1) Subject to this section, the Authority may modify the conditions of registration.

(2) Before making any modification of the conditions of any registered provider's registration, the Authority must give notice to the registered provider concerned — 15

(a) stating that the Authority proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (not being less than 28 days after the date of service of notice on the registered provider) within which the registered provider may make written representations to the Authority with respect to the proposed modification. 20

(3) Upon receipt of any written representation referred to in subsection (2)(b), the Authority must consider the representation and may — 25

(a) reject the representation;

(b) amend the proposed modification in such manner as the Authority thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

(4) Where — 30

(a) the Authority rejects any written representation under subsection (3)(a);

(b) the Authority amends any proposed modification to the conditions of registration under subsection (3)(b); or

(c) no written representation is received by the Authority within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the registered provider has not given immediate effect to the modification,

the Authority must amend the conditions of registration applicable to the registered provider concerned in accordance with subsection (5).

(5) The Authority must —

(a) amend the conditions of registration for the registered provider concerned to give effect to the modification specified in the notice under subsection (2) or as amended by the Authority under subsection (3)(b) (as the case may be); and

(b) notify the registered provider concerned when the conditions of registration, as amended by the modification under paragraph (a), are to take effect.

(6) Subject to section 22, every registered provider must comply with the conditions of registration applicable to the registered provider as amended under subsection (5).

PART 3

COMPLIANCE MEASURES AND ENFORCEMENT

Codes of practice

17.—(1) The Authority may, from time to time —

(a) issue one or more codes of practice concerning the provision of third-party taxi booking services applicable to all registered providers or any specified class or classes of registered providers; or

(b) amend, add to or revoke any code of practice issued under paragraph (a).

(2) A code of practice may, in particular, specify the duties and obligations of any registered provider in relation to any third-party taxi booking service to be provided under the registered provider's class or classes of registration.

(3) If any provision in any code of practice is inconsistent with any provision of this Act, the provision in the code of practice, to the extent of the inconsistency — 5

(a) is to have effect subject to this Act; and

(b) having regard to this Act, is not to have effect.

(4) Where any code of practice is issued, amended, added to or revoked by the Authority under subsection (1), the Authority must — 10

(a) publish a notice of the issue, amendment, addition or revocation, as the case may be, of the code of practice as will secure adequate publicity for such issue, amendment, addition or revocation; 15

(b) specify in the notice referred to in paragraph (a), the date the issue, amendment, addition or revocation is to take effect (as the case may be); and

(c) ensure that, so long as the code of practice remains in force, copies of that code of practice are made available to the registered providers who are to comply with that code of practice. 20

(5) A code of practice issued under this section does not have any legislative effect.

(6) Subject to subsection (7), every registered provider must comply with the relevant codes of practice applicable to the registered provider. 25

(7) The Authority may, either generally or for such time as the Authority may specify, waive the application of any code of practice or any part of a code of practice issued under this section to any registered provider. 30

(8) Any contravention or failure to comply by a registered provider with any code of practice applicable to the registered provider does not of itself render the registered provider liable to criminal

proceedings, but any such contravention or non-compliance may, in any proceedings (criminal or otherwise under this Act), be relied on by any party to those proceedings as tending to establish or negate any liability which is in question in those proceedings.

5 **Directions**

18.—(1) The Authority may (without compensation) give any direction to a registered provider if the Authority has reasonable grounds to believe that —

- 10 (a) the registered provider is providing a third-party taxi booking service in a manner that may adversely affect the availability of taxi services for hail on roads in Singapore;
- (b) the registered provider is providing a third-party taxi booking service that is not responsive to the demand for taxi services in Singapore; or
- 15 (c) there is an emergency for which the direction is necessary to alleviate or minimise any serious risk to public safety.

(2) Any direction given under subsection (1) —

- 20 (a) may require the registered provider concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified in the direction;
- (b) is to take effect at such time, being the earliest practicable time, as is determined by or under that direction; and
- (c) may be revoked at any time by the Authority.

25 (3) Before giving a direction to a registered provider under subsection (1), the Authority must, unless the Authority considers that it is not practicable or desirable, give notice —

- (a) stating that the Authority proposes to give the direction and the effect of the proposed direction; and
- 30 (b) specifying the time within which written representations to the proposed direction may be made,

and the Authority must consider the written representations which are duly made.

(4) A registered provider must comply with every direction given to the registered provider by the Authority under this section.

Compliance orders

5

19.—(1) The Authority may (without compensation) impose a compliance order on a registered provider if the Authority is satisfied —

- (a) that the registered provider has contravened, or failed to comply with, any condition of registration, any direction given by the Authority under section 18, or any provision of a code of practice applicable to the registered provider; and 10
 - (b) that it is appropriate or requisite that a compliance order under this section be given instead of a regulatory sanction under section 20. 15
- (2) A compliance order —
- (a) may require the registered provider concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the compliance order or are of a description as so specified therein; 20
 - (b) is to take effect at such time, being the earliest practicable time, as is determined by or under the compliance order; and
 - (c) may be revoked at any time by the Authority.
- (3) Without limiting subsection (2)(a), a compliance order —
- (a) may include measures to be taken by the registered provider to rectify the contravention or non-compliance, or to otherwise comply with the compliance order; and 25
 - (b) may offer the registered provider on whom it is imposed, a choice of ways to rectify the contravention or non-compliance, or to otherwise comply with the compliance order. 30

(4) In determining whether it is appropriate or requisite that a compliance order (instead of a regulatory sanction under section 20) be imposed, the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

- 5 (a) the extent that any person is likely to sustain loss or damage due to anything likely to be done, or omitted to be done, as a result of the contravention or the non-compliance, if no regulatory sanction under section 20 is imposed;
- 10 (b) whether a compliance order is proportionate to the nature of the contravention or non-compliance;
- (c) whether the contravention or non-compliance is rectifiable.

(5) The Authority must, before imposing any compliance order, give notice to the registered provider concerned —

- 15 (a) stating that the Authority intends to impose a compliance order against the registered provider;
- (b) specifying the instance of contravention or non-compliance that is the subject of the proposed compliance order; and
- 20 (c) specifying the time (not being less than 28 days after the date of service of the notice) within which written representations may be made to the Authority with respect to the proposed compliance order.

 (6) The Authority may, after considering any written representation under subsection (5)(c), impose such compliance order on the registered provider as the Authority considers appropriate by giving written notice to the registered provider of that compliance order.

 (7) A registered provider must comply with every compliance order imposed on the registered provider by the Authority under this section.

Regulatory sanctions

30 **20.**—(1) The Authority may (without compensation) impose one or more regulatory sanctions under subsection (2) against a registered provider if the Authority is satisfied that the registered provider —

- (a) has contravened, or failed to comply with, any condition of registration, any direction given by the Authority under section 18, or any provision of a code of practice applicable to the registered provider;
 - (b) has failed to provide a third-party taxi booking service that is safe, reliable and efficient; or 5
 - (c) has, despite a compliance order imposed under section 19, continued the contravention or non-compliance that is the subject of the compliance order.
- (2) The following are the regulatory sanctions for the purposes of subsection (1): 10
- (a) a financial penalty not exceeding \$100,000 for —
 - (i) each instance of contravention or non-compliance referred to in subsection (1)(a) or (c); or
 - (ii) each act done or omission made that results in a failure to provide a third-party taxi booking service that is safe, reliable and efficient; 15
 - (b) the suspension (for not more than 3 months) of a registered provider’s registration;
 - (c) the revocation of a registered provider’s registration. 20
- (3) The Authority must, before imposing any regulatory sanction, give notice to the registered provider concerned —
- (a) stating that the Authority intends to impose the regulatory sanction against the registered provider;
 - (b) specifying the type of regulatory sanction the Authority proposes to impose and each instance of contravention or non-compliance, or each act or omission, that is the subject of the regulatory sanction; and 25
 - (c) specifying the time (not being less than 28 days after the date of service of the notice) within which written representations may be made to the Authority with respect to the proposed regulatory sanction. 30

(4) The Authority may, after considering any written representation under subsection (3)(c), impose such regulatory sanction on the registered provider as the Authority considers appropriate by giving written notice to the registered provider of that regulatory sanction.

5 (5) Subject to section 22, any regulatory sanction specified in the notice given under subsection (4) takes effect from the date on which that notice is given, or on such other date as may be specified in the notice.

10 (6) The revocation or suspension of any registration under this section does not prejudice the enforcement —

(a) by any person of any right or claim against the registered provider or former registered provider; or

(b) by the registered provider or the former registered provider of any right or claim against any person.

15 **Surrender of certificate of registration**

21.—(1) Subject to subsection (2), a registered provider may at any time surrender the registered provider's certificate of registration to the Authority for cancellation.

20 (2) The Authority may refuse the surrender of a certificate under subsection (1) if —

(a) the Authority is investigating any probable instance of contravention or non-compliance that may result in a compliance order, or any probable instance of contravention, non-compliance, act or omission that may result in a regulatory sanction; or

(b) the Authority has commenced proceedings under section 19 with a view to imposing a compliance order, or proceedings under section 20 with a view to imposing a regulatory sanction.

30 **Appeal to Minister**

22.—(1) Any person aggrieved by any of the following decisions of the Authority (called in this section the appellant) may appeal to the Minister:

- (a) the refusal to register the appellant, vary the appellant's class of registration or renew the appellant's registration;
 - (b) the modification of conditions of the appellant's registration under section 16(5);
 - (c) any provision of a code of practice applicable to the appellant under section 17; 5
 - (d) any direction under section 18 given to the appellant;
 - (e) any compliance order under section 19 imposed on the appellant;
 - (f) any regulatory sanction under section 20 imposed on the appellant. 10
- (2) An appeal under this section —
- (a) must be in writing;
 - (b) must specify the grounds for the appeal; and
 - (c) must be made — 15
 - (i) in the case of a decision referred to in subsection (1)(a), (c), (d), (e) or (f), within 14 days after the date of service of the decision; or
 - (ii) in the case of a decision referred to in subsection (1)(b), within 28 days after the date of service of the decision. 20
- (3) An appellant who makes an appeal to the Minister under this section must provide such information as may be required by the Minister in such manner and within such period as may be specified by the Minister. 25
- (4) The Minister may reject an appeal of an appellant who fails to comply with the requirements of subsection (2) or (3).
- (5) After consideration of an appeal, the Minister may —
- (a) reject the appeal and confirm the Authority's decision; or
 - (b) allow the appeal and substitute or vary the Authority's decision, 30

and the Minister's decision is final.

(6) Every appellant must be notified of the Minister's decision under subsection (5).

5 (7) Any decision of the Authority appealed against under this section must be complied with until the determination of the appeal, except that —

(a) a condition that is the subject of the appeal need not be complied with until the determination of the appeal; and

10 (b) a financial penalty that is the subject of the appeal need not be paid until the determination of the appeal.

Designation of persons to hear appeals

23. The Minister may designate the following persons to consider and determine in his or her place, any appeal under section 22:

15 (a) any Minister of State or Senior Minister of State, for his or her Ministry;

(b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry,

20 and any reference in that section to the Minister includes a reference to the Minister of State or Senior Minister of State, or the Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

Powers of enforcement

25 **24.—**(1) For the purposes of finding out whether any condition of registration, any direction under section 18 or any provision of a code of practice has been or is being contravened or not complied with, or whether there is any act or omission that results in a failure to provide a third-party taxi booking service that is safe, reliable and efficient, an officer of the Authority may do all or any of the following in relation to any person after declaring his or her office and producing such
30 identification card as the Chief Executive of the Authority may direct to be carried by officers of the Authority:

- (a) require any person whom the officer reasonably believes to have committed the contravention or non-compliance, or done the act or made the omission, to furnish evidence of the person's identity;
- (b) require any person to furnish any information, or produce any record or document (or copy of any record or document) in the possession of that person, and may, without giving any fee or reward, inspect, copy or take extracts from such record or document; 5
- (c) require, by order in writing, the attendance before the officer of any person within the limits of Singapore who, from the information given or otherwise obtained by the officer, appears to be acquainted with the circumstances of the case, and the person so ordered must attend as required; 10
- (d) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act, whether proceedings under section 20 with a view to any regulatory sanction have started in connection with the matter. 15
- (2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances concerning matters under this Act, except that the person need not say anything that might expose him or her to a criminal charge, penalty or forfeiture. 20
- (3) A statement made by any person examined under this section must — 25
- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted for the person in a language that he or she understands; and
- (d) after correction (if necessary), be signed by the person. 30
- (4) If any person fails to attend as required by an order under subsection (1)(c), the officer may report such failure to a Magistrate who may then issue a warrant to secure the attendance of that person as required by the order.

(5) Any person who —

(a) refuses to give access to, or assaults, obstructs, hinders or delays, an officer of the Authority in the discharge of the officer's duties;

5 (b) wilfully misstates or without lawful excuse refuses to give any information, or produce any record or document (or a copy of any record or document), required of the person by the officer under subsection (1)(b); or

10 (c) fails to comply with a lawful demand of an officer in the discharge by such officer of his or her duties under this section,

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 12 months or to both.

15 (6) To avoid doubt, nothing in this section affects the powers of enforcement of an officer of the Authority under section 39 of the Land Transport Authority of Singapore Act (Cap. 158A) in relation to any offence under this Act.

PART 4

20 MISCELLANEOUS

Offences by bodies corporate, etc.

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

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

(b) to be attributable to any neglect on the officer's part,

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

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

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

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

(b) to be attributable to any neglect on the partner's part, 5
the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

(a) to have been committed with the consent or connivance of an 10
officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer 15
or a member,
the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which 20
has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

(a) in relation to a body corporate, means any director, 25
partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a 30
partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of

a committee and includes any person purporting to act in any such capacity;

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

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

Composition of offences

10 **26.**—(1) The Authority may 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:

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

(b) \$5,000.

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

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

Service of documents

27.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

25 (2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

30 (b) by sending it by pre-paid registered post to the address specified by the individual for the service of documents or, if no address is so specified, to the individual’s residential address or business address;

- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
 - (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address; 5
 - (e) by sending it by fax to the fax number last known to the officer of the Authority giving or serving the document as the fax number for the service of documents on the individual; or
 - (f) by sending it by email to the individual’s last email address.
- (3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served — 10
- (a) by giving it to any partner, secretary or other similar officer of the partnership;
 - (b) by leaving it at, or by sending it by pre-paid registered post to, the partnership’s business address; 15
 - (c) by sending it by fax to the fax number used at the partnership’s business address; or
 - (d) by sending it by email to the partnership’s last email address.
- (4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served — 20
- (a) by giving it to the secretary or other similar officer of the body corporate or the unincorporated association, or the limited liability partnership’s manager; 25
 - (b) by leaving it at, or by sending it by pre-paid registered post to, the body corporate’s or unincorporated association’s registered office or principal office;
 - (c) by sending it by fax to the fax number used at the body corporate’s or unincorporated association’s registered office or principal office; or 30
 - (d) by sending it by email to the body corporate’s or unincorporated association’s last email address.

(5) Service of a document under subsection (1) takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and
- (c) if the document is sent by pre-paid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) This section does not apply to documents to be served in proceedings in court.

(7) In this section —

“business address” means —

- (a) in the case of an individual, the individual’s usual or last known place of business; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business;

“last email address” means —

- (a) the last email address given by the addressee concerned to the officer of the Authority giving or serving the document as the email address for the service of documents under this Act; or
- (b) the last email address of the addressee concerned known to the officer of the Authority giving or serving the document;

“residential address” means an individual’s usual or last known place of residence.

Financial penalties payable into Consolidated Fund

28. Any financial penalty imposed on any person by the Authority under this Act and any interest payable because of section 29 —

- (a) are to be collected, and may be sued for and recovered by the Authority;

(b) are to be treated as a debt due to the Government for the purposes of section 127 of the Bankruptcy Act (Cap. 20) and section 10 of the Government Proceedings Act (Cap. 121); and

(c) are to be paid into the Consolidated Fund upon such collection or recovery, 5

and where the person has been registered under this Act, that person's liability to pay is not to be affected by the person's registration ceasing, for any reason, to be in force.

Recovery of sums payable

10

29.—(1) Where any fee or financial penalty payable by a person under this Act is not paid in full by the person by the due date for payment (called in this section the outstanding sum), the person concerned must pay an interest at the prescribed rate on the outstanding sum. 15

(2) The Authority may recover as a debt in a court of competent jurisdiction, the outstanding sum and any interest payable under subsection (1).

General exemption

30. The Minister may, by order published in the *Gazette*, exempt any person or class of persons from all or any provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose. 20

Regulations

31.—(1) The Authority may, with the Minister's approval, make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act. 25

(2) In particular, the Authority may, with the Minister's approval, make regulations for or with respect to all or any of the following matters: 30

(a) the class or classes of registered providers;

(b) the fees to be paid for any thing or matter done or to be done under this Act in respect of which it appears to the Authority to be expedient to charge fees;

5 (c) the conduct of taxi drivers in relation to the use of any registered provider's third-party taxi booking service;

(d) the offences under this Act which may be compounded;

(e) anything that is required or permitted to be prescribed under this Act.

(3) The regulations made under this section may —

10 (a) provide that any contravention of any provision of the regulations shall be punishable —

(i) in the case of a first offence, with a fine not exceeding \$1,000 or with imprisonment for a term not exceeding 3 months; and

15 (ii) in the case of a second or subsequent offence, with a fine not exceeding \$2,000 or with imprisonment for a term not exceeding 6 months; and

(b) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Authority, with
20 the Minister's approval, considers necessary or expedient.

(4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

Savings and transitional provisions

25 **32.**—(1) Despite anything in this Act, any person who, on the date of commencement of this Act, is providing a third-party taxi booking service may continue to provide that service —

(a) for 3 months; and

(b) if, within that period in paragraph (a), the person applies for registration under section 9, the person may continue to do so
30 until the earlier of the following:

(i) the date on which the Authority registers the person;

(ii) the date that the application is refused or withdrawn.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

5

Consequential and related amendments to Land Transport Authority of Singapore Act

33.—(1) Section 6(1) of the Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

(a) by deleting the word “and” at the end of paragraph (g)(iii); 10

(b) by inserting the word “and” at the end of sub-paragraph (iv) of paragraph (g), and by inserting immediately thereafter the following sub-paragraph:

“(v) to regulate the provision of third-party taxi booking services under the Third-Party Taxi Booking Service Providers Act 2015;”;

(c) by deleting the word “and” at the end of paragraph (r)(iv); and

(d) by inserting the word “and” at the end of sub-paragraph (v) of paragraph (r), and by inserting immediately thereafter the following sub-paragraph: 20

“(vi) all composition sums and financial penalties under the Third-Party Taxi Booking Service Providers Act 2015;”.

(2) Section 7(1) of the Land Transport Authority of Singapore Act is amended by deleting paragraph (a) and substituting the following paragraph: 25

“(a) to grant licences or permits, or to register persons, for land transport purposes and to supervise and enforce compliance with such licences, permits or registration;”.

(3) Section 10 of the Land Transport Authority of Singapore Act is repealed and the following section substituted therefor:

30

“Protection from personal liability

10. No liability shall lie personally against any member, officer or employee of the Authority or any other person acting under the direction of the Authority for anything done or intended to be done in good faith and with reasonable care in the execution or purported execution of this Act.”

(4) Section 11(2) of the Land Transport Authority of Singapore Act is amended by inserting, immediately after the word “fees”, the words “, composition sums, financial penalties”.

(5) The Second Schedule to the Land Transport Authority of Singapore Act is amended by inserting, immediately after paragraph 21, the following paragraphs:

“22. All fees prescribed under section 31(2)(b) of the Third-Party Taxi Booking Service Providers Act 2015.

23. All fees prescribed under section 111J of the Road Traffic Act (Cap. 276).”

(6) Part II of the Fifth Schedule to the Land Transport Authority of Singapore Act is amended by inserting, immediately after item 1, the following item:

“2. All provisions of the Third-Party Taxi Booking Service Providers Act 2015 and any subsidiary legislation made thereunder.”

Related amendments to Road Traffic Act

34.—(1) Section 111A of the Road Traffic Act (Cap. 276, 2004 Ed.) is repealed and the following section substituted therefor:

“Taxi service operator

111A.—(1) For the purposes of this Part, a person operates a taxi service if, in the course of business —

(a) the person owns more than one taxi; and

(b) the person causes or permits individuals to drive taxis owned by that person for one or both of the following purposes:

(i) the taxis are for hire for journeys within, or partly within, Singapore;

(ii) the person provides taxi booking services to individuals driving such taxis.

(2) For the purposes of this section, a person provides a taxi booking service if the person does all of the following in the course of business:

5

- (a) facilitate bookings for taxi services;
- (b) send information about bookings for taxi services to taxi drivers;
- (c) assign bookings for taxi services to taxi drivers;
- (d) assign taxis to persons making bookings for taxi services.

10

(3) In this section —

“business” includes a venture or concern in trade or commerce conducted on a regular, repetitive or continuous basis;

15

“taxi” means a public service vehicle which is classified as a taxi under the Second Schedule.”.

(2) Section 111H of the Road Traffic Act is amended —

- (a) by deleting the words “his licence” in subsection (1)(a) and substituting the words “the licensee’s licence”;
- (b) by deleting the words “his employees” in subsection (1)(b) and (i) and substituting in each case the words “the licensee’s employees”;
- (c) by inserting, immediately after the word “suspend” in subsection (1)(iii), the words “(for not more than 3 months)”;
- (d) by deleting subsection (2) and substituting the following subsection:

20

25

“(2) The Authority must, before issuing any written order under subsection (1)(i), requiring payment of any financial penalty under subsection (1)(ii), or suspending or cancelling a licence under subsection (1)(iii), give notice to a licensee —

30

- (a) stating that the Authority intends to issue the written order, require payment of the financial penalty, or suspend or cancel the licence; and
- 5 (b) requiring the licensee to show cause within such time as may be specified in the notice, why the Authority should not impose the written order, require payment of the financial penalty, or suspend or cancel the licence.”;
- 10 (e) by deleting the words “by which the financial penalty shall be paid or from which the suspension or cancellation of his licence is to take effect” in subsection (3) and substituting the words “the written order takes effect, the date by which the financial penalty must be paid, or the date the suspension or cancellation of the licence takes effect”; and
- 15 (f) by deleting subsection (5) and substituting the following subsection:
- “(5) An appeal under subsection (4) must be brought within 14 days after the date the notice in writing under subsection (3) is given by the Authority to the licensee.”.

EXPLANATORY STATEMENT

This Bill seeks to regulate persons who provide third-party taxi booking services for journeys within, or partly within, Singapore. The Bill also makes consequential and related amendments to the Land Transport Authority of Singapore Act (Cap. 158A) and the Road Traffic Act (Cap. 276).

Part 1 introduces the fundamental concepts used in the Bill, including definitions of “registered provider”, “taxi booking service”, “taxi service” and “third-party taxi booking service”. It also clarifies that the Bill does not apply to a taxi service operator within the meaning of section 111A of the Road Traffic Act in respect of any taxi booking service that the taxi service operator provides to any taxi driver licensed under that Act to drive a taxi owned by the taxi service operator.

Part 2 sets out the offence for providing a third-party taxi booking service for journeys within, or partly within, Singapore without registration under the Bill. It also sets out the regulatory framework for a registered provider, such as the process

for application, the conditions of registration and the modification of the conditions of registration.

Part 3 provides for compliance measures that may be imposed on registered providers. The compliance measures include codes of practice, directions, compliance orders and regulatory sanctions. The enforcement powers of officers of the Land Transport Authority of Singapore (the Authority) are also set out in Part 3.

Part 4 sets out the miscellaneous provisions such as the composition of offences, offences by bodies corporate, service of documents and regulations that may be made under the Bill.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in several Parts of the Bill. Examples of these definitions are set out below.

The term “access” is defined to include access subject to a precondition, access through push technology or access through a standing request. The term “access” is used in the Bill in respect of access to a third-party taxi booking service. Non-exhaustive examples are cited so that the term does not have an unduly narrow meaning.

The term “Authority” is defined as the Land Transport Authority of Singapore, which will be responsible for administering the Bill.

The term “business” is defined to include a venture or concern in trade or commerce that is conducted on a regular, repetitive or continuous basis. This seeks to make clear that the term “business” does not cover a one-off transaction.

The term “registered provider” means a person who is registered under the Bill.

Clause 3 explains the meaning of a third-party taxi booking service and its associated terms.

The term “taxi service” means the transport by taxi of passengers within, or partly within, Singapore.

The term “third-party taxi booking service” means a taxi booking service —

- (a) that can be accessed by taxi drivers who are not employees of, or hirers of taxis from, the provider of the taxi booking service;
- (b) that facilitates bookings for taxi services; and
- (c) that has a number of participating taxis equal to or greater than the threshold number.

The term “threshold number” means 21 or such other number as the Minister may, by notification in the *Gazette*, prescribe in substitution. The Minister has the discretion to prescribe a lower or higher number as the threshold number.

For the purposes of the Bill, a person provides a taxi booking service if the person does all of the following in the course of business:

- (a) facilitate bookings for taxi services from other persons;
- (b) send information about bookings for taxi services to taxi drivers;
- (c) assign bookings for taxi services to taxi drivers;
- (d) assign taxis to persons making bookings for taxi services.

The Bill is technology-neutral and does not restrict the type of communication system or device that can be used by a person to provide the service (whether to the taxi driver or to a person making a booking). A taxi booking service can be provided through any communication system or device, such as a landline telephone, a walkie-talkie, a mobile telephone, the Internet or a mobile application software.

For the purposes of the Bill, a taxi is a participating taxi in relation to a third-party taxi booking service if one or more taxi drivers licensed to drive the taxi —

- (a) have access to the third-party taxi booking service; and
- (b) receive information about bookings for taxi services from that service.

Clause 4 sets out the purpose of the Bill, which is to regulate the provision of third-party taxi booking services for journeys within, or partly within, Singapore, with the object of facilitating the provision of third-party taxi booking services that are safe, reliable and efficient, and responsive to the demand for taxi services in Singapore.

Clause 5 clarifies that the Bill does not apply to a taxi service operator within the meaning of section 111A of the Road Traffic Act in respect of any taxi booking service that the taxi service operator provides to any taxi driver licensed under that Act to drive a taxi owned by the taxi service operator.

Clause 6 sets out the extra-territorial application of the Bill. The Bill extends to any conduct outside Singapore, or partly inside or partly outside Singapore, that results in the provision of any third-party taxi booking service for journeys within, or partly within, Singapore.

PART 2

REGISTRATION OF THIRD-PARTY TAXI BOOKING
SERVICE PROVIDERS

Clause 7(1) sets out an offence against an unregistered provider. A person (called in clause 7 the provider) must not provide a third-party taxi booking service for journeys by taxi within, or partly within, Singapore, unless the provider —

- (a) is a registered provider and does so in accordance with the conditions of the provider's registration; or
- (b) is exempt from the clause under clause 30.

Any provider who, without reasonable excuse, contravenes clause 7(1) is guilty of an offence. The penalty is a fine not exceeding \$10,000 or a term of imprisonment not exceeding 6 months or both such fine and imprisonment. In the case of a continuing offence, the penalty is a further fine not exceeding \$500 for every day or part of a day that the offence continues after conviction.

Clause 8 empowers the Authority to prescribe one or more classes of registered providers, and to register any person according to the appropriate prescribed class or classes of registration. The classes to be prescribed may be based on the number of participating taxis for a third-party taxi booking service or the type of third-party taxi booking service to be provided. Examples of different types of third-party taxi booking services include those operated via radio, via smartphone applications or those integrated with call centres.

Clause 9 provides that an application to be a registered provider must be made in accordance with this clause.

The application must be made in such form and manner as the Authority may require, state the class or classes of registration applied for, include an address in Singapore at which notices and other documents under the Bill may be served, be accompanied by the prescribed application fee, and be accompanied by such other additional information that the Authority requires for the application. In determining an application, the Authority may carry out such inquiries and investigations in relation to the application as the Authority considers necessary for a proper consideration of the application. The Authority may also require the applicant to provide, within a specified time, any additional information that the Authority requires for a proper consideration of the application. The Authority may refuse to consider an application if the application is incomplete or otherwise not made in accordance with clause 9.

Clause 10 provides that in deciding whether to register an applicant, vary any class of registration or renew the registration of an applicant, and the conditions to impose or modify, the Authority must have regard to —

- (a) the financial standing and business experience of the applicant and the applicant's ability to provide a third-party taxi booking service that is safe, reliable and efficient;
- (b) the demand for third-party taxi booking services in Singapore;
- (c) the appropriate class or classes of registration for the applicant; and
- (d) any other matter that the Authority considers relevant.

Clause 10 also clarifies that the Authority may impose conditions that differ according to the class of registration. Since the class of registration can be determined by the number of participating taxis, a registered provider with a larger number of participating taxis may be subject to different conditions as compared to one with fewer numbers of participating taxis. Since the class of registration can also be determined by the type of third-party taxi booking service, a third-party taxi booking service provided through mobile application software may be subject to conditions not applicable to a service provided through a call centre.

Clause 11 concerns the conditions of registration. As clause 11 sets out a non-exhaustive list of conditions that the Authority may impose, the Authority is not precluded from imposing other conditions that are consistent with the Bill and its purpose. Conditions that may be imposed by the Authority include those concerning the registered provider's operation, monitoring and supervision of the third-party taxi booking service, the provision of information to the Authority and the fees that may be imposed for the third-party taxi booking service.

Clause 12 requires the Authority to issue a certificate of registration to the registered provider as evidence of the registered provider's registration. The certificate must specify several matters, including the class or classes of registration, the term of registration, the conditions of registration, and such other matters that the Authority considers relevant.

Clause 13 concerns the term and transferability of registration. Any registration is to be valid for such term specified by the Authority in the certificate of registration. The registration is not transferable or assignable; and any transfer or assignment, or purported transfer or assignment, of the registration is void.

Clause 14 sets out the process for an application to vary any class of registration of a registered provider. An application for variation must be made in such form and manner as the Authority may require, state the variation in the class of registration applied for, be accompanied by the prescribed variation fee, be submitted to the Authority not later than the renewal deadline (within the meaning of clause 15) for that registration, and be accompanied by such other additional information that the Authority requires for the application. Clauses 9 to 11 relating to an application and an applicant for a registration apply, with the necessary modifications and subject to clause 14, to an application and an applicant under clause 14.

Clause 15 sets out the process for an application to renew any registration as a registered provider. An application for renewal must be made in such form and manner as the Authority may require, be accompanied by the prescribed renewal fee, be submitted to the Authority not later than the prescribed time before the date the registration expires (called in clause 15 the renewal deadline), and be accompanied by such other additional information that the Authority requires for the application. If the application for renewal is submitted after the renewal deadline, the application must be accompanied by the prescribed late renewal fee (in addition to the prescribed renewal fee). Clauses 9 to 13 relating to an application and an applicant for a registration apply, with the necessary modifications and subject to clause 15, to an application and an applicant under clause 15.

Clause 16 deals with the modification of conditions of registration. Before modifying any condition, the Authority must give notice to the registered provider concerned about the proposed modification. The notice must also specify the time within which the registered provider may make written representations to the Authority. Upon receipt of any written representation, the Authority must consider the representation and may reject the representation, amend the proposed modification or withdraw the proposed modification. The proposed modification may be imposed by the Authority amending the conditions of registration for the registered provider concerned, to give effect to the proposed modification.

PART 3

COMPLIANCE MEASURES AND ENFORCEMENT

Clause 17 empowers the Authority to issue one or more codes of practice concerning the provision of third-party taxi booking services by registered providers. The Authority may also amend, add to or revoke any code of practice issued by the Authority, and notice of such amendment, addition or revocation must be given to the registered providers. The Authority may, either generally or for such time as the Authority may specify, waive the application of any code of practice or part of a code of practice, to any registered provider.

Clause 18 empowers the Authority to (without compensation) give any direction to a registered provider. A direction may be given if the Authority has reasonable grounds to believe that a registered provider is providing a third-party taxi booking service in a manner that may adversely affect the availability of taxi services for hail on roads in Singapore, the registered provider is providing a third-party taxi booking service in a manner that is not responsive to the demand for taxi services in Singapore, or there is an emergency for which the direction is necessary to alleviate or minimise any serious risk to public safety. Before giving any direction, the Authority must (unless the Authority considers it not practical or desirable to do so) give the registered provider concerned an opportunity to make written representations and consider such written representations.

Clause 19 empowers the Authority to impose a compliance order (instead of a regulatory sanction under clause 20) to secure compliance from a registered provider with a condition of registration, a direction under clause 18 or a provision of a code of practice applicable to the registered provider. A compliance order may, amongst other matters, require a registered provider to take certain measures to rectify the contravention or non-compliance that is the subject matter of the compliance order. The Authority is not compelled to impose a compliance order in respect of every instance of contravention or non-compliance. In determining whether a compliance order is appropriate or requisite, the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

- (a) the extent that any person is likely to sustain loss or damage due to anything likely to be done, or omitted to be done, as a result of the contravention or the non-compliance, if no regulatory sanction under clause 20 is imposed;
- (b) whether a compliance order is proportionate to the nature of the contravention or non-compliance;
- (c) whether the contravention or non-compliance may be rectifiable.

Before imposing any compliance order, the Authority must give the registered provider concerned an opportunity to make written representations and consider such written representations.

Clause 20 deals with regulatory sanctions against a registered provider and the process for the imposition of such sanctions.

Regulatory sanctions may be taken against a registered provider if the registered provider has contravened, or failed to comply with, any condition of registration, any direction given under clause 18 or any provision of a code of practice applicable to the registered provider. Regulatory sanctions may be taken when the registered provider has failed to provide a third-party taxi booking service that is safe, reliable and efficient. Regulatory sanctions may also be imposed if an underlying contravention or non-compliance that is the subject of a compliance order under clause 19 continues despite the compliance order.

The types of regulatory sanctions that may be imposed comprise the imposition of a financial penalty not exceeding \$100,000 for each instance of contravention or non-compliance that is the subject of the regulatory sanction, or each act done or omission made that results in a failure to provide a third-party taxi booking service that is safe, reliable and efficient, suspension (for not more than 3 months) of registration or revocation of registration.

Before imposing any financial penalty, or any suspension or revocation, the Authority must give notice to a registered provider of the proposed regulatory sanction. The Authority may, after considering any written representation, impose

such regulatory sanction on the registered provider of that regulatory sanction by giving written notice to the registered provider of that regulatory sanction. No compensation is to be paid by the Authority to any registered provider for imposing any regulatory sanction. Any regulatory sanction takes effect from the date of the written notice or the date specified in the written notice (as the case may be).

The revocation or suspension of any registration under clause 20 does not prejudice the enforcement —

- (a) by any person of any right or claim against the registered provider or former registered provider; or
- (b) by the registered provider or the former registered provider of any right or claim against any person.

Clause 21 concerns the surrender of a certificate of registration. A registered provider may at any time surrender its certificate of registration to the Authority for cancellation. However, the Authority may refuse the surrender if (a) the Authority is investigating any probable instance of contravention or non-compliance that may result in a compliance order, or any probable instance of contravention, non-compliance, act or omission that may result in a regulatory sanction; or (b) the Authority has commenced proceedings under clause 19 with a view to imposing a compliance order, or proceedings under clause 20 with a view to imposing a regulatory sanction.

Clause 22(1) provides that any person aggrieved by any of the following decisions of the Authority (called in clause 22 the appellant) may appeal to the Minister:

- (a) the refusal to register the appellant, vary the appellant's class of registration or renew the appellant's registration;
- (b) the modification of conditions of the appellant's registration under clause 16(5);
- (c) any provision of a code of practice applicable to the appellant under clause 17;
- (d) any direction under clause 18 given to the appellant;
- (e) any compliance order under clause 19 imposed on the appellant;
- (f) any regulatory sanction under clause 20 imposed on the appellant.

The appeal must be in writing and must be made within the timelines specified in clause 22. The appellant must provide such information as the Minister requires, in such manner and within such period as may be specified by the Minister. The Minister may reject the appellant's appeal if the appellant fails to comply with the requirements specified in the Bill for the appeal.

After considering an appeal, the Minister may reject the appeal and confirm the Authority's decision. The Minister may also allow the appeal and substitute or vary the Authority's decision. The Minister's decision is final.

Any decision of the Authority appealed against under clause 22 must be complied with until the determination of the appeal, except that —

- (a) a condition that is the subject of the appeal need not be complied with until the determination of the appeal; and
- (b) a financial penalty that is the subject of the appeal need not be paid until the determination of the appeal.

Clause 23 allows the Minister to designate a Minister of State or Senior Minister of State, or a Parliamentary Secretary or Senior Parliamentary Secretary, to consider and determine any appeal under the Bill in his or her place.

Clause 24 confers various powers on an officer of the Authority for the purposes of investigating any contravention or non-compliance of any condition of registration, direction under clause 18 or provision of code of practice, or whether there is any act or omission that results in a failure to provide a third-party taxi booking service that is safe, reliable and efficient. It also sets out various offences, such as an offence for obstructing the Authority's officer, an offence for refusal to give information and an offence for failure to comply with a lawful demand of the Authority's officer. The powers of enforcement that an officer of the Authority may exercise in relation to offences under the Bill are set out in section 39 of the Land Transport Authority of Singapore Act.

PART 4

MISCELLANEOUS

Clause 25 relates to corporate offenders.

Clause 26 empowers the Authority to compound any offence under the Bill which is prescribed as a compoundable offence. The maximum composition sum that may be collected from the person reasonably suspected of having committed the compoundable offence is one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

Clause 27 deals with how documents may be served under the Bill.

Clause 28 provides that any financial penalty payable by any person to the Authority (and any interest payable for late or non-payment of a financial penalty) must be paid into the Consolidated Fund. It also makes clear that the Authority is to institute proceedings to recover the sums which are payable into the Consolidated Fund as a debt due to itself (and not as a Government debt) and then pay over in gross all those sums so recovered into the Consolidated Fund. The person's liability to pay will not be affected by the person's registration ceasing to be in force.

Clause 29 empowers the Authority to recover in a court of competent jurisdiction any outstanding amount of any fee or financial penalty payable by any person under the Bill and not paid by the due date. The amount that the Authority may recover will include interest at the prescribed rate.

Clause 30 confers power on the Minister to exempt any person or class of persons from all or any of the provisions of the Bill by way of an order published in the *Gazette*. The exemption may be general or be for a particular case and subject to such conditions as the Minister may impose.

Clause 31 confers power on the Authority, with the Minister's approval, to make regulations that are necessary or expedient to give effect to the Bill.

Clause 32 is a savings and transitional provision that will apply to any person who is providing third-party taxi booking services when the Bill comes into force. Such a person may continue to provide that service for 3 months and, if, within that period, the person applies for registration, the person may continue to do so until the date on which the Authority registers the person or the date that the application is refused or withdrawn.

Clause 33 makes various consequential and related amendments to the Land Transport Authority of Singapore Act.

The functions and duties of the Authority specified in section 6(1) of the Land Transport Authority of Singapore Act are amended so that the Authority has the function and duty of regulating third-party taxi booking services under the Bill. The Authority will also have the function and duty to act as agent of the Government and provide service in administering, assessing, collecting and enforcing payment of all composition sums and financial penalties under the Bill.

The powers of the Authority in section 7(1) of the Land Transport Authority of Singapore Act are amended to take into account the Authority's power to register persons under the Bill, and enforce compliance with the conditions of such registration.

Section 10 of the Land Transport Authority of Singapore Act is repealed and re-enacted to clarify that no liability is to lie personally against any member, officer or employee of the Authority or any other person acting under the direction of the Authority for anything done or intended to be done in good faith and with reasonable care in the execution or purported execution of the Land Transport Authority of Singapore Act.

Section 11(2) of the Land Transport Authority of Singapore Act is amended so that the officers of the Authority are also impressed with the same legal responsibilities as civil servants with regard to the administration, assessment, collection and enforcement of payment of composition sums and financial penalties under the Bill (as such composition sums and financial penalties are public moneys).

The Second Schedule to the Land Transport Authority of Singapore Act is amended so that all fees prescribed under the Bill are to be paid to the Land Transport Revenue Account. A related amendment is also made to clarify that all fees prescribed under section 111J of the Road Traffic Act (on fees payable in relation to the taxi service operator licensing scheme) are also to be paid to that Account.

Part II of the Fifth Schedule to the Land Transport Authority of Singapore Act is amended so that the Authority may exercise the powers of enforcement under section 39 of that Act in relation to offences under the Bill.

Clause 34 makes related amendments to the Road Traffic Act.

Section 111A of the Road Traffic Act (concerning the operation of a taxi service that requires licensing under that Act) is repealed and re-enacted. The key change to section 111A is that section 111A is no longer limited to a person operating a taxi service only because the person leases taxis that the person owns, to individual drivers. The person is a taxi service operator within the meaning of section 111A so long as the person causes or permits individuals to drive taxis owned by that person. This new section is intended to create flexibility for taxi service operators in the contractual arrangements that they may adopt with taxi drivers (be it employing the taxi drivers, leasing the taxis to the taxi drivers or any other arrangements). The meaning of “taxi booking service” and other associated terms in section 111A are also clarified.

Lastly, section 111H of the Road Traffic Act is amended to clarify that any suspension of a taxi service operator’s licence cannot be more than 3 months in any instance. The section is also amended to clarify that a licensed taxi service operator is given an opportunity to make representations to the Authority before the Authority imposes any written order on that operator.

EXPENDITURE OF PUBLIC MONEY

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