

# Postal Services (Amendment) Bill

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**Bill No. 5/2021.**

*Read the first time on 5 March 2021.*

A BILL

*intituled*

An Act to amend the Postal Services Act (Chapter 237A of the 2000 Revised Edition) and to make consequential and related amendments to the Criminal Procedure Code (Chapter 68 of the 2012 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 is the Postal Services (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Postal Services Act (called in this Act the principal Act) is amended —

(a) by deleting the definitions of “code of practice” and “standard of performance” in subsection (1) and substituting the following definitions:

““code of practice” means a code of practice issued or approved under section 23M or 24;

“common property” and “limited common property” have the meanings given by section 2(1) of the Building Maintenance and Strata Management Act;”;

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

““delivery service provider”, in relation to an article or a thing mentioned in paragraph (a) of the definition of “parcel”, means a person that —

(a) conveys any such article or thing from any place to a public parcel locker or vice versa; and

(b) performs all incidental services of collecting, sorting, sending, despatching and placing in or collecting from a public parcel locker any such article or thing;”;

(c) by deleting the definition of “equipment” in subsection (1) and substituting the following definitions:

““equipment” —

(a) in relation to a public parcel locker — includes any appliance, apparatus or accessory used or intended to be used with the public parcel locker; or 5

(b) in any other case — includes any appliance, apparatus or accessory used or intended to be used for postal purposes;

“Housing and Development Board” means the Housing and Development Board established by section 3 of the Housing and Development Act;” 10

(d) by deleting the definition of “parcel” in subsection (1) and substituting the following definitions: 15

““parcel” means —

(a) an article or a thing that is placed in a parcel locker for collection by an intended recipient, a person authorised by the intended recipient or a delivery service provider, as the case may be; or 20

(b) a postal article which is posted at a post office in Singapore as a parcel in accordance with the provisions of this Act or is received at a post office in Singapore by parcel post; 25

“parcel locker” means a box or receptacle that is provided or used for the receipt of parcels addressed to any person, but does not include a letter box or a posting box;” 30

(e) by inserting, immediately after the definition of “posting box” in subsection (1), the following definitions:

““public parcel locker” means a parcel locker mentioned in section 23B(a);

“public parcel locker network” has the meaning given by section 23B;

5 “public parcel locker network operator” means a person appointed by the Postal Authority under section 23C(1);”;

(f) by inserting, immediately after the definition of “public postal licensee’s installation or plant” in subsection (1), the following definitions:

10 ““related installation”, in relation to a public parcel locker, includes any structure, equipment or cable used or intended for use with the public parcel locker;

15 “related software”, in relation to a public parcel locker or a public parcel locker network, means any software used or intended to be used to operate the public parcel locker or public parcel locker network;”;

20 (g) by inserting, immediately after the definition of “sender” in subsection (1), the following definition:

““standard of performance” means a standard of performance issued or approved under section 24;”;

25 (h) by inserting, immediately after the definition of “TAS” in subsection (1), the following definition:

““Town Council” means a Town Council established by section 4 of the Town Councils Act;”;

30 (i) by inserting, immediately after the words “physical medium” in subsection (2), the words “(not exceeding 500 grams in weight)”.

### Amendment of section 3A

#### 3. Section 3A of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsections:

“(2A) Additionally, it is the function and duty of the Postal Authority — 5

(a) to promote the efficiency and ensure the security and reliability of the public parcel locker network;

(b) to ensure that public parcel lockers are reasonably accessible to all people in Singapore, and are supplied as efficiently and economically as practicable and at performance standards that reasonably meet the social, industrial and commercial needs of Singapore; 10 15

(c) to exercise regulatory functions in respect of the public parcel locker network in Singapore; and

(d) to exercise regulatory functions in respect of the determination and approval of prices, tariffs and charges in relation to, and the provision of, public parcel lockers. 20

(2B) In discharging the functions and duties imposed on the Postal Authority by subsection (2A), the Postal Authority is to have regard to the following matters: 25

(a) efficiency and economy;

(b) the social, industrial and commercial needs of Singapore for public parcel lockers; 30

(c) the provision of public parcel lockers at rates consistent with efficient service.”; and

(b) by deleting the word “and” at the end of paragraph (b) of subsection (4), and by inserting immediately thereafter the following paragraph:

“(ba) precluding the Postal Authority from interrupting, suspending or restricting the installation or operation of any public parcel locker provided by the Postal Authority or a public parcel locker network operator; and”.

#### Amendment of section 5

4. Section 5 of the principal Act is amended —

(a) by deleting the word “and” at the end of subsection (1)(c);

(b) by deleting sub-paragraph (i) of subsection (1)(d);

(c) by deleting the full-stop at the end of paragraph (d) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(e) the conveyance of any letter by —

(i) intra-organisational mailroom service; or

(ii) messenger service.”; and

(d) by inserting, immediately after subsection (2), the following subsection:

“(3) In subsection (1)(e) —

“intra-organisational mailroom service” means a service comprising both of the following:

(a) the conveyance, between 2 or more premises occupied by an organisation, of any letter addressed to the organisation or an officer or employee of the organisation;

(b) the receiving, collecting and sorting, and the sending, despatching and

delivery to the organisation or an officer or employee of the organisation, of a letter mentioned in paragraph (a);

“messenger service” means a service comprising both of the following: 5

- (a) the receiving, collecting and sorting of any letter originating from an organisation or an officer or employee of an organisation (whether the organisation occupies one or more premises) and that is intended for delivery to an addressee who is not another officer or employee of the organisation; 10 15
- (b) the sending and despatching of a letter mentioned in paragraph (a) to a postal licensee for delivery to the addressee.”.

## **New section 7A** 20

5. The principal Act is amended by inserting, immediately after section 7, the following section:

### **“Additional licence conditions for public postal licensees**

7A.—(1) The conditions of a licence granted under section 6 to a public postal licensee may include conditions requiring the public postal licensee to enter into agreements or arrangements with any applicable person or class of applicable persons under which the public postal licensee delivers applicable postal articles to letter boxes on the terms and conditions that the public postal licensee and the applicable person agree to or, in default of agreement, that the Postal Authority may determine. 25 30

(2) In subsection (1) —

“applicable person” includes another postal licensee;

“applicable postal article” means a postal article (other than a letter) that is sent and despatched by an applicable person to a public postal licensee for delivery to a letter box.”.

5 **Amendment of section 11**

6. Section 11 of the principal Act is amended —

(a) by inserting, immediately after the words “postal licensees” in subsection (1), the words “, if the public postal licensee is authorised by its licence to do so”;

10 (b) by inserting, immediately after the words “public postal licensee” in subsection (2), the words “mentioned in subsection (1)”; and

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

15 **“Postal remittance of money”.**

**Amendment of section 12**

7. Section 12 of the principal Act is amended by inserting, immediately after the words “public postal licensee”, the words “mentioned in section 11(1)”.

20 **Amendment of section 16**

8. Section 16 of the principal Act is amended —

(a) by deleting the word “residential,” in subsection (3) and substituting the words “residential building or”;

25 (b) by deleting paragraph (a) of subsection (3) and substituting the following paragraph:

“(a) provide one letter box for each lot within any residential building or commercial or industrial building;”;

30 (c) by inserting, immediately after subsection (4), the following subsections:



“(4A) Where letter boxes are provided under subsection (3) for a residential building, or a commercial or industrial building, that is a subdivided building, the applicable person for the building must —

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(a) ensure that one letter box (whether provided under subsection (3) or under this subsection) continues to be provided for each lot within the building;

(b) where any lot within the building is further subdivided into 2 or more lots, provide one letter box for each new lot;

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(c) ensure that the letter boxes —

(i) are numbered, or continue to be numbered, in numerical sequence; and

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(ii) are at all times kept in a state of good and serviceable repair;

(d) repair or replace without unreasonable delay any letter box which is damaged or otherwise unusable; and

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(e) comply with all specifications issued, approved or amended by the Postal Authority under subsection (1).

(4B) The applicable person for a building mentioned in subsection (4A) may recover the costs reasonably incurred for providing a letter box for a new lot within the building under subsection (4A)(b) from the subsidiary proprietor of the new lot or the person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of the new lot if —

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(a) the building is premises comprised in a strata title plan under the Land Titles (Strata) Act; and

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(b) the letter box provided is not common property or limited common property of the building.

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(4C) In the case of a residential building, or a commercial or industrial building, that is not a subdivided building, the person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of the building must —

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(a) ensure that the letter box provided for the building under subsection (3) is at all times kept in a state of good and serviceable repair;

(b) where the letter box is damaged or otherwise unusable, repair or replace the letter box without unreasonable delay; and

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(c) comply with all specifications issued, approved or amended by the Postal Authority under subsection (1).

(4D) A person who contravenes subsection (4A) or (4C) shall be guilty of an offence.”;

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(d) by inserting, immediately before the definition of “commercial or industrial building” in subsection (9), the following definition:

““applicable person”, for a residential building, or a commercial or industrial building, means —

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(a) in relation to a building that is premises comprised in a strata title plan under the Land Titles (Strata) Act —

- (i) where the letter boxes are common property of the building — the management corporation having control of that common property; 5
  - (ii) where the letter boxes are limited common property of the building — the subsidiary management corporation established by the Building Maintenance and Strata Management Act having control of that limited common property; or 10
  - (iii) where the letter boxes are not common property or limited common property of the building — the management corporation having control of the common property of the building; 15 20
- (b) in relation to a building in a housing estate of the Housing and Development Board (called an HDB housing estate) — 25
- (i) where the building's common property is in an HDB housing estate that is controlled, managed and maintained by a Town Council — that Town Council; or 30
  - (ii) where the building's common property is in an HDB housing estate that is not controlled, managed and maintained by a 35

Town Council — the Housing  
and Development Board; or

(c) in relation to a building that is a subdivided building other than a subdivided building mentioned in paragraph (a) or (b), every person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that building;”; and

(e) by deleting the definitions of “common property”, “limited common property” and “owner” in subsection (9) and substituting the following definitions:

““lot” means any stratum that satisfies all of the following requirements:

(a) the stratum —

(i) is within a parcel of any land, building and common property comprised or to be comprised in a strata title plan and is shown as a lot on the strata title plan, including a lot specified as an accessory lot on any such plan;  
or

(ii) is within any land or building not comprised or not to be comprised in a strata title plan;

(b) the stratum is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose;

(c) a number has been allotted to the stratum by the Comptroller of

Property Tax under section 51(1) of the Property Tax Act;

“owner” and “stratum” have the meanings given by section 2(1) of the Building Maintenance and Strata Management Act;

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“subdivided building” has the meaning given by section 3(1) of the Land Titles (Strata) Act.”.

### **New section 17**

9. The principal Act is amended by inserting, immediately after section 16, the following section:

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#### **“Administrative exemption from section 16**

17.—(1) The Postal Authority may, where the Postal Authority is satisfied that all of the matters in subsection (2) apply, exempt —

- (a) a particular developer of a particular residential building or a particular commercial or industrial building from the application of section 16(3)(a); or
- (b) a particular applicable person for a particular residential building or a particular commercial or industrial building from the application of section 16(4A)(a) or (b).

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(2) The matters mentioned in subsection (1) are the following:

- (a) that either of the following applies:
  - (i) there is no suitable location in the particular residential building or the particular commercial or industrial building for letter boxes to be provided;
  - (ii) having regard to the use or intended use of the particular residential building or the particular commercial or industrial building, there is no need for letter boxes to be provided;

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(b) appropriate alternative arrangements have been or will be made by the particular developer or particular applicable person for the receipt of postal articles.

(3) An exemption under this section —

5 (a) must be in writing and given to the particular developer or particular applicable person, as the case may be; and

(b) need not be published in the *Gazette*.

10 (4) In this section, “applicable person” has the meaning given by section 16(9).”.

### **Amendment of section 19**

**10.** Section 19 of the principal Act is amended —

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

15 “(1) A person (other than the Postal Authority or a specified public postal licensee) must not provide or cause to be provided postage stamps that bear the word “Singapore” in any language.”;

20 (b) by deleting the words “public postal licensee” wherever they appear in subsections (3), (4), (5) and (6) and substituting in each case the words “specified public postal licensee”; and

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

25 “(9) In this section, “specified public postal licensee” means a public postal licensee that is authorised by the licence granted under section 6 to provide postage stamps that bear the word “Singapore” in any language.”.

### **30 New Part IIIA**

**11.** The principal Act is amended by inserting, immediately after section 23, the following Part:

“PART IIIA

PUBLIC PARCEL LOCKERS

*Division 1 — Preliminary*

**Interpretation of this Part**

**23A.** In this Part, unless the context otherwise requires — 5

“authorised person”, for any provision of this Part, means a person authorised by the public parcel locker network operator for the purposes of that provision;

“owner” —

(a) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act, means — 10

(i) in the case of a lot — the person who is registered as the subsidiary proprietor of the lot under that Act; 15

(ii) in the case of any common property — the management corporation having control of that common property, or the person receiving any rent or charge for the maintenance and management of that common property; and 20

(iii) in the case of any limited common property — the subsidiary management corporation established by the Building Maintenance and Strata Management Act having control of that limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property; 25 30

(b) in relation to a building in a housing estate of the Housing and Development Board (called an HDB housing estate), means —

(i) in the case of a flat — any owner of the flat as defined in section 2(1) of the Housing and Development Act;

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(ii) in the case of the building's common property in an HDB housing estate that is controlled, managed and maintained by a Town Council — that Town Council; and

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(iii) in the case of the building's common property in an HDB housing estate that is not controlled, managed and maintained by a Town Council — the Housing and Development Board;

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(c) in relation to a subdivided building other than a subdivided building mentioned in paragraph (a) or (b), means —

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(i) in the case of a lot — the person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of that lot; and

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(ii) in the case of the subdivided building's common property — every person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance or management of the common property;

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(d) in relation to any premises which are not subdivided, means any person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises; and



(e) in relation to any other premises or building, means the person for the time being receiving the rent of the premises or building, whether on the person's own account or as agent, trustee or receiver, or who would receive such rent if the premises or building were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act as the owner of the premises or building, or a mortgagee in possession;

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“premises” has the meaning given by section 2(1) of the Building Control Act;

“relevant land” means any land adjoining any specified premises, that is owned or occupied by —

(a) the Government, including any ministry, department, agency or Organ of State; or

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(b) any body corporate established by a public Act for a public function,

but excludes State land;

“Singapore Land Authority” means the Singapore Land Authority established by section 3 of the Singapore Land Authority Act;

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“specified day” means the date of commencement of section 11 of the Postal Services (Amendment) Act 2021;

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“specified premises” —

(a) means any of the following:

(i) the common property of a building in an HDB housing estate;

(ii) a bus interchange within the meaning given by section 2 of the Bus Services Industry Act 2015;

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(iii) a railway commuter facility or railway premises within the meaning given by section 2 of the Rapid Transit Systems Act;

5 (iv) a community centre or club managed or run by the People's Association established by section 2(1) of the People's Association Act;

10 (v) any other premises that are prescribed by the Minister, by order in the *Gazette*, as specified premises; and

(b) includes any State land adjoining any premises mentioned in paragraph (a).

15 **Exclusive privilege with respect to public parcel locker network**

**23B.** The Postal Authority has the exclusive privilege of establishing, installing, operating and maintaining all of the following (collectively called the public parcel locker network):

20 (a) parcel lockers located in or on any specified premises (called public parcel lockers);

(b) related installations for any parcel locker mentioned in paragraph (a);

25 (c) related software for any parcel locker mentioned in paragraph (a) or related installation mentioned in paragraph (b).

**Public parcel locker network operator**

30 **23C.—**(1) The Postal Authority may appoint a person (called a public parcel locker network operator) to establish, install, operate and maintain the public parcel locker network or any part of the public parcel locker network, subject to any conditions that the Postal Authority thinks fit.

(2) Anything done by the public parcel locker network operator under and in accordance with this Act and any

conditions imposed under subsection (1) does not constitute an infringement of the privilege conferred on the Postal Authority under section 23B.

### **Residual power of Postal Authority with respect to public parcel locker network**

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**23D.**—(1) The Postal Authority may, despite the appointment of the public parcel locker network operator under section 23C(1), establish, install, operate and maintain the public parcel locker network or any part of the public parcel locker network —

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(a) if the Postal Authority is of the opinion that the public parcel locker network operator has failed to comply with the provisions of this Part or any condition imposed by the Postal Authority under section 23C(1); or

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(b) to give effect to any direction of the Minister under section 45.

(2) Where the Postal Authority installs, operates and maintains the public parcel locker network or part of the public parcel locker network under subsection (1) —

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(a) sections 2, 23A, 23G to 23L, 23Q, 39A to 39J, 57(3) and 58 apply, with the necessary modifications, to the Postal Authority in respect of the installation, operation and maintenance of the public parcel locker network or part thereof; and

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(b) the references to the public parcel locker network operator in those sections are references to the Postal Authority.

### **Charges and other terms for public parcel locker network operated by Postal Authority**

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**23E.**—(1) The Postal Authority may, in respect of the public parcel locker network or part thereof operated by the Postal Authority under section 23D, determine either or both of the following:

(a) the charges for the use of any public parcel locker, unless otherwise agreed by an agreement between the Postal Authority and a person using the public parcel locker;

5 (b) the other terms and conditions which, except as provided in this Part, are to be applicable to the public parcel locker network or part thereof.

(2) The Postal Authority may make different provision for different cases or classes of cases.

10 (3) A charge payable under subsection (1)(a) may be recovered by the Postal Authority in any court of competent jurisdiction as if it were a simple contract debt.

15 (4) Nothing in this section prohibits the Postal Authority from levying any charge or collecting any dues for anything done or any service rendered other than for the use of a public parcel locker; and the rates, charges and fees payable to the Postal Authority for any service rendered must be in accordance with any rates, charges and fees determined by the Postal Authority.

20 *Division 2 — Installation, operation and  
maintenance of public parcel lockers*

**Installation, relocation and removal of public parcel lockers**

25 **23F.** The public parcel locker network operator may, with the prior approval of the Postal Authority, install, relocate or remove any public parcel locker.

**Power to enter and examine land other than State land**

30 **23G.—**(1) This section applies whenever it appears to the public parcel locker network operator that it is or is probably necessary to exercise the powers conferred by this Part on the public parcel locker network operator in respect of any land (except State land) in relation to the installation of any public parcel locker or related installation.

(2) The public parcel locker network operator or an authorised person may, after giving at least 3 hours' prior notice to the occupier (if any) of the land mentioned in subsection (1) —

(a) enter the land; and

(b) do all necessary acts preparatory to the installation of any public parcel locker or related installation, so far as those acts may be possible without causing any damage or disturbance.

(3) Where any damage or disturbance is caused by reason of the entry on the land under subsection (2), the public parcel locker network operator must pay compensation to the owner or occupier of the land.

(4) Nothing in this section authorises any authorised person or any officer, employee or agent of the public parcel locker network operator —

(a) to cut down or clear away any vegetation or any fence or other structure; or

(b) to enter any building or any enclosure attached to any building.

### **Power to enter State land**

**23H.**—(1) For the purpose of installing any public parcel locker or related installation, the public parcel locker network operator or an authorised person may, at any reasonable time —

(a) enter any State land;

(b) with the approval of the Postal Authority and the Singapore Land Authority, install on the State land any public parcel locker or related installation; and

(c) carry out all necessary works in connection with paragraph (a) or (b).

(2) Where any work mentioned in subsection (1) interferes with any improvements, buildings, growing trees or crops on the State land, the public parcel locker network operator must pay compensation for any damage or disturbance.

(3) Where the State land is occupied under a licence for temporary occupation, the compensation must be paid to the occupant mentioned in the licence.

**Power to enter specified premises, etc., for purposes of installing public parcel locker or related installation**

**23I.**—(1) Subject to section 23J, the public parcel locker network operator may —

(a) enter any specified premises or relevant land for the purposes of paragraph (b) or (c);

(b) install any public parcel locker in or on the specified premises;

(c) install any related installation in or on the specified premises or relevant land; and

(d) take any other action as may be necessary to ensure the safety and efficiency of the public parcel locker or related installation, as the case may be.

(2) Where any damage, disturbance or disability is caused by reason of any act done under subsection (1), the public parcel locker network operator must pay compensation to any person interested.

(3) Any compensation payable under subsection (2) may include an annual payment for land, building or other immovable property used for the purpose of the public parcel locker or related installation, as the case may be.

(4) The public parcel locker network operator does not acquire any right other than that of user only in respect of any land, building or other immovable property in or on which the public parcel locker network operator installs any public parcel locker or related installation under subsection (1).

**Procedure for purposes of section 23I**

**23J.**—(1) Where the public parcel locker network operator intends to enter any specified premises or relevant land under

section 23I(1), the public parcel locker network operator must —

(a) give at least 14 days' written notice to the owner or occupier of the specified premises or relevant land before entering that specified premises or relevant land, as the case may be; and

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(b) satisfy any other prescribed requirements.

(2) The written notice given under subsection (1)(a) must state —

(a) as fully and accurately as possible the nature and extent of the acts intended to be done; and

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(b) the time within which the owner or occupier of the specified premises or relevant land may lodge a written objection with the Postal Authority.

(3) Where a written objection is lodged by the owner or occupier of the specified premises or relevant land (called in this section the objector) —

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(a) the Postal Authority must notify the public parcel locker network operator to resolve the dispute with the objector; and

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(b) the public parcel locker network operator must, upon receiving the Postal Authority's notice under paragraph (a), take genuine steps to resolve the dispute with the objector.

(4) If the public parcel locker network operator fails to resolve the dispute with the objector, the Postal Authority may, after giving each party a reasonable opportunity to be heard, decide on the written objection.

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(5) The Postal Authority may authorise, subject to the terms and conditions that the Postal Authority thinks fit, any of the acts mentioned in the notice given under subsection (1)(a) to be carried out.

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(6) The public parcel locker network operator may enter the specified premises or relevant land (as the case may be), and do

all or any of the acts mentioned in the written notice given under subsection (1)(a) —

- (a) where no written objection is lodged within the period specified in the written notice — after the expiry of that period; or
- (b) where a written objection is lodged within the period specified in the written notice —
  - (i) after the written objection is withdrawn;
  - (ii) after the public parcel locker network operator resolves the dispute with the objector; or
  - (iii) on the Postal Authority’s authorisation under subsection (5), subject to the terms and conditions (if any) imposed by the Postal Authority under that subsection.

### **Inspection, maintenance and repair of public parcel lockers and related installations**

**23K.**—(1) For the purpose of inspecting, maintaining or repairing any public parcel locker or related installation, the public parcel locker network operator or an authorised person may, at any reasonable time —

- (a) enter any land or building, whether or not the public parcel locker or related installation (as the case may be) has been installed in or on the land or building, as the case may be; and
- (b) carry out all necessary inspection, maintenance or repair, causing as little damage as possible.

(2) Where any damage, disturbance or disability is caused by reason of any act done under subsection (1), the public parcel locker network operator must pay compensation to any person adversely affected to the extent that compensation has not already been assessed under section 23I(2).



**Alteration, relocation, etc., of public parcel locker or related installation**

**23L.**—(1) Where —

- (a) any public parcel locker or related installation has been installed in or on any specified premises or land under section 23H or 23I; and 5
- (b) the owner or occupier of the specified premises or land desires to use the specified premises or land in a manner which makes it necessary or convenient for the public parcel locker or related installation to be altered, removed, relocated or diverted, 10

the owner or occupier of the specified premises or land may request the public parcel locker network operator to alter, remove, relocate or divert the public parcel locker or related installation (as the case may be) accordingly. 15

(2) The public parcel locker network operator may, at the request of the owner or occupier of the specified premises or land under subsection (1), alter, remove, relocate or divert the public parcel locker or related installation (as the case may be) if — 20

- (a) the public parcel locker network operator is satisfied that the alteration, removal, relocation or diversion is reasonable; and
- (b) the owner or occupier complies with any reasonable terms and conditions that the public parcel locker network operator may impose. 25

(3) The terms and conditions mentioned in subsection (2)(b) may include terms and conditions relating to the payment by the owner or occupier of the specified premises or land of all costs and expenses necessary for the alteration, removal, relocation or diversion. 30

**Provision of space or facility under code of practice**

**23M.**—(1) Without affecting section 24, the Postal Authority may, for the purposes of this Part —

(a) issue one or more codes of practice for or in connection with —

5 (i) the installation, operation and maintenance of the public parcel locker network, including the charges and terms and conditions relating to the use and provision of public parcel lockers;

10 (ii) the provision, maintenance and use of, and access to, space and facilities in or on any specified premises or relevant land for the operation of any public parcel locker or related installation; and

15 (iii) the allocation of costs and expenses incurred for the provision, maintenance and use of, and access to, the space and facilities mentioned in sub-paragraph (ii); and

(b) amend, suspend or revoke the whole or any part of any code of practice issued under paragraph (a).

(2) A code of practice issued under subsection (1) may, in particular —

20 (a) require the developer, owner or occupier of any specified premises or relevant land to provide, maintain or give access to, at the expense of the developer, owner or occupier (as the case may be), any space or facility in or on the specified premises or relevant land for the installation, operation or maintenance of any public parcel locker or related installation; and

25 (b) provide for any fees and charges that may be payable to the Postal Authority in relation to any application or request made to the Postal Authority under the code of practice.

30 (3) If any provision in any code of practice issued under subsection (1) is inconsistent with any provision of this Act, that provision in that code of practice, to the extent of the inconsistency —

35

- (a) is to have effect subject to the provisions of this Act;  
or
- (b) having regard to this Act, is not to have effect.

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

5

- (a) publish a notice of the issue, amendment or revocation (as the case may be) of the code of practice in such manner as will secure adequate publicity for the issue, amendment or revocation;
- (b) specify in the notice in paragraph (a) the date of issue, amendment or revocation, 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, and all amendments to that code of practice, are made available, free of charge, to the persons to whom the code of practice applies.

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(5) No code of practice, no amendment to a code of practice and no revocation of any code of practice has any force or effect as a code of practice until the notice relating to that code of practice is published in accordance with subsection (4).

20

(6) A code of practice issued under subsection (1) does not have legislative effect.

(7) Subject to subsection (8), the public parcel locker network operator and every developer, owner or occupier of any specified premises or relevant land to whom any code of practice applies must comply, at that person's expense, with that code of practice.

25

(8) The Postal Authority may, either generally or for any period that the Postal Authority may specify, waive the application, to the public parcel locker network operator or any developer, owner or occupier of any specified premises or relevant land, of any code of practice issued under subsection (1) or any part of that code of practice.

30

## Compliance with code of practice

23N.—(1) The Postal Authority may —

5 (a) give a written notice to the public parcel locker network operator, or the developer, owner or occupier of any specified premises or relevant land, requiring compliance with any code of practice issued under section 23M(1); or

(b) vary, suspend or revoke the whole or any part of the written notice given under paragraph (a).

10 (2) To avoid doubt, the Postal Authority may give a written notice under subsection (1)(a) even though the written notice may affect the contractual obligations of the person to whom the written notice is given, whether the obligation relates to a contract made before, on or after the specified day.

15 (3) No liability shall lie against any party to a contract made before, on or after the specified day for or in relation to any breach of the contract, where the breach is solely attributable to, or occasioned by, the compliance by that party with a written notice under subsection (1)(a).

20 (4) Nothing in subsection (3) affects the operation of the Frustrated Contracts Act.

(5) Where —

25 (a) any code of practice issued under section 23M(1) applies to a person who is the developer, owner or occupier of any specified premises or relevant land; and

(b) the Postal Authority is satisfied that the person is contravening or has contravened (whether by act or omission) any provision of that code of practice,

30 the Postal Authority may issue a written order to that person for the purpose of securing compliance with that provision.

(6) The written order under subsection (5) —

(a) must require the person concerned to do, or to refrain from doing, anything that is, or is of a description, specified in the written order; and

(b) takes effect at the time (being the earliest practicable time) determined by or under the written order. 5

(7) The Postal Authority may vary, suspend or revoke the whole or any part of a written order issued under subsection (5).

(8) A person mentioned in subsection (5) who, without reasonable excuse, fails to comply with a written order issued under that subsection shall be guilty of an offence. 10

### **Provision of space or facility, etc., by direction of Postal Authority**

**23O.**—(1) Without affecting sections 23M and 23N, the Postal Authority may give a written direction mentioned in subsection (2) if the Postal Authority considers it necessary that — 15

(a) any public parcel locker should be installed in or on any specified premises, whether completed or not; or

(b) any relevant installation should be installed in or on any specified premises or relevant land, whether completed or not. 20

(2) The written direction that the Postal Authority may give is any of the following:

(a) to require the developer or owner of the specified premises or relevant land (as the case may be) to provide, at the developer's or owner's expense and within the period specified in the written direction — 25

(i) any space or facility in or on that specified premises or relevant land; and 30

(ii) access to that specified premises or relevant land,

as the Postal Authority may specify in the written direction;

5 (b) to require the public parcel locker network operator to install, within the period specified in the written direction, any public parcel locker or related installation in the space or facility mentioned in paragraph (a)(i) as the Postal Authority considers  
10 necessary.

(3) A written direction under subsection (2) may include —

(a) a requirement that the public parcel locker network operator must contribute (wholly or partly) to any costs and expenses incurred for the provision and use  
15 of any space or facility mentioned in subsection (2)(a)(i) as the Postal Authority may determine;

(b) terms and conditions relating to the payment of costs and expenses necessary for any alteration, removal, relocation or diversion of any public parcel locker or  
20 related installation that may subsequently be required;

(c) a requirement that the public parcel locker network operator, or the developer or owner of the specified premises or relevant land, take any specified measure  
25 in relation to the security and reliability of the public parcel locker network; or

(d) any other requirement as the Postal Authority may specify.

(4) To avoid doubt, the Postal Authority may give a written  
30 direction under subsection (2) even though the written direction may affect the contractual obligations of any person to whom the written direction is given, whether the obligation relates to a contract made before, on or after the specified day.

(5) No liability shall lie against any party to a contract made before, on or after the specified day for or in relation to any breach of the contract, where the breach is solely attributable to, or occasioned by, the compliance by that party with any written direction given under subsection (2). 5

(6) Nothing in subsection (5) affects the operation of the Frustrated Contracts Act.

(7) The Postal Authority may vary, suspend or revoke the whole or any part of a written direction given under subsection (2). 10

(8) A person who, without reasonable excuse, fails to comply with any requirement in a written direction given under subsection (2) shall be guilty of an offence.

### **Disputes as to compensation**

**23P.** If any dispute as to compensation arises under section 23G(3), 23H(2), 23I(2) or 23K(2), any aggrieved person may, by written application, request for a determination by the Postal Authority. 15

### **Public parcel locker network operator not liable to pay fee, etc., for right to enter or use land or premises** 20

**23Q.—**(1) Despite any written law, the public parcel locker network operator is not, when exercising the powers conferred by section 23G, 23H, 23I or 23K, liable for or required to pay any person any fee or charge for the right to enter or use any land or premises. 25

(2) Despite any written law, where the developer, owner or occupier of any specified premises or relevant land is required, under a code of practice issued under section 23M(1), to provide, maintain or give access to any space or facility in or on the specified premises or relevant land, the public parcel locker network operator is not liable for or required to pay the developer, owner or occupier (as the case may be) any fee or charge for the right to enter or use that space or facility. 30

*Division 3 — Enforcement powers***Power of Postal Authority to deal with parcels, etc., in public parcel lockers**

5       **23R.**—(1) Where the Postal Authority knows or has reason to suspect that any parcel or other article or thing is or may be the subject of, or is or may have been used in, the commission of an offence under this Act or any regulations made under this Act, the Postal Authority may, by written order, direct the public parcel locker network operator —

10           (a) to open and search any public parcel locker; and

          (b) to detain and open any parcel or other article or thing that is placed or found in the public parcel locker.

15       (2) Where a person is reasonably suspected of having committed an offence under this Act or any regulations made under this Act, the Postal Authority may, by written order, direct the public parcel locker network operator —

          (a) to do all of the following:

                  (i) open and search any public parcel locker;

20                   (ii) detain and open any parcel or other article or thing placed or believed to have been placed in the public parcel locker by that person; or

          (b) to prevent that person from placing any parcel or other article or thing in any public parcel locker.

25       (3) The public parcel locker network operator must, upon receiving a written order made under subsection (2), comply with the written order.

30       (4) A parcel, an article or a thing that is detained and opened under subsection (1) or (2)(a) must be destroyed, returned to the sender or dealt with in any other manner as the Postal Authority may direct.”.



## Amendment of section 24

12. Section 24 of the principal Act is amended —

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

“(1) The Postal Authority may, from time to time — 5

(a) issue one or more codes of practice or standards of performance;

(b) approve as a code of practice or standard of performance any document prepared by a person other than the Postal Authority if the Postal Authority considers the document suitable for this purpose; or 10

(c) amend or revoke any code of practice or standard of performance issued under paragraph (a) or approved under paragraph (b), 15

with respect to all or any of the following:

(d) the operation of postal systems;

(e) the provision of postal services;

(f) the activities and conduct of postal licensees in the provision of postal services; 20

(g) agreements or arrangements between a public postal licensee and any applicable person or class of applicable persons under which the public postal licensee delivers applicable postal articles to letter boxes; 25

(h) competition, abuse of a dominant position in the market for postal systems or postal services and fair market conduct in the provision of postal services in Singapore; 30

(i) the acquisitions or consolidations involving a postal licensee and any other

person (whether a postal licensee or otherwise);

(j) the carrying out of the purposes and provisions of this Act and for the due administration of this Act.

(1A) In subsection (1)(g), “applicable person” and “applicable postal article” have the meanings given by section 7A(2).”; and

(b) by deleting paragraph (c) of subsection (4) and substituting the following paragraph:

“(c) ensure that, so long as the code of practice or standard of performance remains in force, copies of that code or standard, and all amendments to that code or standard, are made available, free of charge, to the persons to whom the code or standard applies.”.

### **Amendment of section 25**

**13.** Section 25 of the principal Act is amended —

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

“(1A) The Postal Authority may also give directions to be observed by a public postal licensee in relation to the implementation and performance of any agreement or arrangement mentioned in section 7A(1) under which the public postal licensee delivers applicable postal articles to letter boxes.”; and

(b) by inserting, immediately after the words “subsection (1)” in subsections (2) and (3), the words “or (1A)”.

### **New Division heading of Part V**

**14.** Part V of the principal Act is amended by inserting, immediately above section 27, the following Division heading:

*“Division 1 — Offences relating to postal licensees, postal services, etc.”.*

### **Amendment of section 34**

**15.** Section 34 of the principal Act is amended —

- (a) by inserting the word “or” at the end of subsection (1)(b); 5
- (b) by deleting the word “; or” at the end of subsection (1)(c) and substituting a comma;
- (c) by deleting paragraph (d) of subsection (1); and
- (d) by inserting, immediately after subsection (3), the following subsection: 10

“(4) An officer, employee or agent of a public postal licensee mentioned in section 11(1) who with fraudulent intent issues or causes to be issued a document specified for use in connection with the remittance of money through that public postal licensee shall be guilty of an offence.”. 15

### **New Division 2 of Part V**

**16.** Part V of the principal Act is amended by inserting, immediately after section 39, the following Division:

*“Division 2 — Offences relating to public parcel lockers, etc. 20*

#### **Obstruction of public parcel locker network operator**

**39A.** A person who assaults or intentionally obstructs, or incites any other person to obstruct or impede, an officer or employee or a contractor of the public parcel locker network operator in the performance of the duties of that officer, employee or contractor (as the case may be) shall be guilty of an offence. 25

**Intentional damage to public parcel lockers and related installations**

**39B.** A person —

(a) who —

5 (i) damages or tampers with any public parcel locker, related installation or related software; or

(ii) removes or touches any public parcel locker or related installation; and

10 (b) does so intending —

(i) to prevent or obstruct the delivery or collection of any parcel;

(ii) to intercept, or to acquaint the person with the contents of, any parcel; or

15 (iii) to commit mischief,

shall be guilty of an offence.

**Protection of public parcel lockers and related installations**

20 **39C.**—(1) A person must not, without the written approval of the Postal Authority —

(a) do anything to interfere with or cause damage to any public parcel locker or related installation; or

25 (b) affix any placard, advertisement, notice or other thing in or on, or paint, cover or in any way disfigure, any public parcel locker or related installation.

(2) The Postal Authority may —

(a) grant an approval under subsection (1) on any terms and conditions as the Postal Authority may determine; or

30 (b) refuse to grant an approval under subsection (1).

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall, in addition to the forfeiture of any equipment seized, be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. 5

(4) Where the commission by any person (*A*) of an offence under subsection (1) is due to the act or default of some other person (*B*), *B* shall be guilty of the offence.

(5) *B* may be charged with and convicted of the offence by virtue of subsection (4) whether or not proceedings are taken against *A*. 10

(6) In any proceedings for an offence under subsection (1), it is a defence, subject to subsection (7), for the person charged to prove that the person took all reasonable steps and exercised all due diligence to avoid committing the offence. 15

(7) Where the defence provided by subsection (6) involves an allegation that the commission of the offence was due to the act or default of another person (*X*), the person charged (*Y*) is not, without leave of the court, entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, *Y* has served on the prosecutor a written notice giving any information identifying or assisting in the identification of *X* as was then in *Y*'s possession. 20

### **Prohibition of false notice relating to public parcel lockers** 25

**39D.** A person who, without the permission of the public parcel locker network operator, places or maintains in any premises or place belonging to or under the control of that person any word, letter or mark which signifies or implies or may reasonably lead the public to believe that — 30

- (a) a public parcel locker or related installation is installed or located in or on those premises or at that place; or

- (b) any thing installed or located in or on those premises or at that place is part of the public parcel locker network,

shall be guilty of an offence.

5       **Offence to remove, destroy or damage public parcel locker or related installation**

39E. A person who —

- (a) wilfully removes, destroys or damages any public parcel locker or related installation; or

- 10       (b) wilfully destroys or damages any related software,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

15       **Compensation for removal, destruction or damage of public parcel locker or related installation**

39F.—(1) A person who removes, destroys or damages (whether wilfully, negligently, accidentally or otherwise) any public parcel locker, related installation or related software is, in addition to any penalty for which the person is liable for an offence under this Act, liable to pay compensation for the damage the person has done.

(2) The compensation mentioned in subsection (1) is recoverable by civil action or suit before any court of competent jurisdiction.

25       (3) Any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of that compensation.

30       (4) An order under subsection (3) may be enforced as if it were a judgment in a civil action or suit.

**Unlawful operation of parcel lockers in or on specified premises**

**39G.**—(1) A person (other than the public parcel locker network operator) that provides or operates, or offers to provide or operate, a parcel locker in or on any specified premises shall be guilty of an offence. 5

(2) In this section, “specified premises” has the meaning given by section 23A.

**Offences in relation to parcels placed in public parcel lockers, etc.** 10

**39H.**—(1) Subject to subsection (3), a specified person who —

(a) destroys or throws away any parcel placed in a public parcel locker or any thing contained in that parcel;

(b) commits theft in respect of, or dishonestly misappropriates or secretes, any parcel placed in a public parcel locker or any thing contained in that parcel; or 15

(c) except in obedience to an order of the Minister or the direction of a court or the requirement by the Public Prosecutor under section 20 of the Criminal Procedure Code, wilfully opens or causes to be opened contrary to the specified person’s duty any public parcel locker or any parcel placed in a public parcel locker, 20 25

shall be guilty of an offence.

(2) A specified person who intentionally alters, defaces, obliterates or removes any identifying mark on a parcel placed in a public parcel locker 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. 30

(3) Subsection (1) applies only to parcels which the specified person has access to in the course of the person’s employment as a specified person.

(4) In this section —

“identifying mark”, in relation to a parcel, means any mark on the parcel identifying the intended recipient of the parcel;

5 “specified person” means any of the following persons:

(a) an officer, employee or agent or a contractor of the public parcel locker network operator;

10 (b) a delivery service provider or an officer, employee or agent or a contractor of a delivery service provider.

### **Offence to retain or open parcel placed in public parcel locker**

15 **39I.**—(1) A person (not being the intended recipient) who, except in accordance with this Act or unless authorised by the Postal Authority, wilfully retains or secretes, makes away with, keeps, detains or wilfully opens or causes to be opened any parcel that had been collected from a public parcel locker shall be guilty of an offence.

20 (2) Subsection (1) does not apply to an individual who does any act to which that subsection applies where —

(a) the intended recipient of the parcel authorises the individual to do that act; or

(b) both of the following requirements are satisfied:

25 (i) the individual is a parent, or in the position of a parent or guardian, of the intended recipient of the parcel;

(ii) the intended recipient of the parcel is a minor or the ward of the individual mentioned in sub-paragraph (i).



### **Offence to place prohibited item in public parcel locker**

**39J.**—(1) Subject to subsection (2), a person who places, or causes to be placed, a prohibited item in a public parcel locker shall be guilty of an offence.

(2) Subsection (1) does not apply to a person who, at the time the person places any thing in a public parcel locker or causes any thing to be placed in a public parcel locker, does not know, and has no reason to believe, that the thing is or contains a prohibited item.

(3) In this section, “prohibited item” means —

(a) any parcel which contains any indecent or obscene article, or bears any word, mark or design of an indecent or obscene or a scurrilous, threatening or grossly offensive character;

(b) any article or thing which is likely to damage any public parcel locker or any parcel placed in a public parcel locker, or injure any person using a public parcel locker;

(c) except as otherwise provided by any regulations made under this Act —

(i) any explosive, inflammable, dangerous, filthy, noxious or deleterious substance;

(ii) any sharp instrument which is not properly protected; or

(iii) any living creature which is noxious or likely to damage any public parcel locker or any parcel placed in a public parcel locker, or injure any person using a public parcel locker; or

(d) any other parcel or class of parcel prescribed.”.

### **Amendment of section 45**

**17.** Section 45 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

“(4A) A postal licensee that, on or after the date of commencement of section 17 of the Postal Services (Amendment) Act 2021, contravenes any direction given to the postal licensee under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.”.

### **Amendment of section 46**

**18.** Section 46(1) of the principal Act is amended by inserting, immediately after the words “postal system” in paragraphs (a) and (b), the words “or the public parcel locker network or any part of the public parcel locker network”.

### **Amendment of section 47**

**19.** Section 47 of the principal Act is amended —

(a) by deleting the words “a seizable offence” in subsection (1)(a) and (b) and substituting in each case the words “an arrestable offence”;

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

“(3) For the purposes of this section, offences punishable under sections 28, 31, 34(1) and (4), 35, 36, 37, 38, 39, 39B, 39E, 39H(1), 39I(1) and 39J(1) are deemed to be arrestable offences within the meaning of the Criminal Procedure Code.”; and

(c) by deleting the words “seizable offences” in the section heading and substituting the words “arrestable offences”.

### **Repeal and re-enactment of section 48A and new sections 48B, 48C and 48D**

**20.** Section 48A of the principal Act is repealed and the following sections substituted therefor:

**“Powers of search and arrest in respect of offences under section 39G**

**48A.**—(1) This section applies where it appears to any police officer or any officer of the Postal Authority authorised to act for the Postal Authority under this section (called in this section the authorised officer) that — 5

(a) an offence under section 39G is being committed or is about to be committed or attempted; or

(b) any parcel is concealed, deposited or contained in or on any specified premises in contravention of section 39G. 10

(2) The police officer or the authorised officer may, if the police officer or the authorised officer has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the parcel is likely to be removed — 15

(a) enter and search the specified premises;

(b) take possession of any parcel or other article or thing, or take copies of or extracts from any book or document, which is reasonably believed to have a bearing on the case; and 20

(c) arrest any person in the specified premises in whose possession the parcel, article or thing may be found or whom the police officer or the authorised officer reasonably suspects to have concealed or deposited the parcel, article or thing and may search any person so arrested, except that a woman must not be searched except by another woman. 25

(3) Every person arrested under subsection (2)(c), and every article seized under subsection (2)(b), must be taken to a police station. 30

(4) In this section —

“document” has the meaning given by section 46(8);

“specified premises” has the meaning given by section 23A.

### **Powers of inspection, search, seizure, etc., in relation to public parcel lockers**

5 **48B.**—(1) This section applies where there are reasonable grounds to believe that any parcel or other article or thing is or has been placed in a public parcel locker and —

(a) the parcel, article or thing is the subject matter of, or is connected with the commission of, an offence under this Act or any regulations made under this Act; or

10 (b) the continued presence of the parcel, article or thing in the public parcel locker is contrary to public security or public health.

(2) A police officer or an officer of the Postal Authority authorised to act for the Postal Authority under this section may —

15 (a) open and search any public parcel locker in which a parcel, an article or a thing mentioned in subsection (1) is believed to be placed; and

20 (b) inspect, examine and seize any parcel, article or thing found in the public parcel locker mentioned in paragraph (a).

### **Disposal of letters or parcels seized in relation to offences under section 33 or 39G**

25 **48C.**—(1) Where any letter connected with an offence under section 33 is seized under section 48 or any other written law, the Postal Authority may take any action as it deems appropriate to deliver the letter to its intended addressee or return the letter to its sender.

30 (2) Where any parcel connected with an offence under section 39G is seized under section 48A or any other written law, the Postal Authority may take any action as it deems appropriate to deliver the parcel to its intended recipient or return the parcel to the person who sent the parcel.

(3) Subsection (1) or (2) applies whether upon the conclusion of the Postal Authority’s investigation into the offence or otherwise.

**Disposal of articles, documents, letters, parcels, etc.**

**48D.**—(1) Subject to sections 23(3) and (5), 23R(4) and 48C, an article, a document, a letter, a parcel or a thing produced, detained or seized under this Act must — 5

(a) where the article, document, letter, parcel or thing is produced in any criminal trial — be dealt with in accordance with section 364(1) of the Criminal Procedure Code; 10

(b) in the case of a letter or parcel that is not produced in a criminal trial — be delivered to its intended addressee or recipient or returned to its sender or reported to a Magistrate’s Court; or 15

(c) in any other case — be returned to its owner or reported to a Magistrate’s Court.

(2) Where the report of any article, document, letter, parcel or thing is made to a Magistrate’s Court under subsection (1)(b) or (c), the Magistrate’s Court may order the article, document, letter, parcel or thing, as the case may be — 20

(a) to be forfeited; or

(b) to be disposed of in any manner that the Magistrate’s Court thinks fit.

(3) This section does not affect any right to retain or dispose of property which may exist in law apart from this section.”. 25

**Repeal and re-enactment of section 55 and new section 55A**

**21.** Section 55 of the principal Act is repealed and the following sections substituted therefor:

**“Offences by corporations** 30

**55.**—(1) Where, in a proceeding for an offence under this Act or any regulations made under this Act, it is necessary to prove

the state of mind of a corporation in relation to a particular conduct, evidence that —

5 (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of the actual or apparent authority of the officer, employee or agent; and

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

10 (2) Where a corporation commits an offence under this Act or any regulations made under this Act, a person —

(a) who is —

(i) an officer of the corporation; or

15 (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

20 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

25 (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

30 shall be guilty of that same offence as is the corporation and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and,

in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or 5

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence. 10

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act; 15

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and 20

(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and 25

(b) the person’s reasons for the intention, opinion, belief or purpose.

(7) This section does not apply to or in relation to an offence under this Act or any regulations made under this Act committed by a corporation before the date of commencement of section 21 of the Postal Services (Amendment) Act 2021. 30

## **Offences by unincorporated associations or partnerships**

5 **55A.**—(1) Where, in a proceeding for an offence under this Act or any regulations made under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of the actual or apparent authority of the employee or agent; and

10 (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act or any regulations made under this Act, a person —

15 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

20 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

25 (b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

30 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or



- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

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shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be) and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

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(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code; or  
 (b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

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(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

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(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

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- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

5 (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

10 (7) This section does not apply to or in relation to an offence under this Act or any regulations made under this Act committed by an unincorporated association or a partnership before the date of commencement of section 21 of the Postal Services (Amendment) Act 2021.”.

### **Amendment of section 56**

15 **22.** Section 56 of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsection:

“(2A) Any person (other than the public parcel locker network operator) who is aggrieved by —

20 (a) any decision of the Postal Authority under section 23J(5), 23M(8) or 23N(1)(a) or (5); or

25 (b) anything contained in any code of practice issued under section 23M(1), or any direction of the Postal Authority given under section 23O(2)(a),

30 may, within 14 days after being notified of the decision or direction or the issue of the code of practice, as the case may be (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 14 days), appeal to the Minister in the prescribed manner.”; and

- (b) by deleting the words “or (2)” in subsections (3) and (4) and substituting in each case the words “, (2) or (2A)”.

### **Amendment of section 57**

**23.** Section 57 of the principal Act is amended —

- (a) by inserting, immediately after subsection (2), the following subsection: 5

“(3) The public parcel locker network operator is not liable in respect of any injury, loss or damage suffered by any person by reason of any of the following, which is due to the act or default of another person, or an accident or other cause beyond the control of the public parcel locker network operator: 10

- (a) any loss of or damage to any parcel that is placed in any public parcel locker;
- (b) the non-receipt or late receipt by the intended recipient of any parcel placed in any public parcel locker; 15
- (c) the non-collection or late collection by a delivery service provider of any parcel placed in any public parcel locker; 20
- (d) the inability to use, or any interruption, suspension or restriction of the use of, a public parcel locker;
- (e) any loss of secrecy in communication arising from the use of a public parcel locker.”; and 25

- (b) by inserting, immediately after the words “public postal licensees” in the section heading, the words “and public parcel locker network operator”.

### **Amendment of section 58**

**24.** Section 58 of the principal Act is amended —

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

5                   “(1) The following are not subject to distress, and are not liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person, without the prior written approval of the Minister:

10                   (a) in relation to a public postal licensee — any installation or plant used for posts of the licensee;

15                   (b) in relation to the public parcel locker network operator — any public parcel locker, related installation or related software.”; and

(b) by inserting, immediately after subsection (2), the following subsection:

20                   “(3) Every public parcel locker and related installation installed by the public parcel locker network operator remains the property of the public parcel locker network operator whether or not it has become in whole or in part a fixture.”.

### **Amendment of section 61**

25   **25.** Section 61(2) of the principal Act is amended —

(a) by inserting, immediately after the words “public postal licensee” in paragraph (e), the words “mentioned in section 11(1)”; and

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

                  “(ja) the installation, operation and maintenance of the public parcel locker network;”.

## **Amendment of Schedule**

**26.** The Schedule to the principal Act is amended —

(a) by inserting, immediately after paragraph 2, the following paragraph:

“2A. To give directions to the public parcel locker network operator in relation to the installation, operation and maintenance of the public parcel locker network.”;

(b) by inserting, immediately after the words “postal services” in paragraph 4, the words “and the public parcel locker network operator”; and

(c) by deleting the words “and postal services” in paragraphs 5 and 8 and substituting in each case the words “, postal services and the public parcel locker network”.

## **Consequential and related amendments to Criminal Procedure Code**

**27.** The Criminal Procedure Code is amended —

(a) by deleting the definitions of “Postal Authority” and “public postal licensee” in section 2(1) and substituting the following definitions:

““Postal Authority”, “public parcel locker network operator” and “public postal licensee” have the meanings given by section 2(1) of the Postal Services Act;”;

(b) by deleting the words “a Postal Authority or public postal licensee” in section 20(1), (1A), (3) and (3A) and substituting in each case the words “the Postal Authority, a public postal licensee or the public parcel locker network operator”;

(c) by deleting the words “the Postal Authority or public postal licensee” in section 20(3) and (3A)(a) and (b) and substituting in each case the words “the Postal Authority, public postal licensee or public parcel locker network operator, as the case may be”;

- (d) by deleting the words “or a public postal licensee” in section 24(2) and substituting the words “, a public postal licensee or the public parcel locker network operator”; and
- (e) by deleting subsection (2) of section 235 and substituting the following subsection:

“(2) If any document or thing in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator is, in the opinion of the court, required for the purposes of any inquiry, trial or proceeding under this Code, the court may require the Postal Authority, public postal licensee or public parcel locker network operator (as the case may be) to deliver that document or thing to such person as the court directs.”.

### 15 **Saving and transitional provisions**

20 **28.**—(1) Despite section 10, section 19(6) of the principal Act as in force immediately before the date of commencement of section 10 of the Postal Services (Amendment) Act 2021 continues to apply in respect of all philatelic archival materials produced by a public postal licensee before that date.

(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 saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Postal Services Act for the following main purposes:

- (a) to put in place the statutory framework for and relating to the establishment, installation, operation and maintenance of a nationwide network of parcel lockers (public parcel locker network);

- (b) to impose obligations on persons responsible for the management and maintenance of residential buildings and commercial or industrial buildings to provide letter boxes for lots within these buildings and maintain these letter boxes;
- (c) to enable the Postal Authority (the Info-communications Media Development Authority) to require a public postal licensee to enter into agreements or arrangements with other persons under which the public postal licensee delivers to letter boxes postal articles (other than letters) that are sent and despatched by the other person to the public postal licensee for that purpose.

The Bill also makes consequential and related amendments to the Criminal Procedure Code.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce new definitions and amend existing definitions to support amendments elsewhere in the Bill. In particular, new definitions of “delivery service provider”, “parcel locker”, “public parcel locker”, “public parcel locker network”, “public parcel locker network operator”, “related installation” and “related software” are introduced in support of the new Part IIIA and the new Division 2 of Part V. For the same purposes, a new definition of “equipment” is introduced in relation to a public parcel locker, and a new definition of “parcel” is introduced in relation to a parcel locker.

Also, clause 2 amends the definition of “letter” in section 2(2), such that a letter for the purposes of the Act refers to any written communication on any kind of physical medium that does not exceed 500 grams in weight.

Clause 3 amends section 3A to confer on the Postal Authority functions and duties in relation to the public parcel locker network, and to set out the matters the Postal Authority is to have regard to in discharging those functions and duties.

Clause 4 amends section 5 to provide that the conveyance of any letter by intra-organisational mailroom service or messenger service does not infringe the exclusive privilege conferred on the Postal Authority under section 4 in respect of the conveyance of letters from one place to another and the performance of all incidental services of receiving, collecting, sorting, sending, despatching and delivering letters. The new section 5(3) sets out the new definitions of “intra-organisational mailroom service” and “messenger service”.

Clause 4 also deletes section 5(1)(d)(i), as it is no longer necessary following the amendment to the definition of “letter” in section 2(2) by clause 2.

Clause 5 introduces a new section 7A, under which the conditions of a licence granted under section 6 to a public postal licensee may include conditions requiring the public postal licensee to enter into agreements or arrangements with any other person (applicable person) or any class of applicable persons under

which the public postal licensee delivers to letter boxes postal articles (other than letters) that are sent and despatched by the applicable person to the public postal licensee for that purpose (applicable postal articles). An applicable person may include another postal licensee or other person.

Clause 6 amends section 11 to state that a public postal licensee may provide for the postal remittance of money if authorised by its licence to do so.

Clause 7 makes a consequential amendment to section 12 following the amendments to section 11 by clause 6.

Clause 8 deletes and substitutes section 16(3)(a) to provide that the developer of a residential building or a commercial or industrial building must provide one letter box for each lot within that building.

Clause 8 also amends section 16 to introduce obligations on certain persons (applicable persons) in relation to the provision of letter boxes for the lots within a residential building or a commercial or industrial building throughout the lifespan of the building, and the maintenance of these letter boxes.

The new section 16(4A) applies where letter boxes are provided under section 16(3) for a residential building, or a commercial or industrial building, that is a subdivided building within the meaning given by the Land Titles (Strata) Act. The applicable person for the building must —

- (a) ensure that one letter box (whether provided under section 16(3) or the new section 16(4A)) continues to be provided for each lot within the building;
- (b) where any lot within the building is further subdivided into 2 or more lots, provide one letter box for each new lot;
- (c) ensure that the letter boxes —
  - (i) are numbered, or continue to be numbered, in numerical sequence; and
  - (ii) are at all times kept in a state of good and serviceable repair;
- (d) repair or replace without unreasonable delay any letter box which is damaged or otherwise unusable; and
- (e) comply with all specifications issued, approved or amended by the Postal Authority under section 16(1).

The new section 16(4B) allows the applicable person for a building mentioned in the new section 16(4A) to recover the costs reasonably incurred for providing a letter box for a new lot within the building under the new section 16(4A)(b) from the subsidiary proprietor of the new lot or the person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of the new lot. This applies if the building is premises comprised in a strata



title plan under the Land Titles (Strata) Act, and the letter box provided by the applicable person is not common property or limited common property of the building.

The new section 16(4C) applies in the case of a residential building, or a commercial or industrial building, that is not a subdivided building within the meaning given by the Land Titles (Strata) Act. The person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of the building must —

- (a) ensure that the letter box provided for the building under section 16(3) is at all times kept in a state of good and serviceable repair;
- (b) where the letter box is damaged or otherwise unusable, repair or replace the letter box without unreasonable delay; and
- (c) comply with all specifications issued, approved or amended by the Postal Authority under section 16(1).

It is an offence under the new section 16(4D) for a person to contravene the new section 16(4A) or (4C).

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Clause 8 amends section 16(9) to introduce new definitions in support of other amendments to section 16 under the clause. Notably, new definitions of “lot” and “applicable person” are introduced.

Clause 9 introduces a new section 17, which confers on the Postal Authority an administrative power to exempt a particular developer or a particular applicable person for any particular residential building or particular commercial or industrial building from the particular developer or particular applicable person’s obligation under the amended section 16 to provide letter boxes. The exemption may be granted only where the Postal Authority is satisfied that the following criteria are satisfied in the particular case:

- (a) either of the following applies:
  - (i) there is no suitable location in the particular building for letter boxes to be provided;
  - (ii) having regard to the use or intended use of the particular building, there is no need for letter boxes to be provided;
- (b) appropriate alternative arrangements have been or will be made by the particular developer or particular applicable person for the receipt of postal articles.

The exemption by the Postal Authority must be in writing and given to the particular developer or particular applicable person concerned, and need not be published in the *Gazette* as it is an administrative act.

Clause 10 amends section 19 to state that a public postal licensee may provide or cause to be provided postage stamps bearing the word “Singapore” in any language if authorised to do so by the licence granted to the public postal licensee.

Clause 11 introduces a new Part IIIA relating to the public parcel locker network.

The new section 23A introduces new definitions in support of the new Part IIIA. In particular, the defined terms “relevant land” and “specified premises” are introduced. Examples of specified premises are the common property of a building in a Housing and Development Board housing estate, a bus interchange, a Mass Rapid Transit System station and a community centre or club managed or run by the People’s Association.

The new section 23B confers on the Postal Authority the exclusive privilege of establishing, installing, operating and maintaining the public parcel locker network. The public parcel locker network comprises all of the following:

- (a) parcel lockers located in or on any specified premises (public parcel lockers);
- (b) related installations for any public parcel locker;
- (c) related software for any public parcel locker or related installation.

The Postal Authority may, under the new section 23C, appoint a person as a public parcel locker network operator to establish, install, operate and maintain the public parcel locker network or any part of the public parcel locker network, subject to the conditions that the Postal Authority thinks fit. Anything done by the public parcel locker network operator under and in accordance with the Act and any conditions imposed by the Postal Authority does not constitute an infringement of the privilege conferred on the Postal Authority under the new section 23B.

The new section 23D allows the Postal Authority, despite the appointment of the public parcel locker network operator, to establish, install, operate and maintain the public parcel locker network or any part of the public parcel locker network if the Postal Authority is of the opinion that the public parcel locker network operator has failed to comply with the provisions of the new Part IIIA or any condition imposed under the new section 23C(1), or to give effect to the Minister’s direction under section 45. Where the Postal Authority installs, operates and maintains the public parcel locker network or part of the public parcel locker network, the specified provisions of the Act apply, with the necessary modifications, to the Postal Authority.

Under the new section 23E, the Postal Authority may, in respect of the public parcel locker network or part thereof that it operates under the new section 23D, determine either or both of the following:

- (a) the charges for the use of any public parcel locker, unless otherwise agreed by an agreement between the Postal Authority and a person using the public parcel locker;
- (b) the other terms and conditions which, except as provided in the new Part IIIA, are to be applicable to the public parcel locker network or part thereof.

Under the new section 23F, the public parcel locker network operator may, with the prior approval of the Postal Authority, install, relocate or remove any public parcel locker.

The new section 23G applies where it appears to the public parcel locker network operator that it is or is probably necessary to exercise the powers conferred on it by the new Part IIIA in respect of any land (except State land) in relation to the installation of any public parcel locker or related installation. The public parcel locker network operator or a person authorised by the public parcel locker network operator may, after giving at least 3 hours' prior notice to the occupier (if any) of the land concerned —

- (a) enter the land; and
- (b) do all necessary acts preparatory to the installation of any public parcel locker or related installation, so far as those acts may be possible without causing any damage or disturbance.

The public parcel locker network operator must, where any damage or disturbance is caused by the entry on the land, pay compensation to the owner or occupier of the land.

The new section 23H allows the public parcel locker network operator or an authorised person, for the purpose of installing any public parcel locker or related installation —

- (a) to enter any State land;
- (b) with the approval of the Postal Authority and the Singapore Land Authority, to install on the State land any public parcel locker or related installation; and
- (c) to carry out all necessary works in connection with paragraph (a) or (b).

Where any work carried out interferes with any improvements, buildings, growing trees or crops on the State land, the public parcel locker network operator must pay compensation for any damage or disturbance. Where the State land is

occupied under a licence for temporary occupation, the compensation must be paid to the occupant mentioned in the licence.

Under the new section 23I, the public parcel locker network operator may —

- (a) enter any specified premises or relevant land for the purposes of paragraph (b) or (c);
- (b) install any public parcel locker in or on the specified premises;
- (c) install any related installation in or on the specified premises or relevant land; and
- (d) take any other action as may be necessary to ensure the safety and efficiency of the public parcel locker or related installation, as the case may be.

Where any damage, disturbance or disability is caused by reason of any such act done, the public parcel locker network operator must pay compensation to any person interested. Any compensation payable may include an annual payment for land, building or other immovable property used for the purpose of the public parcel locker or related installation, as the case may be. The public parcel locker network operator does not acquire any right other than that of user only in respect of any land, building or other immovable property in or on which the public parcel locker network operator installs any public parcel locker or related installation.

The new section 23J sets out the procedure that applies where the public parcel locker network operator intends to enter any specified premises or relevant land under the new section 23I(1). The public parcel locker network operator must give written notice to the owner or occupier of the specified premises or relevant land, stating the nature and extent of the acts intended to be done. The owner or occupier may, within the time specified in the written notice, lodge a written objection with the Postal Authority. The objection is to be resolved in accordance with the procedure in the new section 23J.

Under the new section 23K, for the purpose of inspecting, maintaining or repairing any public parcel locker or related installation, the public parcel locker network operator or a person authorised by the public parcel locker network operator may, at any reasonable time —

- (a) enter any land or building, whether or not the public parcel locker or related installation (as the case may be) has been installed in or on the land or building, as the case may be; and
- (b) carry out all necessary inspection, maintenance or repair, causing as little damage as possible.

Where any damage, disturbance or disability is caused by any act done under the new section 23K(1), the public parcel locker network operator must pay

compensation to any person adversely affected to the extent that compensation has not already been assessed under the new section 23I(2).

The new section 23L applies where —

- (a) any public parcel locker or related installation has been installed in or on any specified premises or land under the new section 23H or 23I; and
- (b) the owner or occupier of that specified premises or land desires to use the specified premises or land in a manner which makes it necessary or convenient for the public parcel locker or related installation to be altered, removed, relocated or diverted.

The public parcel locker network operator may, at the request of the owner or occupier of the specified premises or land, alter, remove, relocate or divert the public parcel locker or related installation (as the case may be) if —

- (a) the public parcel locker network operator is satisfied that the alteration, removal, relocation or diversion is reasonable; and
- (b) the owner or occupier complies with any reasonable terms and conditions that the public parcel locker network operator may impose. The terms and conditions may include terms and conditions relating to the payment by the owner or occupier of all costs and expenses necessary for the alteration, removal, relocation or diversion.

Under the new section 23M, the Postal Authority may, for the purposes of the new Part IIIA, issue one or more codes of practice for or in connection with —

- (a) the installation, operation and maintenance of the public parcel locker network, including the charges and terms and conditions relating to the use and provision of public parcel lockers;
- (b) the provision, maintenance and use of, and access to, space and facilities in or on any specified premises or relevant land for the operation of any public parcel locker or related installation; and
- (c) the allocation of costs and expenses incurred for the provision, maintenance and use of, and access to, the space and facilities mentioned in paragraph (b).

The Postal Authority may also amend, suspend or revoke the whole or any part of any code of practice issued under the new section 23M.

A code of practice issued under the new section 23M(1) may, in particular, require the developer, owner or occupier of any specified premises or relevant land to provide, maintain or give access to, at the expense of the developer, owner or occupier (as the case may be), any space or facility in or on the specified

premises or relevant land for the installation, operation or maintenance of any public parcel locker or related installation.

The public parcel locker network operator, and every developer, owner or occupier of any specified premises or relevant land to whom any code of practice applies, must comply, at that person's expense, with that code of practice. However, the Postal Authority may, either generally or for any period that the Postal Authority may specify, waive the application, to the public parcel locker network operator or any developer, owner or occupier of any specified premises or relevant land of any code of practice or any part of that code of practice.

Under the new section 23N, the Postal Authority may give a written notice to the public parcel locker network operator, or the developer, owner or occupier of any specified premises or relevant land, requiring compliance with any code of practice issued under the new section 23M(1). The written notice may be given even though it may affect the contractual obligations of the person to whom it is given, whether the obligation relates to a contract made before, on or after the day clause 11 comes into force. No liability lies against any party to a contract made before, on or after the day clause 11 comes into force for or in relation to any breach of contract, where the breach is solely attributable to, or occasioned by, the party's compliance with the written notice. However, the operation of the Frustrated Contracts Act is not affected.

The new section 23N also provides that the Postal Authority may issue a written order to the developer, owner or occupier of any specified premises or relevant land to whom a code of practice issued under the new section 23M(1) applies, where the Postal Authority is satisfied that the person is contravening or has contravened (whether by act or omission) any provision of that code of practice. The written order must require the person concerned to do or to refrain from doing anything that is, or is of a description, specified in the written order, and takes effect at the time (being the earliest practicable time) determined by or under the written order.

It is an offence under the new section 23N for a person to whom the Postal Authority issues such a written order, without reasonable excuse, to fail to comply with the written order.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 23O applies where the Postal Authority considers it necessary that any public parcel locker should be installed in or on any specified premises (whether completed or not), or any related installation should be installed in or on any specified premises or relevant land (whether completed or not). The Postal Authority may, by written direction —

- (a) require the developer or owner of the specified premises or relevant land (as the case may be) to provide, at the developer's or owner's expense and within the period specified in the written direction, any space or facility in or on that specified premises or relevant land (as the case may be) and access to the specified premises or relevant land, as the case may be; and
- (b) require the public parcel locker network operator to install, within the period specified in the written direction, any public parcel locker or related installation in the space or facility mentioned in paragraph (a) as the Postal Authority considers necessary.

A written direction by the Postal Authority may include —

- (a) a requirement that the public parcel locker network operator must contribute (wholly or partly) to any costs and expenses incurred, as the Postal Authority may determine, for the provision and use of any space or facility provided by the developer or owner of the specified premises;
- (b) terms and conditions relating to the payment of costs and expenses necessary for any alteration, removal, relocation or diversion of any public parcel locker or related installation that may subsequently be required;
- (c) a requirement that the public parcel locker network operator, or the developer or owner of the specified premises or relevant land take any specified measure in relation to the security and reliability of the public parcel locker network; or
- (d) any other requirement as the Postal Authority may specify.

The written direction may be given under the new section 23O even though it may affect the contractual obligations of the person to whom it is given, whether the obligation relates to a contract made before, on or after the day clause 11 comes into force. No liability lies against any party to a contract made before, on or after the day clause 11 comes into force for or in relation to any breach of contract, where the breach is solely attributable to, or occasioned by, the party's compliance with the written direction. However, the operation of the Frustrated Contracts Act is not affected.

It is an offence under the new section 23O for a person to whom the Postal Authority issues such a written direction, without reasonable excuse, to fail to comply with the written direction.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 23P provides that if any dispute as to compensation arises under the new section 23G(3), 23H(2), 23I(2) or 23K(2), any aggrieved person may, by written application, request for a determination by the Postal Authority.

The new section 23Q provides that despite any written law —

- (a) the public parcel locker network operator is not, when exercising the powers conferred by the new section 23G, 23H, 23I or 23K, liable for or required to pay any person any fee or charge for the right to enter or use any land or premises; and
- (b) where the developer, owner or occupier of any specified premises or relevant land is required, under a code of practice issued under the new section 23M(1), to provide, maintain or give access to any space or facility in or on the specified premises or relevant land, the public parcel locker network operator is not liable for or required to pay the developer, owner or occupier (as the case may be) any fee or charge for the right to enter or use that space or facility.

The new section 23R provides that where the Postal Authority knows or has reason to suspect that any parcel or other article or thing is or may be the subject of, or is or may have been used in, the commission of an offence under the Act or any regulations made under the Act, the Postal Authority may, by written order, direct the public parcel locker network operator to open and search any public parcel locker, and detain and open any parcel or other article or thing placed or found in the public parcel locker.

The new section 23R also provides that the Postal Authority may, where a person is reasonably suspected of having committed an offence under the Act or any regulations made under the Act, by written order, direct the public parcel locker network operator —

- (a) to open and search any public parcel locker, and detain and open any parcel or other article or thing placed or believed to have been placed in the public parcel locker by that person; or
- (b) to prevent that person from placing any parcel or other article or thing in any public parcel locker.

A parcel, an article or a thing that is detained and opened under the new section 23R must be destroyed, returned to the sender or dealt with in any other manner as the Postal Authority may direct.

Clause 12 deletes and substitutes section 24(1), and inserts a new section 24(1A), in relation to the introduction of the new section 7A by clause 5. The Postal Authority may issue, approve, amend or revoke a code of practice or standard of performance with respect to agreements or arrangements mentioned in the new section 7A between a public postal licensee and any



applicable person or any class of applicable persons under which the public postal licensee delivers applicable postal articles to letter boxes.

Clause 12 also deletes and substitutes section 24(4)(c) to provide for the availability, free of charge, of any code of practice or standard of performance issued, approved or amended under section 24(1) to the persons to whom the code or standard applies.

Clause 13 amends section 25 such that the Postal Authority may give directions to be observed by a public postal licensee in relation to the implementation and performance of any agreement or arrangement mentioned in the new section 7A(1).

Clause 14 inserts a new Division 1 heading for Part V, for consistency with the new Division 2 inserted by clause 16.

Clause 15 amends section 34, because of the amendments to section 11 by clause 6. Section 34(1)(d) is deleted and substituted as the new section 34(4).

The penalty for an offence under the new section 34(4) remains unchanged as that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Clause 16 introduces a new Division 2 of Part V, which introduces various new offences relating to public parcel lockers, the public parcel locker network and the public parcel locker network operator.

The new section 39A makes it an offence for a person to assault or intentionally obstruct, or incite any other person to obstruct or impede, an officer or employee or a contractor of the public parcel locker network operator in the performance of the duties of that officer, employee or contractor, as the case may be.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Under the new section 39B, it is an offence for a person —

- (a) to damage or tamper with any public parcel locker, related installation or related software, or remove or touch any public parcel locker or related installation; and
- (b) to do so intending —
  - (i) to prevent or obstruct the delivery or collection of any parcel;
  - (ii) to intercept, or to acquaint the person with the contents of, any parcel; or

(iii) to commit mischief.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Under the new section 39C(1), a person must not, without the written approval of the Postal Authority —

- (a) do anything to interfere with or cause damage to any public parcel locker or related installation; or
- (b) affix any placard, advertisement, notice or other thing in or on, or paint, cover or in any way disfigure, any public parcel locker or related installation.

The Postal Authority may grant an approval under the new section 39C(1) on any terms and conditions as the Postal Authority may determine.

It is an offence for a person to contravene the new section 39C(1).

The penalty is a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. The person convicted of the offence is also liable to have any seized equipment forfeited.

There is a defence for a person charged with an offence under the new section 39C(1) to prove that the person took all reasonable steps and exercised all due diligence to avoid committing the offence.

The new section 39D makes it an offence for a person, without the permission of the public parcel locker network operator, to place or maintain in any premises or place belonging to or under the control of that person any word, letter or mark which signifies or implies or may reasonably lead the public to believe that —

- (a) a public parcel locker or related installation is installed or located in or on those premises or at that place; or
- (b) any thing installed or located in or on those premises or at that place is part of the public parcel locker network.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 39E makes it an offence for a person to wilfully remove, destroy or damage any public parcel locker or related installation, or wilfully destroy or damage any related software.

The penalty is a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both.

Under the new section 39F, a person who removes, destroys or damages (whether wilfully, negligently, accidentally or otherwise) any public parcel locker, related installation or related software is liable to pay compensation for the damage the person has done. This is in addition to any penalty for which the person is liable for an offence under the Act.

The new section 39G makes it an offence for a person other than the public parcel locker network operator to provide or operate, or offer to provide or operate, a parcel locker in or on any specified premises.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 39H applies to any of the following persons (specified person):

- (a) an officer, employee or agent or a contractor of the public parcel locker network operator;
- (b) a delivery service provider or an officer, employee or agent or a contractor of a delivery service provider.

It is an offence under the new section 39H(1) for a specified person —

- (a) to destroy or throw away any parcel placed in a public parcel locker or any thing contained in that parcel;
- (b) to commit theft in respect of, or dishonestly misappropriate or secrete, any parcel placed in a public parcel locker or any thing contained in that parcel; or
- (c) except in obedience to an order of the Minister or the direction of a court or the requirement by the Public Prosecutor under section 20 of the Criminal Procedure Code, to wilfully open or cause to be opened contrary to the specified person's duty any public parcel locker or any parcel placed in a public parcel locker.

The new section 39H(1) applies only to parcels which the specified person has access to in the course of that person's employment as a specified person.

The penalty for an offence under the new section 39H(1) is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 39H(2) makes it an offence for a specified person to intentionally alter, deface, obliterate or remove any mark identifying the intended recipient of the parcel on a parcel placed in a public parcel locker.

The penalty for an offence under the new section 39H(2) is a fine not exceeding \$5,000, imprisonment for a term not exceeding 12 months or both.

Under the new section 39I(1), it is an offence for a person (not being the intended recipient), except in accordance with the Act or unless authorised by the Postal Authority, to wilfully retain or secrete, make away with, keep, detain or wilfully open or cause to be opened any parcel that had been collected from a public parcel locker. However, the new section 39I(1) does not apply to an individual who does any act to which that subsection applies where —

- (a) the intended recipient of the parcel authorises the individual to do that act; or
- (b) the individual is a parent, or in the position of a parent or guardian, of the intended recipient of the parcel, and the intended recipient is a minor or the ward of that individual.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

The new section 39J(1) makes it an offence for a person to place, or cause to be placed, a prohibited item as defined in the new section 39J(3) in a public parcel locker. However, the new section 39J(1) does not apply to a person who, at the time the person places any thing in a public parcel locker or causes any thing to be placed in a public parcel locker, does not know and has no reason to believe, that the thing is or contains a prohibited item.

The penalty is that provided for under the existing section 52, that is, a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Clause 17 amends section 45. The new section 45(4A) makes it an offence for a postal licensee, on or after the date of commencement of clause 17, to contravene a direction given by the Minister to the postal licensee under section 45(1) or (2).

The penalty is a fine not exceeding \$1 million and, in the case of a continuing offence, a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

Clause 18 amends section 46(1)(a) and (b), such that the Postal Authority or an authorised officer of the Postal Authority may require any person —

- (a) to provide information in that person's possession relating to the public parcel locker network or any part of the public parcel locker network; or
- (b) to provide a copy of or an extract from any document relating to the public parcel locker network or any part of the public parcel locker network or transmit that document to the Postal Authority for its inspection.

Clause 19 amends section 47. The phrase "a seizable offence" is deleted and substituted with the phrase "an arrestable offence". This is in line with changes in the terminology of the Criminal Procedure Code. Section 47(3) is deleted and substituted to set out the arrestable offences within the meaning of the Criminal Procedure Code for the purposes of section 47(1), which includes new offences introduced by clause 16.

Clause 20 repeals and re-enacts section 48A and introduces new sections 48B, 48C and 48D.

The new section 48A provides for the powers of search and arrest that may be exercised whenever it appears to any police officer or any officer of the Postal Authority authorised to act for the Postal Authority under the new section 48A (authorised officer) that an offence under the new section 39G is being committed or is about to be committed or attempted, or any parcel is concealed, deposited or contained in or on any specified premises in contravention of the new section 39G. The police officer or authorised officer may exercise these powers if the officer has reasonable grounds for believing that by reason of the delay in obtaining a search warrant, the parcel is likely to be removed.

The new section 48B applies where there are reasonable grounds to believe that any parcel or other article or thing is or has been placed in a public parcel locker and —

- (a) the parcel, article or thing is the subject matter of, or is connected with the commission of, an offence under the Act or any regulations made under the Act; or
- (b) the continued presence of the parcel, article or thing in the public parcel locker is contrary to public security or public health.

A police officer or an officer of the Postal Authority authorised to act for the Postal Authority under the new section 48B may open and search any public parcel locker in which such a parcel, an article or a thing is believed to be placed, and inspect, examine and seize any parcel, article or thing found in the public parcel locker.

The new section 48C provides that the Postal Authority may, in relation to any letter connected with an offence under section 33 that is seized under section 48 or any other written law, take any action as it deems appropriate to deliver the letter

to its intended addressee or return the letter to its sender. Similarly, the Postal Authority may, in relation to any parcel connected with an offence under the new section 39G that is seized under the new section 48A or any other written law, take any action as it deems appropriate to deliver the parcel to its intended recipient or return the parcel to the person who sent the parcel. The Postal Authority may do so whether upon the conclusion of its investigation into the offence or otherwise.

The new section 48D provides for the disposal of articles, documents, letters, things or parcels produced, detained or seized under the Act. It is subject to section 23(3) and (5) and the new sections 23R(4) and 48C.

Clause 21 repeals and re-enacts section 55 and introduces a new section 55A. The new sections 55 and 55A are standard provisions providing for the liability of offenders that are corporations or unincorporated associations and partnerships, respectively.

Clause 22 amends section 56. Any person (other than the public parcel locker network operator) who is aggrieved by any decision of the Postal Authority under the new section 23J(5), 23M(8) or 23N(1)(a) or (5), anything contained in any code of practice issued under the new section 23M(1) or any direction of the Postal Authority given under the new section 23O(2)(a), may appeal to the Minister. The requirements and procedures of section 56 apply to any such appeal.

Clause 23 amends section 57. The public parcel locker network operator is not liable in respect of any injury, loss or damage suffered by any person by reason of any of the specified matters, which is due to the act or default of another person, or an accident or other cause beyond the control of the public parcel locker network operator.

Clause 24 amends section 58. Any public parcel locker, related installation or related software is not subject to distress, and is not liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person, without the prior written approval of the Minister. Every public parcel locker and related installation installed by the public parcel locker network operator remains the property of the public parcel locker network operator whether or not it has become in whole or in part a fixture.

Clause 25 amends section 61(2) to make clear that the Postal Authority may, with the Minister's approval, make regulations under section 61(1) for or with respect to the installation, operation and maintenance of the public parcel locker network. Also, consequential amendments are made to section 61(2) following from the amendments to section 11 in clause 6.

Clause 26 amends the Schedule to provide for the powers that the Postal Authority may exercise, pursuant to section 3B(1), for or in connection with the discharge of its functions and duties under the Act in relation to the public parcel locker network and public parcel locker network operator.

Clause 27 makes consequential and related amendments to the Criminal Procedure Code (CPC), following the introduction of the new section 39H (by clause 16). Section 20(3) of the CPC is amended such that the Public Prosecutor may issue a written order requiring the public parcel locker network operator to deliver to a person stated in the order any document or thing in its custody, or a copy of the document or thing in the case of a document or thing that is in electronic form or is contained in or available to a computer. The Public Prosecutor may do so if the document or thing is, in the Public Prosecutor's opinion, required for any investigation, inquiry, trial or other proceeding under the CPC.

Section 20(3A) of the CPC is amended such that the Public Prosecutor may issue a written order to the public parcel locker network operator requiring the public parcel locker network operator to authenticate and produce any data in its custody, or a copy of the data where the data is contained in or available to a computer. The Public Prosecutor may do so if the data is, in the Public Prosecutor's opinion, required for any investigation, inquiry, trial or other proceeding under the CPC.

Section 24(2) of the CPC is amended such that no court other than the General Division of the High Court is authorised to grant a search warrant under section 24(1) of the CPC to search for any document or other thing (including data), or any copy of the document or thing, in the custody of the public parcel locker network operator.

Finally, section 235(2) of the CPC is amended such that any court may require the public parcel locker network operator to deliver any document or thing in its custody to such person as the court directs if that document or thing is, in the court's opinion, required for the purposes of any inquiry, trial or proceeding under the CPC.

Clause 28 contains saving and transitional provisions.

## EXPENDITURE OF PUBLIC MONEY

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

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