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GOVERNMENT GAZETTE

ACTS SUPPLEMENT

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The following Act was passed by Parliament on 16th August 2010 and assented to by the President on 31st August 2010:—

REPUBLIC OF SINGAPORE

No. 21 of 2010.

I assent.

(LS)

S R NATHAN,
President.
31st August 2010.

An Act to amend the Rapid Transit Systems Act (Chapter 263A of the 2004 Revised Edition) and to make related amendments to the Land Transport Authority of Singapore Act (Chapter 158A of the 1996 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Rapid Transit Systems (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Rapid Transit Systems Act (referred to in this Act as the principal Act) is amended —

- (a) by inserting, immediately after the definition of “licensee”, the following definition:

“ “maintenance” includes the detection and rectification of any faults;”; and

- (b) by deleting the words “any one of the railways or any part thereof” in the definition of “rapid transit system” and substituting the words “any railway line, or a combination of 2 or more railway lines, and any part thereof comprised in that line or those lines”.

New section 11A

3. The principal Act is amended by inserting, immediately before section 12 in Part III, the following section:

“General considerations

11A. In the exercise of its functions and powers under this Part, the Authority shall have regard for the need —

- (a) for an integrated public transport system in Singapore, including the integration of the rapid transit systems with other modes of transport and surrounding developments;
- (b) for reliable, seamless and convenient travel within the public transport system and enhanced passenger services;
- (c) for network-wide efficient and co-ordinated movements of passengers on rapid transit systems;
- (d) for sustainability, adequacy and optimisation of capacity across the network of rapid transit systems; and

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- (e) for safety and security of life and property on the rapid transit systems.”.

New section 13A

4. The principal Act is amended by inserting, immediately after section 13, the following section:

“Licence charge

13A.—(1) In addition to the licence fee payable under section 13(3), a charge shall be payable by every person who is granted a licence on or after the date of commencement of section 4 of the Rapid Transit Systems (Amendment) Act 2010, which shall be such amount as is determined by the Authority and specified in the licence, after taking into account —

- (a) the relative viability of operating and maintaining that rapid transit system in the network of rapid transit systems;
- (b) the long-term operational and maintenance needs of the railway network and the long-term sustainability of each rapid transit system comprised in the network of rapid transit systems; and
- (c) the benefits and burdens that the operation and maintenance of that rapid transit system is likely to bring to and impose on the network of rapid transit systems.

(2) A person who is to be granted a licence on or after the date of commencement of section 4 of the Rapid Transit Systems (Amendment) Act 2010 shall ordinarily be selected by the Authority from among those who submit tenders in response to an invitation to tender under this section for the right to operate (or to secure that a wholly-owned subsidiary thereof operates) a rapid transit system under that licence.

(3) Any such invitation to tender must specify that an applicant who tenders for a licence must state the amount (by reference to quantity or method or otherwise) that the applicant (or a wholly-owned subsidiary thereof) is willing to pay for the grant of a licence (referred to in this Part as a cash-bid), in addition to the charge determined under subsection (1); and that cash-bid shall be payable, together with the charge determined under subsection (1), by the applicant or its

wholly-owned subsidiary if the applicant or its wholly-owned subsidiary, as the case may be, is granted a licence.”.

Amendment of section 15

5. Section 15 of the principal Act is amended —

- (a) by deleting the words “the safety” in paragraph (b) and substituting the words “the security and safety”;
- (b) by deleting the words “as the chairman or as a director of the licensee” in paragraph (d) and substituting the words “as the licensee’s chief executive officer, the chairman of the licensee’s board of directors or any of its directors”; and
- (c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) Without prejudice to the generality of subsection (1), conditions included in a licence to operate a rapid transit system —

- (a) may require the licensee to enter into any agreement with any person for such purposes as may be specified in the conditions of the licence, such as but not limited to any matter which is dealt with (whether in the same or different manner) by an access contract;
- (b) may include provision for determining the terms on which such agreements are to be entered into, which may be such conditions as may be agreed to by the licensee and such other persons or, in default of agreement, as may be determined by the Authority;
- (c) may include conditions which must be complied with before the licence can be transferred or assigned;
- (d) may require the licensee —
 - (i) to comply with any requirements from time to time imposed by the Authority (or a person nominated by the Authority for this purpose) with respect to such matters concerning the operation or maintenance of the rapid transit

system as are specified in the licence or are of a description so specified;

- (ii) except in so far as the Authority (or a person nominated by the Authority for this purpose) consents to the licensee doing or not doing them, to do, or not to do, such things as are specified in the licence or are of a description so specified;
 - (iii) to refer for determination by a person nominated by the Authority for this purpose such questions arising under the licence as are specified in the licence or are of a description so specified; or
 - (iv) to furnish to the Authority (or a person nominated by the Authority for this purpose) such documents or other information as the Authority may require for the purpose of exercising of any functions conferred or imposed on the Authority or person under or by virtue of the licence or this Act;
- (e) may contain provision for the conditions to cease to have effect or be modified at such times, in such manner and in such circumstances as may be specified in or determined by or under the conditions; and any provision included by virtue of this paragraph in a licence shall have effect in addition to section 16 with respect to the modification of the conditions of a licence;
- (f) may require the licensee —
- (i) to operate or maintain any extension of the rapid transit system or part thereof; or
 - (ii) to maintain any premises, structure or facility used or for the purposes of, or otherwise reasonably necessary or incidental to, operating the rapid transit system so as to integrate the rapid transit system with transport services and facilities and developments surrounding the rapid transit system and enhance railway passenger services, including but not limited to any

approaches, forecourt, cycle store or car park connected with or adjoining a station, any passenger overhead bridges and lifts within the vicinity of a station;

- (g) may require the licensee to acquire from such person as may be specified in the licence, and to use, such property or rights as may be so specified, or to undertake such liabilities as may be so specified;
 - (h) may require the licensee to prepare itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any public emergency; and
 - (i) may require the licensee to provide travel information systems and directional signs for the purpose of ensuring integration of the rapid transit system with transport services and facilities and developments surrounding the rapid transit systems operated by the licensee so as to enhance railway passenger services.
- (3) In subsection (2) —

“access contract” means —

- (a) a contract under which a person, and so far as may be appropriate, an associate of that person, obtains permission from a facility owner to use the facility owner’s railway facility; or
- (b) a contract conferring an option to require a facility owner to secure that a person, and so far as may be appropriate, an associate of that person, obtains permission from the facility owner to use the facility owner’s railway facility;

“associate”, in relation to any person, includes —

- (a) any employee, agent or independent contractor of the person;
- (b) any passenger of the person;
- (c) any person engaged in the provision of goods or services to or for the person; or

(d) any other person who deals or has business with the person;

“facility owner” means any person (other than the Authority or the Government) —

(a) who has an estate or interest in, or right over, any track, station or depot of a rapid transit system; and

(b) whose permission to use that track, station or depot is needed by another before that other may use it;

“railway facility” means a track, station or depot of a rapid transit system.”.

New sections 16A and 16B

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

“Restrictions on acquisition of essential operating assets

16A.—(1) No person shall acquire, on or after the date of commencement of section 6 of the Rapid Transit Systems (Amendment) Act 2010, any essential operating asset of a rapid transit system, or an interest in an essential operating asset of a rapid transit system (whether or not the acquisition is by way of the enforcement of a loan security) unless —

(a) the person is a licensee authorised by licence to operate that rapid transit system; or

(b) the Authority consents in writing to such acquisition.

(2) Any acquisition, or a purported acquisition, on or after the date of commencement of section 6 of the Rapid Transit Systems (Amendment) Act 2010, of any essential operating asset of a rapid transit system or part thereof, or an interest in an essential operating asset of a rapid transit system or part thereof, in contravention of subsection (1) shall be void.

(3) In this section, “essential operating asset”, in relation to any rapid transit system, means any land, plant, equipment, machinery or other property which —

- (a) is used or intended to be used (and whether or not it is also used for other purposes) by the licensee authorised by a licence to operate that rapid transit system; and
- (b) is designated by or under the licence to be an essential operating asset.

Restrictions on transfer, etc., and surrender of licences

16B.—(1) Every licence shall not be capable of being transferred or assigned unless —

- (a) the licence contains a condition authorising such transfer or assignment; and
- (b) the Authority consents in writing to such transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Authority thinks fit to impose, which may, subject to section 16, include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence.

(3) A transfer or an assignment, or a purported transfer or assignment, of a licence shall be void —

- (a) if the licence is not capable of transfer or assignment;
- (b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or
- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence shall not be capable of being surrendered without the consent in writing of the Authority, and any surrender or purported surrender of a licence shall be void if it is without such consent.”.

Amendment of section 17

7. Section 17(1) of the principal Act is amended —

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- (a) by deleting paragraph (b) and substituting the following paragraph:
 - “(b) the provision of services for the carriage of passengers on a rapid transit system;”;
 - (b) by deleting the word “and” at the end of paragraph (c); and
 - (c) by deleting paragraph (d) and substituting the following paragraphs:
 - “(d) the security and safety of persons who use or who are engaged in any work on the rapid transit system; and
 - (e) the measures necessary for licensees to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or other public emergency.”.

Amendment of section 18

8. Section 18(1) of the principal Act is amended —

- (a) by inserting, immediately after paragraph (c), the following paragraph:
 - “(ca) the provision of travel information systems and directional signs for the purpose of ensuring integration of rapid transit systems with transport services and facilities and developments surrounding the respective rapid transit systems operated by licensees so as to enhance railway passenger services;”;
- (b) by deleting the words “the safety” in paragraph (d) and substituting the words “the security and safety”.

Amendment of section 19

9. Section 19 of the principal Act is amended —

- (a) by deleting the words “subsections (2) and (3)” in subsection (1) and substituting the words “subsection (2)”;
- (b) by inserting, immediately after paragraph (d) of subsection (1), the following paragraph:
 - “(da) fails to comply with any provisional order confirmed under section 19A;”;

(c) by deleting subsection (3).

New sections 19A and 19B

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

“Provisional orders for securing compliance

19A.—(1) Subject to subsections (5) and (6), where it appears to the Authority that —

- (a) a licensee is contravening, or is likely to contravene, any condition of its licence; or
- (b) a licensee has failed to secure the compliance by its employees, agents or contractors with any condition of its licence,

and that it is appropriate or requisite that a provisional order be made under this section, the Authority shall, instead of taking any decision under section 19, by provisional order make such provision as appears to it requisite for securing compliance with that condition.

(2) A provisional order —

- (a) shall require the licensee to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the provisional order or are of a description so specified;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the provisional order; and
- (c) may be revoked at any time by the Authority.

(3) In determining whether it is appropriate or requisite that a provisional order be made, the Authority shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the condition of a licence, is likely to be done, or omitted to be done, before a decision under section 19 may be made.

(4) Subject to subsections (5), (6) and (7), the Authority shall, by notice in writing, confirm a provisional order, with or without modifications, if —

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- (a) the Authority is satisfied that the licensee to whom the order relates is contravening, or is likely to contravene any condition of its licence, or has failed to secure the compliance by its employees, agents or contractors with any condition of its licence; and
 - (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition.
 - (5) The Authority shall not make or confirm a provisional order in relation to a licensee if it is satisfied —
 - (a) that the duties imposed on the Authority under this Act or the Land Transport Authority of Singapore Act (Cap. 158A) preclude the making of such an order;
 - (b) that the licensee has agreed to take, and is taking, all such steps as it appears to the Authority for the time being to be appropriate for the licensee to take for the purpose of securing or facilitating compliance with the condition in question; or
 - (c) that the contraventions were, or the apprehended contraventions are, of a trivial nature.
 - (6) Before the Authority makes or confirms a provisional order, the Authority shall give notice to the licensee concerned —
 - (a) stating that the Authority proposes to make or confirm the provisional order and setting out its effect;
 - (b) setting out —
 - (i) the relevant condition of the licence for the purpose of securing compliance with which the provisional order is to be made or confirmed;
 - (ii) the acts or omissions which, in the Authority's opinion, constitute or would constitute contraventions of that condition; and
 - (iii) the other facts which, in the Authority's opinion, justify the making or confirmation of the provisional order; and

- (c) specifying the period (not being less than 28 days from the date of service of the notice) within which representations or objections with respect to the proposed provisional order or proposed confirmation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(7) The Authority shall not confirm a provisional order with modifications except —

- (a) with the consent of the licensee to whom the provisional order relates; or
- (b) after —
 - (i) serving on that licensee such notice of the proposal to confirm the provisional order with modifications and in that notice, specifying the period (not being less than 28 days from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
 - (ii) considering any representations or objections which are duly made and not withdrawn.

(8) In this section, “provisional order” means an order under this section which, if not previously confirmed in accordance with subsection (5), will cease to have effect at the end of such period (not exceeding 3 months) as is determined by or under the order.

Outstanding fees, charges, penalties, etc.

19B.—(1) If —

- (a) any fee imposed under section 13 in respect of a licence or any part thereof is not paid in full by the due date for payment;
- (b) any charge and cash-bid (if any) imposed under section 13A in respect of a licence or any part thereof is not paid in full by the due date for payment; or
- (c) any financial penalty imposed under section 19(1)(iii) in respect of a licensee or any part thereof is not paid in full by the due date for payment,

interest at the prescribed rate shall be payable by the licensee concerned on the outstanding amount of any such fee, charge, cash-bid or financial penalty.

(2) The Authority may recover as a debt in a court of competent jurisdiction any of the following amounts that has become due and payable but has not been paid:

- (a) any fee imposed under section 13 in respect of a licence or any part thereof;
- (b) any charge and cash-bid (if any) imposed under section 13A in respect of a licence or any part thereof;
- (c) any financial penalty imposed under section 19(1)(iii) in respect of a licensee or any part thereof;
- (d) any interest imposed under subsection (1) or any part thereof,

and the liability of the licensee concerned to pay shall not be affected by its licence ceasing (for any reason) to be in force.”.

Amendment of section 20

11. Section 20 of the principal Act is amended —

- (a) by deleting the words “section 15(g) or (h)” in subsection (1)(a) and substituting the words “section 15(1)(g) or (h) or (2)”;
- (b) by deleting the word “or” at the end of paragraph (e) of subsection (1), and by inserting immediately thereafter the following paragraph:

“(ea) any confirmed provisional order under section 19A; or”;
- (c) by inserting, immediately after the words “Except as provided in” in subsection (2), the words “subsection (2A) or”;
- (d) by deleting the words “decision or refusal” in subsection (2) and substituting the words “decision, confirmed provisional order or refusal”; and
- (e) by inserting, immediately after subsection (2), the following subsection:

“(2A) If any such appeal is made in relation to a provision of a notice under section 19(1)(iii) requiring the payment of a financial penalty and the financial penalty would be payable before the time when the appeal is determined, it need not be paid until that time.”.

New section 23A

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

“Passenger searches

23A.—(1) For the purposes of ensuring the security or safety of persons on any railway premises (whether passengers of a rapid transit system or otherwise), an authorised officer may, without giving any reason, ask any person on the railway premises to allow the authorised officer to inspect and search any baggage or other thing carried by the person or apparently in the immediate control of the person; and that person shall permit the baggage or thing to be inspected and searched.

(2) Without prejudice to subsection (3), an authorised officer may require any person who refuses to permit any baggage or thing carried by the person or apparently in the immediate control of the person to be inspected and searched to leave the railway premises with the baggage or thing, and that person shall do so within a reasonable time.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) In this section, “authorised officer” means —

- (a) any officer or employee of the Authority;
- (b) any member of an auxiliary police force in uniform;
- (c) any employee of a licensee; or
- (d) any security officer (within the meaning of the Private Security Industry Act (Cap. 250A)) engaged by a licensee,

who is authorised by the Authority in writing to exercise the power to search under this section at or in relation to any railway premises specified in that written authorisation.”.

New Part IVA

13. The principal Act is amended by inserting, immediately after section 27, the following Part:

“PART IVA

RAILWAY ADMINISTRATION ORDERS

Meaning and effect of railway administration orders

27A.—(1) A railway administration order is an order of the Minister made in accordance with section 27B in relation to a licensee that is a company and directing that, during the period for which the order is in force, the affairs, business and property of the licensee shall be managed by a person appointed by the Minister —

- (a) for the achievement of all or any of the purposes of such an order; and
- (b) in a manner which protects the respective interests of the members, creditors and customers of the licensee.

(2) The purposes of a railway administration order made in relation to any licensee that is a company shall be for —

- (a) the safety, security and continuity of the supply of railway passenger services and facilities relating to the rapid transit system specified in its licence;
- (b) the survival of the company, or the whole or part of its undertaking as a going concern;
- (c) the transfer to another person, or (as respects different parts of its undertaking) to 2 or more different persons, as a going concern, of so much of the company’s undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its licence may be properly carried out; or

(d) the carrying out of those functions pending the making of the transfer of those functions in the other person or persons, including but not limited to —

(i) requiring the company immediately to take any action or to do or not to do any act or thing in relation to its business as the Minister may consider necessary; and

(ii) appointing a person to advise the company in the proper conduct of its business.

(3) The Minister may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a company which is a licensee to any person appointed by the Minister under a railway administration order to advise the company in the proper conduct of its business.

(4) The Minister may, by rules published in the *Gazette*, give effect to this Part, including making provision for applying, omitting or modifying provisions of the Companies Act (Cap. 50) where a railway administration order is made.

Railway administration order, etc., made on application by Authority

27B.—(1) If, on an application made to the Minister by the Authority, the Minister is satisfied in relation to any company that is a licensee that any one or more of the grounds specified in subsection (2) is satisfied in relation to that company, the Minister may make a railway administration order in relation to that company.

(2) The grounds mentioned in subsection (1) are, in relation to any company that is a licensee of a rapid transit system —

(a) that there has been, is or is likely to be such a contravention by the company of the conditions of its licence or this Act that is serious enough to make it inappropriate for the company to continue to hold the licence to operate that rapid transit system;

(b) that the company is or is likely to be unable to pay its debts;

(c) that the Minister considers it in the interest of the safety, security and continuity of the provision of railway passenger services relating to that rapid transit system; or

(d) that the Minister otherwise considers it in the public interest.

(3) Notice of any application under subsection (1) shall be given immediately by the Authority to such persons and in such manner as may be prescribed.

(4) Any decision of the Minister under subsection (1) shall be final.

(5) For the purposes of this section, a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254(2) of the Companies Act (Cap. 50).

Scheme for transfer of property, rights and liabilities from existing licensee to new licensee

27C. Where a railway administration order is made in relation to a licensee that is a company (referred to as the existing licensee) and it is proposed that, on or after a date appointed in the railway administration order, another company (referred to as the new licensee) should operate the rapid transit system that the existing licensee is authorised to operate, in place of the existing licensee —

- (a) the existing licensee, acting with the consent of the new licensee and, in respect of matters affecting them, of any other licensees, may make a scheme, in accordance with prescribed requirements, for the transfer of property, rights and liabilities from the existing licensee to the new licensee;
- (b) any such scheme shall not take effect unless it is approved by the Authority;
- (c) the Authority may, with the consent of the new licensee, of the existing licensee and, in respect of matters affecting them, of any other licensees, modify any such scheme before approving it;
- (d) it shall be the duty of the new licensee, the existing licensee and of any other licensees to provide the Authority with all such information and other assistance as the Authority may reasonably require for the purposes of, or in connection with, the exercise of any power conferred under this section;
- (e) the property, rights and liabilities of the existing licensee that shall be capable of being transferred in accordance with any such scheme shall include —

- (i) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the existing licensee;
 - (ii) such property, rights and liabilities to which the existing licensee may become entitled or subject after the making of the scheme and before the day the railway administration order is discharged;
 - (iii) property situated anywhere in Singapore or elsewhere; and
 - (iv) rights and liabilities under the law of Singapore or of any country or territory outside Singapore;
- (f) any such scheme for the transfer of the existing licensee's property, rights and liabilities may, where appropriate —
- (i) create for the existing licensee, the new licensee or any other licensees an interest in or right over any property to which the scheme relates;
 - (ii) create new rights and liabilities as between any 2 or more of those licensees; and
 - (iii) provide for a licence held by an existing licensee to have effect as if it had been granted to the new licensee; and
- (g) any such scheme for the transfer of the existing licensee's property, rights and liabilities shall, upon its coming into force, have effect in accordance with its provisions and without further assurance, so as to transfer the property, rights and liabilities to which the scheme relates to the new licensee.

Restrictions on voluntary winding up, etc.

27D.—(1) Notwithstanding the provisions of any other written law, where a company is a licensee —

- (a) the company shall not be wound up voluntarily without the consent of the Authority;
- (b) no judicial management order under the Companies Act (Cap. 50) shall be made in relation to the company; and

- (c) no step shall be taken by any person to enforce any security over the company's property except where that person has served 14 days' notice of his intention to take that step on the Authority.

(2) The Authority shall be a party to any proceedings under the Companies Act (Cap. 50) relating to the winding up of the affairs of a company which is a licensee.”.

Amendment of section 44

14. Section 44 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) The Chief Executive, or any officer of the Authority who is authorised by the Chief Executive, may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

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

whichever is the lower.

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

Amendment of section 45

15. Section 45(2) of the principal Act is amended by inserting, immediately after paragraph (d), the following paragraph:

“(da) providing, with respect to cases in which, pursuant to a railway administration order under Part IVA, another company is to carry on all or any of the activities of a licensee in place of an existing licensee, all supplemental, consequential and transitional provisions for the purposes of, or in connection with, the provisions for the transfer or any other provision made by a scheme referred to in section 27C;”.

New section 45A

16. The principal Act is amended by inserting, immediately after section 45, the following section:

“Exemption

45A. The Authority may, with the approval of the Minister, by order published in the *Gazette*, exempt any person from all or any of the provisions of this Act.”.

Related amendments to Land Transport Authority of Singapore Act

17. The Land Transport Authority of Singapore Act (Cap. 158A) is amended —

(a) by inserting, immediately after paragraph (i) of section 13(1), the following paragraph:

“(ia) sums to be transferred to the Railway Sinking Fund referred to in section 13A to fund expenditure —

(i) for the cost (or part thereof) of any capital equipment including new works, plant, equipment, trains, vessels or appliances related to the operation and maintenance of the railway network under the Rapid Transit Systems Act (Cap. 263A); or

(ii) for the cost of acquiring any estate or interest in any area or space within a station, or any area or space abutting a station the access to which is limited to an entrance or exit to the station;”;

(b) by inserting, immediately after section 13, the following section:

“Railway Sinking Fund

13A.—(1) There shall be established by the Authority a Railway Sinking Fund comprising —

(a) all charges and cash-bids (if any) that is payable under section 13A of the Rapid Transit Systems Act (Cap. 263A);

(b) all moneys authorised by or under any other written law to be paid into the Railway Sinking Fund;

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- (c) all moneys borrowed or raised by the Authority for the purposes of the Railway Sinking Fund;
 - (d) all grants by any person or organisation to the Authority for the purposes of the Railway Sinking Fund;
 - (e) all interest payable under section 19B of the Rapid Transit Systems Act (Cap. 263A) on outstanding amounts of —
 - (i) any charge and cash-bid (if any) imposed under section 13A of that Act in respect of a licence; or
 - (ii) any financial penalty imposed under section 19(1)(iii) of that Act in respect of a licensee which is granted a licence on or after the date of commencement of section 17 of the Rapid Transit Systems (Amendment) Act 2010;
 - (f) all financial penalties imposed under section 19(1)(iii) of the Rapid Transit Systems Act in respect of licences granted on or after the date of commencement of section 17 of the Rapid Transit Systems (Amendment) Act 2010;
 - (g) all amounts paid to the Authority by way of discharge of any insurance claims in respect of any property of the Authority paid for with money from the Railway Sinking Fund;
 - (h) all interest received on investments belonging to the Railway Sinking Fund, and all amounts received by the Authority from the sale of any investments or other property paid for with money from the Railway Sinking Fund; and
 - (i) all investments and other property purchased out of moneys in the Railway Sinking Fund, including the net income from such investments.
- (2) No moneys shall be withdrawn by the Authority from the Railway Sinking Fund except for all or any of the following purposes:
- (a) to meet all expenditure —

- (i) for the cost (or part thereof) of any capital equipment including new works, plant, equipment, trains, vessels or appliances related to the operation and maintenance of the railway network under the Rapid Transit Systems Act (Cap. 263A); or
 - (ii) for the cost of acquiring any estate or interest in any area or space within a station, or any area or space abutting a station the access to which is limited to an entrance or exit to the station;
- (b) to pay insurance premiums on capital equipment, area, space or other investment acquired using moneys of the Railway Sinking Fund;
- (c) to pay any principal or interest on moneys borrowed or raised by the Authority for purposes of the Railway Sinking Fund;
- (d) to pay any expenses properly attributable to setting up of the Railway Sinking Fund, the administration and management of moneys in the Railway Sinking Fund, or the borrowing or raising of moneys for the purposes of the Railway Sinking Fund;
- (e) for investment of moneys in the Railway Sinking Fund in accordance with section 17;
- (f) to pay all amounts relating to the sale, disposal or write-off of any investments paid for with money from the Railway Sinking Fund;
- (g) to pay all reasonable legal costs incurred by the Authority and all reasonable expenses incurred by the Authority in connection with the collection or attempted collection of any outstanding amounts, (including any interest thereon) of —
 - (i) any charge and cash-bid (if any) imposed under section 13A of the Rapid Transit Systems Act in respect of a licence; or
 - (ii) any financial penalty imposed under section 19(1)(iii) of that Act in respect of a licensee

which is granted a licence on or after the date of commencement of section 17 of the Rapid Transit Systems (Amendment) Act 2010.

(3) For the purposes of subsection (1)(i), the net income from investments shall be the amount ascertained by adding to, or deducting from, the income received from investments or moneys in the Railway Sinking Fund any gain derived or loss sustained, realised or unrealised, as the case may be, from such investments.

(4) The Railway Sinking Fund shall be managed and administered by the Authority subject to the directions of the Minister.”; and

(c) by inserting, immediately after the words “its funds” in section 17, the words “in the Land Transport Revenue Account or the Railway Sinking Fund”.

Savings and transitional provisions

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