

Public Transport Council (Amendment) Bill

Bill No. 25/99.

Read the first time on 6th July 1999.

A BILL

intituled

An Act to amend the Public Transport Council Act (Chapter 259B of the 1988 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 Public Transport Council
5 (Amendment) Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of long title

2. The Public Transport Council Act (referred to in this Act as the principal Act) is amended by deleting the words “Mass Rapid Transit System” in the long title and substituting the words “rapid transit system”.

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Amendment of section 2

3. Section 2 of the principal Act is amended by inserting, immediately after the definition of “Council”, the following definition:

“ “fare”, in relation to a taxi, means the rate payable for hiring 10
the taxi, and includes any surcharge approved by the
Council as being payable for such hire;”.

Amendment of section 5

4. Section 5 of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph: 15

“(b) appoint and employ from time to time and on such terms
and conditions as the Council may determine such officers,
employees and agents as the Council thinks fit for the
effective performance of its functions.”.

New sections 5A and 5B

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

“Protection from personal liability

5A. No suit or legal proceedings shall lie personally against
any member, officer or employee of the Council or other person 25
acting under the direction of the Council for anything which is in
good faith done or intended to be done in the execution or
purported execution of this Act.

Public servants

5B. Every member, officer and employee of the Council shall 30
be deemed to be public servants within the meaning of the Penal
Code (Cap. 224).”.

New section 6A

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

“Grants to Council

5 **6A.** For the purpose of enabling the Council to carry out its functions under this Act or any other written law, the Minister may from time to time make grants to the Council of such sums as he may determine out of moneys to be provided by Parliament.”.

Amendment of section 12

7. Section 12 (2) of the principal Act is amended by deleting the word “Accountant-General” and substituting the word “Council”.

Amendment of section 13

8. Section 13 (5) of the principal Act is amended by deleting the word “Accountant-General” in the 4th line and substituting the word “Council”.

Amendment of section 19

9. Section 19 of the principal Act is amended by deleting the word “Accountant-General” in paragraph (ii) and substituting the word “Council”.

Amendment of section 20

10. Section 20 of the principal Act is amended by deleting the words “rate of hire or” in subsections (1), (2), (3) (1st line), (4) (2nd line) and (5) (1st and 2nd lines).

Repeal and re-enactment of section 21

11. Section 21 of the principal Act is repealed and the following section substituted therefor:

“Application for approval of fares

21.—(1) An application for the Council’s approval of any bus, taxi or rapid transit system fare shall —

(a) be made in such form and manner as the Council may determine; and

- (b) be supported by such documents (including certified copies of any balance-sheet and profit and loss account, and any auditor's report, relating to the applicant's undertaking) as the Council may require.

(2) In considering any application for approval of any bus, taxi or rapid transit system fare, the Council shall take into account — 5

- (a) the need for the applicant to remain financially viable; and

- (b) the need for public interest to be safeguarded.”. 10

Repeal of sections 22 and 25 and re-enactment of section 22 as section 25, and new sections 22, 23 and 24

12. Sections 22 and 25 of the principal Act are repealed and the following sections substituted therefor:

“Annual report 15

22.—(1) The Council shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Council during the preceding financial year and containing such information relating to the proceedings and policy of the Council as the Minister may, from time to time, direct. 20

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Composition of offences

23.—(1) The Council or any officer authorised by the Council may, in its or his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200. 25 30

(2) All sums collected under this section shall be paid to the Council.

Exemption

24. The Council may, in its discretion, by order published in the *Gazette* and subject to such conditions as it may impose, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder.

Regulations

25.—(1) The Council may, with the approval of the Minister, make regulations for, or in respect of, every purpose which is considered by the Council necessary or expedient for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Council may make regulations for all or any of the following purposes:

- (a) to prescribe the manner and form in which applications for bus service licences are to be made, the documents to be submitted in support of such applications and the form of such licences;
- (b) to prescribe a scale of fees for bus service licences;
- (c) to prescribe the manner and form in which applications for the approval of bus, taxi and rapid transit system fares are to be made and the documents to be submitted in support of such applications;
- (d) to regulate the procedure of the Council;
- (e) to prescribe the powers and duties of the officers and employees of the Council;
- (f) to control and regulate the conduct of the officers and employees of the Council;
- (g) to prescribe the offences under this Act or any regulations made thereunder which may be compounded under section 23.

(3) The Council may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any regulation shall be an offence and may prescribe a fine with which such offence shall be punishable but so that no such fine shall exceed for any one offence the sum of \$1,000.”.

Amendment of First Schedule

13. The First Schedule to the principal Act is amended by deleting the words “9 other members” in paragraph 1 (*b*) and substituting the words “11 other members”.

Amendment of Second Schedule

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14. The Second Schedule to the principal Act is amended —

(*a*) by deleting paragraph 3 and substituting the following paragraphs:

“Audit of accounts

3.—(1) The accounts of the Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General. 10

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act (Cap. 50). 15

(3) The remuneration of the auditor shall be paid out of the funds of the Council.

Financial statements

4. The Council shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them. 20

Duties of auditor

5.—(1) The auditor shall in his report state —

(*a*) whether the financial statements show fairly the financial transactions and the state of affairs of the Council; 25

(*b*) whether proper accounting and other records have been kept, including records of all assets of the Council whether purchased, donated or otherwise;

(*c*) whether the receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the Council during the financial year have been in accordance with the provisions of this Act; and 30

(*d*) such other matters arising from the audit as he considers should be reported.

(2) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Council, and shall also submit such periodical and special reports to the Minister and to the Council as may appear to him to be necessary or as the Minister or the Council may require. 35

Powers of auditor

5 6.—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Council and may make copies of, or extracts from, any such accounting and other records.

10 (2) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

15 (3) Any person who fails, without reasonable excuse, to comply with any requirement of the auditor under sub-paragraph (2) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.”; and

(b) by renumbering the existing paragraph 4 as paragraph 7.

EXPLANATORY STATEMENT

This Bill seeks to amend the Public Transport Council Act (Cap. 259B).

Clause 1 relates to the short title and commencement.

Clause 2 makes a consequential amendment to the long title arising from the enactment of the Rapid Transit Systems Act (Cap. 263A).

Clause 3 amends section 2 by inserting a new definition of the term “fare”. This new definition clarifies that the term “fare”, in relation to a taxi, includes any surcharge approved by the Council.

Clause 4 amends section 5 to empower the Council to appoint and employ such officers, employees and agents as it thinks fit for the effective performance of its functions.

Clause 5 inserts 2 new sections, namely, sections 5A and 5B.

The new section 5A confers upon the members, officers and employees of the Council and on persons acting under the direction of the Council protection from personal liability for anything which is in good faith done or intended to be done in the execution or purported execution of the Act.

The new section 5B deems all members, officers and employees of the Council to be public servants within the meaning of the Penal Code (Cap. 224).

Clause 6 inserts a new section 6A which empowers the Minister to make grants to the Council for the purpose of enabling the Council to carry out its functions under the Act or any other written law.

Clause 7 amends section 12 (2) to require all security under subsection (1) (e) of that section to be deposited by a licensee with the Council instead of the Accountant-General.

Clause 8 makes a consequential amendment to section 13 (5) arising from the amendment made to section 12 (2).

Clause 9 makes a consequential amendment to section 19 arising from the amendment made to section 12 (2).

Clause 10 makes a consequential amendment to section 20 arising from the amendment made to section 2.

Clause 11 repeals and re-enacts section 21.

The new section 21 relates to applications for approval of any bus, taxi or rapid transit system fare. The section provides for the form and manner in which such applications are to be made and specifies the matters that the Council must take into account when considering such an application.

Clause 12 repeals sections 22 and 25 and re-enacts section 22 as section 25 and inserts 3 new sections, namely, sections 22, 23 and 24 .

The new section 22 deals with the annual report of the Council.

The new section 23 empowers the Council or any officer authorised by the Council to compound any offence under the Act or any regulations made thereunder which is prescribed as a compoundable offence. All sums collected are to be paid to the Council.

The new section 24 empowers the Council to exempt any person or class of persons from all or any of the provisions of the Act or any regulations made thereunder.

The new section 25 (which relates to the Council's power to make regulations) contains the provisions of the existing section 22 and further empowers the Council to make regulations —

- (a) prescribing the powers and duties of the officers and employees of the Council;
- (b) controlling and regulating the conduct of the officers and employees of the Council; and
- (c) prescribing the offences under the Act or any regulations made thereunder which may be compounded under the new section 23.

Clause 13 amends the First Schedule to change the maximum composition of the Council.

Clause 14 amends the Second Schedule to bring it in conformity with the model financial provisions provided by the Auditor-General's Office.

EXPENDITURE OF PUBLIC MONEY

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