

Road Traffic (Amendment) Bill

Bill No. 35/99.

Read the first time on 11th October 1999.

A BILL

intituled

An Act to amend the Road Traffic Act (Chapter 276 of the 1997 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Road Traffic (Amendment) Act
5 1999 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 (1) of the Road Traffic Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the definition of “police officer”, the following definition:

“ “public place” means any place or premises, whether privately
owned or not, to which the general public or any section of
the general public is permitted to have access, whether on
payment or otherwise;”.

Amendment of section 5

3. Section 5 of the principal Act is amended by inserting, immediately after subsection (5), the following subsection:

“(5A) Any person who is guilty of the offence under
subsection (5) of altering a vehicle or trailer in contravention of
this section shall be liable on conviction to a fine not exceeding
\$2,000 or to imprisonment for a term not exceeding 3 months
and, in the case of a second or subsequent conviction, to a
fine not exceeding \$5,000 or to imprisonment for a term not
exceeding 6 months.”.

Amendment of section 10

4. Section 10 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(3) Any person who contravenes subsection (1) shall be
guilty of an offence and shall be liable on conviction to a fine not
exceeding \$2,000 or to imprisonment for a term not exceeding
3 months and, in the case of a second or subsequent conviction,
to a fine not exceeding \$5,000 or to imprisonment for a term not
exceeding 6 months.”.

Amendment of section 12

5. Section 12 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Any person who fails to comply with subsection (2) shall
be guilty of an offence and shall be liable on conviction to a
fine not exceeding \$2,000 or to imprisonment for a term not
exceeding 3 months and, in the case of a second or subsequent

conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months.”.

Amendment of section 19

6. Section 19 of the principal Act is amended by inserting,
5 immediately after subsection (3), the following subsection:

“(3A) Without prejudice to subsection (3), the Registrar may refuse to issue a vehicle licence if he is satisfied that the vehicle in respect of which the licence is to be issued is registered in the name of a person who, pursuant to a warrant of court, has been
10 arrested in connection with an offence under this Act or the rules or any written law specified in Part I of the Schedule and the offence has not been tried and determined by the court.”.

Amendment of section 25

7. Section 25 of the principal Act is amended by deleting
15 subsections (2), (3) and (4) and substituting the following subsections:

“(2) The rules may —

- (a) provide for the issue of a permit, in respect of a vehicle not registered under this Act that is brought into Singapore from any place outside Singapore (referred to in this section as a foreign vehicle), authorising the
20 keeping and use in Singapore of the vehicle for such period as the Registrar may determine;
- (b) prescribe the manner of application for such permit;
- (c) provide for the levy of a fee for the issue of such permit
25 in accordance with such rates as may be prescribed by the Minister;
- (d) prescribe the conditions for the issue of such permit;
- (e) provide for the extension of the period of validity of such permit;
- (f) provide for the cancellation of such permit;
- (g) provide for such permit to be stored in an electronic form on such stored value card, device or
30 appurtenance as may be issued by the Authority or its agent;

- (h) regulate the issue and use of such stored value card, device or appurtenance;
- (i) provide for the levy of a fee for the issue of such stored value card, device or appurtenance;
- (j) provide for the levy of a tax for the keeping or use of a foreign vehicle in Singapore in accordance with such rates as may be prescribed by the Minister; 5
- (k) prescribe the manner in which any fee or tax payable under the rules is to be levied and collected, including the use of electronic or computerised or other facilities, and the use by the foreign vehicle concerned of specified points of exit from Singapore, for that purpose; 10
- (l) prescribe the records to be kept by the Registrar in connection with the rules; and 15
- (m) empower the Registrar and any officer authorised by him to prohibit the entry into or exit from Singapore of any foreign vehicle if any fee or tax payable under the rules in respect of that vehicle is in arrears.

(3) Any rates prescribed by the rules may be made to apply only to vehicles of a specified class, category or description, and the Minister may prescribe different rates for vehicles of different classes, categories or descriptions or for vehicles used for different purposes. 20

(4) Where a person is convicted of an offence under any of the rules, the court before which such person is convicted may, in addition to the punishment prescribed for the offence, order him to pay the amount of such fees or taxes as may be certified by an officer appointed by the Authority to be due and payable by him at the date of his conviction, and such amount may be recovered according to the law for the time being in force for the recovery of fines. 25 30

(5) Section 77A of the Banking Act (Cap. 19) and section 14 of the Currency Act (Cap. 69) shall not apply to any stored value card, device or appurtenance issued by the Authority or its agent in accordance with the rules.”. 35

Amendment of section 27

8. Section 27 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

5 “(3) Any person who fails to comply with subsection (2) (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months.”.

10 New section 95A

9. The principal Act is amended by inserting, immediately after section 95, the following section:

“Power to immobilise or seize and detain vehicle belonging to person against whom warrant of arrest is in force

15 **95A.**—(1) Where a vehicle which is being used or parked on a road or in a parking place is registered in the name of a person against whom a warrant of arrest is in force, a police officer or an employee of the Authority may —

20 (a) immobilise the vehicle or cause the vehicle to be immobilised, if it is stationary; or

(b) seize the vehicle and detain it at a place of safety or cause the vehicle to be seized and detained at a place of safety,

25 and the vehicle shall remain so immobilised or detained at the risk of the owner thereof until it is released by order of a Magistrate, the Deputy Commissioner of Police or the Registrar.

30 (2) The powers conferred by subsection (1) on a police officer may also be exercised by him in respect of any vehicle which is registered in the name of a person against whom a warrant of arrest is in force and which is being used or parked in a public place.

35 (3) Without prejudice to subsections (1) and (2) but subject to subsection (4), where a police officer, in attempting to execute a warrant of arrest at any private premises, finds at such private premises any vehicle which is registered in the name of the

person against whom the warrant of arrest has been issued, the police officer may —

- (a) immobilise the vehicle or cause the vehicle to be immobilised, if it is stationary; or
- (b) seize the vehicle and detain it at a place of safety or cause the vehicle to be seized and detained at a place of safety,

and the vehicle shall remain so immobilised or detained at the risk of the owner thereof until it is released by order of a Magistrate, the Deputy Commissioner of Police or the Registrar.

(4) Nothing in subsection (3) shall authorise a police officer to immobilise or seize and detain any vehicle which he finds at any private premises unless, despite all reasonable effort, he is unable at such private premises to effect the arrest of the person against whom the warrant of arrest has been issued.

(5) For the purposes of subsections (1), (2) and (3) —

- (a) a police officer or an employee of the Authority may require any person who is driving or who is in charge of the vehicle —
 - (i) to stop the vehicle;
 - (ii) to take the vehicle to such place of safety as may be specified by the police officer or employee of the Authority; or
 - (iii) to render such other co-operation as the police officer or employee of the Authority may reasonably require; and
- (b) a Magistrate, the Deputy Commissioner of Police or the Registrar may —
 - (i) refuse to order the release of any vehicle that has been immobilised or seized and detained under either of those subsections until the person in whose name the vehicle is registered has been arrested in connection with the warrant of arrest in force against him or has surrendered himself to a police officer or the warrant of arrest in force against him has been cancelled by a court; and

- (ii) require the person to whom the vehicle is released to pay such charges as may be prescribed for the release of the vehicle.

5 (6) Where a police officer or an employee of the Authority has immobilised or seized and detained a vehicle under this section, he shall with all reasonable despatch give notice in writing to the person in whose name the vehicle is registered of the immobilisation or seizure and shall in such notice inform that person —

- 10 (a) of the procedure by which he may secure the release of the vehicle; and
- (b) that unless within 3 months of the date specified in the notice he surrenders himself to a police officer in connection with the warrant of arrest in force against him, the Deputy Commissioner of Police or the
- 15 Authority shall proceed to sell or dispose of the vehicle.

(7) A notice under subsection (6) may be served in the following manner:

- 20 (a) where the vehicle has been immobilised, by affixing the notice onto the windscreen or any other conspicuous part of the vehicle; or
- (b) where the vehicle has been seized and detained, by posting the notice to the person in whose name the vehicle is registered at his usual or last known place of
- 25 residence or business in Singapore.

(8) Any person who —

- (a) without the authority of a police officer or an employee of the Authority removes or tampers with any notice affixed onto a vehicle under subsection (7) (a); or
- 30 (b) without the authority of a Magistrate, the Deputy Commissioner of Police or the Registrar —
 - (i) removes or tampers with any device or appliance which has been fixed to a vehicle by a police officer or an employee of the Authority
 - 35 for the purpose of immobilising it in pursuance of this section; or

- (ii) removes any vehicle from the place at which it has been immobilised or from the place of safety where it is being detained or causes such vehicle to be so removed,

shall be guilty of an offence.

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(9) If upon the expiry of 3 months from the date specified in the notice given under subsection (6) the person in whose name the vehicle is registered has not surrendered himself to a police officer or has not been arrested in connection with the warrant of arrest in force against him, the Deputy Commissioner of Police or the Authority, after giving one month's notice in the *Gazette* of his or its intention to do so, may sell the vehicle by public auction or otherwise dispose of the vehicle in such manner as he or it thinks fit.

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(10) The proceeds, if any, from the sale or disposal of any such vehicle shall be applied in payment of —

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- (a) any taxes, fees or charges under this Act or the rules which may be due from the person in whose name the vehicle is registered; and

- (b) any charges incurred in carrying out the provisions of this section,

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and the surplus, if any, shall be paid to the person in whose name the vehicle is registered, or if not claimed by such person within 12 months after the date of the sale or disposal shall be forfeited to the Government.

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(11) Any person who obstructs or hinders the Authority or any employee thereof, the Deputy Commissioner of Police or any police officer acting in the discharge of his duty under this section shall be guilty of an offence.

(12) The Authority or any employee thereof, the Deputy Commissioner of Police and any police officer shall not be liable for any damage to or loss of any vehicle or the contents thereof which is not wilfully or negligently caused by them in the exercise of their powers under this section.

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(13) In this section —

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“immobilise”, in relation to a vehicle, means to prevent the removal of the vehicle by fixing to the vehicle a device or appliance which is —

- (a) designed or adapted for the purpose of preventing the removal of the vehicle; and
- (b) approved by the Authority or the Deputy Commissioner of Police for use for the purpose of this section;

“police officer” includes an auxiliary police officer who is —

- (a) appointed in accordance with any written law for the time being in force; and
- (b) authorised in writing by the Commissioner of Police to exercise the powers conferred on a police officer by this section;

“warrant of arrest” means a warrant of arrest issued by a court against a person in connection with any offence committed by him under —

- (a) this Act or the rules; or
- (b) the Parking Places Act (Cap. 214) or any rules made thereunder.”.

Amendment of section 129

10. Section 129 of the principal Act is amended by deleting “\$2,000” in the penultimate lines of subsections (1) and (2) and substituting in each case “\$5,000”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Traffic Act (Cap. 276).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 (1) by inserting a new definition of the term “public place”. This new definition serves to clarify the meaning of that term as used in the Act.

Clause 3 amends section 5 by inserting a new subsection (5A) to raise the maximum fine for the offence of unlawfully altering a vehicle or trailer —

- (a) from \$1,000 for a first conviction (as provided for by section 131 (1)) to \$2,000; and
- (b) from \$2,000 for a second or subsequent conviction (as provided for by section 131 (1)) to \$5,000.

Clause 4 amends section 10 by inserting a new subsection (3) to raise the maximum fine for the offence of keeping or using an unregistered vehicle —

- (a) from \$1,000 for a first conviction (as provided for by section 131 (1)) to \$2,000; and
- (b) from \$2,000 for a second or subsequent conviction (as provided for by section 131 (1)) to \$5,000.

Clause 5 amends section 12 by inserting a new subsection (4) to raise the maximum fine for failing to comply with subsection (2) —

- (a) from \$1,000 for a first conviction (as provided for by section 131 (1)) to \$2,000; and
- (b) from \$2,000 for a second or subsequent conviction (as provided for by section 131 (1)) to \$5,000.

[Section 12 (2) requires a person who has in his possession or comes into possession of, or uses, a motor vehicle licensed in a foreign country to inform the Registrar, within such period as may be prescribed, if he becomes a resident of Singapore or takes up residence in Singapore.]

Clause 6 amends section 19 by inserting a new subsection (3A) to empower the Registrar to refuse to issue a vehicle licence if he is satisfied that the vehicle in respect of which the licence is to be issued is registered in the name of a person who, pursuant to a warrant of court, has been arrested in connection with an offence under this Act or the rules or any written law specified in Part I of the Schedule and the offence has not been tried and determined by the court.

Clause 7 amends section 25 (which empowers the Minister to make rules to modify the application of the provisions of Part I of the Act to visitors' vehicles) to empower the Minister to make rules for —

- (a) the issue of a vehicle entry permit in an electronic form;
- (b) the issue of a stored value card or other device or appurtenance for the purpose of storing the permit electronically;
- (c) the levy of a fee for the issue of the stored value card, device or appurtenance; and
- (d) the prescription of a method of collection of the fee for the permit.

The amendment also empowers a court which has convicted a person of an offence under the rules to order him to pay any amount of fees or taxes payable under the rules that are in arrears.

Clause 8 amends section 27 by inserting a new subsection (3) to raise the maximum fine for failing to comply with subsection (2) (b) —

- (a) from \$1,000 for a first conviction (as provided for by section 131 (1)) to \$2,000; and
- (b) from \$2,000 for a second or subsequent conviction (as provided for by section 131 (1)) to \$5,000.

[Section 27 (2) (b) requires the registered owner or the person in possession of a vehicle, the registration of which has been cancelled by the Registrar, to produce proof to the satisfaction of the Registrar that the vehicle has been exported or scrapped within one month of the date of the cancellation.]

Clause 9 inserts a new section 95A to empower a police officer or an employee of the Authority to immobilise or seize and detain any vehicle which is registered in the name of a person against whom a warrant of arrest is in force in respect of any offence committed by him under the Act or the rules or under the Parking Places Act (Cap. 214) or any rules made thereunder (whether or not such offence relates to that same vehicle or another vehicle).

The powers conferred on an employee of the Authority may be exercised in respect of any vehicle which is being used or parked on a road or in a parking place, while the powers conferred on a police officer may be exercised in respect of a vehicle which is being used or parked on a road, in a parking place or in any other public place.

In addition, where a police officer attempting to execute any such warrant of arrest at any private premises is unable, despite all reasonable effort, to arrest the person against whom the warrant of arrest has been issued, the police officer may immobilise or seize and detain any vehicle registered in the name of that person which is found at the private premises.

The powers conferred on a police officer may also be exercised by an auxiliary police officer who is authorised in writing by the Commissioner of Police to exercise such powers.

Any vehicle which is so immobilised or seized and detained may be released only upon the order of a Magistrate, the Deputy Commissioner of Police or the Registrar, and the Magistrate, Deputy Commissioner of Police or Registrar may refuse to order the release of the vehicle until the person in whose name the vehicle is registered has been arrested in connection with the warrant of arrest in force against him or has surrendered himself to a police officer or the warrant of arrest in force against him has been cancelled by a court.

Clause 10 amends section 129 to raise the maximum fines for the offences under subsections (1) and (2) from \$2,000 to \$5,000.

[Section 129 (1) and (2) relates to the offence of making false statements, forging of licences, etc.]

EXPENDITURE OF PUBLIC MONEY

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