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Active Mobility Bill

Bill No. 40/2016.

Read the first time on 9 November 2016.

ACTIVE MOBILITY ACT 2016

(No. of 2016)

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A BILL

i n t i t u l e d

An Act for the establishment of public paths for walking, cycling or other similar purposes, to regulate the use of these public paths, and to make consequential and related amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

1. This Act is the Active Mobility Act 2016 and comes into
5 operation on a date that the Minister appoints by notification in the
Gazette.

Interpretation

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

10 “accessories” means additional parts, or fittings, for the purpose
of enhancing the comfort, appearance or performance of a
personal mobility device, including sound and internet
devices and navigation devices, but not including parts or
fittings prescribed for the purposes of this definition;

15 “authorised officer”, for any provision of this Act, means an
individual who is appointed under section 38 as an authorised
officer for the purposes of that provision;

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

20 “bicycle” means a vehicle that —

- (a) has 2 wheels held one behind the other in a frame;
- (b) is steered by handlebars attached to the front wheel;
- (c) has pedals; and
- (d) is built to be propelled solely by human power;

25 “code of conduct” means a code of conduct issued or approved
by the Minister under section 24, and includes any such code
of conduct as amended from time to time under that section;

“cycling” does not include the use of a motor cycle or
power-assisted bicycle;

30 “director” has the same meaning as in section 4(1) of the
Companies Act (Cap. 50);

“driver” means a driver of a vehicle and includes a rider, but does not include an individual who is walking and pushing a motorised wheelchair;

“driving” includes a reference to riding;

“end-of pedestrian-only path marking” means a marking drawn or painted on a pedestrian-only path, consisting of the prescribed symbol or words denoting the end of the pedestrian-only path; 5

“end-of pedestrian-only path sign” means a sign showing the prescribed symbol or words denoting the end of the pedestrian-only path; 10

“end-of shared path marking” means a marking drawn or painted on a shared path, consisting of the prescribed symbol or words denoting the end of the shared path;

“end-of shared path sign” means a sign showing the prescribed symbol or words denoting the end of the shared path; 15

“footpath” means a length of path (whether or not contiguous with another path or a road) provided for pedestrians to use, or individuals to ride a bicycle or personal mobility device on, and ending at the nearest of the following: 20

(a) a pedestrian-only path sign or pedestrian-only path marking;

(b) a shared path sign or shared path marking;

(c) a road;

(d) the natural end of the path (which may be a dead end); 25

“holding yard” means a place used under section 52 for the storage of vehicles moved to, surrendered at, detained, seized or forfeited under Division 2 of Part 5;

“identification card”, in relation to an authorised officer, a public path warden or a volunteer public path warden, means an identification card issued under section 42 to the authorised officer, public path warden or volunteer public path warden, as the case may be; 30

“land” includes any permanent buildings on, under or over the land;

“limited liability partnership” has the same meaning given to it by the Limited Liability Partnerships Act (Cap. 163A);

5 “mechanised sweeper” means a motor vehicle that —

(a) is designed or adapted for the purpose of sweeping or cleansing paths, the collection or disposal of refuse on paths or of the contents of gullies on paths; and

10 (b) is incapable by reason of its construction of reaching a prescribed speed on the level under its own power;

“mobility scooter” means a vehicle that —

(a) has 3 or more wheels and a footboard supported by the wheels;

(b) is steered by handlebars;

15 (c) has a seat;

(d) is designed to carry an individual who is unable to walk or has difficulty in walking; and

(e) is propelled by a motor that forms part of the vehicle;

“motorised wheelchair” means a wheelchair that —

20 (a) is designed to carry an individual who is unable to walk or has difficulty in walking; and

(b) is propelled by a motor that forms part of the wheelchair;

25 “non-compliant bicycle” means a bicycle the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under the Road Traffic Act (Cap. 276) either for all bicycles generally or for the particular type of that bicycle;

30 “non-compliant personal mobility device” means a personal mobility device the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed either for all personal

mobility devices generally or for the particular type of that personal mobility device;

“non-compliant power-assisted bicycle” means a power-assisted bicycle the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under the Road Traffic Act either for all power-assisted bicycles generally or for the particular type of that power-assisted bicycle; 5

“notice” does not include giving notice orally;

“path” does not include the following, whether or not contiguous with another path or a road: 10

- (a) an unformed or unsurfaced path;
- (b) a green verge or other area provided for the growing of grass, trees or other vegetation;

“pedestrian” means — 15

- (a) an individual walking, with or without animals;
- (b) an individual in a non-motorised wheelchair;
- (c) an individual driving a motorised wheelchair or riding a mobility scooter;
- (d) an individual travelling on inline skates, roller-skates or a wheeled toy; 20
- (e) an individual pushing a pram, stroller or trolley, or a motorised or non-motorised wheelchair; or
- (f) an individual walking beside and pushing any other vehicle; 25

“pedestrian-only path” means a length of path (whether or not contiguous with another path or a road) —

- (a) provided solely for pedestrians to use; and
- (b) starting at a pedestrian-only path marking or a pedestrian-only path sign, and ending at the nearest of the following: 30

- (i) an end-of pedestrian-only path marking or an end-of pedestrian-only path sign;
- (ii) a shared path sign or a shared path marking;
- (iii) a road;
- (iv) the natural end of the path (which may be a dead end);

“pedestrian-only path marking” means a marking drawn, etched or painted on a path —

(a) consisting of —

- (i) a prescribed symbol or prescribed words or both; and
- (ii) if the marking has a limited operation, words or figures specifying details of the operation of the marking; and

(b) drawn, etched or painted so as to face an approaching pedestrian;

“pedestrian-only path sign” means a sign —

(a) showing —

- (i) a prescribed symbol or prescribed words or both; and
- (ii) if the sign has a limited operation, words or figures specifying details of the operation of the sign; and

(b) erected so as to face an approaching pedestrian;

“personal mobility device” or “PMD” means a wheeled vehicle that —

- (a) is built to transport people only (with or without carry-on baggage); and
- (b) is propelled by an electric motor attached to the vehicle or by human power or both,

and includes a skateboard, but does not include a bicycle, power-assisted bicycle, motor car, wheelchair (motorised or otherwise), mobility scooter, pram, stroller or trolley, inline skates, roller-skates or a wheeled toy, and such other vehicle as the Minister may, by order in the *Gazette*, exclude from this definition; 5

“power-assisted bicycle” or “PAB” means a bicycle that —

- (a) is equipped with an electric motor; and
- (b) may be propelled by human power or by the electric motor with which it is equipped, or by both; 10

“premises” means a building or structure (whether permanent or temporary) or part of a building or structure;

“proprietor” —

- (a) in relation to any land that is leased or is subject to a tenancy or licence to occupy, includes the owner of the land who is the lessor or grantor of the licence to occupy; 15
- (b) in relation to land that is common property not comprised in a strata title plan, means the person receiving any rent or charge for the maintenance of that common property or limited common property; and 20
- (c) in relation to land that is common property or limited common property comprised in a strata title plan, means the management corporation or subsidiary management corporation, as the case may be, having control of the common property or limited common property; 25

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, and includes a Town Council; 30

“public path” means a path declared under section 6 as a public path;

“public path warden” means an individual who is appointed under section 39 as a public path warden, and includes any authorised officer;

“regulations” means regulations made under this Act;

5 “repair” includes examine, detect faults in, adjust, carry out maintenance on, overhaul, replace, alter and paint;

“repeat offender”, in relation to any offence under this Act, means an individual who —

10 (a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty of the same offence on at least one other earlier occasion within the period of 5 years immediately before the date on which he or she is convicted or found guilty of the current offence;

15

“residential address”, for an individual, means the individual’s usual or last known place of residence in Singapore;

20 “ride”, in relation to a bicycle, PAB or personal mobility device, means to travel in or on the bicycle, PAB or personal mobility device;

“rider” means an individual who is riding a bicycle, PAB or personal mobility device, but does not include an individual walking beside and pushing any of these vehicles;

“road” has the same meaning as in the Road Traffic Act;

25 “sell” means doing any of the following in Singapore:

(a) sell (including re-sell) by any method for valuable consideration;

(b) let for hire or hire-purchase;

30 (c) supply in exchange for valuable consideration or as a prize or reward in lottery or other game of chance;

“shared path” means a length of path provided for use by both riders and pedestrians, starting at a shared path sign or shared path marking, and ending at the nearest of the following:

- (a) an end-of shared path sign or an end-of shared path marking; 5
- (b) a pedestrian-only path sign or a pedestrian-only path marking;
- (c) a road;
- (d) the natural end of the path (which may be a dead end);

“shared path marking” means a marking drawn, etched or painted on a path — 10

- (a) consisting of —
 - (i) a prescribed symbol or prescribed words or both; and
 - (ii) if the marking has a limited operation, words or figures specifying details of the operation of the marking; and 15
- (b) drawn, etched or painted so as to face an approaching pedestrian or rider;

“shared path sign” means a sign — 20

- (a) showing —
 - (i) a prescribed symbol or prescribed words or both; and
 - (ii) if the sign has a limited operation, words or figures specifying details of the operation of the sign; and 25
- (b) erected so as to face an approaching pedestrian or rider;

“sidewalk” means a path adjacent to the carriageway of a road that is set aside — 30

- (a) solely for pedestrians to use; or

(b) for the public to walk, or ride a bicycle or personal mobility device, on or do any combination of those activities on it;

“Town Council”, for a Town, means a Town Council established under the Town Councils Act (Cap. 329A) for a Town within the meaning of that Act;

“vehicle” means any means of conveyance that runs on wheels, other than a train;

“volunteer public path warden” means an individual who is appointed a volunteer public path warden under section 40;

“wheelchair” means a chair mounted on 2 or more wheels that is built to transport a person who is unable to walk or has difficulty in walking, but does not include a pram, stroller or trolley;

“wheeled toy” means a child’s pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is below 12 years of age.

(2) Where a pedestrian-only path, footpath or shared path passes over a bridge or through a tunnel, that bridge or tunnel is taken, for the purposes of this Act, to be a pedestrian-only path, footpath or shared path, as the case may be.

(3) For the purposes of this Act, any notice or other document that is required by or under this Act to be sent or given to the Authority or an authorised officer is taken to be sent or given only when it is actually received by the Authority or the authorised officer, as the case may be.

(4) A reference in this Act to an individual performing duties in the Authority is a reference to —

(a) an employee of the Authority; or

(b) a public officer performing duties in the Authority under a secondment arrangement making available temporarily to the Authority the services of public officers.

Purposes of Act

3. The purposes of this Act are —

- (a) to enhance connectivity by supporting development that promotes walking and cycling and patronage of public transport; 5
- (b) to maintain and promote the safety of public path users through appropriate enforcement and education strategies;
- (c) to reduce potential conflicts between the motorised and non-motorised uses of public paths while ensuring that public paths accommodate the largest range of possible users safely; and 10
- (d) to ensure that uses of public paths are compatible with the areas surrounding it.

Act binds Government

4.—(1) This Act binds the Government, and applies to and in relation to — 15

- (a) any bicycle, power-assisted bicycle or personal mobility device belonging to the Government; and
- (b) any public officer, public path warden or volunteer public path warden riding or otherwise using a bicycle, power-assisted bicycle or personal mobility device. 20

(2) However, nothing in this Act —

- (a) renders the Government liable to prosecution for an offence under this Act; or
- (b) prevents any public officer, public path warden or volunteer public path warden from exercising his or her powers or carrying out his or her duties under this Act or any other written law. 25

(3) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to the Government. 30

PART 2

PUBLIC PATH SYSTEM

*Division 1 — Declaring public paths***Interpretation of this Part**

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

“access agreement” means an agreement under Division 2 of this Part;

“dedicated land” means State land that is reserved or dedicated to the use of the general public as —

10 (a) a path solely for people to walk (but not to ride any vehicle) on, with or without animals;

(b) a sidewalk;

(c) a nature reserve, national park or public park within the meaning of the Parks and Trees Act (Cap. 216); or

15 (d) a museum, reservoir or wildlife sanctuary, or otherwise for the purposes of public recreation;

“private land” means land that is not public land;

“public land” means land that is —

(a) dedicated land;

20 (b) State land that is not dedicated land;

(c) common property or open space vested in or under the care, control or management of the Housing and Development Board or a Town Council; or

25 (d) vested in or under the care, control or management of any other public authority by the operation of written law.

Declaring and classifying public paths

30 **6.**—(1) Subject to this section, the Authority may, by order in the *Gazette*, declare that land of a kind mentioned in subsection (2) is set aside for use by members of the public as —

- (a) a pedestrian-only path;
- (b) a footpath; or
- (c) a shared path.

(2) A public path of a kind mentioned in subsection (1) may be declared over —

5

- (a) any public land; or
- (b) any private land that is subject to an access agreement in favour of the Authority for the purposes of this Act.

(3) A public path may only be declared over public land that is not State land if —

10

- (a) an agreement in relation to the declaration of the public path is entered into between —

- (i) the Minister; and

- (ii) the Minister charged with the responsibility for the public authority in whom the land is vested or which has the care, control or management of the land; and

15

- (b) the order under subsection (1) for the public path conforms to that agreement.

(4) An order under subsection (1) must —

- (a) identify or describe the public path; and
- (b) specify whether the public path is a pedestrian-only path, a footpath or a shared path.

20

(5) An order under subsection (1) may —

- (a) include terms and conditions as to the use and management of the public path; and

25

- (b) provide for periods during which the public path is closed.

(6) An order under subsection (1) in relation to private land must conform to the terms of the access agreement on which it is based.

(7) An order under subsection (1) (or as varied under section 7) —

- (a) attaches to the land; and

30

- (b) is binding on all persons who from time to time have an interest in the land.

Discontinuing or diverting, etc., public path

7.—(1) Subject to this section, the Authority may, by subsequent
5 order in the *Gazette*, vary or revoke an order made under section 6.

(2) Without limiting that power in subsection (1), the Authority may —

(a) discontinue (temporarily or otherwise) the whole or a part of a public path;

(b) divert a public path;

(c) vary the purpose of the public path, such as from a pedestrian-only path to a shared path or vice versa, or a footpath to a shared path or vice versa, and so on; or

(d) alter the boundaries of a public path.

(3) Except in the case of discontinuing the whole or a part of a public path, an order under subsection (1) affecting a public path on private land is subject to the requirement that the order must conform to the terms of the access agreement on which the original order is based.

Restriction on use of public path on public land

8.—(1) Despite any Act or law to the contrary, but subject to this section, where a public path is declared over public land that is not State land, the performance of functions and the exercise of rights or powers in relation to the land by the public authority in whom the land is vested or which has the care, control or management of the land, or
25 by any other person who has an interest in the land, are subject to —

(a) the performance of functions and the exercise of powers by the Authority in relation to the public path under this or any other Act; and

(b) the right of members of the public to use the public path in
30 accordance with this Act.

(2) Despite any Act or law to the contrary, but subject to this section, where a public path is declared over private land that is subject to an

access agreement in favour of the Authority for the purposes of the public path, the rights and powers of the proprietor and occupier of the land, and of any other person who has an interest in the land, are subject to —

- (a) the performance of functions and the exercise of powers by the Authority in relation to the public path under this or any other Act; and 5
- (b) the right of members of the public to use the public path in accordance with this Act.

(3) The performance of functions and the exercise of powers by the Authority in relation to a public path on private land are subject to the terms of the access agreement on which the order declaring the public path is based. 10

Division 2 — Access agreements

Access agreements 15

9.—(1) The proprietor of private land may enter into an agreement under this Division with the Authority for the purposes of declaring a part of the land a public path if all other persons with a legal interest in the land have consented to that agreement.

- (2) Subject to section 11, an access agreement — 20
 - (a) attaches to the land;
 - (b) is binding on all persons who from time to time have an interest in the land; and
 - (c) remains in full force and effect despite the fact that the land to which it applies ceases to be private land because of a transfer of ownership or for any other reason. 25

Access agreement may include indemnity

10.—(1) An access agreement may include —

- (a) an indemnity from a specified form of liability or right of action; 30

- (b) a waiver or exclusion of a specified form of liability or right of action;
- (c) an acknowledgment of liability; or
- (d) a disclaimer.

5 (2) An access agreement may also include a term requiring a party to the agreement to indemnify another party for costs incurred in defending legal proceedings against the second-mentioned party.

Variation of access agreement

10 **11.**—(1) Subject to subsection (2), an access agreement may be varied at any time by agreement between the parties but only if it remains in conformity with the order under section 6 declaring the relevant public path.

15 (2) An access agreement cannot be varied in a manner that affects the legal interest in the land of another person without that person's consent to the agreement.

PART 3

USE OF PUBLIC PATHS

Division 1 — Rights of users of public paths

Rights of passage

20 **12.**—(1) A member of the public is individually entitled as of right to pass along a public path.

(2) Members of the public are generally entitled as of right to pass along a public path.

25 (3) The rights conferred by this section do not derogate from any right of passage conferred by the common law.

(4) The rights of passage conferred by this section or at common law are subject to any restrictions, limitations or conditions which may be specified by or under this Act or any other Act or law.

Rights of adjoining land owners or occupiers

13.—(1) A proprietor or occupier of any land which adjoins a public path is entitled as of right to access the public path from that land.

(2) Rights of access conferred by this section are subject to any restrictions, limitations or conditions which may be specified by or under this Act or any other Act or law.

5

Extinguishment of rights

14. The rights of the public, whether under this Act or at common law, in relation to a public path can only be extinguished if the public path is discontinued in accordance with section 7.

10

Division 2 — Conduct of users of public paths

No riding of bicycles, etc., on pedestrian-only paths

15.—(1) Subject to this Act, an individual must not ride a bicycle, a PAB or a personal mobility device, or drive or ride a motor vehicle that is neither a motorised wheelchair nor a mobility scooter, on a public path that is a pedestrian-only path.

15

(2) However, subsection (1) does not apply to an individual who is riding a bicycle, a PAB or a personal mobility device on a pedestrian-only path —

(a) if the individual —

20

(i) is crossing the pedestrian-only path by the shortest safe route; and

(ii) does not stay on the pedestrian-only path longer than necessary to cross it safely; or

(b) if —

25

(i) there is an obstruction on a road, footpath or shared path adjacent to the pedestrian-only path (called an adjacent area);

(ii) it is impracticable to travel on the adjacent area; and

- (iii) the individual travels no more than reasonably necessary along the pedestrian-only path to avoid the obstruction.

(3) Subsection (1) also does not apply to an individual who is driving or operating a mechanised sweeper on a pedestrian-only path in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

(4) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

No riding of PABs on footpaths

16.—(1) Subject to this Act, an individual must not —

- (a) ride a PAB on a footpath; or
- (b) drive on a footpath a motor vehicle that is not a personal mobility device, motorised wheelchair or mobility scooter.

(2) However, subsection (1) does not apply to an individual who is riding a PAB on a footpath —

- (a) if the individual —
 - (i) is crossing the footpath by the shortest safe route; and
 - (ii) does not stay on the footpath longer than necessary to cross it safely; or
- (b) if —
 - (i) there is an obstruction on a road or shared path adjacent to the footpath (called an adjacent area);
 - (ii) it is impracticable to travel on the adjacent area; and
 - (iii) the individual travels no more than reasonably necessary along the footpath to avoid the obstruction.

(3) Subsection (1) also does not apply to an individual who is driving or operating a mechanised sweeper on a footpath in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

(4) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

No motor cars, etc., on shared paths

17.—(1) Subject to this Act, an individual must not drive or ride on a shared path any motor vehicle that is not a PAB, personal mobility device, motorised wheelchair or mobility scooter.

(2) Subsection (1) does not apply to an individual who is driving or operating a mechanised sweeper on a shared path in the course of his or her employment, which is to sweep or otherwise clean sidewalks or paths.

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Vehicle banned for specific public path

18.—(1) Subject to this Act, an individual must not —

(a) ride on a public path that is a shared path a bicycle, a PAB or a personal mobility device which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path; or

(b) ride on a public path that is a footpath a bicycle or a personal mobility device which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path,

5 knowing that, or reckless as to whether, it is so banned.

(2) To avoid doubt, a bicycle, a PAB or a personal mobility device may be prescribed as banned for use on a specific footpath or shared path even if it is not non-compliant.

10 (3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and

15 (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Non-compliant personal mobility devices, etc.

19.—(1) Subject to this Act, an individual must not, without reasonable excuse, ride on a public path that is a footpath or shared path —

20 (a) a non-compliant bicycle;

(b) a non-compliant PAB; or

(c) a non-compliant personal mobility device,

knowing that, or reckless as to whether, it is non-compliant.

25 (2) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both; and

30 (b) if the individual is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Excepted use of non-compliant personal mobility devices, etc.

20.—(1) Despite section 19 but not affecting section 18, an individual may ride on a public path that is a footpath or shared path —

- (a) a non-compliant bicycle of a prescribed model or description; 5
- (b) a non-compliant PAB of a prescribed model or description; or
- (c) a non-compliant personal mobility device of a prescribed model or description, 10

subject to such conditions as are prescribed in relation to that vehicle.

(2) An individual who, when riding any vehicle mentioned in subsection (1) on a public path that is a footpath or shared path, fails to comply with the conditions prescribed for the purposes of that subsection and in relation to that vehicle, shall be guilty of an offence and shall be liable on conviction — 15

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both. 20

Speeding on public paths

21.—(1) Subject to this Act, an individual must not —

- (a) ride a bicycle, a PAB or a personal mobility device; or
- (b) drive a motorised wheelchair or ride a mobility scooter, 25

on any public path that is a footpath or shared path in excess of the maximum speed prescribed for that public path.

(2) Different maximum speeds may be prescribed for different types of footpaths or shared paths.

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction — 30

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Dangerous riding of bicycles, etc., on public paths

22.—(1) Subject to this Act, an individual must not —

- (a) ride a bicycle, a PAB or a personal mobility device;
- (b) drive a motorised wheelchair or ride a mobility scooter; or
- (c) drive or operate a mechanised sweeper,

on any public path that is a footpath or shared path recklessly, or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

(2) An individual who contravenes subsection (1) 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 6 months or to both.

Duty of driver of vehicle if accident occurs

23.—(1) If owing to the presence of a vehicle on a public path an accident occurs whereby any individual is injured or any property (including any animal) is damaged or destroyed, the driver of the vehicle must comply as far as the circumstances permit with the following requirements:

- (a) must immediately stop the vehicle;
- (b) must immediately render such assistance as he or she can;
- (c) must at the scene of the accident as soon as possible give his or her name and residential address, and also the name and address of the owner of the vehicle —
 - (i) to any person who has been injured or to the owner of any property that has been damaged or destroyed; or

- (ii) to a person representing the injured person or the owner of the property;
- (d) must at the scene of the accident as soon as possible give those names and addresses to any police officer, authorised officer or public path warden who is present; 5
- (e) if any person is injured and no police officer, authorised officer and public path warden are present at the scene of the accident, must as soon as possible report in person full particulars of the accident at the police station that is most accessible from the scene of the accident; 10
- (f) if any property is damaged or destroyed and none of the following are present at the scene of the accident:
 - (i) the owner of the property nor any person representing the owner;
 - (ii) any police officer, authorised officer or public path warden, 15

must as soon as possible report in person full particulars of the accident at the police station that is most accessible from the scene of the accident.
- (2) If a vehicle, which has been left standing on a public path, moves of its own accord from the position in which it was left and is involved in an accident whereby any person is injured or any property (including any animal) is damaged or destroyed, the person who left the vehicle so standing must, as soon as possible after becoming aware of the accident, comply as far as the circumstances permit with the requirements of subsection (1). 20 25
- (3) If —
 - (a) as a result of an accident involving a vehicle on a public path an individual is killed or suffers injury;
 - (b) the driver of the vehicle knows or ought reasonably to have known that the accident had occurred and had resulted in an individual being killed or suffering injury; and 30

- (c) the driver of the vehicle does not comply with the requirements of subsection (1)(a), (b), (c), (d) or (e) in relation to the accident,

the driver shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case if the driver is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Division 3 — Code of conduct for users of public paths

Codes of conduct

24.—(1) The Minister may —

- (a) issue one or more codes of conduct;
- (b) approve as a code of conduct any document prepared by a person other than the Authority if the Minister considers the document as suitable for this purpose; or
- (c) amend or revoke any code of conduct issued under paragraph (a) or approved under paragraph (b),

to provide practical guidance or certainty in respect of any one or more of the requirements of this Act or any duty or other requirement prescribed under this Act with respect to the use of public paths.

(2) In particular, a code of conduct may —

- (a) set out benchmarks of good practice and conduct in relation to the use of public paths; and
- (b) describe the markings for different types of public paths.

(3) However, a code of conduct cannot —

- (a) impose a duty on any person;
- (b) direct how any matter or thing is to be done;
- (c) create an enforceable legal right; or
- (d) impose any liability or penalty.

(4) If any provision in any code of conduct is inconsistent with any provision of this Act, that provision in the code, to the extent of the inconsistency —

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

(5) Where a code of conduct is issued, approved, amended or revoked by the Minister under subsection (1), the Minister must —

- (a) give notice of the issue, approval, amendment or revocation, as the case may be, of the code of conduct by notice in the *Gazette*; 10
- (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and
- (c) ensure that, so long as the code of conduct remains in force, copies of that code of conduct, and of all amendments to that code of conduct, are available for inspection, free of charge, by the general public. 15

(6) No code of conduct, no amendment to a code of conduct, and no revocation of any such code of conduct, has any force or effect as a code of conduct until the notice relating thereto is published in accordance with subsection (5). 20

(7) A code of conduct issued or approved under this section does not have legislative effect.

Use of code of conduct in proceedings

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25.—(1) A code of conduct is admissible in evidence in any proceedings in a court where —

- (a) a person is alleged to have committed an offence or a civil wrong —
- (i) by reason of a contravention of any provision of this Act; or 30

(ii) by reason of a failure to discharge or perform a duty or other requirement imposed by this Act; and

(b) the matter to which the alleged contravention or failure relates is one to which, in the opinion of the court in the proceedings, a code of conduct relates.

(2) In criminal proceedings or civil proceedings in a court, evidence that —

(a) a person has complied with a provision in a code of conduct found by the court to be relevant to a matter to which a contravention or failure alleged in the proceedings relates; or

(b) a person has contravened or failed to comply with, whether by act or omission, any such provision so found,

may be relied on by any party to those proceedings as tending to establish or negative any liability which is in question in those proceedings.

(3) To avoid doubt, a reference in subsection (1) to a provision of this Act includes a provision of any regulations.

Division 4 — Wayfinding and maintaining clear public paths

Wayfinding signs for public paths

26.—(1) The Authority may, for the purpose of enhancing connectivity and supporting development that promotes walking and cycling and patronage of public transport, give an order to any proprietor or occupier of any land, requiring the proprietor or occupier to install, erect or relocate, or cause to be installed, erected or relocated, on the land, at the proprietor's or occupier's cost, any permanent directional or wayfinding signage in relation to all or any public paths leading to or away from, or on, under or over, the land.

(2) An order under subsection (1) must specify —

(a) the type and description of the permanent directional or wayfinding signage to be erected, installed or relocated;

- (b) the locations on the land where the permanent directional or wayfinding signage are to be erected, installed or relocated;
- (c) the time by which the work for installing, erecting or relocating the signage must start; and
- (d) the time within which the work for installing, erecting or relocating the signage must be completed.

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(3) However, no order under subsection (1) may be given to any proprietor or occupier of any land unless the Authority has given to the proprietor or occupier of the land concerned —

- (a) notice of intention to give the order;
- (b) describing the contents of the order; and
- (c) specifying the time (being not less than 14 days after the date of service of notice on the proprietor or occupier) within which written representations may be made to the Authority with respect to the proposed order.

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(4) If an order under subsection (1) is not complied with to its satisfaction, the Authority may —

- (a) carry out or cause to be carried out all or any of the work specified in that order; and
- (b) recover all expenses reasonably incurred by the Authority in the exercise of powers under this section from the person in default.

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(5) Without affecting the right of the Authority to exercise the powers under subsection (4), if any person to whom an order under subsection (1) is given fails, without reasonable excuse, to comply with the requirements of that order, that person 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

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(6) This section does not affect the duty of the Authority in relation to road related facilities under the Street Works Act (Cap. 320A).

Maintaining wayfinding signs for public paths

27.—(1) A proprietor or occupier of any land on which any permanent directional or wayfinding signage in relation to all or any public paths leading to or away from, or on, under or over, the land is erected or installed, or relocated (whether by the proprietor or occupier or a predecessor) pursuant to an order under section 26(1) —

(a) must maintain the signage in a reasonably good and clean condition, allowing for reasonable wear and tear; and

(b) must not intentionally or negligently cause or permit damage to the signage, or the signage to be obscured from view.

(2) A person who fails to comply with 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(3) In proceedings for an offence under subsection (2), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the damage to the signage concerned was due to —

(a) any riot, insurrection, revolution or civil disorder, act of sabotage, vandalism or war (whether declared or undeclared);

(b) a military operation, or an act for the purpose of extinguishing or preventing the spread of a fire on the land or adjoining land; or

(c) lightning, earthquake, storm, fire, flood, subsidence, landslide, mudslide or other natural disaster.

(4) Where, in the opinion of the Authority, any permanent directional or wayfinding signage that relates to all or any public paths leading to or away from, or on, under or over, any land is not kept or maintained in a state of good repair or in a proper and clean condition or is obscured, the Authority may give an order to the proprietor or occupier of the land requiring the proprietor or occupier

of the land to repair, clean or uncover, or cause to be repaired, cleaned or uncovered, the signage at the proprietor's or occupier's cost.

(5) An order under subsection (4) must specify —

- (a) the permanent directional or wayfinding signage to be repaired, cleaned or uncovered; 5
- (b) the time by which the work for repairing, cleaning or uncovering the signage must start; and
- (c) the time within which the work for repairing, cleaning or uncovering the signage must be completed.

(6) If an order under subsection (4) is not complied with to its satisfaction, the Authority may — 10

- (a) carry out or cause to be carried out all or any of the work specified in that order; and
- (b) recover all expenses reasonably incurred by the Authority in the exercise of powers under this section from the person in default. 15

(7) Without affecting the right of the Authority to exercise the powers under subsection (6), if any person to whom an order under subsection (4) is given fails, without reasonable excuse, to comply with the requirements of that order, that person 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction. 20 25

(8) This section does not apply to or in relation to any road related facility within the meaning of the Street Works Act (Cap. 320A).

Obstructing public paths, etc.

28.—(1) Subject to subsection (2), a person must not obstruct the use of a public path not on State land that is a footpath or a shared path, by pedestrians or individuals on vehicles lawfully authorised under this Act to use such a public path. 30

(2) Subsection (1) does not apply if the obstruction is authorised or permitted by or under this Act or any other Act, or arises out of a lawful and reasonable use of the public path.

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

PART 4

DEALING IN PERSONAL MOBILITY DEVICES, ETC.

Interpretation of this Part

10 **29.** In this Part, unless the context otherwise requires —

“buy” or “buying”, in relation to any thing, includes buying that thing as a principal or agent;

“buyer” includes a person by whom or on whose behalf an offer is made to buy;

15 “non-compliant PMD advertisement” means —

(a) any writing;

(b) any still or moving picture, sign, symbol or other visual image;

(c) any audible message; or

20 (d) any combination of 2 or more of those things in paragraphs (a), (b) and (c),

that gives publicity to, or otherwise promotes or is intended to promote the purchase or use of a non-compliant personal mobility device or a range of non-compliant personal mobility devices.

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Ban on display of non-compliant personal mobility devices

30.—(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place, must not display or

cause to be displayed any non-compliant personal mobility device on the premises or place —

(a) when so selling, or offering or exposing for sale any personal mobility device; and

(b) knowing that, or reckless as to whether, it is non-compliant. 5

(2) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises, must ensure that no customer or member of the public can see any non-compliant personal mobility device from inside or outside the premises. 10

(3) This section does not apply to the display of non-compliant personal mobility devices on any premises or place —

(a) to a customer of the business concerned at the customer's request;

(b) by a customer of the business concerned; or 15

(c) in such other circumstances as may be prescribed.

(4) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and 20

(b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Warning notices

31.—(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place, must display or cause to be displayed within the premises or place a prescribed number of warning notices for those premises or that place (as the case may be). 25 30

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In this section, a warning notice is a notice stating to the effect that —

(a) the riding of personal mobility devices on any road is unlawful;

(b) the riding of non-compliant personal mobility devices, non-compliant power-assisted bicycles and non-compliant bicycles on any public path is ordinarily unlawful; and

(c) the riding of personal mobility devices, PABs or bicycles may be banned on certain footpaths or shared paths even if not non-compliant.

Advertisements of non-compliant personal mobility device

32.—(1) Subject to this Act, a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place, must not —

(a) publish a non-compliant PMD advertisement at the premises or place; or

(b) authorise or cause a non-compliant PMD advertisement to be so published.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) For the purposes of this section, a person publishes a non-compliant PMD advertisement if the person does any of the following things:

- (a) includes the advertisement in a document (including a leaflet, ticket or brochure) and makes the document available, or distributes the document, to the public or a section of the public at the premises or place mentioned in subsection (1); 5
- (b) includes the advertisement in a film or video and displays, screens or plays the advertisement so that it can be seen or heard in the premises or at the place mentioned in subsection (1). 10

Selling personal mobility devices for use on roads

33.—(1) Subject to this Act, a person shall be guilty of an offence if — 15

- (a) the person sells, at any premises or place and in the course of business, any personal mobility device; and
- (b) at the time the personal mobility device is sold or offered for sale, the person knows that, or is reckless as to whether or not, the buyer intends to ride the personal mobility device on a public road. 20

(2) A person who is guilty of an offence under this section shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and 25
- (b) if the person is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed in compliance with section 31 on the premises at which and when the sale took place. 30

(4) In this section, “sell” includes causing or authorising a person to sell.

(5) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

5 **Selling non-compliant vehicles for use on public paths**

34.—(1) Subject to this Act, a person shall be guilty of an offence if —

- (a) the person sells, at any premises or place and in the course of business, any personal mobility device, PAB or bicycle;
- 10 (b) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the personal mobility device, PAB or bicycle is a non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle (as the case may be);
- 15 (c) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the person knows that, or is reckless as to whether or not, the buyer intends to ride the personal mobility device, non-compliant PAB or non-compliant bicycle on a public path; and
- 20 (d) that buyer does ride the personal mobility device, PAB or bicycle on a public path.

(2) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed in compliance with section 31 on the premises or place at which and
25 when the sale took place.

(3) However, it is a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

- 30 (a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle (as the case may be) to be exported (whether or not the accused is a party to that contract, arrangement or understanding);

(b) the accused sells the non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle in the course of, or for the purpose of, that personal mobility device, PAB or bicycle (as the case may be) being exported; and

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(c) the accused does not offer that non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle (as the case may be) for sale in Singapore and the sale is not a retail sale.

(4) It is also a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

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(a) the accused had received from the person to whom the non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle was sold, evidence purporting to show that the person does not intend to ride the device, PAB or bicycle (as the case may be) on any public path; and

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(b) it was reasonable to, and the accused did accept, that evidence as correct.

(5) Despite subsection (1), a person may in the prescribed circumstances sell, at any premises or place and in the course of business, an excepted non-compliant vehicle knowing that, or reckless as to whether or not, the buyer intends to ride the excepted non-compliant vehicle on a public path, provided that the prescribed conditions in relation to that vehicle are complied with.

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(6) A person who, without reasonable excuse, fails to comply with the conditions prescribed for the purposes of subsection (5) and in relation to the excepted non-compliant vehicle concerned shall be guilty of an offence.

(7) A person who is guilty of an offence under this section shall be liable on conviction —

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(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(8) In this section —

- 5 (a) a reference to an excepted non-compliant vehicle is a reference to a non-compliant bicycle, a non-compliant PAB or a non-compliant personal mobility device of a prescribed model or description; and

- (b) “sell” includes causing or authorising a person to sell.

- 10 (9) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

Altering personal mobility device, etc., to be non-compliant

35.—(1) A person shall be guilty of an offence if —

- 15 (a) the person, at any premises or place and in the course of business, alters (whether in the course of repair or otherwise) a personal mobility device, PAB or bicycle belonging to another person (in this section called the owner) so as to render it a non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle;

- 20 (b) at the time the personal mobility device, PAB or bicycle is altered, the person knows that, or is reckless as to whether or not, the owner of the personal mobility device, PAB or bicycle intends to ride the altered personal mobility device, PAB or bicycle on a public path; and

- 25 (c) the owner of the personal mobility device, PAB or bicycle does ride the altered personal mobility device, PAB or bicycle on a public path.

(2) A person who is guilty of an offence under this section shall be liable on conviction —

- 30 (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence under this section, it is not a defence for the accused to prove that warning notices were displayed in compliance with section 31 on the premises or place at which and when the alteration took place.

(4) However, in any proceedings for an offence under this section, it is a defence for the accused to prove, on a balance of probabilities, that —

(a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the personal mobility device, PAB or bicycle to be exported (whether or not the accused is a party to that contract, arrangement or understanding);

(b) the accused alters the personal mobility device, PAB or bicycle in the course of, or for the purpose of, the altered personal mobility device, PAB or bicycle (as the case may be) being exported; and

(c) the accused does not offer that non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle (as the case may be) for sale in Singapore and the sale is not a retail sale to another.

(5) In this section, “alter” includes causing or authorising a person to alter.

(6) To avoid doubt, this section is without prejudice to the generality of the term “abetment” under the Penal Code (Cap. 224).

Presumptions for this Part

36.—(1) It is presumed, until the contrary is proved, that a person alters (whether in the course of repair or otherwise) any personal mobility device, PAB or bicycle as to render it a non-compliant personal mobility device, PAB or bicycle if it is proved —

(a) that the accused had possession of the personal mobility device, PAB or bicycle;

(b) that the personal mobility device, PAB or bicycle, as the case may be, was not a non-compliant personal mobility device, PAB or bicycle when the accused acquired possession of it; and

5 (c) that at the time or soon after the personal mobility device, PAB or bicycle (as the case may be) ceased to be in the accused's possession, the personal mobility device, PAB or bicycle is non-compliant.

10 (2) If in any proceedings for an offence under this Part it is proved that a person sold, or offered or displayed for sale, more than 4 personal mobility devices, power-assisted bicycles or bicycles within a 12-month period to any other person or persons, it is presumed in the absence of evidence to the contrary that the person was selling personal mobility devices, power-assisted bicycles or
15 bicycles (as the case may be) in the course of business during that period.

(3) However, nothing in subsection (2) precludes a person who sells, or offers or displays for sale, 4 or fewer personal mobility devices, power-assisted bicycles or bicycles within a 12-month period to any
20 other person or persons from being found to be selling such devices or bicycles in the course of business.

PART 5

ADMINISTRATION AND ENFORCEMENT

Division 1 — Enforcement personnel

Administration of Act

25 **37.** It is the function of the Authority to administer and enforce this Act.

Authorised officers

30 **38.—(1)** The Authority may, in relation to any provision of this Act, appoint as authorised officers for the purposes of that provision from among its employees and individuals performing duties in the Authority who are suitably trained to be authorised officers.

(2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as an authorised officer.

(3) The Authority may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of this Act (except the power of delegation conferred by this subsection) to an authorised officer, subject to such conditions or limitations as set out in this Act or as the Authority may specify; and any reference in the provision of this Act to the Authority includes a reference to such an authorised officer.

(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Authority may specify.

Public path wardens

39.—(1) The Authority may, in relation to any provision of this Act, appoint —

(a) any auxiliary police officer appointed under the Police Force Act (Cap. 235); or

(b) any employee of a public authority (but not a Town Council),

with the suitable training to properly exercise the powers of a public path warden to be a public path warden for the purposes of that provision.

(2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as a public path warden.

(3) An individual mentioned in subsection (1) who is appointed as a public path warden does not, by virtue only of the appointment, become an employee or agent of the Authority.

Volunteer public path wardens

40.—(1) The Authority may, by notice, appoint an individual of at least 18 years of age —

- (a) who is not an individual mentioned in section 38 or 39; and
- (b) who has the suitable training to properly exercise the powers of a public path warden,

to be a volunteer public path warden for the purposes of that provision.

5 (2) The Authority may, for any reason that appears to it to be sufficient, at any time revoke an individual's appointment as a volunteer public path warden.

10 (3) An individual who is appointed as a volunteer public path warden under subsection (1) does not, by virtue only of the appointment, become an employee or agent of the Authority.

Powers of public path wardens and volunteer public path wardens

15 **41.—**(1) The Authority must issue to every public path warden and volunteer public path warden a written authorisation specifying such power as is specified in subsection (2) or (3) that the public path warden and volunteer public path warden, respectively, may exercise.

(2) The powers that a public path warden may be authorised under this section to exercise are all or any of the following:

- 20 (a) to ask an individual suspected of committing an offence under Part 3 to state the individual's name and residential address;
- (b) to advise the individual to stop engaging in conduct that is an offence under Part 3;
- 25 (c) to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place;
- (d) to take statements —
 - 30 (i) from an individual mentioned in paragraph (a) or (c); and
 - (ii) from any complainant against the individual mentioned in paragraph (a),

and to require such an individual to make and sign a declaration of the truth of the statement made by the individual;

- (e) to exercise powers expressly conferred on a public path warden under this Act.

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(3) The powers that a volunteer public path warden may be authorised under this section to exercise are all or any of the following:

- (a) to ask an individual suspected of committing an offence under Part 3 to state the individual's name and residential address;

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- (b) to advise the individual to stop engaging in conduct that is an offence under Part 3;

- (c) to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place;

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- (d) to exercise powers expressly conferred on a volunteer public path warden under this Act.

(4) However, to avoid doubt, the Authority cannot authorise under subsection (1) a volunteer public path warden to arrest any individual.

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(5) The written authorisation under subsection (1) for a public path warden or volunteer public path warden may also do all or any of the following:

- (a) limit the powers in subsection (2) or (3) that the public path warden or the volunteer public path warden (as the case may be) may exercise;

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- (b) limit where in Singapore the public path warden or volunteer public path warden may exercise his or her powers in subsection (2) or (3) (as the case may be) or any of them;

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- (c) limit when the public path warden or volunteer public path warden may exercise his or her powers in subsection (2) or (3) (as the case may be) or any of them;

(d) limit the circumstances in which the public path warden or volunteer public path warden may exercise his or her powers in subsection (2) or (3) (as the case may be) or any of them.

5 (6) The powers that a public path warden or a volunteer public path warden may be authorised under this Act to exercise may be exercised only to the extent authorised by the Authority under this section.

(7) To avoid doubt, in this section, a reference to an offence under Part 3 includes a reference to an offence under any regulations made
10 for the purposes of Part 3.

Identification cards and equipment

42.—(1) The Authority must issue to each authorised officer, public path warden and volunteer public path warden an identification card.

(2) Every authorised officer, public path warden and volunteer
15 public path warden whose appointment as such ceases must return to the Authority any identification card issued to him or her under subsection (1).

(3) An authorised officer, a public path warden and a volunteer public path warden must produce his or her identification card for
20 inspection —

(a) before exercising a power under this Act; and

(b) at any time during the exercise of a power under this Act, if asked to do so.

(4) Every authorised officer, public path warden and volunteer
25 public path warden is to be issued with such equipment, or such description of equipment, as the Authority may determine to be necessary for the effectual discharge of the duties of an authorised officer or a public path warden or volunteer public path warden, as the case may be.

Public servants

43. A public path warden and a volunteer public path warden who, in the course of his or her duty as a public path warden or volunteer public path warden, as the case may be, exercises any power in

section 41(2) and (3), respectively, in accordance with the written authorisation of the Authority under section 41(1) is taken to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

Division 2 — Enforcement powers

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Powers to inspect premises, etc., for Part 4 matters

44.—(1) An authorised officer may exercise all or any of the powers in this section for the purpose of —

(a) ascertaining whether the provisions of Part 4 are being complied with or have been contravened; or

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(b) investigating any offence under Part 4.

(2) An authorised officer may, at any reasonable time, do any of the following, without involving any search of any property or individual:

(a) enter and inspect any premises that the officer believes on reasonable grounds are used for the carrying on of a business or a trade (even if also used as a residence) of selling, or offering or exposing for sale, by retail, or altering any bicycle, PAB or personal mobility device, and any vehicle at those premises;

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(b) photograph or film, or make a record or sketches of, any part of the premises, or any vehicle or parts of a vehicle or accessories or other thing at the premises;

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(c) require any person on those premises to produce or grant access to, without charge, any document or material reasonably required for any purpose in subsection (1), which is in the possession or under the control of that person;

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(d) inspect and make copies of or take extracts from any such document or material;

(e) take possession of such a document or material if, in the opinion of the authorised officer —

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(i) the inspection or copying of or extraction from the document or material cannot reasonably be performed without taking possession;

(ii) the document or material may be interfered with or destroyed unless possession is taken; or

(iii) the document or material may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, Part 4.

(3) The power to require a person to furnish any document or material under subsection (2)(c) includes the power —

(a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or material;

(b) if the document or material is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and

(c) if the document or material is recorded otherwise than in legible form, to require the document or material to be made available to the authorised officer in legible form.

(4) For the purposes of subsection (2), if any document or material required by an authorised officer is kept in electronic form —

(a) the power of the authorised officer to inspect the document or material includes the power to —

(i) access any computer or other equipment (including a mobile telephone) in which the document or material is stored; and

(ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

(b) the power of the authorised officer to seize such document or material includes the power —

- (i) to make copies of the document or material in legible or electronic form; and
- (ii) to transfer the information from the document or material to a disk, tape or other storage device.

(5) If an authorised officer is unable to make copies of the document or material, or transfer the information from the document or material, under subsection (4)(b), the authorised officer may — 5

- (a) seize the computer or other equipment (including a mobile telephone) in which the document or material is stored, as evidence in proceedings for an offence under Part 4; and 10
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or material held in the computer or equipment. 15

(6) To avoid doubt, in this section, a reference to an offence under Part 4 includes a reference to an offence under any regulations made for the purposes of Part 4.

Power to move vehicles

45.—(1) Where any stationary vehicle — 20

- (a) is parked or left on a public path contrary to this Act; or
- (b) is, in the opinion of an authorised officer or a public path warden, as the case may be, a danger to other users of a public path or is causing or likely to cause an obstruction on a public path, 25

the authorised officer or public path warden may move, or cause to be moved, the vehicle to a holding yard, or to another place to avoid further danger or obstruction or a danger or obstruction arising, as the case may be.

(2) If a vehicle is left on a public path and it appears to an authorised officer or a public path warden that the vehicle has been left for 2 or more consecutive days, the authorised officer or a public path warden may move, or cause to be moved, the vehicle to a holding yard. 30

(3) When a vehicle is moved to a holding yard under this section by an authorised officer or a public path warden, the authorised officer or public path warden must as soon as practicable give notice of the move to the owner of the vehicle, if known.

5 (4) For the purpose of exercising a power under subsection (1) or (2), an authorised officer or public path warden may, with such assistance as he or she considers necessary —

(a) move the vehicle by any reasonable means (including by driving, riding or towing it); and

10 (b) use reasonable force (including cutting or breaking open any lock, seal, fastener or other device on or connected to the vehicle).

Power to remove obstructing article, etc., on public path

15 **46.**—(1) If any article or thing (other than a vehicle) is obstructing the use of a footpath or shared path in contravention of section 28(1), an authorised officer or a public path warden may move that article or thing, or cause it to be so removed, so that it is no longer an obstruction.

20 (2) An authorised officer or a public path warden must not exercise a power under subsection (1) unless he or she has —

(a) taken reasonable steps to inform the owner of the article or thing (if known) of his or her intention to exercise that power; and

25 (b) allowed or directed the owner of the article or thing to move it.

(3) For the purpose of exercising a power under subsection (1), an authorised officer or a public path warden may, with such assistance as he or she considers necessary —

30 (a) move the article or thing by any reasonable means (including by towing it) to a holding yard; and

(b) use reasonable force (including cutting or breaking open any lock, seal, fastener or other device on or connected to the article or thing).

(4) A person must remove any article or thing where requested to do so by an authorised officer or a public path warden under subsection (2)(b).

(5) A person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(6) When an article or thing is moved to a holding yard under this section by an authorised officer or a public path warden, the authorised officer or public path warden must as soon as practicable give notice of the move to the owner of the article or thing, if known.

Powers to examine and weigh vehicle

47.—(1) An authorised officer or a public path warden may, for the purpose of ensuring that any vehicle that is being or may be used on a public path complies with this Act, at any time —

(a) examine the vehicle; or

(b) order the owner or rider of the vehicle to deliver the vehicle (in the state on the date of the order) for an inspection by such person and at such time and place as the authorised officer or public path warden may specify.

(2) Subject to this Act, an authorised officer or a public path warden may require an owner or a rider of any vehicle —

(a) to allow the vehicle to be weighed laden or unladen; or

(b) to immediately proceed to a weighbridge or other machine for weighing vehicles.

(3) Subject to this Act, an authorised officer or a public path warden may, require an owner or a rider of any vehicle to unload the vehicle for the purpose of being weighed unladen.

(4) Where a vehicle is weighed under this section, a certificate of weight must be given by the person who carried out the weighing of the vehicle to the owner or rider who delivered the vehicle for weighing.

(5) If an owner or a rider of a vehicle refuses or neglects to comply with any order given to him or her under subsection (1)(b), or any

requirement given to him or her under subsection (2) or (3), the owner or rider shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if the owner or rider is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Powers to demand information about driver

48.—(1) An authorised officer or a public path warden who is acting in the execution of duty may require any person whom the authorised officer or public path warden believes on reasonable grounds to have had possession or control of a vehicle on a particular occasion to give any information which may lead to the identification of an individual —

(a) who was the driver or rider of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under this Act; or

(b) who had possession or control of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under this Act.

(2) The person, when required by an authorised officer or a public path warden to do so under subsection (1), must give to the authorised officer or public path warden (as the case may be), within 14 days after being so required, the information required under that subsection.

(3) A requirement under subsection (1) may be made orally or in writing, and require any information to be furnished under that subsection to be in writing signed by the person required to furnish the information.

(4) A person who fails to give the information required of the person under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

- (b) if the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) However, it is a defence in any proceedings for an offence under subsection (4) where the accused proves, on a balance of probabilities, that the accused did not know, and could not with reasonable diligence have ascertained, the information required under subsection (1).

Powers of arrest

49.—(1) An authorised officer or a public path warden in uniform may stop and arrest any individual —

- (a) who commits an offence under this Act in the presence or within the view of the authorised officer or public path warden; and
- (b) who, on the demand of the authorised officer or public path warden, as the case may be, refuses to give his or her name and residential address.

(2) Such an individual must not be arrested under subsection (1) if he or she —

- (a) on the demand of the authorised officer or public path warden, produces any of his or her documents of identity so as to enable the authorised officer or public path warden to ascertain the individual's name and residential address; or
- (b) gives the authorised officer or public path warden his or her name and residential address.

(3) If the authorised officer or public path warden has reason to suspect that a name or address so ascertained or given is false, the authorised officer or public path warden (as the case may be) may, despite subsection (2), exercise the power of arrest under subsection (1).

(4) Any individual arrested under this section must be brought to a police station as soon as reasonably practicable and must be taken before a Magistrate's Court if the individual's name and residential address are not ascertained at the end of 24 hours after the arrest.

(5) An individual taken before a Magistrate's Court under subsection (4) must be immediately released on his or her executing a bond (with or without sureties) for his or her appearance before a Magistrate's Court, if so required.

5 (6) An authorised officer or public path warden in uniform may —

(a) detain any bicycle, power-assisted bicycle, personal mobility device or other vehicle in respect of which an offence under this Act has been committed in his or her presence or within his or her view; or

10 (b) stop any bicycle, power-assisted bicycle, personal mobility device or other vehicle the driver or rider of which has committed or is suspected of having committed an offence under this Act.

15 (7) Any individual mentioned in subsection (6)(b) must stop the bicycle, power-assisted bicycle, personal mobility device or other vehicle he or she is driving or riding on being required by an authorised officer or public path warden in uniform under subsection (6), and if he or she fails to do so, he or she shall be guilty of an offence and shall be liable on conviction —

20 (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) if he or she is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

25 **Power to seize vehicles**

50.—(1) Where an authorised officer or a public path warden has reason to believe that a vehicle is a vehicle in connection with which an offence under Part 3 or 4 has been or is being committed, the authorised officer or public path warden may —

30 (a) seize the vehicle and take it to a holding yard; or

(b) require the owner, driver, rider or person in charge of the vehicle to take the vehicle to and surrender it at a specified holding yard.

(2) The power conferred on an authorised officer or a public path warden under subsection (1)(a) may be exercised whether or not the owner, driver, rider or person in charge of the vehicle is present at the time of its seizure.

(3) When a vehicle is seized under this section by an authorised officer or a public path warden, the authorised officer or public path warden concerned must as soon as practicable give notice of the seizure and the grounds of doing so to the owner of the vehicle, if known, except that the notice is not required to be given where the seizure is made in the presence of the owner or the owner's agent.

(4) Any person who, without reasonable excuse, refuses or neglects to comply with any requirement under subsection (1)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months.

Forfeiture of seized vehicles

51.—(1) Subject to this section, all vehicles liable to seizure under the provisions of this Act are liable to forfeiture by a court.

(2) An order for the forfeiture, or an order for the release of a vehicle liable to forfeiture, under this section may be made by the Authority if it is satisfied that —

- (a) the vehicle is a non-compliant personal mobility device, non-compliant bicycle or non-compliant PAB;
- (b) an offence under this Act has been committed and that the vehicle was the subject matter, or was used in the commission, of the offence; and
- (c) a person is convicted of the offence, or a person reasonably suspected of having committed the offence has that offence compounded under section 55.

(3) If there is no prosecution with regard to an offence under this Act, the vehicle seized under section 50 may be forfeited by the Authority at the end of 30 days after the date of the seizure —

- (a) if the vehicle is a non-compliant personal mobility device, non-compliant bicycle or non-compliant PAB; and

(b) if no claim to the vehicle is made in the prescribed manner to the Authority before the end of that period.

(4) Upon receipt of a claim mentioned in subsection (3)(b), the Authority may direct that the vehicle be released or may refer the matter by information to a Magistrate.

(5) The Magistrate must, on receipt of an information under subsection (4), or on the written application of the Public Prosecutor, hold an inquiry and proceed to determine the matter and must, on proof that the vehicle was used in the commission of an offence under this Act, order the vehicle to be forfeited, or may in the absence of such proof order its release.

(6) In any proceedings under subsection (5), the burden of proof lies on the person asserting that the person is the owner of the vehicle concerned, and on the person from whom the vehicle was seized, as the case may be.

(7) In any proceedings in any court in respect of the forfeiture of any vehicle seized in exercise or the purported exercise of any power conferred under section 50, no person is entitled to the costs of such proceedings or to any damages or other relief except an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

Holding yards

52.—(1) A vehicle, or an article or a thing, which is moved to a holding yard under section 45 or 46, surrendered at a holding yard under section 50 or forfeited under section 51 must be detained there until it is released by order of the Authority or sold or disposed of in accordance with section 53.

(2) Any person who removes or causes to be removed such a vehicle, article or thing from the holding yard without the order of the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months.

Disposal of forfeited or detained vehicles

53.—(1) Where any vehicle is forfeited by the Authority under section 51, an authorised officer may, after giving one month's notice in the *Gazette* of his or her intention to do so —

- (a) sell by public auction or tender the vehicle and any uncollected item left in or on the vehicle; or 5
- (b) destroy or otherwise dispose of the vehicle, article or thing (as the case may be).

(2) Where a vehicle or an article or a thing is moved to a holding yard under section 45 or 46, or a vehicle is surrendered at a holding yard under section 50, it becomes unclaimed if, at the end of 30 days after the day on which the vehicle, article or thing was so moved or surrendered — 10

- (a) there is no person who appears, to the satisfaction of the Authority, to be the owner of the vehicle, article or thing, as the case may be; or 15
- (b) there is such a person but that person has not been located after reasonable inquiry or that person has not exercised his or her right to recover the vehicle, article or thing by a claim. 20

(3) Where a vehicle, article or thing which is moved to or surrendered at a holding yard under section 45, 46 or 50 becomes unclaimed, an authorised officer may, after giving one month's notice in the *Gazette* of his or her intention to do so —

- (a) sell by public auction or tender the vehicle, article or thing (as the case may be) and any uncollected item left in or on the vehicle, article or thing; or 25
- (b) destroy or otherwise dispose of the vehicle, article or thing, as the case may be.

(4) The proceeds of a sale by public auction or tender of any vehicle, article or thing under subsection (1) or (2) must be applied as follows: 30

- (a) firstly, in payment of the expenses occasioned by the sale;

- (b) secondly, in payment of storage or other expenses incurred by the Authority in relation to the vehicle, article or thing;
- (c) thirdly, by payment of the balance into the Consolidated Fund.

5 (5) A purchaser of a vehicle, article, item or thing sold in accordance with subsection (1) or (2) acquires good title to that vehicle, article, item or thing.

10 (6) If the owner of a vehicle is convicted of or has been permitted to compound an offence under this Act, the expenses incurred by the Authority in carrying out the provisions of this section are recoverable by the Authority and, in case of dispute or neglect to pay, may be summarily ascertained by a Magistrate's Court and may be recovered in the same manner as if the expenses were fines imposed by that Court.

15 **Ticketing**

54.—(1) Where an authorised officer or public path warden has reasonable grounds for believing that a person has committed an offence under this Act that is prescribed as an offence to which this section applies, the authorised officer or public path warden may, in lieu of applying to a court for a summons, serve upon that person a prescribed notice requiring that person to attend at the court described, at the hour and on the date specified in the notice.

25 (2) A duplicate of the notice must be prepared by the authorised officer or public path warden and, if so required by a court, produced to the court.

(3) The notice may be served on the person alleged to have committed the offence.

30 (4) On an accused person appearing before a court pursuant to a notice under subsection (1), the court is to take cognizance of the offence alleged, and is to proceed as though the accused person were produced before it in pursuance of section 153 of the Criminal Procedure Code (Cap. 68).

(5) If a person, upon whom a notice has been served under subsection (1), fails to appear before a court in person or by counsel as

required by that notice, the court may, if satisfied that the notice was duly served, issue a warrant for the arrest of the person unless, in the case of an offence which may be compounded, that person has before that date been permitted to compound the offence.

(6) Upon a person arrested pursuant to a warrant issued under subsection (5) being produced before a court, the court is to — 5

(a) proceed as though the person were produced before it in pursuance of section 153 of the Criminal Procedure Code; or

(b) at the conclusion of the proceedings, call upon the person to show cause why he or she should not be punished for failing to attend in compliance with the notice served upon him or her. 10

(7) If cause is not shown under subsection (6)(b), the court may order a person arrested pursuant to a warrant issued under subsection (5) to pay such fine not exceeding \$2,000 as it thinks fit or may commit him or her to prison for a term not exceeding 2 months. 15

(8) An authorised officer or a public path warden may, at any time before the date specified in the notice under subsection (1), cancel the notice. 20

Composition of offences

55.—(1) The Chief Executive of the Authority, or any employee of the Authority or public path warden authorised in writing by the Authority for the purpose of this provision, may compound any offence under this Act that is prescribed as a compoundable offence. 25

(2) A compoundable offence may be compounded under this section —

(a) by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following: 30

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

(ii) \$5,000; and

(b) by requiring the person reasonably suspected of having committed the offence to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition) by the Chief Executive of the Authority, or any employee of the Authority or public path warden mentioned in subsection (1) with the concurrence (general or specific) of the Public Prosecutor.

(3) On payment of such sum of money and on full compliance with the conditions of composition, no further proceedings are to be taken against that person in respect of the offence.

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

Division 3 — Offences and general provisions

Obstructing authorised officers, etc.

56.—(1) A person who refuses to give access to, or obstructs, hinders or delays —

- (a) an authorised officer;
- (b) a public path warden; or
- (c) a volunteer public path warden,

in the discharge of his or her duties under this Act 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.

(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by an authorised officer, public path warden or volunteer public path warden who —

- (a) fails to declare his or her office; and
- (b) refuses to produce his or her identification card on demand being made by that person.

Offence of providing false information, etc.

57.—(1) If —

- (a) a person furnishes a document, or makes a statement (whether orally, in writing or any other way) or gives information, to the Authority, an authorised officer, a police officer, public path warden or volunteer public path warden; 5
- (b) the document, statement or information is false or misleading, or the statement or information omits any matter or thing without which the statement or information, as the case may be, is misleading; 10
- (c) the person knows, or ought reasonably to know, that the document is false or misleading, or that the statement or information is as described in paragraph (b); and
- (d) the document is furnished, or the statement is made or the information is given, for or in connection with a question or request of the Authority, an authorised officer, a police officer, public path warden or volunteer public path warden under this Act, 15

the person 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. 20

(2) Subsection (1) does not apply if the document, statement or information is not false or misleading in a material particular, or if the statement or information did not omit any matter or thing without which the statement or information, as the case may be, is misleading in a material particular. 25

Impersonating public path warden, etc.

58.—(1) An individual who represents himself or herself, by word or conduct — 30

- (a) to be an authorised officer when he or she is not an authorised officer;

(b) to be a public path warden when he or she is not a public path warden; or

(c) to be a volunteer public path warden when he or she is not a volunteer public path warden,

5 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

10 (2) An authorised officer, public path warden or volunteer public path warden who uses any equipment or identification card issued under section 42 otherwise than in the course of, or for the purpose of, exercising the functions of an authorised officer or a public path warden or volunteer public path warden, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 15 6 months or to both.

(3) However, it is a defence in any proceedings for an offence under subsection (1) or (2) where the accused proves, on a balance of probabilities, that the accused used or possessed the equipment or identification card issued under section 42 (as the case may be) for the 20 purposes of a public entertainment provided in compliance with the Public Entertainments and Meetings Act (Cap. 257).

Strict liability

25 **59.** In proceedings for an offence under Part 3, it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the path was a pedestrian-only path, footpath or shared path, but it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused did not know, and could not reasonably have been expected to know, that the path was a pedestrian-only path, footpath or shared path, as the case may be.

Offences by corporations

30 **60.—(1)** Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

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

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

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(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation, or a member of a corporation whose affairs are managed by its members; or

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

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(b) who —

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

(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

20

(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,

25

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.

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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 (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

5 (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.

(6) In this section —

“corporation” includes a limited liability partnership;

10 “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
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

15 “partner”, in relation to a limited liability partnership, means any person who has been admitted as a partner in the limited liability partnership in accordance with the limited liability partnership agreement;

20 “state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

61.—(1) Where, in a proceeding for an offence 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 —

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

(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, a person — 5

(a) who is —

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

(ii) a partner in the partnership; or

(iii) an individual who is involved in the management of the unincorporated association or partnership and who is 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 10 15

(b) who —

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

(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 20

(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, 25

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. 30

(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.

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

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(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.

(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 —

(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 —

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

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

PART 6

MISCELLANEOUS

Preservation of secrecy

62.—(1) An individual who is or has been an authorised officer, a public path warden or volunteer public path warden must not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by the individual in the performance of his or her duties or the exercise of his or her functions under this Act, except —

- (a) for the purpose of the performance of his or her duties or the exercise of his or her functions under this Act; or
- (b) when lawfully required to do so by any court or under the provisions of any written law.

(2) Any individual 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 12 months or to both.

Protection from personal liability

63. No liability shall lie against an authorised officer, a public path warden or volunteer public path warden for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act.

Service of summons, etc.

64.—(1) Despite the Criminal Procedure Code (Cap. 68), a summons, and any other document that is permitted or required by this Act to be served on a person, may be served as described in this section.

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

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is

so specified, the individual's residential address or business address;

(c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

(d) by affixing a copy of the summons in a conspicuous place at the individual's residential address or business address; or

(e) where the individual's residential address or business address cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

(3) A summons, or a document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(a) by giving it to any partner, secretary or other like officer of the partnership;

(b) by leaving it at, or by sending it by post to, the partnership's business address; or

(c) where the partnership's business address cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

(4) A summons, or a document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

(a) by giving it to the body corporate's secretary or other like officer, or the limited liability partnership's manager;

(b) by leaving it at, or by sending it by post to, the body corporate's registered office or principal office in Singapore; or

(c) where the body corporate's registered office or principal office cannot, with reasonable diligence, be ascertained, by publishing the summons in the *Gazette*.

(5) Service of a summons or a document sent by post under subsection (2), (3) or (4) takes effect 2 days (not including any Sunday or public holiday) after the day the summons or document (as the case may be) was posted (even if it is returned undelivered).

(6) When in any proceedings before any court it is necessary to prove that any authorised officer or public path warden has sent or served, or has received or has not received, any document, notice or other thing, a certificate purporting to be signed by the authorised officer or public path warden, as the case may be, and certifying the sending, service, reception or non-reception, as the case may be, of the document, notice or other thing, is admissible as evidence, and constitutes prima facie proof of the facts certified in the certificate, without proof of the signature of that certificate.

(7) In this section —

“business address” means —

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

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

“summons” means a summons against a person for any offence under this Act.

Jurisdiction of courts

65. Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

General exemption

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

Regulations

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

5 (2) In particular, the Authority may make regulations for any of the following matters:

 (a) the construction, equipment and accessories of personal mobility devices, motorised wheelchairs and mobility scooters for use on public paths, including —

10 (i) the lights to be carried by personal mobility devices, motorised wheelchairs and mobility scooters including the nature of such lights, the positions in which they must be fixed and the periods during which they must be lighted or otherwise; and

15 (ii) the number and kind of brakes, bells, horns or other warning instruments to be fitted to personal mobility devices, motorised wheelchairs and mobility scooters of any particular type or description;

20 (b) a ban on the use on public paths of bicycles, PABs, personal mobility devices, motorised wheelchairs and mobility scooters in prescribed circumstances, being circumstances which may cause annoyance or danger to users of public paths;

25 (c) a maximum speed for public paths of any type or description;

 (d) the precedence to be observed on public paths as between traffic proceeding in the same direction, or in opposite directions, or when crossing, and otherwise;

30 (e) the behaviour of pedestrians and riders of bicycles, power-assisted bicycles, personal mobility devices and mobility scooters, and drivers of motorised wheelchairs, on public paths;

 (f) the language, script and symbols for any sign or marking for public paths;

- (g) the records that are to be kept by persons who sell or repair personal mobility devices in the course of business for the purposes of Part 4 and the reporting of such sale or repairs to the Authority;
 - (h) the form and minimum dimensions of a warning notice for the purposes of section 31, the text of such a notice and the manner of the display in premises; 5
 - (i) the fees to be paid in connection with the administration of this Act, and the waiver, reduction or refund of fees charged. 10
- (3) Regulations made under this section may —
- (a) prescribe the offences under this Act that may be compounded;
 - (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both; and 15
 - (c) provide for such saving, transitional and other consequential, incidental and supplemental provisions as is necessary or expedient. 20
- (4) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 7

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS 25

Consequential and related amendments to Land Transport Authority of Singapore Act

68. The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

- (a) by inserting, immediately after the words “any written law specified in the Fifth Schedule,” in section 39(1), the words “being a written law administered by the Authority,”; 30

(b) by inserting, immediately after subsection (1) of section 39, the following subsections:

“(1A) The power of an officer or employee of the Authority to require a person to furnish any information or document under subsection (1)(d) includes the power —

(a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the information or document;

(b) if the information or document is not furnished, to require the person to state, to the best of the person’s knowledge and belief, where it is; and

(c) if the information or document is recorded otherwise than in legible form, to require the information or document to be made available to the officer or employee of the Authority in legible form.

(1B) For the purposes of subsection (1), if any information or document required by an officer or employee of the Authority is kept in electronic form —

(a) the power of the officer or employee of the Authority to inspect the information or document includes the power —

(i) to access any computer or other equipment (including a mobile telephone) in which the information or document is stored; and

(ii) to require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

(b) the power of the officer or employee of the Authority to seize such information or document includes the power —

(i) to make copies of the information or document in legible or electronic form; and 5

(ii) to transfer the content from the information or document to a disk, tape or other storage device.

(1C) If an officer or employee of the Authority is unable to make copies of the information or document, or transfer the content from the information or document, under subsection (1B), the officer or employee may — 10

(a) seize the computer or other equipment (including a mobile telephone) in which the information or document is stored, as evidence in proceedings for an offence under this Act or written law specified in the Fifth Schedule; and 15 20

(b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the information or document held in the computer or equipment.”; 25

(c) by inserting, immediately after the words “any written law specified in the Fifth Schedule” in section 40(1), the words “, being a written law administered by the Authority,”;

(d) by inserting the word “and” at the end of paragraph 17(b) of the Second Schedule; 30

(e) by deleting the word “; and” at the end of paragraph 17(c) of the Second Schedule and substituting a full-stop;

(f) by deleting sub-paragraph (d) of paragraph 17 of the Second Schedule;

(g) by inserting, immediately after paragraph 23 of the Second Schedule, the following paragraph:

5 “24. All fees payable under the Active Mobility Act 2016.”;

(h) by deleting item 3 of Part I of the Fifth Schedule; and

(i) by inserting, immediately after item 3 of Part II of the Fifth Schedule, the following items:

10 “4. All provisions of the Active Mobility Act 2016 and its subsidiary legislation.

5. All provisions of the Parking Places Act (Cap. 214) and any subsidiary legislation made under that Act.”.

Related amendments to Parking Places Act

15 **69.—**(1) The Parking Places Act (Cap. 214, 2014 Ed.) is amended —

(a) by inserting, immediately after the definition of “Authority” in section 2, the following definitions:

20 “ “bicycle”, “power-assisted bicycle” and “personal mobility device” have the same meanings as in the Active Mobility Act 2016;”;

(b) by deleting the word “or” at the end of paragraph (a) of the definition of “private parking place” in section 2;

25 (c) by deleting the comma at the end of paragraph (b) of the definition of “private parking place” in section 2 and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

 “(c) one or more bicycles, power-assisted bicycles or personal mobility devices or a combination of such vehicles;”;

30 (d) by deleting the full-stop at the end of the definition of “trailer” in section 2 and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““vehicle” means any vehicle whether mechanically propelled or otherwise, and includes a bicycle, a power-assisted bicycle or a personal mobility device.”;

- (e) by deleting subsection (2) of section 4 and substituting the following subsection: 5

“(2) The Authority must not permit any part of a road to be used as a parking place under subsection (1)(c) if —

(a) the parking place is for the parking of personal mobility devices; or 10

(b) the use of such part of the road as a parking place will unreasonably prevent access to any premises adjoining the road or to the use of the road by any person entitled to the use of the road, or will cause a nuisance to any person.”; and 15

- (f) by deleting the words “motor vehicle” wherever they appear in section 13(1), (2), (5) and (6) and substituting in each case the word “vehicle”. 20

- (2) The Parking Places Act is amended by inserting, immediately after section 5, the following section:

“Power to require maintenance, etc., of parking place

5A.—(1) Where, in the opinion of the Superintendent, any private parking place for the parking of bicycles, power-assisted bicycles or personal mobility devices on any land or premises — 25

(a) has not been kept or maintained in a state of good and serviceable repair or in a proper and clean condition;

(b) has been discontinued without the permission of the Superintendent; or 30

(c) has been altered (whether by repair or otherwise) so as to render the parking place to be non-compliant with any rules made under section 8,

the Superintendent may, by notice, require the owner or the occupier of the land or premises to carry out such repairs, work or alteration to the parking place, or to reinstate the parking place, as the case may be, as the Superintendent thinks fit to be carried out.

(2) A notice under subsection (1) must specify —

- (a) the manner in which the repairs, work, alteration or reinstatement specified in the notice is to be carried out;
- (b) the time within which the repairs, work, alteration or reinstatement must be completed; and
- (c) that the repairs, work, alteration or reinstatement must be carried out with due diligence to the satisfaction of the Superintendent.

(3) If a notice under subsection (1) is not complied with to his satisfaction, the Superintendent may —

- (a) carry out or cause to be carried out all or any of the repairs, work, alteration or reinstatement specified in that notice; and
- (b) recover all expenses reasonably incurred by him in the exercise of his powers under this section from the person in default.

(4) Without prejudice to the right of the Superintendent to exercise the powers under subsection (3), if any person on whom a notice under subsection (1) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person 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 or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.”.

(3) Section 12 of the Parking Places Act is repealed and the following section substituted therefor:

“Composition of offences

12.—(1) The Superintendent, or an employee of the Authority authorised in writing by the Authority, may compound any offence under this Act that is prescribed under subsection (4) as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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

(b) \$2,000.

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

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

(4) The Minister may make rules to prescribe the offences under this Act or any subsidiary legislation made thereunder as offences that may be compounded under this section.”.

(4) Section 15B of the Parking Places Act is amended by inserting, immediately after subsection (3), the following subsections:

“(4) The Superintendent or an authorised person may do any of the following, without involving any search of any property or individual, for the purposes of a survey or inspection under this section:

(a) photograph or film, or make audio recordings or make sketches of, any part of the premises, or any vehicle or parts of a vehicle or other thing at the premises;

(b) require any person on those premises to produce or grant access to, without charge, any document or information reasonably required for any purpose in subsection (1), which are in the possession or under the control of that person;

(c) inspect and make copies of or take extracts from any such document;

(d) take possession of such a document if, in the opinion of the Superintendent or authorised officer —

(i) the inspection or copying of or extraction from the document cannot reasonably be performed without taking possession;

(ii) the document may be interfered with or destroyed unless possession is taken; or

(iii) the document may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, this Act.

(5) The power to require a person to furnish any document or information under subsection (4)(b) includes the power —

(a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or information;

(b) if the document or information is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and

(c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Superintendent or authorised officer in legible form.”.

(5) Section 20 of the Parking Places Act is amended by deleting the words “and all fines imposed for an offence under this Act or any rules made thereunder”.

Related amendments to Road Traffic Act

70.—(1) The Road Traffic Act (Cap. 276, 2004 Ed.) is amended —

(a) by deleting the definition of “bicycle” in section 2(1) and substituting the following definition:

“ “bicycle” means a vehicle that —

(a) has 2 wheels held one behind the other in a frame;

(b) is steered by handlebars attached to the front wheel;

(c) has pedals; and

(d) is built to be propelled solely by human power;”;

(b) by inserting, immediately after the definition of “parking place” in section 2(1), the following definition:

“ “personal mobility device” has the same meaning as in the Active Mobility Act 2016;”;

(c) by inserting, immediately after the words “motor cycles” in section 4(1)(f), the words “and power-assisted bicycles”; and

(d) by deleting subsections (8) and (9) of section 5 and substituting the following subsections:

“(8) In any proceedings for an offence under subsection (6) in respect of the sale, supply, offer or alteration of a vehicle or trailer, it is a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

(a) a contract or arrangement has been entered into, or an understanding has been arrived at, for the non-compliant vehicle or trailer to be exported (whether or not the accused is a party to that contract, arrangement or understanding);

(b) the accused sells the non-compliant vehicle or trailer in the course of, or for the purpose of, the non-compliant vehicle or trailer being exported; and

(c) the accused does not offer that non-compliant vehicle or trailer for sale in Singapore and the sale is not a retail sale.

(9) It is also a defence to any prosecution for an offence under this section, if the accused proves, on a balance of probabilities, that —

(a) the accused had received from the person to whom the non-compliant vehicle or trailer was sold, evidence purporting to show that the person does not intend to use the vehicle or trailer on any road; and

(b) it was reasonable to, and the accused did accept, that evidence as correct.

(10) In this section —

“authorised officer” means any employee of the Authority who is duly authorised by the Registrar in writing to act under this section;

“non-compliant vehicle or trailer” means a vehicle or trailer which does not comply with the rules as to construction, weight and equipment applicable to the class or description of vehicles to which the vehicle or trailer belongs.”.

(2) The Road Traffic Act is amended by inserting, immediately after section 5, the following sections:

“No riding of personal mobility devices on roads

5A.—(1) An individual must not ride a personal mobility device on a road at any time.

(2) However, subsection (1) does not apply to an individual who is crossing a road in or on a personal mobility device —

(a) if the individual crosses the road by the shortest safe route, and does not stay on the road longer than necessary to cross the road safely; or

(b) if —

- (i) there is an obstruction on a shared path or footpath (within the meaning of the Active Mobility Act 2016) adjacent to the road (called an adjacent area); 5
- (ii) it is impracticable to travel on the adjacent area; and
- (iii) the individual travels no more than reasonably necessary along the road to avoid the obstruction. 10

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both. 15

No riding of personal mobility device when towed by motor vehicle

5B.—(1) An individual must not ride a personal mobility device on a road at any time while the individual riding the device is towed by a motor vehicle or is otherwise holding on to a motor vehicle. 20

(2) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction — 25

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) if the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.”. 30

(3) Section 34(1) of the Road Traffic Act is amended by inserting, immediately after paragraph (da), the following paragraph:

“(db) to require any person who is, in the course of business, selling or supplying, or offering or exposing for sale or supply, by retail, any vehicle on any premises or place —

(i) to display warning notices about prescribed vehicles or trailers which do not comply with the rules made under section 6 as to construction, weight and equipment applicable to the class or description of vehicles to which that vehicle or trailer belongs; or

(ii) to display in a prescribed manner or not to display such vehicles or trailers mentioned in sub-paragraph (i), or advertisements about such vehicles or trailers, at the premises or place;”.

Consequential amendments to Street Works Act

71. The Street Works Act (Cap. 320A, 1996 Ed.) is amended —

(a) by inserting, immediately after the words “tunnel, square,” in paragraph (a) of the definition of “street” in section 2, the word “path,”;

(b) by inserting, immediately after the words “bus shelter,” in the definition of “road related facility” in section 2, the words “place for the parking of bicycles, power-assisted bicycles or personal mobility devices,”;

(c) by inserting, immediately after the words “any road,” in paragraph (b) of the definition of “street” in section 2, the word “path,”;

(d) by inserting, immediately after subsection (2) of section 5, the following subsection:

“(3) The exercise of any power under this Act for a purpose in subsection (1) is subject to Part 2 of the Active Mobility Act 2016 if the public street is or is to be a public path under that Act.”;

(e) by inserting, immediately after subsection (4) of section 32A, the following subsection:

“(4A) For the purpose of exercising his power under subsection (4)(b) of removing an article or thing or causing an article or thing to be removed, an authorised officer may, with such assistance as he considers necessary, cut or break open any lock, seal, fastener or other device on or connected to the article or thing.”; and

5

(f) by inserting, immediately after subsection (12) of section 32A, the following subsection:

“(13) This section does not apply in relation to any public path that is a footpath or shared path (within the meaning of the Active Mobility Act 2016) that is not on State land.”.

10

Saving and transitional provision

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

15

EXPLANATORY STATEMENT

This Bill seeks to establish public paths for walking, cycling or other similar purposes, to regulate the use of these public paths, and to make consequential and related amendments to certain other Acts.

Part 1 introduces the fundamental concepts used in the Bill.

Part 2 establishes the legal framework for establishing the public path system for the Bill.

Part 3 deals with the rights of users of public paths and regulates the conduct of users of public paths.

Part 4 regulates dealing in personal mobility devices.

Part 5 provides for the administration and enforcement of the Bill.

Part 6 contains powers to make regulations and other miscellaneous provisions.

Part 7 sets out the consequential and related amendments to other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in several Parts of the Bill.

An important term is “personal mobility device” or PMD. This is defined to mean a vehicle designed to be used to carry people only. Given that technology associated with these devices is developing rapidly and there is a need to respond quickly to changes in technology, the term is defined broadly. However, an order in the *Gazette* can be made by the Minister to exclude vehicles from the definition where appropriate.

Examples of PMDs are skateboards, electric-powered scooters, hoverboards and Segway human transporters.

A “pedestrian” is defined to mean an individual walking, with or without animals, an individual pushing a pram, stroller or trolley, or a motorised or non-motorised wheelchair, or an individual walking beside and pushing any other vehicle.

Also included as a “pedestrian” is an individual in a non-motorised wheelchair, an individual driving a motorised wheelchair or riding a mobility scooter, and an individual travelling on inline skates, roller-skates or a wheeled toy.

Other important terms are “path”, “footpath”, “pedestrian-only path”, “shared path” and “public path”.

A “path” may be declared a public path under Part 2 of the Bill, and it may either be a “footpath”, “pedestrian-only path” or a “shared path”. However, unformed or unsurfaced paths, and green verges are excluded from the definition of “paths”.

A “pedestrian-only path” is defined in clause 2(1) to mean a length of path (whether or not contiguous with another path or a road) provided solely for pedestrians. This can be a pedestrian overhead bridge or underpass. It starts at a pedestrian-only path marking or a pedestrian-only path sign, and ends at the nearest of the following:

- (a) an end-of pedestrian-only path marking or an end-of pedestrian-only path sign;
- (b) a shared path sign or a shared path marking;
- (c) a road;

(d) the natural end of the path (which may be a dead end).

Footpaths will form the largest class of public paths. A “footpath” is defined to mean a length of path provided for pedestrians, or the public to ride a bicycle or personal mobility device on it, and ending at the nearest of the following:

- (a) a pedestrian-only path sign or a pedestrian-only path marking;
- (b) a shared path sign or a shared path marking;
- (c) a road;
- (d) the natural end of the path (which may be a dead end).

Finally, a “shared path” is defined to mean a length of path provided for use by both riders and pedestrians, starting at a shared path sign or shared path marking, and ending at the nearest of the following:

- (a) a pedestrian-only path sign or a pedestrian-only path marking;
- (b) an end-of shared path sign or an end-of shared path marking;
- (c) a road;
- (d) the natural end of the path (which may be a dead end).

Clause 3 sets out the purposes of the Bill, which are to enhance connectivity by supporting development that promotes walking and cycling and patronage of public transport, and to maintain and promote the safety of public path users through appropriate enforcement and education strategies. Signs, brochures and codes of conduct can educate users of public paths on how to share facilities on public paths.

The Bill also has the purpose of reducing potential conflicts between the motorised and non-motorised uses of public paths while ensuring that public paths accommodate the largest range of possible users safely, and to ensure that uses of public paths are compatible with the areas surrounding it. PMDs provide benefits by increasing people’s mobility and substituting for motor car travel, but can create new problems such as congestion and risks to other non-motorised users of paths.

Clause 4 makes it clear that the Bill will bind the Government. The Bill will apply to and in relation to any bicycle, power-assisted bicycle or personal mobility device belonging to the Government, and to any public officer, public path warden or volunteer public path warden riding or otherwise using a bicycle, power-assisted bicycle or personal mobility device.

However, the Bill will not render the Government liable to prosecution for an offence under this Act. Nor will it prevent any public officer, public path warden or volunteer public path warden from exercising his or her powers or carrying out his or her duties under the Bill or any other written law.

PART 2

PUBLIC PATH SYSTEM

Clause 5 sets out various definitions of terms used in this Part only. Among these are “access agreement”, “dedicated land”, “private land” and “public land”.

There are 2 classes of land over which public paths may be declared viz. “public land” and “private land”. “Private land” is simply land that is not “public land”. The term “public land” is defined to mean dedicated land, State land that is not dedicated land, common property or open space vested in or under the care, control or management of the Housing and Development Board or a Town Council, or land that is vested in or under the care, control or management of any other public authority by the operation of written law.

The term “dedicated land” refers to State land that is reserved or dedicated to the use of the general public as a path solely for people to walk (but not to ride any vehicle) on (such as public footways under the Street Works Act (Cap. 320A)), as a sidewalk, as a nature reserve, national park or public park under the Parks and Trees Act (Cap. 216), or as a museum, reservoir or wildlife sanctuary, or otherwise for the purposes of public recreation.

An “access agreement” is defined to mean an agreement under Division 2 of this Part, which may be made between the Land Transport Authority of Singapore (LTA), which is vested with the function of administering the Bill, and an owner of private land.

Clause 6 establishes the legal framework for establishing the public path system for the Bill. The LTA is conferred with power to declare, by order in the *Gazette*, certain land as set aside for use by members of the public as a public path and to classify that public path as either a pedestrian-only path, a footpath or a shared path.

A public path can be declared over any public land, or any private land that is subject to an access agreement in favour of the LTA for the purposes of the Bill.

As not all public land is State land, the LTA may make a declaration of a public path over public land that is not State land only if there is an agreement in relation to the declaration of the public path between the Transport Minister and the Minister charged with the responsibility for the public authority in whom the public land is vested or who has the care, control or management of the land. The declaration of the public path must then conform to that agreement.

Once an order is made under clause 6 in respect of any land, the order attaches to the land and is binding on all persons who from time to time have an interest in the land. The order is therefore a statutory obligation within the meaning of section 142 of the Land Titles Act (Cap. 157) and the affected land is encumbered by the public right of way by the operation of section 46(1)(c) of that Act. This will remain the case if the order is varied under clause 7.

Clause 7 provides that the LTA may by subsequent order in the *Gazette* vary or revoke its order made under clause 6. This is to deal with instances where there is a need to divert, expand or narrow, or discontinue a public path or any part of it, or to vary the purpose of the public path, such as from a pedestrian-only path to a shared path or vice versa, or a footpath to a shared path or vice versa, and so on.

There could be circumstances under which a public path should be revoked, such as the expiry of a lease or easement underlying the public path in the case of a public path on private land. Or there may be physical changes to the landscape that could make the use of the public path dangerous, or the public path impassable.

Clause 8 deals with the interrelation of an order under clause 6 declaring a public path over land that is neither State land nor private land with the laws administered by other public authorities. Clause 8 provides that despite any Act or law to the contrary, where a public path is declared over public land that is not State land, the performance of functions and the exercise of rights or powers in relation to the land by the public authority in whom the land is vested or which has the care, control or management of the land, or by any other person who has an interest in the land, are subject to the performance of functions and the exercise of powers by the LTA in relation to the public path under the Bill or any other Act, and to the right of members of the public to use the public path in accordance with the Bill.

For example, a public path in an HDB housing estate must stay open for use of individuals authorised by the Bill to do so, according to the conditions in the Bill.

The same overriding effect extends to the case of a public path declared over private land that is subject to an access agreement in favour of the LTA for the purposes of the public path. The rights and powers of the proprietor and occupier of the land, and of any other person who has an interest in the land, are subject to the performance of functions and the exercise of powers by the LTA in relation to the public path under the Bill or any other Act, and the right of members of the public to use the public path in accordance with the Bill.

However, as an access agreement forms the basis of the declaration under clause 6 over private land, the performance of functions and the exercise of powers by the LTA in relation to a public path on the private land are subject to the terms of the access agreement.

Clause 9 provides that the proprietor of private land may enter into an access agreement with the LTA for the purposes of declaring a part of the land a public path if all other persons with a legal interest in the land have consented to that agreement. Such an access agreement attaches to the land and is binding on all persons who from time to time have an interest in the land. It remains in full force and effect despite the fact that the land to which it applies ceases to be private land because of a transfer of ownership or for any other reason. In other words, an access agreement that is reflected in an order under clause 6 constitutes a statutory obligation under section 142 of the Land Titles Act.

Clause 10 provides that an access agreement may include an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer. It may also include a term requiring a party to the agreement to indemnify another party for costs incurred in defending legal proceedings against the second-mentioned party.

Clause 11 provides that an access agreement may be varied at any time by agreement between the parties but only if it remains in conformity with the order under clause 6 declaring the relevant public path. An access agreement cannot be varied in a manner that affects the legal interest in the land of another person without that person's consent to the agreement.

PART 3

USE OF PUBLIC PATHS

Part 3 is divided into 3 Divisions.

Division 1 concerns the rights of users of public paths.

Clause 12 is about rights of passage. It provides that a member of the public is individually entitled as of right to pass along a public path. In addition, members of the public are generally entitled as of right to pass along a public path. The rights conferred by this clause remain subject to any restrictions, limitations or conditions which may be specified by or under the Bill or any other Act or law.

Clause 13 deals with the rights of owners or occupiers of any land which adjoins a public path; such an owner or occupier is entitled as of right to access the public path from that land. The rights of access conferred by this clause remain subject to any restrictions, limitations or conditions which may be specified by or under the Bill or any other Act or law.

Clause 14 provides that the rights of the public, whether under the Bill or at common law, in relation to a public path can only be extinguished if the public path is discontinued in accordance with clause 7.

Division 2 concerns the conduct of users of public paths.

Clause 15 makes it an offence for an individual to ride a bicycle, a PAB or a personal mobility device, or drive any motor vehicle that is not a motorised wheelchair or mobility scooter, on a public path that is a pedestrian-only path.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. If he or she is a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

A "repeat offender" is defined in clause 2(1) to mean an individual who is convicted, or found guilty, of an offence, after having been convicted or found

guilty of the same offence on at least one other earlier occasion within the period of 5 years immediately before the date on which he or she is convicted or found guilty of the current offence.

An exception is made for an individual who is riding a bicycle, a PAB or a personal mobility device on a pedestrian-only path if —

- (a) the individual is crossing the pedestrian-only path by the shortest safe route and does not stay on the pedestrian-only path longer than necessary to cross it safely; or
- (b) there is an obstruction on a road adjacent to the pedestrian-only path (called an adjacent area), it is impracticable to travel on the adjacent area, and the individual travels no more than reasonably necessary along the pedestrian-only path to avoid the obstruction.

A further exception is made for an individual who is driving a motor vehicle, or operating a motor vehicle, on a shared path in the course of his or her employment, being a motor vehicle that is designed to sweep or otherwise clean sidewalks or paths. This is to accommodate driverless or driven mechanised sweepers to be used.

Clause 16 provides that an individual must not ride a PAB on a footpath, and must not drive on a footpath a motor vehicle that is not a personal mobility device, motorised wheelchair or mobility scooter.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. If he or she is a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

An exception is made for an individual who is riding a PAB on a footpath if —

- (a) the individual is crossing the footpath by the shortest safe route and does not stay on the footpath longer than necessary to cross it safely; or
- (b) there is an obstruction on a road or shared path adjacent to the footpath (called an adjacent area), it is impracticable to travel on the adjacent area, and the individual travels no more than reasonably necessary along the footpath to avoid the obstruction.

A further exception is made for an individual who is driving a motor vehicle, or operating a motor vehicle, on a shared path in the course of his or her employment, being a motor vehicle that is designed to sweep or otherwise clean sidewalks or paths. This is to accommodate driverless or driven mechanised sweepers to be used.

Clause 17 makes it an offence for an individual to drive on a shared path any motor vehicle that is not a PAB, personal mobility device, motorised wheelchair or mobility scooter. The penalty is a fine not exceeding \$1,000 or imprisonment for a

term not exceeding 3 months or both. For a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

An exception is made for an individual who is driving a motor vehicle, or operating a motor vehicle, on a shared path in the course of his or her employment, being a motor vehicle that is designed to sweep or otherwise clean sidewalks or paths. This is to accommodate driverless or driven mechanised sweepers to be used.

Clause 18 deals with vehicles banned from use on certain public paths, which need not necessarily be non-compliant. Regulations may be made banning the use of certain bicycles, PABs or personal mobility devices being used on a certain shared path or footpath, because of the construction, weight or equipment of that bicycle, PAB or PMD. This may be due to the peculiar geographical terrain where the public path is or the type of users.

It is an offence for an individual to ride on a public path that is a shared path a bicycle, PAB or personal mobility device which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path, knowing that, or reckless as to whether, it is so banned. It is similarly an offence for an individual to ride on a public path that is a footpath a bicycle or a personal mobility device which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path, knowing that, or reckless as to whether, it is so banned.

The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 19 makes it an offence if an individual, without reasonable excuse, rides on a public path that is a footpath or shared path a non-compliant bicycle, a non-compliant PAB, or a non-compliant personal mobility device, knowing that, or reckless as to whether, it is non-compliant.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both. If he or she is a repeat offender, the penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

However, there may be certain PMDs which, despite being heavier or bigger than the usual permitted dimensions for PMDs to be used on public paths, may still be safely used provided certain conditions are met. The Segway human transporter is one example.

Clause 20 therefore provides for the use of a non-compliant PMD, non-compliant PAB or non-compliant bicycle to be excepted from clause 19 by way of regulations, subject to conditions prescribed by those regulations. An individual who, when riding on a public path that is a footpath or shared path any such excepted non-compliant vehicle, fails to comply with the conditions

prescribed in relation to that vehicle, shall be guilty of an offence. The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 21 is about speeding on public paths. It is an offence for an individual to ride a bicycle, a PAB or a personal mobility device, or drive a motorised wheelchair or ride a mobility scooter, on any public path that is a footpath or shared path in excess of the maximum speed prescribed for that public path.

Regulations made under clause 67 may prescribe different maximum speeds for different types of footpaths or shared paths.

The penalty for speeding is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

Clause 22 is about the offence of dangerous driving or riding on public paths. An individual must not ride a bicycle, a PAB or a personal mobility device, or drive a motorised wheelchair or ride a mobility scooter, or drive or operate a mechanised sweeper, on any public path that is a footpath or shared path recklessly, or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 23 imposes a duty on a driver (which is defined in clause 2 to include a rider) of a vehicle to report an accident occurring if, owing to the presence of the vehicle on a public path an accident occurs whereby any individual is injured or any property (including any animal) is damaged or destroyed. The driver of the vehicle must comply as far as the circumstances permit with the following requirements:

- (a) immediately stop the vehicle;
- (b) immediately render such assistance as he or she can;
- (c) at the scene of the accident as soon as possible give his or her name and residential address, and also the name and address of the owner of the vehicle to any person who has been injured or to the owner of any property that has been damaged or destroyed, or to a person representing the injured person or the owner of the property;
- (d) at the scene of the accident as soon as possible give those names and addresses to any police officer, authorised officer or public path warden who is present;

- (e) if any person is injured and no police officer, authorised officer and public path warden are present at the scene of the accident, as soon as possible report in person full particulars of the accident at the police station that is most accessible from the scene of the accident;
- (f) if any property is damaged or destroyed and neither the owner of the property nor any person representing the owner nor any police officer, authorised officer and public path warden are present at the scene of the accident, as soon as possible report in person full particulars of the accident at the police station that is most accessible from the scene of the accident.

Failing to do so is an offence, the penalty of which is a fine not exceeding \$3,000 or imprisonment for a term not exceeding 12 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

Division 3 is about codes of conduct to provide practical guidance or certainty in respect of any one or more of the requirements of the Bill or any duty or other requirement prescribed under the Bill with respect to the use of public paths.

Clause 24 empowers the Minister to issue one or more codes of conduct, or to approve as a code of conduct any document prepared by a person other than the LTA if the Minister considers the document as suitable for this purpose. The Minister may also amend or revoke any code of conduct so issued or approved.

In addition, to provide practical guidance or certainty in respect of any one or more of the requirements of the Bill with regard to public paths, a code of conduct may set out benchmarks of good practice and conduct in relation to the use of public paths, and describe the markings for different types of public paths.

However, a code of conduct is not subsidiary legislation and cannot be inconsistent with any provision of the Bill. A code of conduct also cannot impose a duty on any person, direct how any matter or thing is to be done, create an enforceable legal right, or impose any liability or penalty.

Clause 25 provides that a code of conduct is admissible in evidence in any criminal proceedings for an offence under the Bill. Like section 112 of the Road Traffic Act (Cap. 276) in relation to the Highway Code, evidence that a person has complied with a provision in a code of conduct or failed to observe any provision of the code may, in any proceedings whether civil or criminal (including proceedings for an offence under the Bill), be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Division 4 is about wayfinding and ensuring that public paths are not obstructed.

Clause 26 empowers the LTA to give orders to proprietors or occupiers of land requiring the installation or erection of permanent directional signage in relation to public paths leading to or from the land, or are on, under or over the land. The proprietor or occupier is required to do this at their own cost.

However, no such order may be given to any proprietor or occupier of land unless the LTA has given to the proprietor or occupier of the land concerned at least 14 days' opportunity to make representations against the making of the order.

If such an order is not complied to the LTA's satisfaction, the LTA has the power to undertake all or part of the work specified in that order, and then recover all expenses reasonably incurred by the LTA in the exercise of those powers from the person in default.

In addition, the person who is given the order but fails, without reasonable excuse, to comply with the order is guilty of an offence. The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

Under clause 27, there is also an obligation on the part of the proprietor or occupier of land on which a permanent directional signage in relation to public paths leading to or from the land, or are on, under or over the land is installed or erected under this clause, to keep that signage clean or in good repair and unobscured, failing which it is an offence. The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

Clauses 26 and 27 do not confer power to make any order with respect to any traffic or directional sign that is a road related facility within the meaning of the Street Works Act (Cap. 320A), because these are to be erected and maintained by the LTA under that Act.

Clause 28 makes it an offence for a person to obstruct the use by individuals of a public path not on State land that is a footpath or shared path. The offence for obstructing public streets and pedestrian-only paths is covered by section 32A of the Street Works Act. The penalty is a fine of not more than \$2,000.

Exception is made for an obstruction that is authorised or permitted by or under the Bill or any other Act, or which arises out of a lawful and reasonable use of the public path. For example, it may be necessary to obstruct a footpath in order to fight a fire in vegetation or a building nearby.

PART 4

DEALING IN PERSONAL MOBILITY DEVICES, ETC.

Clause 29 sets out definitions for terms used only in Part 4.

Clause 30 provides that it is an offence if a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place, displays or causes to be displayed any non-compliant personal mobility device on the premises or place when so selling, or offering or exposing for sale any personal mobility device, and knowing that, or reckless as to whether, it is non-compliant.

It is also an offence if a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises fails to ensure that no customer or member of the public can see any non-compliant personal mobility device from inside or outside the premises.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

The offence applies to activities done in the course of business. It therefore does not criminalise one-off sales like garage sales. Clause 30 also does not cover sale by wholesale. The provision also does not criminalise the display of non-compliant personal mobility devices on any premises or place to a customer of the business concerned at the customer's request or by a customer of the business concerned. Regulations may be made under clause 67 to set out additional circumstances that are not subject to the ban in clause 30. Regulations may be made allowing the display of non-compliant PMDs, the use or sale of which is excepted under clause 20 or 34.

Clause 31 requires a person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place to display or cause to be displayed within the premises or place a prescribed number of warning notices for those premises or that place.

A warning notice is a notice stating to the effect that the riding of personal mobility devices on any public road is unlawful, and that the riding of non-compliant personal mobility devices, non-compliant power-assisted bicycles and non-compliant bicycles on any public path is ordinarily unlawful. A warning notice is also to the effect that PMDs, PABs or bicycles may be banned on certain footpaths or shared paths even if not non-compliant.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

As is the case for clause 30, clause 31 is only concerned with activities done in the course of business and does not cover sale by wholesale.

Clause 32 deals with advertisements of non-compliant personal mobility devices. A person who is, in the course of business, selling, or offering or exposing for sale, by retail, any personal mobility device on any premises or place must not publish a non-compliant PMD advertisement at the premises or place, or authorise or cause a non-compliant PMD advertisement to be so published.

“Publish” has been defined in the clause to mean including the advertisement in a document (including a leaflet, ticket or brochure) and making the document available, or distributing the document, to the public or a section of the public at the premises or place where any personal mobility device is, in the course of business, to be sold, or offered or exposed for sale, by retail. “Publish” also means including the advertisement in a film or video and displaying, screening or playing the advertisement so that it can be seen or heard in those premises or that place.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

Clause 33 makes it an offence for a person who sells, or authorises or causes another to sell, at any premises or place and in the course of business, any personal mobility device, knowing that, or is reckless as to whether or not, the buyer intends to ride the personal mobility device on a public road.

It is not a defence for the accused to prove that warning notices were displayed in compliance with clause 31 on the premises or place at which and when the alteration took place.

The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 34 provides for an offence of selling a non-compliant PMD, a non-compliant PAB or a non-compliant bicycle for use on public paths.

The elements of the offence are if —

- (a) the person sells, at any premises or place and in the course of business, any personal mobility device, PAB or bicycle;
- (b) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the personal mobility device, PAB or bicycle is a non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle (as the case may be);
- (c) at the time the personal mobility device, PAB or bicycle is sold or offered for sale, the person knows that, or is reckless as to whether or

not, the buyer intends to ride the personal mobility device, non-compliant PAB or non-compliant bicycle on a public path; and

- (d) that buyer does ride the personal mobility device, PAB or bicycle on a public path.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

It is also not a defence for the accused to prove that warning notices were displayed in compliance with clause 31 on the premises or place at which and when the alteration took place.

However, clause 34 provides a broad exception relating to selling a non-compliant PMD, non-compliant PAB or non-compliant bicycle that is undertaken in the course of, or for the purposes of, exporting the vehicle. This exception applies only if a contract, arrangement or understanding for the non-compliant PMD, non-compliant PAB or non-compliant bicycle to be exported exists.

Retail sales at an airport to departing travellers will not fall within this exception, for example. But it may come within the other defence in clause 34.

The other defence to any prosecution for an offence under the clause, is where the accused proves, on a balance of probabilities, that the accused had received from the person to whom the non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle was sold, evidence purporting to show that the person does not intend to ride the device, PAB or bicycle (as the case may be) on any public path, and it was reasonable to, and the accused did accept, that evidence as correct. For example, a retailer sells a non-compliant PMD, non-compliant PAB or non-compliant bicycle to a customer at the airport who has checked in and assures the retailer that the customer intends to take the vehicle out of Singapore.

Clause 34 also provides a further narrow exception to the ban against the sale of non-compliant vehicles for use on public paths similar to that in clause 20.

Clause 35 creates an offence of altering in the course of business a PMD, PAB or bicycle to make it non-compliant and for use on a public path. The provision does not apply to individuals who alter their own vehicles for their own use and these non-compliant vehicles are not used on roads or public paths.

A person is guilty of an offence if the person, at any premises or place and in the course of business, alters (whether in the course of repair or otherwise) a personal mobility device, PAB or bicycle belonging to another person (called the owner) so as to render it a non-compliant personal mobility device, non-compliant PAB or non-compliant bicycle, either knowing that, or is reckless as to whether or not, the owner of the personal mobility device, PAB or bicycle intends to ride the altered

personal mobility device, PAB or bicycle on a public path and the owner of the personal mobility device, PAB or bicycle does subsequently ride the altered personal mobility device, PAB or bicycle on a public path.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

It is not a defence for the accused to prove that warning notices were displayed in compliance with clause 31 on the premises or place at which and when the alteration took place.

However, as in clause 34, there is a broad exception relating to selling a non-compliant PMD, non-compliant PAB or non-compliant bicycle that is undertaken in the course of, or for the purposes of, exporting the vehicle. This exception applies only if a contract, arrangement or understanding for the non-compliant PMD, non-compliant PAB or non-compliant bicycle to be exported exists.

Clause 36 contains rebuttable presumptions that aid in the prosecution of offences under this Part. The prosecution is not prevented from establishing the case without relying on these presumptions.

First, there is a presumption that a person alters (whether in the course of repair or otherwise) any personal mobility device, PAB or bicycle as to render it a non-compliant personal mobility device, PAB or bicycle. This presumption arises if it is proved that the accused had possession of the personal mobility device, PAB or bicycle, that the personal mobility device was not a non-compliant personal mobility device, PAB or bicycle when the accused acquired possession of it; and that at the time or soon after the personal mobility device, PAB or bicycle (as the case may be) ceased to be in the accused's possession, the personal mobility device, PAB or bicycle is non-compliant.

The second presumption is for selling vehicles in the course of business. If it is proved that a person sold, or offered or displayed for sale, more than 4 personal mobility devices, power-assisted bicycles or bicycles within a 12-month period to any other person or persons, it is presumed in the absence of evidence to the contrary that the person was selling personal mobility devices, power-assisted bicycles or bicycles (as the case may be) in the course of business during that period.

PART 5

ADMINISTRATION AND ENFORCEMENT

Division 1 concerns itself with administration and enforcement personnel.

Clause 37 proves that the LTA has the function of administering the Bill when enacted.

Clause 38 provides for the appointment of authorised officers by the LTA from among its employees and individuals performing duties in the LTA, and who are suitably trained to be authorised officers.

The LTA is empowered to delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of the Bill to an authorised officer. However, there can be no sub-delegation by the authorised officer of those powers.

Clause 39 provides for the appointment by the LTA of public path wardens from among auxiliary police officers appointed under the Police Force Act (Cap. 235), and employees of any public authority, who are suitably trained to be public path wardens.

For example, the LTA may therefore appoint from among employees of the National Parks Board to serve as public path wardens and exercise powers of public path wardens under the Bill on public paths that fall within public parks.

However, it is impermissible for the LTA to appoint from among employees of a Town Council to serve as public path wardens and exercise powers of public path wardens under the Bill on public paths that fall within the Town for which the Town Council is established. This is despite clause 8 which provides that a Town Council's performance of functions and its exercise of rights or powers in relation to the public path within its Town is made subject to LTA's powers in relation to the public path under the Bill.

A public path warden does not, by virtue only of the appointment, become an employee or agent of the LTA. The LTA can, for any reason that appears to the LTA to be sufficient, at any time revoke an individual's appointment as a public path warden.

By the definition of "public path warden" in clause 2(1), every authorised officer is a public path warden without need for appointment under clause 39.

Clause 40 provides for the appointment of volunteer public path wardens from individuals who are neither LTA employees nor employees of public authorities, or auxiliary police officers. The individuals must be at least 18 years of age. A volunteer public path warden does not, by virtue only of the appointment, become an employee or agent of the LTA.

As in the case of public path wardens, the LTA can, for any reason that appears to the LTA to be sufficient, at any time revoke an individual's appointment as a volunteer public path warden.

Clause 41 sets out the powers of public path wardens and volunteer public path wardens, all of which must relate only to offences under Part 3. The volunteer

public path warden has more circumscribed powers than the public path warden, and the LTA has the responsibility of issuing to every one of these wardens a written authorisation specifying the powers each can exercise.

A public path warden and a volunteer public path warden can ask an individual suspected of committing an offence under Part 3 to state the individual's name and residential address, to advise the individual to stop engaging in conduct that is an offence under Part 3, and to photograph or film, or otherwise record the place where, or in respect of which, an offence under Part 3 was committed or is reasonably suspected to have been committed, and any individual or vehicle in that place.

However, only a public path warden may have the power to take statements from an individual suspected of committing an offence under Part 3 and from any complainant against the individual, and to require such an individual to make and sign a declaration of the truth of the statement made by the individual. A volunteer public path warden also has no power to arrest any individual.

The LTA can in the written authorisation limit where in Singapore the public path warden or volunteer public path warden may exercise his or her powers, limit when the public path warden or volunteer public path warden may exercise his or her powers and limit the circumstances in which the public path warden or volunteer public path warden may exercise his or her powers.

For example, a park ranger of the National Parks Board who is appointed by the LTA to be a public path warden may be authorised to exercise his or her powers as a public path warden within the public park that he or she is deployed by the National Parks Board to serve as a park ranger.

Under clause 42, the LTA is required to issue to each authorised officer, public path warden and volunteer public path warden an identification card, which must be carried at all times by the authorised officer, public path warden and volunteer public path warden when exercising powers under any provision in the Bill. That identification card issued to an authorised officer, public path warden or volunteer public path warden must be returned if the authorised officer's, public path warden's or volunteer public path warden's appointment, as the case may be, ends.

Clause 43 is the standard provision that deems every public path warden and a volunteer public path warden who, in the course of his or her duty as such, exercises any power in clause 41 in accordance with the written authorisation of the LTA under that same clause, to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

Division 2 sets out the specific powers of enforcement for the purposes of the Bill.

Clause 44 provides power to authorised officers for the purpose of ascertaining whether the provisions of Part 4 are being complied with or have been contravened, or investigating any offence under Part 4.

These powers include, at any reasonable time, entering and inspecting any premises that the officer believes on reasonable grounds are used for the carrying on of a business or a trade (even if also used as a residence) of selling, or offering or exposing for sale, by retail, or altering any bicycle, PAB or personal mobility device, and any vehicle at those premises, and photographing or filming, or making a record of or sketching, any part of the premises, or any vehicle or parts of a vehicle or accessories or other thing at the premises.

An authorised officer may also require any person on those premises to produce or grant access to, without charge, any document or material reasonably required and which are in the possession or under the control of that person. The powers on information gathering and access to documents address the prevalent use today of computers in storing documents and information and extend to electronic equipment that are not computers, reflecting the shift in methods of storage to other devices that do not fall strictly within the definition of a computer.

Clause 45 provides power for an authorised officer or a public path warden to move a stationary vehicle that is parked or left on a public path contrary to the Bill, or is, in the opinion of the authorised officer or public path warden, as the case may be, a danger to other users of a public path or is causing or likely to cause an obstruction on a public path. For example, a rider of a PAB may have left it on a path with the engine running loudly and the path adjoins an open-air concert area.

The power to move a vehicle is also available where a vehicle is left on a public path and it appears to an authorised officer or a public path warden that the vehicle has been left for 2 or more consecutive days. For example, a parked bicycle may not be causing any obstruction but appears abandoned.

The authorised officer or public path warden may move, or cause to be moved, the vehicle to a holding yard, or to another place to avoid further danger or obstruction or a danger or obstruction arising, as the case may be. This can include driving, riding or towing the vehicle, and using reasonable force, such as cutting or breaking open any lock, seal, fastener or other device on or connected to the vehicle.

Clause 46 confers similar power of removal in an authorised officer or a public path warden over articles and things, other than a vehicle, that is obstructing the use of a footpath or shared path in contravention of clause 28(1).

Clause 47 provides powers for an authorised officer or a public path warden to examine and weigh vehicles, for the purpose of ensuring that any vehicle that is being or may be used on a public path complies with the Bill.

Clause 48 provides that an authorised officer or a public path warden who is acting in the execution of duty may require any person whom the authorised officer or public path warden believes on reasonable grounds to have had possession or control of a vehicle on a particular occasion to give any information which may lead to the identification of an individual who was the driver or rider of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under the Bill, or who had possession or control of the vehicle on any occasion that the driver or rider is alleged or is suspected to be guilty of an offence under the Bill.

Clause 49 confers powers of arrest on an authorised officer or a public path warden in uniform. The power to stop and arrest applies to any individual who commits an offence under the Bill in the presence or within the view of the authorised officer or public path warden, and who, on the demand of the authorised officer or public path warden, as the case may be, refuses to give his or her name and residential address in Singapore.

An individual arrested under this clause must be brought to a police station as soon as reasonably practicable and must be taken before a Magistrate's Court if the individual's name and address are not ascertained at the end of 24 hours after the arrest.

Clause 50 empowers an authorised officer or a public path warden who has reason to believe that a vehicle is a vehicle in connection with which an offence under Part 3 or 4 has been or is being committed, to seize the vehicle and take it to a holding yard, or require the owner, rider or person in charge of the vehicle to take the vehicle to and surrender it at a specified holding yard.

Clause 51 provides that all vehicles liable to seizure under the provisions of the Bill are liable to forfeiture by the LTA, and sets out the process for forfeiture. All forfeitures must be by a court.

However, the LTA may forfeit a vehicle without a court order if it is satisfied that the vehicle is a non-compliant personal mobility device, non-compliant bicycle or non-compliant PAB, and that an offence under the Bill has been committed and that the vehicle was the subject matter, or was used in the commission, of the offence, and a person is convicted of the offence, or a person reasonably suspected of having committed the offence has that offence compounded under section 55.

Clause 52 provides for holding yards. It is an offence for a person to remove or cause to be removed a vehicle, article or thing from the holding yard without the order of the LTA. The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months.

Clause 53 sets out the process for disposing of forfeited vehicles, articles and things.

Clause 54 mirrors the ticketing process in section 132 of the Road Traffic Act and empowers an authorised officer or public path warden who has reasonable grounds for believing that a person has committed an offence under the Bill, serve upon that person a prescribed notice requiring that person to attend at the court described instead of applying to a court for a summons. The offence must, however be one that is prescribed as an offence to which clause 54 applies.

Clause 55 provides powers of composition that may be exercised by the Chief Executive of the LTA, or any LTA employee or public path warden authorised in writing by the LTA for the purpose of this clause.

An offence which is prescribed by regulations as a compoundable offence may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower. In addition, the person may be required to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition). These conditions of composition need the concurrence (general or specific) of the Public Prosecutor, because under section 243 of the Criminal Procedure Code (Cap. 68), the exercise of any power of composition is subject to any general or special directions of the Public Prosecutor.

Division 3 sets out some general offences and provisions relating to enforcement.

Clause 56 is an offence of refusing to give access to, or obstructing, hindering or delaying an authorised officer, a public path warden or a volunteer public path warden in the discharge of his or her duties under the Bill. The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

Clause 57 is an offence for a person furnishing a document, or making a statement (whether orally, in writing or any other way) or giving information, to the LTA, an authorised officer, a police officer, public path warden or volunteer public path warden, being a document, statement or information that is false or misleading, or that omits any matter or thing without which the statement or information, as the case may be, is misleading, and the person knows, or ought reasonably to know, that the document is false or misleading, or that the statement or information is as described.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

Clause 58 is an offence of impersonating public path wardens, etc. An individual who represents himself or herself, by word or conduct to be an authorised officer, public path warden or volunteer public path warden when he or she is not so commits an offence, which attracts a penalty of a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

Clause 58 also makes it an offence for an authorised officer, public path warden or volunteer public path warden who uses any equipment issued under clause 42 or an identification card otherwise than in the course of, or for the purpose of, exercising the functions of an authorised officer or a public path warden or volunteer public path warden, as the case may be. The penalty is a fine not exceeding \$2,500 or imprisonment for a term not exceeding 6 months or both.

Clause 59 provides that in proceedings for an offence under Part 3, it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the path was a pedestrian-only path, footpath or shared path. However, it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused did not know, and could not reasonably have been expected to know, that the path was a pedestrian-only path, footpath or shared path, as the case may be.

Clauses 60 and 61 are standard provisions for the liability of officers of offenders who are corporations or unincorporated bodies.

Clause 60 deals with corporate offenders and for attributing criminal liability to officers of corporate entities for offences committed by their entities. Corporations like companies can be held directly liable for the conduct and can be found guilty of, and punished for, the commission of an offence. As a separate legal entity, liability for the offence is imposed on the corporation itself and is not generally attributed to its officers and employees unless there is a provision like the clause. This standard provision in many laws has been redrafted here consistent with the modern Singapore drafting style to make it easier to read and understand. The substance and meaning of the provision is unchanged.

Clause 61 deals with unincorporated entities like partnerships and associations and for attributing criminal liability to officers of unincorporated entities for offences committed by their bodies. The clause also provides clarity where the offence by the unincorporated entity requires a mental element and is not a strict liability offence.

PART 6

MISCELLANEOUS

Clause 62 is a standard confidentiality provision for public sector officials. It provides that an individual who is or has been an authorised officer, a public path warden or volunteer public path warden must not disclose any information relating to the affairs of the LTA or of any other person which has been obtained by the individual in the performance of his or her duties or the exercise of his or her functions under the Bill, except to perform his or her duties or when lawfully required to do so by any court or under the provisions of any written law.

The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both.

Clause 63 is also a standard provision providing immunity from suit for the acts or omissions of an authorised officer, a public path warden or volunteer public path warden, where this is done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Bill.

Clause 64 provides for the services of summonses for offences under the Bill and for any other document that is permitted or required by the Bill to be served on a person.

Clause 65 confers jurisdiction on a Magistrate's Court and a District Court to try any offence under the Bill and to impose the full punishment for any such offence.

Clause 66 confers power on the Minister to exempt, by order published in the *Gazette*, any person or class of persons from all or any provisions of the Bill.

Clause 67 confers on the LTA power to make regulations to give effect to the Bill, subject to the approval of the Minister. These regulations must be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 7

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

This Part contains consequential and related amendments to the Land Transport Authority of Singapore Act (Cap. 158A), the Parking Places Act (Cap. 214), the Road Traffic Act (Cap. 276) and the Street Works Act (Cap. 320A).

Clause 68 makes consequential and related amendments to the Land Transport Authority of Singapore Act.

Clause 68(a) and (c) makes it clear that the Fifth Schedule to the Land Transport Authority of Singapore Act may only contain legislation that the LTA is statutorily charged to administer.

Clause 68(b) modernises the power in section 39(1) of that Act on information gathering and access to documents, so as to address the prevalent use today of computers in storing documents and information. The amendments also extend to electronic equipment that are not computers, reflecting the shift in methods of storage to other devices that do not fall strictly within the definition of a computer.

Clause 68(d) to (i) are amendments consequential to the amendments in the Bill providing that fines and composition sums collected under certain Acts administered by the LTA are to be paid into the Consolidated Fund, and not the Land Transport Revenue Account, which is the present case.

Clause 69 contains related amendments to the Parking Places Act to extend the regulatory framework over parking places to cover parking facilities for bicycles, power-assisted bicycles and personal mobility devices.

The amendments also prevent any part of a road to be used as a parking facility for personal mobility devices. This is being consistent with the amendments to the Road Traffic Act which prohibits the use of personal mobility devices on roads except in narrow circumstances.

A new section 5A is introduced to the Parking Places Act to allow the Superintendent of Car Parks to order remedial action to be taken, if the Superintendent is of the opinion that any private parking place for the parking of bicycles, power-assisted bicycles or personal mobility devices on any land or premises has not been kept or maintained in a state of good and serviceable repair or in a proper and clean condition, or has been discontinued without the permission of the Superintendent, or has been altered (whether by repair or otherwise) so as to render the parking place to be non-compliant with any rules made under section 8 of that Act.

The final major amendment to the Parking Places Act is to align the powers of inspection and composition of offences under that Act with those in the Bill.

Clause 70 sets out the related amendments to the Road Traffic Act.

The term “personal mobility device” as defined by the Bill is introduced to the Road Traffic Act. This is to make it clear that a personal mobility device (PMD) is a vehicle. The non-registration of PMDs today renders the use of PMDs on roads an offence. This is reinforced by the enactment of express provisions in the form of new sections 5A and 5B that prohibit the use of personal mobility devices on roads and riding a PMD when towed by a motor vehicle. There are limited instances where a PMD can be used on roads, such as to avoid an obstacle on a footpath or when crossing a road.

The penalty for contravening the new section 5A or 5B of the Road Traffic Act is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both. In the case of a repeat offender, the penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

The Minister is also conferred a new power to make rules under section 34 of the Road Traffic Act to impose requirements on sellers and suppliers of vehicles obligations similar to that in clauses 30, 31 and 32 of the Bill, especially in relation to bicycles and power-assisted bicycles.

Clause 71 makes consequential amendments to section 32A of the Street Works Act to avoid an overlap in powers regarding obstructions in public streets and footways under that Act, and that of public paths under the Bill. The power to move articles or things under section 32A of the Street Works Act is similarly expanded to include using reasonable force, such as cutting or breaking open any lock, seal,

fastener or other device on or connected to the vehicle. The definition of “road related facility” is also expanded to cover bicycle parking facilities and the like, so as to confer express authority for the LTA to construct and maintain them.

Clause 72 confers on the Minister a power to make regulations of a saving or transitional nature, in the 2 years after the date of commencement of the Bill.

EXPENDITURE OF PUBLIC MONEY

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