

Public Transport Council (Amendment) Bill

Bill No. 27/2015.

Read the first time on 13 July 2015.

A BILL

i n t i t u l e d

An Act to amend the Public Transport Council Act (Chapter 259B of the 2012 Revised Edition) and to make related amendments to the Land Transport Authority of Singapore Act (Chapter 158A of the 1996 Revised Edition), the Rapid Transit Systems Act (Chapter 263A of the 2004 Revised Edition) and the Road Traffic Act (Chapter 276 of the 2004 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Public Transport Council (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Public Transport Council Act (referred to in this Act as the principal Act) is amended by deleting the words “bus services, bus service operators and ticket payment services, to regulate bus, taxi and rapid transit system fares” and substituting the words
10 “ticket payment services, to regulate bus fares, taxi fares and train fares”.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by deleting the definitions of “bus service” and “bus service
15 licence” and substituting the following definitions:

“bus fare” means the price payable by a passenger for any bus service involving the carriage of the passenger on a bus;

20 “bus operator”, in relation to a bus service, means the person who operates the bus service but does not include —

(a) the Land Transport Authority of Singapore; or

25 (b) a person who merely arranges for the registration of a bus, drives a bus, or maintains or arranges for the maintenance of a bus;

30 “bus service” means a service for the carriage of passengers for a fare by buses on roads for journeys wholly or partly within Singapore according to pre-determined routes and timetables with 2 or more bus stopping points within Singapore, but does not include a bus

service excluded from this definition by the Minister by order published in the *Gazette*;

“bus service licence” means a licence granted (or deemed granted) under the Bus Services Industry Act 2015 to operate one or more bus services;”;

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(b) by inserting, immediately after the definition of “Chairman”, the following definition:

“ “Chief Executive” means the Chief Executive of the Council appointed under section 5C and includes any individual acting in that capacity;”;

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(c) by inserting, immediately after the definition of “clearing”, the following definition:

“ “common pricing scheme”, for any fare component for a taxi service, means a contract made between the prescribed taxi industry participants providing the taxi service that provides —

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(a) for a common price or price structure for the fare component in relation to that taxi service; and

(b) for periodic reviews of that common price or price structure,

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and includes any variation of that contract;”;

(d) by deleting the definition of “fare” and substituting the following definitions:

“ “fare” means any bus fare, taxi fare or train fare;

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“invalid ticket” means a ticket that is for a journey on a bus or train operated by a public bus operator or licensed rapid transit system operator for which a ticket is required and —

(a) that is used, or attempted to be used —

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(i) for a journey that is not the journey for which the ticket was issued;

(ii) to over-travel the fare that was paid for the journey, without reasonable excuse; or

(iii) by a person who is not the first user of a ticket which is non-transferable;

(b) that has been altered or defaced;

(c) that is counterfeit; or

(d) that is expired;

“Land Transport Authority of Singapore” or “LTA” means the public authority of that name constituted under the Land Transport Authority of Singapore Act (Cap. 158A);

“licensed” means —

(a) licensed under the Bus Services Industry Act 2015 in the case of a bus operator;

(b) licensed under the Rapid Transit Systems Act (Cap. 263A) in the case of an operator of a rapid transit system; or

(c) licensed under the Road Traffic Act (Cap. 276) in the case of a taxi service operator or a taxi driver;”;

(e) by inserting, immediately after the definition of “manager”, the following definitions:

““over-travel”, in relation to a fare, means to remain on a bus or train after the place, distance or time covered by the fare paid for the journey has been reached and includes, for a smartcard ticket, tapping out before the completion of the journey or part of the journey;

“paid area” means —

(a) any platform of a railway station that is part of a rapid transit system; and

(b) any area between such a platform and any ticket barrier access or ticket validating machine past which access is gained to the platform;

“passenger” means an individual carried upon a bus, train or taxi, as the case may be, but does not include — 5

(a) an owner, a driver or fare-collector of a bus, train or taxi while carrying out work or on duty in that capacity; or 10

(b) a public transport official while carrying out work or on duty in that capacity;

“penalty fee” means the penalty fee referred to in section 24C;

“price”, in relation to any fare, includes — 15

(a) the amount of any rate, fee, levy and charge and any other valuable consideration (however described) for a journey by bus, train or taxi (as the case may be), whether or not it is paid or given to an operator of a bus service, train service, taxi service or a driver of a bus, train or taxi; 20

(b) the provision of, or arrangements for, a discount, concession, allowance, rebate or credit applying in relation to any amount in paragraph (a); and 25

(c) in the case of a taxi fare, includes the amount of a taxi booking fee,

but does not include a consideration of a kind prescribed by the Minister by order in the *Gazette* for the purposes of this definition; 30

“pricing policy” means the policy for setting any fare, including a policy relating to the level or structure of prices for any fare;

5 “public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

10 “public bus operator” means a licensed bus operator who is party to a public bus services contract for the provision of bus services specified in that contract, and includes a licensed bus operator holding a Class 1 bus service licence but is not party to such a contract;

“public bus services contract” has the same meaning as in the Bus Services Industry Act 2015;”;

15 (f) by inserting, immediately after the definition of “public service vehicle”, the following definition:

““Public Transport Fund” means the fund of that name established under Part IIIA;”;

20 (g) by inserting, immediately after the definition of “rapid transit system”, the following definitions:

““registered provider” has the same meaning as in the Third-Party Taxi Booking Service Providers Act 2015 (Act 17 of 2015);

25 “smartcard reader” means a device or combination of devices that is capable of electronically reading, recording and processing information from a ticket that is a smartcard, and copying or transferring information from the smartcard and storing and displaying the information in legible form;

30 “tap in”, where payment of a fare is made using a smartcard, means to present a smartcard ticket to a smartcard reader on starting a journey, or part of

a journey, resulting in a response from smartcard reader that the transaction is successful;

“tapping out”, where payment of a fare is made using a smartcard, means to present a smartcard ticket to a smartcard reader on completing a journey, or part of a journey, resulting in a response from the smartcard reader that the transaction is successful;”;

(h) by inserting, immediately after the definition of “taxi”, the following definitions:

““taxi booking fee” means a fee for a service that —

- (a) facilitates bookings for taxi services;
- (b) sends information about bookings for taxi services to taxi drivers;
- (c) assigns bookings for taxi services to taxi drivers; and
- (d) assigns taxis to persons making bookings for taxi services,

whether provided by a licensed taxi service operator or a registered provider;

“taxi industry participant” means —

- (a) a licensed taxi service operator; or
- (b) a taxi driver licensed under the Road Traffic Act to drive a taxi not owned by a licensed taxi service operator;

“taxi service” means the service of transporting of passengers for a journey within or partly within Singapore for a fare by taxi where the taxi —

- (a) plies for hire on roads in Singapore;
- (b) is available for hire from designated taxi stands on public roads in Singapore; or

(c) is hired through a booking service provided by a licensed taxi service operator or a registered provider;

“taxi service operator” has the same meaning as in section 111A of the Road Traffic Act;”;

(i) by deleting the words “bus service operator” in the definition of “ticket” and substituting the words “public bus operator”; and

(j) by deleting the full-stop at the end of the definition of “ticket transaction” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

“train” means a train used as part of a rapid transit system the operation of which is licensed under the Rapid Transit Systems Act;

“train fare” means the price payable by a passenger for any service involving the carriage of the passenger on a train operated by a licensed rapid transit system operator;

“train service” means the service for the transport of passengers by one or more trains on a rapid transit system within Singapore for a fare.”.

New section 3A

4. The principal Act is amended by inserting, immediately after section 3, the following section:

“Council is body corporate

3A.—(1) The Public Transport Council is re-constituted as a body corporate with perpetual succession, capable of all of the following by that name:

(a) suing and being sued;

(b) acquiring, holding and disposing of movable and immovable property;

(c) doing and suffering all acts and things that a body corporate may by law do and suffer.

(2) The Council must have an official seal, which may from time to time, be broken, changed, altered or made anew as the Council thinks fit. 5

(3) All deeds and other documents requiring the seal of the Council must be sealed with the official seal of the Council.

(4) Every instrument to which the official seal of the Council is affixed must be signed —

(a) by any 2 members of the Council generally or specially authorised by the Council for the purpose; or 10

(b) by one member of the Council and the Chief Executive.

(5) All courts, judges and persons acting judicially must take judicial notice of the official seal of the Council affixed to any document and must presume that it was duly affixed.”. 15

Repeal and re-enactment of section 4

5. Section 4 of the principal Act is repealed and the following section substituted therefor:

“Functions of Council

4.—(1) The functions of the Council are — 20

(a) to set or approve fares and fare pricing policies for bus services, train services and taxi services in Singapore;

(b) to promote and facilitate the integration of bus fares and train fares to ensure the provision of efficient public passenger transport services and facilities; 25

(c) to evaluate and recommend to the Government improvements to, or otherwise advise the Government in respect of, bus services, train services and taxi services in Singapore so that they —

(i) may satisfy all reasonable passenger demands in Singapore for bus services, train services and taxi services; 30

(ii) may offer an attractive alternative to private motor vehicle transport, and the extent of such travel, in Singapore;

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(iii) are effectively and efficiently integrated so as to facilitate seamless travel for passengers within and between different modes of land transport and greater mobility within communities in Singapore; and

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(iv) provide viable public passenger transport services at a reasonable cost to the community and the Government;

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(d) to undertake surveys or other arrangements to obtain public feedback on any matter relating to the provision of bus services, train services and taxi services in Singapore;

(e) to exercise licensing and regulatory functions in respect of the provision of ticket payment services in Singapore; and

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(f) to perform such functions as the Minister may, by order published in the *Gazette*, assign.

(2) Nothing in this section is to be construed as imposing on the Council, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.”.

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Amendment of section 5

6. Section 5 of the principal Act is amended —

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

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“(a) grant ticket payment service licences and supervise and enforce compliance with the terms of those licences; and”;

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The Council must furnish the Minister with information with respect to its property and activities in such manner and at such times as the Minister may require.”.

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New sections 5A to 5D

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

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“Directions by Minister

5A.—(1) The Minister may, after consulting with the Council or otherwise, give to the Council such directions, not inconsistent with the provisions of this Act, as to the performance and exercise by the Council of its functions, duties and powers under this Act or any other written law as the Minister may consider necessary.

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(2) The Council must give effect to all directions given under subsection (1).

Appointment of committees and delegation

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5B.—(1) The Council may appoint from among its own members or from other persons who are not members such number of committees as it thinks fit for purposes which, in the opinion of the Council, would be better regulated and managed by means of such committees.

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(2) The Council may, subject to such conditions or restrictions as it thinks fit, delegate any of the functions, duties or powers of the Council under this Act or any other written law to —

(a) the Chairman or Chief Executive;

(b) any committee appointed under subsection (1); or

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(c) any member, officer or employee of the Council.

(3) However, the Council is not authorised by subsection (2) to delegate any of the following powers:

- (a) the power of delegation conferred by this section;
- (b) the power to make any subsidiary legislation under this Act;
- (c) any function, duty or power conferred by any provision in Part V.

(4) Any function, duty or power delegated under subsection (2) to any committee or person may be performed or exercised by the committee or person to whom it has been delegated in the name and on behalf of the Council.

(5) No delegation under this section prevents the performance or exercise of any function, duty or power by the Council.

Appointment of Chief Executive, officers, employees, etc.

5C.—(1) The Council must, with the approval of the Minister, appoint a Chief Executive on terms and conditions determined by the Council.

(2) The Chief Executive —

- (a) is responsible to the Council for the proper administration and management of the functions, duties and affairs of the Council in accordance with the policy laid down by the Council; and
- (b) is not to be removed from office without the consent of the Minister.

(3) Where the Chief Executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness, or is for any other reason temporarily unable to perform his duties, a person may be appointed by the Council to act in the place of the Chief Executive during any such period of absence from duty.

(4) The Chief Executive may be known by such designation as the Council determines.

(5) The Council may employ on such terms and conditions as the Council may determine other officers and employees necessary for the effective performance of its functions and discharge of its duties under this Act or any other written law.

Preservation of secrecy

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5D.—(1) Except for the purpose of the performance of his duties, or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, an individual who is or has been —

- (a) a member, an officer, an employee or an agent of the Council;
- (b) a member of a committee of the Council; or
- (c) an inspector,

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must not disclose any information relating to the affairs of the Council or of any other person which has been obtained by the individual in the performance of the individual's duties or the exercise of the individual's functions under this Act.

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(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.”.

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Repeal and re-enactment of section 6

8. Section 6 of the principal Act is repealed and the following section substituted therefor:

“Protection from personal liability

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6. No liability is to lie personally against any member, officer or employee of the Council, committee member or other person acting under the direction of the Council who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.”.

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Amendment of section 7

9. The principal Act is amended by renumbering section 7 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

5 “(2) The members, officers and employees of the Council are, in relation to their administration, assessment, collection and enforcement of payment of composition sums under section 26, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to
10 these persons even though they are not or were not in the employment of the Government.”.

New sections 10A and 10B

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

15 **“Issue of shares, etc.**

10A. As a consequence of —

 (a) the vesting of any property, rights or liabilities of the Government in the Council under this Act; or

 (b) any capital injection or other investment by the
20 Government in the Council in accordance with any written law,

the Council must issue such shares or other securities to the Minister for Finance as that Minister may, from time to time, direct.

25 **Power of investment**

10B. The Council may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).”.

New Part IIIA

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

“PART IIIA

PUBLIC TRANSPORT FUND

Public Transport Fund

11A.—(1) There is established a Government fund called the Public Transport Fund comprising —

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(a) all moneys from time to time appropriated from the Consolidated Fund and authorised to be paid into the Public Transport Fund by any written law;

(b) all contributions made pursuant to the Council’s direction under section 24AC(1), and any other donations made by any person for the purposes of the Fund;

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(c) all financial penalties imposed, on or after the date of commencement of section 11 of the Public Transport Council (Amendment) Act 2015, by the LTA —

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(i) under the Bus Services Industry Act 2015 on a public bus operator for a breach of a condition in the bus service licence; or

(ii) under the Rapid Transit Systems Act (Cap. 263A) on a licensed rapid transit system operator for a breach of a condition in the rapid transit system operator’s licence; and

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(d) all investments out of moneys in the Public Transport Fund authorised to be made by this Act and the proceeds of any such investment, including the net income from such investments.

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(2) Upon the commencement of section 11 of the Public Transport Council (Amendment) Act 2015, the Government must pay into the Public Transport Fund such sum as the Minister for Finance may determine out of moneys to be provided by Parliament for the Public Transport Fund.

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(3) For the purposes of subsection (1)(d), the net income from investments is the amount ascertained by adding to, or deducting from, the income received from investments of moneys in the

Public Transport Fund, any profit derived or loss sustained, as the case may be, from the realisation of such investments.

Purposes of Public Transport Fund

5 **11B.**—(1) Subject to section 11H, the moneys in the Public Transport Fund may be withdrawn only for the following purposes:

10 (a) to provide (directly to individuals or through organisations) cash grants, rebates, reliefs and other financial assistance to passengers using bus services or train services;

(b) to invest subject to the limits in the Financial Procedure Act (Cap. 109) for investments of public moneys;

15 (c) to meet expenses referred to in section 11C incidental to or arising from the administration, investment and management of moneys in the Public Transport Fund.

20 (2) For the purposes of subsection (1)(b), investing includes engaging in any financial activity, or participating in any financial arrangement, for the purpose of managing or hedging against any financial risk that arises or is likely to arise from any investment.

Expenses

11C.—(1) All costs, expenses and charges incurred in relation to making any investment of moneys in the Public Transport Fund must be charged upon and are payable out of that Fund.

25 (2) All other expenses incidental to or arising from the administration and management of moneys in the Public Transport Fund must be charged upon and are payable out of the Public Transport Fund, including but not limited to the following:

30 (a) the cost of auditing the accounts of the Public Transport Fund, and the remuneration of the auditor if he or she is not the Auditor-General;

(b) all reasonable legal costs and all reasonable expenses incurred by the LTA in connection with the collection or attempted collection of any outstanding amounts (including any interest) of financial penalties referred to in section 11A(1)(c);

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(c) all reasonable expenses incurred by any public authority or person whom the Minister appoints under regulations made under section 11J to disburse financial assistance using moneys in the Public Transport Fund in carrying out their duties under that appointment and doing any thing incidental to or in connection with the purposes of that appointment.

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(3) However, no remuneration or allowances payable to a public officer may be met out of moneys in the Public Transport Fund.

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Withdrawals

11D.—(1) Moneys cannot be withdrawn from the Public Transport Fund unless they are charged upon that Fund or are authorised to be withdrawn or transferred under this Act.

(2) Despite section 13 of the Financial Procedure Act (Cap. 109), payment may be made out of the Public Transport Fund only if the payment is approved by the Minister or an accounting officer authorised, in writing, by the Minister.

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Financial year

11E.—(1) The financial year of the Public Transport Fund begins on 1 April of each year and ends on 31 March of the succeeding year.

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(2) However, the first financial year of the Public Transport Fund begins on the date of commencement of section 11 of the Public Transport Council (Amendment) Act 2015 and ends on 31 March of the succeeding year.

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Accounts

11F.—(1) The Minister must designate one or more public officers to be accounting officers of the Public Transport Fund.

(2) Every accounting officer of the Public Transport Fund must —

(a) cause to be kept proper accounts and records of all transactions and affairs relating to the Public Transport Fund, or the transactions and affairs of the part of that Fund that the accounting officer is in charge of, as the case may be;

(b) do all things necessary to ensure that payments out of the Public Transport Fund and the disbursement of those moneys are properly authorised and correctly made; and

(c) ensure that adequate control is maintained over the assets and receipts of the Public Transport Fund, or the assets and receipts of the part of that Fund that the accounting officer is in charge of, as the case may be.

(3) A public officer designated under subsection (1) is also an accounting officer of the Public Transport Fund for the purposes of the Financial Procedure Act (Cap. 109).

Financial statements and audit

11G.—(1) As soon as practicable after the close of each financial year, the Minister must —

(a) cause to be prepared financial statements and accounts of the Public Transport Fund in respect of the financial year; and

(b) cause to be submitted to the Auditor-General the financial statements and accounts prepared under paragraph (a).

(2) The Auditor-General must audit or cause an audit of the financial statements and accounts prepared under subsection (1) and report on them.

(3) As soon as the accounts of the Public Transport Fund and the financial statements have been audited, a copy of the audited financial statements, together with a copy of any report made by the Auditor-General, must be submitted to the Minister.

(4) Where the Auditor-General is not the auditor of the Public Transport Fund, a copy of the audited financial statements and any report made by the auditor must be forwarded to the Auditor-General.

(5) The Minister must as soon as practicable cause a copy of the audited financial statements of the Public Transport Fund and the auditor's report to be presented to Parliament.

Dissolution of Public Transport Fund

11H. Upon dissolution of the Public Transport Fund during any term of office of the Government (within the meaning of the Constitution), the balance then remaining in the Public Transport Fund must be transferred to the Consolidated Fund and added to the reserves of the Government not accumulated by it during that term of office.

Recovery for overpayment, etc., and offences

11I.—(1) Where any amount of moneys in the Public Transport Fund is withdrawn and paid —

- (a) to a person by way of cash grant, rebate, relief or other financial assistance and the person is not eligible to receive that cash grant, rebate, relief or financial assistance, or is eligible for a lower amount;
- (b) without authorisation or in excess of authorisation, to a public authority or person appointed by the Minister under regulations made under section 11J to disburse cash grants, rebates, reliefs or financial assistance using moneys in the Public Transport Fund; or
- (c) for any other purposes which are not authorised or in excess of authorisation under this Act,

the amount that has been paid or paid in excess, as the case may be, is recoverable as a debt due to the Government in a court of competent jurisdiction.

(2) If —

5 (a) a person furnishes a document, or makes a statement
 (whether orally, in writing or any other way) or gives
 information for the purpose of or in connection with
 obtaining, for that person or another person, any cash
 grant, rebate, relief or other financial assistance in
 10 section 11B(1)(a) out of moneys in the Public Transport
 Fund;

 (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
 15 information, as the case may be, is misleading; and

 (c) the person knows, or ought reasonably to have known,
 that the document is false or misleading, or that the
 statement or information is as described in paragraph (b),

20 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.

 (3) Subsection (2) 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
 25 without which the statement or information, as the case may be,
 is misleading in a material particular.

Public Transport Fund regulations

11J.—(1) The Minister may make regulations —

30 (a) describing the individuals or classes of bus or train
 passengers to whom cash grants, rebates, reliefs and
 other financial assistance may be given from moneys in
 the Public Transport Fund, including the amount,
 manner of and the terms and conditions for so providing;

- (b) providing for the appointment by the Council of any public authority or other person to disburse cash grants, rebates, reliefs and other financial assistance using moneys in the Public Transport Fund and to do anything incidental; 5
- (c) prescribing that any act or omission in contravention of any regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 12 months or with both; and
- (d) prescribing anything required to carry out the purposes or provisions of this Part. 10

(2) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.”.

Deletion and substitution of heading to Part V 15

12. Part V of the principal Act is amended by deleting the Part heading and substituting the following Part heading and Division heading:

“BUS FARES, TAXI FARE PRICING POLICIES AND TRAIN FARES 20

Division 1 — General”.

Amendment of section 23

13. Section 23 of the principal Act is amended —

- (a) by deleting subsections (1) and (2) and substituting the following subsections: 25

“(1) A person must not demand or take from a bus passenger, for any bus service involving the carriage of the passenger on a bus and operated by the person, or by the person on behalf of the licensed bus operator of the bus service, a bus fare that — 30

- (a) is more than the maximum price approved under section 24 or 24AA for that bus service;

(b) is inconsistent with any part of the pricing policy set or approved under section 24 or 24AA for that bus service; or

5 (c) is different from the bus fare last published by the licensed bus operator for that bus service.

(1A) A person must not demand or take from a train passenger, for any train service involving the carriage of the passenger on a train and operated by the person, or by the person on behalf of the licensed rapid transit system operator, a train fare that —

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(a) is more than the maximum price approved under section 24 or 24AA for that train service;

(b) is inconsistent with any part of the pricing policy set or approved under section 24 or 24AA for that train service; or

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(c) is different from the train fare last published by the licensed rapid transit system operator for that train service.

(2) A person must not demand or take from a taxi passenger for hiring a taxi for the passenger’s journey a taxi fare that —

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(a) is inconsistent with any part of the pricing policy set under section 23B for that taxi service; or

(b) is more than the taxi fare last published by the licensed taxi service operator for that taxi service.

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(2A) A taxi service operator which offers to the public, or any section of the public, any taxi service for any taxi fare that is inconsistent with any part of the pricing policy set under section 23B for that taxi service shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 6 months or to both.”;

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- (b) by inserting, immediately after the words “subsection (1)” in subsection (4), the words “, (1A) or (2)”;
- (c) by deleting subsection (5) and substituting the following subsections:

“(5) For the purposes of this section, where the Council revokes or suspends its approval of any bus fare or train fare under section 24(4) or (5)(a) (called in this section the replaced fare) — 5

(a) the last revocation revives the bus fare or train fare approved (if any) by the Council previous to it approving the replaced fare, and with effect from the revocation, the bus fare or train fare revived is to be regarded as an approved maximum price for the fare; or 10

(b) for the period of suspension, the bus fare or train fare approved by the Council previous to the suspension of the replaced fare is revived, and for that period, the replaced bus fare or train fare is not to be regarded as an approved maximum price for the fare. 15 20

(6) To avoid doubt, subsections (1) and (4) bind —

(a) the Land Transport Authority of Singapore in respect of every public bus services contract it is a party to, or when the Land Transport Authority of Singapore operates a bus service, as if it is the bus operator in that subsection; 25

(b) every public bus operator providing bus services under a public bus services contract as if it is the bus operator in that subsection; and

(c) every employee of the Land Transport Authority of Singapore or a bus operator referred to in paragraph (b) employed to deliver those bus services.”; and 30

(d) by deleting the words “rapid transit system fares” in the section heading and substituting the words “train fares”.

New section 23A and new Division 2 of Part V

5 **14.** The principal Act is amended by inserting, immediately after section 23, the following section and Division:

“Obtaining information for fare setting or reviews, etc.

23A.—(1) In this section, “relevant person” means —

- (a) any licensed bus operator;
- (b) any licensed rapid transit system operator; or
- 10 (c) any taxi industry participant.

(2) The Council may by written notice require a relevant person to furnish, within a reasonable period and in such form and manner as may be specified in the notice, such accounts, financial statements or other documents and information —

- 15 (a) which the Council considers necessary to carry out the functions or duties of or assigned to the Council by or under section 23B, 24 or 24AA; and
- (b) which are within the knowledge of the relevant person or are in the relevant person’s custody or under the relevant person’s control.
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(3) The power to require a relevant person to furnish any accounts, financial statements, document or information under subsection (2) includes the power to require the relevant person, or any person who is or was an officer or employee of the relevant person, to provide an explanation of the accounts, financial statements, document or information.

(4) Any person who, in furnishing any accounts, financial statements, document or information required under subsection (2) —

- 25 (a) makes a statement which the person knows to be false or misleading in a material particular; or
- 30

(b) recklessly makes a statement which is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

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(5) Any person who, without reasonable excuse, refuses to furnish any accounts, financial statements, document or information required under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

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(6) The Council may by written notice require the LTA to furnish or supply to the Council any particulars or information —

(a) which are obtained by the LTA in the performance of its function under the Bus Services Industry Act 2015; and

(b) which the Council considers necessary to carry out the functions or duties of or assigned to the Council by or under this Part.

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(7) Despite the provisions of the Land Transport Authority of Singapore Act (Cap. 158A), the LTA must furnish the particulars and information required under subsection (6) within such time as may be agreed to between the Council and the LTA.

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Division 2 — Taxi fare pricing policy

Taxi fare pricing policy orders

23B.—(1) Subject to subsection (4) and any regulations made under subsection (8), the Council may, by order published in the *Gazette* (called a taxi fare pricing policy order), set the pricing policy for taxi fares for any taxi service.

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(2) A taxi fare pricing policy order for a taxi service may set the price-fixing factors for taxi fares in any manner the Council considers appropriate, including —

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(a) fixing the components of taxi fares for the taxi service;

(b) fixing the pricing policy or principles that are to be applied in relation to the taxi service provided;

5 (c) specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting taxi fares or terms and conditions for the taxi service provided;

10 (d) fixing the basis on which prices of taxi fares are to be calculated for different taxis, for different types of journeys by taxis, for different passengers or for hiring of taxis in different circumstances;

(e) fixing a price for components of a taxi fare where a common pricing scheme is permitted and there is no common pricing scheme in effect;

15 (f) fixing a maximum or minimum price or price range, or a maximum rate of increase or decrease or minimum rate of increase or decrease in the price or the maximum and minimum price for taxi fares for the taxi service provided, or other price control formula; and

(g) any other terms the Council considers appropriate.

20 (3) A taxi fare pricing policy order for a taxi service may —

(a) permit the taxi industry participants, by a common pricing scheme, to vary one or more components of a taxi fare for the taxi service set for that component in the taxi fare pricing policy order; and

25 (b) require a taxi industry participant to provide information to other taxi industry participants, passengers, prospective passengers or others, or generally publish, or cause to be published, information, relating to its prices of and pricing policies for taxi fares for taxi services provided by the taxi industry participant.

30 (4) In making a taxi fare pricing policy order, the Council must consider the following factors:

(a) the demand and supply of taxi services;

- (b) the standards of quality, reliability and safety of the taxi services, whether those standards are specified by legislation, agreement or otherwise, and any suggested or actual changes to those standards;
 - (c) the need for greater efficiency in providing passengers responsive, safe, competitive, efficient and accessible taxi services; 5
 - (d) such other matters as the Council considers relevant.
- (5) A taxi fare pricing policy order under subsection (1) takes effect on a date specified in the order, and — 10
- (a) cannot be varied (except as contemplated by the order); and
 - (b) cannot be revoked by the Council without making another taxi fare pricing policy order in replacement.
- (6) Before the date a taxi fare pricing policy order under subsection (1) comes into effect, the Council must give notice of the making of the order in such manner as will secure adequate publicity for it. 15
- (7) However, failure to comply with subsection (6) in respect of any such order under subsection (1) does not in itself invalidate the order. 20
- (8) The Minister may make regulations prescribing the content, form and procedure that must be followed by the Council in connection with the preparation and making of a taxi fare pricing policy order for the purposes of subsection (1). 25

Lodgment of taxi fares and common pricing schemes

- 23C.**—(1) Within the prescribed period after a taxi fare pricing policy order is made for any taxi service but before it takes effect for the taxi service, every taxi industry participant providing that taxi service must — 30
- (a) determine the prices of taxi fares for that taxi service if no prices are set by that order; and

(b) lodge with the Council those prices determined, together with any supporting information the Council may require.

5 (2) Where a taxi fare pricing policy order for a taxi service permits a common pricing scheme to vary one or more components of the taxi fare in the taxi fare pricing policy order, the prescribed taxi industry participants for the common pricing scheme —

10 (a) may start collective negotiations among themselves to determine the common prices of those components of taxi fares to be charged, or to vary those common prices, and the period during which those prices will apply; and

15 (b) must lodge with the Council the common pricing scheme with the common prices determined or varied under that scheme and the effective date of those prices, together with any supporting information the Council may require.

20 (3) The common prices last lodged with the Council under subsection (2)(b) for any component of a taxi fare for taxi services have the effect of varying, from the date specified in the lodgment, any price set by the Council in the taxi fare pricing policy order for that component for those taxi services (even though not agreed to by all the prescribed taxi industry participants providing those taxi services) until the common pricing scheme is terminated.

25 (4) A group of licensed taxi drivers who drive taxis not owned by a licensed taxi service operator may appoint an association, organisation or a body (whether corporate or unincorporate) recognised by the Council for the purpose of this section to be a bargaining representative to negotiate a common pricing scheme on behalf of the group.

30 (5) To have effect, a common pricing scheme for any component of a taxi fare —

(a) must be in writing;

(b) must be agreed to by the taxi industry participants prescribed for that component of the taxi fare;

(c) must be made after following the procedure (if prescribed) in connection with the preparation and making; and

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(d) must state a process for dispute resolution.

(6) A taxi industry participant may be party to more than one common pricing scheme.

(7) For the purposes of the Third Schedule to the Competition Act (Cap. 50B), every common pricing scheme permitted by a taxi fare pricing policy order is, when made, to be regarded as an agreement made in order to comply with a legal requirement.

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Division 3 — Bus fares and train fares”.

Amendment of section 24

15. Section 24 of the principal Act is amended —

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(a) by deleting the words “any bus, taxi or rapid transit system fare shall” in subsection (1) and substituting the words “the price of, or the pricing policy for, any bus fare or train fare, must”;

(b) by deleting subsections (2) and (3) and substituting the following subsections:

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“(2) In considering any application for approval of the price of, or the pricing policy for, any bus fare or train fare, the Council must take into account —

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

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(b) the requirements imposed by or under section 24AB;

(c) the need for fare concessions to address the interests of certain passengers like the elderly and students;

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(*d*) facilitating integrated and seamless travel by passengers making journeys which involve the use of —

5 (i) the bus services and train services of more than one bus operator (whether or not a public bus operator) or rapid transit system operator;

10 (ii) more than one bus service or train service (whether or not operated by the same person); or

(iii) both bus services and train services (whether or not operated by the same person);

15 (*e*) facilitating the integration of bus fares and train fares;

20 (*f*) the need to optimise the bus and rapid transit system network capacity of buses and trains and to ensure economic, financial and technical viability of the public bus system and the rapid transit system;

25 (*g*) whether increases in bus fares or train fares could cause financial hardship to commuters because there is, or is imminent, a severe economic recession in Singapore or other extenuating circumstances; and

(*h*) the need for public interest to be safeguarded.

(3) On receipt of an application under subsection (1), the Council may —

30 (*a*) refuse the application; or

(*b*) approve the application subject to such conditions as the Council thinks fit, such as any requirement in section 24AA(5)(*b*), (*c*) or (*d*).

(3A) The Council’s approval under subsection (3) or decision on review under section 24AA may be expressed in one or more of the following terms:

- (a) fixing the price or the rate of increase or decrease in the price of bus fares or train fares; 5
 - (b) fixing a maximum or minimum price, or a maximum rate of increase in the maximum price, of bus fares or train fares;
 - (c) fixing an average price for specified bus services or train services, or an average rate of increase or decrease in the average price of bus fares or train fares; 10
 - (d) specifying pricing policies or principles for bus fares or train fares, including a policy or principle requiring prospective passengers to be informed in advance of any change in bus fares or train fares; 15
 - (e) specifying an amount determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factor; 20
 - (f) specifying an amount determined by reference to quantity (such as number of journeys or passengers), location, period or other specified factor relevant to the supply of the bus services or train services; 25
 - (g) any other terms the Council considers appropriate.”;
- (c) by inserting, immediately after the words “granted under subsection (3)(b)” in subsection (4), the words “or section 24AA”; 30
- (d) by deleting the words “section 24AA(2)” in subsection (4)(a) and substituting the words “requirements in section 24AA(5)”;

(e) by inserting, immediately after the words “subsection (5)(b)” in subsection (4)(e), the words “or subsection (3)(b) or with section 24AC”; and

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

“(9) Nothing in this section requires —

(a) the LTA to apply to the Council for approval of bus fares —

(i) for bus services provided under a public bus services contract (within the meaning of the Bus Services Industry Act 2015) to which the LTA is a party; or

(ii) for bus services provided by the LTA when LTA operates the bus services; or

(b) a public bus operator which provides a bus service according to the provisions of a public bus services contract to apply to the Council for approval of bus fares for the bus service specified in that contract.”.

Repeal and re-enactment of sections 24AA and 24AB and new section 24AC

16. Sections 24AA and 24AB of the principal Act are repealed and the following sections substituted therefor:

“Unilateral review of fares, etc.

24AA.—(1) The Council may, on its own initiative, review —

(a) the price of, or the pricing policy for —

(i) any bus fare specified in a public bus services contract for any bus service;

(ii) any bus fare approved under section 24 for bus services; or

(iii) any train fare approved under section 24; or

(b) the price of or pricing policy for any fare approved on review under this section.

(2) A review under this section of any fare or fare pricing policy must take into account the matters referred to in section 24(2) and comply with section 24AB. 5

(3) Without prejudice to the generality of subsection (1), a review under this section of the price of, or the pricing policy for, any bus fare or train fare, may be carried out for the purpose of promoting or facilitating —

(a) the integration of bus fares and train fares; 10

(b) arrangements for the through-carriage of passengers on bus services and train services provided by licensed bus operators (whether or not public bus operators) and licensed rapid transit system operators, respectively; and

(c) the making by passengers of any journey which involves the use of — 15

(i) the services of more than one such operator;

(ii) more than one bus service or train service (whether or not operated by the same person); or

(iii) both bus services and train services (whether or not operated by the same person). 20

(4) On completing any review under subsection (1) in relation to the price of, or pricing policy for, any bus fare or train fare, the Council may —

(a) add to, delete and substitute, or otherwise modify — 25

(i) any part of its approval under section 24(3) or approval on review under this section; or

(ii) any of the conditions for its approval under section 24(3), or approval on review under this section; or 30

(b) set the price of or pricing policy for the bus fare to be specified in a public bus services contract for any bus service,

and the fare or fare pricing policy so added to, substituted or otherwise modified, or set is, for the purposes of this Part, to be regarded as approved under this section.

(5) In particular, a decision of the Council under subsection (4) in relation to any bus fare for bus services provided by a public bus operator, or any train fare for train services provided by a licensed rapid transit system operator, may do any of the following:

(a) add to the price of the fare for those bus services or train services, the carry-forward amount available to the bus operator of those bus services or the rapid transit system operator of those train services, as the case may be;

(b) require the bus operator or rapid transit system operator concerned and, in the case of bus services provided under public bus services contracts, the LTA, to re-allocate revenues amongst themselves for the provision of their respective services, such as —

(i) entering into an agreement with each other, or with the LTA or another bus operator or rapid transit system operator, on such terms and conditions as the Council may specify for the re-allocation of revenues; and

(ii) taking such steps to ensure that the agreement is given effect to;

(c) require the public bus operator or licensed rapid transit system operator, or the LTA in the case of bus services provided under public bus services contracts, to grant fare concessions —

(i) for any specified class of passengers of buses or trains used to provide those bus services or train services, as the case may be; or

(ii) for bus or train journeys starting at a specified place or area or starting or ending at any specified time;

(d) require every public bus operator and licensed rapid transit system operator who agree to provide services for the through-carriage of passengers provided by them to publish, or cause to be published, the through fares for those services. 5

(6) Before making a decision under subsection (5), the Council must —

(a) give notice of its proposed review under this section in the manner prescribed under subsection (7); and

(b) after giving such notice, consult — 10

(i) the LTA; and

(ii) such licensed bus operator or licensed rapid transit system operator who would in the Council's opinion be affected by the decision.

(7) The Minister may make regulations prescribing the content, form and procedure to be followed, and the methodology or other matters to be included in connection with the preparation, review and approval of fares or fare pricing policies under this section. 15

Fare review mechanism

24AB.—(1) When approving under section 24, or approving on review under section 24AA, the price of any bus fare or train fare, the Council must do so only in accordance with the fare adjustment formula set out in the Third Schedule. 20

(2) Where the bus fare charged by a public bus operator, or the train fare charged by a licensed rapid transit system operator, or the bus fare or train fare approved under section 24, or approved on review under section 24AA, for any year is less than the maximum permitted using the fare adjustment formula set out in the Third Schedule — 25

(a) no public bus operator or licensed rapid transit system operator is entitled to demand a bus fare or train fare that includes that excess for that year; but 30

(b) the excess may be claimed (in whole or in part) by the public bus operator or licensed rapid transit system operator concerned when applying for approval of any bus fare or train fare for the subsequent year or years, up to the maximum permitted using that fare adjustment formula.

(3) However, the Council may refuse to add the excess referred to in subsection (2) to any bus fare or train fare with respect to a public bus operator or licensed rapid transit system operator if the bus operator or rapid transit system operator makes no claim under subsection (2)(b) when applying under section 24 for approval of the bus fare or train fare.

Contribution of proportion of fare increases

24AC.—(1) Where the Council —

(a) approved under section 24 an increase in any bus fare for any bus service provided by a public bus operator or in any train fare for any train service; or

(b) approved on review under section 24AA any bus fares or train fares that is an increase in any bus fare for any bus service provided by a public bus operator or in any train fare for any train service,

every public bus operator and every licensed rapid transit system operator providing that bus service or train service, as the case may be, must contribute to the Public Transport Fund an amount set by the Council under this section.

(2) In setting the amount of contribution that a public bus operator or a licensed rapid transit system operator must make under subsection (1), the Council must have regard to the estimated increase in revenue of the public bus operator or licensed rapid transit system operator that is attributable to the increase in fares approved or varied by the Council under section 24 or 24AA, as the case may be.

(3) The Council may set the contribution in one or more of the following terms:

(a) a fixed amount or rate of the estimated increase in revenue that is attributable to the increase in bus fares or train fares approved or revised by the Council under section 24 or 24AA, respectively;

(b) any other terms as the Council considers appropriate. 5

(4) The contributions that a public bus operator or a licensed rapid transit system operator has to make under subsection (1) must be made within the prescribed period after the effective date of any fare increase so approved or revised under section 24 or 24AA, as the case may be, and thereafter, at the prescribed time in every subsequent year until the Council in writing directs otherwise. 10

(5) Any unpaid contribution and any penalty or interest imposed under regulations made under section 28(2)(ca) may be recovered as a Government debt in a court of competent jurisdiction. 15

(6) The Minister may make regulations prescribing the content, form and procedure that must be followed by the Council in connection with the setting of contributions for the purposes of subsection (1).” 20

Amendment of section 24A

17. Section 24A of the principal Act is amended —

(a) by deleting the words “any person or class of persons” in subsection (1) and substituting the words “any employee or class of employees of a public bus operator, a licensed rapid transit system operator or the Council”; and 25

(b) by deleting subsection (2) and substituting the following subsections:

“(2) The Council may also appoint any employee or class of employees of the LTA to be public transport officials for bus services that the LTA operates in Singapore. 30

(3) Subject to the directions of the Council under subsection (5), a public transport official may require

any individual who is travelling or attempting to travel on, or has travelled on —

(a) any bus that is part of a bus service provided by a public bus operator; or

(b) any train that is part of a train service provided by a licensed rapid transit system,

to produce to the public transport official the individual's ticket for the journey for inspection and, if the ticket is a concession ticket, evidence of the individual's entitlement to the concession.

(4) Subject to the directions of the Council under subsection (5), a public transport official may seize any ticket produced under subsection (3) if the public transport official has reason to believe that the ticket is an invalid ticket.

(5) The Council may give directions to public transport officials in relation to the offering of an opportunity to pay penalty fees under section 24C and the exercise of any of their powers under this Part.”.

Repeal and re-enactment of sections 24C and 24D and new sections 24CA and 24CB

18. Sections 24C and 24D of the principal Act are repealed and the following sections substituted therefor:

“Penalty fee for bus fare or train fare evasion

24C.—(1) A public transport official who believes on reasonable grounds that an individual —

(a) who is travelling or attempting to travel or has travelled on a bus that is part of a bus service provided by a public bus operator; or

(b) who is travelling or is attempting to travel (including entering a paid area within any railway premises) or has travelled on a train that is part of a train service provided by a licensed rapid transit system,

is evading or has evaded payment of the fare lawfully required of the individual's use of the bus or train, as the case may be, may, by notice, offer the individual concerned an opportunity to pay a penalty fee of the prescribed amount.

(2) Every offer of an opportunity to pay a penalty fee is subject to directions given by the Council under section 24A(5). 5

(3) An individual who is given an offer by a public transport official of an opportunity to pay a penalty fee under subsection (1) may, within the prescribed period and in accordance with the prescribed procedure, appeal to the Council to hear such appeal against the offer. 10

(4) On receiving an appeal under subsection (3), the Council, or an officer designated by the Council to hear the appeal, may —

(a) confirm the offer by the public transport official, and vary the time within which the penalty fee must be paid; or 15

(b) cancel the offer by the public transport official the making of which is, in the opinion of the Council or officer, not equitable,

and every decision on appeal is final. 20

(5) An individual who is offered by a public transport official an opportunity to pay a penalty fee may accept the offer by paying the penalty fee, or by arranging for another person to pay the penalty fee —

(a) immediately to the public transport official; or 25

(b) to another person directed by the public transport official and authorised by the Council to receive payments of penalty fees or to the Council itself,

in the manner and within the time determined by the Council or under subsection (4)(a) if an appeal under subsection (3) is made. 30

(6) An offer of an opportunity to pay a penalty fee is withdrawn if the penalty fee is not paid within the time referred to in subsection (5).

(7) On receiving payment of the penalty fee under subsection (5)(a), the public transport official must give the individual a receipt acknowledging that payment.

(8) An individual who pays (by himself or by arrangement with another) a penalty fee in accordance with subsection (5) cannot be prosecuted for an offence under section 24CA or offered composition under section 26.

Bus fare or train fare evasion

24CA.—(1) An individual who is evading or has evaded payment of the fare in relation to —

- (a) a bus that is part of a bus service provided by a public bus operator; or
- (b) a train that is part of a train service provided by a licensed rapid transit system,

shall be guilty of an offence and shall be liable on conviction —

- (i) to a fine not exceeding \$1,000; and
- (ii) where 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.

(2) A person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted, or found guilty, of an offence under that provision (called the current offence) has been convicted or found guilty, whether before, on or after the date of commencement of section 18 of the Public Transport Council (Amendment) Act 2015, of a qualifying offence before the date on which the person is convicted or found guilty of the current offence.

(3) In subsection (2), a qualifying offence means —

- (a) an offence under subsection (1); or
- (b) an offence under section 24C(5) of this Act as in force before the date of commencement of section 18 of the Public Transport Council (Amendment) Act 2015.

(4) For the purposes of this section and section 24C, an individual evades payment of a fare in relation to a bus or train if the individual —

- (a) when attempting to travel, for an intended journey on the bus or train (including entering a paid area within any railway premises), without reasonable excuse —
 - (i) does not pay the fare lawfully required;
 - (ii) if using a smartcard ticket, does not tap in;
 - (iii) attempts to travel on a concession fare without being entitled to the concession; or
 - (iv) attempts to travel on an invalid ticket;
- (b) in relation to all or part of a journey travelled on the bus or train, without reasonable excuse —
 - (i) does not pay the fare lawfully required;
 - (ii) if using a smartcard ticket, does not tap in or tap out;
 - (iii) travels on a concession fare without being entitled to the concession; or
 - (iv) travels on an invalid ticket; or
- (c) without reasonable excuse, does or omits to do any other act that is prescribed in relation to any journey or intended travel on a bus or train.

(5) For the purposes of this section and section 24C, an individual is presumed, until the contrary is proved, to evade payment of a fare in relation to a bus or train if the individual, when requested by a public transport official —

- (a) fails to produce to the public transport official any ticket for the individual's journey;
- (b) produces to the public transport official a concession ticket for the individual's journey and then fails to produce evidence of the individual's entitlement to the concession;

- (c) produces to the public transport official a smartcard ticket for the individual's journey that, upon inspection by the official using a smartcard reader, is an invalid ticket, and then fails to produce a valid ticket for the journey; or
- (d) produces to the public transport official a ticket that is not a smartcard for the individual's journey that, upon inspection by the official, is an invalid ticket, and then fails to produce a valid ticket for the journey.

Evidentiary provisions in proceedings for bus fare or train fare evasion

24CB.—(1) If a fact relating to a smartcard ticket is relevant in proceedings relating to an offence under section 24CA, evidence of that fact as indicated or determined by —

- (a) a prescribed device that was used in the prescribed manner (if any); or
- (b) a printed document that was produced by a prescribed process,

is admissible in evidence in those proceedings.

(2) For the purposes of this section, a fact relates to a smartcard ticket if it relates to —

- (a) the smartcard ticket itself, including its type, identifying numbers and manner of acquisition;
- (b) the holder of the smartcard ticket;
- (c) the existence, or possible existence, of an entitlement to use a bus service or train service; or
- (d) the use of the smartcard ticket.

(3) A certificate purporting to be issued by a public transport official who used a smartcard reader to read, copy or transfer information from a smartcard ticket produced to the public transport official for inspection certifying as to the information read, copied or transferred from the smartcard ticket in relation to all or any of the following matters:

- (a) the smartcard ticket number;
- (b) the smartcard ticket type;
- (c) the name of the smartcard ticket holder;
- (d) the use of the smartcard ticket;
- (e) the entitlement to use a bus service or train service,

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is admissible in evidence in any proceedings relating to an offence under section 24CA.

(4) Subject to subsection (10), if a certificate is issued under subsection (3) in respect of a smartcard ticket, it is presumed for the purposes of any proceedings relating to an offence under section 24CA that the smartcard ticket had accurately recorded and discharged the information recorded, copied or transferred from it by the smartcard reader.

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(5) Subject to subsection (10), if the prosecution, in proceedings relating to an offence under section 24CA serves on the accused, by the required time, a copy of a certificate referred to in subsection (3), the certificate is conclusive proof of —

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- (a) the facts and matters stated in that certificate;
- (b) the fact that the smartcard reader used was a prescribed device;
- (c) the fact that the smartcard reader was used in the prescribed manner (if any); and
- (d) the fact that the smartcard reader had operated correctly.

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(6) Subject to subsection (10), if the prosecution in proceedings relating to an offence under section 24CA serves on the accused, within the required time, a notice setting out the presumptions set out in subsection (4), the facts that are the subject of the presumptions are to be taken to have been conclusively proved.

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(7) A certificate purporting to be issued by a person authorised by the Chief Executive certifying that —

(a) at all relevant times the prescribed devices specified in the certificate had operated correctly and had indicated or determined the facts (if any) stated in the certificate; or

(b) at all relevant times, the printed documents specified in the certificate had been produced by a prescribed process,

is admissible in evidence in any proceedings relating to an offence under section 24CA.

(8) Subject to subsection (10), if the prosecution in proceedings relating to an offence under section 24CA serves on the accused, within the required time, a copy of a certificate referred to in subsection (7), the certificate is conclusive proof —

(a) that the person giving the certificate was authorised to do so;

(b) in the case of a certificate under subsection (7)(a), of —

(i) the fact that at all relevant times the prescribed devices specified in the certificate had operated correctly; and

(ii) the facts (if any) stated in the certificate as indicated or determined by the prescribed devices; and

(c) in the case of a certificate under subsection (7)(b), of —

(i) the fact that at all relevant times the printed documents specified in the certificate had been produced by a prescribed process; and

(ii) the facts indicated or determined by the printed documents.

(9) In this section, “required time” means no less than 56 days before the hearing for the relevant offence under section 24CA.

(10) The accused in any proceedings relating to an offence under section 24CA may give notice in writing to the prosecution not less than 28 days before the hearing, or any shorter period ordered by the court or agreed to by the prosecution, that —

- (a) the accused requires the person giving a certificate referred to in subsection (3) or (7) to be called as a witness;
- (b) the accused intends to adduce evidence in rebuttal of any fact or matter contained in the certificate; or
- (c) the accused intends to adduce evidence in rebuttal of any fact that is the subject of a presumption set out in subsection (4).

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(11) To avoid doubt, nothing in this section prevents the prosecution adducing evidence to explain any fact or matter contained in a certificate referred to in this section.

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Offence of not paying taxi fare

24D.—(1) A passenger who hires a taxi in Singapore for a journey within or partly within Singapore must, at the end of that hiring, and upon demand by the driver of the taxi, pay for the journey the taxi fare chargeable in accordance with this Act.

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(2) A passenger who, without reasonable excuse, fails to or refuses to pay the taxi fare or any part of the taxi fare in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction —

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- (a) to a fine not exceeding \$1,000; and
- (b) where 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) A person is a repeat offender in relation to an offence under subsection (2) if the person who is convicted, or found guilty, of an offence under that provision (called the current offence) has been convicted or found guilty, whether before, on or after the date of commencement of section 18 of the Public Transport Council (Amendment) Act 2015, of a qualifying offence before the date on which the person is convicted or found guilty of the current offence.

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(4) In subsection (3), a qualifying offence means —

(a) an offence under subsection (2); or

(b) an offence under section 24D of this Act as in force before the date of commencement of section 18 of the Public Transport Council (Amendment) Act 2015.”.

Amendment of section 26

19. Section 26 of the principal Act is amended —

(a) by deleting the words “or any officer authorised by the Council” and substituting the words “, or any officer of the Council or the LTA authorised by the Council,”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(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.”.

Amendment of section 26B

20. Section 26B(1) of the principal Act is amended by deleting the words “, performance bonds and composition sums” and substituting the words “and performance bonds”.

Amendment of section 28

21. Section 28(2) of the principal Act is amended —

(a) by deleting the words “bus, taxi and rapid transit system fares” in paragraph (c) and substituting the words “bus fares or train fares, or a pricing policy for bus services or train services,”;

(b) by inserting, immediately after paragraph (c), the following paragraphs:

- “(ca) to prescribe the date and manner by which any contribution is payable under section 24AC to the Public Transport Fund, the penalties for the late payment of any such contribution and to impose interest for late payment of any such contribution or penalty; 5
- (cb) to require returns to be made by persons by whom contributions under section 24AC are payable, and the conditions relating to the making of such returns;” and 10
- (c) by inserting, immediately after paragraph (g), the following paragraphs:
- “(ga) to prescribe devices for the purposes of section 24CB and the manner of using (including testing) those devices; 15
- (gb) to prescribe the processes for loading information onto a prescribed device or a prescribed computer system, copying or transferring information between prescribed devices or between a prescribed device and a prescribed computer system, storing of information by a prescribed device or prescribed computer system and producing a printed record of information stored by a prescribed device or prescribed computer system;” 20 25

Amendment of First Schedule

22. The First Schedule to the principal Act is amended by renumbering paragraph 1 as sub-paragraph (1) of that paragraph, and by inserting immediately thereafter the following sub-paragraph: 30

“(2) The Minister may appoint the Chief Executive to be a member of the Council.”.

Saving and transitional provisions

23.—(1) Upon the date of commencement of section 4 (called in this section the corporatisation date) —

5 (a) all movable and immovable property vested in the Public Transport Council before that commencement (called the Former Council);

 (b) all assets, interests, rights, privileges, liabilities and obligations relating to the Former Council; and

 (c) the whole of the undertaking of the Former Council,

10 are transferred to and vest in the body corporate called the Public Transport Council without further assurance, act or deed, and the Former Council is dissolved.

 (2) All proceedings by or against the Former Council which are pending on the corporatisation date may be continued, completed and enforced by or against the body corporate called the Public Transport Council.

 (3) Upon the corporatisation date, any court ruling, order or judgment in favour of or against the Former Council may be enforced by or against the body corporate called the Public Transport Council.

 (4) Every agreement to which the Former Council was a party immediately before the corporatisation date (whether or not of such nature that the rights and liabilities under the agreement may be assigned) has effect as from that day as if —

25 (a) the body corporate called the Public Transport Council was a party to such an agreement instead of the Former Council; and

 (b) for any reference to the Former Council, there were substituted in respect of anything to be done on or after that date a reference to the body corporate called the Public Transport Council.

30 (5) All deeds, contracts, schemes, bonds, agreements, applications, instruments and arrangements subsisting immediately before the corporatisation date relating to the Former Council or to which the Former Council is a party, continue in force on and after that date as if

they relate to the body corporate called the Public Transport Council and are enforceable by or against the body corporate called the Public Transport Council as if the body corporate was named in them or was a party to them instead of the Former Council.

(6) Every contract of employment to which subsection (4) or (5) applies continues in force on or after the corporatisation date as if the body corporate called the Public Transport Council were the employer instead of the Former Council. 5

(7) Every appointment of the Former Council in any role or capacity which is in force immediately before the corporatisation date takes effect and operates from that date as if the body corporate called the Public Transport Council were appointed. 10

(8) Any authority or power conferred on the Former Council which is in force immediately before the corporatisation date takes effect and operates from that date as if it were conferred on the body corporate called the Public Transport Council. 15

(9) Despite subsections (1) to (8), every member of the Former Council continues, on or after the corporatisation date, to be personally liable (jointly and severally with the body corporate called the Public Transport Council) for the liabilities and obligations of the Former Council which were incurred prior to that date or which arose from any contract entered into prior to that date. 20

(10) However, if any member of the Former Council discharges any liability or obligation referred to in subsection (9), that member is entitled (subject to any agreement with the body corporate called the Public Transport Council to the contrary) to be fully indemnified by the body corporate called the Public Transport Council in respect of such liability or obligation. 25

(11) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 30

(12) Nothing in this section shall prejudice section 16 of the Interpretation Act (Cap. 1). 35

Related amendments to Land Transport Authority of Singapore Act

24.—(1) Section 11(2) of the Land Transport Authority of Singapore Act (Cap. 158A) is amended by inserting, immediately after the words “section 6(1)(r)”, the words “and of financial penalties referred to in section 19(2) of the Rapid Transit Systems Act (Cap. 263A)”.

(2) Section 13A of the Land Transport Authority of Singapore Act is amended —

(a) by inserting, immediately after the words “any financial penalty imposed” in subsections (1)(e)(ii) and (2)(g)(ii), the words “before the date of commencement of section 11 of the Public Transport Council (Amendment) Act 2015”; and

(b) by inserting, immediately after the words “all financial penalties imposed” in subsection (1)(f), the words “before the date of commencement of section 11 of the Public Transport Council (Amendment) Act 2015”.

Related amendments to Rapid Transit Systems Act

25. Section 19 of the Rapid Transit Systems Act (Cap. 263A) is amended —

(a) by inserting, immediately after the words “bank guarantee” in subsection (1)(ii), the words “but not in excess of the maximum amount specified in subsection (1A) if the licence is not cancelled”; and

(b) by deleting subsection (2) and substituting the following subsections:

“(2) A financial penalty cannot be imposed on a licensee if the sole ground for proceeding under subsection (1) is that, in the opinion of the Authority, the licensee is likely to fail to provide and maintain an adequate, safe and satisfactory service.

(2A) A financial penalty imposed under subsection (1)(iii) on any licensee must be recovered

and collected by the Authority for the purposes of the Public Transport Fund.

(2B) The whole or part of any financial penalty recovered and collected under subsection (2A) from a licensee, and any interest on any financial penalty in arrears, must be paid into the Public Transport Fund established under the Public Transport Council Act (Cap. 259B).”

Related amendment to Road Traffic Act

26. Section 2(1) of the Road Traffic Act (Cap. 276) is amended by inserting, immediately after the definition of “driving licence”, the following definition:

“ “fare”, in relation to a public service vehicle, includes —

- (a) the amount of any rate, fee, levy and charge and any other valuable consideration (however described) for a journey by the public service vehicle; and
- (b) the provision of, or arrangements for, a discount, concession, allowance, rebate or credit applying in relation to any amount in paragraph (a);”

EXPLANATORY STATEMENT

This Bill seeks to amend the Public Transport Council Act (Cap. 259B) for the following main objectives:

- (a) to confer on the Public Transport Council (called the PTC) the necessary powers to give effect to the Fare Review Mechanism Committee Report which was approved by Parliament on 11 November 2013;
- (b) to establish a Government fund called the Public Transport Fund which was proposed in the Fare Review Mechanism Committee Report;
- (c) to convert the PTC into a body corporate;
- (d) to expand the PTC’s jurisdiction to approving not only fares but also fare pricing policies;

- (e) to enhance enforcement powers against bus and rail commuters who evade fares.

The Bill also makes related amendments to the Land Transport Authority of Singapore Act (Cap. 158A), the Rapid Transit Systems Act (Cap. 263A) and the Road Traffic Act (Cap. 276) to give effect to the Fare Review Mechanism Committee Report.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to remove references to bus services and bus service operators because the function of licensing and regulating such matters are to be assumed by the Land Transport Authority of Singapore (called the LTA) under the new Bus Services Industry Bill 2015.

Clause 3 inserts several new definitions which are used in the amendments.

New terms like “bus service” and “public bus operator” are given similar meanings as in the new Bus Services Industry Bill 2015. The term “public bus operator” refers to a bus operator who has a contract with the LTA to provide regular route bus services under the bus services procurement framework in that Bill, and includes holders of Class 1 bus service licences (which authorises the operation of at least 10 regular route services) under that Bill. Until the bus services procurement framework is fully implemented, many of the regular route services will continue to be operated by holders of Class 1 bus service licences.

The new definition of “invalid ticket” reflects the ticketing technology that is employed by local operators of licensed bus services or train services. There are accompanying definitions of what are meant by “over-travel”, “tapping out”, “paid area” and “tap in” to take into account the widespread use of smartcard tickets in public bus and rapid transit system operations.

The word “fare” can mean a bus fare, taxi fare or train fare. The current Act provides a definition of fares for taxi services only. These fares are further defined to refer to the amount (called price) of any rate, fee, levy and charge and any other valuable consideration (however described) for a journey by bus, train or taxi (as the case may be), whether or not it is paid or given to an operator of a bus service, train service or taxi service or a driver of a bus, train or taxi. The price also can include concessions and discounts.

A new definition of “pricing policy” is also introduced to support the PTC’s new jurisdiction of approving the pricing policy for setting fares, including policies relating to the level or structure of prices for bus fares, train fares and taxi fares.

Clause 4 introduces a new section 3A that re-constitutes the PTC as a body corporate.

Clause 5 repeals and re-enacts section 4 which concerns the functions of the PTC. The PTC is conferred the function of being advisor to the Government on all

matters relating to the provision of bus services, train services and taxi services in Singapore. With these new functions, the PTC may undertake surveys or other arrangements to obtain public feedback and may evaluate and recommend improvements towards ensuring a public passenger transport system in Singapore —

- (a) that satisfies all reasonable demands in Singapore for bus services, train services and taxi services;
- (b) that offers an attractive alternative to private motor vehicle transport, and the extent of such travel, in Singapore;
- (c) that is effectively and efficiently integrated so as to facilitate seamless travel within and between different modes of land transport and greater mobility in Singapore; and
- (d) that provides viable bus services, train services and taxi services at a reasonable cost to the community and the Government.

The PTC's present function as regulator of bus services and bus service operators is removed. The PTC continues to regulate providers of ticket payment services.

Clause 6 amends section 5 on the powers of the PTC to align those powers with the revised functions in the amended section 4. There is also a requirement that the PTC gives the Minister such information regarding the PTC's property and activities as the Minister may require.

Clause 7 inserts new sections 5A to 5D to support the PTC's conversion into a body corporate. These new sections are commonly found in public Acts setting up statutory boards.

The new section 5A empowers the Minister to give broad directions to the PTC as to the performance and exercise by the PTC of its functions, duties and powers under the Act. The Minister's directions cannot be inconsistent with the Act.

The new section 5B empowers the PTC to form committees and to delegate its functions, duties and powers under the Act to these committees, or to its Chairman, Chief Executive or other employees.

The new section 5C provides for the appointment of the Chief Executive of the PTC and other employees.

The new section 5D imposes the obligation on members of the PTC, committee members and officers of the PTC to maintain confidentiality as regards information relating to the affairs of the PTC or of any other person which has been obtained by any of these individuals in the course of performing their duties under the Act.

Clause 8 repeals and re-enacts section 6 on protection from liability for members and employees of the PTC and of persons acting under the PTC's direction.

Clause 9 amends section 7 that seeks to place members, officers and employees of the PTC in the same position as civil servants in relation to their administration, assessment, collection and enforcement of payment of composition sums under the Act, which have to be paid into the Consolidated Fund. By this amendment, PTC members, officers and employees are open to being proceeded against under section 20 of the Financial Procedure Act (Cap. 109).

Clause 10 introduces new sections 10A and 10B which are also standard provisions commonly found in public Acts that establish statutory boards.

The new section 10A enables the PTC to issue such shares or other securities in it to the Minister for Finance as a consequence of the vesting of any property, rights or liabilities of the Government in the PTC, or of any capital injection or other investment by the Government in the PTC. Capital injections of this nature are permissible under section 7A of the Financial Procedure Act or the Development Fund Act (Cap. 80).

The new section 10B empowers the PTC to invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

Clause 11 introduces a new Part IIIA relating to the Public Transport Fund.

The new section 11A establishes a Government fund called the Public Transport Fund. The sources of money of the Public Transport Fund are appropriations by Supply Law, etc., from the Consolidated Fund payable to the Public Transport Fund, contributions ordered by the PTC under the new section 24AC(1) to be made by public bus operators or licensed rapid transit system operators from fare increases approved by the PTC, as recommended by the Fare Review Mechanism Committee Report. Other donations to the Public Transport Fund are also permitted.

Adapting from the Fare Review Mechanism Committee Report, all financial penalties imposed by the LTA under the new Bus Services Industry Bill 2015 on a public bus operator, or under the Rapid Transit Systems Act (Cap. 263A) on a licensed rapid transit system operator, for a breach of any condition in the bus service licence or rapid transit system operator's licence, whether or not relating to safety, continuity, hours of operation, frequency or reliability of the bus service or train service, as the case may be, will form another source of funds for the Public Transport Fund.

Under the new section 11B, the moneys in the Public Transport Fund may be withdrawn only for the following purposes:

- (a) to provide (directly to individuals or through organisations) cash grants, rebates, reliefs and other financial assistance to passengers using bus services or train services;

- (b) to meet expenses referred to in the new section 11C incidental to or arising from the administration, investment and management of moneys in the Public Transport Fund.

Otherwise, the moneys in the Public Transport Fund can be invested like any other Government fund.

The new section 11C provides that the expenses in administering the Public Transport Fund are charged upon and payable out of that Fund.

The new section 11D deals with withdrawals and payments from the Public Transport Fund and the necessary authorisation therefore.

The new section 11E prescribes the financial year of the Public Transport Fund.

The new section 11F relates to the keeping of accounts of the Public Transport Fund and the appointment of accounting officers of the Public Transport Fund.

The new section 11G requires annual financial statements and accounts of the Public Transport Fund to be prepared and provides for their audit. The clause also requires the Minister to cause a copy of the audited financial statements of the Public Transport Fund and the auditor's report to be presented to Parliament.

The new section 11H requires that the balance of moneys remaining in the Public Transport Fund upon dissolution of that Fund be transferred to the Consolidated Fund and be added to the past reserves of the Government.

The new section 11I provides that any moneys that are withdrawn from the Public Transport Fund and are paid to a person not eligible to it, or paid in excess or paid without authorisation, will be recoverable as a debt due to the Government. The new section 11I also makes it an offence for a person to knowingly or recklessly make any false statement, or to produce or furnish, or to knowingly allow to be produced or furnished any document which he or she knows to be false in a material particular, for the purpose of obtaining financial assistance from the Public Transport Fund.

The new section 11J empowers the Minister to make regulations for the carrying out of the purposes and provisions of the new Part IIIA.

Clause 12 amends the heading to Part V so as to enable the sub-division of the Part into 2 distinct divisions that cover setting of taxi fare pricing policies separately from approving the prices of bus and train fares, and bus or train fare pricing policies.

Clause 13 amends section 23 to first re-state the prohibition that is in section 23(1) today against demanding for fares higher than what has been approved by the PTC, and to extend that to cover demands not in accordance with PTC's fare pricing policies.

As amended, it is an offence for a person to demand or take from a bus passenger, for any bus service involving the carriage of the passenger and operated by the person, or by the person on behalf of a licensed bus operator, a bus fare that is more than the maximum price approved by the PTC under section 24 or 24AA for that bus service, or that is inconsistent with any part of the pricing policy set or approved by the PTC under section 24 or 24AA for that bus service.

For example, if the PTC approves under section 24 or 24AA a fare pricing policy that requires a fare component of a minimum price and the bus fare charged has a component that is lower than that price, then the amended section 23(1) makes it an offence for the person taking or demanding that bus fare.

It is also an offence to take or demand a bus fare that is different from the bus fare last published by the licensed bus operator for that bus service.

A similar offence is provided for train fares for train services provided by licensed rapid transit system operators.

For taxi services, a person must not demand or take from a taxi passenger for hiring a taxi for the passenger's journey a taxi fare that is inconsistent with any part of the pricing policy set by the PTC under section 23B for that taxi service, or is more than the taxi fare last published by the licensed taxi service operator for that taxi service. The latter will therefore not render unlawful a registered provider of a third-party taxi booking service charging passengers a booking fee for hire of a taxi leased from a licensed taxi service operator, being an amount lower than the booking fee charged by the licensed taxi service operator.

The penalty for the offences under section 23 is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both. The provision does not displace the general law relating to abetment of offences. Any person who abets the person taking or demanding a fare contrary to the situations set out in amended section 23 will also be guilty of the offence and liable to the same punishment. This may cover the licensed bus operators, rapid transit system operators and taxi service operators.

A new offence under section 23(2A) is further created for taxi service operators which offer to the public, or any section of the public, any taxi service for any taxi fare that is inconsistent with any part of the pricing policy set under section 23B for that taxi service. This may involve simply publishing rates and where no taxi driver driving a taxi leased from the taxi service operator has demanded any of those charges. The punishment is also a fine not exceeding \$100,000 or imprisonment for a term not exceeding 6 months or both.

The second amendment to section 23 is to make clear the effect of a revocation or suspension of an approved fare by the PTC under section 24(4) or (5), in connection with the offences under section 23.

Where the PTC revokes its approval of any bus fare or train fare under section 24(4) (called the replaced fare), the last revocation revives the bus fare or train fare approved (if any) by the PTC previous to it approving the replaced fare. With effect from the revocation, the bus fare or train fare revived is to be regarded as an approved price for the fare. Hence, where the fare that is revoked is the only fare approved, the operator concerned may not charge any fare for bus or train services provided.

Where the PTC suspends its approval of any bus fare or train fare under section 24(5)(a) (also called the replaced fare), for the period of suspension, the bus fare or train fare approved by the PTC previous to the suspension of the replaced fare is revived, and for that period, the replaced bus fare or train fare is not to be regarded as an approved price for the fare.

The last amendment to section 23 is to subject the LTA and a public bus operator which operates regular route services according to the provisions of a public bus services contract (within the meaning of the new Bus Services Industry Bill 2015) with LTA, to the provisions in section 23. This will ensure that these bus services follow the fare approved by the PTC.

Clause 14 inserts a new section 23A conferring general powers to obtain information for the purposes of fare and fare pricing policy setting and reviews, and a new Division 2 for Part V (comprising new sections 23B and 23C) relating to taxi fare regulation.

The new section 23A empowers the PTC to require any licensed bus operator, licensed rapid transit system operator or taxi industry participant to furnish the PTC with accounts, financial statements or other documents and information which the PTC considers necessary to carry out its functions in Part V.

Furnishing any statement to the PTC which the person knows to be false or misleading in a material particular is an offence which carries a penalty of a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both. A person who, without reasonable excuse, refuses to furnish any accounts, financial statements, document or information required by the PTC may also be prosecuted for an offence which carries a penalty of a fine not exceeding \$10,000.

As the LTA will be entering into contracts with public bus operators to provide regular route services, the new section 23A also empowers the PTC to require the LTA to furnish or supply to the PTC any particulars or information in the possession of the LTA that it obtained in the performance of its function under the new Bus Services Industry Bill 2015. The LTA must do so despite the confidentiality provisions in the Land Transport Authority of Singapore Act.

The new Division 2 of Part V consists of new sections 23B and 23C regarding regulation of taxi fare pricing policies.

The new section 23B empowers the PTC to make a taxi fare pricing policy order that sets the pricing policy for taxi fares for any taxi service.

Every taxi fare pricing policy order must be published in the *Gazette*. A taxi fare pricing policy order under subsection (1) takes effect on a date specified in the order, and cannot be varied (except as contemplated by the order) or be revoked without replacement. It is therefore possible for the PTC to specify in the order itself a means by which the taxi industry participants can, by common pricing scheme, vary the terms of the order.

In making a taxi fare pricing policy order, the PTC has to consider the following factors: the demand and supply of taxi services, the standards of quality, reliability and safety of the taxi services, whether those standards are specified by legislation, agreement or otherwise, and any suggested or actual changes to those standards, the need for greater efficiency in providing passengers responsive, safe, competitive, efficient and accessible taxi services, and any other matters as the PTC considers relevant.

The PTC has also to follow the procedure in any regulations that the Minister makes governing the content, form and procedure that must be followed by the PTC in connection with the preparation and making of a taxi fare pricing policy order.

A taxi fare pricing policy order may set the price or price range of taxi fares, conditions relating to such prices or price-fixing factors in the taxi services industry in any manner the PTC considers appropriate.

This may include fixing the components of taxi fares for a taxi service, fixing the pricing policy or principles that are to be applied in relation to the taxi service provided, specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting prices, terms and conditions for the taxi service provided, fixing the basis on which prices are to be calculated for different taxis, for different types of journeys by taxis, for different passengers or for hiring of taxis in different circumstances.

A taxi fare pricing policy order may also permit the taxi industry participants, by a common pricing scheme, to vary one or more components of a taxi fare for the taxi service set for that component in the taxi fare pricing policy order, and may fix a price for components of a taxi fare where a common pricing scheme is permitted and there is no common pricing scheme established.

The PTC may also require a taxi industry participant to provide information to other taxi industry participants, passengers, prospective passengers or others, or generally publish information, relating to its prices of and pricing policies for taxi fares for taxi services provided by the taxi industry participant.

Where a taxi fare pricing policy order is made by the PTC without setting any prices, then before it takes effect for any taxi service, the new section 23C requires

every taxi industry participant providing that taxi service to determine the prices of taxi fares for that taxi service. Once determined, they must lodge with the PTC those prices determined, together with any supporting information the PTC may require. The PTC does not approve the prices of the taxi fares determined.

Under the new section 23B, it is also permissible for a taxi fare pricing policy order to permit a common pricing scheme to be established among taxi industry participants for one or more components of a taxi fare to replace the price set for that component in the taxi fare pricing policy order for a taxi service. Where this is the case, the new section 23C allows the taxi industry participants providing that taxi service to start collective negotiations among themselves to determine the prices of those components of taxi fares to be charged, and the period during which those prices will apply, and then lodge with the PTC those common prices agreed on by the taxi industry participants, together with any supporting information the PTC may require. The PTC does not approve the common prices of the taxi fares determined.

The common prices last lodged with the PTC for any component of a taxi fare have the effect of varying, from the date specified in the common pricing scheme, any price set in the taxi fare pricing policy order for that component until the common pricing scheme is terminated.

However, to have effect, a common pricing scheme for any component of a taxi fare must be agreed to in writing by the taxi industry participants prescribed by regulations under section 28 for that component of the taxi fare, and must state a process for dispute resolution.

The regulations need not prescribe all taxi industry participants and may prescribe only some, so that a common pricing scheme need be agreed to only by these prescribed taxi industry participants. Once the price of the taxi fare under the common pricing scheme is lodged with the PTC, the price becomes part of the fare pricing policy order, and taxi fares cannot be demanded by anyone, whether or not party to the common pricing scheme, inconsistent with the order as varied, without committing an offence under the new section 23(2).

For the purposes of the Third Schedule to the Competition Act (Cap. 50B), every common pricing scheme required or permitted by the Act as amended is to be regarded as an agreement made in order to comply with a legal requirement. The prohibitions in the Competition Act against anti-competitive agreements or involve an abuse of dominant position do not apply to common pricing schemes permitted by the Act as amended.

A taxi industry participant is defined to refer to a licensed taxi service operator, or a taxi driver licensed under the Road Traffic Act to drive a taxi not owned by a licensed taxi service operator. Where the taxi fare concerned is the booking fee for a taxi service, a registered provider is included as a taxi industry participant.

However, for purposes of collective negotiations under the new section 23C, an association, organisation or a body (whether corporate or unincorporate) which carries on the business of representing the interests of taxi drivers licensed under the Road Traffic Act to drive taxis not owned by a licensed taxi service operator may represent any of those taxi drivers in those collective negotiations, if the association, organisation or body is recognised by the PTC for the purpose of this section.

Clause 15 first amends section 24 to provide for applications to the PTC for fare approval as well as approval of fare pricing policies, for bus services, train services or taxi services.

The PTC may grant its approval in any way the PTC considers appropriate. The new section 24(3) gives examples of these ways that PTC can approve fares or fare pricing policies. These include fixing the price or the rate of increase or decrease in the price, fixing a maximum price or maximum rate of increase or minimum rate of decrease in the maximum price, fixing an average price for specified services or an average rate of increase or decrease in the average price, or specifying an amount determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factor.

Section 24(2) is next amended to expand the factors the PTC is to take into account when considering an application for its approval of any fare or fare pricing policy for bus services or train services.

The PTC is empowered to take into account the carry-over requirements imposed by or under the new section 24AB for public bus operators and rapid transit system operators, the need for fare concessions to address the interests of certain passenger groups, like the elderly or students, and the need to optimise the bus and rapid transit system network capacity of buses and trains, the need to ensure economic, financial and technical viability of the public bus system and the rapid transit system, and whether there is, or is imminent, a severe economic recession or other extenuating circumstances in Singapore. These are in addition to existing factors like facilitating the integration of bus fares and train fares, and the need for the applicant to remain financially viable continue.

Finally, clause 15 amends section 24 so that the LTA is bound to follow the fares approved by the PTC under section 24 when contracting with public bus service operators under the new Bus Services Industry Bill 2015. Hence, the fares that may be collected by these bus operators for regular route services delivered under contract with the LTA under the new Bus Services Industry Bill 2015 would be the fares approved by the PTC for regular route services, even though the LTA and the bus operators do not apply for PTC's fare approval.

Clause 16 repeals and re-enacts sections 24AA and 24AB and introduces new section 24AC primarily to give effect to the Fare Review Mechanism Committee Report which was approved by Parliament on 11 November 2013.

Under the new section 24AA, the PTC is empowered to review any bus fare or train fare, or any fare pricing policy for bus services of bus operators or for train services, already approved under section 24 or after its own review under the new section 24AA, on its own initiative, and set bus fares or fare pricing policy for bus services provided under LTA's public bus services contracts, and without need for an application.

The PTC can at any time on its own initiative, and after following the notice and consultation requirements imposed, the carry-over requirements imposed by or under the new section 24AB for bus services of public bus operators and train services of licensed rapid transit system operators, and any other procedures as the Minister may prescribe by regulations, review and revise any bus fare or train fare, or fare pricing policy for bus services or train services, approved under section 24 or revised under section 24AA itself.

In doing so, the PTC has to take into account the same factors for approving fares as set out in section 24. The PTC is also empowered to initiate a review to achieve specific objectives.

The new section 24AA also empowers the PTC, at the end of its review of bus fare or train fare already approved under section 24, to modify conditions for its approval.

Finally, the present procedure on review of fares now set out in section 24AB is transferred to section 24AA.

The new section 24AB (which applies only to public bus operators and licensed rapid transit system operators) gives effect to the new fare review mechanism recommended in the Fare Review Mechanism Committee Report, whereby there will be flexibility for a roll-over of excess fare adjustments in subsequent years. While the PTC has still to revise any bus fare or train fare only in accordance with the fare adjustment formula set out in the Third Schedule, the new section 24AB provides that where the PTC approves an adjustment in fares (whether on application or on its own initiative) for any year that is less than the maximum permitted using the fare adjustment formula set out in the Third Schedule, that excess cannot be demanded by the public bus operator or licensed rapid transit system operator for that year.

However, that excess can be claimed (in whole or in part) by the public bus operator or licensed rapid transit system operator concerned when applying for PTC's approval of any bus fare or train fare for the subsequent year or years, up to the maximum permitted using that fare adjustment formula.

The PTC can refuse to add the excess to any bus fare or train fare only where the public bus operator or licensed rapid transit system operator makes no claim when applying under section 24 for approval of the bus fare or train fare.

The new section 24AC imposes on a public bus operator or a licensed rapid transit system operator, whose fares the PTC approves, or approves on review, to a higher amount, to contribute a proportion of so much of its annual revenue as is attributable to the increase in fares. The contributions are to be made to the Public Transport Fund.

Clause 17 amends section 24A to confer more powers on public transport officials appointed by the PTC to curb fare evasion.

As is the case today, the public transport officials can ask passengers on any bus or train that is part of a bus service provided by a public bus operator, or a train service provided by a licensed rapid transit system operator, to produce to the official the person's ticket for the journey for inspection. The amendments make clear that this power extends also to persons who are attempting to travel on, or has travelled on, any such bus or train. For example, their powers may be exercised within the train station or outside the paid area of a train station or in relation to commuters at a bus interchange.

The clause also empowers the public transport official to ask for evidence of the individual's entitlement to the concession if the individual produces a concession ticket. The public transport official is also given power to seize any ticket produced if he or she has reason to believe that the ticket is an invalid ticket. The power to require payment of a penalty fee is removed and transferred to section 24C.

The powers of public transport officials are to be exercised subject to the directions of the PTC. Section 24A is amended to confer power on the PTC to give such directions.

Section 24A is also amended to make it clear that public transport officials are individuals employed by the major bus and rail transport operators (like the SBS Pte. Ltd. and the SMRT Pte. Ltd.) and authorised by the PTC, which is the current practice. As public bus services will be provided under the LTA's procurement framework under the new Bus Services Industry Bill 2015, PTC may also appoint LTA officers to be public transport officials to help detect fare evading bus or train passengers.

Clause 18 repeals and re-enacts section 24C (regarding penalty fees) and section 24D (taxi fare evasion), which is similar to overseas public transport penalty fares schemes which give people caught fare evading the opportunity to pay a penalty immediately on the spot.

Under the new section 24C, passengers found without a valid ticket can choose to deal with their fare evasion activity through an immediate payment of a penalty fee rather than through the court system for the offence of fare evasion, under new section 24CA. A penalty fee is not a criminal fine and does not involve the criminal justice system.

As is the case today, the new section 24C empowers a public transport official who believes on reasonable grounds that an individual is evading or has evaded payment of the fare lawfully required of the passenger's use of a bus operated by a public bus operator, or a train operated by a licensed rapid transit system operator, as the case may be, to offer the commuter by notice, an opportunity to pay a penalty fee of the prescribed amount.

The individual who is given an offer by a public transport official of an opportunity to pay a penalty fee may, within the prescribed period and in accordance with the prescribed procedure, appeal to the PTC to hear such appeal against the offer.

The PTC can either hear the appeal or designate an officer to do so. They can either, after hearing the appeal, confirm the offer by the public transport official, and vary the time within which the penalty fee must be made or cancel the offer by the public transport official.

An individual is given such an offer to pay a penalty fee may accept the offer by paying the penalty fee, or by arranging for another person to pay the penalty fee. Payment can be immediately made to the public transport official, or to another person directed by the public transport official and authorised by the PTC to receive payments of penalty fees or to the PTC itself. This must be done in the manner determined by the PTC, and within the time determined by the PTC or on appeal.

Once payment is made, the commuter concerned cannot be prosecuted for an offence under the new section 24CA or offered composition under section 26 for that offence. This prevents a person from being penalised twice for the same offence.

Hence, a public transport official may withdraw the offer of an opportunity to pay a penalty fee if the penalty fee is not paid within the time allowed.

The public transport official has to exercise these powers according to such general or specific directions as the PTC may specify.

The PTC, with the approval of the Minister, will fix the amount of the penalty fee through regulations made under section 28.

The new section 24CA sets out the offence of evading payment of the fare in relation to a bus that is part of a bus service provided by a public bus operator, or a train that is part of a train service provided by a licensed rapid transit system operator. The punishment is the same as that in the former section 24C(5) for non-payment of a penalty fee viz. a fine not exceeding \$1,000, and where the person is a repeat offender, a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

The new section 24CA defines what constitutes evading payment of a fare in relation to a bus or train. The PTC, with the Minister's approval, may also make

regulations that elaborate on other circumstances under which a person would be regarded as evading or have evaded payment of the fare lawfully required of the person's use of a bus or train.

The new section 24CA also sets out certain circumstances where a rebuttable presumption arises as to when a commuter may be regarded as having evaded fare payment. For example, if the individual, when requested by a public transport official fails to produce to the public transport official any ticket for the individual's journey, he or she is presumed, until the contrary is proved (the onus of which lies with the commuter), to have evaded payment.

Another situation where a rebuttable presumption can arise is where the commuter produces to the public transport official a smartcard ticket for the individual's journey that, upon inspection by the official using a smartcard reader, is an invalid ticket (see definition in clause 3), and then fails to produce a valid ticket for the journey. The commuter may produce a smartcard ticket that, upon inspection by the public transport official with a device approved by the PTC, does not indicate a valid entry record, and the individual fails to produce any other ticket to the public transport official indicating a valid entry record. Alternatively, the ticket shows a value that is less than the fare that would be required for the distance, time, or place travelled according to the date, time, or place of entry indicated on the ticket, and the commuter does not produce any other ticket to the public transport official of a value not lesser than the said fare according to the date, time, or place of entry on that ticket.

The new section 24CB is a provision on evidence relating to proceedings for a fare evasion under the new section 24CA.

It first provides for the admissibility in evidence in those proceedings, of evidence of a fact relating to a smartcard as indicated or determined by a prescribed device that was used in a prescribed manner (if any) or by a printed document that was produced by a prescribed process.

The new section 24CB(3) relates to a certificate by a public transport official who uses a smartcard reader to scan a smartcard ticket produced to the authorised officer for inspection, certifying as to certain information scanned from the smartcard relating to the card, the card holder, the use of the card and the entitlement to use bus or train services.

The new section 24CB(4) then provides that such a certificate is admissible in evidence in any proceedings relating to a fare evasion offence under the new section 24CA. If such a certificate is issued, it is presumed, for the purposes of those proceedings, that the smartcard had accurately recorded the information scanned from it and had accurately discharged the information when scanned by the smartcard reader.

The new section 24CB also deals with the admissibility in evidence of a certificate by a person authorised by the PTC or the PTC's Chief Executive as to

the correct operation of specified prescribed devices, as to facts indicated or determined by those devices, or that specified printed documents had been produced by a prescribed process.

The new section 24CB finally provides for the service by the prosecution in the proceedings for a fare evasion offence, on the accused to those proceedings, of any or all of a copy of a certificate referred to in new section 24CB(3), a notice setting out the presumptions set out in new section 24CB(4) or a copy of a certificate referred to in new section 24BC(7). If such a certificate or such a notice is served no later than 56 days before the hearing date for the offence, the relevant certificate is conclusive proof of certain facts or matters stated in, or related to, the certificate and, in the case of the notice, the facts that are the subject of the presumptions are to be taken to have been conclusively proved, unless the accused, not less than 28 days before the hearing, or any shorter period ordered by the court or agreed to by the prosecution, give notice in writing to the prosecution that the defendant requires the giver of a certificate to be called as a witness or that the accused intends to adduce evidence in rebuttal of any fact or matter in the certificate.

Finally, clause 18 repeals and re-enacts section 24D on the offence of non-payment of taxi fares. The new section 24D provides that a passenger who hires a taxi in Singapore for a journey within or partly within Singapore must, at the end of that hiring, and upon demand by the driver of the taxi, pay for the journey the taxi fare chargeable in accordance with the Act or such lesser amount as may be agreed upon between that taxi driver and the taxi passenger. A passenger who, without reasonable excuse, does not do so is guilty of an offence. The punishment on conviction is a fine not exceeding \$1,000. However, for a repeat offender, the punishment is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both. Prior convictions under the repealed section 24D are reckonable for the purpose of determining whether the person is a repeat offender.

Clause 19 amends section 26 concerning the power to compound certain offence under the Act. The amendments provide that all composition sums collected must be paid into the Consolidated Fund. They also make it clear that on payment of such composition sum, no further proceedings are to be taken against that person in respect of the offence.

Clause 19 also enables any PTC officer or LTA officer authorised by the PTC to compound any offence under the Act or its regulations which is prescribed to be compoundable.

Clause 20 amends section 26B(1) because clause 19 provides for composition sums to be paid into the Consolidated Fund.

Clause 21 amends section 28(2) to confer power on the PTC to make regulations, with the approval of the Minister, on matters relating to contributions payable by public bus operators and licensed rapid transit system operators to the Public Transport Fund. The regulations will cover implementation details like

when and how payments must be made, the penalties for the late payment of any such contribution and to impose interest for late payment of any such contribution or penalty. To monitor due payment of contributions, regulations may also be made to require returns to be made by any public bus operator and any licensed rapid transit system operator by whom contributions under the new section 24AC are payable, and the conditions relating to the making of those returns.

Clause 22 amends the First Schedule to provide that the Minister may appoint the PTC's Chief Executive as a member of the PTC.

Clause 23 contains various saving and transitional provisions mainly to address the conversion of the PTC into a body corporate. There are also transitional arrangements to deal with pending appeals to the Minister by bus operators; these are to be completed under the Act as if it had not been amended.

The Minister is further given power to make regulations of a saving and transitional nature.

Clause 24 amends sections 11 and 13A of the Land Transport Authority of Singapore Act to re-direct payment of all financial penalties imposed, on or after the Public Transport Fund is established, by the LTA on licensed rapid transit system licensees for breaching their licence conditions and all interest on these penalties outstanding, from the LTA's Land Transport Revenue Account and Railway Sinking Fund to the new Public Transport Fund. The amendments also provide that the Railway Sinking Fund may no longer be used to pay for legal costs incurred by the LTA or for expenses incurred by the LTA in connection with the collection or attempted collection of any outstanding amounts of financial penalties imposed after the establishment of the Public Transport Fund.

Clause 25 amends section 19 of the Rapid Transit Systems Act to re-direct payment to the new Public Transport Fund of all financial penalties imposed by the LTA on rapid transit system licensees for breaches of any of their licence conditions.

Clause 25 also amends section 19(2) of the Rapid Transit Systems Act to clarify that a financial penalty cannot be imposed on any rapid transit system licensee because in the LTA's opinion, the rapid transit system licensee is likely to fail to provide and maintain an adequate, safe and satisfactory service.

Finally, section 19(1)(ii) is amended to make it clear that the prescribed maximum amount of financial penalty that may be imposed on a rapid transit system licensee also applies should the LTA decide instead to forfeit any security deposited with the LTA by the licensee or by the licensee's bank pursuant to a bank guarantee. The maximum amount will not apply if the LTA cancels the licence; the whole security deposit or bank guarantee can be forfeited in these latter cases.

Clause 26 amends the Road Traffic Act to align the meaning of "fare" in that Act with the new definition of "fare" introduced by the Bill to the Act.

EXPENDITURE OF PUBLIC MONEY

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