



# **THE STATUTES OF THE REPUBLIC OF SINGAPORE**

## **BUS SERVICES INDUSTRY ACT 2015**

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# Bus Services Industry Act 2015

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An Act to regulate the provision of bus services and the operation of bus depots and bus interchanges in Singapore.

[22 January 2016]

## PART 1

## PRELIMINARY

**Short title**

- 1. This Act is the Bus Services Industry Act 2015.

**Interpretation**

- 2. In this Act, unless the context otherwise requires —

“authorised officer”, for any provision of this Act, means an employee of the LTA who is appointed as an authorised officer under section 43 for the purposes of that provision;

“bus” means any motor vehicle registered as a bus under the Road Traffic Act 1961;

- “bus depot” means any premises with purpose-built facilities for the parking, maintenance or refuelling of buses by bus operators holding Class 1 bus service licences;
- “bus depot licence” means a bus depot licence granted (or deemed granted) under Part 4 to operate a bus depot specified in the licence;
- “bus depot site” means the premises in Singapore on which a bus depot is or is to be situated;
- “bus interchange” means a terminal or station with purpose-built facilities for the commencement or termination of one or more bus services and for the boarding or alighting of bus passengers;
- “bus interchange licence” means a bus interchange licence granted (or deemed granted) under Part 4 to operate a bus interchange specified in the licence;
- “bus interchange site” means the premises in Singapore on which a bus interchange is or is to be situated;
- “bus operator”, in relation to a bus service, means the person who operates the bus service, but does not include —
- (a) the LTA; or
  - (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;
- “bus service” means a service consisting of the carriage of passengers, for a fare, by buses operated —
- (a) at predetermined timetables; and
  - (b) on a fixed route on roads for journeys wholly or partly within Singapore with 2 or more bus stopping points within Singapore;
- “bus service licence” means a bus service licence granted (or deemed granted) under Part 3 to operate a bus service, or the bus services, specified in the licence;

“bus stopping point” means a location designated for a bus to stop for the purposes of passengers boarding and disembarking the bus;

“chief executive officer”, in relation to a licensee, means an individual (by whatever name described) who —

(a) is in the direct employment of, or acting for or by arrangement with, the licensee; or

(b) is principally responsible for the management and conduct of the business of the licensee in operating a bus service, bus depot or bus interchange, as the case may be,

and includes an individual for the time being performing all or any of the functions or duties of a chief executive officer;

“Class 1 bus service licence” means a bus service licence authorising the operation of 10 or more regular route services specified in the licence;

“Class 2 bus service licence” means a bus service licence authorising the operation of a single bus service specified in the licence;

“code of practice” means a code of practice issued or approved by the LTA under section 37, and includes any such code of practice as amended from time to time under that section;

“community bus service” means a bus service —

(a) consisting of the carriage of passengers by a bus for or in connection with the activities of a religious, educational, health, welfare, philanthropic, sporting or charitable organisation; and

(b) provided for a fare, or for consideration which is limited to the costs or part of the costs incurred in making the journey;

“company” has the meaning given by section 4(1) of the Companies Act 1967;

“courtesy bus service” means a bus service which is —

- (a) provided for the purpose of promoting the sale or supply of any product or service sold or supplied by a business organisation in the course of business in Singapore; and
- (b) provided for a fare, or for consideration which is limited to the costs or part of the costs incurred in making the journey;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

“fare” means the price payable by an individual passenger for any bus service, and includes the provision of, or arrangement for, a discount, concession, allowance, rebate or credit applying in relation to the price payable for use of that service;

“interim services contract” has the meaning given by section 32;

“licence” means a bus service licence, a bus depot licence or a bus interchange licence;

“licensed” means licensed (or deemed licensed) under this Act for the time being, but does not include any period when a licence is suspended;

“licensee” means a licensed bus operator, a licensed bus depot operator or a licensed bus interchange operator;

“limited liability partnership” has the meaning given by the Limited Liability Partnerships Act 2005;

“LTA” means the Land Transport Authority of Singapore constituted under the Land Transport Authority of Singapore Act 1995;

“modification” and “modify”, in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition;

“operate” means —

- (a) for a bus service — to control or direct the operations of the bus service in connection with a business for, or involving, the transport of passengers by road by that bus service, but does not include —
  - (i) merely arranging for the registration of a bus;
  - (ii) merely driving a bus; or
  - (iii) merely maintaining or arranging for the maintenance of a bus; and
- (b) for a bus depot or bus interchange — to control or direct the operations of the bus depot or bus interchange in connection with a business, but does not include the following:
  - (i) merely driving a bus;
  - (ii) merely repairing a bus;
  - (iii) merely refuelling a bus, or supplying fuel for buses, parked at a bus depot or bus interchange;

“partner”, in relation to a limited liability partnership, has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“penalty provision”, for a public bus services contract, means a provision in the public bus services contract that provides for the payment of an amount of penalty —

- (a) for a breach of the public bus services contract;
- (b) for a failure (not being a breach of contract) to meet a requirement specified in the contract; or
- (c) on the termination of the contract;

“performance standards”, for bus services, includes —

- (a) minimum service levels determined according to such things as the periods of time during which the services are to be operated, the extent of services and



the frequency of operation of services during specified periods; and

- (b) performance outcomes for frequency, regularity, punctuality and accessibility of bus services, and of customer information and service,

and where there are different performance standards determined by the LTA under this Act for different classes of bus services or different classes of bus operators of bus services, means the performance standards determined for that class of bus services or bus operators, as the case may be;

“premises” means a building or structure (whether permanent or temporary) or part of the building or structure, and includes any immediately adjoining space or land necessary for access to, or for the enjoyment of occupants of, the building or structure;

“public bus operator” means a bus operator who is party to a public bus services contract for the provision of bus services specified in the contract;

“public bus services contract” means a contract entered into by the LTA under Part 2 for the provision of bus services specified in the contract;

“public bus system” means all the components which make up the system for the movement of individuals on bus services including —

(a) the physical components such as —

- (i) facilities for accessing, disembarking and the interchange of passengers, including bus stopping infrastructure and bus interchanges;
- (ii) bus depots and other facilities for the maintenance, refuelling and parking of buses;
- (iii) buses; and
- (iv) control, communications and location systems and technology, information, and other systems

and equipment for the provision of bus services; and

(b) the management components such as —

- (i) plans for building the network and acquiring vehicles;
- (ii) operations planning including business plans, corporate plans, operations plans and contingency plans;
- (iii) operational matters required to operate the system including schedules, timetables and ticketing systems;
- (iv) legislative and regulatory systems such as registration, licensing and accreditation;
- (v) the labour components including all the persons involved in planning, policy development, operations, and regulating and managing the physical and management components of the system; and
- (vi) administration, maintenance and information management matters;

“Public Transport Council” or “PTC” means the Public Transport Council established under the Public Transport Council Act 1987;

“regular route service” means a bus service that is conducted according to predetermined routes and timetables with 2 or more bus stopping points within Singapore, but does not include —

- (a) a tourist bus service;
- (b) a community bus service;
- (c) a courtesy bus service; or
- (d) a bus service excluded from this definition by the Minister by order in the *Gazette*;

“regulatory action” means any action in section 39(1) or (2) that may be taken by the LTA against a licensee;

“step-in order” means an order made under section 30;

“tourist bus service” means a bus service where —

- (a) tourism is a major and regular feature or focus of the service;
- (b) the passenger profile including, in particular, whether users of the service, are mainly sightseers or pursuing mainly tourism activities;
- (c) all passengers’ journeys stop at or divert to points of cultural, historic, scenic, scientific or sporting interest in Singapore; and
- (d) the passengers are taken on to or back to hotels or other tourist accommodation or a tourism travel connection.

## **Purposes of Act**

**3.** The purposes of this Act are —

- (a) to regulate the provision in Singapore of bus services and the operators of bus depots and bus interchanges;
- (b) to implement a bus services procurement framework; and
- (c) to provide for the service standards that apply in the provision of bus services and the operation of bus depots and bus interchanges,

so as to facilitate the delivery of safe, reliable and efficient bus services in Singapore.

## **Act binds Government**

**4.—(1)** This Act binds the Government.

(2) However, nothing in this Act renders the Government liable to prosecution for an offence under this Act.

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

### **Administration of Act**

**5.**—(1) It is the function of the LTA to exercise licensing and regulatory functions in accordance with this Act with respect to the provision in Singapore of bus services and the operation of bus depots and bus interchanges, and to otherwise administer this Act.

(2) In discharging the functions and duties imposed on it by subsection (1), the LTA must have regard to the need —

- (a) for reliable, seamless and convenient passenger travel on buses and other forms of land transport in Singapore;
- (b) for ensuring that any person licensed or otherwise authorised under this Act to operate any bus service, bus depot or bus interchange is able to do so efficiently while maintaining independent financial viability; and
- (c) for sustainability, adequacy and optimisation of capacity across the network of bus services and services for train journeys within Singapore.

## **PART 2**

### **BUS SERVICES PROCUREMENT FRAMEWORK**

#### **Public bus services contracts**

**6.**—(1) The LTA may enter into a public bus services contract with any person for the provision of one or more regular route services.

(2) In particular, the LTA may enter into a public bus services contract for the provision of one or more regular route services under subsection (1) with a person that is subject to a condition precedent that requires that person to obtain a bus service licence for that regular route service or services, as the case may be.

(3) The LTA may invite public bus services contracts by tender or in any other manner it thinks fit.

**Contents of public bus services contracts**

7.—(1) A public bus services contract may relate to a particular area in Singapore or route wholly or partly within Singapore.

(2) However, a public bus services contract must —

- (a) specify the term of the contract;
- (b) provide the manner in which the public bus operator who is party to the contract will be remunerated or gain revenue from the provision of the regular route service or services under the contract; and
- (c) specify the performance standards to be met by the public bus operator who is party to the contract in relation to the provision of regular route services under the contract.

(3) A public bus services contract may make provision in relation to the operation of any regular route service under the contract and the administration of the contract, including but not limited to —

- (a) the variation of the contract, such as —
  - (i) to extend the service into developing areas in Singapore;
  - (ii) for public safety;
  - (iii) because of changed traffic conditions;
  - (iv) to improve that regular route service in the public interest;
  - (v) to address a serious or frequent failure on the part of the public bus operator under the contract to observe the terms and conditions of the contract; or
  - (vi) to address the public bus operator under the contract having been found guilty of an offence under this Act committed during the term of the contract;
- (b) the fees (if any) payable under the contract;
- (c) monetary or other penalties —
  - (i) for a breach of the contract;

- (ii) for a failure (not being a breach of contract) to meet a requirement specified in the contract; or
- (iii) payable on the termination of the contract;
- (d) the records (including accounts) to be made and kept, and how they are to be made and kept; and
- (e) bonds for the performance of obligations or specified obligations under the contract.

(4) Subsection (3) does not limit the matters about which a public bus services contract may make provision.

### **Enforcement of performance standards in public bus services contracts**

**8.**—(1) Performance standards provided for by a public bus services contract are to be enforced by penalty provisions or in any other manner that the contract may provide.

(2) A person —

- (a) who breaches a public bus services contract;
- (b) who fails (being not a breach of contract) to meet a requirement specified in a public bus services contract; or
- (c) who terminates a public bus services contract,

that is enforceable by a penalty provision is liable to pay, as a debt due to the LTA, an amount determined in accordance with the contract as the penalty for the breach, failure or termination, as the case may be.

(3) A public bus services contract may provide that an amount payable under a penalty provision may also be recovered by withholding amounts otherwise payable under the contract and may contain other related provisions.

(4) To avoid doubt, subsection (1) does not limit the provisions of a public bus services contract that may be enforced by penalty provisions.

(5) This section has effect despite any rule of, or principle at, common law.

**Offer of further public bus services contract**

**9.—**(1) The LTA may enter into a further public bus services contract with a licensed bus operator on, before or after the end of the term of a public bus services contract with that bus operator only if the LTA decides that that operator's performance under the public bus services contract (called in this section an existing public bus services contract) has been satisfactory.

(2) However, a further contract may be on the same or different terms.

(3) This section does not apply to an existing public bus services contract in relation to which an option to renew may be exercised under the contract, or an interim services contract.

(4) To avoid doubt, nothing in this Part confers a right to or expectation of a further public bus services contract.

**Termination of public bus services contracts**

**10.—**(1) A public bus services contract is automatically terminated if —

(a) the public bus operator that is party to a contract with a condition precedent mentioned in section 6(2) ceases to hold the bus service licence for the regular route service or services specified in the contract; or

(b) the operator contravenes section 17.

(2) To avoid doubt, subsection (1) does not limit the enforcement by penalty provisions in the public bus services contract for the termination of the contract.

**PART 3****LICENSING OF BUS OPERATORS***Division 1 — General***Unauthorised operation of bus services**

**11.—**(1) A person must not operate in Singapore a bus service unless —

- (a) the person is authorised to do so by a bus service licence;
- (b) the person is exempt from this section by or under this Act in relation to that bus service;
- (c) the person is the LTA; or
- (d) the person (called in this Act a bus service subcontractor) is authorised to do so by contract with a person referred to in paragraph (a) or (b).

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

- (a) where the number of bus services operated in contravention is 10 or more regular route services — to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case — to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

### **Application for or to renew bus service licences**

**12.—**(1) An application for or to renew a bus service licence must be made to the LTA in accordance with this section.

(2) An application for a bus service licence or to renew a bus service licence must —

- (a) be in the form and manner that the LTA may determine;
- (b) be accompanied by an application fee, if prescribed; and
- (c) be accompanied by the prescribed information and any other additional information that the LTA requires to decide on the application.



(3) The LTA may refuse to consider an application for or to renew a bus service licence that is incomplete or not made in accordance with this section.

### **Grant, etc., of bus service licences**

**13.—**(1) After considering any application for or to renew a bus service licence, the LTA may —

- (a) on payment of —
  - (i) a bus service licence fee (if prescribed) — grant the applicant a Class 1 bus service licence or Class 2 bus service licence; or
  - (ii) a renewal fee or late renewal fee (if prescribed) — renew the licence; or
- (b) refuse to grant or renew the bus service licence, as the case may be.

(2) In deciding whether an applicant should be granted a Class 1 bus service licence, or whether the applicant's Class 1 bus service licence should be renewed, and the conditions to impose or modify, the LTA must have regard to, and give such weight as the LTA considers appropriate to, all of the following matters:

- (a) the applicant's capacity to comply with the requirements for financial viability in operating the regular route services in the application;
- (b) the applicant's capacity to deliver the regular route services in the application according to the performance standards and other terms in a public bus services contract;
- (c) the demand for the regular route services in the application;
- (d) the existence of other bus services in the same area;
- (e) whether the applicant is a company, partnership, limited liability partnership or other body corporate;
- (f) whether the applicant and, where necessary, whether —
  - (i) every member of the board of directors or committee or board of trustees or other governing body of an

applicant that is a company, limited liability partnership or other body corporate; or

(ii) every partner of an applicant that is a partnership, is a suitable person to be involved in the management or operation of the regular route services in the application;

(g) whether it is otherwise contrary to the public interest for the licence to be granted to the applicant.

(3) For the purpose of determining whether or not a person referred to in subsection (2)(f) is a suitable person to be involved in the management or operation of 10 or more regular route services, the LTA must, having regard to the degree and nature of the person's proposed involvement in the public bus system in Singapore, have regard to, and give such weight as the LTA considers appropriate to, all of the following matters:

(a) the person's relevant knowledge, competency and experience;

(b) any evidence of the exercise of any power under section 39 in relation to the person —

(i) for committing an offence under this Act; or

(ii) for contravening any notice or direction given under this Act;

(c) any conviction for committing —

(i) an offence under Part 5 of the Road Traffic Act 1961 or rules made under that Part in relation to buses, or under the Public Transport Council Act 1987, whether or not the offence was committed before 22 January 2016; or

(ii) any other offence, whether or not the conviction was in a Singapore court and whether or not the offence was committed before 22 January 2016.

(4) In determining whether an applicant should be granted a Class 2 bus service licence, or whether the applicant's Class 2 bus service licence should be renewed, and the conditions to impose or modify,

the LTA must have regard to, and give such weight as the LTA considers appropriate to, all of the following matters:

- (a) the applicant's ability and financial capacity to operate the bus services in the application in a satisfactory, safe and efficient manner;
- (b) the suitability of the route or routes on which a bus service is to be provided under the licence;
- (c) the extent (if any) to which the needs of those proposed route or routes are already adequately and satisfactorily served by existing land transport facilities;
- (d) the needs of the area as a whole in relation to passenger demand (including the provision of adequate, safe, suitable and efficient services, the elimination of unnecessary or unsatisfactory services and the provision of unremunerative services) and the coordination of all forms of passenger transport;
- (e) whether it is otherwise contrary to the public interest for the licence to be granted to the applicant.

(5) To avoid doubt, the LTA is not confined to consideration of the matters specified in subsection (2), (3) or (4) and may take into account any other matters and evidence that may be relevant.

(6) Without affecting subsection (1), the LTA may grant a renewal of a bus service licence (of any class) with or without modifying the conditions of the licence, but section 16 does not apply to or in relation to granting a renewal of a bus service licence with modifications to the conditions of the licence.

### **Validity of bus service licences**

**14.—**(1) Every bus service licence must state its class and be in the form that the LTA may determine.

(2) Every bus service licence granted or renewed under this Part continues in force for the period specified in the licence unless it is earlier revoked or suspended under section 39.

**Conditions of bus service licences**

**15.**—(1) In granting a bus service licence to any person, the LTA may impose any conditions that the LTA considers requisite or expedient having regard to the purposes of this Act.

(2) In particular, in granting a Class 1 bus service licence to a bus operator, the LTA may impose conditions —

- (a) relating to the use and deployment of the buses managed by the licensed bus operator in operating the regular route service or services in the licence;
- (b) relating to the safety and security of passengers of buses in the provision of the regular route service or services in the licence, and other persons using or engaged in work on those buses;
- (c) relating to the conduct of the employees, agents and contractors of the licensed bus operator;
- (d) requiring the provision of a performance bond, guarantee or any other form of security of an amount and on any terms and conditions that the LTA may determine —
  - (i) to secure compliance by the licensed bus operator with any condition attached to the licence; or
  - (ii) to meet any financial penalty arising out of any proceedings under section 39 with a view to regulatory action started or likely to start against the licensed bus operator,or both;
- (e) requiring the licensed bus operator itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; or
- (f) requiring the licensed bus operator to undergo (at its own cost) any audit that the LTA may require to ascertain that licensee's compliance with —
  - (i) the provisions of this Act or a code of practice applicable to the licensed bus operator;

- (ii) the conditions of the Class 1 bus service licence granted to that licensed bus operator; or
- (iii) a direction given under section 38.

(3) An audit mentioned in subsection (2)(f) may be carried out only by authorised officers or other officers of the LTA or qualified individuals approved by the LTA for the purpose.

(4) In particular, in granting a Class 2 bus service licence to a bus operator, the LTA may impose conditions relating to —

- (a) the safety and security of passengers of the bus service and other persons who use the buses;
- (b) the operating hours, route, bus stopping points and other activities of the bus service connected with a safe and secure operation;
- (c) the prevention of racing, cutting in and dangerous competition with other vehicles on the route;
- (d) requirements that the licensed bus operator must prepare itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; or
- (e) the provision of a performance bond, guarantee or any other form of security, of an amount and on any terms and conditions that the LTA may determine —
  - (i) to secure compliance by the licensed bus operator with any condition attached to the licence; or
  - (ii) to meet any financial penalty arising out of any proceedings under section 39 with a view to regulatory action started or likely to start against the licensed bus operator,

or both.

**Modifying conditions of bus service licence**

**16.—**(1) Subject to this section, it is lawful for the LTA to modify the conditions of a bus service licence without compensating the licensed bus operator concerned.

(2) Before modifying any conditions of a bus service licence, the LTA must give notice to the licensed bus operator holding that licence —

- (a) stating that the LTA proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time (being at least 14 days after the date of service of the notice on the licensed bus operator) within which the licensed bus operator may make written representation to the LTA with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2), the LTA must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in such manner as the LTA thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

(4) Where —

- (a) the LTA rejects any written representation under subsection (3)(a);
- (b) the LTA amends any proposed modification to the conditions of the licence under subsection (3)(b); or
- (c) no written representation is received by the LTA within the time specified under subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensed bus operator has not given immediate effect to the modification,

the LTA must issue a written direction to the licensed bus operator concerned requiring the licensed bus operator, within the time specified by the LTA, to give effect to the modification as specified in

the notice under subsection (2) or as amended by the LTA under subsection (3), as the case may be.

### **Restriction on transfer and surrender of bus service licence**

**17.—**(1) A bus service licence, and any right, benefit or privilege under the licence, is not transferable or assignable to any other person unless —

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

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

(3) A transfer or an assignment, or purported transfer or assignment, of a bus service licence, or of any right, benefit or privilege under the licence, is void and of no effect —

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

(4) Every bus service licence is not capable of being surrendered without the written consent of the LTA, and any surrender or purported surrender of a bus service licence is void if it is without that written consent.

*Division 2 — Special restrictions for Class 1 bus service licences***Change in management of Class 1 bus service licence**

**18.** It is a condition of every Class 1 bus service licence that the licensed bus operator to whom the licence is granted must notify the LTA of —

- (a) if the licensed bus operator is a company — the resignation of any director of the company within the prescribed period after the date of resignation; or
- (b) if the licensed bus operator is a partnership, limited liability partnership or company — the death of any of its partners or directors within the prescribed period after the date the licensed bus operator becomes aware of that death.

**Appointment and removal of chief executive officer, director, etc.**

**19.—(1)** A bus operator holding a Class 1 bus service licence that is a company, limited liability partnership or other body corporate must not —

- (a) appoint or re-appoint an individual as its chief executive officer, or the chairperson of its board of directors or any of its directors; or
- (b) remove its chief executive officer or the chairperson of its board of directors or any of its directors,

unless the licensee has obtained the prior written approval of the LTA.

(2) An individual must not become a partner of a partnership that is a bus operator holding a Class 1 bus service licence unless the individual has obtained the prior written approval of the LTA.

(3) Where an individual —

- (a) is appointed or re-appointed by a bus operator holding a Class 1 bus service licence as its chief executive officer, its director or the chairperson of its board of directors, in contravention of subsection (1);



- (b) is removed as the chief executive officer or the chairperson of the board of directors or any of its directors, in contravention of subsection (1); or
- (c) is a partner in a partnership that is a bus operator holding a Class 1 bus service licence, in contravention of subsection (2),

the LTA may issue a direction to the licensee to do as follows (whichever is applicable), and the licensee must comply with that direction:

- (d) to remove that individual from the individual's appointment as the chief executive officer or a director or the chairperson of the board of directors of the licensee;
- (e) to reinstate the individual as the chief executive officer or a director or the chairperson of the board of directors of the licensee; or
- (f) to expel that partner.

(4) This section has effect despite the provisions of any other written law and the provisions of the memorandum or articles of association, or other constitution, of a bus operator holding a Class 1 bus service licence; and nothing in section 152 of the Companies Act 1967 prevents the LTA from exercising any power under this section.

(5) Nothing in subsection (3) is to be taken as depriving an individual who is removed under that subsection of compensation or damages payable to the individual in respect of the termination of his or her appointment as a chief executive officer, director or chairperson of the board of directors or expulsion as a partner.

### **Restrictions on acquisition of essential operating assets**

**20.—**(1) A person must not acquire, on or after 22 January 2016, any essential operating asset for regular route services, or an interest in such an essential operating asset (whether or not the acquisition is by way of the enforcement of a loan security), unless —

- (a) the person is a public bus operator holding a Class 1 bus service licence authorised to operate those regular route services; or
  - (b) the LTA consents in writing to that acquisition.
- (2) Any acquisition, or a purported acquisition of any essential operating asset for all or part of any regular route services, or of an interest in such an essential operating asset, in contravention of subsection (1) is void.
- (3) In this section, “essential operating asset”, in relation to any regular route service in a public bus services contract, means any bus, plant, equipment, machinery or other property which —
  - (a) is used or intended to be used (and whether or not it is also used for other purposes) by a public bus operator holding a Class 1 bus service licence to provide the regular route services under that public bus services contract;
  - (b) makes up part of the public bus system and is essential to the continuity of the regular route services under that public bus services contract; or
  - (c) is designated an essential operating asset by or under that public bus services contract.

### **Restrictions on voluntary winding up**

**21.—**(1) Despite any other written law, where a company is a public bus operator holding a Class 1 bus service licence —

- (a) the company cannot be wound up voluntarily without the consent of the LTA;
- (b) no judicial manager may be appointed under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to the company;
- (c) no step may be taken by any person to enforce any security over the company’s property except where that person has served on the LTA 14 days’ notice of the person’s intention to take that step; and

- (d) no application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 may be made by any person in relation to the company, unless that person has served on the LTA 14 days' written notice of that person's intention to make the application.

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(2) The LTA must be a party to —

- (a) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a company that is a public bus operator holding a Class 1 bus service licence; or
- (b) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a company that is a public bus operator holding a Class 1 bus service licence.

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## PART 4

### LICENSING OF BUS DEPOT OR BUS INTERCHANGE OPERATORS

#### **Unauthorised operation of bus depots or bus interchanges**

**22.—**(1) A person must not operate in Singapore a bus depot or bus interchange unless —

- (a) the person is authorised by —
  - (i) a bus depot licence to operate the bus depot; or
  - (ii) a bus interchange licence to operate the bus interchange;
- (b) the person is exempt from this section by or under this Act;
- (c) the person is the LTA; or

- (d) the person (called in this Act a bus depot or interchange subcontractor) is authorised to do so by contract with a person referred to in paragraph (a) or (b).

(2) A person who contravenes subsection (1) 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 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

### **Application for bus depot licence or bus interchange licence**

**23.—**(1) An application for a bus depot licence or bus interchange licence must be made to the LTA in accordance with this section.

(2) An application for a bus depot licence or bus interchange licence must —

- (a) be in the form and manner that the LTA may determine; and

- (b) be accompanied by an application fee, if prescribed.

(3) The LTA may refuse to consider an application for a bus depot licence or bus interchange licence that is incomplete or not made in accordance with this section.

### **Grant of bus depot licence or bus interchange licence**

**24.—**(1) After considering any application for a licence under section 23, the LTA may —

- (a) on payment of a licence fee (if prescribed), grant the bus depot licence or bus interchange licence applied for; or
- (b) refuse to grant the bus depot licence or bus interchange licence, as the case may be.

(2) In deciding whether an applicant should be granted a bus depot licence or bus interchange licence under subsection (1), and the conditions to impose or modify, the LTA must have regard to, and give such weight as the LTA considers appropriate to, all of the following matters:

- (a) whether the applicant is or is not a bus operator holding a Class 1 bus service licence;
- (b) whether the applicant does not have (or is unlikely to have) the financial capacity and ability to operate and maintain an adequate, satisfactory, safe and efficient bus depot or bus interchange at a bus depot site or bus interchange site (as the case may be) specified in the application;
- (c) whether the bus depot site or bus interchange site is fit to be used as a bus depot or bus interchange, as the case may be;
- (d) whether the applicant and, where necessary, whether —
  - (i) every member of the board of directors or committee or board of trustees or other governing body of an applicant which is a company, limited liability partnership or other body corporate; or
  - (ii) every partner of an applicant that is a partnership, is a suitable person to be involved in the management or operation of the bus depot or bus interchange in the application;
- (e) whether it is otherwise contrary to the public interest for the bus depot licence or bus interchange licence (as the case may be) to be granted to the applicant.

(3) For the purpose of determining whether or not a person referred to in subsection (2)(d) is a suitable person to be involved in the management or operation of a bus depot or bus interchange, the LTA must, having regard to the degree and nature of the person's proposed involvement in the public bus system in Singapore, have regard to, and give such weight as the LTA considers appropriate to, all of the following matters:

- (a) the person's relevant knowledge, competency and experience;
- (b) any evidence of the exercise of any power under section 39 in relation to the person —
  - (i) for committing an offence under this Act; or

- (ii) for contravening any notice or direction given under this Act;
- (c) any conviction for committing —
  - (i) an offence under Part 5 of the Road Traffic Act 1961 or rules made under that Part in relation to buses, whether or not the offence was committed before 22 January 2016; or
  - (ii) any other offence, whether or not the conviction was in a Singapore court and whether or not the offence was committed before 22 January 2016.

(4) To avoid doubt, the LTA is not confined to consideration of the matters specified in subsection (2) or (3) and may take into account any other matters and evidence that may be relevant.

### **Validity and renewal of bus depot licence or bus interchange licence**

**25.**—(1) Every bus depot licence or bus interchange licence granted under this Act is to be in the form that the LTA may determine.

(2) Every bus depot licence or bus interchange licence granted or renewed under this Act continues in force for the period specified in the licence, unless it is earlier revoked or suspended under section 39.

(3) The LTA may, on the application by a licensee holding a bus depot licence or bus interchange licence to renew the licence —

- (a) grant a renewal of the bus depot licence or bus interchange licence on payment of a renewal fee or late renewal fee (if prescribed) and with or without adding to, deleting from or varying conditions of the licence; or
- (b) refuse to renew the bus depot licence or bus interchange licence, as the case may be.

(4) An application to renew a bus depot licence or bus interchange licence must be made no later than 3 months before the date of expiry of the licence (or the longer period prescribed in substitution), unless

otherwise allowed by the LTA in any particular case which is to be treated as a late renewal application.

(5) Sections 23 and 24 apply, with the necessary modifications, to every application to renew a bus depot licence or bus interchange licence as if the application is for a grant of the bus depot licence or bus interchange licence.

(6) To avoid doubt, section 27 does not apply to or in relation to granting a renewal of a bus depot licence or bus interchange licence with additional, deleted or varied conditions of the licence.

### **Conditions of bus depot licence or bus interchange licence**

**26.—**(1) In granting a bus depot licence or bus interchange licence to any person (called in this section the licensee), the LTA may impose any conditions that the LTA considers requisite or expedient having regard to the purposes of this Act.

(2) Without limiting subsection (1), a bus depot licence to operate a bus depot, or a bus interchange licence to operate a bus interchange, may include conditions relating to —

- (a) the extent, hours and general level of service at the bus depot or bus interchange;
- (b) the maintenance and operation of the bus depot or bus interchange and any equipment therein;
- (c) the security criteria for selecting persons engaged in any work at the bus depot or bus interchange;
- (d) the safety and security of persons using, or at work at, the bus depot or bus interchange;
- (e) requirements that the licensee must prepare itself to deal with any plague or epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency;
- (f) the terms and conditions that the licensee can impose on the use of the bus depot or bus interchange —
  - (i) by employees, agents, tenants and contractors of the licensee;

- (ii) by licensed bus operators; or
- (iii) by members of the public; and
- (g) in the case of a bus interchange —
  - (i) the provision of travel information systems and directional signs for the purpose of ensuring integration of the bus interchange with transport services and facilities and developments surrounding the bus interchange so as to enhance passenger services; and
  - (ii) the maximum fee that the licensee may charge for the use of the bus interchange by bus operators.

### **Modifying conditions of bus depot licence or bus interchange licence**

**27.—**(1) Subject to this section, it is lawful for the LTA to modify the conditions of a bus depot licence or bus interchange licence without compensating the licensee to whom the licence is granted (called in this section the licensee).

(2) Before modifying any conditions of a bus depot licence or bus interchange licence, the LTA must give notice to the licensee holding that licence —

- (a) stating that the LTA proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time (being at least 14 days after the date of service of the notice on the licensee) within which the licensee may make written representation to the LTA with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2), the LTA must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in such manner as the LTA thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.



(4) Where —

- (a) the LTA rejects any written representation under subsection (3)(a);
- (b) the LTA amends any proposed modification to the conditions of the licence under subsection (3)(b); or
- (c) no written representation is received by the LTA within the time specified under subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the LTA must issue a written direction to the licensee in question requiring the licensee, within the time specified by the LTA, to give effect to the modification as specified in the notice under subsection (2) or as amended by the LTA under subsection (3), as the case may be.

### **Restriction on transfer and surrender of bus depot licence or bus interchange licence**

**28.—**(1) A bus depot licence or bus interchange licence, and any right, benefit or privilege under the licence, is not transferable or assignable to any other person unless —

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

(2) Any consent under subsection (1) may be given subject to compliance with any conditions that the LTA thinks fit to impose, which may, subject to section 27, include modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence.

(3) A transfer or an assignment, or purported transfer or assignment, of a bus depot licence or bus interchange licence, or of any right, benefit or privilege under the licence, is void and of no effect —

- (a) if the licence is not capable of transfer or assignment;

- (b) the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or
- (c) if there has been, before the transfer or assignment or purported transfer or assignment, a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every bus depot licence or bus interchange licence is not capable of being surrendered without the written consent of the LTA, and any surrender or purported surrender of such a licence is void if it is without that written consent.

## PART 5

### STEP-IN ARRANGEMENTS

#### **Application of this Part**

**29.** This Part applies only in relation to the following (called in this Part the relevant licensee):

- (a) a bus operator holding a Class 1 bus service licence;
- (b) a licensee holding a bus depot licence or a bus interchange licence.

#### **Step-in order**

**30.—(1)** The Minister may make an order under this section (called a step-in order) if —

- (a) the licence of a relevant licensee is suspended, revoked or surrendered; or
- (b) the public bus services contract to which a relevant licensee is party is terminated or suspended,

and on receipt of the written advice from the LTA of its opinion that it is necessary to take over some or all of the operations of the relevant licensee to ensure that the relevant licensee's customers receive an adequate provision of those services.

(2) Before a step-in order is made under this section, the Minister must give the relevant licensee concerned a reasonable opportunity to make submissions in respect of the proposed step-in order.

(3) A step-in order —

- (a) authorises the LTA to directly take over, or to enter into an interim services contract with a step-in operator to take over, the operations of the relevant licensee concerned, or a specified part of those operations;
- (b) may appoint, or order the relevant licensee concerned to appoint, a person to advise the relevant licensee in the proper conduct of its business;
- (c) may specify that —
  - (i) the step-in operator has such functions and powers in relation to the operations of the relevant licensee concerned as are specified in the order;
  - (ii) the relevant licensee concerned is to stop operating a bus depot or bus interchange for, or providing regular route services to, specified customers on and from a specified date; and
  - (iii) the step-in operator must have access to, and take control of, the buses or premises or other assets and other property, including intellectual property, licences and employees, used or required by the relevant licensee for the purposes of carrying on the operations specified in the order; and
- (d) may contain ancillary directions that may —
  - (i) direct how the costs of carrying on the bus operations or bus depot or bus interchange operations (as the case may be), and revenue generated from those operations, are to be dealt with;
  - (ii) fix the remuneration and expenses to be paid by a relevant licensee to any person appointed by the Minister under paragraph (b) to advise the relevant licensee in the proper conduct of its business;

- (iii) specify the period for which the step-in order under subsection (1) applies; and
  - (iv) specify any other conditions that may apply.
- (4) Any decision of the Minister under subsection (1) is final.
- (5) A step-in order operates to the exclusion of rights that are inconsistent with the step-in order.
- (6) The relevant licensee concerned —
- (a) must facilitate the handover of the operations to the step-in operator as specified in the order;
  - (b) must not obstruct the step-in operator's access to property or the exercise by the step-in operator of the step-in operator's responsibilities under this section; and
  - (c) must comply with reasonable directions given by the step-in operator in the exercise of the step-in operator's responsibilities under this section.
- (7) The relevant licensee which fails to comply with subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

### **Other provisions in step-in arrangements**

**31.—**(1) Without affecting section 30(3), where financial assistance is provided by the Government to a relevant licensee for the purpose of maintaining the reliability of the supply of services by the relevant licensee, a step-in order may do one or more of the following:

- (a) in relation to all or any securities of a specified description that have been issued by the relevant licensee, make provision for or in connection with or in consequence of the transfer of shares or securities in the relevant licensee to any of the prescribed transferees, including the extinguishment of rights of any specified description to

subscribe for, or otherwise acquire, securities of the operator concerned or any of its subsidiaries; and

- (b) make provision for or in connection with or in consequence of the transfer of property, rights or liabilities of the relevant licensee to any of the prescribed transferees.

(2) A step-in order as described in subsection (1)(a) or (b) may contain any of the particular kinds of provisions as may be prescribed by the Minister by rules in the *Gazette*.

(3) If a step-in order as described in subsection (1)(a) or (b) is made, the Minister must, within 3 months after the making of the step-in order, by notification in the *Gazette*, establish a scheme for determining the amount of any compensation payable by the relevant prescribed transferee —

- (a) to persons who held the shares or securities immediately before they were so transferred;
- (b) to persons whose rights of any specified description to subscribe for, or otherwise acquire, securities are extinguished; or
- (c) to the operator whose property, rights or liabilities have been transferred,

as the case may be.

(4) Any scheme established under subsection (3) may make provision —

- (a) for the manner in which any compensation or consideration is to be assessed, including the methods of calculation, valuation dates and matters to be taken into, or left out of, account in making valuations; and
- (b) for the assessment to be made by an independent valuer appointed by the Minister and as to the remuneration and expenses of that independent valuer.

(5) In subsection (1), “prescribed transferee” means —

- (a) the LTA;
- (b) a company that is wholly-owned by the Government; or

- (c) a nominee of the LTA.

### **Interim services contracts**

**32.—**(1) The LTA may enter into an interim services contract with any person if the LTA is satisfied that the contract is necessary to ensure the continuity of any regular route services or the operation of a bus depot or bus interchange for the time being discontinued —

- (a) to ensure the continuity of regular route services or the operation of a bus depot or bus interchange in an interim period; or
- (b) to provide regular route services or the operation of a bus depot or bus interchange temporarily,

in place of regular route services or the operation of a bus depot or bus interchange by a relevant licensee because of the suspension or revocation of the relevant licensee's licence or the termination of the relevant licensee's public bus services contract.

(2) The LTA may invite offers from the public, in any way the LTA considers appropriate, for an interim services contract, except that the LTA may enter into an interim services contract without inviting offers for the contract if the LTA is satisfied that the contract is necessary as a matter of urgency.

- (3) An interim services contract is for a term of —

- (a) not more than 12 months as decided by the LTA if the LTA entered into the interim services contract without inviting offers for the contract; or
- (b) not more than 2 years as decided by the LTA in any other case.

### **Rules and saving for step-in arrangements**

**33.—**(1) The Minister may, by rules in the *Gazette*, give effect to this Part, including making provision for applying, omitting or modifying the provisions of Parts 7 and 9 of the Insolvency,

Restructuring and Dissolution Act 2018 where a step-in order is made.

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(2) Nothing effected or to be effected by this Part or done under this Part —

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong;
- (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act or other law or obligation or any provision in any agreement, arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information;
- (c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation;
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any relevant property;
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable, or as frustrating any contract; or
- (f) releases any surety or other obligor wholly or in part from any obligation.

## PART 6

## ENFORCEMENT AND MONITORING COMPLIANCE

**Accounts and statements**

**34.—**(1) Subject to subsection (4), a public bus operator holding a Class 1 bus service licence must —

- (a) in respect of the whole or part (as the case may be) of every financial year, prepare such accounts and statements as are specified in, or ascertained in accordance with, the regulations;
- (b) retain the accounts and statements prepared in accordance with paragraph (a) for 5 years after the end of the period to which they relate;
- (c) within the prescribed period after the accounting period, give the LTA those accounts and statements duly audited by an auditor approved by the LTA; and
- (d) keep and retain records, where the records are relevant to the preparation of the accounts and statements of the licensee mentioned in paragraph (a), for the period and in the manner prescribed in the regulations.

(2) A public bus operator holding a Class 1 bus service licence must not prepare any accounts or statements in such a way that they do not correctly record and explain the matters or things to which they relate.

(3) A person —

- (a) who is subject to any requirement under subsection (1) or (2); and
- (b) who contravenes that requirement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) The LTA may on application waive any requirement under subsection (1) in any particular case.



**Record-keeping and giving information on quality of service**

**35.—**(1) A public bus operator holding a Class 1 bus service licence and every bus service subcontractor who provides bus services under an agreement with such a licensee, must —

- (a) keep and retain, for any period that is prescribed, records where the records are relevant to a matter that is relevant to monitoring or evaluating, under this Part, the quality of an aspect of bus services as prescribed in the regulations; and
- (b) give to the LTA, within the period and in the manner prescribed in the regulations, specified information that is relevant to a matter that is relevant to monitoring or evaluating, under this Part, the quality of an aspect of bus services as prescribed in the regulations.

(2) A public bus operator holding a Class 1 bus service licence, and every bus service subcontractor who provides bus services under an agreement with such a licensee, must not, in purported compliance with a requirement under subsection (1), make a record of any matter or thing in a way that does not correctly record the matter or thing.

(3) A person —

- (a) who is subject to any requirement under subsection (1) or (2); and
- (b) who contravenes that requirement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Power to obtain information**

**36.—**(1) The LTA or an authorised officer may by written notice require any licensee to provide, within a reasonable period specified in the notice, and in the form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the LTA considers necessary to carry out the functions or duties of the LTA by or under any provision of this Act; and

(b) are —

- (i) within the knowledge of that licensee; or
- (ii) in the licensee's custody or under the licensee's control.

(2) The power to require a licensee to provide any document or information under subsection (1) includes the power —

- (a) to require that licensee, or any individual who is or was an officer or employee of the licensee, to provide an explanation of the document or information;
- (b) if the document or information is not provided, to require that licensee or individual to state, to the best of the licensee's or individual's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the LTA in legible form.

(3) Any person who, without reasonable excuse, fails to do anything required of the person by notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) Any person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by a notice under subsection (1) to provide; or
- (b) who, in providing any document or information required under subsection (1), makes any statement which the person knows to be false in a material particular or recklessly makes such a statement,

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.

(5) If any person fails to comply with a notice under subsection (1), the court may, on the application of the LTA, make any order that the

court thinks fit to secure compliance with the notice and that order may provide that all the costs or expenses of and incidental to the application are to be borne by the person or by any officer of a company or other association who is responsible for the failure.

(6) The LTA through an authorised officer may, at any time after the end of the period specified in the notice mentioned in subsection (1) —

- (a) enter any building or place where the LTA has reason to believe that any document or information, in respect of which it has given the notice, may be found; and
- (b) seize or take extracts or copies of that document or information.

(7) The LTA is entitled without payment to keep any document or information, or any copy of or extract from any document or information, provided to the LTA under subsection (1) or obtained under subsection (6).

(8) Where a licensee is a licensed bus operator, any reference to a licensee in subsections (1) and (2) includes a reference to every bus service subcontractor who provides bus services under an agreement with the licensee.

(9) Where a licensee is a licensed bus depot operator or a licensed bus interchange operator, any reference to a licensee in subsections (1) and (2) includes a reference to every bus depot or interchange subcontractor who operates the bus depot or bus interchange specified in the licence under an agreement with the licensee.

### **Codes of practice**

**37.—**(1) The LTA may, with respect to all or any of the matters in subsection (2) —

- (a) issue one or more codes of practice applicable to licensees or specified types of licensees;
- (b) approve as a code of practice applicable to licensees or specified types of licensees any document prepared by a

person other than the LTA if the LTA considers the document suitable for this purpose; or

- (c) amend or revoke any code of practice issued under paragraph (a) or approved under paragraph (b).

(2) The matters for the purposes of subsection (1) are —

- (a) the conduct of licensees;
- (b) the measures necessary for licensees to deal with any plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency;
- (c) competition, abuse of a dominant position in the market and fair market conduct in the bus service industry;
- (d) for licensed bus operators —
  - (i) the management and operation of bus services;
  - (ii) the provision of bus services; and
  - (iii) the quality of such aspects of bus services; and
- (e) for holders of a bus depot licence or bus interchange licence —
  - (i) the maintenance or operation of bus depots or bus interchanges and any equipment relating to the premises;
  - (ii) the provision of services and facilities at bus depots or bus interchanges;
  - (iii) the quality of such aspects of those services and facilities; and
  - (iv) the safety and security of persons who use or who are engaged in any work at bus depots or bus interchanges.

(3) A code of practice may, in particular, specify the duties and obligations of any licensee in relation to its business operation insofar as it relates to the provision of bus services or the operation of a bus depot or bus interchange (as the case may be) in Singapore.

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

- (a) is to have effect subject to this Act; or
- (b) having regard to this Act, is not to have effect.

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

- (a) give notice of the issue, approval, amendment or revocation (as the case may be) of the code of practice to every licensee to which the code of practice applies;
- (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and
- (c) ensure that, so long as the code of practice remains in force, copies of that code of practice, and of all amendments to that code of practice, are available for inspection, free of charge, by the licensees to whom the code of practice applies.

(6) No code of practice, no amendment to an approved code of practice, and no revocation of any approved code of practice, has any force or effect as an approved code of practice until the notice relating to it is published in accordance with subsection (5).

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

(8) Subject to subsection (9), every licensee must comply with the relevant codes of practice applicable to the licensee.

(9) The LTA may, either generally or for the time that the LTA may specify, waive the application of any, or part of any, code of practice, issued or approved under this section to any licensee.

(10) Any contravention or failure to comply by a person with a code of practice that applies to the person does not of itself render the person liable to criminal proceedings, but any such contravention or failure may, in any proceedings (criminal or otherwise under this Act) in connection with an offence under this Act, be relied on by any

party to those proceedings as tending to establish or negative any liability which is in question in those proceedings.

### **Directions affecting licensees**

**38.—**(1) The LTA may give a direction to a licensee for or in respect of —

- (a) the extent, hours and general level of service;
- (b) any matter affecting the interests of the public in connection with the service provided by the licensee;
- (c) in the case of bus depots or bus interchanges —
  - (i) the maintenance and operation of the bus depot or bus interchange and any equipment in those premises;
  - (ii) the security criteria for selecting persons engaged in any work at the bus depot or bus interchange;
  - (iii) the safety and security of persons using or at work at the bus depot or bus interchange; or
  - (iv) the terms and conditions that the licensee can impose on the use of the bus depot or bus interchange on persons referred to in section 26(2)(f)(i), (ii) and (iii); and
- (d) in the case of bus services, the preservation and promotion of fair competition among operators of bus services.

(2) A direction given under subsection (1) —

- (a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction;
- (b) takes effect at the time, being the earliest practicable time, determined by or under that direction; and
- (c) may be revoked at any time by the LTA.

(3) Before exercising any powers under subsection (1), the LTA must, unless the LTA in respect of any particular direction considers

that it is not practicable or desirable, give written notice to the licensee concerned —

- (a) stating that the LTA intends to give a direction to the licensee under this section and the nature of the direction; and
- (b) specifying the time (being at least 14 days after the date of service of the notice on the licensee) within which written representation may be made to the LTA with respect to the proposed direction.

(4) The LTA may, after considering any written representation under subsection (3)(b), decide to give or not give the direction as the LTA considers appropriate.

(5) The LTA must serve on the licensee concerned a notice of its decision under subsection (4).

(6) Subject to section 41, a direction takes effect from the date on which a notice under subsection (5) is given, or on any other date specified in the notice.

(7) Every licensee must comply with every direction given under this section to the licensee as soon as it takes effect.

### **Suspension or revocation, etc., of licence**

**39.—**(1) Subject to subsection (3), if the LTA is satisfied that —

- (a) the licensee is contravening or not complying with, or has contravened or failed to comply with —
  - (i) any of the conditions of its licence;
  - (ii) any provision of this Act applicable to the licensee, contravention of or non-compliance with which is not an offence;
  - (iii) any provision of a code of practice applicable to the licensee; or
  - (iv) any direction given to the licensee under section 38 or subsection (2)(d) or (f);

- (b) the licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the licensee has made any assignment to, or composition with, its creditors or, if a company, is unable to pay its debts;
- (d) for a licensed bus operator, the licensee is not providing an adequate and satisfactory bus service;
- (e) for a licensee holding a Class 1 bus service licence, the licensee has not complied with any direction under section 19(3);
- (f) the licensee is convicted of any offence under this Act committed during the term of the licence, or any of the following individuals is convicted of an offence under this Act committed during the term of the licence:
  - (i) any member of the board of directors or committee or board of trustees or other governing body, or the chief executive, of a licensee that is a company, limited liability partnership or other body corporate;
  - (ii) any partner of a licensee that is a partnership or limited liability partnership; or
- (g) the public interest or national security of Singapore requires,

the LTA may revoke (without any compensation) the licensee's licence, with or without forfeiting any performance bond, guarantee or other form of security furnished by the licensee under this Act.

(2) However, the LTA may, in lieu of revoking a licensee's licence under subsection (1), do any one or more of the following:

- (a) censure the licensee in writing;
- (b) modify any condition of the licence;
- (c) require the furnishing of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, to secure



compliance by the licensee with any condition attached to the licence or for the purpose of meeting any financial penalty arising out of any proceedings with a view to regulatory action started or likely to start against the licensee, or both;

- (d) direct the licensee to do, or to refrain from doing, anything specified in a direction to rectify a contravention or non-compliance;
- (e) suspend (for not more than 6 months) the licence without any compensation;
- (f) direct the licensee to pay, within a period specified in a direction, a financial penalty of an amount that the LTA thinks fit, being —
  - (i) not more than \$100,000 for each contravention or failure to comply with any instrument in subsection (1)(a) that is the subject; or
  - (ii) in any other case, not more than \$100,000.

(3) Before exercising any powers under subsection (1) or (2), the LTA must give written notice to the licensee concerned —

- (a) stating that the LTA intends to take regulatory action against the licensee under this section;
- (b) specifying the type of action in subsection (1) or (2) the LTA proposes to take, and each instance of non-compliance that is the subject of the action; and
- (c) specifying the time (being at least 14 days after the date of service of the notice on the licensee) within which written representation may be made to the LTA with respect to the proposed action.

(4) The LTA may, after considering any written representation under subsection (3)(c), decide to take any regulatory action in subsection (2) that the LTA considers appropriate.

(5) Where the LTA has made any decision under subsection (4) against any licensee, the LTA must serve on the licensee concerned a notice of its decision.

(6) Subject to section 41, a decision to revoke a licence, or to impose a regulatory action in subsection (2), which is specified in the notice given under subsection (5), takes effect from the date on which that notice is given, or on any other date specified in the notice.

(7) The suspension or revocation of any licence, or any direction issued under this section, does not prejudice the enforcement by any person of any right or claim against the licensee or former licensee, or by the licensee or former licensee of any right or claim against any person.

(8) Where any financial penalty is imposed on a licensee under subsection (2) for contravening or not complying with any condition of its licence, any performance bond, guarantee or other form of security given by the licensee to secure compliance by the licensee with any condition attached to the licence must not be forfeited by the LTA for that contravention except to the extent to pay the financial penalty.

(9) In any proceedings under this section in relation to the conviction of a licensee or any person for a criminal offence, the LTA is to accept the licensee's or person's conviction as final and conclusive.

(10) For the purposes of subsection (1)(c), a company is unable to pay its debts if it is a company which is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

[40/2018]

### **Composition of offences**

**40.—**(1) The LTA, or any authorised officer authorised in writing by the LTA, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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

(2) On payment of the 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 must be paid into the Consolidated Fund.

## PART 7

### APPEALS

#### **Appeal to Minister**

**41.**—(1) The former holder of a licence revoked under section 39 (called an appellant) may appeal to the Minister against the decision by the LTA under that section to revoke the licence.

(2) A licensee which is aggrieved by any of the following decisions of the LTA (called an appellant) may appeal to the Minister against the decision:

- (a) any refusal by the LTA under section 13(1)(b) or 25(3)(b) to renew the licensee's licence;
- (b) any condition imposed by the LTA in the licensee's licence under section 15 or 26, as the case may be;
- (c) any modification of any condition in the licensee's licence under section 16 or 27, as the case may be;
- (d) any provision contained in a code of practice applicable to the licensee that is issued, approved or amended by the LTA under section 37;
- (e) any regulatory action taken against the licensee under section 39(1) or (2);
- (f) any direction given by the LTA under section 19(3) or 38.

(3) An applicant for a licence (called an appellant) may appeal to the Minister against any refusal by the LTA under section 13 or 24 to grant the applicant the licence.

(4) An appeal under this section must be in writing and specify the grounds on which it is made, and be made within a prescribed period after the date of receipt of the decision that is appealed against.

(5) The Minister may reject an appeal of an appellant who fails to comply with subsection (4).

(6) After consideration of an appeal, the Minister may —

(a) reject the appeal and confirm the LTA's decision; or

(b) allow the appeal and substitute or vary the LTA's decision.

(7) The Minister's decision on an appeal is final.

(8) Every appellant must be notified of the Minister's decision under subsection (7).

(9) An appeal against the LTA's decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister, the decision appealed against must be complied with until the determination of the appeal.

### **Designation of others to hear appeals**

**42.** The Minister may designate any Minister of State or Parliamentary Secretary for his or her Ministry, to hear and determine, in the Minister's place, any appeals or a specific appeal under section 41; and any reference in that section to the Minister includes a reference to the Minister of State or Parliamentary Secretary so designated for that appeal.

## **PART 8**

### **MISCELLANEOUS**

#### **Authorised officers**

**43.—(1)** The LTA may, in relation to any provision in this Act or its regulations, appoint any of its officers or employees to be an authorised officer for the purposes of that provision, either generally or in a particular case.

(2) The LTA may delegate the exercise of all or any of the powers conferred or duties imposed upon the LTA by any provision of this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to any conditions or limitations set out

in this Act or as specified by the LTA; and any reference in the provision of this Act to the LTA includes a reference to such an authorised officer.

### **Offences by bodies corporate, etc.**

**44.—**(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Service of documents**

**45.—**(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

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

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

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

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

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

- (a) by giving it to the secretary or other similar officer of the body corporate or the unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office;
- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office; or

(d) by sending it by email to the body corporate's or unincorporated association's last email address.

(5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

(a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or

(b) by any other method authorised by the regulations made under section 49 for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

[38/2018]

(6) Service of a document under subsection (1) takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document is posted (even if it is returned undelivered).

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent (express or implied) to service in that way.

[38/2018]

(8) In this section, "document" includes a notice or an order permitted or required by this Act to be served.

(9) However, this section does not apply to documents to be served in proceedings in court.



(10) In this section —

“business address” means —

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

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document’s contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that the document has been served on the addressee;

“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

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

[38/2018]

## General exemption

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

**Jurisdiction of courts**

**47.** Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

**No compensation payable**

**48.** No compensation is payable by the LTA to any person in respect of or as a consequence of any decision of the LTA under this Act —

- (a) to enter or not to enter into a public bus services contract with anyone;
- (b) not to renew a public bus services contract; or
- (c) to suspend or terminate a public bus services contract.

**Regulations**

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

(2) In particular, the LTA may make regulations for any of the following:

- (a) classes of licences;
- (b) the form and manner in which, and the time within which, an application for a licence or an application to renew a licence may be made, and the information and evidence required to be provided in connection with the application;
- (c) the carrying out of inquiries of applicants for a licence;
- (d) the duties of licensees;
- (e) the fees to be paid in respect of applications for and the grant, renewal or late renewal of any licence, and otherwise in connection with the administration of this Act, and the waiver, reduction or refund of fees charged;
- (f) the records that are to be kept by licensees and the provision of returns and other information with respect to

the operation of bus services, or bus depots and bus interchanges;

- (g) service standards or other requirements, restrictions or conditions that apply in the provision of bus services by a bus service licensee that is not a public bus operator.

(3) Regulations made under this section may —

- (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000; and
- (b) provide for any transitional, saving and other consequential, incidental and supplemental provisions that are necessary or expedient.

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

## LEGISLATIVE HISTORY

### BUS SERVICES INDUSTRY ACT 2015

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

#### **1. Act 30 of 2015 — Bus Services Industry Act 2015**

Bill	:	26/2015
First Reading	:	13 July 2015
Second and Third Readings	:	18 August 2015
Commencement	:	22 January 2016

#### **2. Act 38 of 2018 — Land Transport (Enforcement Measures) Act 2018** (Amendments made by section 37 of the above Act)

Bill	:	29/2018
First Reading	:	6 August 2018
Second and Third Readings	:	10 September 2018
Commencement	:	3 June 2019 (section 37)

#### **3. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018** (Amendments made by section 455 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 455)

#### **4. 2020 Revised Edition — Bus Services Industry Act 2015**

Operation	:	31 December 2021
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#### **5. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022** (Amendments made by the above Act)

Bill	:	24/2022
First Reading	:	12 September 2022
Second and Third Readings	:	3 October 2022
Commencement	:	1 November 2022

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

## COMPARATIVE TABLE

### BUS SERVICES INDUSTRY ACT 2015

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	Act 30 of 2015
<b>45—(5)</b>	<b>45—(4A)</b>
(6)	(5)
(7)	(5A)
(8)	(6)
(9)	(7)
(10)	(8)
<i>[Omitted as having had effect]</i>	<b>50</b>
<i>[Omitted as having had effect]</i>	<b>51</b>
<i>[Omitted as having had effect]</i>	<b>52</b>
<i>[Omitted as having had effect]</i>	<b>53—(1)</b>
<i>[Omitted as having had effect]</i>	(2)
<i>[Omitted as having had effect]</i>	<b>54</b>
<i>[Omitted as spent]</i>	<b>55—(1)</b>
<i>[Omitted as spent]</i>	(2)
<i>[Omitted as spent]</i>	(3)
<i>[Omitted as spent]</i>	<b>THE SCHEDULE</b>