TRANSBOUNDARY HAZE POLLUTION ACT 2014

(No. 24 of 2014)

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An Act concerning conduct which causes or contributes to haze pollution in Singapore, and to provide for related matters.

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

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Transboundary Haze Pollution Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

"Agency" means the National Environment Agency established under section 3 of the National Environment Agency Act (Cap. 195);

"air quality index", for any area, means a number that describes, through such periodic recording and methodology as the Agency approves, the presence and movement of pollutants and particles in the air environment outdoors in that area relative to the health, well-being, needs and purposes of human beings;

"authorised officer" has the same meaning as in section 2 of the Environmental Protection and Management Act (Cap. 94A);

"conduct" means any act or omission, any series of acts or omissions, or both;

"conduct which causes or contributes to any haze pollution in Singapore" includes lighting fires outdoors for or in connection with any farming operation or forestry operation and leaving unattended such fires;

"Director-General" means the Director-General of Environmental Protection appointed under section 3(1) of the Environmental Protection and Management Act;

"document" includes —

(*a*) any map, plan, graph or drawing;

(*b*) any photograph;

(*c*) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means whatsoever;

(*d*) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device); and

(*e*) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them;

"engage in conduct" means engage, whether directly or indirectly, in conduct either alone or together with any other person or persons;

"entity" means any sole proprietorship, partnership, corporation or other body of persons, whether corporate or unincorporate;

"farming operations" means activities carried out for the purpose —

(*a*) of establishing a plantation or farm (such as the clearing of land, or the use of pesticides, herbicides and fertilisers); or

(*b*) of securing —

(i) the production on the land (whether by sowing seed or otherwise), on an on-going basis, of food or other produce; or

(ii) the commercial breeding of livestock or poultry on land,

and includes the provision of roads and trails, and the maintenance of existing railways, to enable or assist in the operations and activities referred to in paragraph (*a*) or (*b*) or both;

"forestry operations" means —

(*a*) logging operations;

(*b*) activities relating to the management of land for timber production such as thinning and other silvicultural activities;

(*c*) harvesting or collecting vegetation (whether living or dead and whether fallen or standing), indigenous animal life or other forest products that are of economic value; or

(*d*) the provision of roads and trails, and the maintenance of existing railways, to enable or assist in the operations and activities referred to in paragraph (*a*), (*b*) or (*c*) or any combination thereof;

"grave natural disaster or phenomenon" means a natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented by human action or avoided by the exercise of due care or foresight;

"haze pollution in Singapore" means pollution of the environment in Singapore comprising any poor air quality episode involving smoke from any land or forest fire wholly outside Singapore;

"land or forest fire" includes coal seam fire, peat fire or plantation fire;

"logging operations" means the cutting and removal of timber from land for the purpose of timber production;

"occupier", in relation to any land situated in a foreign State or territory outside Singapore, includes, if there is no person in actual occupation of the land, the person charged by the owner of the land, or by the law of the foreign State or territory, with the management of that land;

"owner", in relation to any land situated in a foreign State or territory outside Singapore, includes any person —

(*a*) who holds a valid lease, licence, permit, concession or other similar authorisation from a government of the foreign State or territory as regards land for the person to

carry out farming operations or forestry operations in respect of that land; or

(*b*) who has an agreement or arrangement with another person who has a customary right under the law of the foreign State or territory as regards the land, and the agreement or arrangement relates to any farming operations or forestry operations to be carried out by any person in respect of that land;

"pollution" means wide-scale direct or indirect alteration of the environment —

(*a*) to its detriment or degradation or potential detriment or degradation; or

(*b*) to the detriment or potential detriment of its use or other environmental value;

"preventive measures notice" means a notice issued by the Director-General under section 9(1);

"smoke" includes soot, ash, grit and gritty particles emitted in smoke;

"the environment" means —

(*a*) any land, air or water;

(*b*) any living thing; and

(*c*) any man-made or modified structures and areas,

and includes interactions between all or any of the components referred to in paragraphs (*a*), (*b*) and (*c*).

(2) For the purposes of this Act, a poor air quality episode occurs when —

(*a*) the air quality index for any part of Singapore reaches the prescribed number on the index or higher; and

(*b*) for the next 24 hours or longer, the air quality index for the same part or any other part of Singapore remains at or reaches that number so prescribed or higher.

(3) Any reference in this Act to a person (the primary person) engaging in conduct that condones the conduct of or by another person (secondary person) which causes or contributes to any haze pollution in Singapore is a reference to —

(*a*) the primary person failing to prevent such conduct of the secondary person as is within the contemplation of the primary person or that is a reasonably foreseeable consequence of the primary person's own conduct; or

(*b*) if the secondary person's conduct has already occurred —

(i) the primary person failing to stop the secondary person's conduct from continuing; or

(ii) the primary person failing to substantially reduce the detriment or potential detriment to the environment in Singapore or its use or other environmental value, or the degradation or potential degradation to the environment in Singapore, due to the secondary person's conduct.

Participation of entity in management of another entity

3. For the purposes of this Act, an entity (referred to in this section as the first entity) participates in the management of another entity (referred to in this section as the second entity) if, and only if —

(*a*) the first entity actually participates in the management or operational affairs of the second entity;

(*b*) the first entity exercises decision-making control over any business decision by the second entity to engage in conduct or to engage in conduct that condones any conduct by another entity or individual, on any land outside Singapore (being land which is owned or occupied by the second entity), which causes or contributes to any haze pollution in Singapore; or

(*c*) the first entity exercises control at a level comparable to that exercised by a manager of the second entity, such that the first entity assumes or manifests responsibility —

(i) for the overall management of the second entity encompassing the day-to-day decision-making with

respect to any business decision to engage in conduct or to engage in conduct that condones any conduct by another entity or individual, on any land outside Singapore (being land owned or occupied by the second entity), which causes or contributes to any haze pollution in Singapore; or

(ii) for all or a substantial part of the operational functions (as distinguished from financial or administrative functions) of the second entity.

Extra-territorial application

4. This Act shall extend to and in relation to any conduct or thing outside Singapore which causes or contributes to any haze pollution in Singapore.

PART II

LIABILITY FOR TRANSBOUNDARY HAZE POLLUTION

Offences for causing, etc., haze pollution in Singapore

5.—(1) An entity shall be guilty of an offence if —

(*a*) the entity —

(i) engages in conduct (whether in or outside Singapore) which causes or contributes to any haze pollution in Singapore; or

(ii) engages in conduct (whether in or outside Singapore) that condones any conduct (whether in or outside Singapore) by another entity or individual which causes or contributes to any haze pollution in Singapore; and

(*b*) there is haze pollution in Singapore at or about the time of that conduct by that entity.

(2) An entity which is guilty of an offence under subsection (1) shall be liable on conviction to —

(*a*) a fine not exceeding $100,000 for every day or part thereof that there is haze pollution in Singapore occurring at or about the time of the entity's conduct referred to in subsection (1)(*a*)(i) or (ii) (as the case may be), but not exceeding in the aggregate the maximum prescribed in subsection (5); and

(*b*) if it is proved that, at or about the time of that haze pollution in Singapore, the entity had failed to comply with any preventive measures notice given in relation to that haze pollution in Singapore, then in addition to any fine imposed under paragraph (*a*), a fine not exceeding $50,000 for every day or part thereof that the entity fails to comply with the preventive measures notice, but not exceeding in the aggregate the maximum prescribed in subsection (5).

(3) An entity shall be guilty of an offence if —

(*a*) the entity participates in the management of another entity (referred to in this subsection as the second entity);

(*b*) the second entity is an owner or occupier of any land situated outside Singapore;

(*c*) the second entity —

(i) engages in conduct (whether in or outside Singapore) which causes or contributes to any haze pollution in Singapore; or

(ii) engages in conduct (whether in or outside Singapore) that condones any conduct (whether in or outside Singapore) by another entity or individual which causes or contributes to any haze pollution in Singapore; and

(*d*) there is haze pollution in Singapore at or about the time of that conduct by the second entity.

(4) An entity which is guilty of an offence under subsection (3) shall be liable on conviction to —

(*a*) a fine not exceeding $100,000 for every day or part thereof that there is haze pollution in Singapore occurring at or about

the time of the entity's conduct referred to in subsection (3)(*c*)(i) or (ii) (as the case may be), but not exceeding in the aggregate the maximum prescribed in subsection (5); and

(*b*) if it is proved that, at or about the time of that haze pollution in Singapore, the entity had failed to comply with any preventive measures notice given in relation to that haze pollution in Singapore, then in addition to any fine imposed under paragraph (*a*), a fine not exceeding $50,000 for every day or part thereof that the entity fails to comply with the preventive measures notice, but not exceeding in the aggregate the maximum prescribed in subsection (5).

(5) In sentencing any entity upon its conviction of an offence under subsection (1) or (3), the court must not impose an aggregate fine exceeding $2 million.

Civil liability for causing, etc., haze pollution in Singapore

6.—(1) It shall be a duty of an entity —

(*a*) not to engage in conduct (whether in or outside Singapore) which causes or contributes to any haze pollution in Singapore; and

(*b*) not to engage in conduct (whether in or outside Singapore) that condones any conduct (whether in or outside Singapore) by another entity or individual which causes or contributes to any haze pollution in Singapore.

(2) It shall be a duty of an entity which participates in the management of another entity (referred to in this subsection as the second entity) that is the owner or occupier of any land situated outside Singapore to ensure that —

(*a*) the second entity does not engage in conduct (whether in or outside Singapore) which causes or contributes to any haze pollution in Singapore; and

(*b*) the second entity does not engage in conduct (whether in or outside Singapore) that condones any conduct (whether in or

outside Singapore) by another entity or individual which causes or contributes to any haze pollution in Singapore.

(3) Where an entity engages in conduct that is in breach of any duty under subsection (1) or (2), then, subject to section 7 and the defences and other incidents applicable to actions for breach of statutory duty, that is actionable conduct at the suit of any person in Singapore who, in consequence of that breach —

(*a*) sustains any personal injury, contracts any disease or sustains any mental or physical incapacity in Singapore, or dies in Singapore from that personal injury, disease or incapacity;

(*b*) sustains any physical damage to property in Singapore; or

(*c*) sustains any economic loss, including a loss of profits, in Singapore.

(4) A cause of action for any actionable conduct referred to in subsection (3) shall be actionable in Singapore, whether or not that conduct is also actionable in the foreign jurisdiction where that conduct occurred.

Defences

7.—(1) It shall be a defence to a prosecution for an offence under section 5(1) or (3), and to a civil claim for a breach of duty under section 6(1) or (2), if the accused or defendant (as the case may be) proves, on a balance of probabilities, that the haze pollution in Singapore was caused solely by —

(*a*) a grave natural disaster or phenomenon; or

(*b*) an act of war.

(2) It shall also be a defence to a prosecution for an offence under section 5(1) for engaging in conduct which causes or contributes to any haze pollution in Singapore, and to a civil claim for a breach of duty under section 6(1) not to engage in conduct which causes or contributes to any haze pollution in Singapore, if the accused or defendant (as the case may be) proves, on a balance of probabilities, that the conduct which caused or contributed to the haze pollution in Singapore was by another person acting without the accused's or

defendant's knowledge or consent, or contrary to the accused's or defendant's wishes or instructions; but that other person cannot be —

(*a*) any employee or agent of the accused or defendant (as the case may be);

(*b*) any person engaged, directly or indirectly, by the accused or defendant (as the case may be) to carry out any work on the land owned or occupied by the accused or defendant, and any of that person's employees; or

(*c*) any person who has a customary right under the law of a foreign State or territory outside Singapore as regards the land in that foreign State or territory and with whom the accused or defendant (as the case may be) has an agreement or arrangement, which agreement or arrangement relates to any farming operations or forestry operations to be carried out by any person in respect of that land.

(3) It shall also be a defence to a prosecution for an offence under section 5(1) for engaging in conduct which condones any conduct by another entity or individual which causes or contributes to any haze pollution in Singapore, and to a civil claim for a breach of duty under section 6(1) not to engage in conduct condoning any conduct by another entity or individual which causes or contributes to any haze pollution in Singapore, if the accused or defendant (as the case may be) proves, on a balance of probabilities, that —

(*a*) the accused or defendant took all such measures as is (or was at the material time) reasonable to prevent such conduct by the other entity or individual; and

(*b*) if the conduct by the other entity or individual already occurred, the accused or defendant took all such measures as is (or was at the material time) reasonable to stop that conduct from continuing or to substantially reduce the detriment or potential detriment to the environment in Singapore or its use or other environmental value, or the degradation or potential degradation to the environment in Singapore, due to the other entity's or individual's conduct.

(4) It shall also be a defence to a prosecution for an offence under section 5(3), or a civil claim for a breach of duty under section 6(2), if the accused or defendant (as the case may be) proves, on a balance of probabilities, that the conduct which caused or contributed to the haze pollution in Singapore was by another person acting without the knowledge or consent of the accused or defendant and the second entity referred to in section 5(3) or 6(2), or contrary to the wishes or instructions of the accused or defendant and that second entity; but that other person cannot be —

(*a*) any employee or agent of the accused or defendant (as the case may be) or of the second entity referred to in section 5(3) or 6(2);

(*b*) any person engaged, directly or indirectly, by the accused or defendant (as the case may be) or by the second entity referred to in section 5(3) or 6(2), to carry out any work on the land owned or occupied by the second entity, and any of that person's employees; or

(*c*) any person who has a customary right under the law of a foreign State or territory outside Singapore as regards the land in that foreign State or territory, and with whom the accused or defendant (as the case may be) or the second entity has an agreement or arrangement, which agreement or arrangement relates to any farming operations or forestry operations to be carried out by any person in respect of that land.

Presumptions

8.—(1) For the purposes of this Act, where it is proved that —

(*a*) there is haze pollution in Singapore;

(*b*) at or about the time of the haze pollution in Singapore, there is a land or forest fire on any land situated outside Singapore; and

(*c*) based on satellite information, wind velocity and direction and other meteorological information at or about the time of the haze pollution in Singapore, the smoke resulting from that fire is moving in the direction of Singapore,

it shall be presumed, until the contrary is proved, that there is haze pollution in Singapore involving smoke resulting from that land or forest fire, notwithstanding that there may be, at or about the same time, any land or forest fire or other fire on any other land situated outside Singapore (whether or not adjacent to the land referred to in paragraph (*b*)) or in any part of Singapore.

(2) For the purposes of this Act, where —

(*a*) it is proved, or presumed by the operation of subsection (4), that an entity owns or occupies any land situated outside Singapore; and

(*b*) it is further proved, or presumed by operation of subsection (1), that any haze pollution in Singapore involves smoke resulting from any fire on that land outside Singapore,

it shall be presumed, until the contrary is proved, that the entity which is the owner or occupier of the land engaged in conduct, or engaged in conduct that condones any conduct by another, which caused or contributed to that haze pollution in Singapore.

(3) For the purposes of this Act, where —

(*a*) it is proved that an entity (referred to in this subsection as the first entity) participates in the management of another entity (referred to in this subsection as the second entity); and

(*b*) it is further proved, or presumed by operation of subsection (2), that the second entity engaged in conduct, or engaged in conduct that condones any conduct by another, which caused or contributed to any haze pollution in Singapore,

it shall be presumed, until the contrary is proved, that the first entity also did engage in conduct, or did engage in conduct that condones any conduct by another, which caused or contributed to that haze pollution in Singapore.

(4) For the purposes of this Act, it shall be presumed, until the contrary is proved, that the entity owns or occupies any land situated

outside Singapore if any of the following maps show the land as owned or occupied by that entity:

(*a*) any map furnished by, or obtained from, any person pursuant to a notice issued under section 10;

(*b*) any map furnished by, or obtained from, any government of a foreign State or territory outside Singapore;

(*c*) any map furnished by, or obtained from, any department of the government of a foreign State or territory outside Singapore, or any instrumentality of the government of a foreign State or territory outside Singapore even if separate and distinct from that government;

(*d*) any map furnished by any prescribed person through any prescribed means.

PART III

ADMINISTRATION

Preventive measures notice to prevent, reduce or control haze pollution

9.—(1) Where —

(*a*) there is air pollution of the environment in Singapore, or there is air pollution of the environment in any part of a country or territory outside Singapore, because of any land or forest fire on any land situated outside Singapore; and

(*b*) based on satellite information, wind velocity and direction and meteorological information, the smoke from that fire is likely to move in the direction of Singapore,

the Director-General may, if he thinks it necessary or expedient to prevent, reduce or control any haze pollution in Singapore, give a preventive measures notice to any entity that, in his opinion, is directly or indirectly involved in any conduct which is causing or contributing to, or is likely to cause or contribute to, any haze pollution in Singapore.

(2) A preventive measures notice under subsection (1) is a request in writing to an entity (referred to in this subsection as the recipient entity) requiring it to do or refrain from doing anything specified by the Director-General in the notice for the purpose of preventing, reducing or controlling any haze pollution in Singapore, such as but not limited to any of the following:

(*a*) to deploy fire-fighting personnel and to use any other reasonable methods to extinguish or prevent the spread of any land or forest fire on any land situated outside Singapore which is owned or occupied by the recipient entity, or by another entity, the management of which the recipient entity participates in;

(*b*) to discontinue, or not commence, any burning activities on such land as is referred to in paragraph (*a*);

(*c*) to submit to the Director-General any plan of action to extinguish or prevent the spread of any fire on any land referred to in paragraph (*a*) and to prevent its recurrence.

(3) In this section, "fire" includes a fire the Director-General has reasonable grounds for believing may exist.

Power to obtain information

10.—(1) The Director-General or an authorised officer may give notice in writing to any person (whether within or outside Singapore) requiring the person to furnish, within such reasonable period and in such form and manner as may be specified in the notice, all documents and information —

(*a*) which relate to any matter necessary to carry out the functions or duties of, or assigned to, the Director-General or the Agency by or under any provision of this Act; and

(*b*) which are within the knowledge of that person or in that person's custody or under that person's control.

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

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

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

(*c*) if the information is recorded otherwise than in legible form, to require the information to be made available to the Agency in legible form.

(3) A notice under subsection (1) must be served on a person in the following manner and no other manner:

(*a*) where the person is an individual within Singapore — by delivering the notice personally to the person;

(*b*) where the person is a body corporate, an unincorporated association or a partnership within Singapore — by delivering the notice personally to an officer of the body corporate or unincorporated association, or a partner of the partnership;

(*c*) where the person is a body corporate, an unincorporated association or a partnership within Singapore and participates in the management of a body corporate, an unincorporated association or a partnership outside Singapore — by delivering the notice personally to an officer of the first-mentioned body corporate or unincorporated association, or a partner of the first-mentioned partnership;

(*d*) where the person is a body corporate, an unincorporated association or a partnership which does not have any place of business in Singapore — by delivering the notice personally to an officer of the body corporate or unincorporated association, or a partner of the partnership when the officer or partner is within Singapore;

(*e*) where the person has consented to the service of the notice by any mode — by that mode.

(4) A notice under subsection (1) to any person takes effect only from the date the notice is served on the person and shall also specify

the period (which shall run from the date the notice takes effect) within which the person must comply with the notice.

(5) Where a court is satisfied that any person served with a notice under subsection (1) intends to leave Singapore, the court may, on the application of the Public Prosecutor but after giving due regard to the person's circumstances, by order require the person to remain in Singapore for such period as the court considers reasonable to ensure that the person complies with the notice.

(6) If a person (whether in or outside Singapore) who is served with a notice under subsection (1) fails, without reasonable excuse, to do or refrain from doing anything required of the person by that notice, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding one month or to both.

(7) If a person within Singapore on whom a notice under subsection (1) is served —

(*a*) intentionally alters, suppresses or destroys any document or information which he has been required by the notice to furnish; or

(*b*) in furnishing any document or information required by the notice, makes any statement which the person knows to be false in a material particular, or recklessly makes such a statement,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 months or to both.

(8) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Director-General or an authorised officer, make such order as the court thinks fit to secure compliance with that notice, and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by that person or by any officer or employee of that person who is responsible for the failure.

(9) Where a notice under subsection (1) is issued in connection with investigations into a suspected offence under this Act, the Agency

through an authorised officer may, at any time after the expiry of the period specified in the notice, enter any building or place where the Agency has reason to believe that any document or information, in respect of which it has given the notice, may be found, and seize or take extracts from or copies of any such document or information.

(10) The Agency shall be entitled without payment to keep any document or information, or any copy or extract thereof, furnished to it under subsection (1) or obtained under subsection (9).

(11) In this section —

"body corporate" includes a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);

"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.

Power to examine and secure attendance, etc.

11.—(1) For the purpose of investigating any offence under section 5, the Director-General or an authorised officer may do all or any of the following:

(*a*) examine orally any person who appears to be acquainted with matters related to the offence;

(*b*) require by notice in writing the attendance before himself of any person within Singapore who, from information given or otherwise, appears to be acquainted with matters related to the offence;

(*c*) require any person to furnish any information or produce any book or document, or any copy thereof, in the possession of that person and, without payment, inspect, keep, copy or take extracts from that book, document or copy.

(2) Any person examined under this section shall be bound to state truly what he knows of the matters related to the offence, whether or not the furnishing of information or production of any book or document or other disclosure might incriminate the person.

(3) A statement made by any person examined under this section —

(*a*) shall be in writing;

(*b*) shall be read over to him;

(*c*) if he does not understand English, shall be interpreted for him in a language that he understands; and

(*d*) after correction, if necessary, shall be signed by him.

(4) If any person fails to attend as required by a notice under subsection (1)(*b*), the Director-General or authorised officer may report such failure to a Magistrate, who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Public servants

12. The Director-General and all authorised officers, when performing or exercising any function, duty or power under this Act, shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Protection from personal liability

13. No liability shall be incurred by the Director-General, any authorised officer, any member, officer or employee of the Agency, or any other person acting under the direction of the Agency, for

anything which is done or purported to be done in good faith and with reasonable care in —

(*a*) the exercise or purported exercise of any power under this Act; or

(*b*) the performance or purported performance of any function or duty under this Act.

Penalty for obstructing Director-General or authorised officer in his duty

14. Any person who at any time obstructs, hinders or delays the Director-General or any authorised officer in the performance or execution of his duty or of anything which he is empowered or required to do by or under this Act shall be guilty of an offence and shall be liable on conviction —

(*a*) to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(*b*) in the case of a second or subsequent conviction, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 3 months or to both.

PART IV

MISCELLANEOUS

Service of documents, etc.

15.—(1) Subject to subsection (3) and section 10(3), any notice, order or other document required or authorised to be given or served under this Act may be served —

(*a*) in the case of an individual —

(i) by delivering it to the individual personally;

(ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;

(iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the document in a conspicuous place at the usual or last known address of residence or business of the individual; or

(v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Agency or an authorised officer by the individual as the facsimile transmission number for the service of documents on the individual;

(*b*) in the case of a partnership other than a limited liability partnership —

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore; or

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and

(*c*) in the case of any limited liability partnership or any other body corporate —

(i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or

(iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) Where any notice or other document to be served by the Agency, the Director-General or an authorised officer is —

(*a*) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be; and

(*b*) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3) This section shall not apply to notices, summonses and other documents to be served in proceedings in court.

Offences by bodies corporate, etc.

16.—(1) Where an offence under this Act has been committed by a body corporate, an unincorporated association or a partnership, any person who at the time of the commission of the offence was an officer of the body corporate or unincorporated association, or a partner or a partnership, purporting to act in such capacity shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves, on a balance of probabilities —

(*a*) that the offence was committed without his consent, connivance or privity; and

(*b*) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to

the nature of his functions in that capacity and to all the circumstances.

(2) In this section, "body corporate", "officer" and "partner" have the same meanings as in section 10(11).

Notice to attend court

17.—(1) Where it appears to the Director-General or any authorised officer that any person has committed an offence under this Act, the Director-General or authorised officer may, in his discretion, serve upon the person a notice in such form as may be prescribed requiring the person to attend the court, at the hour and on the date specified in the notice.

(2) The Director-General or authorised officer shall prepare a duplicate of the notice referred to in subsection (1) and, if so required by a court, produce the same to the court.

(3) On an accused person appearing before a court in pursuance of such a notice, the court shall take cognizance of the offence alleged and shall proceed as though he were produced before the court under section 153 of the Criminal Procedure Code (Cap. 68).

(4) If a person, upon whom such a notice has been served, fails to appear before a court in accordance therewith, the court shall thereupon issue a warrant for the arrest of that person.

(5) Upon a person arrested in pursuance of a warrant issued under subsection (4) being produced before a court, the court shall —

(*a*) proceed as though he were produced under section 153 of the Criminal Procedure Code; and

(*b*) at the conclusion of the proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and, if cause is not shown, may order him to pay such fine not exceeding $2,000 as the court thinks fit or may commit him to prison for a term not exceeding 2 months.

Jurisdiction of court

18. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Composition of offences

19.—(1) The Director-General may, in his discretion, compound any offence under this Act which 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 such sum of money, no further proceedings shall be taken against that person in respect of the offence.

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

Notices may be given by authorised officer

20.—(1) All notices which the Director-General is empowered to give by or under this Act may, subject to the direction of the Director-General, be given by any authorised officer on behalf of the Director-General.

(2) Where any notice requires authentication, the signature or an official facsimile thereof of the Director-General or any authorised officer affixed thereto shall be sufficient authentication.

Inaccuracies in documents

21.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act shall in any way affect the operation of this Act as

respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

Evidence

22. The contents of any document prepared, issued or served by the Agency, the Director-General or an authorised officer under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct.

Forms

23. The Director-General may design and utilise such forms as he may think fit for any of the purposes of this Act, and may require any person to complete any of the forms for any such purpose.

Regulations

24.—(1) The Agency may, with the approval of the Minister, make regulations —

(*a*) for carrying out the purposes and provisions of this Act; and

(*b*) for the prescribing of anything that is required or permitted to be prescribed under this Act.

(2) The Agency may, with the approval of the Minister, in making any regulations, provide —

(*a*) that any contravention of, or failure or neglect to comply with any regulations shall be an offence; and

(*b*) for a penalty not exceeding a fine of $10,000 for each offence and, in the case of a continuing offence, a further penalty not exceeding a fine of 10% of the maximum fine prescribed for that offence for every day or part thereof during which the offence continues after conviction.

(3) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.