

# **Fire Safety Act 1993**

## **Table of Contents**

### **Long Title**

### **Part 1 PRELIMINARY**

**1 Short title**

**2 Interpretation**

**3 Authorised officers**

**4 Registration required to act as registered inspector**

**5 Register of registered inspectors**

**6 Registration of registered inspectors**

**7 Cancellation of registration and suspension from practice**

**8 Independence of registered inspectors**

**9 Appointment of Registered Inspectors Inquiry Panel, etc.**

**10 Proceedings of Inquiry Committee**

**11 Commencement of inquiry, etc.**

**12 Powers of Inquiry Committee**

**13 Powers in event of fire**

**14 Power to enter premises for various purposes**

**15 Power to board vessel for various purposes**

**16 Power to enter premises, etc., up to 48 hours after fire**

**17 Powers ancillary to sections 14, 15 or 16**

**18 Power to examine persons and secure attendance, etc.**

**19 Exemption of Singapore Armed Forces**

**20 Fire forensic specialists**

**21 Appointment of supplementary enforcement officers**

**22 Power to fix plate showing position of fire hydrant**

**23 Power to install fire hydrants**

**24 Damaging, etc., of fire hydrants**

**25 False alarm**

## **Part 2 FIRE HAZARD IN PREMISES**

**26 Offence for owner or occupier to cause, etc., specified fire hazard**

**27 Offence for any person to cause specified fire hazard**

**28 Abatement of fire hazards**

**29 Commissioner may abate fire hazard in emergency**

**30 Power to order closure of premises in emergency**

**31 Fire hazard order**

**32 Provision as to appeal against order**

**33 Property and materials seized or removed by Commissioner in abating fire hazard**

**34 Recovery of costs and expenses by Commissioner**

**Part 3 FIRE PREVENTION IN BUILDINGS**

**35 Fire certificate**

**36 Order to install fire safety measures**

**37 Emergency Response Plan**

**38 Fire safety managers and Company Emergency Response Teams**

**39 Extension of time**

**40 Meaning of owner or occupier in this Part**

**Part 3A FIRE SAFETY ENGINEERS**

**41 Duties and responsibilities of fire safety engineers**

**42 Registration of fire safety engineers**

**43 Disciplinary action against fire safety engineers**

**44 Inquiry Committee**

**45 Fire Safety Engineers Inquiry Panel**

**46 Register of fire safety engineers**

**Part 3B ALARM MONITORING SERVICES**

**47 Interpretation of this Part**

**48 Licence required to carry on business of providing alarm monitoring services**

**49 Application for grant or renewal of licence**

**50 Grant of licence**

**51 Licence conditions**

**52 Modifying conditions of licence**

**53 Failure to verify fire, etc., before cancelling request**

**54 Revocation of licence**

#### **Part 4 CONTROL OF FIRE SAFETY WORKS**

**55 Fire safety works**

**56 Prohibition of fire safety works without approval of plans**

**57 Appointment and duties of qualified person**

**58 Supervision of fire safety works**

**59 Modification or waiver of requirements relating to fire safety**

**60 Fire safety certificate**

**61 Application for change of use of premises**

**62 Order for demolition, removal, etc., of unauthorised fire safety works**

**63 Closure order**

**64 Appeals to Minister**

**65 Application of this Part to Government buildings, etc.**

#### **Part 5 REGULATED FIRE SAFETY PRODUCTS**

**66 Interpretation of this Part**

- 67 False test reports for regulated fire safety products**
- 68 Giving false information to accredited certification body**
- 69 Certification of regulated fire safety products**
- 70 Supply of regulated fire safety products**
- 71 Installation of non-compliant fire safety products**
- 72 Commissioner may require testing of regulated fire safety product**
- 73 Commissioner may give directions relating to regulated fire safety products**
- 74 Commissioner may give directions in relation to certificates of conformity**
- 75 Power to enter premises to carry out direction upon notice or under warrant**
- 76 Power to enter premises to carry out direction without notice or warrant**

## **Part 6 CONTROL OF PETROLEUM AND FLAMMABLE MATERIALS**

- 77 Interpretation of this Part**
- 78 Storage of petroleum and flammable materials**
- 79 Import of petroleum and flammable materials**
- 80 Transport of petroleum and flammable materials**
- 81 Dispensing of petroleum and flammable materials**
- 82 Pipelines for petroleum and flammable materials**
- 83 Conduct of works in vicinity of licensed pipeline**

**84 Damage to licensed pipeline**

**85 Offences**

**86 Powers of entry, inspection, etc.**

**87 Power to waive requirements**

**88 Grant and renewal of licence or permit**

**89 Cancellation of licence or permit**

**90 Disposal of stocks and equipment**

**Part 6A APPEALS**

**91 Appeals to Minister**

**92 Appeal Advisory Board**

**Part 7 MISCELLANEOUS**

**93 Charging for extinguishing fires, etc., on inland waters or sea**

**94 Obstructing authorised persons in execution of their duty**

**95 Analyst's certificate**

**96 Powers of arrest**

**97 Inaccuracies in documents**

**98 Evidence**

**99 Service of documents**

**100 Jurisdiction of court**

**101 Composition of offences**

**102 Conduct of prosecutions**

**103 Exemption**

**104 Offences by corporations**

**105 Offences by unincorporated associations or partnerships**

**106 Adoption of codes and standards**

**107 General penalties**

**108 Provision of information**

**109 False or misleading information**

**110 Saving of prosecutions under other laws**

**111 Protection from liability**

**112 Transfer of employees to Force**

**113 Regulations**

**114 Transitional provisions**

**Legislative History**

**Abbreviations**

**Comparative Table**

## **FIRE SAFETY ACT 1993**

**2020 REVISED EDITION**

An Act to make provisions for fire safety and for matters connected therewith.

[8 April 1994: Except Part VI and sections 60 and 62;

29 April 1994: Part VI and sections 60 and 62]

## PART 1

### PRELIMINARY

#### Short title

1. This Act is the Fire Safety Act 1993.

#### Interpretation

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

“alternative solution”, in relation to any fire safety works, means an engineering solution for the fire safety works to satisfy any fire performance requirements in the Fire Code, being a solution that is based on —

- (a) a deterministic or probabilistic analysis of fire scenarios or both types of analysis; or
- (b) a quantitative or qualitative assessment of design alternatives or both against the fire performance requirements in the Fire Code,

using engineering tools, methodologies and performance criteria as may be acceptable to the Commissioner, but does not include engineered smoke control systems where the usage and design are in accordance with the Fire Code;

“authorised officer”, in relation to any power conferred or duties imposed on the Commissioner by or under this Act, means a person authorised under section 3 to exercise that power or to carry out that duty;

“building” has the meaning given by the Building Control Act 1989;

“building works” has the meaning given by the Building Control Act 1989;

“class of petroleum” means any petroleum prescribed to be a class of petroleum for the purposes of this Act;

“Commissioner” means the Commissioner of Civil Defence appointed under



section 6 of the Civil Defence Act 1986;

“Fire Code” means the Code of Practice for Fire Precautions in Buildings published by the Commissioner on the website maintained by the Force, as amended or remade from time to time, and includes any code, standard, rule, specification or provision adopted under section 106;

“fire forensic specialist” means an individual who is appointed under section 20 as a fire forensic specialist;

“fire hazard” means any matter or circumstance which materially increases the likelihood of fire or the danger to life or property that would result from the outbreak of fire and includes —

- (a) any alteration to any building in contravention of any law relating to building works or fire safety works such as might render escape in the event of fire more difficult;
- (b) any removal from any building of any fire safety measure which was provided in such building in accordance with plans approved by the Commissioner under section 55;
- (c) any specified fire hazard; and
- (d) any other matter or circumstance which would materially hamper the Force in the discharge of its duties in the event of fire;

“fire hazard abatement notice” means a written notice issued by the Commissioner under section 28(1);

“fire performance requirements” means the objectives specified in the Fire Code in respect of fire safety works;

“fire protection system” includes any installation, equipment or works manufactured, used or designed to be used for the purposes of —

- (a) extinguishing, attacking, preventing or limiting a fire and its by-product; or
- (b) giving warning of a fire;

“fire protection works” means the provision, extension or alteration of any fire protection system;

“fire safety engineer” means a person who is registered as a fire safety engineer under this Act;

“fire safety measures” includes any installation, equipment or works

manufactured, used or designed to be used for the purposes of —

- (a) extinguishing, attacking, preventing or limiting a fire and controlling the spread of smoke resulting from the fire;
- (b) giving warning of a fire;
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;
- (d) providing means of escape; or
- (e) providing a means of communication to facilitate firefighting operations or the evacuation of persons in the event of fire;

“fire safety works” means —

- (a) any fire protection works;
- (b) the installation, provision or removal of, or addition or alteration to, any fire safety measure;
- (c) any relevant pipeline works; or
- (d) any relevant works;

“flammable material” means any substance prescribed to be a flammable material for the purposes of this Act;

“Force” has the meaning given by the Civil Defence Act 1986;

“install”, in relation to a regulated fire safety product, includes the use of the regulated fire safety product in the construction of a building;

“member” has the meaning given by the Civil Defence Act 1986 and includes any public officer serving in the Force as engineering or technical staff;

“occupier”, in relation to any premises, means the person in occupation of the premises or having the charge, management or control thereof and, in relation to any part of any premises different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;

“officer” has the meaning given by the Civil Defence Act 1986 and includes any public officer serving in the Force as engineering or technical officer;

“owner” —

- (a) in relation to any premises, includes any mortgagee in possession

and any person for the time being receiving the rent of the premises whether on the person's own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant, and any person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960 as the owner of the premises;

- (b) in relation to the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, means the management corporation having control of the building;
- (c) in relation to the limited common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, means the subsidiary management corporation having control of that limited common property;
- (d) in respect of any fire safety measure, includes the occupier or the owner of the premises in or on which the fire safety measure is installed or kept;
- (e) in relation to an aircraft or a vessel, includes the charterer of the aircraft or vessel, as the case may be; and
- (f) in relation to a vehicle, means the registered owner of the vehicle;

“peer reviewer” means a fire safety engineer who is appointed to review and assess whether any alternative solution in plans for any fire safety works that is prepared or proposed by another person satisfies any fire performance requirements;

“petroleum” includes crude petroleum, liquefied petroleum gas and other naturally occurring hydrocarbon liquid derived from crude petroleum, coal, shale, peat or other bituminous substances;

“pipeline” includes any section of a pipeline;

“pipeline owner”, in relation to any section of a relevant pipeline, means —

- (a) if the section of the relevant pipeline is entirely or partially on a piperack or pipetrack — the person who owns or leases, and has management and control, of the piperack or pipetrack; or
- (b) if the entire section of the relevant pipeline is not on a piperack or pipetrack — a person who owns or leases that section of the relevant

pipeline and uses that section of the relevant pipeline for the conveyance of any class of petroleum or any flammable material;

“piperack” means a multi-tiered rack supporting one or more pipelines above the ground;

“pipetrack” means an area where one or more pipelines are supported on sleepers on the ground;

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built or not, whether public or private, and whether or not maintained under statutory authority;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function, but does not include a Town Council;

“public building” means a building to which the public or a section of the public has access as of right, or by virtue of express or implied permission with or without payment of a fee;

“qualified person” means a person who is registered as —

(a) an architect under the Architects Act 1991 and has in force a practising certificate issued under that Act; or

(b) a professional engineer under the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act;

“register of registered inspectors” means the register kept and maintained under section 5(1);

“registered inspector” means a person who is registered as a registered inspector under section 6;

“regulated fire safety product” means any material or product prescribed under section 113(1) to be such;

“relevant pipeline” means a pipeline used, or to be used, for the conveyance of any class of petroleum or any flammable material, and includes the piperack or pipetrack (if any) for the management of the pipeline but does not include such a pipeline located in licensed premises;

“relevant pipeline works” means the construction, alteration or repair of a relevant pipeline commenced or carried out on or after 1 September 2013;

“relevant works” means —

- (a) the erection, extension, alteration, addition or repair of a building —
  - (i) that involves the use of combustible materials; or
  - (ii) that affects the means of escape from the building or the effectiveness of fire safety measures;
- (b) the provision, extension or alteration of any air-conditioning service or ventilating system in or in connection with a building; or
- (c) the provision, extension or alteration of any system for the delivery of liquefied petroleum gas from a cylinder to the point of use, in or in connection with any building that is used for a non-residential purpose;

“specified fire hazard”, in relation to a building, means —

- (a) the overcrowding of a building that is a public building such as might render escape in the event of fire more difficult;
- (b) any fire safety measure in the building that is not in proper working order, whether because of lack of proper maintenance or for any other reason; or
- (c) the obstruction of escape routes, passageways, common property or limited common property of the building such as might render escape in the event of fire more difficult;

“street” has the meaning given by the Street Works Act 1995;

“vessel” includes —

- (a) any ship or boat or air-cushioned vehicle; and
- (b) any rig or platform, whether floating at sea or fixed to the sea bed, used in any form of operations at sea.

*[7/2004; 47/2004; 14/2013; 10/2015; 31/2016; 22/2019]*

(2) In this Act, unless the context otherwise requires, any reference to premises or building includes a reference to a part of such premises or building, as the case may be.

*[14/2013]*

(3) For the purposes of the definition of “pipeline owner” in subsection (1), the owner of the land on which any piperack, pipetrack or pipeline is located is not to be regarded as the person who owns or leases the piperack, pipetrack or pipeline (as the case may be) by reason only that the piperack, pipetrack or pipeline is a fixture annexed to that land.

[14/2013]

(4) Where —

- (a) by or under any provision of this Act, an act or a thing is required or directed to be done within a particular period or before a particular time;
- (b) failure to do that act or thing within the period or before the time mentioned in paragraph (a) constitutes an offence; and
- (c) that act or thing is not done within the period or before the time mentioned in paragraph (a),

the obligation to do that act or thing continues, despite that the period or time mentioned in paragraph (a) has expired or passed, until that act or thing is done; and a person shall be guilty of a separate offence in respect of each day or part of a day after that period or time has expired or passed, during which the person continues to refuse or fail to comply with that requirement or direction.

[22/2019]

### **Authorised officers**

3.—(1) The powers conferred and the duties imposed on the Commissioner under this Act, except sections 13, 14, 15, 16, 17 and 96, may be exercised and carried out by any of the following persons generally or specially authorised by name or office by the Commissioner and subject to the Commissioner's directions:

- (a) any member of the Force;
- (b) any qualified person in the employment of the Government.

[14/2013]

(2) Subject to the directions of the Commissioner, the powers conferred and the duties imposed on the Commissioner under the provisions of Part 4 relating to the approving of plans of fire safety works and any regulations made under this Act necessary for carrying out or giving effect to those provisions may also be exercised and carried out by any qualified person who is —

- (a) in the employment of the Housing and Development Board, the Jurong Town Corporation or such other public authority constituted by any written law as the Minister may approve for the purpose; and
- (b) generally or specially authorised by name or office by the Commissioner.

(3) The Commissioner may authorise any qualified person in writing to carry out the duties and responsibilities or exercise all or any of the powers of the Commissioner under this Act, subject to subsection (4) and such conditions or limitations as the

Commissioner may specify.

[14/2013]

(4) The duties, responsibilities and powers which the Commissioner may authorise any qualified person to carry out or exercise under subsection (3) are those approved by the Minister in writing.

(5) Any qualified person who is generally or specially authorised under subsection (2) or (3) to carry out the duties and responsibilities or exercise all or any of the powers of the Commissioner under this Act is deemed to be —

- (a) a public officer for the purposes of this Act; and
- (b) a public servant for the purposes of the Penal Code 1871.

[14/2013]

### **Registration required to act as registered inspector**

4. A person commits an offence if —

- (a) the person is not a registered inspector; and
- (b) the person, knowing that he or she is not a registered inspector, intentionally does any of the following, whether or not for reward:
  - (i) certify that any completed fire safety works have been carried out in accordance with the approved plans of fire safety works, the Fire Code, and the provisions of this Act, for the purposes of section 60(5);
  - (ii) inspect any fire safety works for the purpose of making a certification mentioned in sub-paragraph (i);
  - (iii) advertise or otherwise hold out that the person is willing to do (whether or not for reward) anything in sub-paragraph (i) or (ii).

[3A

[22/2019]

### **Register of registered inspectors**

5.—(1) The Commissioner must keep and maintain a register in which must be entered the names and prescribed particulars of all persons registered under section 6 as registered inspectors.

(2) The register of registered inspectors must be kept and maintained at the office of the Commissioner and must be available for inspection by any person without charge at such time as that office is open for business.

### Registration of registered inspectors

6.—(1) An application for registration as a registered inspector must be made in such manner and must be accompanied by such documents and particulars as may be prescribed.

(2) No person may be registered as a registered inspector unless he or she can satisfy the Commissioner that he or she possesses the prescribed qualifications and practical experience.

(3) Without prejudice to subsection (2), the Commissioner may refuse to register as a registered inspector an applicant who, in the Commissioner's opinion, is not of good character and reputation or unable to carry out the duties and responsibilities of a registered inspector under this Act.

[14/2013]

(4) The Commissioner may appoint a committee of persons to assist the Commissioner in considering applications for registration as registered inspectors.

(5) Where the Commissioner has registered a person as a registered inspector, the Commissioner must issue to the person a certificate of registration.

### Cancellation of registration and suspension from practice

7.—(1) Without prejudice to section 11(7), the Commissioner may by order cancel the registration of any registered inspector or suspend him or her from practice for a period not exceeding 12 months under any of the following circumstances:

- (a) if he or she is deceased;
- (b) if he or she has contravened or failed to comply with section 8(1);
- (c) if he or she is convicted of an offence involving fraud or dishonesty or an offence under this Act;
- (d) if it appears to the Commissioner that he or she is no longer in the position to carry out the duties or responsibilities of a registered inspector under this Act;
- (e) if he or she has procured his or her registration by fraud or misrepresentation; or
- (f) if he or she is a qualified person or a fire safety engineer, his or her registration as such is revoked or cancelled or he or she is suspended from



practising as such under this Act or any other relevant written law.

[7/2004; 14/2013]

(2) The Commissioner may, if the Commissioner considers that no cause of sufficient gravity for cancellation of registration or suspension from practice exists, by writing censure the registered inspector.

(3) The Commissioner must not exercise the Commissioner's powers under subsection (1)(b), (c), (d), (e) or (f) or (2) unless an opportunity of being heard has been given to the registered inspector against whom the Commissioner intends to exercise his or her powers.

[7/2004]

(4) Where a registered inspector has been suspended from practice under subsection (1), the Commissioner must, within 7 days of the expiry of such suspension, restore the name and particulars of that registered inspector to the register of registered inspectors and issue to him or her a fresh certificate of registration.

[7/2004]

(5) Any person whose application for registration as a registered inspector is refused, or who is dissatisfied with the decision of the Commissioner under subsection (1), may, within 14 days of being notified in writing of the refusal or the decision, appeal to the Minister.

[22/2019]

(6) Where an order made by the Commissioner to cancel the registration of a registered inspector or suspend the registered inspector from practice has taken effect, the Commissioner must —

- (a) remove the name and particulars of the inspector concerned from the register of registered inspectors;
- (b) cancel any certificate of registration issued to the inspector concerned under section 6(5); and
- (c) notify the inspector concerned accordingly.

(7) The inspector concerned must, within 14 days of being notified of the removal of his or her name and particulars from the register of registered inspectors, surrender to the Commissioner the certificate of registration issued to him or her.

(8) Any person who fails to comply with subsection (7) shall be guilty of an offence.

(9) Any person whose name has been removed from the register of registered inspectors under subsection (1)(b), (c), (d), (e) or (f) must, if his or her appeal to the Minister is allowed, have his or her name reinstated as soon as may be practicable.

[5A]

[7/2004; 14/2013]

## Independence of registered inspectors

**8.—**(1) At the time of carrying out his or her duties and responsibilities or exercising his or her powers as a registered inspector under this Act, a registered inspector must not have a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works in respect of which the duties and responsibilities or powers are to be carried out or exercised.

[7/2004; 14/2013]

(2) A registered inspector is regarded as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works if —

- (a) he or she is or has been responsible for or acting as consultant to the design or construction of the building or relevant pipeline, or any of the fire safety works in any capacity;
- (b) he or she or any nominee of his or hers is a member, officer or employee of a company or other body which has a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works; or
- (c) he or she is a partner or is in the employment of a person who has a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works.

[14/2013]

(3) For the purposes of this Act —

- (a) a person is to be treated as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or fire safety works even if the person has that interest only as trustee for the benefit of some other person; and
- (b) in the case of a husband and wife living together, the interest of one spouse is, if known to the other, deemed to be also an interest of the other.

[14/2013]

(4) For the purposes of this Act —

- (a) involvement in the fire safety works as a registered inspector; and
- (b) entitlement to any fee paid for his or her function as a registered inspector,

is not regarded as constituting a professional or financial interest.

(5) Any person who contravenes this section shall be guilty of an offence.

### **Appointment of Registered Inspectors Inquiry Panel, etc.**

9.—(1) For the purpose of enabling an Inquiry Committee to be constituted in accordance with this section, the Minister must appoint a panel (called in this Act the Registered Inspectors Inquiry Panel) consisting of such numbers of —

- (a) qualified persons who are not members of the Force; and
- (b) members of the Force,

as the Commissioner may determine.

*[7/2004; 14/2013]*

(2) A member of the Registered Inspectors Inquiry Panel is appointed for a term of 2 years and is eligible for re-appointment.

*[14/2013]*

(3) Where any complaint against a registered inspector relating to his or her conduct or the discharge of his or her duties or responsibilities is received by the Commissioner, the Commissioner may constitute an Inquiry Committee consisting of 5 members of the Registered Inspectors Inquiry Panel, for the purposes of inquiring into the complaint.

*[14/2013]*

(4) An Inquiry Committee must consist of —

- (a) a Chairperson appointed by the Commissioner;
- (b) 2 qualified persons who are not members of the Force; and
- (c) 2 members of the Force.

(5) The Commissioner may, on the Commissioner's own motion, constitute an Inquiry Committee for the purposes of inquiring into the conduct of any registered inspector or the discharge of a registered inspector's duties or responsibilities if it appears to the Commissioner that the registered inspector has contravened or failed to comply with any provision of the prescribed code of professional conduct and ethics.

(6) The Chairperson of an Inquiry Committee presides at every meeting of the Inquiry Committee.

(7) In the absence of the Chairperson of an Inquiry Committee, the Commissioner must appoint an acting Chairperson who has and may exercise all the powers of the Chairperson.

(8) The Minister may at any time remove any member of an Inquiry Committee or fill any vacancy in its membership.

[6A  
[7/2004]

### **Proceedings of Inquiry Committee**

**10.**—(1) An Inquiry Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.

(2) The Chairperson of an Inquiry Committee may at any time summon a meeting of the Inquiry Committee.

(3) All the members of an Inquiry Committee must be present to constitute a quorum for a meeting of the Inquiry Committee.

(4) Any decision to be made at any meeting of the Inquiry Committee is to be determined by a majority of votes of the members of the Inquiry Committee and, in the case of an equality of votes, the Chairperson of the Inquiry Committee has a second or casting vote.

(5) A member of an Inquiry Committee is, notwithstanding that he or she has ceased to be a member of the Registered Inspectors Inquiry Panel on the expiry of his or her term of office, deemed to be a member of the Registered Inspectors Inquiry Panel until such time as the Commissioner has decided that the Inquiry Committee of which he or she is a member has completed its work.

[6B  
[14/2013]

### **Commencement of inquiry, etc.**

**11.**—(1) An Inquiry Committee must, within a reasonable time of its constitution, commence its inquiry and, subject to subsection (2), submit a written report of its findings (called in this section the written report) to the Commissioner not later than 6 months after its constitution.

(2) The Commissioner may grant an extension of time to an Inquiry Committee to submit the written report to the Commissioner if he or she is satisfied that the circumstances of the case justify the grant of an extension of time.

(3) Subject to the provisions of this Act, the Inquiry Committee may determine its own procedure.

[14/2013]

(4) Where an Inquiry Committee is of the opinion that a registered inspector should be called upon to answer any allegation made against him or her, the Inquiry Committee must —

- (a) post or deliver to the registered inspector concerned —
  - (i) copies of any complaint made against him or her; and
  - (ii) a notice inviting him or her to give, within such period (being at least 14 days) as may be specified in the notice, to the Inquiry Committee any written explanation he or she may wish to offer and to advise the Inquiry Committee if he or she wishes to be heard by the Committee;
- (b) allow the time specified in the notice to elapse;
- (c) give the registered inspector concerned reasonable opportunity to be heard if he or she so desires; and
- (d) give due consideration to any explanation (if any) given by the registered inspector concerned.

(5) Where the complainant withdraws the complaint before the Inquiry Committee is constituted or before the inquiry by the Committee is concluded, the Commissioner may, despite such withdrawal, constitute an Inquiry Committee and direct it to inquire, or may direct the Inquiry Committee to continue with its inquiry, into the matter, and the Inquiry Committee must comply with that direction.

[7/2004]

(6) An Inquiry Committee must, in its written report, make such recommendation as it thinks fit.

(7) The Commissioner must consider the written report submitted by an Inquiry Committee and may —

- (a) dismiss the complaint;
- (b) by order cancel the registration of the registered inspector concerned;
- (c) by order suspend the registered inspector concerned from practice for a period not exceeding 12 months;
- (d) by order impose a penalty not exceeding \$5,000;
- (e) in writing censure the registered inspector concerned; or
- (f) make such other order as the Commissioner thinks fit.

(8) The Commissioner is not bound by any recommendation made by an Inquiry Committee in its written report.

(9) The Commissioner must in writing notify the registered inspector concerned of

the Commissioner's decision or any order made against the registered inspector concerned under subsection (7).

(10) A registered inspector who is aggrieved by a decision of or an order made by the Commissioner under subsection (7)(b), (c), (d) or (f) may, within 14 days of the receipt of the written notification, appeal to the Minister.

[22/2019]

(11) Any penalty imposed by the Commissioner in exercise of the powers conferred by subsection (7) is recoverable as a judgment debt from the registered inspector ordered to pay the penalty.

[6C]

### **Powers of Inquiry Committee**

**12.**—(1) For the purposes of any inquiry conducted by an Inquiry Committee, the Inquiry Committee may —

- (a) require evidence to be given on oath and for that purpose the Chairperson of the Inquiry Committee may administer an oath; and
- (b) require any person to attend and give evidence before it and to produce all plans, books, documents and papers in the custody of, or under the control of, that person relating to the subject matter of the inquiry.

(2) Every person who, without lawful excuse, refuses or fails to —

- (a) attend and give evidence when required to do so by the Inquiry Committee;
- (b) answer truly and fully any question put to the person by a member of the Inquiry Committee; or
- (c) produce to the Inquiry Committee any plans, book, document or paper required to be produced by the person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) For the purposes of conducting an inquiry, an Inquiry Committee may appoint any person to make or assist in the making of whatever preliminary inquiries it thinks necessary.

[6D]

### **Powers in event of fire**

**13.**—(1) The Commissioner or any member of the Force authorised by the Commissioner may, in the event of a fire or a suspected fire, by himself or herself or

with other members under his or her command —

- (a) enter, break into or through and take possession of or demolish or cause to be taken possession of or demolished any premises or structure for the purpose of extinguishing or preventing the spread of the fire;
- (b) enter, break into, take possession of, remove or destroy, or cause to be taken possession of, removed or destroyed, any aircraft, vehicle, vessel or thing for the purpose of extinguishing or preventing the spread of the fire;
- (c) take any equipment required to be used into, through or upon any premises, aircraft, vehicle or vessel where he or she thinks it necessary for the purpose of carrying out his or her duties;
- (d) remove from any building, structure, aircraft, vehicle or vessel which is on fire or is in the vicinity of the fire, any flammable, combustible, explosive or dangerous material found therein without responsibility for any consequent loss or damage;
- (e) for the purpose of extinguishing or preventing the spread of the fire, cause any building or structure which is on fire, or which is adjacent to or in the vicinity of any building or structure which is on fire, to be pulled down, either wholly or partially, or otherwise destroyed or damaged;
- (f) cause water to be shut off from, or turned into, any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing the fire in consultation with the Public Utilities Board;
- (g) shut off or disconnect, or order any person having the control thereof to shut off or disconnect, the supply of gas, petroleum, flammable material or electricity to any premises which are on fire or which are in the vicinity of the fire;
- (h) close or cause to be closed any street in the vicinity of the fire or calamity;
- (i) remove any aircraft, vehicle, vessel or thing impeding the operation of the Force and, where reasonably necessary for that purpose, he or she may use force or break into any such aircraft, vehicle, vessel or thing;
- (j) remove, using reasonable force if necessary, any person who, by that person's presence or otherwise, interferes with the firefighting operations or who is, in his or her opinion, endangered by the fire;
- (k) control and direct all operations for the extinguishing of the fire and all fire services present and all persons there who place their services at his or her disposal;

- (l) use any convenient supply of water; and
- (m) generally do all other things that are reasonably necessary for protecting life or property or for extinguishing the fire or for preventing the spread of the fire.

[7/2004; 14/2013]

(2) No person or body (including the Government) shall be liable to any action, penalty or claim by reason of any action under subsection (1)(f).

[7

### **Power to enter premises for various purposes**

**14.**—(1) The Commissioner or any member of the Force authorised by the Commissioner in writing on producing (if so required) an authenticated document showing his or her authority has a right to enter any premises at all reasonable hours for the purpose of—

- (a) ascertaining whether there is or has been, on or in connection with the premises, any contravention of any of the provisions of this Act, or any contravention of or failure to comply with a licence condition imposed under section 51 or 52;
- (b) obtaining information required for firefighting purposes with respect to the character of the premises, the availability of water supplies and the means of access thereto and other material circumstances relating to firefighting purposes;
- (c) conducting fire drills and exercises, provided prior reasonable written notice is given to the owner or occupier of such premises;
- (d) ascertaining whether there exists in the premises any fire hazard;
- (e) obtaining any evidence of the commission of any offence under this Act or contravention of or failure to comply with any licence condition imposed under section 51 or 52 in the premises, where there is reason to suspect that there is such evidence;
- (f) ascertaining whether or not any place of public assembly or premises used for purposes of entertainment or recreation are being used to accommodate a larger number of persons than is permitted under any regulations made under this Act;
- (g) checking and testing fire safety measures; and
- (h) performance by the Commissioner or the Force of his or her or its powers



under this or any other written law.

*[14/2013; 10/2015; 22/2019]*

(2) Subject to subsection (3), the Commissioner or any member of the Force authorised under subsection (1) must not exercise the right of entry conferred by subsection (1) unless 24 hours' notice in writing of the intended entry has been given to the occupier.

*[14/2013]*

(3) Subsection (2) does not apply in respect of entry into a place of public entertainment or public assembly, factory, workshop or workplace or premises otherwise used for business purposes.

[8

*[14/2013; 10/2015]*

### **Power to board vessel for various purposes**

**15.**—(1) The Commissioner or any member of the Force authorised by the Commissioner in writing on producing (if so required) an authenticated document showing his or her authority has a right to board any vessel at all reasonable hours for all or any of the following purposes:

- (a) obtaining information required for firefighting purposes with respect to the character of the vessel, the availability of water supplies and the means of access thereto and other material circumstances relating to firefighting purposes;
- (b) conducting fire drills and exercises;
- (c) performance by the Commissioner or the Force of his or her or its powers under this Act or any other written law.

*[14/2013; 10/2015]*

(2) The Commissioner or any member of the Force authorised under subsection (1) must not exercise the right to board any vessel conferred by subsection (1) unless prior reasonable written notice has been given to the owner of the vessel.

[8A

*[14/2013; 10/2015]*

### **Power to enter premises, etc., up to 48 hours after fire**

**16.**—(1) For the purposes of investigating the cause or origin of any fire which has occurred in or on any aircraft, vessel or vehicle, or in or on any premises, the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner in writing —

- (a) may enter and inspect those premises or any adjacent premises, or may

board the aircraft, vessel or vehicle, as the case may be; and

(b) may seize or detain the aircraft or vehicle.

[10/2015]

(2) The power conferred under subsection (1)(a) on the Commissioner, or a member of the Force or a fire forensic specialist authorised by the Commissioner, may be exercised —

(a) without notice within a period of 48 hours after the fire on the premises, aircraft, vessel or vehicle (as the case may be) has been put out; and

(b) in any other case, only after giving written notice of the intended entry to the occupier of the premises or intended boarding to the owner of the aircraft, vessel or vehicle, as the case may be.

[10/2015]

(3) However, this section does not authorise the Commissioner, or a member of the Force or a fire forensic specialist, to enter any part of any premises, or to board any part of an aircraft, vessel or vehicle (as the case may be), without first producing (if so required) an authenticated document showing his or her authority to so enter or board.

[10/2015]

(4) To avoid doubt, nothing in this section limits the powers of any authority to investigate accidents under any written law for the time being in force relating to air navigation or merchant shipping.

[8B

[10/2015]

### **Powers ancillary to sections 14, 15 or 16**

17.—(1) The Commissioner or any member of the Force or fire forensic specialist exercising the powers under section 14, 15 or 16 may (so far as may be reasonably necessary for the purpose to which his or her exercise of the powers relates) do all or any of the following in the premises, aircraft, vehicle or vessel, as the case may be:

(a) take with him or her any assistance or equipment;

(b) search the premises, aircraft, vehicle or vessel;

(c) take photographs or video recordings of and conduct any inspection, measurement or test on the premises, aircraft, vehicle or vessel or any thing found therein;

(d) take, without payment, for the purpose of examination reasonable samples of any description from the premises, aircraft, vehicle or vessel;

(e) seize or detain any thing found in the premises, aircraft, vehicle or vessel

that he or she believes on reasonable grounds to be connected with the commission of any offence under this Act or to be otherwise relevant to the administration or enforcement of this Act;

- (f) do any other thing reasonably necessary for carrying out the purpose to which his or her exercise of the powers relates.

*[14/2013; 10/2015]*

(2) For the purposes of section 14, 15 or 16 or subsection (1)(b), the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 14, 15 or 16 (as the case may be), may —

- (a) require the owner or occupier of the premises, or the owner or person having charge of the aircraft, vehicle or vessel (as the case may be), to provide all reasonable assistance to the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 14, 15 or 16, as the case may be; and
- (b) if the circumstances so warrant, with such assistance as he or she thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container, receptacle or any other thing.

*[14/2013; 10/2015]*

(3) Any person who fails to comply with any requirement made under subsection (2)(a) shall be guilty of an offence.

*[14/2013]*

(4) Where the Commissioner, or a member of the Force or a fire forensic specialist seizes any thing under subsection (1)(e), he or she must —

- (a) immediately give written notice of the seizure to the owner of the thing seized or to the agent of such owner; or
- (b) if the name and address of the owner or agent of the thing seized are not known, affix a notice prominently at the place where the thing was seized.

*[14/2013; 10/2015]*

(5) Any person aggrieved by the seizure of any thing under subsection (1)(e) may, within 48 hours after the seizure, complain thereof to a Magistrate's Court.

*[14/2013]*

(6) Upon hearing such complaint, the Magistrate's Court may —

- (a) confirm the seizure wholly or in part;
- (b) disallow the seizure wholly or in part;
- (c) order that any thing seized be restored to its owner, subject to any

condition which the Court may think fit to impose to ensure that the thing is preserved for any purpose for which it may subsequently be required; or

- (d) order payment to be made to the owner of the thing seized of such amount as the Court considers will compensate the owner for any loss or depreciation resulting from the seizure.

[14/2013]

(7) Any thing seized under subsection (1)(e) may be kept or stored at the place where it was seized or may, at the direction of the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 14, 15 or 16, be removed to any other place to be kept or stored thereat.

[14/2013; 10/2015]

(8) The Commissioner, or a member of the Force or a fire forensic specialist authorised under section 14, 15 or 16 may mark, seal or label any thing being detained under subsection (1)(e) in such manner as he or she thinks fit for the purpose of indicating that the thing is under detention and may lock or seal the place (or any part thereof) in which the thing is being detained.

[14/2013; 10/2015]

(9) Any person who, without the authority of the Commissioner, or a member of the Force or a fire forensic specialist authorised under section 14, 15 or 16, as the case may be —

- (a) interferes with, removes or otherwise disposes of any thing seized or detained under section 14, 15 or 16 or tampers with, alters or removes any mark, seal or label placed under subsection (8); or
- (b) opens, breaks or otherwise tampers with the lock or seal placed under subsection (8),

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.

[14/2013; 10/2015]

(10) Subsections (4) to (9) apply to any aircraft or vehicle seized under section 16 as if they were seized or detained under subsection (1)(e).

[14/2013]

(11) Nothing in this section is to be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

[8C

[14/2013]

## **Power to examine persons and secure attendance, etc.**

**18.**—(1) Where the Commissioner, or any member of the Force authorised by the Commissioner in writing, reasonably suspects that an offence has been committed under this Act, the Commissioner or the authorised member 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 written notice, any person within Singapore who appears to be acquainted with matters related to the offence, to attend before the Commissioner or the authorised member;
- (c) require any person to provide any information, produce any book or document related to the offence in the possession of that person, or provide a copy of the book or document;
- (d) without payment, inspect, take or retain copies of, or extracts from, any book, document or copy mentioned in paragraph (c).

[22/2019]

(2) A person is not excused from making an oral statement under subsection (1)(a) on the ground that the statement might tend to incriminate the person but, where the person claims before making the statement that the statement might tend to incriminate the person, that statement is not admissible in evidence against that person in criminal proceedings other than proceedings for an offence under subsection (4)(c) or (d).

[22/2019]

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

- (a) be in writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

[22/2019]

(4) A person commits an offence if the person —

- (a) without reasonable excuse, neglects or refuses to provide any information or produce any book or document, or any copy of the book or document, required under this section;
- (b) without reasonable excuse, neglects or refuses to attend before the Commissioner or the authorised member as required under this section;
- (c) provides any information or produces any book or document, or any copy of the book or document, required under this section that is false in a

material particular and that the person knows to be false or does not believe to be true; or

- (d) by the intentional suppression of any material fact, provides information required under this section that is misleading.

[22/2019]

(5) Any person who is guilty of an offence under subsection (4)(a) or (b) 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.

[22/2019]

(6) Any person who is guilty of an offence under subsection (4)(c) or (d) 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.

[8CA

[22/2019]

### **Exemption of Singapore Armed Forces**

19. Sections 13, 14, 15, 16 and 17 do not apply to any aircraft, vehicle or vessel belonging to or exclusively employed in the service of the Singapore Armed Forces or of any visiting force lawfully present in Singapore.

[8D

[14/2013]

### **Fire forensic specialists**

20.—(1) The Minister may, in writing, appoint any of the following individuals to be fire forensic specialists to assist the Commissioner, or any member of the Force authorised by the Commissioner under section 16, exercising in Singapore a power under that section or section 17:

- (a) a public officer (except an operations support officer at grade III, IV or V or other public officer at equivalent grade) who is not a member of the Force but is employed in the offices of the Force;
- (b) an individual (who is not a public officer) with suitable qualifications or experience to properly exercise the powers of a fire forensic specialist.

[10/2015; 5/2018]

(2) A fire forensic specialist's appointment is to be for such period as the Minister decides and, for an individual mentioned in subsection (1)(b), is to be on such terms and conditions (including remuneration) as the Minister decides from time to time.

[10/2015]

(3) The Minister may, for any reason that appears to the Minister to be sufficient, at any time revoke an individual's appointment as a fire forensic specialist.

[10/2015]

(4) The Commissioner must issue to each fire forensic specialist an identification card, which must be carried at all times by the fire forensic specialist when exercising powers under any provision in this Act.

[10/2015]

(5) A fire forensic specialist whose appointment as such ceases must return any identification card issued to him or her under subsection (4) to the Commissioner.

[10/2015]

(6) A fire forensic specialist is not a member of the Force, and an individual mentioned in subsection (1)(b) who is appointed as a fire forensic specialist under that subsection does not, by virtue only of that appointment, become an employee or agent of the Government.

[10/2015]

(7) A fire forensic specialist is to be issued with such equipment, or such description of equipment, as the Commissioner may determine.

[10/2015]

(8) The Commissioner may, in writing, authorise a fire forensic specialist to exercise any of the powers in sections 16 and 17 in aid of any member of the Force or class of such members, as the Commissioner may specify in that authorisation, but the Commissioner cannot authorise under this subsection any fire forensic specialist to arrest any individual.

[10/2015]

(9) The Commissioner's authorisation under subsection (8) for a fire forensic specialist may do any or all of the following:

- (a) limit the powers in sections 16 and 17 that the fire forensic specialist may exercise;
- (b) limit when the fire forensic specialist may exercise his or her powers in sections 16 and 17 or any of them;
- (c) limit where in Singapore the fire forensic specialist may exercise his or her powers in sections 16 and 17 or any of them;
- (d) limit the circumstances in which the fire forensic specialist may exercise his or her powers in sections 16 and 17 or any of them;
- (e) limit the purposes for which the fire forensic specialist may exercise his or her powers in sections 16 and 17 or any of them.

[10/2015]

(10) A fire forensic specialist who under this section is authorised by the Commissioner to exercise any power under section 16 or 17 to assist the Commissioner or a member of the Force —

- (a) must obey all lawful directions (general or specific) of the Commissioner and the member of the Force when exercising such power; and
- (b) is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising such power.

[10/2015]

(11) Without prejudice to subsection (10), where any law or written law protects a member of the Force from liability for the member's acts or omissions, that law or written law is taken to operate as if those acts or omissions included the fire forensic specialist's acts or omissions when acting in the course of his or her duty as a fire forensic specialist in accordance with the written authorisation of the Commissioner under this Part and the lawful directions of the member of the Force he or she assists.

[10/2015]

(12) To avoid doubt, a fire forensic specialist does not cease to be acting on the direction of a member of the Force by reason only that that member of the Force is not present at all times when the fire forensic specialist exercises any power under section 16 or 17.

[8E  
[10/2015]

### **Appointment of supplementary enforcement officers**

**21.**—(1) The Commissioner may appoint an individual (including an employee of a public authority) as a supplementary enforcement officer to do all or any of the following, if the individual is suitably trained to do so:

- (a) to exercise the power in section 14(1)(a), (d), (f) or (g);
- (b) to do anything authorised in section 17(1)(a), (b), (c) or (f) or (2)(a) when exercising any power or doing anything mentioned in paragraph (a);
- (c) to exercise the power or do anything authorised in section 28(1), 101(1) or 108(1) or (2) in relation to an offence under this Act that is prescribed for the purposes of this paragraph.

[22/2019]

(2) An appointment under subsection (1) is subject to the provisions of this Act and any conditions or limitations specified by the Commissioner.

[22/2019]

(3) Section 14, 17, 28(1), 101(1) or 108 applies to an individual appointed under



subsection (1) as if the individual were —

- (a) in the case of section 14 or 17 — a member of the Force authorised by the Commissioner;
- (b) in the case of section 28 or 101(1) — the Commissioner; and
- (c) in the case of section 108 — an authorised officer.

[22/2019]

(4) An individual appointed under subsection (1) who, in the course of duty as an individual so appointed, exercises any power mentioned in subsection (1), is deemed to be a public servant for the purposes of the Penal Code 1871 when exercising such power.

[8F

[22/2019]

### **Power to fix plate showing position of fire hydrant**

22.—(1) Upon giving 7 days' notice in writing to the owner or occupier of any property situate in the vicinity of a fire hydrant or water supply, the Commissioner may thereafter cause a plate indicating the location of such fire hydrant or water supply to be fixed to any part of the property as may, in the opinion of the Commissioner, be best suited to indicate such location.

(2) Any person who refuses to allow the fixing of any plate mentioned in subsection (1), or obstructs any person in the course of the fixing thereof or removes or defaces any such plate after it has been so fixed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[9

### **Power to install fire hydrants**

23. The Commissioner may place or cause to be placed fire hydrants as the Commissioner may think necessary at convenient places in streets or roads.

[10

### **Damaging, etc., of fire hydrants**

24.—(1) Any person who —

- (a) not being a member of the Force takes water from a fire hydrant other than for the extinguishment of a fire without the consent of the Commissioner or the Public Utilities Board, as the case may be; or
- (b) wilfully damages a fire hydrant,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$5,000.

(2) Any person convicted of an offence under subsection (1)(b) shall, in addition to the fine imposed on the person under that subsection, also be liable to pay compensation to the Public Utilities Board for any expenses reasonably incurred in repairing or replacing such fire hydrant.

[11]

### **False alarm**

**25.**—(1) Any person who knowingly gives or causes to be given a false alarm of fire to the Force or to the police 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.

(2) For the purposes of this section, “false alarm of fire” includes a false call for the ambulance or other services provided by the Force.

[12]

## **PART 2**

### **FIRE HAZARD IN PREMISES**

[14/2013]

### **Offence for owner or occupier to cause, etc., specified fire hazard**

**26.**—(1) An owner or occupier of any building commits an offence if the owner or occupier causes, or does or omits to do anything that is likely to cause, a specified fire hazard to arise at the building.

[22/2019]

(2) An owner or occupier of any building commits an offence if the owner or occupier knows or ought to know that —

- (a) there is a specified fire hazard in the building; or
- (b) a specified fire hazard is likely to arise at the building,

but does not take reasonable steps to abate the specified fire hazard or prevent the specified fire hazard from arising, as the case may be.

[22/2019]

(3) In a prosecution for an offence under subsection (1), it is not necessary for the prosecution to prove that the defendant intended to cause a specified fire hazard to arise at the building.

[22/2019]

(4) The offence under subsection (1) is a strict liability offence.

[12A  
[22/2019]

### **Offence for any person to cause specified fire hazard**

27. A person commits an offence if the person does anything or omits to do anything that causes or is likely to cause —

- (a) any fire safety measure in the premises not to be in proper working order;  
or
- (b) any escape route, passageway, common property or limited common property of a building to be obstructed —
  - (i) such as might render escape in the event of fire more difficult;  
and
  - (ii) which obstruction cannot be easily removed by an individual escaping from a fire,

and the person knows or ought to know that the act or omission causes or is likely to cause the effect mentioned in paragraph (a) or (b).

[12B  
[22/2019]

### **Abatement of fire hazards**

28.—(1) The Commissioner may, if satisfied of the existence in or on any premises of any fire hazard, serve —

- (a) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues;
- (b) if such person is the employee or agent of some other person, upon such other person; or
- (c) upon the occupier or owner of the premises in or on which such fire hazard exists,

a written notice requiring the person to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and to take all steps necessary to prevent the recurrence of such fire hazard.

(2) The notice may, if the Commissioner thinks fit, specify any works to be executed for the purposes mentioned in subsection (1).

(3) The notice may, if the Commissioner thinks fit, require the person on whom the notice is served under subsection (1) to submit, within the period specified in the notice, a fire hazard mitigation plan to prevent such fire hazard from recurring in or on the premises.

[14/2013]

(4) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises in or on which it exists, the Commissioner may abate the fire hazard and may do what is necessary to prevent a recurrence thereof.

(5) Where a fire hazard abatement notice has been served on any person under subsection (1) and that person —

- (a) fails to comply with any of the requirements within the time specified in the notice; or
- (b) fails to take such steps as are specified in the notice to prevent the recurrence of the fire hazard,

the person shall, whether or not an order under section 31 has been made in respect of him, be guilty of an offence.

[13

### **Commissioner may abate fire hazard in emergency**

**29.**—(1) Where a fire hazard abatement notice has been served upon any person under section 28 and if the person on whom the notice has been served fails to comply with any of the requirements of the notice within the time specified in the notice, the Commissioner may, if the Commissioner is satisfied that the fire hazard to which the notice relates —

- (a) constitutes an immediate or substantial danger of fire in or on the premises; or
- (b) is likely, if fire breaks out in or on the premises, to increase the normal risk to life which occurs in the event of a fire,

cause to be carried out in or on the premises such work, including the removal and seizure of any property causing the fire hazard, as appears to the Commissioner to be necessary to abate the fire hazard and to prevent a recurrence of the fire hazard.

(2) The Commissioner may recover the expenses incurred under subsection (1), from the person on whom the notice has been served.

[14

## Power to order closure of premises in emergency

**30.**—(1) The Commissioner may, if the Commissioner is satisfied of the matters specified in section 29 and that it is necessary for the safety of persons that the premises should be closed immediately —

- (a) order the owner or occupier of the premises to close the premises immediately for such period not exceeding 72 hours as is specified in that order and as the Commissioner considers necessary for the alleviation of the danger in question; or
- (b) if an order referred to in paragraph (a) cannot for any reason be given to the owner or occupier of the premises or if such an order, having been given to that owner or occupier, is not immediately obeyed, close the premises for such period not exceeding 72 hours as the Commissioner considers necessary for the alleviation of the danger in question, using such force as is reasonably necessary for the removal from the premises of persons therein without doing them bodily harm.

[14/2013]

(2) The Commissioner may exercise the powers under subsection (1)(a) or (b) in respect of the occurrence of a fire hazard, whether or not the fire hazard has been abated since the service of a fire hazard abatement notice on the owner or occupier of the premises under section 28, if —

- (a) within the 24 months immediately before that fire hazard arose, the same owner or occupier of the premises (as the case may be) had been convicted of any combination of 3 or more offences under subsection (10) or section 28(5), 31(5) or 32(4) in respect of the premises, whether or not any of those offences related to a fire hazard similar to that fire hazard;
- (b) the Commissioner is satisfied that it is necessary for the safety of persons for the premises to be closed immediately; and
- (c) the Commissioner has not previously exercised the powers under this subsection in respect of the same occurrence of the fire hazard.

[14/2013]

(3) The period of 24 months mentioned in subsection (2)(a) must not start on a date earlier than 1 September 2013.

[14/2013]

(4) The Commissioner giving an order under subsection (1) or (2) must do so —

- (a) in writing served on the owner or occupier of the premises in question; or
- (b) orally, in which case the Commissioner must, as soon as is practicable

thereafter, serve on the owner or occupier of the premises in question confirmation in writing of the contents of that order and of the time and place at which that order was so given, and must cause a copy of that order or confirmation (as the case requires) to be affixed to those premises in a conspicuous position.

[14/2013]

(5) The Commissioner may, if he or she considers that the danger to which an order given under subsection (1) or (2) relates has been alleviated, rescind that order.

[14/2013]

(6) Any police officer may, if requested by the Commissioner or an authorised officer to do so, assist the Commissioner or authorised officer in the exercise of any power conferred on the Commissioner by this section.

(7) If the Commissioner or an authorised officer considers that a danger in relation to which he or she has exercised the power conferred on him or her by subsection (1) or (2) cannot be, or has not been, alleviated within a period of 72 hours mentioned in subsection (1), he or she must, having given such prior notice of his or her intention to do so to the owner or occupier of the premises in question as is practicable in the circumstances, apply to a Magistrate's Court for an order directing the owner or occupier to close or keep closed (as the case requires) those premises for such period as the Court considers necessary for the alleviation of that danger.

[14/2013]

(8) A Magistrate's Court may, on an application made to the Court under subsection (7), grant, subject to such conditions as the Court thinks fit to impose, the order sought by the application.

(9) If an application is made to a Magistrate's Court under subsection (7) while the premises in question are closed under subsection (1) or (2), that closure continues until the application is finally determined or is withdrawn.

[14/2013]

(10) Any person who, without reasonable excuse, fails to comply with any closing order given by the Commissioner under subsection (1) or (2) or the order made by the Magistrate's Court under subsection (8) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[14/2013]

(11) In considering whether it is necessary for the safety of persons for the premises to be closed immediately or whether a danger has been alleviated, in relation to the application of this section to a fire hazard, the Commissioner or the Magistrate's Court (as the case may be) may consider whether —

- (a) that fire hazard is likely to recur in or on the premises; and
- (b) that fire hazard, if it were to recur in or on the premises, would —
  - (i) constitute an immediate or substantial danger of fire in or on the premises; or
  - (ii) be likely, if a fire breaks out in or on the premises, to increase the normal risk to life which occurs in the event of a fire.

[15  
[14/2013]

### **Fire hazard order**

**31.—**(1) Where a fire hazard abatement notice is served on any person, and if —

- (a) that person fails to comply with any of the requirements of the notice within the time specified in the notice; or
- (b) the fire hazard, although abated since the service of the notice, is, in the opinion of the Commissioner, likely to recur in or on the same premises,

the Commissioner may make a complaint to a Magistrate's Court and the Court hearing the complaint may grant or refuse to grant a fire hazard order.

(2) A fire hazard order mentioned in subsection (1) may be —

- (a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connection with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order;
- (b) a prohibition order, that is to say, an order which prohibits the use of any premises for such activities as are specified in the order which activities may materially increase the likelihood of fire or danger to life or property resulting from the outbreak of fire in or on the premises;
- (c) a closing order, that is to say, an order authorising the closure of any

premises which are likely to be a danger to life or property in the event of fire; or

(d) a combination of such orders.

(3) An abatement order or a prohibition order must, if the person in respect of whom the order is made so requires or if the Magistrate's Court making the order considers it desirable, specify the works to be executed by such person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.

(4) A Magistrate's Court, if satisfied that any premises in respect of which a prohibition order or a closing order granted under section 30(8) or this section is in force have been rendered suitable for the use specified in the order, may, on application by the Commissioner or the owner or occupier of the premises, declare that it is so satisfied and revoke the prohibition order or closing order.

(5) Any person in respect of whom a fire hazard order is made who, without reasonable excuse, fails to comply with the order shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; or
- (b) where the offence involves failure to comply with a closing order, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[14/2013]

(6) Without prejudice to subsection (5), where a fire hazard order has not been complied with, the Commissioner may abate the fire hazard and may do whatever may be necessary in the execution of the order, and may recover any expenses reasonably incurred thereby from the person against whom the order was made.

[16

### **Provision as to appeal against order**

**32.**—(1) Where a person appeals to the General Division of the High Court against a fire hazard order, the fire hazard order is suspended pending the determination or abandonment of the appeal.

[14/2013; 40/2019]

(2) If the fire hazard order has not been quashed on appeal, the period for compliance



with the requirements of the fire hazard order starts to run on the determination or abandonment of the appeal.

[14/2013]

(3) There is no appeal to the General Division of the High Court against a fire hazard order, unless it is or includes a closing order or requires the execution of structural works.

[40/2019]

(4) If the appeal against a fire hazard order is dismissed or is abandoned, then despite subsections (1) and (2), the appellant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day or part of a day during the period prior to the dismissal or abandonment of the appeal when the fire hazard order was not complied with.

[14/2013]

(5) A fine under subsection (4) is not payable if the appellant satisfies the court before which proceedings are taken for the imposition of the fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay.

[14/2013]

(6) In the event of an appeal against a fire hazard order, no work, except as mentioned in subsection (7), may be done under section 31(6) under the order until after the determination or abandonment of the appeal.

(7) If the court by which the order was made is of the opinion that the nature of the fire hazard is such as to require immediate abatement, the court may, even though the appeal is pending, authorise the Commissioner immediately to abate the hazard.

(8) Despite subsection (7) —

- (a) if the appeal is allowed, the Commissioner must pay to the person against whom the order was made the amount of any damage sustained by the person by reason of the abatement of the hazard by the Commissioner; and
- (b) if the appeal is dismissed or abandoned, the Commissioner may recover from such person the expenses incurred by the Commissioner in abating the hazard in the manner provided for in section 34.

[17

### **Property and materials seized or removed by Commissioner in abating fire hazard**

**33.**—(1) Any property or materials seized or removed by the Commissioner in abating or doing what is necessary to prevent the recurrence of a fire hazard under this Act or in enforcing any regulations made under this Act, may be confiscated by the

Commissioner or may, on application by the owner within 2 weeks of such seizure or removal, be returned to the owner on such terms and conditions as the Commissioner thinks fit.

(2) Any property or materials confiscated by the Commissioner under subsection (1) may be sold or disposed of in such manner as the Minister may direct.

(3) The money arising from the sale of any property under subsection (2) may be retained by the Commissioner and applied in payment of the expenses incurred by the Commissioner in connection with the abatement of the fire hazard and the surplus (if any) must be paid —

- (a) to the owner of such property if the owner applies therefor within 12 months of the date of the sale; or
- (b) into the Consolidated Fund if, or to the extent to which, the surplus is not disposed of under paragraph (a).

[18

### **Recovery of costs and expenses by Commissioner**

**34.**—(1) If all and any sums payable by or recoverable from the owner in respect of costs and expenses incurred by the Commissioner in or about the execution of any work which are under this Act recoverable from the owner of any premises are not paid by the owner within 14 days after demand, such sums may be reported to a District Court or a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a District Court or a Magistrate's Court, as the case may be.

(2) An appeal lies to the General Division of the High Court from any decision of a District Court or a Magistrate's Court under this section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to all such appeals.

[40/2019]

(3) The person liable to pay any sum under subsection (1) is the owner at the time when the work was completed.

(4) Any occupier who, when requested by or on behalf of the Commissioner to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same shall, unless the occupier shows cause to the satisfaction of a District Court or a Magistrate's Court for the occupier's refusal or misstatement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[19

## **PART 3**

## FIRE PREVENTION IN BUILDINGS

### Fire certificate

**35.**—(1) This section applies only to buildings or classes of buildings that the Minister, by notification in the *Gazette*, designates.

[22/2019]

(2) A person must not —

(a) occupy or use a building; or

(b) permit a building owned or managed by the person to be occupied or used,

unless there is a fire certificate authorising the occupation or use.

[22/2019]

(3) An application for a fire certificate for a building must be made in accordance with regulations made under this Act.

[22/2019]

(4) Any person who contravenes subsection (2) shall be guilty of an offence.

[22/2019]

(5) In a prosecution for an offence under subsection (4) in relation to the use or occupation of a building, it is not necessary for the prosecution to prove that the defendant knew that there was no fire certificate authorising the use or occupation of the building.

[22/2019]

(6) The offence under subsection (4) is a strict liability offence.

[20

[22/2019]

### Order to install fire safety measures

**36.**—(1) Where the Commissioner is of the view that the provision or installation of a fire safety measure in any building is necessary for public safety, the Commissioner may, by written order given to the owner of the building, require the owner to provide or install, at the owner's expense, the fire safety measure within the time specified in the written order.

[22/2019]

(2) To avoid doubt, a requirement may be given under subsection (1) whether or not the owner is carrying out or proposing to carry out any fire safety works in relation to that building.

[22/2019]

(3) Any owner of a building who fails to comply with any requirement under

subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[22/2019]

(4) The offence under subsection (3) is a strict liability offence.

[22/2019]

(5) Any owner of a building who is aggrieved by the Commissioner's requirement under subsection (1) may, within 14 days after being notified of the written order, appeal to the Minister.

[20A

[22/2019]

### **Emergency Response Plan**

37.—(1) The Minister may, by notification in the *Gazette*, designate any premises or class of premises for which an Emergency Response Plan must be provided.

[14/2013]

(2) Such Emergency Response Plan must conform to such requirements as may be prescribed in any regulations made under this Act, and such requirements may differ for different classes of premises.

[14/2013]

(3) The owner or occupier of the premises is responsible for the preparation and execution of the Emergency Response Plan, including the distribution of the Emergency Response Plan to the occupants of such premises.

[14/2013]

(4) The owner or occupier of the premises must organise and conduct evacuation drills on an annual basis or at such frequency or upon such occasion as may be directed by the Commissioner.

(5) The Commissioner may direct the owner or occupier of the premises to do any of the following:

- (a) implement fire safety programmes for occupants of the premises, within the time specified in the direction;
- (b) maintain records of fire safety programmes conducted for the premises, for the period specified in the direction.

[22/2019]

(6) Any person who contravenes subsection (2), (3) or (4), or who, without reasonable excuse, fails to comply with a direction of the Commissioner under subsection (5), shall be guilty of an offence.

[22/2019]

(7) Unless otherwise prescribed under this Act, this Act applies to a fire emergency plan prepared before 1 September 2013 in like manner as it applies to an Emergency Response Plan.

[21

[14/2013]

### **Fire safety managers and Company Emergency Response Teams**

**38.**—(1) The Minister may, by notification in the *Gazette*, specify any premises or class of premises in which the owner or occupier of the premises is required to appoint fire safety managers and Company Emergency Response Teams in respect of such premises or class of premises.

[14/2013]

(2) The owner or occupier of the premises must ensure that the fire safety measures and fire safety practices of such premises comply with the requirements of this Act.

[14/2013]

(3) The fire safety manager and Company Emergency Response Team of the premises must —

- (a) assist the owner or occupier of the premises in the performance of the owner or occupier's duties under this Act; and
- (b) perform such duties with respect to the premises as may be prescribed.

[22/2019]

(4) If the Commissioner is satisfied that any particular premises mentioned in subsection (1) are at-risk premises, the Commissioner may, by written notice given to the owner or occupier of the particular premises, require the owner or occupier to do all or any of the following:

- (a) establish and maintain for the particular premises a Company Emergency Response Team comprising a specified number of members that is higher than the number prescribed;
- (b) provide the Company Emergency Response Team for the particular premises with such additional pieces or types of fire safety equipment as the Commissioner considers necessary for the premises, in addition to that prescribed;
- (c) notify the Commissioner of any intended change in ownership or

occupancy of the particular premises at least 14 days before the change in ownership or occupancy is to take effect.

[22/2019]

(5) Premises are at-risk premises for the purposes of subsection (4) where —

- (a) the risk of fire occurring in or spreading in or from the particular premises is higher than that for other premises in general; or
- (b) the age, physical ability or such other characteristics of the individuals who occupy or frequent the particular premises render escape by these individuals in the event of fire more difficult.

[22/2019]

(6) Any person who contravenes subsection (2) or (3) or fails to comply with the Commissioner's written notice under subsection (4) shall be guilty of an offence.

[22/2019]

(7) In a prosecution for an offence under subsection (6), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

[22/2019]

(8) The offence under subsection (6) is a strict liability offence.

[22

[22/2019]

### **Extension of time**

39.—(1) The Commissioner may do all or any of the following:

- (a) extend the period for doing anything under this Part (including in a direction or a written notice given under this Part);
- (b) shorten the period of an extension granted under paragraph (a);
- (c) impose conditions for an extension granted under paragraph (a).

[22/2019]

(2) Any owner or occupier of a building who is aggrieved by the Commissioner's decision to shorten the period of an extension under subsection (1)(b) to do anything in relation to the building may appeal to the Minister within 14 days after being notified of the Commissioner's decision.

[22AA

[22/2019]

### **Meaning of owner or occupier in this Part**

40. In this Part, where a building or premises is a building erected on land comprised

in a strata subdivision plan approved by the competent authority, references to the owner or occupier of the building or premises do not include references to the subsidiary proprietors or tenants of any part of the building or premises.

[22AB  
[22/2019]

## PART 3A

### FIRE SAFETY ENGINEERS

#### **Duties and responsibilities of fire safety engineers**

**41.**—(1) Subject to the provisions of this Act, a person must not prepare or propose, or hold out or advertise in any way that the person is willing to prepare or propose, plans for any fire safety works using any alternative solution to satisfy any fire performance requirements unless the person is —

- (a) an appropriate qualified person who is also a fire safety engineer; or
- (b) a qualified person preparing or proposing the alternative solution under the direct supervision of a fire safety engineer.

[7/2004; 22/2019]

(2) Subject to the provisions of this Act, a person who is not a fire safety engineer must not act as a peer reviewer.

[7/2004]

(3) Where a fire safety engineer prepares or proposes, or supervises the preparation or proposal of, any plan for fire safety works using any alternative solution to satisfy any fire performance requirements, he or she must take all reasonable steps and exercise due diligence to ensure that the alternative solution satisfies those fire performance requirements.

[7/2004]

(4) Where a fire safety engineer is appointed as a peer reviewer to review and assess whether any alternative solution satisfies any fire performance requirements, the peer reviewer must not issue any certification under section 55(5)(a)(iii) unless he or she has taken all reasonable steps and exercised due diligence to ensure that the alternative solution in respect of which his or her certification is being sought satisfies those fire performance requirements.

[7/2004]

(5) Subject to the provisions of this Act, a peer reviewer must not, at any time when reviewing and assessing whether any alternative solution used in any plan for any fire safety works satisfies any fire performance requirements, have any professional or financial interest in —

- (a) the fire safety works or the building works in respect of which his or her duties and responsibilities as peer reviewer are to be carried out; or
- (b) the building or relevant pipeline, or any part thereof, to which the fire safety works relate.

[7/2004; 14/2013]

(6) A peer reviewer is regarded as having a professional or financial interest in any fire safety works or building works, or in any building or relevant pipeline, or any part thereof, if —

- (a) the peer reviewer is or has been responsible for, or is acting as the consultant for, the design or construction of the building or relevant pipeline or any of the fire safety works in any capacity;
- (b) the peer reviewer, or any nominee of the peer reviewer, is a member, officer or employee of a company or other body which has a professional or financial interest in the building or relevant pipeline, or any part thereof, or in the building works or fire safety works; or
- (c) the peer reviewer is a partner or is in the employment of a person who has a professional or financial interest in the building or relevant pipeline, or any part thereof, or in the building works or fire safety works.

[7/2004; 14/2013]

(7) For the purposes of this section —

- (a) a person is regarded as having a professional or financial interest in the building or relevant pipeline, or any part thereof, or in any building works or fire safety works, even if the person has that interest only as a trustee for the benefit of some other person; and
- (b) in the case of a husband and wife living together, the interest of one spouse is, if known to the other, deemed to be also an interest of the other.

[7/2004; 14/2013]

(8) To avoid doubt —

- (a) involvement in the fire safety works as a peer reviewer; and
- (b) entitlement to any fee paid for acting as a peer reviewer,

are not regarded as constituting a professional or financial interest.

[7/2004]

(9) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

[7/2004]



(10) Any fire safety engineer who contravenes subsection (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

[22A  
[7/2004; 22/2019]

## Registration of fire safety engineers

42.—(1) An application for registration as a fire safety engineer must be made to the Commissioner in such form and manner, and be accompanied by such documents, particulars and fee, as may be prescribed.

[7/2004]

(2) A person must not be registered as a fire safety engineer unless the person can satisfy the Commissioner that the person possesses the prescribed qualifications and practical experience.

[7/2004]

(3) The Commissioner may, subject to such conditions as the Commissioner may impose, exempt any person from the requirements in subsection (2) if the Commissioner is satisfied that the person possesses such other qualifications or practical experience as the Commissioner considers adequate to enable that person to effectively carry out that person's duties and responsibilities as a fire safety engineer under this Act.

[14/2013]

(4) The Commissioner may —

- (a) appoint a committee of persons to assist the Commissioner in considering applications for registration as fire safety engineers; and
- (b) by himself or herself or through the committee appointed under paragraph (a), interview the applicants and make such enquiries or do anything which the Commissioner may think necessary or expedient for the purposes of subsections (2) and (5).

[7/2004]

(5) The Commissioner may refuse to register any applicant who, in the Commissioner's opinion —

- (a) is not of good character and reputation; or
- (b) is unable to effectively carry out his or her duties and responsibilities as a fire safety engineer under this Act.

[7/2004; 14/2013]

(6) Any person whose application for registration has been refused may, within 14 days after receiving notice of such refusal, appeal to the Minister.

[7/2004; 22/2019]

(7) The Commissioner must issue a certificate of registration to every person registered as a fire safety engineer.

[22B  
[7/2004]

### **Disciplinary action against fire safety engineers**

**43.**—(1) Where the Commissioner is satisfied that the fire safety engineer —

- (a) has been convicted of any offence under this Act, or any other offence involving fraud or dishonesty;
- (b) has obtained his or her registration under this Act by fraud or misrepresentation;
- (c) has his or her qualification for registration withdrawn or cancelled by the institution or authority through which it was acquired or by which it was awarded;
- (d) has contravened section 41(3), (4) or (5);
- (e) has not complied with the prescribed requirements relating to such continuing professional education programme for a fire safety engineer, or has failed to submit records relating thereto, as the Commissioner may require;
- (f) is no longer in a position to effectively carry out his or her duties or responsibilities as a fire safety engineer or peer reviewer under this Act;
- (g) has his or her registration as a registered inspector cancelled or has been suspended from practice as a registered inspector, where the fire safety engineer is also a registered inspector;
- (h) has for any reason ceased to be a qualified person, where the fire safety engineer is also a qualified person; or
- (i) has not complied with any condition of his or her registration,

the Commissioner may, after giving the fire safety engineer concerned a reasonable opportunity of being heard, either orally or in writing, exercise any of the powers in subsection (2).

[7/2004; 14/2013]

(2) The powers the Commissioner may exercise under subsection (1) in relation to a fire safety engineer are as follows:

- (a) cancel the registration of the fire safety engineer;
- (b) suspend the registration of the fire safety engineer for a period not exceeding 12 months;
- (c) impose such conditions as are necessary to restrict the practice of the fire safety engineer for a period not exceeding 12 months, including any condition requiring the fire safety engineer to undergo further training, to practise only under supervision or to cease acting as a peer reviewer;
- (d) require the fire safety engineer to give such undertaking as the Commissioner thinks fit;
- (e) impose on the fire safety engineer a penalty not exceeding \$5,000;
- (f) censure the fire safety engineer in writing;
- (g) dismiss the complaint against the fire safety engineer; or
- (h) make such other orders as the Commissioner thinks fit.

[7/2004]

(3) Where a fire safety engineer in respect of whom any conditions have been imposed, or any undertaking is required to be given, under subsection (2)(c) or (d) fails to comply with any of the conditions or breaches his or her undertaking, or the fire safety engineer fails to pay the penalty under subsection (2)(e), the Commissioner may, if the Commissioner thinks fit, after giving the fire safety engineer concerned a reasonable opportunity of being heard either orally or in writing, by order —

- (a) cancel the registration of the fire safety engineer; or
- (b) suspend the registration of the fire safety engineer for such period not exceeding 12 months as may be specified in the order.

[7/2004]

(4) The Commissioner may, by written notice served on the fire safety engineer concerned, vary or revoke any of the conditions imposed on the fire safety engineer under subsection (2)(c).

[7/2004]

(5) Any decision of the Commissioner under subsection (2), (3) or (4) in relation to a fire safety engineer does not take effect until the 15th day after the date on which the decision is communicated to the fire safety engineer concerned.

[22/2019]

(6) Any person against whom the Commissioner has made any decision under subsection (2), (3) or (4) may, if aggrieved by the decision, appeal to the Minister within a period of 14 days after receiving notice of such decision.

[7/2004]

(7) Any penalty imposed on a fire safety engineer under subsection (2)(e) is recoverable as a debt due from the fire safety engineer.

[7/2004]

(8) In any proceedings under this section and section 44 against a fire safety engineer consequent upon his or her conviction for an offence, the Commissioner and an Inquiry Committee must accept his or her conviction as final and conclusive.

[22C

[7/2004; 14/2013]

### **Inquiry Committee**

**44.**—(1) The Commissioner may constitute an Inquiry Committee and refer a complaint or information to the Committee to investigate —

- (a) if the Commissioner receives any written complaint against or any written information about the conduct of a fire safety engineer as a peer reviewer or otherwise, or the discharge of his or her duties as a fire safety engineer or peer reviewer; or
- (b) on his or her own motion, if the Commissioner reasonably suspects that there may be grounds for disciplinary action against the fire safety engineer.

[14/2013]

(2) An Inquiry Committee must consist of —

- (a) a chairperson;
- (b) 2 fire safety engineers who are not members of the Force; and
- (c) 2 other members who are members of the Force,

all of whom must be appointed by the Commissioner from the Fire Safety Engineers Inquiry Panel constituted under section 45.

[7/2004; 14/2013]

(3) An Inquiry Committee must —

- (a) within a reasonable time of its constitution, commence its inquiry into the complaint against or information referred to it by the Commissioner under subsection (1); and
- (b) submit to the Commissioner a written report of its findings and its recommendations not later than 6 months after its constitution, or such later date as the Commissioner may, in any special case, permit.

[7/2004; 14/2013]

(4) The Commissioner may, for the purposes of exercising the Commissioner's powers under section 43(1) in respect of a fire safety engineer, consider the findings and recommendations of any Inquiry Committee constituted to investigate any complaint against or information about that fire safety engineer.

[14/2013]

(5) Where the complainant withdraws the complaint before the Inquiry Committee is constituted or before the inquiry by the Committee is concluded, the Commissioner may, despite such withdrawal, constitute an Inquiry Committee and direct it to investigate, or may direct the Inquiry Committee to continue with its inquiry, into the matter, and the Inquiry Committee must comply with that direction.

[7/2004; 14/2013]

(6) Where an Inquiry Committee is of the opinion that a fire safety engineer should be called upon to answer any allegation made against him or her, the Inquiry Committee must —

(a) post or deliver to the fire safety engineer concerned —

(i) copies of any complaint or information touching upon his or her conduct, including any statutory declaration or affidavit that may be made in support of the complaint or information; and

(ii) a notice inviting him or her to give, within such period (being at least 14 days) as may be specified in the notice, to the Inquiry Committee any written explanation he or she may wish to offer and to advise the Committee if he or she wishes to be heard by the Committee;

(b) allow the time specified in the notice to elapse;

(c) give the fire safety engineer concerned a reasonable opportunity to be heard if he or she so desires; and

(d) give due consideration to any explanation (if any) given by the fire safety engineer concerned.

[7/2004; 14/2013]

(7) For the purposes of any inquiry into any complaint or information referred to it under subsection (1), an Inquiry Committee may —

(a) require evidence to be given on oath and for that purpose, the chairperson of the Inquiry Committee may administer an oath;

(b) require any person to attend and give evidence before it, and to produce all plans, books, documents or papers in the possession of, or under the

control of, that person relating to the subject matter of the inquiry; or

- (c) appoint any person to make or assist in the making of such preliminary inquiries as the Inquiry Committee thinks fit.

*[7/2004; 14/2013]*

(8) Any person who, without lawful excuse, refuses or fails to —

- (a) attend and give evidence before an Inquiry Committee when required to do so by the Committee;
- (b) answer truly and fully any question put to the person by a member of the Inquiry Committee; or
- (c) produce to an Inquiry Committee any plan, book, document or paper required by the Committee to be produced by him,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

*[7/2004; 14/2013]*

(9) An Inquiry Committee may meet from time to time and, subject to the provisions of this Act, may regulate its own procedure and the manner in which questions are decided before the Inquiry Committee.

*[7/2004; 14/2013]*

(10) References in this Act or any other written law to an Inquiry Committee constituted under this section include references to an Investigation Committee constituted under this section before 1 September 2013.

[22D

*[14/2013]*

### **Fire Safety Engineers Inquiry Panel**

**45.**—(1) There is to be a Fire Safety Engineers Inquiry Panel for the purpose of constituting Inquiry Committees under section 44 to investigate into any complaint against or information about the conduct of any fire safety engineer as a peer reviewer or otherwise, or the discharge of his or her duties as a fire safety engineer or peer reviewer.

*[7/2004; 14/2013]*

(2) The Fire Safety Engineers Inquiry Panel comprises —

- (a) such number of fire safety engineers who are not members of the Force as the Commissioner may determine; and
- (b) such number of members of the Force as the Commissioner may determine.

*[7/2004; 14/2013]*

(3) Every member of the Fire Safety Engineers Inquiry Panel is to be appointed by the Minister for a term of 2 years, and is eligible for re-appointment.

[7/2004; 14/2013]

(4) The Minister may at any time remove any person from the Fire Safety Engineers Inquiry Panel and fill any vacancy in its membership.

[7/2004; 14/2013]

(5) Any member of the Fire Safety Engineers Inquiry Panel whose term of appointment expires in the course of any inquiry by an Inquiry Committee to which the member has been appointed continues as a member of that Committee until the Committee's written report of the inquiry is submitted to the Commissioner under section 44(3)(b).

[7/2004; 14/2013]

(6) Each person who, immediately before 1 September 2013, is a member of the Fire Safety Engineers Discipline Panel appointed under this section is deemed to have been appointed as a member of the Fire Safety Engineers Inquiry Panel for a term expiring on the date when the person's term would have expired if section 24 of the Fire Safety (Amendment) Act 2013 had not been enacted.

[22E

[14/2013]

### **Register of fire safety engineers**

**46.**—(1) The Commissioner must keep and maintain at the Commissioner's office a register of fire safety engineers, in which must be entered the names of all persons registered as fire safety engineers, the qualifications by virtue of which they are each so registered and such other particulars in relation to the person as may from time to time be determined by the Commissioner.

[7/2004]

(2) The name and particulars of a fire safety engineer —

(a) who has died; or

(b) who has no address in Singapore at which he or she can be found,

must be removed from the register of fire safety engineers.

[7/2004]

(3) In addition, once any decision of the Commissioner under section 43 to cancel or suspend the registration of any fire safety engineer takes effect —

(a) the Commissioner must remove the name and particulars of the fire safety engineer concerned from the register of fire safety engineers and, as soon as it may be practicable, notify the fire safety engineer concerned;

- (b) the fire safety engineer concerned must, within 7 days of being so notified, surrender to the Commissioner the certificate of registration issued to him or her; and
- (c) the Commissioner must cancel any certificate of registration issued to the fire safety engineer concerned.

[7/2004; 14/2013]

(4) While the registration of a fire safety engineer is suspended under section 43, the person's name must not appear in the register of fire safety engineers, but at the end of the period of suspension, the Commissioner must, within 7 days of that period ending, restore the person's name and particulars to the register of fire safety engineers and re-issue to him or her a fresh certificate of registration, without the payment of any fee.

[7/2004]

(5) Any fire safety engineer may apply, in the prescribed form and manner, to the Commissioner to have his or her name removed from the register of fire safety engineers.

[7/2004]

(6) The Commissioner must refuse any application by a fire safety engineer to remove his or her name from the register of fire safety engineers if the Commissioner is satisfied that at the time of the application —

- (a) disciplinary action under section 43 is pending against the fire safety engineer; or
- (b) the conduct of the fire safety engineer (whether as a peer reviewer or otherwise) is the subject of any complaint to or information received by the Commissioner.

[22F

[7/2004]

## PART 3B

### ALARM MONITORING SERVICES

#### Interpretation of this Part

47. In this Part, unless the context otherwise requires —

“alarm monitoring service” means the service consisting of monitoring signals from any alarm system installed in or for a building for the purpose of fire safety and for transmission to the Force;

“alarm monitoring station” means any building at which an alarm monitoring



service is carried out;

“communication link” means the part of an alarm monitoring system that transmits a signal from the system to an alarm monitoring network;

“licensing officer” means the Commissioner or such other public officer that the Commissioner appoints, by name or office, to assist the Commissioner in carrying out the Commissioner’s functions and duties under this Part;

“responsible officer”, in relation to an applicant for a licence or a licensee, means —

- (a) where the applicant or licensee is a partnership — a partner of the partnership;
- (b) where the applicant or licensee is an unincorporated association — a member of the governing body of the unincorporated association; and
- (c) where the applicant or licensee is a company or other body corporate — a director of the company or an officer holding a managerial or similar executive position in the body corporate.

[22G  
[22/2019]

### **Licence required to carry on business of providing alarm monitoring services**

**48.**—(1) A person must not carry on a business of providing alarm monitoring services at a building to be used as an alarm monitoring station unless the person is authorised to do so at that building by a licence under section 50.

[22/2019]

(2) A person must not advertise or otherwise hold out that the person is carrying on a business of providing alarm monitoring services at a building to be used as an alarm monitoring station unless the person is authorised to carry on such a business at that building by a licence under section 50.

[22/2019]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

[22/2019]

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

[22/2019]

(5) The offence under subsection (3) is a strict liability offence.

[22H  
[22/2019]

## Application for grant or renewal of licence

**49.**—(1) An application for the grant or renewal of a licence must be —

- (a) made to the licensing officer in the form or manner that the licensing officer requires; and
- (b) accompanied by —
  - (i) the particulars, information and documents that the licensing officer requires; and
  - (ii) the prescribed fee, if any.

[22/2019]

(2) If a person intends to carry on the business of providing alarm monitoring services at more than one alarm monitoring station, a separate application must be made in respect of each alarm monitoring station.

[22/2019]

(3) The licensing officer may, in order to properly consider an application under subsection (1), request the applicant to provide, within a specified time, any additional information.

[22/2019]

(4) The licensing officer may refuse to consider an application relating to a proposed alarm monitoring service in the following circumstances:

- (a) the application is incomplete or otherwise not made in accordance with this section;
- (b) in the case of an application for the grant of a licence, the alarm monitoring system provided or to be provided by the applicant cannot be connected, or be converted to be connected, to the alarm monitoring network kept by the Force;
- (c) in the case of an application to renew a licence, the application is submitted less than 2 months before the expiry of the licence.

[22I

[22/2019]

## Grant of licence

**50.**—(1) After considering an application for the grant or renewal of a licence, the licensing officer may —

- (a) grant the licence to carry on a business of providing alarm monitoring services, specifying the alarm monitoring station from which the service is

or is to be carried out (called in this Part the licensed alarm monitoring station); or

(b) refuse the application.

[22/2019]

(2) A person may be granted more than one licence.

[22/2019]

(3) The licensing officer may refuse to grant or renew a licence if any of the following applies:

(a) the building specified in the application to be used as an alarm monitoring station is not suitable to be used as such;

(b) the applicant is not a fit and proper person to hold a licence;

(c) it is not in the public interest to grant the licence.

[22/2019]

(4) For the purposes of determining whether a person is a fit and proper person to hold a licence under subsection (3)(b), the licensing officer may consider such criteria and requirements as may be prescribed, including criteria and requirements relating to —

(a) any responsible officer of the applicant;

(b) any person having substantial interest in, or control or direction over, the business of the applicant; or

(c) any person having control of or direction over the applicant's operations at the building to be used as an alarm monitoring station.

[22/2019]

(5) Any person whose application for the grant or renewal of a licence is refused may, within 14 days after being notified in writing of the refusal, appeal to the Minister.

[22J

[22/2019]

## **Licence conditions**

**51.** In granting a licence, the licensing officer may impose conditions, which may include conditions —

(a) relating to the operational and technical requirements for the licensed alarm monitoring station; and

(b) requiring the licensee to establish a communication link from the alarm monitoring system used in the licensed alarm monitoring station to the alarm monitoring network kept by the Force, in the manner specified.

### **Modifying conditions of licence**

**52.**—(1) The licensing officer may, in accordance with this section, modify the conditions of a licence without compensating the licensee to whom the licence is granted.  
[22/2019]

(2) Before modifying any conditions of a licence, the licensing officer must give notice to the licensee concerned —

- (a) stating the modification that the licensing officer proposes to make; and
- (b) specifying the time within which the licensee may make written representations to the licensing officer with respect to the proposed modification.

[22/2019]

(3) The time specified by the licensing officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

[22/2019]

(4) Despite subsection (3), the licensing officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if the licensing officer is of the opinion that it is in the public interest for the licence conditions to be modified as soon as possible.

[22/2019]

(5) On receipt of any written representation made in accordance with this section by the licensee concerned, the licensing officer must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in the manner that the licensing officer thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

[22/2019]

(6) Where —

- (a) the licensing officer rejects any written representation under subsection (5)(a);
- (b) the licensing officer amends any proposed modification to the conditions of the licence under subsection (5)(b); or

- (c) no written representation is received by the licensing officer within the time specified by the licensing officer, or any written representation made by the licensee is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the licensing officer must give a direction to the licensee requiring the licensee (within the time specified in the direction) to give effect to the modification as specified in the notice given under subsection (2), or as amended by the licensing officer, as the case may be.

[22/2019]

(7) Where the licensing officer has given a direction mentioned in subsection (6) to a licensee, the licensee may, within 14 days after the date of the direction, appeal in writing to the Minister against the direction.

[22/2019]

(8) The direction mentioned in subsection (6) takes effect on the date specified in the direction despite an appeal being made to the Minister.

[22/2019]

(9) In this section, “modification” and “modify”, in relation to the conditions of a licence, include deleting, or varying and substituting a condition, and adding a condition.

[22L

[22/2019]

### **Failure to verify fire, etc., before cancelling request**

**53.**—(1) Where a request is made to the Commissioner to extinguish a fire or protect life and property from a fire, or to contain or mitigate the escape of any petroleum or flammable material, at any building, the licensee providing alarm monitoring services for the building must take all reasonable steps to ascertain that there is no fire or escape of petroleum or flammable material (as the case may be) at the building before cancelling the request.

[22/2019]

(2) Any licensee 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.

[22/2019]

(3) In this section, “request” includes the transmission, on a communication link, of a signal from an alarm system to the alarm monitoring network kept by the Force.

[22M

[22/2019]

## Revocation of licence

**54.**—(1) The licensing officer may revoke a licence if the licensing officer is satisfied that —

- (a) the licensee has contravened any condition of the licence;
- (b) the licence had been obtained by fraud or misrepresentation;
- (c) a circumstance that the licensing officer becomes aware of would have required or permitted the licensing officer to refuse to grant or renew the licensee's licence, had the licensing officer been aware of the circumstance immediately before the licence was granted or renewed;
- (d) the licensee has ceased to carry on the business of providing alarm monitoring services in respect of which the licence is granted;
- (e) the licensee has been declared bankrupt or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (f) the licensee is contravening, or has contravened, any requirement of this Act;
- (g) the licensee has been convicted of any offence under this Act;
- (h) the licensee is no longer a fit and proper person to continue to hold the licence; or
- (i) it is in the public interest to do so.

[22/2019]

(2) Before revoking the licence, the licensing officer must give notice to the licensee concerned —

- (a) stating that the licensing officer intends to revoke the licence; and
- (b) specifying the time within which written representations may be made to the licensing officer.

[22/2019]

(3) The time specified by the licensing officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

[22/2019]

(4) Despite subsection (3), the licensing officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if the licensing officer is of the opinion that it is in the public interest for the licence to be revoked as soon as possible.

[22/2019]

(5) The licensing officer may, after considering any written representation made by the licensee concerned, revoke the licence and notify the licensee of the revocation.

[22/2019]

(6) The licensing officer must provide the licensee with the grounds of revocation of the licence, in writing, within 7 days after being so required by the licensee.

[22/2019]

(7) Any person who is aggrieved by the revocation of the person's licence may appeal to the Minister —

(a) within 14 days after being notified of the revocation; or

(b) if, within the period mentioned in paragraph (a), the person requires the licensing officer to provide the grounds of revocation — within 14 days after being provided with the grounds of revocation.

[22/2019]

(8) A decision of the licensing officer to revoke the licence takes effect despite an appeal against that decision being made to the Minister.

[22N

[22/2019]

## PART 4

### CONTROL OF FIRE SAFETY WORKS

#### Fire safety works

**55.**—(1) Subject to the provisions of this Act, the person for whom any proposed fire safety works are to be commenced or carried out shall apply in accordance with the regulations made under this Act to the Commissioner for approval of the plans of the fire safety works.

[14/2013]

(2) Subject to the provisions of this Act, every person for whom any fire safety works (whether as part of any building works or otherwise) are to start on or after 1 July 2004 must, before making an application under subsection (1) for approval of the plans of those fire safety works, appoint —

(a) where the plans or any part thereof contain any alternative solution —

(i) an appropriate qualified person who is a fire safety engineer to prepare those plans or that part thereof containing the alternative solution, or a fire safety engineer to supervise a qualified person

to prepare those plans or that part thereof; and

- (ii) another fire safety engineer as a peer reviewer to review and assess whether the alternative solution therein satisfies the fire performance requirements in the Fire Code; or

- (b) in any other case, an appropriate qualified person to prepare the plans of those fire safety works.

[7/2004]

(3) The Commissioner may —

- (a) approve, subject to such terms and conditions as the Commissioner may impose, any one or more of the plans submitted to the Commissioner under subsection (1);
- (b) disapprove any of the plans which is not in order; or
- (c) in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the provisions of this Act.

[14/2013]

(4) If the person to whom any written direction is given under subsection (3) fails to comply with the requirements specified in the direction within the time specified therein, the Commissioner may reject the plans.

(5) Where an application is made under subsection (1) regarding any plans of any fire safety works, the Commissioner may, without checking the plans, approve those plans if —

- (a) in the case of plans mentioned in subsection (2)(a), the application and plans are accompanied by —
  - (i) a written declaration by the qualified person who prepared those plans declaring that the plans (excluding the alternative solution) have been prepared in accordance with the Fire Code and comply with the provisions of this Act;
  - (ii) a written declaration by the fire safety engineer who prepared or (as the case may be) supervised the preparation of the plans or that part thereof containing the alternative solution, declaring that the alternative solution satisfies the fire performance requirements and complies with the provisions of this Act; and



- (iii) a certification from the peer reviewer that the alternative solution contained in the plans or that part thereof satisfies the fire performance requirements and complies with the provisions of this Act; or
  - (b) in the case of plans mentioned in subsection (2)(b), the application and plans are accompanied by a written declaration by the qualified person who prepared those plans declaring that the plans have been prepared in accordance with the Fire Code and the provisions of this Act. [7/2004; 14/2013]
- (6) Despite subsection (5), the Commissioner may, in his or her discretion, carry out random checks on any plans of fire safety works at any time before or after approving the plans under that subsection.
- (7) The Commissioner may at any time revoke any approval granted in respect of any plans of fire safety works —
  - (a) under subsection (3)(a), if the Commissioner is satisfied that any information given in the application for approval or any document submitted to the Commissioner in respect of the application for approval is false in a material particular; and
  - (b) under subsection (5), if the Commissioner is satisfied that the written declaration submitted by the qualified person or fire safety engineer or the certificate of a peer reviewer mentioned in that subsection is false. [7/2004]
- (8) The Commissioner must not revoke any approval granted in respect of any plans of fire safety works unless —
  - (a) the Commissioner has given a written notice to the person for whom the fire safety works are carried out to comply, within such period as may be specified in the notice, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the Fire Code, and any of the provisions of this Act; and
  - (b) the person has failed or refused to comply with the requirements specified in the written notice. [14/2013]
- (9) The requirements mentioned in subsection (8) may include —
  - (a) the amendment of any of the approved plans of fire safety works;
  - (b) the rectification of the fire safety works; and

(c) the alteration or demolition of a building or part thereof to which the fire safety works relate.

(10) Any person who fails or refuses to comply with any requirement specified in the written notice given by the Commissioner under subsection (8) shall be guilty of an offence.

(11) The Commissioner must in writing notify the person for whom the fire safety works are carried out of the Commissioner's decision —

- (a) to disapprove any plans of fire safety works under subsection (3)(b);
- (b) to reject any plans of fire safety works under subsection (4); or
- (c) to revoke an approval granted in respect of any plans of fire safety works under subsection (7),

and must specify a date, not less than 14 days from the date of the written notification, on which the decision of the Commissioner takes effect.

(12) Where a decision of the Commissioner to revoke any approval granted in respect of any plans of fire safety works has taken effect —

- (a) any fire certificate granted under section 35 in respect of any building to which the fire safety works relate; and
- (b) any fire safety certificate or temporary fire permit issued in respect of the fire safety works under section 60,

as the case may be, automatically lapses.

[7/2004]

(13) For the purposes of this section, any plans of any fire safety works that are prepared in accordance with the solutions issued by the Commissioner as in compliance with the fire performance requirements are deemed to satisfy the fire performance requirements.

[23  
[7/2004]

### **Prohibition of fire safety works without approval of plans**

**56.—**(1) A person must not carry out, or permit or authorise the carrying out of, any fire safety works —

- (a) before the Commissioner has approved all the plans of the fire safety works under section 55; or

(b) otherwise than in accordance with the plans approved under section 55.

[22/2019]

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[24

[14/2013]

### **Appointment and duties of qualified person**

**57.**—(1) Subject to the provisions of this Act, every person for whom any fire safety works are or are to be carried out must appoint —

(a) in the case of plans mentioned in section 55(2)(a) —

- (i) the same qualified person who prepared those plans to supervise the carrying out of the fire safety works, including the alternative solution, as required under this section; and
- (ii) the same fire safety engineer who prepared or (as the case may be) supervised the preparation of the plans or that part thereof containing the alternative solution to supervise the carrying out of the fire safety works or part thereof containing the alternative solution as required under this section; or

(b) in the case of plans mentioned in section 55(2)(b), the same qualified person who prepared the approved plans of those fire safety works to supervise the fire safety works as required under this section.

[7/2004]

(2) Where any fire safety works involve the installation of a regulated fire safety product and the qualified person appointed under subsection (1) is not an appropriate qualified person to supervise the installation, every person for whom the fire safety works are or are to be carried out must appoint an appropriate qualified person to supervise the installation of the regulated fire safety product.

[22/2019]

(3) If any qualified person or fire safety engineer appointed under subsection (1) or (2) or paragraph (b) becomes unwilling or unable, whether by reason of the termination of his or her appointment or for any other reason, to carry out his or her duties under subsection (5) —

(a) the qualified person or fire safety engineer must, within 14 days of his or

her ceasing to carry out his or her duties, notify the Commissioner and the person for whom such works are or are to be carried out of the fact; and

- (b) the person for whom the fire safety works are or are to be carried out must cease or cause to be ceased and must not commence or cause to be commenced the carrying out of such work until the person has appointed another appropriate qualified person or fire safety engineer in respect of such works.

*[7/2004; 22/2019]*

(4) Where the person for whom any such works are or are to be carried out appoints an appropriate qualified person or fire safety engineer under subsection (3)(b), the person must, within 7 days of the appointment, notify the Commissioner of the appointment.

*[7/2004]*

(5) Every qualified person or fire safety engineer appointed under this section in respect of any fire safety works must —

- (a) take all reasonable steps and exercise due diligence in supervising and inspecting the fire safety works to ensure that such works are being carried out in accordance with the provisions of this Act and subject to section 59, any regulations made under this Act, the codes of practice, the plans approved in respect thereof by the Commissioner and any terms and conditions imposed by the Commissioner;
- (b) notify the Commissioner of any contravention of the provisions of this Act or codes of practice in connection with the fire safety works; and
- (c) submit to the Commissioner at the prescribed times such reports and certificates as may be prescribed in any regulations made under this Act.

*[7/2004; 14/2013]*

(6) Any person who contravenes or fails to comply with subsection (1), (2) or (3)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

*[14/2013; 22/2019]*

(7) Subject to subsection (9), any qualified person or fire safety engineer who fails to comply with a requirement mentioned in subsection (5)(a) or (b) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in respect of a continuing failure to comply with the requirement mentioned in subsection (5)(a) or (b) (as the case may be), to an additional fine not exceeding \$1,000 for every day or part of a day the qualified person or fire safety engineer fails to comply with the requirement.

[22/2019]

(8) Subject to subsection (9), any qualified person or fire safety engineer who fails to comply with a requirement mentioned in subsection (5)(c) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing failure to comply with the requirement mentioned in that subsection, to an additional fine not exceeding \$1,000 for every day or part of a day the qualified person or fire safety engineer fails to comply with the requirement.

[22/2019]

(9) Where the failure to comply in respect of which the qualified person or fire safety engineer is convicted under subsection (7) or (8) continues after the conviction, the qualified person or fire safety engineer shall be guilty of a further offence and shall be liable on conviction of the further offence to a fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.

[22/2019]

(10) It is a defence in any prosecution for a contravention or non-compliance with subsection (5)(b) for the person charged to prove to the satisfaction of the court that the person did not know, nor could reasonably have discovered, the contravention or non-compliance referred to in the charge.

(11) Any qualified person or fire safety engineer or person for whom any fire safety works are or are to be carried out (as the case may be) who, without reasonable excuse, contravenes or fails to comply with subsection (3)(a) or (4) shall be guilty of an offence.

[25

[7/2004]

## **Supervision of fire safety works**

**58.**—(1) Except as otherwise provided in this Act, a person must not commence or carry out any fire safety works except under the supervision of an appropriate qualified person or fire safety engineer appointed under section 57(1), (2) or (3)(b).

[7/2004; 14/2013; 22/2019]

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty

of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

[26  
[14/2013]

### **Modification or waiver of requirements relating to fire safety**

**59.**—(1) The Commissioner may, on receipt of an application in relation to any particular fire safety works, modify or waive, subject to such terms and conditions as the Commissioner may impose, any of the requirements relating to fire safety in buildings or in relation to relevant pipelines as may be prescribed in any regulations made under this Act.

[14/2013]

(2) Every such application must —

- (a) be made in writing to the Commissioner by or on behalf of the owner of the building or the person for whom the relevant pipeline works are being carried out (as the case may be) to which the application relates;
- (b) state the nature and extent of and the reasons for the proposed modification or waiver of such requirements; and
- (c) be accompanied by such plans and other particulars as may be prescribed.

[14/2013]

(3) Where an application made under subsection (2) is refused, or is granted by the Commissioner subject to such terms and conditions as he may impose, the applicant may, if aggrieved by the decision of the Commissioner, appeal to the Minister within 28 days of the date of notification of the decision.

[27  
[22/2019]

### **Fire safety certificate**

**60.**—(1) Any person for whom any fire safety works had been carried out and completed must apply to the Commissioner and obtain a fire safety certificate in respect of the completed fire safety works.

(2) All applications under subsection (1) must be made to the Commissioner in the form and manner prescribed in any regulations made under this Act.

(3) The Commissioner may, on application by such person in the prescribed manner, in relation to any building or relevant pipeline, or part thereof —

- (a) issue the fire safety certificate, subject to such conditions as the Commissioner thinks fit; or
- (b) issue a temporary fire permit and may in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the provisions of this Act.

*[14/2013]*

(4) If the person to whom any written direction is given under subsection (3)(b) fails to comply with the requirements specified in the direction within the time specified therein, the application is deemed to be withdrawn.

(5) Where an application for a fire safety certificate under subsection (1) is accompanied by a certificate of a registered inspector certifying that, to the best of the knowledge and belief of the registered inspector, the completed fire safety works to which the application relates have been carried out in accordance with the approved plans of fire safety works, the Fire Code, and the provisions of this Act, the Commissioner may, without inspecting the completed fire safety works, issue a fire safety certificate or temporary fire permit, as the Commissioner considers appropriate, on the basis of the certificate of the registered inspector.

*[14/2013; 22/2019]*

(6) Any registered inspector who —

- (a) issues a certificate mentioned in subsection (5) that is false or misleading in any material particular; and
- (b) does so knowing, or reckless as to whether, the certificate is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

*[22/2019]*

(7) Despite subsection (5), the Commissioner may, in his or her discretion, carry out random inspections on the completed fire safety works to which any application under this section relates, at any time before or after the issuing of a fire safety certificate or temporary fire permit.

(8) The Commissioner may at any time revoke any fire safety certificate or temporary fire permit issued in respect of any completed fire safety works —

- (a) under subsection (3), if he or she is satisfied that any information given in the application for a fire safety certificate or any document submitted to the Commissioner in respect of the application for the fire safety certificate is

false in a material particular; and

- (b) under subsection (5), if he or she is satisfied that any certificate of the registered inspector mentioned in that subsection is false.

(9) The Commissioner must not revoke a fire safety certificate or temporary fire permit unless —

- (a) the Commissioner has given a written notice to the person for whom the fire safety works have been carried out to comply, within such period as may be specified in the notice, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the Fire Code, and any of the provisions of this Act; and
- (b) the person has failed or refused to comply with the requirements specified in the written notice.

[14/2013]

(10) The requirements mentioned in subsection (9) may include —

- (a) the amendment of any of the approved plans of fire safety works to which the completed fire safety works relate;
- (b) the rectification of the completed fire safety works; and
- (c) the alteration or demolition of a building or part thereof to which the completed fire safety works relate.

(11) Any person who fails or refuses to comply with any requirement specified in the written notice given by the Commissioner under subsection (9) shall be guilty of an offence.

(12) The Commissioner must in writing notify the person for whom the fire safety works are carried out of the Commissioner's decision to revoke a fire safety certificate or temporary fire permit, and must specify a date, not less than 14 days from the date of the written notification, on which the decision of the Commissioner takes effect.

(13) Any person who fails to comply with this section or with any condition imposed by the Commissioner under subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[29

[14/2013]

## **Application for change of use of premises**



**61.**—(1) Any person who changes the use of any premises must, if such change of use would cause the existing fire safety measures to become inadequate, prior to carrying out the change, apply to the Commissioner for approval to change the use of the premises.

(2) All applications for permission to change the use of the premises must be made to the Commissioner in the form and manner prescribed in any regulations made under this Act.

(3) The Commissioner may, on application in the prescribed manner, in relation to any premises or part thereof —

- (a) grant permission for the change of use, subject to such conditions as the Commissioner may impose; or
- (b) in writing direct the applicant to comply, within such period as may be specified in the direction, with such requirements as the Commissioner may specify for the purpose of ensuring compliance with the provisions of this Act and such written directions may also —
  - (i) require the applicant to provide additional fire safety measures in relation to the building; or
  - (ii) provide that the work or alteration must be completed before the expiry of a specified period.

*[14/2013]*

(4) If the person to whom any written direction under subsection (3)(b) fails to comply with the requirements specified in the direction within the time specified therein, the application is deemed to be withdrawn.

(5) Any person who fails to comply with this section or with any condition imposed by the Commissioner under subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

*[14/2013; 22/2019]*

(6) Nothing in this section is to be taken in any way to derogate from the provisions of the Planning Act 1998 and any relevant rules made under that Act relating to change of use of premises.

[30

### **Order for demolition, removal, etc., of unauthorised fire safety works**

**62.**—(1) Where, in the opinion of the Commissioner, any fire safety works are being carried out or have been carried out in contravention of the Fire Code, or any of the provisions of this Act (called in this section the unauthorised fire safety works), the Commissioner may by written order require —

- (a) the cessation of the unauthorised fire safety works until the order is withdrawn;
- (b) such work or alteration to be carried out to the unauthorised fire safety works or the building or part thereof to which the unauthorised fire safety works relate as may be necessary to cause the unauthorised fire safety works to comply with the Fire Code, and any of the provisions of this Act; or
- (c) the demolition of the building or relevant pipeline, or part thereof to which the unauthorised fire safety works relate.

[14/2013]

(2) An order made under subsection (1) may specify all or any of the following:

- (a) the manner in which the works, alteration or demolition mentioned in subsection (1) is to be carried out;
- (b) the time within which the works, alteration or demolition must commence;
- (c) the time within which the works, alteration or demolition must be completed.

(3) An order made under subsection (1) shall be served —

- (a) where a temporary fire permit has been granted in respect of a building under section 60, on the owner of the building or the occupier of that part of the building affected by the order, as the case may be;
- (b) where fire safety works are being carried out in relation to a building, on the person for whom the fire safety works are carried out or the qualified person supervising the fire safety works;
- (c) where a temporary fire permit has been granted in respect of a relevant pipeline under section 60, on the pipeline owner or the person for whom the relevant pipeline works are carried out; or
- (d) where fire safety works are being carried out in relation to a relevant pipeline or part thereof, on the person for whom the fire safety works are carried out or the qualified person supervising the fire safety works,

and must specify a date, not less than 14 days from the date of the order, on which the order takes effect.

[14/2013]

(4) If an order made under subsection (1) is not complied with and no appeal under section 64 has been made to the Minister in respect of the order before the order takes effect, the Commissioner may —

- (a) demolish, remove or alter, or cause to be demolished, removed or altered, the building, the relevant pipeline or the unauthorised fire safety works or to take such other steps as may appear to the Commissioner to be necessary, including ordering the closure of the building or part thereof or cessation of use of the relevant pipeline; and
- (b) recover all expenses reasonably incurred by the Commissioner in the exercise of the Commissioner's powers under this section from the person in default.

[14/2013]

(5) Without prejudice to the right of the Commissioner to exercise his or her powers under subsection (4), if any person on whom an order is served under subsection (3) fails to comply with the order, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[14/2013]

(6) The Commissioner may seize any material resulting from the carrying out of any work under subsection (4).

(7) Any material seized by the Commissioner under this section may be confiscated by the Commissioner and may be disposed of in such manner as the Commissioner thinks fit, and the proceeds (if any) of such disposal must be paid into the Consolidated Fund.

[30A]

### **Closure order**

**63.**—(1) Where the Commissioner makes an order under section 62(4)(a) requiring the closure of any building or cessation of use of any relevant pipeline, or part thereof, the order (called in this section a closure order) must be served —

- (a) where the closure order relates to the building — on the owner of the building;
- (b) where the closure order relates to a part of the building — on the occupier of that part of the building; or

(c) where the closure order relates to a relevant pipeline — on the pipeline owner.

[14/2013]

(2) A closure order must specify a date, not less than 14 days after the date of the closure order, on which the closure order takes effect, and may require the person served —

(a) where the order relates to a building or a part of the building, to cease to inhabit or use the building or that part thereof and to remove all goods, furniture and effects from the building or that part thereof before the closure order takes effect; or

(b) where the order relates to a relevant pipeline, to cease using the pipeline or allowing it to be used.

[14/2013]

(3) Subject to subsection (5), where a closure order is in force in respect of a building or part thereof (as the case may be), a person other than a member of the Force in the course of his or her duty must not enter, be in or use the building or that part thereof to which the closure order relates at any time.

[14/2013]

(4) Any person who contravenes or fails to comply with subsection (3) 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 \$1,000 for every day or part of a day during which the offence continues after conviction.

[14/2013]

(5) Where a closure order is in force in respect of a building or part thereof (as the case may be), the Commissioner may, if he or she thinks fit and subject to such conditions as he or she may impose, by written notice permit any person to enter, be in or use the building or that part thereof to which the closure order relates.

[14/2013]

(6) Any permission granted under subsection (5) may be cancelled by the Commissioner at any time and for any reason.

(7) A closure order remains in force in respect of a building or relevant pipeline, or the part thereof (as the case may be) until the Commissioner has served a notice of expiry of the closure order —

(a) where the closure order relates to the building — on the owner of the building;

(b) where the closure order relates to a part of the building — on the occupier

of that part of the building; or

- (c) where the closure order relates to a relevant pipeline — on the pipeline owner.

[14/2013]

(8) A notice of expiry of a closure order must specify the building or relevant pipeline, or the part thereof, to which it relates and the date upon which the closure order expires.

[30B  
[14/2013]

### **Appeals to Minister**

**64.** Any person aggrieved by —

- (a) a decision of the Commissioner to disapprove any plans of fire safety works under section 55(3)(b);
- (b) a decision of the Commissioner to reject any plans of fire safety works under section 55(4);
- (c) a decision of the Commissioner to revoke any approval granted in respect of any plans of fire safety works under section 55(7);
- (d) a decision of the Commissioner to revoke any fire safety certificate or temporary fire permit under section 60(8);
- (e) an order made by the Commissioner under section 62(1); or
- (f) a closure order made by the Commissioner under section 62(4)(a),

may, before the decision or order (as the case may be) takes effect, appeal in writing to the Minister.

[30C]

### **Application of this Part to Government buildings, etc.**

**65.**—(1) This Part applies to fire safety works starting on or after 15 April 2004 and which are carried out by or on behalf of the Government in any building wholly or partly owned or occupied by the Government, but nothing in this Act renders the Government to prosecution for an offence.

[7/2004]

(2) To avoid doubt, no person is immune from prosecution for any offence under this Part by reason that the person is a contractor engaged to provide services to the Government, or is acting in any other similar capacity for, or on behalf of, the

## PART 5

### REGULATED FIRE SAFETY PRODUCTS

#### Interpretation of this Part

66. In this Part, unless the context otherwise requires —

“accredited certification body” means a person accredited under the Singapore Accreditation Council’s Certification Body Accreditation Scheme administered by the Enterprise Singapore Board;

“accredited laboratory” means a person providing laboratory testing services that is —

- (a) accredited under the Singapore Accreditation Council’s Laboratory Accreditation Scheme administered by the Enterprise Singapore Board;
- (b) recognised under a bilateral mutual recognition agreement or arrangement between Singapore and any other country; or
- (c) recognised under a multilateral mutual recognition agreement or arrangement between Singapore and 2 or more other countries;

“applicable standard”, in relation to a regulated fire safety product, means the standard specified in the Fire Code for the regulated fire safety product;

“certificate of conformity”, in relation to a regulated fire safety product, means a certificate issued by an accredited certification body as to the compliance of the regulated fire safety product with the applicable standard for the regulated fire safety product;

“compliant fire safety product” means any regulated fire safety product —

- (a) that is tested by an accredited laboratory for compliance with the applicable standard for the regulated fire safety product;
- (b) that complies with the applicable standard for the regulated fire safety product;
- (c) in respect of which there is a valid certificate of conformity; and

(d) that is not prescribed under section 74(3) as a non-compliant fire safety product;

“Enterprise Singapore Board” means the Enterprise Singapore Board established by section 3 of the Enterprise Singapore Board Act 2018;

“foreign person” means any person who is not a Singapore person;

“non-compliant fire safety product” means any regulated fire safety product that is not a compliant fire safety product;

“offer to supply”, in relation to any regulated fire safety product, includes an attempt to supply or exposure for supply;

“Singapore person” means any person who is —

- (a) a citizen of Singapore;
- (b) a body corporate or corporation incorporated or constituted under the law of Singapore; or
- (c) a person domiciled in Singapore;

“supply”, in relation to any regulated fire safety product, includes —

- (a) the supply of the regulated fire safety product by way of sale (including by way of barter or exchange), lease, loan, hire or hire-purchase;
- (b) causing or allowing the supply of the regulated fire safety product;
- (c) the supply of the regulated fire safety product in connection with any agreement; and
- (d) receiving, sending or delivering the regulated fire safety product for supply;

“valid certificate of conformity” means a certificate of conformity that —

- (a) is issued —
  - (i) to a Singapore person; or
  - (ii) to a foreign person who has, at the time of the issue, appointed a local representative who is a Singapore person; and
- (b) is not expired, terminated or otherwise suspended or cancelled by an

accredited certification body (under this Act or otherwise).

[31  
[22/2019]

### **False test reports for regulated fire safety products**

**67.**—(1) Any accredited laboratory that issues a false test report knowing that it is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

[22/2019]

(2) Any accredited laboratory that issues a false test report reckless or negligent as to whether it is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[22/2019]

(3) If a person is guilty of an offence under subsection (2) with respect to a false test report for a regulated fire safety product and —

(a) in reliance on the false test report, an accredited certification body —

(i) issues a certificate of conformity for the regulated fire safety product; or

(ii) determines that the requirements of a post-certification test mentioned in section 69(3)(b) are satisfied in respect of the regulated fire safety product;

(b) a fire occurs in a building in which that regulated fire safety product is installed;

(c) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and

(d) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

[22/2019]

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

[22/2019]



(5) In this section, “false test report”, in relation to a regulated fire safety product, means a test report that —

- (a) states the result of a test of compliance with an applicable standard conducted on the regulated fire safety product; and
- (b) is false or misleading in any material particular.

[32  
[22/2019]

### **Giving false information to accredited certification body**

**68.**—(1) Any person who gives false information to an accredited certification body for the purposes of obtaining a certificate of conformity for a regulated fire safety product knowing that the information is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

[22/2019]

(2) Any person who gives false information to an accredited certification body for the purposes of obtaining a certificate of conformity for a regulated fire safety product, reckless or negligent as to whether the information is false, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[22/2019]

(3) If a person is guilty of an offence under subsection (2) with respect to a certificate of conformity for a regulated fire safety product and —

- (a) a fire occurs in a building in which that regulated fire safety product is installed;
- (b) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and
- (c) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

[22/2019]

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

[32A  
[22/2019]

## Certification of regulated fire safety products

69.—(1) A person commits an offence if —

- (a) the person is not an accredited certification body;
- (b) the person certifies, or holds out or advertises in any way that the person is willing to certify, that any regulated fire safety product complies with the applicable standard for the regulated fire safety product; and
- (c) the person —
  - (i) knows that it is not an accredited certification body; or
  - (ii) is reckless or negligent as to whether it is an accredited certification body.

[22/2019]

(2) An accredited certification body commits an offence if the accredited certification body issues a certificate of conformity for a regulated fire safety product that does not comply with the applicable standard for the regulated fire safety product if —

- (a) the accredited certification body knows that the regulated fire safety product does not so comply; or
- (b) the accredited certification body is reckless or negligent as to whether the regulated fire safety product so complies.

[22/2019]

(3) An accredited certification body that issues a certificate of conformity for a regulated fire safety product must cancel the certificate of conformity for the purposes of this Act —

- (a) as soon as practicable after the accredited certification body knows or has reasonable cause to believe (whether by a test or analysis conducted under section 72(1) or otherwise) that the regulated fire safety product does not comply with the applicable standard for the regulated fire safety product; or
- (b) where the Fire Code requires any post-certification test to be conducted for the regulated fire safety product within a specified period after the issue of the certificate of conformity — as soon as practicable after the accredited certification body knows or has reasonable cause to believe that the post-certification test is not conducted within the specified period.

[22/2019]

(4) Any person who is guilty of an offence under subsection (1)(c)(i) or (2)(a) —

- (a) shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of a continuing contravention of subsection (1)(c)(i) —
  - (i) shall be liable on conviction to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues; and
  - (ii) if the contravention continues after the conviction, shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

[22/2019]

(5) Any person who is guilty of an offence under subsection (1)(c)(ii) or (2)(b) —

- (a) shall be liable on conviction to a fine not exceeding \$50,000; and
- (b) in the case of a continuing contravention of subsection (1)(c)(ii) —
  - (i) shall be liable on conviction to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues; and
  - (ii) if the contravention continues after the conviction, shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

[22/2019]

(6) If a person is guilty of an offence under subsection (1)(c)(ii) or (2)(b) and —

- (a) a fire occurs in a building in which that regulated fire safety product is installed;
- (b) the regulated fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and
- (c) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (5)(a), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not

exceeding 12 months or to both.

[22/2019]

(7) However, subsection (6) does not apply if it is proved, on a balance of probabilities, that the failure of the regulated fire safety product to function or perform did not cause or worsen any damage, death or injury attributable to the fire.

[22/2019]

(8) Any accredited certification body that contravenes subsection (3)(a) or (b) shall be guilty of an offence and shall be liable on conviction to —

- (a) a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of a continuing contravention of subsection (3)(a) or (b) (as the case may be), to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

[32B

[22/2019]

### Supply of regulated fire safety products

**70.**—(1) Any person (whether in Singapore or not) who —

- (a) supplies or offers to supply to a person in Singapore any non-compliant fire safety product as a compliant fire safety product or for use as a regulated fire safety product; or
- (b) in the course of such supply or offer, represents that the non-compliant fire safety product is a compliant fire safety product or is fit for use as a regulated fire safety product,

knowing that the non-compliant fire safety product is a non-compliant fire safety product, shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (d) in the case of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a

further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

[22/2019]

(2) Any person (whether in Singapore or not) who —

- (a) supplies or offers to supply to a person in Singapore any non-compliant fire safety product as a compliant fire safety product or for use as a regulated fire safety product; or
- (b) in the course of such supply or offer, represents that the non-compliant fire safety product is a compliant fire safety product or is fit for use as a regulated fire safety product,

reckless or negligent as to whether the non-compliant fire safety product is a non-compliant fire safety product, shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$50,000; and
- (d) in the case of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day the contravention continues,

and if the contravention continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the contravention continues after conviction.

[22/2019]

(3) If a person is guilty of an offence under subsection (2) and —

- (a) a fire occurs in a building in which that non-compliant fire safety product is installed;
- (b) the non-compliant fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and
- (c) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (2)(c), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

[22/2019]

(4) However, subsection (3) does not apply if it is proved, on a balance of probabilities, that the failure of the non-compliant fire safety product to function or

perform did not cause or worsen any damage, death or injury attributable to the fire.

[32C  
[22/2019]

### **Installation of non-compliant fire safety products**

**71.**—(1) Any relevant person who installs, or causes to be installed, in or on the building —

- (a) any non-compliant fire safety product, knowing that it is a non-compliant fire safety product; or
- (b) any regulated fire safety product, knowing that the manner in which it is installed adversely affects fire safety in the building,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

[22/2019]

(2) Any relevant person who installs, or causes to be installed, in or on the building any non-compliant fire safety product, reckless or negligent as to whether it is a non-compliant fire safety product shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[22/2019]

(3) Any relevant person who installs, or causes to be installed, in or on the building any regulated fire safety product in a manner that adversely affects fire safety in the building, reckless or negligent as to whether the manner in which the regulated fire safety product is installed adversely affects fire safety in the building, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[22/2019]

(4) If a relevant person is guilty of an offence under subsection (2) and —

- (a) a fire occurs in a building in which that non-compliant fire safety product is installed;
- (b) the non-compliant fire safety product does not, during the fire, function or perform in a manner that complies with the applicable standard for the regulated fire safety product; and
- (c) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (2), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

[22/2019]

(5) If a relevant person is guilty of an offence under subsection (3) and —

- (a) a fire occurs in a building in which that regulated fire safety product is installed; and
- (b) damage, death or injury attributable to the fire occurs,

then the person shall, instead of the punishment prescribed in subsection (3), be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

[22/2019]

(6) However, subsection (4) or (5) does not apply if it is proved, on a balance of probabilities, that the failure of the non-compliant fire safety product to function or perform or the manner in which the regulated fire safety product was installed (as the case may be) did not cause or worsen any damage, death or injury attributable to the fire.

[22/2019]

(7) It is a defence to a prosecution for an offence under subsection (2) if it is proved, on a balance of probabilities, that the relevant person had taken all reasonable steps to ensure that the regulated fire safety product so installed was a compliant fire safety product at the time the regulated fire safety product was delivered to the relevant person.

[22/2019]

(8) It is a defence to a prosecution for an offence under subsection (3) if the relevant person proves, on a balance of probabilities, that the relevant person had taken all reasonable steps to ensure that the regulated fire safety product was installed in accordance with the Fire Code.

[22/2019]

(9) Subsections (1)(a) and (2) do not apply in relation to a relevant person if the regulated fire safety product in question is a non-compliant fire safety product only by reason that the certificate of conformity for the regulated fire safety product expires or is suspended or terminated after the regulated fire safety product is delivered to the relevant person.

[22/2019]

(10) In this section —

“builder” has the meaning given by section 2(1) of the Building Control Act 1989;

“relevant person”, in relation to a building, means the owner or builder of the building.

[32D

[22/2019]

## **Commissioner may require testing of regulated fire safety product**

**72.**—(1) The Commissioner may, by written notice to any of the following persons, require the person to submit a regulated fire safety product or samples of the regulated fire safety product to an accredited laboratory for the purpose of testing or analysis, within the time specified in the notice:

- (a) an accredited certification body that has issued a certificate of conformity for the regulated fire safety product;
- (b) a person carrying on a trade or business that consists of or includes the supply of the regulated fire safety product (called in this section the supplier);
- (c) a person to whom a certificate of conformity for the regulated fire safety product is issued (called in this section the certificate holder).

[22/2019]

(2) Where the accredited certification body, the supplier or the certificate holder does not have possession, charge or control of the regulated fire safety product specified in the notice, any person who has such possession, charge or control must render all necessary and reasonable assistance to enable the accredited certification body, the supplier or the holder (as the case may be) to comply with the notice.

[22/2019]

(3) Any accredited certification body, supplier or certificate holder who, without reasonable excuse, refuses or fails to comply with any requirement of the Commissioner under subsection (1) shall be guilty of an offence.

[22/2019]

(4) Any person who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence.

[33

[22/2019]

### **Commissioner may give directions relating to regulated fire safety products**

**73.**—(1) The Commissioner may give one or more of the directions in subsection (2) to any person with possession, charge or control of a regulated fire safety product or who supplied a regulated fire safety product, if the Commissioner has reasonable grounds to believe that —

- (a) the direction is necessary for fire safety; and
- (b) the regulated fire safety product —
  - (i) is a non-compliant fire safety product; or
  - (ii) was installed in a manner that adversely affects fire safety in a



building.

[22/2019]

(2) The directions are —

- (a) to recall a non-compliant fire safety product;
- (b) to cease supplying a non-compliant fire safety product;
- (c) to remove a regulated fire safety product from a building;
- (d) to dispose of a non-compliant fire safety product recalled under paragraph (a) in any manner required by the Commissioner; and
- (e) to rectify any contravention of the Fire Code in the installation of a regulated fire safety product.

[22/2019]

(3) In relation to a direction mentioned in subsection (2)(a), (c), (d) or (e), the Commissioner —

- (a) may specify, in the direction, the manner in which the recall, removal, disposal or rectification (as the case may be) is to be conducted; and
- (b) must specify, in the direction, the period within which the recall, removal, disposal or rectification (as the case may be) is to be completed.

[22/2019]

(4) A person to whom a direction mentioned in subsection (2)(a), (c), (d) or (e) has been given must give written notice to the Commissioner of the completion of the recall, removal, disposal or rectification (as the case may be) as soon as practicable after that completion.

[22/2019]

(5) Subject to subsection (6), any person who, without reasonable excuse, refuses or fails to comply with the Commissioner's direction under subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) to an additional fine not exceeding \$1,000 for each day or part of a day the person fails to comply with the direction after the expiry of the period, or the time, specified in the direction.

[22/2019]

(6) If the failure to comply in respect of which the person is convicted under subsection (1) continues after the conviction, the person shall be guilty of a further

offence and shall be liable on conviction of this further offence to a fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.

[22/2019]

(7) Any person who is aggrieved by any direction of the Commissioner under subsection (1) may, within 14 days after being notified of the direction, appeal to the Minister.

[22/2019]

(8) A direction of the Commissioner under subsection (1) takes effect despite an appeal against that decision being made to the Minister.

[33A  
[22/2019]

### **Commissioner may give directions in relation to certificates of conformity**

**74.**—(1) The Commissioner may, by written notice to the accredited certification body that issued a certificate of conformity for a regulated fire safety product, direct the accredited certification body to cancel the certificate, within the time specified in the written notice if —

- (a) the accredited certification body contravenes section 69(2) or (3); or
- (b) the person to whom the certificate of conformity is issued refuses or fails to comply with a requirement under section 72(1) in respect of the regulated fire safety product or a sample of the regulated fire safety product.

[22/2019]

(2) The Commissioner may, by written notice to an accredited certification body, direct the accredited certification body not to issue any certificate of conformity to a person for the period specified in the written notice if the Commissioner has reason to believe that the person has contravened section 70(1) or (2).

[22/2019]

(3) The Minister may prescribe that a regulated fire safety product is a non-compliant fire safety product if the accredited certification body that issued the certificate of conformity in respect of the regulated fire safety product refuses or fails to comply with a direction under subsection (1) or (2) in respect of that certificate.

[22/2019]

(4) The Commissioner must, before making the direction under subsection (1)(b), give the person to whom the certificate of conformity is issued —

- (a) written notice of the Commissioner's intention to make the direction; and
- (b) an opportunity to submit reasons, within 14 days after the notice is given,

as to why the direction should not be made.

[22/2019]

(5) The Commissioner must, before making the direction under subsection (2), give the person in respect of which the direction applies —

- (a) written notice of the Commissioner's intention to make the direction; and
- (b) an opportunity to submit reasons, within 14 days after the notice is given, as to why the direction should not be made.

[22/2019]

(6) Despite subsections (4) and (5), the Commissioner may specify a time, being less than 14 days after the date of the written notice mentioned in subsection (4) or (5) (as the case may be) if the Commissioner is of the opinion that it is in the public interest for the direction to be made as soon as possible.

[22/2019]

(7) The Commissioner may, at any time, cancel a direction given under subsection (2).

[22/2019]

(8) Any accredited certification body that, without reasonable excuse, refuses or fails to comply with the Commissioner's direction under subsection (1) or (2) 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 6 months or to both; and
- (b) in the case of a continuing refusal or failure to comply, to an additional fine not exceeding \$1,000 for each day or part of a day the refusal or failure continues.

[22/2019]

(9) Any person who is aggrieved by any direction of the Commissioner under subsection (1) or (2) may, within 14 days after being notified of the direction, appeal to the Minister.

[22/2019]

(10) A direction of the Commissioner under subsection (1) or (2) takes effect despite an appeal against that decision being made to the Minister.

[33B

[22/2019]

### **Power to enter premises to carry out direction upon notice or under warrant**

**75.—**(1) If a person to whom a direction mentioned in section 73(1) is given refuses

or fails, without reasonable excuse, to comply with the direction, the Commissioner —

- (a) may authorise any member (called in this section an authorised member) to carry out the direction; and
- (b) may recover the costs and expenses reasonably incurred in carrying out the direction as a debt due to the Government from that person.

[22/2019]

(2) An authorised member may enter any premises at any reasonable time to carry out the direction mentioned in section 73(1) after giving at least 24 hours' notice of the intention to do so to the owner or occupier of the premises.

[22/2019]

(3) Before entering the premises under subsection (2), an authorised member must produce, if so required —

- (a) the authorised member's original identity card or any identification card that the Commissioner directs to be carried by the authorised member as proof of the authorised member's identity; and
- (b) a duly authenticated document showing the authorised member's authority.

[22/2019]

(4) A Magistrate may by warrant authorise a member to enter any premises, with such force as may be necessary, if the Magistrate is satisfied, on sworn information in writing —

- (a) that the member needs to enter into any premises to carry out a direction mentioned in section 73(1); and
- (b) that —
  - (i) entry into the premises has been refused, or such refusal is likely; or
  - (ii) the premises are unoccupied or the owner or occupier is temporarily absent.

[22/2019]

(5) The warrant continues in force until the purpose for which the entry is necessary has been satisfied.

[22/2019]

(6) If the owner or occupier is present when an authorised member seeks to execute the warrant, the authorised member must —

- (a) identify himself or herself to the owner or occupier;

- (b) show the owner or occupier the authorised member's identity card or identification card and the duly authenticated document mentioned in subsection (3);
- (c) show the owner or occupier the warrant; and
- (d) if required, give the owner or occupier a copy of the warrant.

[22/2019]

(7) If the owner or occupier is not present when an authorised member seeks to execute the warrant, but some other person who appears to be in charge of the premises is present, then subsection (6) applies to that other person as if that other person were the owner or occupier.

[22/2019]

(8) An authorised member entering the premises under a warrant issued under subsection (4) may do all or any of the following:

- (a) break open any outer or inner door or window leading to the premises;
- (b) enter any part of the premises with such force as may be necessary;
- (c) remove by force any obstruction to the entry.

[22/2019]

(9) An authorised member entering the premises under subsection (2), or under a warrant issued under subsection (4), may do any of the following:

- (a) take with him or her such other persons as may be necessary;
- (b) remove or demolish any fixtures or fittings in the premises if such removal or demolition is necessary for carrying out the direction under section 73(1).

[22/2019]

(10) If the premises are unoccupied at the time of entry, the authorised member must leave the premises as effectually secured against trespassers as the authorised member found the premises.

[22/2019]

(11) Subject to subsection (10), the Commissioner is not liable to compensate the owner or occupier for any loss (including reinstatement costs) incurred by the owner or occupier, or for any damage caused to the premises, as a result of anything done with reasonable care and in good faith under subsection (9)(b).

[33C  
[22/2019]

## **Power to enter premises to carry out direction without notice or warrant**

76.—(1) If —

- (a) a person to whom a direction mentioned in section 73(1) is given refuses or fails to comply with the direction; and
- (b) the Commissioner has reasonable grounds to believe in respect of any premises that the non-compliant fire safety product is posing an imminent danger affecting public safety,

the Commissioner —

- (c) may authorise any member (called in this section an authorised member) to enter the premises without warrant to carry out the direction; and
- (d) may recover the costs and expenses reasonably incurred in carrying out the direction as a debt due to the Government from that person.

[22/2019]

(2) If the owner or occupier of the premises is present when an authorised member seeks to enter the premises, the authorised member must show the owner or occupier the identity card or identification card and the duly authenticated document mentioned in section 75(3).

[22/2019]

(3) If the owner or occupier is not present when entry under subsection (2) is sought, but some other person who appears to be in charge of the premises is present, then subsection (2) applies to that other person as if that other person were the owner or occupier.

[22/2019]

(4) An authorised member entering the premises under this section may do all or any of the following:

- (a) take with him or her such other persons as may be necessary;
- (b) break open any outer or inner door or window leading to the premises;
- (c) forcibly enter the premises and every part of the premises;
- (d) remove by force any obstruction to the entry;
- (e) remove or demolish any fixtures or fittings in the premises if such removal or demolition is necessary for carrying out the direction mentioned in section 73(1).

[22/2019]

(5) If the premises are unoccupied at the time of entry, the authorised member must leave the premises as effectually secured against trespassers as the authorised member found the premises.

[22/2019]

(6) Subject to subsection (5), the Commissioner is not liable to compensate the owner or occupier for any loss (including reinstatement costs) incurred by the owner or occupier, or for any damage caused to the premises, as a result of anything done with reasonable care and in good faith under subsection (4)(e).

[33D  
[22/2019]

## PART 6

### CONTROL OF PETROLEUM AND FLAMMABLE MATERIALS

#### **Interpretation of this Part**

77.—(1) In this Part and in section 113, unless the context otherwise requires —

“dispensing” means transferring any class of petroleum or any flammable material from one container to any other container or containers for the purpose of distribution, through hose, pipe or by any other means (but not including a licensed pipeline) and includes discharging into a motor vehicle or from the tank of a road tanker;

“import” means to take or cause to be taken into Singapore by land, sea or air from any place outside Singapore, but does not include the bringing into Singapore by sea or air of any substance or product which it is proved to be intended to be taken out of Singapore on the same vessel or aircraft on which the substance or product was brought into Singapore without any landing or transshipment within Singapore;

“licensed pipeline” means any relevant pipeline licensed for the conveyance of any class of petroleum or any flammable material under section 82;

“licensed premises” means any premises licensed for the storage or keeping of any class of petroleum or any flammable material under section 78;

“liquefied petroleum gas” means any material having a vapour pressure not exceeding that allowed for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures, that is to say, propane, propylene, butane (normal butane or iso-butane) and butylenes;

“pipeline licence” means a licence for the conveyance of any class of petroleum or any flammable material through any relevant pipeline specified in the licence;

“place” includes houses, yards and open spaces appurtenant thereto, buildings and footways and any underground space;

“road tanker” means a goods vehicle as defined in the Road Traffic Act 1961 which has a tank that is structurally attached or is an integral part of the frame of the vehicle;

“storage licence” means a licence to store or keep any class of petroleum or any flammable material at any premises specified in the licence;

“transport”, in relation to any class of petroleum or any flammable material, means the carriage of such petroleum or flammable material by any vehicle on land from one place in Singapore to another place, whether within or outside Singapore, and includes —

- (a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a vehicle;
- (b) the marking of packages and unit loads containing any class of petroleum or any flammable material for transport, and placarding containers and vehicles in which such petroleum or flammable material are transported; and
- (c) any other matters incidental to their transport.

*[7/2004; 14/2013]*

(2) For the purposes of this Part and section 113, a person may be regarded as transporting any class of petroleum or any flammable material —

- (a) by the person marking packages and unit loads containing such petroleum or flammable material for transport, and placarding containers and any vehicles in which such petroleum or flammable material are transported;
- (b) by the person consigning such petroleum or flammable material for transport;
- (c) by the person loading such petroleum or flammable material into or onto a vehicle, or into a tank container or container that is to be put on a vehicle, for transport or unloading any class of petroleum or any flammable material that has been transported;
- (d) by the person marshalling vehicles and separating such petroleum or flammable material;
- (e) by the person undertaking, or being responsible for, otherwise than as an employee or subcontractor, the transport of such petroleum or flammable material;



- (f) by the person providing emergency information in relation to the transport of such petroleum or flammable material;
- (g) by the person driving a vehicle carrying such petroleum or flammable material;
- (h) by being the consignee of such petroleum or flammable material that are to be transported; or
- (i) by being involved as a director, secretary or manager of a body corporate, or other person who takes part in the management of a body corporate, that takes part in an activity referred to above.

[34  
[7/2004]

### **Storage of petroleum and flammable materials**

**78.** A person must not store or keep, or cause to be stored or kept, any class of petroleum or any flammable material except —

- (a) in or on licensed premises;
- (b) in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material; and
- (c) under the authority of and in accordance with the provisions of a storage licence from the Commissioner and every condition specified therein.

[35  
[7/2004; 14/2013]

### **Import of petroleum and flammable materials**

**79.—**(1) A person must not import any class of petroleum or any flammable material if —

- (a) the regulations require the person importing such petroleum or flammable material to hold a licence from the Commissioner to import such petroleum or flammable material; and
- (b) the person does not hold such a valid licence.

[7/2004]

(2) A person must not import any class of petroleum or any flammable material unless the importation —

- (a) is effected in accordance with the provisions of the person's licence and with every condition specified therein; and

- (b) is in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material.

[35A  
[7/2004; 14/2013]

### **Transport of petroleum and flammable materials**

**80.**—(1) A person must not transport any class of petroleum or any flammable material (other than as a driver of a road vehicle) if —

- (a) the regulations require the person transporting such petroleum or flammable material to hold a licence from the Commissioner to transport such petroleum or flammable material; and
- (b) the person does not hold such a valid licence.

[7/2004; 14/2013]

(2) A person must not transport any class of petroleum or any flammable material (other than as a driver of a road vehicle) unless the transportation —

- (a) is in accordance with the provisions of the person's licence and with every condition specified therein; and
- (b) is in such quantities and in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material.

[7/2004; 14/2013]

(3) A person must not drive any vehicle transporting any class of petroleum or any flammable material by road if —

- (a) the regulations require the vehicle to be licensed to transport such petroleum or flammable material and the vehicle is not licensed by the Commissioner to carry such petroleum or flammable material; and
- (b) the regulations require the person to hold a permit from the Commissioner to drive a vehicle carrying such petroleum or flammable material and the person does not hold such a valid permit.

[7/2004]

(4) A person must not drive any vehicle transporting any class of petroleum or any flammable material by road unless the person does so in such manner and in accordance with requirements prescribed in relation to such petroleum or flammable material, and in accordance with the provisions of the person's permit and every condition specified therein.

[7/2004; 14/2013]

(5) Nothing in this section applies to petroleum or any flammable material in the fuel tank of a vehicle which is used or intended to be used as fuel for that vehicle.

[7/2004]

(6) Every permit issued by the Commissioner before 16 February 2005 authorising any person to drive any vehicle transporting any class of petroleum or any flammable material by road is deemed to have been issued under subsection (3)(b).

[35B

[7/2004]

### **Dispensing of petroleum and flammable materials**

**81.** A person must not dispense or cause to be dispensed any class of petroleum or any flammable material except —

- (a) in or on licensed premises;
- (b) in accordance with the provisions of the storage licence for the licensed premises and with every condition specified therein; and
- (c) in the case of the dispensing of any class of petroleum or any flammable material into cylinders, where the regulations require a person so dispensing that class of petroleum or flammable material to have the specific approval of the Commissioner, with such approval and in accordance with any conditions the Commissioner may impose.

[36

[14/2013]

### **Pipelines for petroleum and flammable materials**

**82.** A person, being a pipeline owner, must not convey, or allow the conveyance of, any class of petroleum or any flammable material through any section of a relevant pipeline in relation to which the person is the pipeline owner except under the authority of and in accordance with the provisions of a pipeline licence from the Commissioner and every condition specified therein.

[36A

[14/2013]

### **Conduct of works in vicinity of licensed pipeline**

**83.—(1)** A person (other than the holder of the licence) must not commence or carry out, or cause or permit the commencement or carrying out of, any works in the vicinity of the licensed pipeline unless the person —

- (a) has given to the holder of the licence not less than 7 days' notice in writing

of the date on which it is proposed to commence the works;

- (b) has obtained from the holder of the licence the necessary information on the location of the licensed pipeline; and
- (c) has consulted the holder of the licence on the steps to be taken to prevent the licensed pipeline from being damaged while the works are being carried out.

[14/2013]

(2) Every person who commences or carries out, or causes or permits the commencement or carrying out of, any works referred to in subsection (1) must —

- (a) comply with all reasonable requirements of the holder of the licence for the prevention of damage to the licensed pipeline;
- (b) ensure that reasonable precautions are taken when such works are being carried out to prevent any damage to the licensed pipeline; and
- (c) allow the holder of the licence reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the licensed pipeline.

[14/2013]

(3) Upon receiving a notice under subsection (1)(a), the holder of the licence must —

- (a) promptly inform the person giving the notice of the location of the licensed pipeline, and provide the person with such other information as may be necessary to enable the person to ascertain the exact location of the licensed pipeline;
- (b) advise the person on the precautions to be taken to prevent damage to the licensed pipeline; and
- (c) take all such measures at the work site as may be reasonable and necessary for the protection of the licensed pipeline and, in so doing, the holder of the licence must have regard to the potential risks and dangers that can arise from any damage to the licensed pipeline.

[14/2013]

(4) Nothing in subsection (1) prohibits a person from commencing or carrying out, or causing or permitting the commencement or carrying out of, any works where the person has reasonable cause to believe that it is necessary to do so in the interest of public or private safety.

[14/2013]

(5) The person mentioned in subsection (4) must, as soon as practicable but not more than 24 hours after commencing the work, give to the holder of the licence written notice

stating the nature and extent of those works.

[14/2013]

(6) Any person who contravenes subsection (1), (2), (3) or (5) shall be guilty of an offence.

[14/2013]

(7) Subject to subsection (8), in any proceedings for an offence under subsection (6), it is a defence for the person charged to prove —

- (a) that the person took all reasonable steps to discharge the person's duty under subsection (1), (2), (3) or (5), as the case may be; or
- (b) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

[14/2013]

(8) If, in any proceedings for an offence under subsection (6), the defence involves acting on information supplied by the holder of the licence, the person charged is not, without leave of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.

[14/2013]

(9) In this section —

“construction works and services” has the meaning given by the Building and Construction Authority Act 1999;

“earthworks” has the meaning given by the Gas Act 2001;

“holder of the licence” means the holder of a pipeline licence for the licensed pipeline concerned;

“works” means any construction works and services or earthworks.

[36B

[14/2013]

### **Damage to licensed pipeline**

**84.**—(1) Any person who wilfully or recklessly removes, destroys, damages or suffers to be damaged any licensed pipeline or hinders or prevents a licensed pipeline from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence.

[14/2013]

(2) In any proceedings for an offence under subsection (1), it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

[14/2013]

(3) If, in any proceedings for an offence under subsection (1), the defence involves acting on information supplied by a holder of the licence, the person charged is not, without leave of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.

[36C

[14/2013]

## Offences

**85.**—(1) Any person who contravenes section 78, 79(1) or (2), 80(1), (2), (3) or (4) or 81 shall be guilty of an offence.

[7/2004; 14/2013]

(2) Any person who contravenes section 82 or 83 shall be guilty of an offence.

[14/2013]

(3) Any person who contravenes section 84 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[37

[14/2013]

## Powers of entry, inspection, etc.

**86.**—(1) For the purposes of this Part, the Commissioner has powers to —

- (a) stop and examine any vehicle when he or she has reason to believe that any class of petroleum or any flammable material is being transported in the vehicle in contravention of this Act;
- (b) inspect, examine and test all classes of petroleum or any flammable material stored on land and for such purposes take samples thereof;
- (c) enter any place where he or she has reason to believe that any class of petroleum or any flammable material is stored in contravention of this Act; and

- (d) seize any stock of any class of petroleum, any flammable material or equipment in respect of which he or she has reason to believe that an offence under this Act has been committed.

[7/2004; 14/2013]

(2) If any place liable to inspection under this section is closed, any person residing in or being in charge of such place must, on demand by any authorised officer, allow the authorised officer free entry thereto and provide all reasonable facilities for a search therein.

[14/2013]

(3) If entry to such place cannot be obtained, any authorised officer may —

- (a) break open any outer or inner door or window of that place;
- (b) forcibly enter that place and every part thereof; or
- (c) remove by force any obstruction to such entry or search.

[38

[14/2013]

### **Power to waive requirements**

**87.**—(1) The Commissioner may upon application by any person —

- (a) waive or modify any of the requirements of any licence or permit issued under this Part; or
- (b) waive the requirement for that person to obtain any licence or permit issued under this Part in any circumstances specified in writing by the Commissioner if the Commissioner is satisfied that fire safety will not be compromised in those circumstances.

[14/2013]

(2) A waiver or modification under subsection (1) —

- (a) may be granted subject to such conditions as the Commissioner may specify in writing; and
- (b) need not be published in the *Gazette* and may be revoked at any time by the Commissioner.

[14/2013]

(3) The Commissioner may at any time add to, vary or revoke any condition imposed under this section.

[14/2013]

(4) The Minister may, by regulations prescribed under section 113, provide that the powers of the Commissioner under subsection (1) are limited only to certain kinds of

licences or permits or certain circumstances specified in the regulations.

[38A  
[14/2013]

### **Grant and renewal of licence or permit**

**88.**—(1) The grant of any licence or permit under this Part is in the absolute discretion of the Commissioner.

[7/2004]

(2) Every licence or permit granted under this Part is subject to such conditions as the Commissioner thinks fit to impose.

[7/2004]

(3) Every licence or permit granted under this Part, if it has not been cancelled under section 89, may, on the application of the holder of the licence or permit, be renewed by the Commissioner subject to such conditions as the Commissioner thinks fit to impose.

[7/2004]

(4) Every licence or permit is, on payment of the prescribed fees, valid for such period not exceeding 3 years as the Commissioner may determine.

[7/2004]

(5) Any person who is aggrieved by any decision of the Commissioner under this section may, within one month of being notified of the decision of the Commissioner, appeal to the Minister.

[22/2019]

(6) Any person who contravenes any of the conditions of a licence or permit granted under this Part shall be guilty of an offence.

[39  
[7/2004]

### **Cancellation of licence or permit**

**89.**—(1) If —

(a) at any time it appears to the Commissioner —

- (i) that any premises or vehicle, in respect of which a licence or permit has been granted, has become unfit for the purpose for which it was licensed by reason of the increase of building or of population in its neighbourhood; or
- (ii) that from any other cause, any licence or permit should for the public safety be cancelled; or



- (b) the person to whom the licence or permit was granted contravenes any of the conditions of the licence or permit,

the Commissioner may by order cancel the licence or permit.

[7/2004]

(2) The Commissioner must, before cancelling any licence or permit under subsection (1), give to the person concerned written notice of the Commissioner's intention to do so specifying a date, not less than 21 days after the notice, upon which the cancellation takes effect and calling upon the person concerned to show cause to the Commissioner why the licence or permit should not be cancelled.

[7/2004]

(3) When the Commissioner has cancelled the licence or permit under subsection (1), he or she must inform the person concerned by written notice of such cancellation as soon as it may be practicable.

[7/2004; 14/2013]

(4) The person whose licence or permit has been cancelled may, within 14 days of the receipt of the notice mentioned in subsection (3), or such extended period of time as the Minister may allow, appeal in writing against the cancellation to the Minister.

[7/2004; 22/2019]

(5) An order of cancellation does not take effect until the expiry of a period of 14 days after the Commissioner has informed the holder of the licence or permit in question of the order.

[40

[7/2004]

## **Disposal of stocks and equipment**

**90.** Any property or thing seized or removed by the Commissioner in exercise of his or her powers under this Part or any regulations made under this Act must be confiscated and disposed of in such manner as the Commissioner thinks fit, and the proceeds (if any) of such disposal must be paid into the Consolidated Fund.

[42

## **PART 6A**

### **APPEALS**

#### **Appeals to Minister**

**91.—(1)** This section applies to every appeal to the Minister made under this Act.

[22/2019]

(2) An appeal to the Minister must be made in the manner prescribed.

[22/2019]

(3) The Minister may determine an appeal against a decision of or an order made by the Commissioner or a licensing officer —

(a) by confirming the decision or order in whole or varying it in part; or

(b) by reversing the decision or order.

[22/2019]

(4) Before determining an appeal, the Minister may consult the Appeal Advisory Board appointed under section 92.

[22/2019]

(5) In deciding an appeal, the Minister may have regard to any report made to the Minister by the Appeal Advisory Board.

[22/2019]

(6) The Minister's decision on any appeal is final.

[22/2019]

(7) Except where provided by sections 52(8), 54(8), 73(8) and 74(10) or unless the Minister otherwise directs, a decision or an order appealed against does not take effect until —

(a) the appeal is determined by the Minister under subsection (3); or

(b) the appeal is withdrawn.

[22/2019]

(8) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal under this Act:

(a) the Second Minister (if any) for his or her Ministry;

(b) a Minister of State (which includes a Senior Minister of State) for his or her Ministry;

(c) a Parliamentary Secretary (which includes a Senior Parliamentary Secretary) assisting the Minister under this Part;

(d) any public officer in his or her Ministry not subordinate to the Commissioner whose decision or order is appealed against.

[22/2019]

(9) Any reference to the Minister in subsections (1) to (7) includes a reference to a person designated under subsection (8).

[42A

[22/2019]

## Appeal Advisory Board

**92.**—(1) The Appeal Advisory Board consists of a Chairperson, a Vice-Chairperson and such other members as the Minister may appoint.

[22/2019]

(2) The Chairperson, Vice-Chairperson and members of the Appeal Advisory Board —

- (a) hold their office for such period as the Minister may determine, and may be re-appointed;
- (b) may at any time be removed from office by the Minister; and
- (c) may at any time resign from their office by writing addressed to the Minister.

[42B

[22/2019]

## PART 7

### MISCELLANEOUS

#### Charging for extinguishing fires, etc., on inland waters or sea

**93.**—(1) The Commissioner may charge fees for extinguishing any fire or protecting life and property in the event of any fire on inland waters or the sea, from such classes of persons as may be prescribed.

[14/2013]

(2) The Commissioner may recover as a debt due to the Government, from the classes of prescribed persons mentioned in subsection (1), the reasonable costs and expenses of investigating a fire mentioned in that subsection, including charges for any laboratory analysis.

[22/2019]

(3) Different classes of persons and amounts of fees may be prescribed for different circumstances.

[14/2013]

(4) Any such unpaid fees may be recovered by the Government as a civil debt in any court of competent jurisdiction.

[14/2013]

(5) In this section, references to the sea are not restricted to the territorial waters of Singapore.

[43

[14/2013]

### **Obstructing authorised persons in execution of their duty**

**94.** Any person who obstructs, hinders or impedes the Commissioner or any person authorised under this Act in the performance and execution of his or her duty or of anything which he or she is empowered or required to do by virtue or in consequence of or under this Act 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.

[44

[14/2013]

### **Analyst's certificate**

**95.**—(1) A certificate purporting to be signed by an analyst employed by the Health Sciences Authority and purporting to relate to petroleum is to be admitted in evidence in any proceedings for an offence under Part 6, on its production by the prosecution without proof of signature and, until the contrary is proved, such certificate is prima facie evidence of all matters contained therein.

[4/2001]

(2) In this section, “Health Sciences Authority” means the Health Sciences Authority established under the Health Sciences Authority Act 2001.

[45

[4/2001]

### **Powers of arrest**

**96.**—(1) The Commissioner or any member of or above the rank of warrant officer duly authorised in writing in that behalf by the Commissioner or any police officer may without warrant arrest any person whom he or she reasonably suspects to have committed an offence under this Act —

- (a) if the name and address of the person are unknown to him or her;
- (b) if the person declines to give the person's name and address; or
- (c) if there is any reason to doubt the accuracy of the name and address, if given.

[7/2004; 14/2013]

(2) A person arrested under this section may be detained until the person's name and address are correctly ascertained.

(3) No person arrested may be detained longer than is necessary for bringing the person before a court unless the order of a court for his or her detention is obtained.

### **Inaccuracies in documents**

**97.**—(1) A 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, does not 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.

[14/2013]

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

[47]

[14/2013]

### **Evidence**

**98.**—(1) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act are, until the contrary is proved, presumed to be correct.

[14/2013]

(2) All records and other documents required by this Act to be kept by the Commissioner are deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts (as the case may be), subscribed by that officer with the officer's name and the officer's official title is admissible in evidence as proof of the contents of the documents or extracts.

[14/2013]

(3) A certificate purporting to be under the hand of the Commissioner and specifying the costs and expenses or arrears as due and payable by any person is prima facie evidence of the facts certified therein and of the signature of the Commissioner.

[48]

### **Service of documents**

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

[22/2019]

(2) A document may be served on an individual —

- (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.

[22/2019]

(3) A document may be served on a partnership (other than a limited liability partnership) —

- (a) by giving it to any partner 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.

[22/2019]

(4) A document may be served on a body corporate (including a limited liability partnership) —

- (a) by giving it to the body corporate's secretary or other similar officer, 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 registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's last email address.

[22/2019]

(5) Service of a document under this section 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 to whom it is sent; and
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

[22/2019]

(6) However, service of any document under this Act on a person by email may be effected only with the person's prior consent (express or implied) to service in that way.

[22/2019]

(7) This section does not apply to documents to be served in proceedings in court.

[22/2019]

(8) 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;

“document” includes a notice or an order permitted or required by this Act to be served;

“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.

[49

[22/2019]

## **Jurisdiction of court**

**100.** Despite the provisions of the Criminal Procedure Code 2010, a District Court has jurisdiction to hear and determine all offences under this Act and has power to impose the full penalty or punishment in respect of an offence under this Act.

[50  
[14/2013]

### **Composition of offences**

**101.**—(1) The Commissioner may 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.

[14/2013]

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

[14/2013]

(3) The Minister may make regulations to prescribe the offences which may be compounded under this section.

[51]

### **Conduct of prosecutions**

**102.** Proceedings in respect of any offence under this Act may, with the authorisation of the Public Prosecutor, be conducted by any officer of the Force or any other person authorised in writing in that behalf by the Commissioner.

[52  
[15/2010; 14/2013]

### **Exemption**

**103.** The Minister may, by order either generally or in any particular case, and subject to such conditions as the Minister may impose, exempt any person, premises, structure, aircraft, vehicle, vessel or fire safety works from all or any of the provisions of this Act.

[53  
[7/2004; 14/2013]

### **Offences by corporations**

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

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



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

[22/2019]

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

(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

[22/2019]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

[22/2019]

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

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[22/2019]

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation

for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

[22/2019]

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

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

[54

[22/2019]

### **Offences by unincorporated associations or partnerships**

**105.**—(1) Where, in any proceedings for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

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

is evidence that the unincorporated association or partnership had that state of mind.

[22/2019]

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

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

- (ii) a partner in the partnership; or
  - (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
- (i) consented or connived, or conspired with others, to effect the commission of the offence;
  - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
  - (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

[22/2019]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

[22/2019]

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

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[22/2019]

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

[22/2019]

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

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

[54A  
[22/2019]

### **Adoption of codes and standards**

**106.**—(1) Any regulations made under section 113 may adopt (wholly or partially or as amended by the regulations or by reference) any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which is —

- (a) recommended, issued or adopted by the Enterprise Singapore Board;
- (b) recommended, issued or adopted by any other standards organisation or body of any place outside Singapore being an organisation or body approved by the Commissioner; or
- (c) included in any document issued by any Government department or issued by the public authority constituted under any written law.

[14/2013; 10/2018]

(2) The Commissioner must cause a copy of every code, standard, rule, specification or provision adopted under subsection (1)(b) or (c) to be made available for inspection by members of the public without charge at the office of the Commissioner during normal office hours.

(3) In any proceedings under this Act, a copy certified by the Commissioner as a true copy of a code, standard, rule, specification or provision adopted under subsection (1)(b) or (c) is evidence of the code, standard, rule, specification or provision so adopted.

[14/2013]

(4) Unless otherwise provided in any regulations made under section 113, in the event that any code, standard, rule, specification or provision adopted under subsection (1) is inconsistent with the Code of Practice for Fire Precautions in Buildings published by the Commissioner, the Code of Practice for Fire Precautions in Buildings prevails.

[55  
[14/2013]

### **General penalties**

**107.** Any person who is guilty of an offence under this Act for which no penalty is expressly provided 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 \$1,000 for every day or part of a day during which the offence continues after conviction.

[56  
[14/2013]

### **Provision of information**

**108.—**(1) In addition to any other powers under this Act, the Commissioner or any authorised officer may by notice require any person to provide, within a reasonable period specified in the notice, any document, record or information in the possession or knowledge of that person that the Commissioner or the authorised officer (as the case may be) believes on reasonable grounds to be relevant to the administration or enforcement of this Act.

[14/2013]

(2) The power to require a person to provide any document or record under subsection (1) includes the power to retain the original copy of the document or record or to copy or make extracts from the document or record.

[14/2013]

(3) Any person who, without reasonable excuse, fails to comply with any notice under subsection (1) or who provides any information which the person knows or has reason to believe is false or misleading shall be guilty of an offence.

[57  
[14/2013]

### **False or misleading information**

**109.** Any person who provides any information, that the person knows or has reason to believe is false or misleading, to the Commissioner or licensing officer in connection with any application for a licence or permit under this Act 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.

### **Saving of prosecutions under other laws**

**110.**—(1) Nothing in this Act prevents any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act.

[14/2013]

(2) No person shall be punished twice for the same offence.

[58

### **Protection from liability**

**111.**—(1) No liability shall lie against the Government or any public officer by reason of the fact that any fire safety works are carried out in accordance with the provisions of this Act or that such works or plans of the building are subject to inspection or approval by the Commissioner or the public officer.

(2) Nothing in this Act makes it obligatory for the Commissioner to inspect any building or fire safety works or the site of any proposed building to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, notices or other documents submitted to the Commissioner are accurate.

[14/2013]

(3) No matter or thing done by the Commissioner or by any public officer, fire forensic specialist or member of the Force or done by an individual appointed under section 21, if it were done with reasonable care and in good faith for the purpose of carrying out the provisions of this Act, subjects the Commissioner or such person personally liable to any action, liability, claim or demand whatsoever.

[59

[14/2013; 10/2015; 22/2019]

### **Transfer of employees to Force**

**112.** On 8 April 1994, every person who immediately before that date was serving in the Singapore Fire Service constituted under the repealed Fire Service Act (Cap. 110, 1985 Revised Edition) and in force immediately before that date is transferred to the Force on the same terms and rank enjoyed or attained by the person immediately prior to the person's transfer and is deemed to be appointed under the Civil Defence Act 1986, and the person's service in the Singapore Fire Service is deemed to be service under the Civil Defence Act 1986.

[60

## Regulations

**113.**—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act as the Minister considers necessary and for any matter which is required under this Act to be prescribed and, in particular, the Minister may make regulations in respect of all or any of the following matters:

- (a) the establishment, registration and regulation of fire safety managers and Company Emergency Response Teams in any premises or any class of premises as may be prescribed by the Minister, and the requirement for such persons to be provided with fire safety equipment as may be prescribed or to undergo such training or assessment and satisfy such standards as the Commissioner may specify;
- (b) the control of the sale, supply, installation, repair, maintenance and inspection of fire safety works;
- (c) the licensing of persons who carry on the trade or business of supplying, selling, maintaining, repairing or inspecting fire safety works;
- (d) the prescribing of the type of fire safety measures to be installed in any premises;
- (e) the prescribing of the requirements of an Emergency Response Plan required under this Act;
- (f) the time and manner of making an application for a fire certificate under section 35, and the circumstances in which the Commissioner may revoke a fire certificate;
- (g) the duties of persons granted licences under section 50;
- (h) the control, regulation and supervision by registration, licensing, inspection or otherwise of places to which the public has access;
- (i) the submission of plans and specifications of fire safety works, the authorisation of persons qualified to submit the same and their duties and responsibilities and the nature or classifications of plans or specifications which each such person may submit;
- (j) the time and manner of making an application for temporary fire permits and fire safety certificate;
- (k) the time and manner of making an application for the change of use of premises;
- (l) the duties of accredited certification bodies in relation to the certification of

- regulated fire safety products;
- (m) the duties of a local representative appointed by a foreign person to whom a certificate of conformity is issued;
  - (n) the duties of a person to whom a certificate of conformity is issued;
  - (o) the prescribing of the type of tests to be applied to any petroleum or flammable material to ascertain its flashpoint and the methods of applying the same;
  - (p) the determining of the standard of any class of petroleum;
  - (q) the licensing and management of relevant pipelines and places for storing any class of petroleum or any flammable material, including requirements to establish Company Emergency Response Teams and to prepare Emergency Response Plans for such Company Emergency Response Teams to undergo such training or assessment and satisfy such standards as the Commissioner may specify;
  - (r) the prescribing of the quantities of any class of petroleum or any flammable material that may be stored in any licensed premises and the method in which it is to be stored including the maximum quantity of any class of petroleum or any flammable material that can be stored without a licence for residential, commercial or industrial use;
  - (s) the regulation of the dispensing of any class of petroleum or any flammable material;
  - (t) the regulation of the conveyance of any class of petroleum or any flammable material by a relevant pipeline;
  - (u) the regulation of the transport of any class of petroleum or any flammable material, including specifying the time during which such petroleum or flammable material can be transported and the maximum quantity of any class of petroleum or any flammable material that can be transported without a licence or permit;
  - (v) the determining of the quantity of and the receptacles in which any class of petroleum or any flammable material may be carried in any vehicle;
  - (w) the prescribing of the standard and specification for the construction of any premises in which any class of petroleum or any flammable material is to be stored;
  - (x) the prescribing of the types and standards of materials and appliances to be used for preventing or extinguishing fire in any licensed premises;



- (y) the provisions for the protection of premises adjacent to licensed premises;
- (z) the requiring of any receptacle containing petroleum or flammable material to carry warning labels and to denote the class of petroleum or the flammable material contained therein;
- (za) the regulation of the import, storage, transport, distribution, maintenance and disposal of cylinders used to contain any class of petroleum or flammable material, including requirements to store different brands of cylinders at different licensed premises and for labelling and colour-coding of cylinders;
- (zb) the prescribing of fees and charges for the purposes of this Act;
- (zc) the prescribing of conditions to be attached to any licence or permit, including the requirement for licensees to impose specified contractual terms on other parties to enable the licensee to maintain fire safety in its operations, and the requirements and conditions to be observed by persons at the premises or driving any vehicle to which the licence or permit relates;
- (zd) the regulation, control and licensing of persons and organisations engaged in the business of petroleum or flammable material distribution;
- (ze) the requirement for security to be given by any class of licensees to ensure compliance with this Act;
- (zf) the prescribing of forms for licences and permits and for other purposes for use in connection with this Act;
- (zg) the duties and responsibilities of registered inspectors and fire safety engineers and the manner in which those duties and responsibilities are to be discharged, including a code of conduct and ethics for registered inspectors and fire safety engineers;
- (zh) the prescribing of the procedure of the Appeal Advisory Board;
- (zi) the regulation of the proceedings of any Inquiry Committee constituted under section 9 or section 44;
- (zj) the prescribing of the procedure of or any other matter relating to an appeal to the Minister;
- (zk) the prescribing of a right to appeal to the Minister against a decision made under the regulations;
- (zl) the prescribing of any matter which is required for the purposes of this Act.

(2) The Minister may, in making any regulations under subsection (1), provide that any contravention or failure to comply with any of the provisions of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both.

[61]

### Transitional provisions

**114.**—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the repealed Fire Service Act (Cap. 110, 1985 Revised Edition) or the repealed section 12, 14, 17, 18 or 19 of the Petroleum Act (Cap. 229, 1985 Revised Edition), so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act or in any other written law, continues and is deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

(2) All moneys belonging to the Fire Service Welfare Fund established under section 12 of the repealed Fire Service Act (Cap. 110, 1985 Revised Edition) are, on 8 April 1994, transferred to and deemed to be moneys belonging to the Civil Defence Force Fund established under section 101 of the Civil Defence Act 1986 and must be used for the purposes stated in that section.

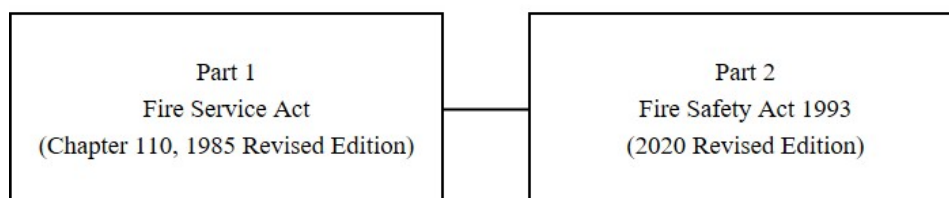
[62]

## LEGISLATIVE HISTORY

### FIRE SAFETY ACT 1993

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

#### Pictorial Overview of Predecessor Acts



#### Legislative History Details

##### PART 1

FIRE SERVICE ACT  
(CHAPTER 110, 1985 REVISED EDITION)

**1. Act 6 of 1980—Fire Service Act, 1980**

Bill	: 41/1979
First Reading	: 11 December 1979
Second and Third Readings	: 26 February 1980
Commencement	: 1 August 1980

*Note: This Act repealed Part IV of the Local Government Integration Act (Chapter 210, 1970 Revised Edition).*

**2. 1985 Revised Edition—Fire Service Act (Chapter 110)**

Operation	: 30 March 1987
-----------	-----------------

PART 2  
FIRE SAFETY ACT 1993  
(2020 REVISED EDITION)

**3. Act 39 of 1993—Fire Safety Act 1993**

Bill	: 31/1993
First Reading	: 12 October 1993
Second and Third Readings	: 10 November 1993
Commencement	: 8 April 1994 (except Part VI and sections 60 and 62) 29 April 1994 (Part VI and sections 60 and 62)

*Note: This Act was brought into force after it was revised in 1994.*

**4. Act 1 of 1996—Singapore Productivity and Standards Board Act 1995**

(Amendments made by section 44 read with item 5 of the Third Schedule to the above Act)

Bill	: 39/1995
First Reading	: 1 November 1995
Second Reading	: 5 December 1995
Notice of Amendments	: 5 December 1995
Third Reading	: 5 December 1995
Commencement	: 1 April 1996 (section 44 read with item 5 of the

Third Schedule)

**5. Act 5 of 2000—Fire Safety (Amendment) Act 2000**

Bill	: 43/1999
First Reading	: 24 November 1999
Second and Third Readings	: 17 January 2000
Commencement	: 1 April 2000

**6. G.N. No. S 449/2000—Fire Safety Act (Amendment of First Schedule) Notification 2000**

Commencement	: 15 October 2000
--------------	-------------------

**7. 2000 Revised Edition—Fire Safety Act (Chapter 109A)**

Operation	: 30 December 2000
-----------	--------------------

**8. Act 4 of 2001—The Health Sciences Authority Act 2001**

(Amendments made by section 42 read with item (5) of the Second Schedule to the above Act)

Bill	: 3/2001
First Reading	: 12 January 2001
Second and Third Readings	: 22 February 2001
Commencement	: 1 April 2001 (section 42 read with item (5) of the Second Schedule)

**9. Act 7 of 2004—Fire Safety (Amendment) Act 2004**

Bill	: 5/2004
First Reading	: 5 January 2004
Second and Third Readings	: 6 February 2004
Commencement	: 15 April 2004 (except sections 3, 8, 10, 11, 12, 14 to 22, 25(a) to (g) and 26, and items (1) and (2) of the Schedule)
	1 July 2004 (sections 3, 10, 11 and 12)
	10 September 2004 (section 8)
	16 February 2005 (sections 14 to 22, 25(a) to (g) and

26, and items (1) and (2) of the Schedule)

**10. Act 47 of 2004—Building Maintenance and Strata Management Act 2004**

(Amendments made by section 140 read with item (7) of the Fifth Schedule to the above Act)

Bill	: 6/2004
First Reading	: 6 February 2004
Second Reading	: 19 April 2004
Select Committee Report	: Parl. 5 of 2004
Third Reading	: 19 October 2004
Commencement	: 1 April 2005 (section 140 read with item (7) of the Fifth Schedule)

**11. Act 15 of 2010—Criminal Procedure Code 2010**

(Amendments made by section 430 read with item 42 of the Sixth Schedule to the above Act)

Bill	: 11/2010
First Reading	: 26 April 2010
Second Reading	: 18 May 2010
Third Reading	: 19 May 2010
Commencement	: 2 January 2011 (section 430 read with item 42 of the Sixth Schedule)

**12. Act 14 of 2013—Fire Safety (Amendment) Act 2013**

Bill	: 1/2013
First Reading	: 14 January 2013
Second and Third Readings	: 8 April 2013
Commencement	: 1 September 2013 (except sections 40 and 41(b)) 1 March 2014 (sections 40 and 41(b))

**13. Act 10 of 2015—Police Force (Amendment) Act 2015**

(Amendments made by section 45 read with the Schedule to the above Act)

Bill	: 5/2015
First Reading	: 29 January 2015
Second and Third Readings	: 13 March 2015
Commencement	: 1 June 2015 (section 45 read with the Schedule)

**14. Act 31 of 2016—Fire Safety (Amendment) Act 2016**

Bill	: 31/2016
First Reading	: 10 October 2016
Second and Third Readings	: 10 November 2016
Commencement	: 1 February 2017

**15. Act 5 of 2018—Public Sector (Governance) Act 2018**

(Amendments made by section 62 of the above Act)

Bill	: 45/2017
First Reading	: 6 November 2017
Second Reading	: 8 January 2018
Notice of Amendments	: 8 January 2018
Third Reading	: 8 January 2018
Commencement	: 1 April 2018 (section 62)

**16. Act 10 of 2018—Enterprise Singapore Board Act 2018**

(Amendments made by section 78(6) of the above Act)

Bill	: 3/2018
First Reading	: 8 January 2018
Second and Third Readings	: 5 February 2018
Commencement	: 1 April 2018 (section 78(6))

**17. Act 22 of 2019—Fire Safety (Amendment) Act 2019**

Bill	: 16/2019
First Reading	: 8 July 2019
Second and Third Readings	: 5 August 2019
Commencement	: 14 September 2020

**18. Act 40 of 2019—Supreme Court of Judicature (Amendment) Act 2019**

(Amendments made by section 28(1) read with item 58 of the Schedule to the above Act)

Bill	: 32/2019
First Reading	: 7 October 2019
Second Reading	: 5 November 2019
Notice of Amendments	: 5 November 2019
Third Reading	: 5 November 2019
Commencement	: 2 January 2021 (section 28(1) read with item 58 of the Schedule)

**19. Act 4 of 2021—Statute Law Reform Act 2021**

(Amendments made by section 15(7) of the above Act)

Bill	: 45/2020
First Reading	: 3 November 2020
Second and Third Readings	: 5 January 2021
Commencement	: 1 March 2021 (section 15(7))

**20. 2020 Revised Edition—Fire Safety Act 1993**

Operation	: 31 December 2021
-----------	--------------------

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

## COMPARATIVE TABLE

### FIRE SAFETY ACT 1993

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.	2000 Ed.
<b>4</b>	<b>3A</b>
<b>5</b>	<b>4</b>
<b>6</b>	<b>5</b>
<b>7</b>	<b>5A</b>
—	(6) [ <i>Deleted by Act 22 of 2019</i> ]
—	(7) [ <i>Deleted by Act 22 of 2019</i> ]
—	(8) [ <i>Deleted by Act 22 of 2019</i> ]
(6)	(9)
(7)	(10)
(8)	(11)
(9)	(12)
<b>8</b>	<b>6</b>
—	(5) [ <i>Deleted by Act 14 of 2013</i> ]



(5)	(6)
<b>9</b>	<b>6A</b>
[ <i>Omitted as spent</i> ]	(9)
<b>10</b>	<b>6B</b>
<b>11</b>	<b>6C</b>
—	(11) [ <i>Deleted by Act 22 of 2019</i> ]
—	(12) [ <i>Deleted by Act 22 of 2019</i> ]
—	(13) [ <i>Deleted by Act 22 of 2019</i> ]
(11)	(14)
<b>12</b>	<b>6D</b>
<b>13</b>	<b>7</b>
<b>14</b>	<b>8</b>
<b>15</b>	<b>8A</b>
<b>16</b>	<b>8B</b>
<b>17</b>	<b>8C</b>
<b>18</b>	<b>8CA</b>
<b>19</b>	<b>8D</b>
<b>20</b>	<b>8E</b>
<b>21</b>	<b>8F</b>
<b>22</b>	<b>9</b>
<b>23</b>	<b>10</b>
<b>24</b>	<b>11</b>
<b>25</b>	<b>12</b>
<b>26</b>	<b>12A</b>
<b>27</b>	<b>12B</b>
<b>28</b>	<b>13</b>
(3)	(2A)
(4)	(3)
(5)	(4)
<b>29</b>	<b>14</b>
<b>30</b>	<b>15</b>
(2)	(1A)
(3)	(1B)

(4)	(2)
(5)	(3)
(6)	(4)
(7)	(5)
(8)	(6)
(9)	(7)
(10)	(8)
(11)	(9)
<b>31</b>	<b>16</b>
<b>32</b>	<b>17</b>
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
<b>33</b>	<b>18</b>
<b>34</b>	<b>19</b>
<b>35</b>	<b>20</b>
<b>36</b>	<b>20A</b>
<b>37</b>	<b>21</b>
(5)	(4A)
(6)	(5)
(7)	(6)
<b>38</b>	<b>22</b>
—	(3A) [ <i>Deleted by Act 22 of 2019</i> ]
<b>39</b>	<b>22AA</b>
<b>40</b>	<b>22AB</b>
<b>41</b>	<b>22A</b>
<b>42</b>	<b>22B</b>
(3)	(2A)
(4)	(3)

(5)	(4)
(6)	(5)
(7)	(6)
<b>43</b>	<b>22C</b>
—	(7) [ <i>Deleted by Act 22 of 2019</i> ]
—	(8) [ <i>Deleted by Act 22 of 2019</i> ]
(7)	(9)
(8)	(10)
<b>44</b>	<b>22D</b>
(4)	(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
<b>45</b>	<b>22E</b>
<b>46</b>	<b>22F</b>
<b>47</b>	<b>22G</b>
<b>48</b>	<b>22H</b>
<b>49</b>	<b>22I</b>
<b>50</b>	<b>22J</b>
<b>51</b>	<b>22K</b>
<b>52</b>	<b>22L</b>
<b>53</b>	<b>22M</b>
<b>54</b>	<b>22N</b>
<b>55</b>	<b>23</b>
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)

(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
(13)	(12)
<b>56</b>	<b>24</b>
<b>57</b>	<b>25</b>
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(6A)
(9)	(6B)
(10)	(7)
(11)	(8)
<b>58</b>	<b>26</b>
<b>59</b>	<b>27</b>
—	(4) [ <i>Deleted by Act 22 of 2019</i> ]
—	(5) [ <i>Deleted by Act 22 of 2019</i> ]
—	<b>28</b> [ <i>Repealed by Act 22 of 2019</i> ]
<b>60</b>	<b>29</b>
(6)	(5A)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
(13)	(12)
<b>61</b>	<b>30</b>

<b>62</b>	<b>30A</b>
<b>63</b>	<b>30B</b>
<b>64</b>	<b>30C—(1)</b>
—	(2) [ <i>Deleted by Act 22 of 2019</i> ]
—	(3) [ <i>Deleted by Act 22 of 2019</i> ]
—	(4) [ <i>Deleted by Act 22 of 2019</i> ]
—	(5) [ <i>Deleted by Act 22 of 2019</i> ]
<b>65</b>	<b>30D</b>
<b>66</b>	<b>31</b>
<b>67</b>	<b>32</b>
<b>68</b>	<b>32A</b>
<b>69</b>	<b>32B</b>
<b>70</b>	<b>32C</b>
<b>71</b>	<b>32D</b>
<b>72</b>	<b>33</b>
<b>73</b>	<b>33A</b>
<b>74</b>	<b>33B</b>
<b>75</b>	<b>33C</b>
<b>76</b>	<b>33D</b>
<b>77</b>	<b>34</b>
—	(3) [ <i>Deleted by Act 14 of 2013</i> ]
<b>78</b>	<b>35</b>
<b>79</b>	<b>35A</b>
<b>80</b>	<b>35B</b>
<b>81</b>	<b>36</b>
<b>82</b>	<b>36A</b>
<b>83</b>	<b>36B</b>
<b>84</b>	<b>36C</b>
<b>85</b>	<b>37</b>
<b>86</b>	<b>38</b>
<b>87</b>	<b>38A</b>
<b>88</b>	<b>39</b>
<b>89</b>	<b>40</b>

—	(6) [ <i>Deleted by Act 22 of 2019</i> ]
—	41 [ <i>Repealed by Act 7 of 2004</i> ]
<b>90</b>	<b>42</b>
<b>91</b>	<b>42A</b>
<b>92</b>	<b>42B</b>
<b>93</b>	<b>43</b>
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
<b>94</b>	<b>44</b>
<b>95</b>	<b>45</b>
<b>96</b>	<b>46</b>
<b>97</b>	<b>47</b>
<b>98</b>	<b>48</b>
<b>99</b>	<b>49</b>
<b>100</b>	<b>50</b>
<b>101</b>	<b>51</b>
(2)	(1A)
(3)	(2)
<b>102</b>	<b>52</b>
<b>103</b>	<b>53</b>
<b>104</b>	<b>54</b>
<b>105</b>	<b>54A</b>
<b>106</b>	<b>55</b>
<b>107</b>	<b>56</b>
<b>108</b>	<b>57</b>
<b>109</b>	<b>57A</b>
<b>110</b>	<b>58</b>
<b>111</b>	<b>59</b>
<b>112</b>	<b>60</b>
<b>113</b>	<b>61</b>
<b>114</b>	<b>62</b>

<i>[Omitted as spent]</i>	(3)
—	(4) <i>[Deleted by Act 4 of 2021]</i>
—	<b>THE SCHEDULE</b> <i>[Repealed by Act 14 of 2013]</i>