

Environmental Pollution Control (Amendment) Bill

Bill No. 13/2007.

Read the first time on 9th April 2007.

A BILL

intituled

An Act to amend the Environmental Pollution Control Act (Chapter 94A of the 2002 Revised Edition) and to make consequential amendments to certain other written laws.

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

Short title and commencement

1. This Act may be cited as the Environmental Pollution Control (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of long title**

2. The long title to the Environmental Pollution Control Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “environmental pollution control”, the words “, to provide for the protection and management of the environment and resource conservation,”.

Amendment of section 1

3. Section 1 of the principal Act is amended by deleting the words “Environmental Pollution Control Act” and substituting the words “Environmental Protection and Management Act”.

15 **New Part XA**

4. The principal Act is amended by inserting, immediately after section 40, the following Part:

“PART XA

ENERGY CONSERVATION

20 **Interpretation of this Part**

40A. In this Part, unless the context otherwise requires —

“effective date”, in relation to any goods, means the date on which the goods become registrable goods as specified in the order under section 40B;

25 “goods” means any device, appliance, equipment, vehicle, article or thing that consumes electricity or fuel;

“label”, in relation to any registrable goods, includes to mark or affix a label to the registrable goods;

30 “manufacture” means to make, fabricate, produce or process any goods and includes —

(a) the adapting for sale of any goods; and

(b) the altering, ornamenting or finishing or the assembling or processing in any form of any goods;

5 “registered goods” means any registrable goods registered under section 40D(3) as such;

“registered supplier” means any importer or manufacturer registered under section 40D(3) as such;

“registrable goods” means any goods declared by order under section 40B to be such;

10 “sale” includes —

(a) barter, exchange or import;

(b) offering or attempting to sell, causing or allowing to be sold, or exposing for sale; and

(c) receiving, sending or delivering for sale;

15 “supply”, in relation to any goods, includes —

(a) the supply of the goods by way of sale, lease, loan, hire or hire-purchase;

(b) the supply of the goods in connection with any agreement; and

20 (c) the offer to supply the goods.

Registrable goods

25 **40B.** The Minister may, after consultation with the Agency, by order published in the *Gazette*, declare any class, description or type of goods to be registrable goods for the purposes of this Part from the date specified in the order.

Restriction on supply of registrable goods

40C.—(1) No person shall, in the course of any trade or business, supply any registrable goods in Singapore on or after the effective date unless the registrable goods are —

30 (a) registered under section 40D(3); and

(b) labelled in the prescribed manner.

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

Registration of suppliers and registrable goods

5 **40D.**—(1) Any importer or manufacturer who intends, in the course of any trade or business, to supply any registrable goods in Singapore on or after the effective date shall apply, in such form and manner as may be prescribed, to the Director-General —

 (a) to be registered as a registered supplier; and

10 (b) to register any registrable goods which the importer or manufacturer intends to supply in Singapore.

(2) Every application under subsection (1) shall be accompanied by —

 (a) such fee as may be prescribed; and

15 (b) such documents and information as may be prescribed.

(3) The Director-General may, in his discretion, register subject to such terms and conditions as he thinks fit to impose or refuse to register —

 (a) any applicant as a registered supplier; or

20 (b) any registrable goods which the applicant intends to supply in Singapore as registered goods.

(4) The registration of any registered supplier or any registered goods shall not be transferable from one person to another without the approval in writing of the Director-General.

25 (5) Any importer or manufacturer who, in the course of any trade or business, supplies any registrable goods in Singapore on or after the effective date when he is not a registered supplier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Register of registered suppliers and registered goods

30 **40E.**—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the registered suppliers and the registered goods as the Director-General may determine.

(2) Where the registration of any registered supplier or any registered goods has been withdrawn or revoked or has expired, as the case may be, the Director-General may —

5 (a) remove the particulars of the registered supplier or the registered goods from the register; or

(b) indicate against the particulars of the registered supplier or the registered goods in the register the fact of such withdrawal, revocation or expiry of registration, as the case may be.

10 (3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Duration and renewal of registration

15 **40F.**—(1) The registration of any registered supplier shall remain valid unless withdrawn or revoked under section 40G.

(2) The registration of any registered goods, including any renewal thereof, shall be valid for 3 years unless earlier withdrawn or revoked.

20 (3) An application for renewal of the registration of any registered goods shall be made before the expiry of the registration, and in such form and manner as may be prescribed.

(4) Every application under subsection (3) shall be accompanied by —

(a) such fee as may be prescribed; and

25 (b) such documents and information as may be prescribed.

(5) The Director-General may, in his discretion, renew the registration of any registered goods subject to such terms and conditions as he thinks fit to impose or refuse to renew such registration.

Withdrawal or revocation of registration

30 **40G.**—(1) The Director-General may withdraw the registration of any registered supplier —

- (a) where he applies to the Director-General to withdraw his registration as such; or
- (b) in respect of any registered goods which he ceases to supply in Singapore, where he applies to the Director-General to withdraw such registration.

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(2) The Director-General may revoke the registration of any registered supplier after giving notice to him and after such inquiry as the Director-General thinks fit —

- (a) if the registered supplier has procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
- (b) if the Director-General is satisfied that the registered supplier has contravened any term or condition of the registration; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

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(3) The Director-General may revoke the registration of any registered goods by a registered supplier after giving notice to the registered supplier and after such inquiry as the Director-General thinks fit if he is satisfied —

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- (a) that the registered goods do not conform with the results of any test or examination declared by the registered supplier;
- (b) that a modification to the registered goods has resulted in a change that affects the performance of the registered goods;
- (c) that the registered supplier has procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
- (d) that the registered supplier has contravened any term or condition of the registration;
- (e) that the registered supplier has contravened any of the prescribed requirements relating to labelling; or

(f) that the registered supplier has contravened any of the provisions of this Act.

(4) The Director-General shall, within 14 days of revoking any registration under subsection (2) or (3), inform the registered supplier in writing of the revocation and the grounds for the revocation.

Appeals

40H.—(1) Any importer or manufacturer who is aggrieved by a decision of the Director-General —

(a) refusing to register him as a registered supplier, or refusing to register any registrable goods as registered goods, under section 40D(3);

(b) refusing to renew the registration of any registered goods under section 40F(5);

(c) to impose any term or condition under section 40D(3) or 40F(5); or

(d) to revoke the registration of any registered supplier under section 40G(2) or the registration of any registered goods under section 40G(3),

may, within 14 days of the date of receipt of the notice informing him of such refusal, imposition of the term or condition or revocation, as the case may be, appeal in writing to the Minister.

(2) The Minister may confirm, vary or reverse the decision of the Director-General appealed against, or give such directions in the matter as the Minister thinks fit.

(3) The decision of the Minister under subsection (2) shall be final.

(4) Notwithstanding that any appeal under subsection (1) is pending —

(a) the term or condition imposed by the Director-General under section 40D(3) or 40F(5);

(b) the revocation of the registration of any registered supplier under section 40G(2); or

(c) the revocation of the registration of any registered goods under section 40G(3),

as the case may be, shall take effect from the date specified by the Director-General, unless the Minister otherwise directs.

5 **Maintenance of records**

40I.—(1) A registered supplier shall keep and maintain complete and accurate records in such form and manner, and containing such information, as may be prescribed.

10 (2) The registered supplier shall make available to the Director-General the records referred to in subsection (1) for inspection.

(3) The registered supplier shall submit such records, or furnish such other documents or information, as may be required by the Director-General within the time specified by the Director-General.

15 (4) Any registered supplier who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Power of Director-General to require registrable goods for testing or analysis and furnishing of information

20 **40J.**—(1) The Director-General may require any person carrying on a trade or business which consists of or includes the supply of any registrable goods to —

(a) provide free of charge to the Director-General samples of the registrable goods for the purpose of testing or analysis; and

25 (b) furnish to the Director-General such documents or information as he may require in respect of those registrable goods.

30 (2) Any person who contravenes any requirement of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

False statements, forging of documentation, etc.

40K. If any person —

(a) in relation to an application for registration made under section 40D(1), makes or causes to be made any statement or declaration which is false or misleading in any material particular; or

(b) makes or causes to be made any entry in a record, register or other document required to be kept under this Part which to his knowledge is false or misleading in any material particular,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.”.

Amendment of section 72

5. Section 72(1) of the principal Act is amended by deleting the words “a sum not exceeding \$5,000.” and substituting the following words:

“a sum not exceeding —

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

(b) \$15,000,

whichever is the lower.”.

Amendment of Third Schedule

6. The Third Schedule to the principal Act is amended by inserting, immediately after item 23, the following item:

“23A. The prescribing of registration requirements in relation to registrable goods, and the regulation of the labelling of registrable goods, for the purpose of facilitating energy conservation.”.

Consequential amendments to other written laws

7. The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

References to Act in other written laws and documents

8. Insofar as it is necessary for preserving the effect of any written law or document on or after the date of commencement of this Act, any reference to the Environmental Pollution Control Act shall be read as a
5 reference to the Environmental Protection and Management Act.

THE SCHEDULE

Section 7

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
<p>(1) Central Provident Fund Act (Chapter 36, 2001 Ed.)</p> <p>Third Schedule, item 12</p>	<p>Delete the words “Environmental Pollution Control Act” and substitute the words “Environmental Protection and Management Act”.</p>
<p>(2) Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A, 2000 Ed.)</p> <p>Second Schedule</p>	<p>Delete the words “Environmental Pollution Control Act” above item 229 and substitute the words “Environmental Protection and Management Act”.</p>
<p>(3) Environmental Public Health Act (Chapter 95, 2002 Ed.)</p> <p>Section 62(3)</p>	<p>Delete the words “Environmental Pollution Control Act” and substitute the words “Environmental Protection and Management Act”.</p>

EXPLANATORY STATEMENT

This Bill seeks to amend the Environmental Pollution Control Act (Cap. 94A) principally to provide for energy conservation and to make consequential amendments to certain other written laws.

Clause 1 relates to the short title and commencement.

Clauses 2 and 3 amend the long title and the short title, respectively, to reflect the provisions of the new Part XA (inserted by clause 4).

Clause 4 inserts a new Part XA (comprising new sections 40A to 40K) to establish a scheme to mandate the labelling of certain goods which are declared to be registrable goods for the purpose of energy conservation.

The new section 40A defines certain terms used in the new Part.

The new section 40B empowers the Minister to declare, after consultation with the National Environment Agency, the classes, descriptions or types of goods that are to be registrable goods for the purposes of the new Part.

The new section 40C prohibits the supply, whether by an importer or a manufacturer or otherwise, of registrable goods in the course of any trade or business that are not registered under the new section 40D(3) and that are not labelled in the prescribed manner.

The new section 40D provides for the registration of suppliers of registrable goods and for the registration of such goods. The section also makes it an offence for any importer or manufacturer of registrable goods to fail to register himself as a registered supplier.

The new section 40E requires the Director-General of Environmental Protection (the Director-General) to keep and maintain a register of registered suppliers and registered goods. The section also allows the Director-General to provide a certified copy of an entry in the register to an applicant on payment of the prescribed fee.

The new section 40F provides that the registration of suppliers is perpetual unless it is withdrawn or revoked under the new section 40G. The registration of registered goods is valid for 3 years, unless earlier withdrawn or revoked, and is renewable.

The new section 40G sets out the grounds for the withdrawal of the registration of any registered supplier, and the grounds for the revocation of such registration and the registration of any registered goods.

The new section 40H sets out the situations in which an importer or a manufacturer of registrable goods who is aggrieved by any decision of the Director-General may appeal to the Minister, and the procedure for such appeals.

The new section 40I sets out the requirements in relation to the keeping of records that a registered supplier must comply with, including making the records available to the Director-General for inspection and submitting such documents or information as may be required by the Director-General. The failure to comply with any of these requirements is an offence.

The new section 40J empowers the Director-General to require any person carrying on a trade or business which involves the supply of registrable goods to provide samples of the registrable goods for testing or analysis, or to furnish documents and information. The failure to comply with any of these requirements is an offence.

The new section 40K makes it an offence for any person to make or cause to be made any false or misleading statement or declaration in relation to an application for registration under the new section 40D(1). It is also an offence for any person to make or cause to be made any false or misleading entry in a record, register or other document required to be kept under the new Part.

Clause 5 amends section 72(1) to increase the maximum sum for which a compoundable offence may be compounded under the Act.

Clause 6 amends the Third Schedule to include the matters in relation to which regulations may be made for the purposes of the new Part.

Clause 7 (read with the Schedule) makes consequential amendments to certain other written laws arising from the amendment of the short title (by clause 3).

Clause 8 contains a transitional provision as a consequence of the amendment of the short title (by clause 3).

The Schedule, which is related to clause 7, sets out the consequential amendments to certain other written laws.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
