

NATIONAL ENVIRONMENT AGENCY ACT (CHAPTER 195)

(Original Enactment: Act 4 of 2002)

REVISED EDITION 2003
(31st July 2003)

An Act to establish and incorporate the National Environment Agency, to provide for its functions and powers, and for matters connected therewith.

[1st July 2002]

PART I PRELIMINARY

Short title

1. This Act may be cited as the National Environment Agency Act.

Interpretation

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

“accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Agency specified under section 12(*b*);

“Agency” means the National Environment Agency established under section 3;

“Chairman” means the Chairman of the Agency and includes a temporary Chairman of the Agency;

“chief executive” means the chief executive of the Agency appointed under section 16 and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Agency and includes a temporary Deputy Chairman of the Agency;

“member” means a member of the Agency and includes a temporary member of the Agency.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AGENCY

Establishment and incorporation of National Environment Agency

3. There is hereby established a body to be known as the National Environment Agency which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

(*a*)
suing and being sued;

(*b*)
acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and

(*c*)
doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

4.

—(1) The Agency shall have a common seal and such seal may, from time to time, be broken, changed, altered or made anew as the Agency thinks fit.

(2) All deeds and other documents requiring the seal of the Agency shall be sealed with the common seal of the Agency.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Agency for the purpose or by one member and the chief executive.

(4) The Agency may, by resolution or otherwise in writing, appoint any officer of the Agency or any other agent either generally or in any particular case to execute or sign on behalf of the Agency any agreement or other instrument not under seal in relation to any matter coming within the powers of the Agency.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Agency affixed to any document and shall presume that it was duly affixed.

Membership of Agency

5.

—(1) The Agency shall consist of —

a Chairman; (a)

a Deputy Chairman; and (b)

not less than 5 but not more than 12 other members, (c)

all of whom shall be appointed by the Minister.

(2) The Minister may appoint the chief executive to be a member.

Chairman may delegate functions

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Term of office of members

7.

—(1) A member shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister shall specify in his appointment.

(2) Any member may at any time by notice in writing to the Minister resign from his office.

(3) The Minister may at any time revoke the appointment of any member without assigning any reason.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Agency shall pay to the Chairman, the Deputy Chairman and other members such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman, etc.

8. The Minister may appoint any person to be a temporary Chairman, temporary Deputy Chairman or temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman, Deputy Chairman or any member, as the case may be.

Meetings and proceedings of Agency

9.

—(1) The quorum at every meeting of the Agency shall be one-third of the total number of members in office or 4 members, whichever is the higher.

[Act 2 of 2012 wef 01/03/2012]

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Agency and, in the absence of the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside.

(3) Meetings of the Agency shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Agency, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Agency shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Agency may regulate its own proceedings.

Disclosure of interest by members

10.

—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Agency shall disclose the nature of his interest at a meeting of the Agency.

(2) The disclosure by a member of his interest shall be recorded in the minutes of the Agency and that member shall not take part in any deliberation of the Agency with respect to the transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

PART III

FUNCTIONS, DUTIES AND POWERS OF AGENCY

Functions and duties of Agency

11.

—(1) Subject to the provisions of this Act, the functions and duties of the Agency shall be —

(a) to identify, undertake research into, and conduct investigations and surveillance of environmental health concerns and vectors of infectious agents, and to develop strategies of prevention and control in connection with such matters;

(b)

to undertake licensing, provision of consultancy services, and promotion of professionalism in relation to matters concerning food hygiene in the food retail industry, and in relation to the pest control, environmental and other related industries;

(c)

to provide for the licensing of places used for the keeping of horses, cows, oxen, sheep, goats, swine and other cattle and to control the transport and movement of such animals for the purpose of preserving public health;

(d)

to ensure high standards of food hygiene in food retail outlets through licensing and inspections, and to co-ordinate the implementation and management of upgrading programmes for hawker centres and the review of hawker policies;

(e)

to ensure cleanliness of public areas through the supervision of cleansing services and the prevention of littering;

(f)

to ensure adequate provision of cremation, columbaria and burial services and facilities;

(g)

to manage and regulate air emissions from industrial premises, trade premises and vehicles;

(h)

to monitor and assess the water quality of inland and coastal waters, and to manage and regulate the discharge of trade effluent, oil, chemicals, sewage and any other polluting matter into water courses or on land;

(i)

to construct, develop, manage and regulate refuse treatment and disposal facilities and to regulate refuse collection and disposal;

(j)

to control land contamination and regulate the remediation of contaminated land;

(k)

to regulate the fumigation of premises and articles with hydrogen cyanide or any other fumigant;

(l)

to regulate the import, export, possession, storage, transportation, sale and use of hazardous substances and the import, export, storage, transportation, collection, treatment and disposal of toxic industrial waste;

(m)

to manage and regulate environmental noise, and to monitor and assess ambient air and noise levels;

(n)

to promote energy efficiency, the use of clean energy, the use of clean technologies, the use of efficient pollution control technologies and waste recycling;

(o)

to manage on behalf of the Government any land, building or other property of the Government used in connection with waste recycling;

(p)

to embark on educational programmes to promote and encourage public awareness of and participation in environmental matters;

(q)

to provide advice on environmental pollution threats and disasters, and to develop and review standards and policies on environmental protection and environmental health;

(r)

to provide meteorological services for users, including government agencies, aviation and shipping communities and the general public;

(s)

to conduct meteorological observations, maintain reliable climatological records of Singapore and furnish advice on meteorological matters;

(t)

to monitor and maintain records of seismological activities affecting Singapore;

(u)

to advise and make recommendations to the Government on matters, measures and regulations related to or connected with the environment, radiation, meteorology and seismology;

[27/2007 wef 01/07/2007]

(v)

to represent the Government internationally on matters related to or connected with the environment, radiation, meteorology and seismology;

[27/2007 wef 01/07/2007]

(w)

to control and regulate the import, export, possession, storage, transportation, sale and use of radioactive materials and irradiating apparatus; and

[27/2007 wef 01/07/2007]

(x)

to carry out such other functions as are imposed upon the Agency by or under this Act or any other written law.

[5/2003]

(2) The Agency may undertake such other functions as the Minister may assign to the Agency and in so doing, the Agency shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Agency in respect of such functions.

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

Powers of Agency

12. The Agency shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and, in particular, may —

(a)

prescribe and implement regulatory policies, strategies, measures, standards or any other requirements on any matter related to or connected with environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;

[27/2007 wef 01/07/2007]

(b)

specify, by notification in the *Gazette*, all the accreditation, certification or inspection marks of the Agency for use in relation to any function of the Agency, and control the use of such marks;

(c)

regulate, accredit or certify any person to carry out any test, study, activity or service related to or connected with environmental pollution control, radiation control, resource conservation, waste minimisation, waste recycling and waste collection and disposal;

[27/2007 wef 01/07/2007]

(d)

request information from and collaborate or co-operate with any person, whether in Singapore or elsewhere, on matters related to or connected with weather, climate, environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;

[27/2007 wef 01/07/2007]

(e)

collect, analyse, compile, publish or disseminate information of a statistical nature related to or connected with weather, climate, environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling, waste collection and disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;

[27/2007 wef 01/07/2007]

(f)

prescribe training requirements for matters related to or connected with environmental health, environmental protection, radiation control, resource conservation, waste minimisation, waste recycling and waste collection and disposal, and provide training, conduct tests or award certificates of proficiency;

[27/2007 wef 01/07/2007]

(g)

establish meteorological offices and observation stations, arrange with any agency, authority or person to take and record meteorological observations and transmit meteorological reports and information;

(h)

with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity;

(i)

enter into such contracts as may be necessary or expedient for the purpose of discharging its functions or duties;

(j)

become a member or an affiliate of any international body the functions or duties of which are similar to those of the Agency;

(k)

receive grants, donations or contributions from any source, or raise funds by all lawful means and apply such funds for any of its functions or duties;

(l)

charge fees for the issuance of any licence or approval, and fees, charges or commissions for services rendered by the Agency or for the use of any facilities of the Agency; and

(m)

do anything incidental or necessary to any of its functions or powers.

Directions by Minister

13. The Minister may give such directions, not inconsistent with the provisions of this Act, as to the performance of the functions and the exercise of its powers by the Agency and the Agency shall give effect to any such directions.

Committees

14.

—(1) The Agency may, from time to time, appoint, alter or discharge committees, consisting of one or more persons (whether members or not), and define or vary the terms of reference of those committees.

(2) Subject to the provisions of this Act and to the control of the Agency, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

Delegation of powers

15.

—(1) The Agency may, from time to time, in respect of a specified matter or class of matters, by writing, delegate to any member, officer or committee of the Agency any of its powers under this Act or under any other written law, except —

(a)

the power of delegation conferred by this section; and

(b)

the power to make any subsidiary legislation.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no delegated person shall prevent the exercise of any power, function or duty by the Agency.

PART IV

PROVISIONS RELATING TO STAFF

Appointment of chief executive and other staff

16.

—(1) The Agency shall, with the approval of the Minister, appoint a chief executive on such terms and conditions as the Agency may determine.

(2) The chief executive shall —

(a)

be known by such designation as the Agency may determine;

(b)

be responsible to the Agency for the proper administration and management of its functions and affairs in accordance with all policies laid down by the Agency; and

(c)

not be removed from office without the consent of the Minister.

(3) If the chief executive is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Agency, with the approval of the Minister, to act in the place of the chief executive during any such period of absence from duty.

(4) The Agency may, from time to time, appoint such other officers, employees, consultants or agents as it thinks fit for the effective performance of its functions.

Protection from personal liability

17.

—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Agency or other person acting under the direction of the Agency for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) A claim against the Agency or Government shall not arise solely on the ground that —

(a)

a product or process conforms to or is alleged to conform to a standard accepted by the Agency; or

(b)

a certificate, brand, marking or any other thing is issued for use or is used by the Agency in connection with, in respect of or in relation to, a product or process.

(3) Where the Agency provides a service to the public whereby information is supplied to the public, neither the Agency nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

Public servants

18.

—(1) All members, officers and employees of the Agency shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

[Act 15 of 2014 wef 01/04/2014]

(2) The members, officers and employees of the Agency shall, in relation to their administration, assessment, collection and enforcement of payment of —

(a)

all fees and charges in connection with the Agency's function referred to in section 11(1)(o);

(b)

any composition sums imposed under any written law administered by the Agency; and

(c)

the financial penalties imposed under Part IXA of the Environmental Public Health Act (Cap. 95) with respect to the cleaning business licences issued under that Part,

be deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act shall apply to such persons notwithstanding that they are not or were not in the employment of the Government.

[Act 15 of 2014 wef 01/04/2014]

PART V FINANCIAL PROVISIONS

Financial year

19. The financial year of the Agency shall begin on 1st April of each year and end on 31st March of the succeeding year.

Estimates

20.

—(1) The Agency shall, in every financial year, prepare and adopt annual estimates of income and expenditure of the Agency for the ensuing financial year.

(2) Supplementary estimates of expenditure may be adopted by the Agency.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Agency, be sent to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Agency, and the Agency shall be bound thereby.

(4) Notwithstanding any provision of this section, the Agency may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

All moneys recovered to be paid to Agency

21. All moneys recovered or charges or composition fines collected under this Act shall be paid into and form part of the moneys of the Agency.

Grants

22. For the purpose of enabling the Agency to carry out its functions under this Act, the Minister may, from time to time, make grants to the Agency of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Power to borrow

23. For the discharge of its functions or duties under this Act or any other written law, the Agency may, from time to time, raise loans from the Government or, with the approval of the Minister for Finance, raise loans from banks or other financial institutions (whether in Singapore or elsewhere) by —

(a)

mortgage, overdraft or otherwise;

(b)

charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or

(c)

the creation and issue of debentures or bonds.

Issue of shares, etc.

24. As a consequence of the vesting of any property, rights or liabilities of the Government in the Agency under this Act, or of any capital injection or other investment by the Government in the Agency in accordance with any written law, the

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

Bank accounts

25.

—(1) The Agency shall open and maintain an account with such bank or banks as the Agency thinks fit.

(2) Every such account shall be operated by such person as may, from time to time, be authorised in that behalf by the Agency.

Application of moneys

26. The moneys of the Agency shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Agency and in making any payment that the Agency is authorised or required to make.

Power of investment

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

[45/2004 wef 15/12/2004]

Accounts

28. The Agency shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —

(a)

all payments out of its moneys are correctly made and properly authorised; and

(b)

adequate control is maintained over the assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Audit of accounts

29.

—(1) The accounts of the Agency shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The Agency shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that financial year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

(a)

whether the financial statements show fairly the financial transactions and the state of affairs of the Agency;

(b)

whether proper accounting and other records have been kept, including records of all assets of the Agency whether purchased, donated or otherwise;

(c)

whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Agency during the financial year were in accordance with the provisions of this Act; and

(d)

such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Agency.

(6) The auditor shall submit such periodical and special reports to the Minister and to the Agency as may appear to him to be necessary or as the Minister or the Agency may require.

Powers of auditor

30.

—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Agency.

(2) The auditor or any person authorised by him may make copies of, or extracts from, any such accounting or other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or that person authorised by him considers necessary for the purpose of the functions of the auditor under this Act.

(4) Any officer of the Agency who —

(a)

refuses or fails without any reasonable cause to allow the auditor or any person authorised by the auditor access to any accounting and other records of the Agency in his custody or power;

(b)

refuses or fails without any reasonable cause to give any information possessed by him as and when required by the auditor or person authorised by the auditor; or

(c)

hinders, obstructs or delays the auditor or any person authorised by the auditor in the performance of his duties or the exercise of his powers,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

31.

—(1) The Agency shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Agency, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Agency.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Transfer to Agency of property, assets and liabilities

32.

—(1) As from 1st July 2002, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the departments specified in the Schedule and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to any such department shall be transferred to and shall vest in the Agency without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Agency under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Agency under subsection (1) shall be held by the Agency upon such tenure and subject to such terms and conditions as the President may determine.

(4) All proceedings in respect of the transferred properties by or against the Government which are pending on 1st July 2002 may be continued, completed and enforced by or against the Agency.

(5) Every agreement relating to any of the transferred properties to which the Government was a party immediately before 1st July 2002, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that date as if —

(a)

the Agency had been a party to such an agreement; and

(b)

for any reference to the Government there was substituted in respect of anything to be done on or after 1st July 2002 a reference to the Agency.

Transfer of employees

33.

—(1) As from 1st July 2002, such persons or categories of persons as the Minister may determine who, immediately before that date, were employed by the Government and posted to any of the departments specified in the Schedule shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Agency under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not so transferred.

(3) Until such time as terms and conditions of service are drawn up by the Agency, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the Agency under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

34.

—(1) The terms and conditions to be drawn up by the Agency shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Agency under section 33 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Agency shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Agency.

(3) Nothing in the terms and conditions to be drawn up by the Agency shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Agency as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Agency under section 33, the Government shall be liable to pay to the Agency such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Agency.

(5) Where any person in the service of the Agency, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Agency or is discharged from such service, the Agency may grant to him or to such other person wholly or partly dependent on him, as the Agency thinks fit, such allowance or gratuity as the Agency may determine.

No benefits in respect of abolition or reorganisation of office

35. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Agency under section 33 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Agency.

Existing contracts

36. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1st July 2002 to which the Government is a party and relating to any of the departments specified in the Schedule or to any person transferred to the service of the Agency under section 33 shall continue in force on and after that date and shall be enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary proceedings and other legal proceedings

37.

—(1) Where, on 1st July 2002, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Agency, the proceedings shall be carried on and completed by the Agency.

(2) Where, on 1st July 2002, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made by a committee under this section shall be treated as an order, a ruling or a direction of the Agency and have the same force or effect as if it had been made by the Agency pursuant to the authority vested in the Agency under this Act.

(4) All proceedings or causes of action pending or existing immediately before 1st July 2002 by or against the Government in respect of any of the departments specified in the Schedule may be continued, completed and enforced by or against the Agency.

Misconduct or neglect of duty by employee before transfer

38. The Agency may reprimand, reduce in rank, retire, dismiss or punish in some other manner any person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

Transfer to Agency of property, employees, existing contracts, etc., from Health Sciences Authority relating to Centre for Radiation Protection

38A.

—(1) As from the appointed day, such movable and immovable property vested in the Health Sciences Authority as may be determined by the Minister for Finance and used or managed by the Centre for Radiation Protection and all assets, interests, rights, privileges, liabilities and obligations of the Health Sciences Authority relating to the Centre for Radiation Protection shall be transferred to and shall vest in the Agency without further assurance, act or deed.

(2) As from the appointed day, all persons employed immediately before that day by the Health Sciences Authority and posted to the Centre for Radiation Protection shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(3) All deeds, contracts, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the Health Sciences Authority is a party and relating to the Centre for Radiation Protection or to any person transferred to the service of the Agency under subsection (2) shall continue in force on and after that day and shall be enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the Health Sciences Authority.

(4) Section 32(2) to (5) shall apply, with the necessary modifications, to the transfer of property, assets, interests, rights, privileges, liabilities and obligations referred to in subsection (1).

(5) Sections 33(2), 34, 35, 37 and 38 shall apply, with the necessary modifications, to the transfer of persons referred to in subsection (2).

(6) In this section, “appointed day” means the date of commencement of the Radiation Protection Act 2007.

[27/2007 wef 01/07/2007]

PART VII MISCELLANEOUS

Annual report

39.

—(1) The Agency shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Agency during the preceding financial year and containing such information relating to the proceedings and policy of the Agency as the Minister may, from time to time, direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Symbol or representation of Agency

40.

—(1) The Agency shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Agency, or which so resembles the Agency’s symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, 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.

Power to enter land to set up meteorological observation station

41.

—(1) Where, in any emergency, the chief executive is of the opinion that the public health or the safety of the public may be adversely affected, the chief executive may direct any officer or employee of the Agency to enter upon any land, after giving reasonable notice, to set up a meteorological observation station and to operate the station in such manner as may be reasonably necessary.

(2) The Agency shall pay compensation to the owner of the land for any permanent damage caused to the land in the exercise of the powers conferred by subsection (1).

(3) If any dispute arises as to the amount of compensation payable to the owner of such land, the dispute may be summarily determined by a District Court or a Magistrate’s Court.

(4) Except as provided in subsection (2), no action shall be brought against the Agency for any compensation in respect of any damage caused arising out of the exercise of the powers conferred by subsection (1).

Powers of enforcement, etc.

42.

—(1) In addition to the powers conferred on him by this Act or any other written law, an officer or employee of the Agency may, on declaration of his office and production to the person against whom he is acting such identification card as the chief executive may direct to be carried by officers or employees of the Agency, in relation to any offence under this Act or such other written law —

(a) require any person whom he reasonably believes to have committed an offence under this Act or such other written law to furnish evidence of the person's identity;

(b) require any person, for the purposes of this Act or such other written law, to furnish any information or produce any book, document or copy thereof in the possession of that person, and may, without fee or reward, inspect, copy or make extracts from such book or document; or

(c) when conducting any investigation under this Act or such other written law, require, by order in writing, the attendance before the officer or employee of the Agency of any person within the limits of Singapore who, from any information given or otherwise obtained by the officer or employee, appears to be acquainted with the circumstances of the case, and the person so ordered shall attend as so required.

(2) Any person who —

(a) refuses to give access to, or assaults, obstructs, hinders or delays, an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any other written law;

(b) wilfully mis-states or without lawful excuse refuses to give any information or produce any book, document or copy thereof required of him by an officer or employee of the Agency under subsection (1); or

(c) fails to comply with a lawful demand of an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any other written law,

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.

Corporate offenders and unincorporated associations

43.

—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —
“officer” —

(a)
in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or person purporting to act in any such capacity; or

(b)
in relation to an unincorporated association (other than a partnership), means the president, the secretary and members of the committee of the association and includes persons holding positions analogous to those of president, secretary or member of a committee;

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

Jurisdiction of court

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

Evidence

45.

—(1) Subject to subsection (3), a document or certificate, purporting to be a report under the hand of the chief executive or any officer authorised by him upon any matter or thing in connection with the administration or enforcement of this Act or with an investigation carried out under this Act shall be admissible as evidence in any proceedings under this Act and shall be prima facie evidence of the facts stated therein.

(2) For the purposes of this section, a document purporting to be a certificate referred to in subsection (1) on its production by the prosecution shall, until the contrary is proved, be deemed to be such a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence under that subsection unless the person charged has been given —

(a)
a copy of the certificate; and

(b)
notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

not less than 10 clear days before the commencement of the proceedings.

(4) Where a certificate of the chief executive or any officer authorised by him is admitted in evidence under subsection (1), the person charged may require the chief executive or such officer to be called as a witness for the prosecution and be cross-examined as if he had given evidence of the matters stated in the certificate.

Composition of offences

46.

—(1) The chief executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

Preservation of secrecy

47.

—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been —

(a) a member, an officer, an employee or an agent of the Agency; or

(b) a member of a committee of the Agency,

shall disclose any information relating to the affairs of the Agency or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(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 or to imprisonment for a term not exceeding 12 months or to both.

Regulations

48.

—(1) The Agency may, with the approval of the Minister, make regulations for all or any of the following purposes:

(a) regulating the proceedings of the Agency or of the committees of the Agency;

(b) prescribing the form and duration of certificates and accreditation, certification and inspection marks for use in relation to any function of the Agency, the terms and conditions upon which and the circumstances in which —

(i) the certificates may be granted, suspended or cancelled; or

(ii)

the accreditation, certification and inspection marks may be affixed, used or removed, and the fees payable in respect thereof; and

(c)
prescribing any matter which is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Such regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

References in other written laws and documents

49. Insofar as is necessary for preserving the effect of any written law or document on or after 1st July 2002 —

(a)
a reference therein to the Commissioner of Public Health shall be read as a reference to the Director-General of Public Health appointed under the Environmental Public Health Act (Cap. 95);

(b)
a reference therein to the Director of Environmental Pollution Control shall be read as a reference to the Director-General of Environmental Protection; and

(c)
a reference therein to the Director of Meteorological Service shall be read as a reference to the Director-General of Meteorological Service.

THE SCHEDULE

Sections 32(1), 33(1), 36 and 37(4)

DEPARTMENTS

<i>Department</i>	<i>Ministry</i>
Departments within —	1. Ministry of the Environment
Environmental Public Health Division	(a)
Environmental Policy and Management Division	(b)
Meteorological Service Department	2. Ministry of Transport.

LEGISLATIVE HISTORY

NATIONAL ENVIRONMENT AGENCY ACT (CHAPTER 195)

This Legislative History is provided for the convenience of users of the National Environment Agency Act. It is not part of this Act.

1. Act 4 of 2002—National Environment Agency Act 2002

Date of First Reading	: 3 May 2002 (Bill No. 13/2002 published on 4 May 2002)
Date of Second and Third Readings	: 24 May 2002
Date of commencement	: 1 July 2002

2. Act 5 of 2003—Infectious Diseases (Amendment) Act 2003
(Consequential amendments made by)

Date of First Reading	: 28 February 2003 (Bill No. 4/2003 published on 29 February 2003)
Date of Second and Third Readings	: 21 March 2003
Date of commencement	: 1 April 2003

3. 2003 Revised Edition—National Environment Agency Act

Date of operation	: 31 July 2003
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4. Act 45 of 2004—Trustees (Amendment) Act 2004

(Consequential amendments made to Act by)	
Date of First Reading	: 21 September 2004 (Bill No. 43/2004 published on 22 September 2004)
Date of Second and Third Readings	: 19 October 2004
Date of commencement	: 15 December 2004

5. Act 27 of 2007—Radiation Protection Act 2007

(Consequential amendments made to Act by)	
Date of First Reading	: 9 April 2007 (Bill No. 14/2007 published on 9 April 2007)

Date of Second and Third Readings	: 21 May 2007
Date of commencement	: 1 July 2007
6. Act 2 of 2012—Statutes (Miscellaneous Amendments) Act 2012	
Date of First Reading	: 21 November 2011 (Bill No. 22/2011 published on 21 November 2011)
Date of Second and Third Readings	: 18 January 2012
Date of commencement	: 1 March 2012
7. Act 15 of 2014—Environmental Public Health (Amendment) Act 2014	
Date of First Reading	: 20 January 2014 (Bill No. 3/2014 published on 20 January 2014)
Date of Second and Third Readings	: 17 February 2014
Date of commencement	: 1 April 2014

COMPARATIVE TABLE

NATIONAL ENVIRONMENT AGENCY ACT (CHAPTER 195)

The following provisions in the National Environment Agency Act 2002 (Act 4 of 2002) have been renumbered by the Law Revision Commissioners in this 2003 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the National Environment Agency Act.

2003 Ed.	Act 4 of 2002
<i>Omitted</i>	50
THE SCHEDULE	FIRST SCHEDULE
<i>Omitted</i>	SECOND SCHEDULE