

## Environmental Pollution Control (Amendment) Bill

### Bill No. 13/2007

*Read the first time on 9th April 2007.*

### New Part XA

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

#### “PART XA

#### ENERGY CONSERVATION

#### 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;

“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;

“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;

“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;

“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;

“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
- (c) the offer to supply the goods.

### **Registrable goods**

**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 —

- (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**

**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
- (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
  - (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
  - (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.
- (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**

**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 —

- (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.

(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**

**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.

(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

(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**

**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.

(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.

(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 —

- (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.

### **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.

(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.

(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**

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

(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.”.