

# **Travel Agents (Amendment) Bill**

---

---

**Bill No. /2017.**

*Read the first time on .*

A BILL

*i n t i t u l e d*

An Act to amend the Travel Agents Act (Chapter 334 of the 1998 Revised Edition).

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 is the Travel Agents (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

#### 5 Amendment of section 2

2. Section 2 of the Travel Agents Act (called in this Act the principal Act) is amended by deleting the definitions of “licence” and “licensee” and substituting the following definitions:

10 ““licence” means a licence granted or renewed under section 7;

“licensee” means any person who holds a licence;

15 “tour” means a visit by an individual (called in this definition the participant) to one or more places or points of interest in Singapore or elsewhere that is organised by a person (called in this definition the organiser) who does not own or operate each place or point of interest visited and where the organiser or an individual engaged or hired by the organiser accompanies the participant for any part of the duration of the tour and —

20 (a) the organiser arranges for goods or services to be provided by another person in relation to the tour; or

25 (b) where there is more than one place or point of interest in the tour, the organiser, prior to the start of the tour, determines the order in which the participant visits the places or points of interest, whether or not the order changes after the tour starts;

“travel product” means —

30 (a) a ticket entitling an individual to travel or a right of passage on any conveyance;

- 5
- (b) rights of passage to, and hotel or other accommodation at, one or more places (being places within or outside Singapore, or some of which are within and others of which are outside Singapore);
  - (c) a tour; or
  - (d) such goods or services that are the subject of the activity prescribed under section 4(1)(a)(v).”.

### **Amendment of section 3**

10 **3.** Section 3 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

“(5) This Act does not apply to the Government, or a statutory body established by or under a public Act for a public purpose in the discharge of its functions.”.

### **Repeal and re-enactment of section 4**

15 **4.** Section 4 of the principal Act is repealed and the following section substituted therefor:

#### **“Acting as a travel agent**

20 **4.—(1)** Subject to this section, a person acts as a travel agent if the person —

- (a) carries on the business of any one or more of the following:
    - 25 (i) selling tickets entitling an individual to travel or arranging for a person a right of passage on any conveyance;
    - (ii) selling to or arranging for a person rights of passage to, and hotel or other accommodation at, one or more places (being places within or outside Singapore, or some of which are within and others of which are outside Singapore);
- 30

- (iii) purchasing or reserving for resale to a person, a right of passage on any conveyance;
  - (iv) selling or organising tours, or arranging for a person to participate in a tour;
  - 5 (v) such activity as may be prescribed;
  - (b) sells or arranges for the provision of any travel product to members of the public, where any payment is required before the provision of the travel product; or
  - 10 (c) holds himself out as, or advertises that he is, willing to carry on any activity mentioned in paragraph (a) or (b).
- (2) An individual who is employed by a licensee does not act as a travel agent by reason only of carrying on in the course of the individual's employment any activity referred to in subsection (1).
- 15 (3) A person does not act as a travel agent if —
- (a) for the activity mentioned in subsection (1)(a)(i), (b) or (c), the person carries on the activity in respect of a conveyance of which the person is the owner;
  - 20 (b) for the activity mentioned in subsection (1)(a)(ii), (b) or (c), the person carries on the activity in respect of conveyance and a hotel or accommodation that the person owns or operates; or
  - 25 (c) for the activity mentioned in subsection (1)(a)(iv), (b) or (c), the person carries on the activity in respect of a place or point of interest that the person owns or operates.”.

### **Amendment of section 6**

- 30 **5.** Section 6 of the principal Act is amended —
- (a) by deleting subsection (1) and substituting the following subsection:

“(1) A person must not act as a travel agent unless the person is authorised to do so by a licence granted to the person by the Board under section 7(2).”;

(b) by deleting “\$10,000” in subsection (2) and substituting “\$25,000”; and

(c) by deleting the words “carrying on business of” in the section heading and substituting the words “acting as”.

### **Repeal and re-enactment of section 7**

6. Section 7 of the principal Act is repealed and the following section substituted therefor:

#### **“Application for licence or renewal of licence**

7.—(1) Any person who desires to obtain or renew a licence must make an application to the Board in the form the Board requires.

(2) Upon receiving an application under subsection (1), the Board must consider the application and may —

(a) grant or renew a licence for such duration as the Board may specify in the licence; or

(b) refuse the application.

(3) The Board may refuse to grant or renew a licence if —

(a) the applicant is not a fit and proper person to hold a licence or the Board has reason to believe that a relevant individual of the applicant may conduct the affairs of the applicant in such a manner as to render the applicant to not be a fit and proper person to hold a licence;

(b) the applicant is unable to meet or continue to meet such minimum financial requirements as may be prescribed;

(c) the Board has reason to believe that a relevant individual of the applicant has committed any offence involving dishonesty or moral turpitude;

- (d) the Board has reason to believe that the applicant is contravening or has contravened, whether before or after the date of commencement of section 6 of the Travel Agents (Amendment) Act 2017 —
- 5 (i) any provision of this Act or any regulations made under this Act;
- (ii) any condition of a licence previously issued to the applicant;
- 10 (iii) any code of conduct previously applicable to the applicant;
- (e) the Board has reason to believe that a relevant individual of the applicant is contravening or has contravened, or has caused another licensee to be contravening or to have contravened, whether before
- 15 or after the date of commencement of section 6 of the Travel Agents (Amendment) Act 2017 —
- (i) any provision of this Act or any regulations made under this Act;
- (ii) any condition of a licence;
- 20 (iii) any code of conduct;
- (f) the application for the grant or renewal of the licence contains a statement or information that is false or misleading in a material particular or by reason of the omission of a material particular;
- 25 (g) all relevant individuals of the applicant are incapable, by reason of illness, infirmity or any other cause, of acting as a travel agent; or
- (h) the Board considers it in the public interest to do so.
- (4) The Board must, before refusing an application to renew a
- 30 licence, give the applicant notice in writing of its intention to do so and an opportunity to submit reasons, within such period as the Board may specify in that notice, as to why the applicant's application should not be refused.

(5) In this section, “relevant individual”, in relation to an applicant, means —

- (a) where the applicant is an individual, the applicant;
- 5 (b) where the applicant is a partnership, a partner of the applicant;
- (c) where the applicant is an unincorporated association, a member of the governing body of the unincorporated association;
- 10 (d) where the applicant is a company, limited liability partnership or other body corporate, any director or officer holding a managerial or an executive position.”

#### **New section 7A**

7. The principal Act is amended by inserting, immediately after section 7, the following section:

#### 15 **“Travel agent licence**

**7A.—**(1) A licence granted or renewed under section 7(2) is subject to such conditions as the Board may specify in the licence.

20 (2) The conditions of a licence may include the assignment to the licensee of such description or classification as a travel agent as the Board considers appropriate to define or circumscribe the type of travel products the licensee is authorised to provide under the licence.

25 (3) The Board may, at any time, vary or revoke any of the conditions of a licence or impose new conditions.

30 (4) The Board must, prior to taking any action under subsection (3) in a manner that is to the disadvantage to the licensee, notify its intention to take such action to the licensee concerned and must give the licensee an opportunity to submit reasons, within a reasonable period after the date that the licensee receives the written notice, as to why the conditions of the licensee’s licence should not be so varied or revoked.

(5) An appeal made under section 12 against the Board's decision under subsection (4) does not affect the operation of the decision or prevent the taking of any action to implement the decision unless directed by the Minister in any particular case.”.

5

### **Repeal of sections 9 and 10**

**8.** Sections 9 and 10 of the principal Act are repealed.

### **Repeal and re-enactment of section 11**

**9.** Section 11 of the principal Act is repealed and the following section substituted therefor:

10

#### **“Suspension or revocation of licence**

**11.—(1)** The Board may suspend for a period not exceeding 6 months or such longer period as may be prescribed in substitution, or revoke, a licence, if —

15

(a) the licensee has ceased to act as a travel agent in relation to the travel product for which the licensee has been licensed to provide or, where the licensee is a company, the licensee goes into liquidation or is wound up or otherwise dissolved;

20

(b) the licensee has improperly obtained the licensee's licence contrary to the provisions of this Act or any regulations made under this Act;

25

(c) the licensee is no longer a fit and proper person to continue to hold the licence or the Board has reason to believe that a relevant individual of the licensee may conduct the affairs of the licensee in such a manner as to render the licensee to not be a fit and proper person to continue to hold the licence;

30

(d) the licensee is carrying on or has carried on the business of a travel agent in such a manner as to render the licensee unfit to continue to hold a licence;



- (e) the Board has reason to believe that a relevant individual of the licensee has committed any offence involving dishonesty or moral turpitude;
- (f) the Board has reason to believe that the licensee is contravening or has contravened, whether before or after the date of commencement of section 9 of the Travel Agents (Amendment) Act 2017 —
- (i) any provision of this Act or any regulations made under this Act;
- (ii) any condition of the licensee's licence or any code of conduct applicable to the licensee;
- (g) the Board has reason to believe that a relevant individual of the licensee is contravening or has contravened, or has caused another licensee to be contravening or to have contravened, whether before or after the date of commencement of section 9 of the Travel Agents (Amendment) Act 2017 —
- (i) any provision of this Act or any regulations made under this Act;
- (ii) any condition of a licence or any code of conduct;
- (h) all the relevant individuals of the licensee are incapable, by reason of illness, infirmity or any other cause, of acting as a travel agent; or
- (i) the Board considers it in the public interest to do so.
- (2) Subject to subsection (3), in the case where a licensee contravenes —
- (a) any provision of this Act or any regulations made under this Act; or
- (b) any condition of the licensee's licence or any code of conduct applicable to the licensee,

the Board may, instead of suspending or revoking the licensee's licence under subsection (1)(f), require the licensee to pay a

financial penalty of such amount not exceeding \$2,000, by such date, as the Board may determine.

5 (3) Subsection (2) does not apply in respect of any contravention which is prescribed to be an offence under this Act or any regulations made under this Act.

10 (4) The Board must, before suspending or revoking a licence under subsection (1) or imposing a financial penalty under subsection (2), give the licensee written notice of its intention to do so and an opportunity to submit reasons, within 14 days after the date that the licensee receives the written notice, as to why the licensee's licence should not be suspended or revoked or the financial penalty should not be imposed.

15 (5) The Board may, in a written notice mentioned in subsection (4) given to a licensee whose licence the Board intends to suspend or revoke, also require the licensee to inform each of the following in writing that the licensee has received the written notice:

20 (a) a person who, as at the date the licensee receives the written notice, has a contract with a licensee for a travel product, and in respect of which the licensee has not fully performed the licensee's obligations under the contract, within 2 working days after the date the licensee receives the written notice;

25 (b) a person who, in any way, communicates with a licensee during the specified period in relation to a travel product but has not, as at the date the licensee receives the written notice, entered into a contract with the licensee for the travel product, within 2 working days after the date of the communication.

30 (6) Any decision of the Board to suspend or revoke a licence, or require the payment of a financial penalty, under this section does not take effect until —

35 (a) the expiry of the period allowed under section 12 for the licensee to appeal to the Minister against the decision;

- (b) the withdrawal of the appeal;
- (c) the confirmation of the Board's decision by the Minister under section 12; or
- (d) where the Minister requires the Board to reconsider its decision under section 12, the Board confirms the decision upon reconsideration,

whichever is the later.

(7) Where any decision of the Board to suspend a licence becomes effective under subsection (6), the licensee concerned must not, during the period that the order of suspension is in force, act as a travel agent other than doing what is necessary to fulfil the licensee's obligations under a contract to provide a travel product, entered into before the date the order of suspension takes effect.

(8) In this section —

“prescribed period” means the period of 3 months (or such longer period as may be prescribed in substitution) after a licensee receives a written notice under subsection (4);

“relevant individual”, in relation to a licensee, means —

- (a) where the licensee is an individual, the licensee;
- (b) where the licensee is a partnership, a partner of the licensee;
- (c) where the licensee is an unincorporated association, a member of the governing body of the unincorporated association;
- (d) where the licensee is a company, limited liability partnership or other body corporate, any director or officer holding a managerial or an executive position;

“specified period” means —

- (a) where the Board decides under subsection (1) to suspend or revoke a licensee's licence within the prescribed period, the period starting on the date

the licensee receives the written notice and ending on the date —

- 5 (i) the decision of the Board to suspend or revoke the licence becomes effective under subsection (6); or
- (ii) following an appeal against the Board’s decision, the Minister reverses the Board’s decision or the Board reverses its decision upon reconsideration;
- 10 (b) where the Board decides under subsection (1) not to suspend or revoke a licensee’s licence within the prescribed period, the period starting on the date the licensee receives the written notice and ending on the date the Board decides not to
- 15 suspend or revoke the licence;
- (c) where the Board does not make a decision under subsection (1) within the prescribed period, the prescribed period.”.

### **Repeal of section 12 and new sections 12 and 12A**

- 20 **10.** Section 12 of the principal Act is repealed and the following sections substituted therefor:

#### **“Appeal to Minister**

- 12.—**(1) Any person aggrieved by a decision of the Board —
- 25 (a) refusing to grant the person a licence, or renew the person’s licence, under section 7(2);
- (b) imposing, varying or revoking a condition under section 7A(3);
- (c) suspending or revoking the person’s licence under section 11(1); or
- 30 (d) requiring the person to pay a financial penalty under section 11(2),

may appeal against the decision to the Minister within 14 days after notice of the decision is served on the person or such extended period as the Minister may allow in any particular case.

5 (2) Any person who makes an appeal to the Minister under subsection (1) must, within the period specified in that subsection —

(a) state the circumstances under which the appeal arises and the issues and grounds for the appeal; and

10 (b) submit all relevant facts, evidence and arguments in respect of the appeal.

(3) Where an appeal is made under subsection (1), the Minister may require the appellant, the Board or any person who is not a party to the appeal but appears to the Minister to have information that is relevant to the circumstances under which the appeal arises, to provide the Minister with all such information as the Minister may require for the purpose of considering and determining the appeal; and any person so required to provide such information must provide it in such manner and within such period as may be specified by the Minister.

20 (4) The Minister may reject an appeal if the appellant fails to comply with subsection (2) or (3).

(5) The Minister may determine an appeal under subsection (1) from any decision of the Board by —

(a) confirming, varying or reversing the decision; or

(b) requiring the Board to reconsider its decision,

and the decision of the Minister is final.

30 (6) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal or a specific appeal to the Minister under subsection (1) —

(a) any Minister of State or Senior Minister of State for the Minister's Ministry; or

(b) any Parliamentary Secretary or Senior Parliamentary Secretary to the Minister's Ministry.

5 (7) In this section (other than subsection (6)), a reference to the Minister, in relation to an appeal, includes a reference to the Minister of State, Senior Minister of State, Parliamentary Secretary or Senior Parliamentary Secretary designated under subsection (6) to hear and determine the appeal.

### **Power of Board to publish information**

10 **12A.** The Board may, where it thinks it necessary or expedient in the interest of the public and in such form or manner as it thinks fit, publish information relating to —

(a) a licensee to whom the Board has given the written notice mentioned in section 11(4); and

(b) the revocation and suspension of any licence.”.

### **15 Repeal and re-enactment of section 13**

**11.** Section 13 of the principal Act is repealed and the following section substituted therefor:

#### **“Furnishing false information**

**13.** Any person who —

20 (a) in connection with any application for the grant or renewal of a licence; or

(b) for any other purpose under this Act or any regulations made under this Act,

25 makes any statement or furnishes any information to the Board or an officer of the Board that the person knows, or ought reasonably to know, is false in any material particular or is misleading by reason of the omission of any material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.”.

**Amendment of section 17**

12. Section 17 of the principal Act is amended by deleting the words “seizable offences given by” and substituting the words “arrestable offences mentioned in section 18(1) of”.

5 **Amendment of section 18**

13. Section 18 of the principal Act is amended by deleting paragraphs (b) and (c) and substituting the following paragraphs:

- 10 “(b) to require any person to produce records, accounts and documents relevant to the provisions of this Act or any regulations made under this Act and to inspect, examine and make copies or retain any of them;
- 15 (c) to make such inquiry as may be necessary to ascertain whether the provisions of this Act or any regulations made under this Act are complied with so far as regards any licensee or person employed by a licensee to assist in the work of a travel agent; and
- 20 (d) take such photograph or audio or video recording as the police officer or authorised officer of the Board thinks necessary, of the premises and persons on the premises reasonably believed to be acquainted with the facts and circumstances relevant to any contravention of this Act or any regulations made under this Act.”.

**Amendment of section 19**

25 14. Section 19 of the principal Act is amended by deleting the “\$2,000” and substituting “\$4,000”.

**Repeal and re-enactment of section 20 and new section 20A**

15. Section 20 of the principal Act is repealed and the following sections substituted therefor:

**“Offences by corporations**

20.—(1) Where, in a proceeding for an offence under this Act or any regulations made 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 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.

(2) Where a corporation commits an offence under this Act or any regulations made under this Act, a person —

- (a) who is —
  - (i) an officer of the corporation; or
  - (ii) an individual who is involved in the management of the corporation and is 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.



(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.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act or any regulations made under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“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 was 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.

### **Offences by unincorporated associations or partnerships**

20A.—(1) Where, in a proceeding for an offence under this Act or any regulations made 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 the partnership engaged in that conduct within the scope of his 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.

(2) Where an unincorporated association or a partnership commits an offence under this Act or any regulations made 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 who is involved in the management of the unincorporated association or partnership and who is 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.

(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.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(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 or any regulations made under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(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

5 (b) the person’s reasons for the intention, opinion, belief or purpose.”.

### **Amendment of section 21**

**16.** Section 21 of the principal Act is amended —

10 (a) by inserting, immediately after the words “this Act” in subsection (1)(b), the words “or any regulations made under this Act”;

(b) by inserting, immediately after paragraph (b) of subsection (1), the following paragraph:

15 “(ba) under and in accordance with any other written law;”;

(c) by deleting “\$2,000” in subsection (2) and substituting “\$4,000”.

### **Repeal of sections 22 and 23 and re-enactment of section 22**

20 **17.** Sections 22 and 23 of the principal Act are repealed and the following section substituted therefor:

#### **“Service of documents, etc.**

**22.—**(1) Subject to subsection (3), any document required or authorised to be served under this Act or any regulations made under this Act may be served —

25 (a) in the case of an individual —

(i) by delivering it to the individual personally;

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

30

- (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
- 5 (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
- 10 (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Board by the individual as the facsimile transmission number for the service of documents on the individual; or
- 15 (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the individual as the email address for the service of documents on the individual;
- 20 (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- 25 (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;
- 30 (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or
- 35 (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the partnership as the email address for the service of documents on the partnership; and

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

- 5 (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
- 10 (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
- 15 (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

20 (2) Where any notice or other document required or authorised to be served under this Act or any regulations made under this Act is —

- 25 (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- 30 (b) sent by electronic communication to an email address in accordance with subsection (1), it is deemed to have
- 35

been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

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

10 (3) Service of any document under this Act or any regulations made under this Act on a person by electronic communication may be effected only if the person gives as part of the person's address for service an email address.

(4) This section does not apply to notices and documents to be served in proceedings in court.”.

#### **Amendment of section 24**

15 **18.** Section 24 of the principal Act is amended by inserting, immediately after the words “of the Board”, the words “, or an officer of the Board authorised for this purpose by the Board”.

#### **Amendment of section 25**

20 **19.** Section 25 of the principal Act is amended by deleting the words “any offence under this Act or any regulations made thereunder” and substituting the words “an offence under section 14 of this Act”.

#### **Repeal and re-enactment of section 27**

25 **20.** Section 27 of the principal Act is repealed and the following section substituted therefor:

##### **“Composition of offences**

30 **27.—**(1) The Board may compound any offence under this Act or any regulations made under this Act that 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.

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

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

#### **New section 27A**

10 **21.** The principal Act is amended by inserting, immediately after section 27, the following section:

#### **“Recovery of financial penalties, etc.**

15 **27A.**—(1) Any person who fails to pay a financial penalty by the date the person is required to do so under this Act is liable to pay, after that date, interest on the amount unpaid at the same rate as for a judgment debt.

20 (2) Any financial penalty and any interest on the financial penalty payable by any person under this Act must be paid to the Board and is recoverable by the Board as a debt due to the Board from that person; and the person’s liability to pay is not affected by the person’s licence ceasing, for any reason, to be in force.

25 (3) The Board may, in any case it thinks fit, waive, remit or refund, wholly or in part, any financial penalty or any interest on the financial penalty payable under this Act.

(4) All financial penalties and interest on the financial penalty collected by the Board under this Act are to be paid into the Consolidated Fund.”.

#### **Amendment of section 28**

30 **22.** Section 28(1) of the principal Act is amended —



(a) by inserting, immediately after the words “a licence” in paragraph (a), the words “or by a licensee;

(b) by deleting paragraph (b);

5 (c) by deleting paragraphs (e) and (f) and substituting the following paragraphs:

“(e) prescribing —

(i) the fees and charges payable under this Act or any regulations made under this Act, including fees for a licence;

10 (ii) the interest or penalty for the late payment of any fee or charge; and

(iii) the waiver, refund or remission, whether wholly or in part, of fee or charge or the interest or penalty for the late payment of any fee or charge;

15

(f) prescribing requirements applicable to licensees, including —

(i) restrictions on the licensee’s conduct or obligations on the licensee’s part in relation to any amendment or termination of a contract for a travel product; and

20

(ii) minimum financial requirements that the licensee must satisfy throughout the currency of the licence;

25 (fa) prescribing duties applicable to employees or officers of licensees;”.

---

## EXPLANATORY STATEMENT

This Bill seeks to amend the Travel Agents Act (Cap. 334) for the following main purposes:

(a) to widen the definition of a “travel agent” to include persons who collect deposits for travel products from members of the public,

whether or not such persons carrying on a business of providing travel products;

- (b) to allow for the grant of restricted licences for travel agents offering lower risk travel products;
- (c) to enhance investigation and enforcement powers;
- (d) to clarify the grounds for which the Singapore Tourism Board (the STB) may reject an application for the grant or renewal of a licence, or revoke or suspend a licence;
- (e) to tighten and streamline the procedure for decisions made by the STB and appeals from such decisions;
- (f) to allow the STB to require licensees facing suspension or revocation of their licences to disclose this fact to customers;
- (g) to make other amendments for the better administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert definitions for new terms that are used in the amendments.

Clause 3 amends section 3 to provide that the Act does not apply to the Government or any statutory board with a public function.

Clause 4 repeals and re-enacts section 4. The re-enacted section 4 defines the meaning of “acting as a travel agent”, which is wider than the meaning of “carrying on the business of a travel agent”. Under the re-enacted section 4, a person who, whether or not in the course of carrying on a business, sells or arranges for the provision of any travel product to the public and requires any payment before the provision of the travel product, will be acting as a travel agent within the meaning of the Act and must obtain a licence for such activity.

Clause 5 amends section 6 to make reference to a person acting as a travel agent instead of carrying on the business of a travel agent, and to enhance the penalty for acting as an unlicensed travel agent.

Clause 6 repeals and re-enacts section 7 to clarify the grounds for which the STB may reject an application for the grant or renewal of a licence. The provisions regarding the variation or cancellation of licence conditions have also been moved to the new section 7A.

Clause 7 inserts a new section 7A that deals with all matters relating to licence conditions. The STB may, at any time, vary or revoke the licence conditions, or add new licence conditions. The STB may also, by way of licence conditions, assign a licensee a description or classification to restrict the types of travel products the licensee is authorised to provide under the licence. Before making any change to a licence condition that disadvantages a licensee, the STB must give the licensee an opportunity to make representations. Any

disadvantageous change made by the STB is subject to an appeal to the Minister under the new section 12, but the change takes effect upon the STB's decision even if an appeal is filed, unless otherwise directed by the Minister.

Clause 8 repeals section 9 and 10 as these requirements will be imposed in regulations instead.

Clause 9 repeals and re-enacts section 11 to clarify the grounds for which the STB may suspend or revoke a licence. In respect of certain grounds (such as contravention of a licence condition), the STB may impose a financial penalty on the licensee (instead of suspending or revoking the licence). The re-enacted section 11 makes it clear that the STB cannot impose a financial penalty in cases where the contravention by the licensee constitutes an offence under the Act or any regulations made under the Act. The re-enacted section 11 provides that before suspending or revoking a licence, or imposing any financial penalty, the STB must give the licensee up to 14 days, instead of the current 21 days, to make representations. Any suspension or revocation of a licence or imposition of a financial penalty by the STB is subject to an appeal to the Minister under the new section 12. The re-enacted section 11 also allows the STB to require a licensee facing suspension or revocation of the licensee's licence to disclose this fact to the licensee's customers.

Clause 10 repeals section 12 and inserts new sections 12 and 12A.

The new section 12 is concerned with appeals to the Minister from certain decisions of the STB made under the new or re-enacted sections 7, 7A and 11. The Minister may decide an appeal by confirming, varying or reversing the STB's decision, or requiring the STB to reconsider its decision. The Minister's decision is final.

The new section 12A empowers the STB to publish information on matters relating to the revocation or suspension of any licence.

Clause 11 repeals and re-enacts section 13 to also make it an offence for a person to furnish false information for any purposes under the Act or regulations made under the Act and not only where a person furnishes false information in connection with a licence application.

Clause 12 amends section 17 to refer to "arrestable offences" instead of "seizable offences" for consistency with the Criminal Procedure Code (Cap. 68).

Clause 13 amends section 18 to widen the investigation powers for the execution of the Act. The amended section 18 allows the STB to —

- (a) require any person to produce any records, accounts and documents for the execution of the Act, and not only records, accounts and documents kept by a licensee;
- (b) make inquiry to ascertain whether a licensee or a licensee's employee is complying with the Act; and

(c) take photographs or audio or video recordings.

Clause 14 amends section 19 to enhance the maximum penalty for a person who unlawfully obstructs a search.

Clause 15 repeals and re-enacts section 20 to update the provision on offences by corporations, and inserts a new section 20A on offences by unincorporated associations or partnerships.

Clause 16 amends section 21 to allow information obtained in connection with the administration or execution of the Act to be disclosed —

- (a) for the administration or execution of regulations made under the Act (in addition to the administration or execution of the Act); and
- (b) under and in accordance with any other written law.

The clause also enhances the penalty for contravention of section 21.

Clause 17 repeals sections 22 and 23. The clause re-enacts section 22 to update the provision on service of documents. Section 23 is deleted as the general law regarding the service of documents used for or in court proceedings will apply instead.

Clause 18 amends section 24 to allow an authorised STB officer to authenticate STB documents.

Clause 19 amends section 25 to remove the requirement for the Public Prosecutor's consent for trying an offence under the Act or regulations made under the Act, except for an offence under section 14 of the Act, which relates to wrongful conversion and false accounts.

Clause 20 repeals and re-enacts section 27 to update the provision on composition of offences.

Clause 21 inserts a new section 27A to provide for the charging of interest on unpaid financial penalties under the Act. Financial penalties and interests payable under the Act must be paid to the STB and will be recoverable by the STB as a debt to the STB. The STB must pay all the financial penalties and interests it receives or recovers under the Act into the Consolidated Fund.

Clause 22 amends section 28 to expand the regulation-making powers of the STB under the Act.

## EXPENDITURE OF PUBLIC MONEY

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