

Environmental Protection and Management Act 1999

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ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT 1999

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021

An Act to consolidate the laws relating to environmental pollution control, to provide for the protection and management of the environment and resource conservation, and for purposes connected therewith.

[26/2007]

[1 April 1999]

PART 1

PRELIMINARY

Short title

1. This Act is the Environmental Protection and Management Act 1999.

[26/2007]

Interpretation

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

“Agency” means the National Environment Agency established under the National Environment Agency Act 2002;

“air impurities” includes smoke, cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances;

“air pollution” means the emission into the air of any air impurity;

“air pollution control equipment” includes —

- (a) any apparatus for separating any air impurities from the gas or liquid medium in which they are carried;
- (b) any automatic device used for securing the more efficient operation of any fuel burning equipment;
- (c) any device to indicate or record air pollution or give warning of excessive air pollution; and
- (d) any other device used for the purposes of preventing or limiting air pollution;

“analysis” includes the taking of a sample or any test, measurement, calculation or examination made for the purpose of determining the characteristics of any matter or substance or the effects of any discharge, emission or deposit of trade effluent, air impurity or hazardous substance;

“analyst” means an analyst appointed or approved by the Director-General;

“authorised officer” means any person appointed to be an authorised officer under section 3(2);

“auxiliary officer” means an individual who is appointed as an auxiliary officer under section 16A(1) of the National Environment Agency Act 2002;

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise;

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

[Act 23 of 2023 wef 18/12/2023]

“chimney” includes a structure or opening of any kind from or through which air impurities may be emitted, and any reference to a chimney of or used in connection with any premises includes a reference to a chimney which serves the whole or a part of the premises though structurally separate from the premises;

“construction site” means any premises on or in which the construction, alteration or demolition of any building or structure is carried on and includes —

- (a) all the land within the vicinity of the work place which are owned by the person for whom the construction works are being carried out and to which the principal contractor has control of access; and
- (b) any canteen, sleeping quarters, office and other structures or buildings erected on the construction site;

“container” means —

- (a) any vessel, can, drum, barrel or other receptacle; or
- (b) where such vessel, can, drum, barrel or other receptacle is contained in another container or is wholly enveloped in a covering or coverings of whatever nature — the outermost container or covering, as the case may be,

but does not include the carrying tank of a road tanker, a tank container or a freight container;

“dark smoke” means smoke which is ascertained by any method that may be prescribed to be dark smoke;

“day” means a period of 24 hours from midnight;

“Director-General” means the Director-General of Environmental Protection appointed under section 3(1);

“drain” includes any watercourse or river;

“export”, with its grammatical variations and cognate expressions, means to take or cause to be taken out of Singapore by land, water or air and includes the

placing of any substances, plant, equipment, machinery or any products in a vessel, conveyance or aircraft for the purposes of the substances, plant, equipment, machinery or any products being taken out of Singapore by water or air; but does not include the taking out of Singapore by water or air of any substances, plant, equipment, machinery or any products on the same vessel or aircraft on which they were brought into Singapore unless, after being brought into Singapore, the substances, plant, equipment, machinery or any products have been landed or transhipped within Singapore;

“fuel burning equipment” means any furnace, boiler, fire place, oven, retort, incinerator, internal combustion engine, vessel or chimney, or any other apparatus, device, mechanism or structure used or to be used in connection with the burning of any combustible material in, or in relation to, any industrial plant;

“hazardous substance” means any of the substances specified in the first column of Part I of the Second Schedule but does not include —

- (a) the substance when contained in any substance, preparation or product specified in the second column of that Part corresponding to that substance; or
- (b) the substance when contained in any substance, preparation or product specified in Part II of that Schedule;

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore but does not include the bringing into Singapore by water or air of any substances, plant, equipment, machinery or any products which it is proved to be intended to be taken out of Singapore on the same vessel or aircraft on which they were brought into Singapore without any landing or transhipment within Singapore;

“industrial or trade premises” means premises used for any industrial or trade purposes or premises on which matter is burnt in connection with any industrial or trade process, and includes all scheduled premises and construction sites;

“industrial plant” means any plant or equipment used for the generation of power, or for any industrial use, or for the operation of vessels, aircraft, locomotives, cranes, internal combustion engines or other machines using any combustible material for their operation;

“industrial plant works” means any of the following works:

- (a) the erection or extension of an industrial plant;
- (b) the alteration or addition of an industrial plant;
- (c) the erection or extension of a plant for the treatment of trade effluent or toxic substances;
- (d) the provision, extension or alteration of any equipment to control pollution from an industrial plant;

“inland waters” means any river, stream, reservoir, lake or pond, whether natural or artificial;

“licensee” means any person licensed under this Act;

“motor vehicle” has the meaning given by the Road Traffic Act 1961;

“occupier”, in relation to —

- (a) any premises — means the person in occupation of the premises or having the charge, management or control thereof; and
- (b) any part of any premises, different parts of which are occupied by different persons — means the person in occupation or having the charge, management or control of that part;

“owner”, in relation to —

- (a) any premises — includes the person for the time being receiving the rent of the premises, whether on the person’s own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, and the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960;
- (b) any premises where building works are carried out — includes the developer and the building contractor;
- (c) the common property of any subdivided building — includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property; and
- (d) the limited common property of any subdivided building — includes the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004 having

control of the limited common property, or the person receiving any rent or charge for the maintenance of that limited common property;

“pollution of the environment” means pollution of the environment due to the release (into any environmental medium) from any process of substances which are capable of causing harm to human or any other living organisms supported by the environment;

“practicable” means reasonably practicable having regard, among other things, to local conditions and circumstances and to the current state of technical knowledge, and “best practicable means” includes the provision and the efficient maintenance of a plant and the proper use thereof and the supervision, by or on behalf of the occupier, of any process or operation;

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

“process” means any activity carried on in Singapore, whether on premises or by way of a plant which is designed to move or to be moved whether on roads or otherwise, which are capable of causing pollution to the environment;

[Deleted by Act 23 of 2023 wef 18/12/2023]

“registered inspector” means a person whose name is registered under section 34;

“road” has the meaning given by the Road Traffic Act 1961;

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

“sale” includes barter, exchange, import and export and also includes offering or attempting to sell, or causing or allowing to be sold, or exposing for sale or receiving or sending or delivering for sale; and the word “sell” is to be construed accordingly;

“scheduled premises” means any premises specified in the First Schedule;

“sewage” has the meaning given by the Sewerage and Drainage Act 1999;

“sewerage system” has the meaning given by the Sewerage and Drainage Act 1999;

“smoke” includes soot, ash, grit and gritty particles emitted in smoke;

“tank” means a container having a total internal capacity exceeding 250 litres for liquids and 500 litres for gases;

“tank container” means a tank with a total liquid capacity of 450 litres or more which is —

(a) used for the conveyance of a liquid, gaseous, powdery or granular substance; and

(b) constructed for repeated use and to facilitate the carriage of goods by one or more modes of transport without need of removal of its structural equipment or intermediate reloading of its contents;

“the environment” consists of all or any of the following media, namely, air, water and land;

“Town Council” has the meaning given by the Town Councils Act 1988;

“toxic substance” means any trade effluent, chemical, oil or any other substance which is noxious, injurious or polluting;

“trade effluent” means any liquid, either with or without particles of matter suspended in the liquid, which is the outflow from any trade, business or manufacture or of any works of engineering or building construction;

“watercourse” includes a reservoir, lake, river, stream, canal, drain, spring or well or a part of the sea abutting on the foreshore and any other natural, artificial or subsurface body of water;

“work place” means any premises or place used for any industrial, trade, commercial or manufacturing purposes and includes all construction sites, work sites and farms.

[47/2004; 12/2011; 4/2016; 4/2021]

PART 2

ADMINISTRATION

Appointment of Director-General and authorised officers

3.—(1) The Minister may, by notification in the *Gazette*, appoint any person to be the Director-General of Environmental Protection who is to be responsible for the administration of this Act and any other written law, subject to the general or special directions of the Minister.

(2) The Director-General may in writing appoint any of the following persons to be

an authorised officer for the purposes of this Act:

- (a) a public officer;
- (b) an officer or auxiliary officer of the Agency;
- (c) an officer of any statutory authority;
- (d) a member or an employee of any Town Council;
- (e) an auxiliary police officer appointed under the Police Force Act 2004.

[4/2016]

(3) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon the Director-General by this Act to any authorised officer, subject to such conditions or limitations as the Director-General may specify.

Public servants

4. Any authorised officer who is generally or specially authorised under section 3(2) to perform or exercise all or any of the functions, duties or powers which are imposed or conferred by this Act upon the Director-General is deemed to be a public servant for the purposes of the Penal Code 1871.

Protection from personal liability

5.—(1) No liability shall lie against any authorised officer by reason of the fact that —

- (a) any works are carried out in accordance with the provisions of this Act; or
- (b) such works or plans of the works are subject to inspection, approval or certification by the Director-General or an authorised officer.

[12/2011]

(2) Nothing in this Act makes it obligatory for the Director-General or any authorised officer to inspect any building or works or the site of any proposed works to ascertain whether the provisions of this Act are complied with or whether any plans, certificates, reports, notices or other documents submitted to him or her are accurate.

(3) No matter or thing done by the Director-General or by any authorised officer, if it were done with reasonable care and in good faith for the purpose of carrying out the provisions of this Act, subjects the Director-General or any authorised officer personally to any liability whatsoever.

[12/2011]

(4) Where the Director-General or any authorised officer provides any information to

any person in respect of any building or works by electronic or other means, neither the Agency, the Director-General nor any authorised officer shall be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or howsoever caused, including any defect or breakdown in the equipment used for providing the information, if such error or omission is made in good faith and in the ordinary course of duties of the Director-General or authorised officer.

PART 3

USE OF SCHEDULED PREMISES

Written permission for use of scheduled premises

6.—(1) A person must not occupy or use any scheduled premises specified in the First Schedule without a written permission granted by the Director-General.

[12/2011]

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

(3) Any application for a written permission under this section must be made to the Director-General giving details of the following:

- (a) the trade, industry or process proposed to be carried on in or on the premises;
- (b) the measures the applicant undertakes to adopt to control air, water and noise pollution from the premises;
- (c) the measures the applicant undertakes to adopt to manage hazardous substances and to treat and dispose of toxic substances originating from or stored within the premises.

[12/2011]

Power of Director-General to attach conditions to written permission

7.—(1) Without limiting section 32, the Director-General may, in granting a written permission under section 6, impose conditions to ensure that pollution of the environment, as well as hazardous substances, are adequately managed and controlled, including but not limited to the following conditions:

- (a) requiring the owner or occupier —
 - (i) to install and operate an industrial plant, fuel burning equipment, control equipment or treatment plant in or on the scheduled premises;

- (ii) to repair, alter or replace any industrial plant, fuel burning equipment, control equipment or treatment plant installed in or on the scheduled premises;
 - (iii) to erect or alter the height or dimension of any chimney through which air impurities may be emitted from the scheduled premises;
 - (iv) to alter the method of operation or process used in or on the scheduled premises to prevent or reduce air, water or noise pollution or hazards;
 - (v) to install and operate instruments and carry out tests and keep records of any tests and any method of operation or supervision that may be required;
 - (vi) to use a specified type of fuel to prevent or reduce air pollution;
or
 - (vii) to carry out any of the requirements imposed on the owner or occupier under this paragraph within such period as may be specified;
- (b) prohibiting the owner or occupier from altering or replacing any control equipment or treatment plant installed in or on the scheduled premises except with the approval of the Director-General;
- (c) prohibiting the owner or occupier from operating any fuel burning equipment or industrial plant installed or altered after the written permission has been granted unless the Director-General has given approval to do so.

[12/2011]

(2) An owner or occupier of scheduled premises to whom any written permission is granted must comply with every condition imposed under subsection (1).

[12/2011]

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence.

[12/2011]

Permit for certain works on scheduled premises

8.—(1) The owner or occupier of any scheduled premises must not without a permit granted by the Director-General —

- (a) alter the method of operation of any trade or industrial process, fuel burning equipment, control equipment, treatment plant or industrial plant in or on the scheduled premises;
- (b) install, alter or replace any fuel burning equipment, control equipment, treatment plant or industrial plant in or on the scheduled premises;
- (c) erect or alter the height or dimension of any chimney through which air impurities may be emitted from the scheduled premises; or
- (d) use any fuel other than the type of fuel specified in writing by the Director-General.

[12/2011]

(2) An application for a permit under subsection (1) must contain details of the proposed installation, alteration, replacement or erection.

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

[12/2011]

Change of owner or occupier

9.—(1) Where there has been any change in the ownership or occupancy of any scheduled premises, the person who becomes the owner or occupier thereof must notify the Director-General in writing of such change within 14 days from the date the person becomes the owner or occupier of those premises.

[12/2011]

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[12/2011]

PART 4

AIR POLLUTION CONTROL

Occupier to maintain and operate air pollution control equipment

10.—(1) The occupier of any industrial or trade premises must maintain any fuel burning equipment and any air pollution control equipment installed in or on the premises in an efficient condition.

(2) The occupier of any industrial or trade premises must ensure that any air pollution control equipment installed in or on the premises is working in a proper and efficient manner whenever the industrial plant or fuel burning equipment is being used.

(3) Any occupier who fails to comply with subsection (1) or (2) shall be guilty of an

offence.

Prohibition of dark smoke from chimney

11.—(1) Any owner or occupier of any industrial or trade premises who causes, permits or allows the emission of dark smoke from a chimney of, or used in connection with, those premises shall be guilty of an offence.

(2) This section does not apply to the emission of dark smoke from any chimney lasting for not longer than any periods that may be prescribed and subject to any prescribed limitations.

Control of air impurities

12.—(1) Any owner or occupier of any industrial or trade premises who carries on any trade or industrial process, or operates any fuel burning equipment or industrial plant in or on the premises in any manner that causes, permits or allows the emission of air impurities in excess of the standard of concentration or rate of emission prescribed in respect of that industry, process, fuel burning equipment or industrial plant shall be guilty of an offence.

(2) Where any such standard has not been so prescribed, it is the duty of the owner or occupier of any industrial or trade premises to carry on any trade or industrial process or operate any fuel burning equipment or industrial plant in or on the premises by the best practicable means available as may be necessary to prevent or minimise air pollution.

(3) Any dispute that arises as to the best practicable means available for the purposes of subsection (2) is to be determined by the Director-General.

(4) The Director-General may, in respect of a specified period of time, by written notice require the owner or occupier of any industrial or trade premises to ensure that any air impurity exceeding a specified amount is not emitted during that period.

(5) The Agency may, with the approval of the Minister, by regulations provide for the control or prohibition of the emission of air impurities from any other source.

Power of Director-General to require work on any premises

13.—(1) Where, in the opinion of the Director-General, any air impurities are being or are likely to be emitted from any industrial or trade premises, the Director-General may by written notice require the owner or occupier of the premises —

- (a) to install and operate any industrial plant, air pollution control equipment or additional air pollution control equipment, in or on the premises;

- (b) to repair, alter or replace any industrial plant, fuel burning equipment or air pollution control equipment installed in or on the premises;
- (c) to erect or alter the height or dimension of any chimney through which air impurities may be discharged from the premises;
- (d) to alter or cease the method of operation or process used in or on the premises to prevent, cease or reduce air pollution;
- (e) to use a specified type of fuel to prevent or reduce air pollution;
- (f) to dismantle or disconnect any industrial plant, fuel burning equipment, air pollution control equipment or chimney installed in or on the premises; or
- (g) to install and operate such instruments and carry out such tests and keep records thereof,

within such time and in such manner as may be specified in the notice.

[12/2011]

(2) The owner or occupier of any industrial or trade premises to whom a written notice is given under this section must comply with all the requirements set out in the notice.

Power to prohibit use of combustible materials, fuel burning equipment or industrial plants in designated areas

14.—(1) The Agency may, with the approval of the Minister, by order in the *Gazette* —

- (a) prohibit or restrict the use of any or any class of combustible material, fuel burning equipment or industrial plant as may be specified in the order; or
- (b) prohibit or restrict the burning of any or any class of material as may be specified in the order,

within such area or premises as may be designated and at such times as may be specified in the order.

(2) Any occupier or owner of any premises or any other person who contravenes an order made under subsection (1) shall be guilty of an offence.

(3) If, in any proceedings for a contravention or non-compliance of an order made under subsection (1), it is shown that any combustible material, fuel burning equipment or industrial plant was found or that the burning of any material was carried out in or on any premises, it is presumed, until the contrary is proved, that —

- (a) the combustible material, fuel burning equipment or industrial plant was

used; or

(b) the burning of any material was carried out,

by the occupier of the premises, other than a principal contractor to which section 35 applies.

PART 5

WATER POLLUTION CONTROL

Written permission for discharge of trade effluent, oil, chemical, sewage or other polluting matters

15.—(1) Any person who discharges, or causes or permits to be discharged, any trade effluent, oil, chemical, sewage or other polluting matters into any drain or land, without a written permission from the Director-General, shall be guilty of an offence.

[12/2011]

(2) Where any trade effluent, oil, chemical, sewage or other polluting matters has been discharged from any premises into any drain or land, it is presumed, until the contrary is proved, that the occupier of the premises, other than a principal contractor to which section 35 applies, had discharged, or caused or permitted to be discharged, the trade effluent, oil, chemical, sewage or other polluting matters in contravention of subsection (1).

(3) Subject to subsection (4), any person who causes or suffers any trade effluent, oil, chemical, sewage or other polluting matters to enter or pass into any drain or land without a written permission from the Director-General (whether wilfully or by accident) must immediately inform the Director-General of such occurrence.

[12/2011]

(4) The requirements in subsection (3) may be waived by the Director-General in any case where the amount of trade effluent, oil, chemical, sewage or other polluting matters is, in the opinion of the Director-General, not of a substantial nature.

(5) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) This section does not apply to the discharge of a toxic substance or hazardous substance to which section 17 applies.

Plant for treatment of trade effluent

16.—(1) The occupier of any premises must treat any trade effluent discharged from

the premises in the manner that may be prescribed before the trade effluent is discharged into any drain or land pursuant to a written permission granted under section 15.

[12/2011]

(2) A person using, working or operating any plant for the purpose of treating any trade effluent must use, work or operate and maintain the plant in the manner that the Director-General may require.

(3) Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable —

- (a) on the first conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; and
- (b) on a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

Penalties for discharging toxic substances or hazardous substances into inland waters

17.—(1) Any person who discharges, or causes or permits to be discharged, any toxic substance or hazardous substance into any inland water so as to be likely to cause pollution of the environment shall be guilty of an offence and shall —

- (a) be liable on the first conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) be punished on a second or subsequent conviction with both imprisonment for a term of not less than one month and not more than 12 months and a fine not exceeding \$100,000.

(2) Where a person carrying on any trade or business has been convicted of a second or subsequent offence under subsection (1)(b) for the discharge of, or for causing or permitting the discharge of, any toxic substance or hazardous substance which is produced by any process or work in connection with that trade or business, the Agency may, by written order, direct that person to immediately cease carrying on that process or work either indefinitely or for the period that may be specified in the order.

(3) Any person who fails to comply with an order made under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day

during which the offence continues after conviction.

(4) If any person fails to comply with an order made under subsection (2), the Director-General may take any step or measure that is necessary to ensure that the order is complied with and the reasonable costs and expenses incurred by the Director-General in taking such step or measure are recoverable from the person in default as a debt due to the Agency.

(5) For the purposes of this section —

- (a) a person is deemed to have discharged a toxic substance or hazardous substance into any inland water if the person places the substance or causes it to be placed in a position where it is liable to fall or descend or be washed or to percolate or be blown into the water;
- (b) the discharge of a toxic substance or hazardous substance is deemed to cause pollution of the environment if the substance has been discharged or placed in such a manner or in such quantity (whether by itself or with any other substance) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten to pollute (whether on the surface or underground) any inland water;
- (c) the fact that the toxic substance or hazardous substance is placed in containers is not of itself taken to exclude any pollution of the environment which might be expected to be caused if the substance were not in containers; and
- (d) where the toxic substance or hazardous substance has been discharged from any premises into any inland water, it is presumed, until the contrary is proved, that the occupier of the premises, other than a principal contractor to which section 35 applies, had discharged, or caused or permitted to be discharged, the toxic substance or hazardous substance in contravention of subsection (1).

(6) No prosecution may be instituted under this section without the written consent of the Public Prosecutor.

Power of Director-General to require the removal and cleaning up of toxic substance or trade effluent, oil, chemical, sewage, hazardous substance or other polluting matters

18.—(1) The Director-General may, by written notice, require any person who has discharged or caused or permitted to be discharged or spilled any toxic substance, trade effluent, oil, chemical, sewage, hazardous substance or polluting matters onto any land or

into any drain or the sea, to remove and clean up such toxic substance, trade effluent, oil, chemical, sewage, hazardous substance or polluting matters within a specified time to be fixed by the Director-General as he or she considers fit.

(2) Any person who fails to comply with a notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

Power of Director-General to require measures to be taken to prevent water pollution due to storage or transportation of toxic substances or any other polluting matters

19.—(1) The Director-General may, by written notice, require any person who effects, permits or carries out any activity related to the storage or transportation of a toxic substance or any other polluting matters —

- (a) to use a method of storage, operation or process to prevent water pollution;
- (b) to construct or install spill containment facilities;
- (c) to use containers, tanks, tank containers or road tankers that are constructed to meet stipulated standards and with approved materials;
- (d) to install and operate equipment to prevent any leakage or discharge from containers, tanks, tank containers or road tankers;
- (e) to install and operate pollution monitoring equipment to prevent and detect any leakage or discharge;
- (f) to carry out specific tests on equipment, tanks or any other related facilities and to submit the results of these tests;
- (g) to prepare and submit contingency plan for events of accidental discharge or spillage of oil, chemicals, trade effluent or other polluting matters; and
- (h) to carry out any works as required by the Director-General that are necessary to prevent water pollution.

(2) Any person who fails to comply with any requirement in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

PART 6

LAND POLLUTION CONTROL

Pollution of land

20. The Agency may, with the approval of the Minister, make regulations to control

the pollution of land whereby the condition of the land is so changed as to make or be likely to make the land or the produce of the land obnoxious, noxious or poisonous.

PART 7

HAZARDOUS SUBSTANCES CONTROL

Application of this Part to hazardous substances

21. This Part applies to the hazardous substances specified in the first column of Part I of the Second Schedule except where —

- (a) they fall within the exclusion specified in the second column of that Part corresponding to those substances; or
- (b) they are contained in any substance, preparation or product specified in Part II of that Schedule.

General prohibition with respect to importation, manufacture and sale of hazardous substances

22.—(1) A person must not import, manufacture, possess for sale, sell or offer for sale any hazardous substance unless the person holds a licence granted by the Director-General for that purpose.

[12/2011]

(2) Every licence granted to any person under this section is not transferable to any other person and no licence may authorise the import, manufacture, possession for sale, sale or offer for sale of any hazardous substance by any individual other than the individual named in the licence.

[12/2011]

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

[12/2011]

Prohibitions and regulations with respect to importation, manufacture and sale of hazardous substances

23.—(1) A person must not import, manufacture, possess for sale, sell or offer for sale any hazardous substance unless —

- (a) the importation, manufacture, possession for sale, sale or offer for sale is effected in accordance with the provisions of the licence and with any condition specified in the licence;
- (b) the sale is effected by or under the personal supervision of the person

named in the licence; and

(c) proper records of the sale as required by the Director-General are kept.

[12/2011]

(2) A person must not possess for sale, sell or offer for sale any hazardous substance unless the container of the hazardous substance is labelled in the manner prescribed in regulations made by the Agency, with the approval of the Minister.

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

Storage, use and dealing of hazardous substances

24.—(1) Every person storing, using or otherwise dealing with any hazardous substance and every agent, servant or employee of such person must do so in such a manner as not to threaten the health or safety of any person, or to cause pollution of the environment.

(2) In any proceedings under this section, if any person is proved to have kept or had in the person's possession or under the person's control any hazardous substance, the person is presumed, until the contrary is proved, to have done so knowingly.

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

Power of Director-General to require removal of hazardous substances from premises

25.—(1) If, in the opinion of the Director-General, any of the following items used, stored or kept in any premises is likely to threaten the health or safety of any person or to cause pollution of the environment, he or she may, by written notice, require the owner or occupier of any premises to remove the item to a disposal facility:

(a) any hazardous substance;

(b) any material contaminated with a hazardous substance;

(c) any equipment, device or pipeline contaminated with a hazardous substance.

[12/2011]

(2) The Director-General may, by written notice, require the owner or occupier upon whom a notice has been served under subsection (1) to furnish evidence that the item mentioned in the notice has been disposed of at a disposal facility in accordance with the notice.

[12/2011]

(3) Any person who fails to comply with a notice made under subsection (1) or (2)

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

Power to require owner or occupier of hazardous installations to carry out impact analysis studies

26.—(1) The Director-General may, by written notice served on the owner or occupier of any installation, whether fixed or mobile, which is used or intended to be used to carry out activities involving the storage, handling and use of hazardous substances, require the owner or occupier to carry out —

- (a) identification of all possible potential hazards that may threaten the health or safety of any person, or cause pollution of the environment;
- (b) estimation of the frequency or probability of occurrence of the potential hazards identified under paragraph (a);
- (c) quantification of the consequences and risk levels of the potential hazards identified under paragraph (a);
- (d) evaluation of the effects of potential fires or other disasters including the potential for release of toxic materials or toxic combustion products and the potential for release of contaminated firefighting water into the environment; and
- (e) identification of all necessary preventive measures to avoid and control the potential hazards identified under paragraph (a) and formulation of a programme to implement the measures.

(2) The Director-General may, by written notice, require the owner or occupier —

- (a) to conduct a review and evaluation of any existing measures for the prevention, reduction or control of any potential hazard that may endanger public health or cause pollution of the environment for the purpose of ascertaining whether the measures are sufficient or effective;
- (b) to submit for the Director-General's approval, within the time that may be specified by the Director-General, a proposal for the implementation of any new or additional measures to prevent, reduce or control any potential hazard that may endanger public health or cause pollution of the environment; and
- (c) to implement any new or additional measures to prevent, reduce or control any potential hazard that may endanger public health or cause pollution of the environment that the Director-General may approve or specify.

(3) The review and evaluation mentioned in subsection (2)(a) must be conducted in the manner that the Director-General may, by written notice, require and the Director-General may issue guidelines for this purpose.

(4) The Director-General may, by written notice, if he or she considers it necessary —

(a) require any modification or addition to be made to the measures proposed by the owner or occupier under subsection (2)(b); or

(b) require the owner or occupier to conduct a further review and evaluation.

(5) Any person who fails to comply with any notice made under subsection (1), (2) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

Penalty for offences involving hazardous substances

27. Any person who is guilty of an offence under this Part, for which no penalty is expressly provided, shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

PART 8

NOISE CONTROL

Control of noise from construction of building and other works

28.—(1) Where it appears to the Director-General that works of the following description, that is to say —

(a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;

(b) the breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;

(c) piling, demolition or dredging works; or

(d) any other work of engineering construction,

are being, or are going to be carried out on any premises, the Director-General may, by written notice, impose requirements as to the way in which the works are to be carried

out on the person who appears to be carrying out, or going to carry out the works or on any other person appearing to the Director-General to be responsible for or to have control over the carrying out of the works.

(2) The notice may, in particular, specify —

- (a) the plant or machinery which is, or is not, to be used;
- (b) the hours during which the works may be carried out; and
- (c) the level of noise or vibration which may be emitted from the premises mentioned in subsection (1) or at any specified part of those premises or which may be so emitted during specified hours.

(3) Where a person who has been served a notice under subsection (1) —

- (a) fails to comply with any requirement contained in the notice; or
- (b) contravenes any regulations in relation to noise emitted from the premises mentioned in subsection (1),

the Director-General may, by written notice, order the person to stop any work carried out in the premises mentioned in subsection (1) until the time that the notice is revoked or until the time that the requirements imposed by the Director-General have been complied with.

(4) Any person who fails to comply with a notice issued under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 for every day during which the notice is not complied with or to imprisonment for a term not exceeding 3 months or to both.

Surveillance system

28A.—(1) Where it appears to the Director-General that —

- (a) any works of any description mentioned in section 28(1) are being carried out on any construction site (called in this section the subject premises); and
- (b) the owner or occupier of the subject premises (called in this section the responsible person) has contravened or is contravening any regulations relating to the days and times when the works may be carried out on the subject premises,

the Director-General may, by written notice, require the responsible person to install, operate and maintain, at the responsible person's own expense, an electronic video surveillance system (called in this section a surveillance system) for the purpose of

monitoring whether and when the works are being carried out on the subject premises.

(2) For the purpose of subsection (1), the written notice may specify —

- (a) the description or type of surveillance system required, and any criteria for the surveillance system, including —
 - (i) the resolution of the images, and the number of frames per second, capable of being recorded using the surveillance system;
 - (ii) the ability of the surveillance system to record images under various lighting conditions; and
 - (iii) the quality of any sound capable of being recorded using the surveillance system;
- (b) the location or locations in or on the subject premises, or in or on any premises that are adjacent to the subject premises (called in this section adjacent premises), at which the closed-circuit television cameras or other electronic visual monitoring devices of the surveillance system (whether with or without accompanying audio features) (called in this section monitoring devices) must be installed, the number of such monitoring devices at any such location and the part of the subject premises to be recorded by any such monitoring device;
- (c) the time by which the surveillance system must be installed; and
- (d) the period of any day (whether the whole or any part or parts of the day) during which the surveillance system or any part of the surveillance system must be operational.

(3) For the purpose of subsection (2), the written notice may specify different descriptions or types of surveillance systems, and different criteria for the surveillance systems, for different parts of the subject premises or any adjacent premises.

(4) The responsible person must —

- (a) keep each recording made using any surveillance system installed under this section, for such period and in accordance with such requirements as may be specified in the written notice; and
- (b) provide the Director-General or any authorised officer with full and free access to any recording mentioned in paragraph (a), or with a copy of any such recording.

(5) Without affecting subsection (7), if a responsible person fails to comply with a

written notice given to the responsible person under subsection (1) in respect of the subject premises —

- (a) the Director-General or any authorised officer may install, operate and maintain any surveillance system in or on the subject premises, in accordance with the requirements for the surveillance system set out in the written notice;
- (b) the responsible person must provide the Director-General or authorised officer with any reasonable assistance requested by the Director-General or authorised officer in the exercise of the powers conferred under paragraph (a), including granting the Director-General or authorised officer or a contractor appointed by the Director-General or authorised officer access to such cables and wiring as may be necessary or to the surveillance system so installed; and
- (c) any costs and expenses incurred by the Director-General or authorised officer in exercise of the powers conferred under paragraph (a) are recoverable from the responsible person as a debt due to the Agency.

(6) A responsible person must take all reasonable steps to ensure that no person —

- (a) in relation to any monitoring device installed under this section, for any part of any period for which the whole or the part of the surveillance system that the monitoring device is a part of, is required to be operational under this section —
 - (i) obscures or in any way obstructs any part of the field of view of the monitoring device; or
 - (ii) prevents the monitoring device from receiving or recording any sound that the monitoring device is intended to receive or record; or
- (b) tampers with or does anything to compromise or adversely affect any image, sound or video recorded by, or the proper functioning of, any part of any surveillance system installed under this section.

(7) A responsible person that, without reasonable excuse —

- (a) fails to comply with a written notice given to the responsible person under subsection (1); or
- (b) contravenes subsection (4), (5)(b) or (6),

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

\$40,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(8) For the purpose of subsection (7)(a), it is a reasonable excuse for a responsible person not to comply with a written notice given to the responsible person under subsection (1) if, and to the extent that —

- (a) the written notice requires the responsible person to install, operate or maintain any one or more monitoring devices at any location or locations in or on any adjacent premises;
- (b) the responsible person is not the owner or occupier of the adjacent premises; and
- (c) the responsible person has taken reasonable steps, but is unable, to obtain the consent of the owner or occupier of the adjacent premises for the responsible person to install, operate or maintain the monitoring devices (as the case may be) in the manner required by the written notice.

(9) Section 41 does not apply to a written notice under this section.

[Act 24 of 2021 wef 01/10/2022]

Control of noise from work place

29.—(1) The Director-General may, by written notice served on the owner or occupier of any work place, prohibit the owner or occupier from causing, permitting or allowing —

- (a) any specified activity to be carried out in or on those premises; or
- (b) any specified plant to be used or operated in or on those premises,

in a manner that causes the emission from those premises of noise that, when measured at any specified point (whether within or outside those premises), exceeds the specified level.

(2) Where the Director-General is satisfied that any noise is being or is likely to be emitted from any work place, the Director-General may, by a written noise control notice served on the owner or occupier, require the owner or occupier —

- (a) to install, alter, maintain or operate any noise control equipment specified in the notice in or on those premises;
- (b) to repair, alter or replace any noise control equipment in or on those premises;
- (c) to erect a noise barrier in or on those premises;

- (d) to install a specified type of plant, where the Director-General is satisfied that the use of that plant will result in the prevention or reduction of the emission of noise from those premises; or
- (e) to carry out repairs or adjustments to a specified plant where the Director-General is satisfied that the carrying out of those repairs or adjustments will result in the prevention or reduction of the emission of noise from those premises,

within the time and in the manner specified in the notice.

(3) The Director-General may, by written notice served on the owner or occupier of any work place, require the owner or occupier to operate, in accordance with any directions contained in the notice, any noise control equipment in or on those premises.

(4) Where a person who has been served a notice under subsection (1), (2) or (3) —

- (a) fails to comply with any requirement contained in the notice; or
- (b) contravenes any regulations in relation to noise emitted from any work place,

the Director-General may, by written notice, order that person to stop any work or activity carried out in the work place until the notice is revoked or until the time when the requirements imposed by the Director-General have been complied with.

(5) Any person who fails to comply with a notice issued under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 for every day during which the notice is not complied with or to imprisonment for a term not exceeding 3 months or to both.

(6) In this section, “plant” means any plant, equipment, apparatus, device, machine or mechanism.

Director-General to have regard to certain provisions

30. In acting under section 28 or 29, the Director-General must have regard —

- (a) to the relevant provisions of any code of practice published or mentioned in the regulations;
- (b) before specifying any particular methods or plant or machinery, to the desirability in the interests of any recipient of the notice in question of specifying other methods or plant or machinery which would be substantially as effective in minimising noise and would be more acceptable to that recipient; or

- (c) to the need to protect any person in the locality in which the premises or work place in question are situated from the effects of noise.

PART 9

LICENCES

[Act 23 of 2023 wef 18/12/2023]

Single licence

31.—(1) Where a person is required by virtue of the provisions of this Act to obtain more than one licence, the person may apply to the Director-General for a single licence to carry out the activities specified in the person's application and the Director-General may, if he or she thinks fit, grant or refuse to grant the single licence.

(2) If the holder of the licence is in breach of any restriction or condition subject to which it was granted or is in contravention of any of the provisions of this Act that may affect the licence, the Director-General may instead of suspending, cancelling or revoking the single licence under section 32(2) —

- (a) prohibit the licensee from carrying out one or more activities specified in the single licence; or
- (b) modify any condition subject to which the licence was granted.

General provisions on licences

32.—(1) The grant or renewal of any licence is at the discretion of the Director-General.

(2) Any licence may be —

- (a) granted, renewed or refused without giving any reason;
- (b) granted or renewed subject to any restrictions and conditions that the Director-General thinks fit; or
- (c) suspended, cancelled or revoked at any time without compensation and without notice by the Director-General upon breach of any restriction or condition subject to which it was granted or to any contravention of such of the provisions of this Act that may affect the licence.

(3) The Director-General may amend or delete any of the conditions imposed on any licence or impose additional conditions without giving any reasons and at any time during the validity period of the licence.

(4) An application for a licence must be made in such form and contain such particulars and information as the Director-General may determine.

(5) The Director-General may require any applicant for a licence to furnish any information and evidence that he or she may reasonably require for a full and proper consideration of the application and, in the event of a refusal to furnish the information, must refuse to grant or renew the licence.

(6) Any person who wilfully furnishes any false information in any application for a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and any licence granted is void and of no effect.

(7) Subject to the provisions of this Act, any licence may be for any period that the Director-General thinks fit.

(8) There is to be charged in respect of any application for the grant, amendment or renewal of any licence, a fee (if any) that may be prescribed by the Agency, with the approval of the Minister.

(9) Where a licence is granted or renewed for a period of less than 12 months, the Director-General may charge a proportionate fee therefor; and in so charging any part of a month is reckoned as one month.

(10) A licensee is not entitled to a refund of any fee paid by the licensee in respect of any licence.

(11) A person must not in any manner transfer any licence or permit any licence to be used by any other person without the written approval of the Director-General.

(12) Subject to the provisions of this Act, any person aggrieved by the refusal by the Director-General to grant, amend or renew a licence or by the suspension or revocation by the Director-General of any licence may, within 14 days of the refusal, suspension or revocation, appeal to the Minister whose decision is final.

(13) In this section, “licence” includes any approval, permit, permission, authority or authorisation which may be granted or renewed by the Director-General under this Act, but excludes any certificate issued by the Director-General under Part 9A.

[Act 23 of 2023 wef 18/12/2023]

PART 9A

POLLUTION CONTROL REQUIREMENTS FOR CONTROLLED WORKS

[Act 23 of 2023 wef 18/12/2023]

Interpretation of this Part

33. In this Part —

“amended plans” means plans showing any deviation from, or any amendment or addition to, any plans of controlled works certified by the Director-General in a clearance certificate;

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

“clearance certificate” means a certificate described in section 33B(1) and issued under section 33D(2)(a), and includes such certificate issued under section 33D(2)(a) as applied by section 33G;

“compliance certificate” means a certificate described in section 33I(1) and issued under section 33I(3)(a);

“controlled works” means any building works or industrial plant works;

“design certificate” means a certificate described in section 33E(1) and issued under section 33E(3)(a);

“developer”, in relation to any controlled works, means the person for whom or on whose behalf the controlled works are carried out;

“foundation” means that part of a building which is below or in direct contact with the ground, and through which the weight of the building and the loads acting on the building are transmitted to the ground, and includes any footing, raft or pile of the building;

“plans”, in relation to any controlled works —

(a) includes drawings, details, diagrams, digital representations generated from building information modelling, structural details and calculations showing or relating to the works; and

(b) if prepared in electronic form, includes the medium in which the plans of the works have been stored;

“pollution control requirements” means the requirements set out in regulations made under section 77 and any prescribed codes of practice relating to the prevention, reduction or control of pollution of the environment from any completed buildings or industrial plants;

“site formation works” means any kind of site formation and includes earthworks for site stabilisation, the construction of foundations, basements, sub-

structures, piling, underpinning, ground anchors, trenches or any other kind of ground works;

“temporary compliance certificate” means a certificate issued under section 33J(1).

[Act 23 of 2023 wef 18/12/2023]

Purpose of this Part

33A.—(1) The purpose of this Part is to establish a regulatory framework to prevent, reduce or control pollution of the environment from any completed buildings and industrial plants.

(2) This Part does not limit the operation of any other written law relating to the regulation of controlled works.

[Act 23 of 2023 wef 18/12/2023]

No controlled works without clearance certificate

33B.—(1) Subject to sections 33C and 33E, a person must not commence or carry out, or permit or authorise the commencement or carrying out of any controlled works without a certificate (called in this Part a clearance certificate) issued by the Director-General under section 33D(2)(a) in respect of those controlled works.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable —

- (a) on the first conviction, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; and
- (b) on a second or subsequent conviction, to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

[Act 23 of 2023 wef 18/12/2023]

Controlled works exempt from section 33B

33C.—(1) Regulations made under section 77 may exempt from section 33B any class of controlled works for any buildings or industrial plants that have been assessed by the Agency to pose a low risk of pollution to the environment, subject to such conditions as may be prescribed.

(2) The conditions mentioned in subsection (1) may include (but are not limited to) the following:

- (a) that the plans of the controlled works must be lodged with the Director-General, in the form and manner and within the time specified by the Director-General, together with any other information or documents specified by the Director-General;
- (b) that the person who prepared the plans of the controlled works must provide to the Director-General, in the form and manner and within the time specified by the Director-General, a declaration of the matters specified by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Application for clearance certificate

33D.—(1) An application for a clearance certificate for any controlled works must be made to the Director-General by the developer of the controlled works, in the form and manner specified by the Director-General, and must be accompanied by the documents and information specified by the Director-General.

(2) Subject to section 33F, the Director-General may —

- (a) if the plans of the controlled works comply with the pollution control requirements (except any requirements that have been waived in the particular case by the Director-General), approve the application and issue a clearance certificate, with or without conditions;
- (b) give a written direction to the developer to comply with any requirement that the Director-General may specify for the purpose of ensuring that all or any of the plans submitted to him or her comply with specified pollution control requirements; or
- (c) disapprove the application.

(3) If a direction given by the Director-General under subsection (2)(b) is not complied with within the period specified in that direction, or such further period as may be allowed by the Director-General, the application is, at the end of that period, deemed to be disapproved by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Preliminary certification of building designs

33E.—(1) A developer of any controlled works to which section 33B applies who intends to carry out any part of those works (being site formation works or other prescribed works) before the issue of a clearance certificate, may apply to the Director-General for a preliminary certificate (called in this Part a design certificate).

(2) An application for a design certificate must be made to the Director-General, in the form and manner specified by the Director-General, and must be accompanied by —

- (a) information on the key design parameters of the controlled works specified by the Director-General; and
- (b) any other documents and information specified by the Director-General.

(3) Subject to section 33F, the Director-General may —

- (a) if the key design parameters of the controlled works comply with the pollution control requirements (except any requirements that have been waived in the particular case by the Director-General), approve the application and issue a design certificate, with or without conditions;
- (b) give a written direction to the developer to comply with any requirement that the Director-General may specify for the purpose of ensuring that the key design parameters of the controlled works comply with specified pollution control requirements; or
- (c) disapprove the application.

(4) If a direction given by the Director-General under subsection (3)(b) is not complied with within the period specified in that direction, or such further period as may be allowed by the Director-General, the application is, at the end of that period, deemed to be disapproved by the Director-General.

(5) A design certificate —

- (a) is valid for such period as the Director-General may specify, which may be extended for such further period or periods as the Director-General may specify; and
- (b) authorises the developer to carry out, during the period of its validity, such site formation works or other prescribed works as the Director-General may specify, without the need for a clearance certificate.

(6) Regulations made under section 77 may prescribe what are key design parameters of any controlled works for the purposes of this section.

[Act 23 of 2023 wef 18/12/2023]

Additional requirements for new ventures under Energy Conservation Act 2012

33F.—(1) Where any controlled works constitute a new venture under section 26A of the Energy Conservation Act 2012 for which an assessment mentioned in that section must be conducted and a report of the assessment approved by the Director-General under that section, the Director-General must not issue a design certificate or clearance

certificate for the controlled works without first approving the report.

(2) Despite subsection (1), the Director-General may issue the applicant with a design certificate or clearance certificate subject to the condition (in addition to any other condition that may be imposed under section 33D(2)(a) or 33E(3)(a) (as the case may be)) that the applicant must submit the report mentioned in subsection (1) to the Director-General for his or her approval within the period specified by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

New clearance certificate required for amended plans of controlled works

33G.—(1) A developer of controlled works who intends to depart or deviate from any plans of those works for which a clearance certificate has been issued, must apply to the Director-General for another clearance certificate (called in this section a new certificate) for the amended plans showing the departure or deviation.

(2) Section 33D(2) and (3) applies (with the necessary modifications) to applications made under subsection (1) as it applies to applications made under section 33D(1).

(3) Where the Director-General has issued a new certificate pursuant to an application under subsection (1), the previous clearance certificate for the same controlled works is treated as cancelled.

[Act 23 of 2023 wef 18/12/2023]

Offence to deviate from plans certified in clearance certificate

33H.—(1) A person who, in carrying out any controlled works deviates, or permits or authorises the controlled works to deviate, in any material way from any plans of the controlled works for which a clearance certificate has been issued shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$20,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$50,000.

(2) In proceedings for an offence under subsection (1) —

- (a) it is not necessary for the prosecution to prove that the accused knew that the controlled works deviate in any material way from the plans as so certified; but
- (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused did not know and could not reasonably have known of the plans.

[Act 23 of 2023 wef 18/12/2023]

Compliance certificate required upon completion of controlled works

33I.—(1) Upon the completion of any controlled works the plans (including any amended plans) of which have been certified in a clearance certificate, the developer of the controlled works must apply to the Director-General for a further certificate (called in this Part a compliance certificate) that the controlled works have been completed in accordance with —

- (a) the plans as so certified; and
- (b) the conditions (if any) in the clearance certificate.

(2) The Director-General may, on an application under subsection (1), require the developer or a registered inspector appointed by the developer to inspect the completed controlled works and submit a report stating whether the controlled works have been completed in accordance with subsection (1)(a) and (b).

(3) The Director-General may, after considering the application under subsection (1) and any report submitted under subsection (2) —

- (a) issue (subject to any conditions that he or she thinks fit) a compliance certificate if the controlled works have been completed in accordance with subsection (1)(a) and (b) (except for any non-compliance that has been waived in a particular case by the Director-General);
- (b) give a written direction to the developer to comply within a specified period with any requirement that the Director-General may specify for the purpose of ensuring that the controlled works have been completed in accordance with subsection (1)(a) and (b); or
- (c) disapprove the application.

(4) Without limiting subsection (3)(b), a direction may require specified work or alteration to be carried out at the expense of the developer, within a specified period and to the satisfaction of the Director-General.

(5) If a direction is not complied with within the period specified in that direction, or such further period as may be allowed by the Director-General, the application under subsection (1) is, at the end of that period, deemed to be disapproved by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Temporary compliance certificate

33J.—(1) Where an application has been made under section 33I for a compliance certificate for any controlled works, the Director-General may, before issuing the compliance certificate, issue a temporary compliance certificate in the first instance.

(2) A temporary compliance certificate is valid for such period as the Director-

General may specify, and may be issued subject to conditions including (but not limited to) a condition that the developer of the controlled works comply with any written direction mentioned in section 33I(3)(b).

(3) For the purposes of subsection (2), section 33I(3)(b) and (4) applies (with the necessary modifications) to that subsection.

(4) A temporary compliance certificate is only prima facie evidence that the building that is the subject of the controlled works or in relation to which those works are done, has met the minimum pollution control requirements that the Director-General considers necessary for occupation, and is not evidence that the controlled works have been completed in accordance with section 33I(1)(a) and (b).

(5) The Director-General may amend, suspend or, in the event of a failure to comply with any condition imposed under subsection (2), revoke any temporary compliance certificate.

[Act 23 of 2023 wef 18/12/2023]

Consequences of providing false or misleading information, etc.

33K.—(1) Any person who, for the purpose of obtaining any certificate under this Part, provides to the Director-General any plan, declaration, document or other information that is false or misleading in a material particular, shall be guilty of an offence and shall be liable —

(a) on the first conviction to a fine not exceeding \$20,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$50,000.

(2) The Director-General may at any time revoke any certificate issued under this Part (including, to avoid doubt, a temporary compliance certificate), if the Director-General is satisfied that any plan, declaration, document or other information provided to him or her for the purpose of obtaining the certificate is false or misleading in a material particular.

(3) Where a clearance certificate has been revoked under subsection (2), any compliance certificate or temporary compliance certificate issued in respect of the same controlled works is also treated as revoked.

[Act 23 of 2023 wef 18/12/2023]

Appeals under this Part

33L.—(1) Any person who is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

(a) to disapprove an application under section 33D(2)(c), 33E(3)(c) or 33I(3)(c) (except, to avoid doubt, any such application that is deemed to be

disapproved);

- (b) to impose conditions under section 33D(2)(a), 33E(3)(a), 33I(3)(a) or 33J(2) on the grant of a certificate; or
- (c) to revoke any certificate under section 33J(5) or 33K(2),

may, within 14 days after the person receives the relevant decision, apply to the Director-General to reconsider the relevant decision.

(2) The application must be made by giving a written notice to the Director-General for reconsideration that states precisely the grounds of the person's objections to the relevant decision.

(3) After considering the written notice for reconsideration, the Director-General may do any of the following (called in this section the reconsidered decision):

- (a) confirm or rescind the relevant decision;
- (b) substitute or vary the relevant decision, and make any decision that the Director-General is competent to make under the provisions mentioned in subsection (1)(a), (b) and (c).

(4) The Director-General's reconsidered decision must be given in writing to the person that requested the reconsideration.

(5) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(6) After considering the appeal, the Minister may —

- (a) confirm or rescind the reconsidered decision; or
- (b) substitute or vary the reconsidered decision, and make any decision that the Director-General is competent to make under the provisions mentioned in subsection (1)(a), (b) and (c).

(7) The Minister's decision on the appeal is final.

(8) The Minister's decision on the appeal must be given to the appellant in writing.

(9) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs; and a reconsidered decision takes effect despite any appeal against the reconsidered decision under subsection (5), unless the Minister otherwise directs.

[Act 23 of 2023 wef 18/12/2023]

Designation of persons to hear appeals

33M.—(1) The Minister may designate —

- (a) any Minister of State, Senior Minister of State, Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry; or
- (b) any public officer in his or her Ministry,

to hear and determine (in the Minister’s place) any appeal under section 33L.

(2) Any reference in section 33L to the Minister includes a reference to the Minister of State, Senior Minister of State, Parliamentary Secretary, Senior Parliamentary Secretary or public officer so designated under subsection (1).

[Act 23 of 2023 wef 18/12/2023]

Use of electronic service for making applications, etc.

33N.—(1) The Director-General may permit —

- (a) an application to him or her under this Part; or
- (b) a lodgment of any document or information with him or her for the purposes of this Part,

to be made through the electronic service described in section 42AA of the Building Control Act 1989.

(2) Where a person uses the electronic service mentioned in subsection (1) to make an application to or a lodgment with the Director-General, the Director-General may serve on the person any acknowledgment, approval, certificate, direction, notice, permit or other document in connection with the application or lodgment, by sending it to the person’s account with the electronic service.

(3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person’s account with the electronic service.

(4) This section applies despite anything to the contrary in this Act.

(5) In this section, “electronic record” has the meaning given by section 2(1) of the Electronic Transactions Act 2010.

[Act 23 of 2023 wef 18/12/2023]

Registration, appointment and duties of registered inspectors

34.—(1) The Director-General must keep and maintain a register in which must be entered the names and prescribed particulars of all persons registered under this section

as registered inspectors.

- (2) The Agency may, with the approval of the Minister, by regulations provide for —
- (a) the manner and form in which the register is to be kept and open for inspection;
 - (b) the manner of making applications by persons to be registered inspectors;
 - (c) the qualifications of registered inspectors and their appointment;
 - (d) the duties and responsibilities of registered inspectors; and
 - (e) the circumstances in which the registration may be cancelled.

PART 10

ENVIRONMENTAL POLLUTION CONTROL MEASURES

Principal contractor to prevent pollution from construction site

35.—(1) A principal contractor of a construction site who has control of the construction site must not permit any person to commit an offence specified under section 14, 15 or 17 (called in this section the offence).

(2) Where there is a contravention of section 14, 15 or 17 at any construction site, it is presumed, until the contrary is proved, that the principal contractor of the construction site —

- (a) had control of the construction site;
- (b) had knowledge of the commission of the offence at the construction site; and
- (c) had permitted the commission of the offence at the construction site.

(3) The presumptions provided for in subsection (2)(b) and (c) are not rebutted unless the defendant proves that the defendant had exercised due diligence to prevent the commission of the offence at the construction site.

(4) For the purposes of subsection (3), a defendant is not to be presumed to have exercised due diligence unless the defendant had taken all reasonable measures to prevent the offence from being committed at the construction site, including all the measures prescribed under subsection (5) in respect of the construction site.

(5) For the purposes of subsection (4), the Agency may, with the approval of the Minister, by notification in the *Gazette*, prescribe the measures that the principal contractor of the construction site is required to take.

(6) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to the same punishment for an offence under section 14, 15 or 17, as the case may be.

(7) In this section, “principal contractor” means a person who has entered into a contract with an owner, a developer or a lessee of a property or agent of the owner, developer or lessee for the purpose of carrying out any construction works on the property.

Study on pollution control

36.—(1) The Director-General may, by written notice, require any person intending to carry out any activity that, in the opinion of the Director-General, is likely to cause substantial pollution of the environment or increase the level of such pollution —

- (a) to carry out a study on environmental pollution control and related matters;
- (b) to submit for the Director-General’s approval, within the time that may be specified by the Director-General, a proposal for the implementation of any measures to prevent, reduce or control pollution of the environment; and
- (c) to implement any measures to prevent, reduce or control pollution of the environment that the Director-General may approve or specify.

(2) The study mentioned in subsection (1) must be conducted in the manner that the Director-General may, by written notice, require, and for this purpose, the Director-General may issue guidelines for the conduct of the study.

(3) The Director-General may, by written notice, if he or she considers it necessary —

- (a) require any modification or addition to be made to the measures proposed by the person under subsection (1)(b); or
- (b) require the person to conduct a further study.

(4) Any person who fails to comply with a notice made under subsection (1) or (3) shall be guilty of an offence.

Self-monitoring and submission of results

37.—(1) The Director-General may, by written notice, require the owner or occupier of any premises from which any air impurity, trade effluent or hazardous substance is generated and emitted into the atmosphere, discharged into the public sewerage system or any land, drain or inland waters to install suitable monitoring equipment or systems at any point along the line of discharge, to monitor the quality or quantity of such emission

or discharge or both.

(2) The owner or occupier of any premises with monitoring equipment or systems installed must —

- (a) ensure that the equipment or systems are working in a proper and efficient manner;
- (b) keep a proper record of all monitoring results; and
- (c) submit the records to the Director-General as the Director-General may require.

(3) Any monitoring result which shows that any standard prescribed in the regulations has not been complied with is, until the contrary is proved, admissible as evidence in any proceedings against the owner or occupier of the premises for failure to comply with any provision of this Act.

(4) Without limiting subsection (3), the Director-General may, by written notice, require the owner or occupier of the premises to install further suitable devices or systems to prevent the emission of air impurities, discharge of trade effluent or emission or discharge of any hazardous substance, if the level of emission or discharge fails to comply with the prescribed standards or requirements.

(5) Any person who, without the written consent of the Director-General, alters or causes to be altered any monitoring equipment or system mentioned in subsection (1) shall be guilty of an offence.

Regulations for mandatory insurance

38.—(1) The Agency may, with the approval of the Minister, make regulations to require an owner or occupier of industrial or trade premises or a person who handles, stores, transports or uses hazardous substances to take out and maintain policies of insurance in such circumstances and against liabilities for any risks, costs or damages that may be prescribed in the regulations.

(2) Without limiting subsection (1), the regulations may provide for —

- (a) the terms and conditions including any minimum limit of indemnity of any policy of insurance required to be taken out or maintained under subsection (1);
- (b) the form of the certificate of insurance; and
- (c) the different terms and conditions in different circumstances.

Power to prohibit work and processes in certain circumstances

39.—(1) Where the Agency has reason to believe that the emission of air impurities, the discharge of trade effluent or the emission or discharge of any hazardous substance or toxic substance from any premises is likely to cause pollution of the environment or be injurious to public health or safety, the Agency may by order direct the owner or occupier of the premises —

- (a) to cease immediately the carrying on of any trade or industrial process, or operation of any fuel burning equipment or industrial plant, in or on the premises which produces the air impurities, trade effluent, hazardous substance or toxic substance in or for the period that may be specified in the order;
- (b) to cease immediately the emission of air impurities, discharge of trade effluent, emission or discharge of hazardous substance or toxic substance into the atmosphere or any land, drain or inland waters; or
- (c) to take steps that may be specified in the order to collect, store and treat the trade effluent, hazardous substance or toxic substance either indefinitely or until the steps specified in the order have been taken and to treat the trade effluent, hazardous substance or toxic substance before it is discharged into any public sewerage system, drain or inland waters.

(2) The owner or occupier of any premises who fails to comply with an order made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

(3) Where the owner or occupier of any premises has failed to comply with an order made under subsection (1), the Director-General may, at all reasonable times, enter upon the premises and take such measures and execute such work as may be necessary to comply with the order.

(4) Any person who is aggrieved by an order made under subsection (1) may, within 30 days from the date of the order, appeal to the General Division of the High Court which may rescind or vary the order.

[40/2019]

(5) Even though an appeal has been made under subsection (4), an aggrieved person must comply with the order pending the outcome of the appeal to the General Division of the High Court and the Director-General may exercise the powers conferred under subsection (3).

[40/2019]

Advisory and technical committees

40.—(1) The Agency may, from time to time, appoint any advisory or technical committees that the Agency thinks necessary for any of the purposes of this Act.

(2) The composition of such committees and the terms of appointment of the members are to be determined by the Agency.

PART 10A

GREENHOUSE GAS CONTROL

Division 1 — Preliminary

Interpretation of this Part

40A. In this Part —

“competent person” means any individual —

- (a) who meets all the requirements that the individual must satisfy to be a competent person, as published and updated from time to time on the Agency’s official website; and
- (b) whose name is listed under any registered GHG entity in the register mentioned in section 40O, as a competent person;

“effective date” —

- (a) in relation to any GHG goods of any class, description or type, means the date on which those GHG goods become regulated goods as specified in an order under section 40B; and
- (b) in relation to any GHG works, means the date on which those GHG works become regulated GHG works as specified in an order under section 40K;

“GHG goods” means any device, appliance, equipment, article or thing that requires any greenhouse gas (whether or not in its gaseous state) for its use or operation, and includes 2 or more such devices, appliances, equipment, articles or things that are interconnected, and interdependent or interacting, so as to form a system carrying out one or more functions;

“GHG works” means any activity, or any series of activities (including ancillary activities), that involves the use or handling of any greenhouse gas;

“global warming potential”, in relation to a greenhouse gas or a blend or mixture

of greenhouse gases, means the climatic warming potential of the greenhouse gas or the blend or mixture (as the case may be) relative to the climatic warming potential of carbon dioxide (calculated in terms of the 100-year warming potential of one kilogram of the greenhouse gas or the blend or mixture of greenhouse gases (as the case may be) relative to one kilogram of carbon dioxide), as published and updated from time to time on the Agency's official website;

“global warming potential limit”, in relation to any class, description or type of regulated goods, means the prescribed maximum allowable global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of that class, description or type of regulated goods;

“greenhouse gas” means any of the following:

- (a) any substance that is specified as a greenhouse gas in the prescribed IPCC Assessment Report issued by the Intergovernmental Panel on Climate Change;
- (b) any other substance that is prescribed as a greenhouse gas for the purposes of this Part;

“label”, in relation to any regulated goods, includes marking or affixing a label to the regulated goods;

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

- (a) the adapting for sale of any GHG goods; and
- (b) the altering, ornamenting or finishing or the assembling or processing in any form of any GHG goods;

“owner”, in relation to any GHG goods, includes the person —

- (a) having control of the GHG goods; or
- (b) receiving or entitled to receive any rent or charge for the use of the GHG goods;

“registered GHG entity” means any person that is registered as a registered GHG entity under section 40M(4)(a);

“registered supplier” means any importer or manufacturer that is registered as a registered supplier under section 40E(5);

“regulated GHG works” means any GHG works of a class, description or type prescribed as regulated GHG works under section 40K;

“regulated goods” means any GHG goods of a class, description or type prescribed as regulated goods under section 40B;

“supply”, in relation to any GHG goods, means —

- (a) the supply of the GHG goods by way of sale, lease, loan, hire or hire-purchase;
- (b) the supply of the GHG goods in connection with any agreement; or
- (c) an offer to supply the GHG goods in accordance with paragraph (a) or (b).

[Act 24 of 2021 wef 01/10/2022]

Division 2 — Measures relating to GHG goods

Subdivision (1) — Restrictions on supplies of regulated goods

Regulated goods

40B. The Minister may, after consultation with the Agency, by order in the *Gazette*, prescribe any class, description or type of GHG goods to be regulated goods for the purposes of this Part from and including the date specified in the order, and may prescribe —

- (a) any class, description or type of GHG goods to be regulated goods only under prescribed circumstances;
- (b) any class, description or type of GHG goods to be regulated goods under different prescribed circumstances for different provisions of this Part; and
- (c) different classes, descriptions and types of GHG goods to be regulated goods for different provisions of this Part.

[Act 24 of 2021 wef 01/10/2022]

Restriction on importers and manufacturers

40C.—(1) Without affecting section 40D, a person that imports or manufactures any GHG goods (called in this Part an importer or a manufacturer, respectively) must not supply those GHG goods in Singapore on or after the effective date on which those GHG

goods become regulated goods, unless the importer or manufacturer is a registered supplier for those regulated goods.

(2) A person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[Act 24 of 2021 wef 01/10/2022]

Restrictions on supplies and imports of regulated goods

40D.—(1) Subject to this section, on or after the effective date on which GHG goods of a particular class, description or type become regulated goods, a person must not —

- (a) supply in Singapore any GHG goods that are such regulated goods (whether the GHG goods were imported into Singapore or manufactured in Singapore by the person or another person), if —
 - (i) the GHG goods do not comply with one or more of the requirements mentioned in subsection (4) which are prescribed as being applicable to such regulated goods and not waived under section 40Y for those GHG goods; and
 - (ii) the supply is made —
 - (A) by the person to another person in the course or furtherance of the firstmentioned person's trade or business; or
 - (B) by the person to another person in furtherance of the second-mentioned person's trade or business; or
- (b) import for the person's own use any GHG goods that are such regulated goods, where the GHG goods do not comply with one or more of the requirements mentioned in subsection (4) which are prescribed as being applicable to such regulated goods and not waived under section 40Y for those GHG goods.

(2) Without limiting subsection (1)(a) and (b), a person is regarded as making a supply of, or importing for the person's own use, GHG goods (but only to the extent of those goods), even where those GHG goods are combined with other goods or systems and supplied or imported (as the case may be) together with the other goods or systems as a whole.

(3) A person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) For the purpose of subsection (1), the requirements that may be prescribed as

applicable to any regulated goods are as follows:

- (a) the regulated goods must be registered;
- (b) the regulated goods must conform to either or both of the following:
 - (i) the global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods must not exceed the global warming potential limit for such regulated goods;
 - (ii) any other requirement prescribed for the regulated goods relating to environmental protection and management;
- (c) the regulated goods must be labelled with the information prescribed for such regulated goods, in the manner prescribed, or allowed by the Director-General in any particular case;
- (d) the regulated goods must be accompanied by the information prescribed for such regulated goods relating to their environmental impact (including the type, amount and global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods), and to the environmental protection and management measures adopted in relation to the regulated goods, in the manner prescribed, or allowed by the Director-General in any particular case;
- (e) information prescribed for the regulated goods relating to their environmental impact (including the type, amount and global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods), and to the environmental protection and management measures adopted in relation to the regulated goods, must be disseminated in the manner prescribed, or allowed by the Director-General in any particular case.

(5) Without affecting section 75, subsection (1)(a) does not apply to a supply of any GHG goods that are regulated goods in any of the following circumstances:

- (a) the GHG goods are supplied as part of any premises by the developer of the premises, if —
 - (i) the developer did not import or manufacture the GHG goods;
and
 - (ii) the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the

agreement for the supply of the GHG goods to the developer was entered into;

- (b) the GHG goods are supplied by a participant in the supply chain for the supply of the GHG goods by the developer mentioned in paragraph (a), if the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the agreement for the supply of the GHG goods was entered into.

(6) Without affecting subsection (5) or section 75, subsection (1)(a) does not apply to a supply of any GHG goods that are regulated goods prescribed for the purposes of this subsection if —

- (a) the supply is by a participant in the supply chain for the supply of the GHG goods to a person (other than a person acting in the capacity of a developer) that intends to construct or is constructing, or is causing to be constructed, any premises;
- (b) the GHG goods are to be used in the premises;
- (c) the premises are to be occupied by the person mentioned in paragraph (a);
- (d) the person did not import or manufacture the GHG goods; and
- (e) the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the agreement for the supply of the GHG goods was entered into.

(7) In this section, “developer” means a person that carries on the business of constructing or causing to be constructed any premises for sale or lease.

[Act 24 of 2021 wef 01/10/2022]

Subdivision (2) — Registration of suppliers and regulated goods

Registration of suppliers and regulated goods

40E.—(1) Any importer or manufacturer that wishes to be registered as a registered supplier for the purposes of section 40C must apply to the Director-General under subsection (4) to be registered as such.

(2) Any importer or manufacturer that wishes to register any regulated goods for the purposes of section 40D(1) (read with section 40D(4)(a)) must apply to the

Director-General under subsection (4) for such registration.

(3) For the purpose of subsection (2) —

- (a) an importer or a manufacturer that intends to import into Singapore for its own use, or for supply in Singapore, any GHG goods that are regulated goods required to be registered under section 40D, must register such regulated goods even if another importer or manufacturer has already registered such regulated goods; and
- (b) if the firstmentioned importer or manufacturer in paragraph (a) fails to so register such regulated goods, then the regulated goods are not regarded as registered in relation to the firstmentioned importer or manufacturer, despite the registration by the second-mentioned importer or manufacturer.

(4) Every application under this section must —

- (a) be made in the form and manner that the Director-General requires; and
- (b) be accompanied by —
 - (i) the prescribed fee, if any; and
 - (ii) any documents and information that the Director-General requires to decide on the application.

(5) The Director-General may register, subject to any conditions that the Director-General thinks fit to impose, or refuse to register —

- (a) any applicant as a registered supplier; or
- (b) any class, description or type of regulated goods that the applicant intends to supply in Singapore or import into Singapore for the applicant's own use.

(6) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a registration.

(7) The Director-General must, before imposing or modifying any condition under subsection (6), give written notice to the holder of the registration —

- (a) stating the proposed condition or modification, as the case may be; and
- (b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

(8) Where the holder of the registration makes any written representations under

subsection (7)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

(9) The registration of any registered supplier or any class, description or type of regulated goods is not transferable without the Director-General's written approval.

[Act 24 of 2021 wef 01/10/2022]

Duration and renewal of registration

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

(2) The registration of any regulated goods, including any renewal of such registration, is valid for 3 years unless earlier withdrawn or revoked under section 40G.

(3) An application to renew the registration of any regulated goods must be made before the expiry of the registration and must —

(a) be made in the form and manner that the Director-General requires; and

(b) be accompanied by —

(i) the prescribed fee, if any; and

(ii) any documents and information that the Director-General requires to decide on the application.

(4) The Director-General may renew the registration of any regulated goods subject to any conditions that the Director-General thinks fit to impose, or refuse to renew such registration.

(5) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a renewal of registration.

(6) The Director-General must, before imposing or modifying any condition under subsection (5), give written notice to the holder of the registration —

(a) stating the proposed condition or modification, as the case may be; and

(b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

(7) Where the holder of the registration makes any written representations under subsection (6)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

[Act 24 of 2021 wef 01/10/2022]

Withdrawal or revocation of registration

40G.—(1) The Director-General may withdraw the registration —

- (a) of any registered supplier where the registered supplier applies to the Director-General to withdraw the registered supplier's registration as such; or
- (b) of any regulated goods obtained by a registered supplier or a person that imports GHG goods that are such regulated goods for the person's own use, where the registered supplier or person applies to the Director-General to withdraw such registration.

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

- (a) if the Director-General is satisfied that the registered supplier 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, is contravening or is likely to contravene any condition of the registration;
- (c) if the registered supplier has been convicted of an offence under section 40D(3) of supplying regulated goods that do not meet any requirement under section 40D(4)(b) applicable to the regulated goods; or
- (d) 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 regulated goods obtained by a registered supplier or a person importing GHG goods that are such regulated goods for the person's own use (as the case may be), after giving written notice to the registered supplier or person, and after any inquiry that the Director-General thinks fit, if the Director-General is satisfied that —

- (a) any GHG goods supplied by the registered supplier or imported by the person that are such regulated goods do not conform with the results of any test or examination provided by the registered supplier or person to the Director-General under this Part in respect of such regulated goods;
- (b) any GHG goods supplied by the registered supplier or imported by the person that are such regulated goods do not meet any requirement under

section 40D(4) applicable to such regulated goods and not waived under section 40Y for those GHG goods supplied or imported;

- (c) a modification to any GHG goods that are such regulated goods has resulted in a change that affects the global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of such regulated goods;
- (d) the registered supplier or person procured the registration of such regulated goods 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;
- (e) the registered supplier or person has contravened, is contravening or is likely to contravene any condition of the registration of such regulated goods; or
- (f) the registered supplier or person has contravened, is contravening or is likely to contravene any provision of this Act, or any regulations made under section 77, in relation to such regulated goods.

(4) The Director-General's decision must be given to the registered supplier or person (as the case may be) in writing and, where the registration is revoked, together with the grounds for the revocation.

(5) Where the registration of any regulated goods obtained by a registered supplier has been withdrawn under subsection (1)(b) or revoked under subsection (3), the Director-General may at any time direct the registered supplier to notify every person —

- (a) to whom the registered supplier has supplied any GHG goods that are such regulated goods; and
- (b) who (in the course of any trade or business) supplies any GHG goods that are such regulated goods in Singapore,

of the withdrawal or revocation of the registration.

(6) A registered supplier or person that, without reasonable excuse, fails to comply with a direction under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2021 wef 01/10/2022]

Register of registered suppliers and regulated goods

40H.—(1) The Director-General must establish and maintain a register in which is entered such particulars of registered suppliers and the classes, descriptions or types of

GHG goods that are regulated goods registered under section 40E, as the Director-General determines.

(2) Where the registration of any registered supplier or of any regulated goods has been withdrawn or revoked or has expired (as the case may be), or the Director-General is satisfied that any registered supplier has been wound up or dissolved or has otherwise ceased to exist or ceased to supply any GHG goods that are regulated goods, the Director-General may —

- (a) remove the particulars of the registered supplier or the regulated goods from the register; or
- (b) indicate the fact of the withdrawal, revocation, expiry or cessation (as the case may be) against the particulars of the registered supplier or the regulated goods in the register, as the case may be.

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

(4) Where the Director-General considers it necessary or expedient in the interest of the public, the Director-General may publish a list of the names and addresses of registered suppliers and a list of the regulated goods registered under each registered supplier on the Agency's official website.

[Act 24 of 2021 wef 01/10/2022]

Maintenance of records

40I.—(1) A registered supplier, and a person importing any GHG goods that are regulated goods for the person's own use, must keep and maintain complete and accurate records containing such information, and in accordance with such requirements, as may be prescribed in regulations made under section 77.

(2) The registered supplier or person mentioned in subsection (1) must —

- (a) retain the records mentioned in that subsection for at least the prescribed period;
- (b) during the prescribed period, make available for inspection by the Director-General or any authorised officer, the records mentioned in that subsection when so requested by the Director-General or any authorised officer; and
- (c) submit to the Director-General or any authorised officer the records mentioned in that subsection in the time specified by the Director-General or authorised officer.

(3) A registered supplier or person that contravenes subsection (1) or (2) shall be

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

[Act 24 of 2021 wef 01/10/2022]

Subdivision (3) — Appeals

Appeal against decisions made under sections 40E, 40F, 40G and 40U

40J.—(1) Any person that is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

- (a) to refuse to register the person as a registered supplier, or to refuse to register any regulated goods, under section 40E(5);
- (b) to refuse to renew the registration of any regulated goods under section 40F(4);
- (c) to impose or modify any condition on the person’s registration as a registered supplier, or the registration of any regulated goods, under section 40E(6) or the renewal of the registration of any regulated goods under section 40F(5);
- (d) to revoke the registration of any registered supplier under section 40G(2) or the registration of any regulated goods under section 40G(3); or
- (e) to give a direction to the person under section 40G(5) or 40U,

may, within 14 days after the person receives the relevant decision, apply to the Director-General (by giving a written notice for reconsideration that states precisely the grounds of the person’s objections to the relevant decision) to reconsider the relevant decision.

(2) After considering the written notice for reconsideration, the Director-General may —

- (a) confirm the relevant decision;
- (b) rescind the relevant decision; or
- (c) substitute or vary the relevant decision, and make any decision which the Director-General is competent to make under section 40E(5) or (6), 40F(4) or (5) or 40G(2) or (3), or give any direction which the Director-General is competent to give under section 40G(5) or 40U, as the case may be,

(called in this section the reconsidered decision).

(3) The Director-General’s reconsidered decision must be given in writing to the

person that requested the reconsideration.

(4) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(5) After considering the appeal, the Minister may —

- (a) confirm the reconsidered decision;
- (b) rescind the reconsidered decision; or
- (c) substitute or vary the reconsidered decision, and make any decision which the Director-General is competent to make under section 40E(5) or (6), 40F(4) or (5) or 40G(2) or (3), or give any direction which the Director-General is competent to give under section 40G(5) or 40U, as the case may be.

(6) The Minister's decision on the appeal is final.

(7) The Minister's decision on the appeal must be given to the appellant in writing.

(8) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs, and a reconsidered decision takes effect despite an appeal against the reconsidered decision under subsection (4), unless the Minister otherwise directs.

(9) A person that, without reasonable excuse, fails to comply with a direction given to the person by the Minister under subsection (5)(c) shall be guilty of an offence and shall be liable on conviction to —

- (a) in the case where the direction is a direction which the Director-General is competent to give under section 40G(5) — a fine not exceeding \$2,000; and
- (b) in the case where the direction is a direction which the Director-General is competent to give under section 40U — a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

[Act 24 of 2021 wef 01/10/2022]

Division 3 — Measures relating to regulated GHG works

Subdivision (1) — Restrictions relating to regulated GHG works

Regulated GHG works

40K. The Minister may, after consultation with the Agency, by order in the *Gazette*, prescribe any class, description or type of GHG works to be regulated GHG works for the purposes of this Part from and including the date specified in the order.

[Act 24 of 2021 wef 01/10/2022]

Restrictions relating to regulated GHG works

40L.—(1) A person must not —

- (a) carry on the business of carrying out any regulated GHG works; or
- (b) hold the person out (whether by an advertisement or any other means) as authorised under this Act to carry out any regulated GHG works,

unless the person —

- (c) is a registered GHG entity for such regulated GHG works; and
- (d) has, except where the person is granted a waiver under section 40Y —
 - (i) no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works; or
 - (ii) one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works.

(2) Unless granted a waiver under section 40Y, a person that wishes to have any regulated GHG works carried out must engage a registered GHG entity to carry out those works.

(3) To avoid doubt, subsection (2) applies even if the person mentioned in that subsection is a competent person.

(4) A person that contravenes subsection (1) or (2) 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 3 months or to both.

[Act 24 of 2021 wef 01/10/2022]

Subdivision (2) — Registration of GHG entities

Registration of GHG entities

40M.—(1) Any person that wishes to be registered as a registered GHG entity in relation to any regulated GHG works for the purposes of section 40L must apply to the Director-General under subsection (2) to be registered as such.

(2) Every application under subsection (1) must —

(a) be made in the form and manner that the Director-General requires; and

(b) be accompanied by —

(i) the prescribed fee, if any; and

(ii) any documents and information that the Director-General requires to decide on the application.

(3) The Director-General must not register any person as a registered GHG entity unless —

(a) the person —

(i) has a Unique Entity Number issued by the Accounting and Corporate Regulatory Authority established by section 3 of the Accounting and Corporate Regulatory Authority Act 2004^{*}; or

(ii) is, or belongs to a class of persons, prescribed by the Minister for the purpose of this subsection; and

(b) except where the person is granted a waiver under section 40Y, the person has at least the prescribed number of competent persons to carry out or to directly supervise the carrying out of the regulated GHG works, being —

(i) any of the following where the person is an individual carrying on business as a sole proprietor:

(A) the individual;

(B) any employee of the individual;

(ii) any of the following where the person is an unincorporated partnership:

(A) any partner in the partnership;

(B) any employee of the partnership; or

(iii) any employee of the person in any other case.

*[*Updated to be consistent with the 2020 Revised Edition]*

(4) The Director-General may —

(a) subject to any conditions that the Director-General thinks fit to impose, register any applicant as a registered GHG entity; or

(b) refuse to register any applicant as a registered GHG entity.

(5) The registration of a registered GHG entity —

(a) is valid until it is withdrawn or revoked under section 40N; and

(b) is not transferable without the Director-General's written approval.

(6) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a registration.

(7) The Director-General must, before imposing or modifying any condition under subsection (6), give written notice to the holder of the registration —

(a) stating the proposed condition or modification, as the case may be; and

(b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

(8) Where the holder of the registration makes any written representations under subsection (7)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

[Act 24 of 2021 wef 01/10/2022]

Withdrawal or revocation of registration

40N.—(1) The Director-General may withdraw the registration of any registered GHG entity if the registered GHG entity applies to the Director-General to withdraw its registration as such.

(2) The Director-General may revoke the registration of any registered GHG entity after giving written notice to the registered GHG entity and after any inquiry that the Director-General thinks fit —

(a) if the Director-General is satisfied that the registered GHG entity 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 registered GHG entity no longer satisfies any of the requirements in section 40M(3);
- (c) if the Director-General is satisfied that the registered GHG entity has contravened, is contravening or is likely to contravene —
 - (i) any provision of this Act;
 - (ii) any regulations made under section 77 in relation to this Division;
 - (iii) any condition of the registration; or
 - (iv) any requirements imposed under any written law in relation to the use or handling of any greenhouse gas (whether or not in its gaseous state); or
- (d) in the event of such other occurrence or in such other circumstances as may be prescribed.

(3) The Director-General's decision must be given to the GHG entity in writing and, where the registration is revoked, together with the grounds for the revocation.

(4) Where the registration of a person as a registered GHG entity has been withdrawn under subsection (1) or revoked under subsection (2), the Director-General may at any time direct the person to notify every other person for whom the person is carrying out or is intending to carry out any regulated GHG works, of the withdrawal or revocation of the registration.

(5) A person that, without reasonable excuse, fails to comply with a direction given to the person under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2021 wef 01/10/2022]

Register of registered GHG entities

400.—(1) The Director-General must establish and maintain a register in which is entered such particulars of registered GHG entities as the Director-General determines, including —

- (a) the name and business address of each registered GHG entity;
- (b) the regulated GHG works that the registered GHG entity may carry out; and
- (c) in respect of any regulated GHG works mentioned in paragraph (b), the

names and details of the competent persons who may carry out such regulated GHG works or under whose direct supervision such regulated GHG works may be carried out.

(2) A registered GHG entity must, within the prescribed period, inform the Director-General of any individual listed in the register under the registered GHG entity as a competent person, who —

- (a) has ceased to be the sole proprietor, a partner or an employee (as the case may be) of the registered GHG entity; or
- (b) has ceased to satisfy the requirements mentioned in paragraph (a) of the definition of “competent person” in section 40A, or does not satisfy any requirement that has been changed or any new requirement included for the purpose of that paragraph of that definition.

(3) A registered GHG entity that contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$10,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$20,000.

(4) Where the registration of any registered GHG entity has been withdrawn or revoked, or the Director-General is satisfied that any registered GHG entity has been wound up or dissolved or has otherwise ceased to exist or ceased to carry out any regulated GHG works, the Director-General may —

- (a) remove the particulars of the registered GHG entity from the register; or
- (b) indicate the fact of the withdrawal, revocation or cessation (as the case may be) against the particulars of the registered GHG entity in the register.

(5) Where any individual listed in the register under a registered GHG entity as a competent person has ceased to be the sole proprietor, a partner or an employee (as the case may be) of the registered GHG entity, or the Director-General is satisfied that any such individual has ceased to or does not satisfy the requirements mentioned in paragraph (a) of the definition of “competent person” in section 40A, the Director-General may —

- (a) remove the particulars of the individual from the register; or
- (b) indicate the fact of the cessation or non-satisfaction (as the case may be) against the particulars of the individual in the register.

(6) The Director-General may, upon an application by any person accompanied by the prescribed fee (if any), provide a certified copy of an entry in the register to that

person.

(7) Where the Director-General considers it necessary or expedient in the interest of the public, the Director-General may publish a list of the names and addresses of registered GHG entities, and the names of the competent persons listed under any registered GHG entity, on the Agency's official website.

[Act 24 of 2021 wef 01/10/2022]

Subdivision (3) — Obligations of registered GHG entities and competent persons

Obligations of registered GHG entity

40P.—(1) Unless granted a waiver under section 40Y, a registered GHG entity must, in relation to any regulated GHG works that the registered GHG entity is registered to carry out —

- (a) carry out the regulated GHG works through —
 - (i) no fewer than the number of competent persons prescribed for such regulated GHG works; or
 - (ii) one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for such regulated GHG works;
- (b) establish and maintain policies, procedures and processes for the regulated GHG works to be carried out safely and in the prescribed manner, and ensure that the regulated GHG works are carried out safely and in the prescribed manner;
- (c) ensure that the competent persons and individuals mentioned in paragraph (a)(i) and (ii) are provided with adequate and properly maintained equipment for carrying out the regulated GHG works;
- (d) keep and maintain complete and accurate records containing such information concerning the regulated GHG works and the individuals carrying out or supervising those works, in accordance with such requirements as may be prescribed in regulations made under section 77, and keep those records for at least the prescribed period;
- (e) during the prescribed period mentioned in paragraph (d), make available for inspection by the Director-General or any authorised officer, the records mentioned in that paragraph when so requested by the Director-

General or any authorised officer; and

- (f) submit to the Director-General or any authorised officer the records mentioned in paragraph (d) in the time specified by the Director-General or authorised officer.

(2) A registered GHG entity that contravenes subsection (1) shall be guilty of an offence.

[Act 24 of 2021 wef 01/10/2022]

Obligations of competent person

40Q.—(1) Unless granted a waiver under section 40Y, a competent person carrying out or supervising the carrying out of any regulated GHG works must —

- (a) comply with any policies, procedures and processes mentioned in section 40P(1)(b) in relation to the regulated GHG works; and
- (b) ensure that the regulated GHG works are carried out safely and in the prescribed manner.

(2) A competent person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$10,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[Act 24 of 2021 wef 01/10/2022]

Subdivision (4) — Appeals

Appeal against decisions made under sections 40M and 40N

40R.—(1) Any person that is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

- (a) to refuse to register the person as a registered GHG entity under section 40M(4)(b);
- (b) to impose or modify any condition on the person's registration as a registered GHG entity under section 40M(6);
- (c) to revoke the registration of any registered GHG entity under section

40N(2); or

(d) to give a direction to the person under section 40N(4),

may, within 14 days after the person receives the relevant decision, apply to the Director-General (by giving a written notice for reconsideration that states precisely the grounds of the person's objections to the relevant decision) to reconsider the relevant decision.

(2) After considering the written notice for reconsideration, the Director-General may —

- (a) confirm the relevant decision;
- (b) rescind the relevant decision; or
- (c) substitute or vary the relevant decision, and make any decision which the Director-General is competent to make under section 40M(4) or (6) or 40N(2) or (4), as the case may be,

(called in this section the reconsidered decision).

(3) The Director-General's reconsidered decision must be given in writing to the person that requested the reconsideration.

(4) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(5) After considering the appeal, the Minister may —

- (a) confirm the reconsidered decision;
- (b) rescind the reconsidered decision; or
- (c) substitute or vary the reconsidered decision, and make any decision which the Director-General is competent to make under section 40M(4) or (6) or 40N(2) or (4), as the case may be.

(6) The Minister's decision on the appeal is final.

(7) The Minister's decision on the appeal must be given to the appellant in writing.

(8) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs, and a reconsidered decision takes effect despite an appeal against the reconsidered decision under subsection (4), unless the Minister otherwise directs.

(9) A person that, without reasonable excuse, fails to comply with a direction given to the person by the Minister under subsection (5)(c) shall be guilty of an offence and shall

be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2021 wef 01/10/2022]

Division 4 — Surveys, etc.

Environment impact surveys and investigations

40S.—(1) The Director-General may, from time to time, undertake investigations or surveys relating to the use of greenhouse gases and levels of greenhouse gas emissions for the purposes of —

- (a) assessing the environmental impact of certain goods, industries or activities; or
- (b) advising the Minister or other public bodies concerning environmental policies.

(2) For the purpose of any investigation or survey under subsection (1), the Director-General may, by written notice, require any person to provide (within the period and in the form and manner specified in the written notice) any information relating to the use of greenhouse gases by, and the greenhouse gas emissions of, that person as the Director-General may require.

(3) A person that, without reasonable excuse, fails to comply with any written notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2021 wef 01/10/2022]

Division 5 — Enforcement of this Part

Monitoring powers for purposes of this Part

40T.—(1) Without affecting Part 11, the Director-General or any authorised officer may, for the purpose of administering or enforcing this Part, exercise all or any of the following powers in relation to any premises:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to compliance with this Part;
- (c) examine any thing on the premises that may relate to compliance with this Part;

- (d) take photographs or make video or audio recordings or sketches on the premises of any activity or thing mentioned in paragraph (b) or (c);
- (e) carry out any tests or inspections that may relate to compliance with this Part;
- (f) affix or bring onto the premises, with any assistants and workmen that may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- (g) inspect any document on the premises that may relate to compliance with this Part, and (without payment) take extracts from, or make copies of, any such document;
- (h) take onto the premises any equipment and materials that the Director-General or authorised officer requires for the purpose of exercising powers in relation to the premises;
- (i) seize any thing found during the exercise of monitoring powers on the premises which the Director-General or authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

(2) The Director-General or any authorised officer may, in addition to the powers in subsection (1) —

- (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the Director-General or authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and
- (b) if any information that is relevant to assessing compliance with this Part is found in the exercise of the power conferred under paragraph (a) —
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

[Act 24 of 2021 wef 01/10/2022]

Power to give directions

40U.—(1) Where any GHG goods that are regulated goods are supplied, or imported for a person’s own use, in contravention of section 40D, the Director-General may give a

direction mentioned in subsection (2) in respect of those GHG goods (in such form and manner that the Director-General thinks fit) to —

- (a) any person that supplied or so imported the GHG goods; or
- (b) any person that is the owner of the GHG goods,

and the person must comply with the direction.

(2) A direction under subsection (1) may require the person to do all or any of the following (at the person's own expense) within the period specified in the direction (or such longer time as the Director-General may allow in the particular case):

- (a) cease the supply or import of any GHG goods that are such regulated goods, or the use of any such GHG goods, as the case may be;
- (b) take specified steps (which may include the carrying out of works specified in the direction) to ensure that —
 - (i) the GHG goods conform to either or both of the following:
 - (A) the global warming potential limit for the class, description or type of regulated goods to which the GHG goods belong;
 - (B) any other requirement prescribed for the class, description or type of regulated goods to which the GHG goods belong, relating to environmental protection and management; or
 - (ii) the impact of the GHG goods on the environment is monitored or mitigated.

(3) Where the person fails to comply with any specified steps in the direction, the Director-General may give a further direction to the person for the person to cease the supply or import of any GHG goods that are such regulated goods or the use of any such GHG goods (as the case may be) in the time specified in the direction, and the person must comply with the further direction.

(4) The further direction under subsection (3) does not prevent subsection (5) from applying to the failure mentioned in subsection (3).

(5) A person that, without reasonable excuse, fails to comply with a direction given to the person under subsection (1) or a further direction given to the person under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every

day or part of a day during which the offence continues after conviction.

[Act 24 of 2021 wef 01/10/2022]

Power to require samples

40V.—(1) The Director-General or any authorised officer may, by written notice, require any person that supplies any GHG goods or imports any GHG goods for the person's own use to provide (free of charge), within the period and in the form and manner specified in the written notice, samples of the GHG goods, or of any greenhouse gas or blend or mixture of greenhouse gases used or contained in the GHG goods, for the purpose of testing or analysis.

(2) The power to require a person to provide any samples under subsection (1) includes the power to require the extraction of the samples to be carried out in the presence of the Director-General or any authorised officer.

(3) The Director-General or any authorised officer is entitled, without payment, to retain any samples provided to the Director-General or authorised officer under subsection (1).

(4) A person that, without reasonable excuse, fails to do anything required of the person by a written notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Act 24 of 2021 wef 01/10/2022]

Power to require tests or examinations

40W.—(1) The Director-General or any authorised officer may, for the purpose of ascertaining whether any person has complied with section 40D, 40P or 40Q, by written notice require the person to —

- (a) carry out any test or examination specified in the written notice; and
- (b) provide any report, document or information specified in the written notice concerning the test or examination.

(2) A person that, without reasonable excuse, fails to comply with any written notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[Act 24 of 2021 wef 01/10/2022]

Data not to be falsified, etc.

40X. Any person that —

- (a) makes any statement or declaration, or provides any document or

information, to the Director-General or an authorised officer under this Part, knowing it to be false or misleading;

- (b) falsifies any information or data required to be submitted to the Director-General or an authorised officer under this Part; or
- (c) makes or causes to be made any entry or omission in any record, register or other document required to be kept under this Part, knowing it to be false or misleading, or makes any record containing a statement knowing it to be false or misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[Act 24 of 2021 wef 01/10/2022]

Power of Director-General to waive requirements

40Y. A person that, in any particular case, is unable to comply with any requirement in section 40D, 40L(1)(d) or (2), 40M(3)(b), 40P(1) or 40Q(1) may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive that requirement in relation to that person —

- (a) in whole or in part; and
- (b) generally or for a specified period of time.

[Act 24 of 2021 wef 01/10/2022]

PART 11

ENFORCEMENT

Default in compliance with notice or order

41.—(1) Where a person on whom a notice or order under this Act is served fails to comply with the notice or order within the time specified in the notice or order —

- (a) the person shall, unless the person satisfies the court that the person has used all due diligence to comply with the notice or order, be guilty of an offence and shall, where no penalty is provided for such default, be liable on conviction to a fine not exceeding \$20,000; and
- (b) the Director-General or any authorised officer may enter the premises under section 47 and execute the works specified in the notice or order.

(2) Any expenses reasonably incurred by the Director-General under subsection (1)(b) may be recovered from the person in default, and section 51 and, if that

person is the owner of the premises, section 53 apply in respect of those expenses.

(3) Nothing in this section is to be construed as prohibiting the Director-General from carrying out any works specified in the notice or order at the request of a person who has been served with the notice or order upon an undertaking by that person to pay the costs and expenses in executing the works.

Appeal against notice or order

42.—(1) Where a person on whom a notice or order mentioned in section 28A(1) or 41(1) is served is aggrieved by the notice or order —

- (a) the person may, within 14 days from the date the notice or order is served and in the prescribed form and manner, appeal to the Minister; and
- (b) no liability to a fine under section 41(1)(a) arises nor, except as provided for in this section, may any proceedings be taken or work done under the notice or order until after the appeal is determined or abandoned.

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(2) Where an appeal is brought under this section, the Minister may dismiss or allow the appeal unconditionally or subject to any conditions that the Minister considers fit, and any decision the Minister makes on the appeal is final.

(3) Where an appeal has been brought under this section, and the Minister is of the opinion that —

- (a) the non-execution of the notice or order will be injurious or dangerous to public health; and
- (b) the immediate execution of the notice or order will not cause any injury to the person against whom the notice or order was made which cannot be compensated by damages,

the Minister may authorise the Director-General immediately to execute the work.

(4) The Director-General must, if he or she carries out the work and the appeal is successful, pay the costs and expenses of the work and any damages sustained by the appellant by reason of the work.

(5) The Director-General may, if he or she carries out the work and the appeal is dismissed or abandoned, recover the costs and expenses of the work from the appellant, and section 51 and, if the appellant is the owner of the premises in respect of which the notice or order was made, section 53 apply to any sum recoverable from the appellant under this section.

Power to demand names and addresses

43.—(1) The Director-General or any authorised officer may require any owner or occupier of any premises or any principal contractor mentioned in section 35 to —

- (a) give his or her name and address and any other proof of identity; and
- (b) furnish any other particulars,

that the Director-General or authorised officer may require for the purposes of this Act.

(2) Any person who, upon being required by the Director-General or any authorised officer to give his or her name and address or other proof of identity or to furnish any particulars under subsection (1) —

- (a) refuses to do so;
- (b) wilfully misstates his or her name and address or proof of identity; or
- (c) furnishes false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) The Director-General may, by written notice, require any person to furnish any other information that may be necessary for the purposes of this Act.

(4) Any person who fails without reasonable excuse to comply with any requirement of subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Powers of Director-General to examine and secure attendance

44.—(1) The Director-General or any authorised officer may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of matters under this Act, and reduce to writing any statement made by the person so examined; and
- (b) require by written order the attendance before himself or herself of any person, being within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Act, and that person must attend as so required.

(2) The person mentioned in subsection (1)(a) is bound to state truly the facts and circumstances with which he or she is acquainted concerning matters under this Act, except only that he or she may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose him or her to a criminal charge,

penalty or forfeiture.

(3) A statement made under this section by any person must be read over to the person and must after correction (if necessary) be signed by the person.

(4) If any person fails to attend as required by an order under subsection (1)(b), the Director-General may report the failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

Power to obtain information

44A.—(1) The Director-General or an authorised officer may by written notice require any licensee or other person to furnish, within a reasonable period specified in the notice, and in the form and manner that may be specified in the notice, all documents and information which relate to any matter that the Director-General or authorised officer considers necessary for the purposes of administering, enforcing or monitoring compliance with any provision of this Act, and which are within the knowledge of that person or in that person's custody or under that person's control.

*[12/2011]
[Act 24 of 2021 wef 28/02/2022]*

(2) The power to require a person to furnish any document or information under subsection (1) includes the power —

- (a) to require that person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or information;
- (b) if the document or information is not furnished, to require that person to state, to the best of that person's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Director-General or any authorised officer in legible form.

*[12/2011]
[Act 24 of 2021 wef 28/02/2022]*

(3) Any person who, without reasonable excuse, fails to do anything required of the person by notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[12/2011]

(4) Any person who —

- (a) intentionally alters, suppresses or destroys any document or information which the person has been required by a notice under subsection (1) to furnish; or

- (b) in furnishing any document or information required under subsection (1), makes any statement which the person knows to be false in a material particular or recklessly makes such a statement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[12/2011]

(5) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Director-General, make any order that the court thinks fit to secure compliance with the notice and the order may provide that all the costs or expenses of and incidental to the application must be borne by the person or by any officer of a company or other association who is responsible for the failure.

[12/2011]

[Act 24 of 2021 wef 28/02/2022]

(6) Where a notice under subsection (1) is issued in connection with investigations into a suspected offence under this Act, the Director-General or any authorised officer may, at any time after the expiry of the period specified in the notice, enter any building or place where the Director-General or authorised officer has reason to believe that any document or information, in respect of which it has given the notice, may be found, and seize or take extracts or copies of that document or information.

[12/2011]

[Act 24 of 2021 wef 28/02/2022]

(7) The Director-General or any authorised officer is entitled without payment to keep any document or information, or any copy or extract thereof, furnished under subsection (1) or obtained under subsection (6).

[12/2011]

[Act 24 of 2021 wef 28/02/2022]

Powers of arrest

45.—(1) The Director-General, an authorised officer or a police officer may arrest any person whom the Director-General or officer has reason to believe has committed an offence under this Act, if the name and address of the person are unknown to him or her and —

- (a) the person declines to give his or her name and address; or
- (b) there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his or her name and address are correctly ascertained.

(3) No person so arrested may be detained longer than is necessary for bringing him

or her before a court.

Director-General may act in cases of emergency

46.—(1) Where the Director-General considers it necessary in the case of an emergency, he or she may direct the immediate execution of any work or the doing of any act being any work or act authorised under this Act which is in his or her opinion necessary to prevent injury or danger to public health or serious pollution of the environment.

[12/2011]

(2) Any expenses reasonably incurred by the Director-General under subsection (1) may be recovered from the person whose act or omission resulted in the emergency or the owner of the premises where the emergency originated, and section 51 and, if that person is the owner of the premises, section 53 apply in respect of those expenses.

[12/2011]

Power of entry

47.—(1) The Director-General or any authorised officer may, for the purposes of this Act, enter at all reasonable hours in the daytime any premises with any assistants and workmen that are necessary for the purpose of making any survey, inspection or investigation and executing any work authorised by this Act or exercising any power under section 40T.

[Act 24 of 2021 wef 01/10/2022]

(2) Unless the consent of the occupier has been obtained therefor, a person must not enter into any dwelling house in actual occupation under this section without 6 hours' previous notice to the occupier.

(3) For the purposes of this section, the Agency may, with the approval of the Minister, declare that any class of premises is liable to night inspection.

(4) The Director-General or any authorised officer, with any assistants and workmen that are necessary, may, at any time of the day or night and without notice, enter using such force as may be necessary and search or inspect any premises of the class specified in the declaration mentioned in subsection (3).

Power to enter on land adjacent to works

48.—(1) The Director-General or any authorised officer, with such assistants and workmen as are necessary, may enter upon any land, adjoining or being within 100 metres of any works by this Act authorised to be executed —

(a) for the purpose of depositing upon that land any soil, gravel, sand, lime,

brick, stone or other materials; or

(b) for any other purposes connected with the formation of those works, without making any previous payment, tender or deposit and doing as little damage as may be in the exercise of the powers under this subsection.

(2) The Director-General must compensate —

- (a) the owner and the occupier for any temporary occupation or temporary damage of the land from time to time and as often as the temporary occupation is taken or the temporary damage done; and
- (b) the owner for the permanent injury (if any) to the land.

(3) Before the Director-General makes any use of any land under subsection (1), he or she must give 7 days' notice of his or her intention to the owner and the occupier of the land.

Penalty for obstructing Director-General in his or her duty

49. Any person who at any time —

- (a) hinders or obstructs the Director-General or any authorised officer in the performance or execution of his or her duty or of any thing which he or she is empowered or required to do under this Act;
- (b) interferes with any work authorised to be executed under this Act; or
- (c) fails to facilitate by all reasonable means the entry and inspection of any premises by the Director-General or any authorised officer or the examination of any equipment, industrial plant, container or the making of any tests which the Director-General or any authorised officer is empowered under this Act to make,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 months or to both.

Powers of search and seizure

50. If the Director-General has reason to believe that any hazardous substance or toxic substance is being kept, stored, processed, treated, discharged or deposited, or air impurities are being emitted, or any hazardous substance or toxic substance or trade effluent is being discharged without his or her consent, the Director-General or any

authorised officer may —

- (a) search the premises and take possession of any substance found in the premises and reasonably believed to be or contain hazardous substances;
- (b) require the production of records, certificates, notices and documents relating or reasonably believed to relate to any dealing in or with hazardous substances or toxic substances, emission of air impurities or discharge of trade effluent or toxic substance wherever and by whomsoever kept and whether kept under the provisions of this Act or otherwise and take extracts therefrom;
- (c) take samples of any materials whether solid, liquid, gaseous or vapour found in the premises;
- (d) seal the samples and require the owner of the materials to send the samples to an analyst for analysis and bear any costs and expenses arising therefrom;
- (e) require the owner or analyst to submit the results of the analysis to the Director-General;
- (f) take such photographs as he or she thinks necessary for the purposes of this Act; and
- (g) require any person whom he or she finds in the premises to produce his or her identity card or other identification papers for inspection for the purpose of an investigation or inquiry under this Act.

Power to examine motor vehicles

50A.—(1) Where the Director-General or any authorised officer has reason to suspect that an offence under this Act or the regulations made under this Act has been committed in connection with the use of a motor vehicle, the Director-General or authorised officer may —

- (a) examine the motor vehicle;
- (b) require the owner or driver of the motor vehicle to provide his or her name and address and such other proof of identity; and
- (c) order the owner or driver of the motor vehicle to produce the same for an examination of vehicle emissions at any time and place that may be specified.

[12/2011]

(2) Any person who without reasonable excuse fails to comply with any requirement

under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[12/2011]

PART 12

COMPENSATION, DAMAGES, FEES, COSTS AND EXPENSES

Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court

51.—(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under this Act to be paid, the amount and (if necessary) the apportionment of the amount and any question of liability is, in case of dispute, or failure to pay, to be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.

(2) In any proceedings under subsection (1), the Magistrate's Court or the District Court may —

- (a) inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings;
- (b) make any order concerning the expenses or their apportionment that appears to the Court to be just; and
- (c) where those expenses were incurred under section 41(1)(b) by the Director-General in carrying out any works specified in a notice, inquire whether any requirement specified in the notice was reasonable.

(3) The Magistrate's Court or the District Court is not to order the expenses or any part of the expenses to be borne by any person other than the defendant in the proceedings unless the Court is satisfied that the other person has had due notice of the proceedings and an opportunity of being heard.

(4) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court or a District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or a District Court.

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

Fees, etc., payable to Agency

51A. All fees, charges, composition fines and moneys collected under this Act must be paid to the Agency.

Occupier may execute work where owner defaults in execution of work

52.—(1) Whenever an owner of any premises defaults in the execution of any work required under this Act to be executed by the owner, an occupier of the premises may, with the approval of the Director-General, cause the work to be executed.

(2) The expense of the work executed under subsection (1) must be paid to the occupier by the owner of the premises or the amount may be deducted from the rent from time to time becoming due from the occupier to the owner.

(3) The occupier of the premises may, in the absence of any special agreement to the contrary, retain possession until the expense of the work executed under subsection (1) has been fully reimbursed to the occupier.

Recovery of costs and expenses payable by owners

53.—(1) All sums payable by or recoverable from an owner of any premises in respect of costs and expenses incurred by the Agency in connection with the execution of any work which are under this Act recoverable from an owner of any premises are, subject to and without affecting any other rights of the Agency, a first charge on the premises in respect of which the costs and expenses were incurred.

(2) In addition to any other remedies conferred by this Act, the sum may be recovered in the manner provided in this section, and the person or persons liable to pay are the owner or owners at the time when the work was completed.

(3) If the sum remains unpaid at the expiry of the prescribed time, a notice must be served upon the person or any one of the persons (if more than one) liable to pay it, calling on the person or persons to pay that sum together with a fee of any amount that may be prescribed for the cost of the notice, within 15 days of the date the notice is served.

(4) Without affecting section 66, if no person liable to pay the sum can be found, such notice is deemed to have been duly served —

- (a) by posting the notice at the office of the Director-General; and
- (b) by fixing a copy of the notice on some conspicuous part of the premises in respect of which the costs and expenses were incurred.

(5) At the expiry of the period of 15 days or any further period that the Director-General may allow, if the sum or part of the sum remains due and unpaid, it is deemed to be arrears and may be recovered as provided in section 55.

(6) The charge mentioned in subsection (1) attaches, and the powers and remedies conferred by subsections (2) to (5) become exercisable, as from the date the work is completed.

(7) Despite any change in the ownership or occupation of the premises after the work is completed, the charge and the powers and remedies mentioned in subsection (6) may be exercised against the premises or against any movable property or crops for the time being found thereon.

(8) An occupier who, when requested by or on behalf of the Director-General to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the name shall, unless the occupier shows cause to the satisfaction of the court for the occupier's refusal or misstatement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Recovery of costs and expenses by instalments

54.—(1) When the Director-General has incurred costs and expenses in or about the execution of any work, which are, under this Act, payable by or recoverable from an owner, the Director-General may —

- (a) recover those costs and expenses in the manner provided in section 53; or
- (b) if he or she thinks fit, make an arrangement with the owner for the payment of any instalments that will be sufficient to defray the whole amount of the costs and expenses with interest thereon at the prescribed rate, within a period not exceeding 10 years.

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof by the arrangement, the whole of the balance then outstanding of that amount, together with any interest in arrears, immediately become due and payable and, despite any change in the ownership or occupation of the premises since the date of the arrangement, may be recovered as provided in section 53.

Proceedings for recovery of arrears

55.—(1) For the recovery of arrears, the Director-General has and may exercise, either successively or concurrently, in addition to any other remedies conferred by this Act, the following powers:

- (a) the Director-General may issue a warrant of attachment and may seize by

virtue of the warrant any movable property and crops of any person liable to pay the arrears and may also seize any movable property or crops (to whomever it belongs) which are found on the premises in respect of which the arrears are due and may, after service of the prescribed notice, sell the same by public auction in the prescribed manner;

- (b) the Director-General may, by notice of sale to be served or published in the prescribed manner, declare his or her intention to sell, at the expiry of 3 months from the date of the notice of sale, the premises in respect of which the arrears are due and, if, at the expiry of that period, the arrears have not been paid or satisfied, the Director-General may sell by public auction, in lots or otherwise, the whole of the premises or any portion of the premises or any interest in the premises as he or she considers sufficient for the recovery of the arrears and costs.

(2) The Director-General must not proceed under subsection (1)(b) to sell the premises in respect of which the arrears are due, or any portion of the premises or interest in the premises, where there is or are upon the premises and liable to be seized and sold under subsection (1)(a) any movable property or crops belonging to the owner of a value estimated by the Director-General to be sufficient to realise the sum required to satisfy the arrears and costs.

(3) Any tenant, subtenant or occupier (*A*) who, in order to avoid the seizure or sale of *A*'s property for arrears payable by the owner of the premises, pays the arrears and costs may thereafter, in the absence of any written agreement to the contrary, deduct the amount so paid by *A* from the rent due or to become due by *A* to *A*'s immediate landlord on account of the premises or any part of the premises that is held or occupied by *A*, and may retain possession until that amount has been fully reimbursed to *A* whether by deduction from the rent or otherwise.

(4) Any tenant or subtenant who has reimbursed, whether by allowing a deduction from the tenant's or subtenant's rent or otherwise, any subtenant or occupier holding or occupying under the tenant or subtenant the amount so paid by that subtenant or occupier has a similar right to deduct the amount from the rent due or to become due to the tenant's or subtenant's immediate landlord and to retain possession until similarly reimbursed.

(5) The receipt by any authorised officer of any amount so paid by any such tenant, subtenant or occupier is deemed an acquittance in full for the like amount of rent.

(6) If any premises in respect of which arrears are due, or any movable property or crops that are mentioned in subsection (1) or the proceeds of sale thereof are already in the custody of the law under or pursuant to any enforcement order whereby the

Director-General is unable to exercise the remedies conferred under subsections (1) to (5), the Director-General —

- (a) may notify the Sheriff or the bailiff of the court concerned of the amount of the arrears; and
- (b) is entitled without obtaining a judgment to be paid that amount out of the proceeds of sale of the premises or property in priority to the judgment debtor and to the judgment creditor and to any other creditor except the Government.

[Act 25 of 2021 wef 01/04/2022]

(7) A certificate from the Director-General is, unless it is disputed by the judgment debtor, conclusive evidence of the amount of such arrears, and (in case of dispute) the amount is to be summarily determined by a Magistrate's Court.

(8) Where any premises which is not registered land is sold under subsection (1)(b), the Director-General has the power to execute the conveyance and the purchaser of the premises need not be concerned to inquire whether the provisions of this Act relating to the sale and the conveyance have been complied with nor otherwise to inquire into the regularity or validity of the sale and conveyance.

(9) Section 144 of the Land Titles Act 1993 applies, with the necessary modifications, to any premises sold under subsection (1)(b) which is registered land.

Attachment

56.—(1) The attachment mentioned in section 55(1)(a) may be made by a person appointed for the purpose by the Director-General who must give public notice of the attachment in the prescribed manner and must take an inventory of the property attached.

(2) A person appointed under subsection (1) is deemed to be a public servant for the purposes of the Penal Code 1871.

(3) Such a person may break open in the daytime any house or building for the purpose of effecting the attachment.

Application of proceeds of sale

57.—(1) The proceeds of a sale under section 55(1) and (2) must be applied firstly in satisfaction of the arrears together with interest on the arrears at the prescribed rate and costs.

(2) Where there is any surplus remaining, the Director-General must —

- (a) if satisfied as to the right of any person claiming the surplus — pay the

amount of the surplus to that person; or

- (b) if not so satisfied — hold the amount in trust for the person who may ultimately succeed in due course of law in establishing the person's title to the surplus.

(3) If no title is established to the surplus within a period of 5 years from the date of the sale, it must be paid into the Consolidated Fund.

Title acquired by purchaser at sale by Director-General

58.—(1) The purchaser at a sale held under section 55(1)(b) is deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except any that are expressly reserved by the Director-General at the time of sale.

(2) The Director-General must notify, by an advertisement published in the *Gazette*, the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

Costs of proceedings for recovery of arrears

59. All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of the arrears.

Power to stop sale

60. If any person having any interest in any property liable to be sold at any time before that sale tenders to the Director-General the arrears with interest and costs, the Director-General must then desist from all further proceedings in respect of the sale.

Application to Court

61.—(1) If any person whose movable property, crop or land has been attached or offered for sale disputes the attachment or sale, the person may apply to the General Division of the High Court or, where the arrears do not exceed the District Court's limit, to a District Court for an order to stay the proceedings.

[40/2019]

(2) The General Division of the High Court or District Court, after hearing the Director-General and making any further inquiry that is necessary, may make any order that is just.

[40/2019]

Security for payment of arrears

62. No application may be entertained by the General Division of the High Court or District Court under section 61 unless the applicant has deposited in court the amount of the arrears and costs or furnished security for them to the satisfaction of the General Division of the High Court or District Court.

[40/2019]

Liability of transferor who has not given notice

63.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Agency in connection with the execution of any work which are, under this Act, recoverable from the owner or owners thereof continues to be liable —

- (a) for the payment of all the costs and expenses payable in respect of the property; and
- (b) for the performance of all other obligations imposed by this Act upon the owner of the property,

which become payable or are to be performed at any time before such notice of transfer as is required by section 19 of the Property Tax Act 1960 has been given.

(2) Nothing in subsection (1) affects the liability of the purchaser or transferee to pay such costs and expenses in respect of the property or affects the right of the Director-General to recover such costs and expenses or to enforce any obligation under this Act.

Proceedings where occupier opposes execution of work

64.—(1) If the occupier of any premises prevents the owner of the premises from carrying into effect in respect of the premises any of the provisions of this Act after the owner has given notice of the owner's intention to do so to that occupier, a Magistrate's Court, upon proof of the notice and upon application by the owner, may —

- (a) make a written order, requiring the occupier to permit the owner to execute all works with respect to the premises that are necessary for carrying into effect the provisions of this Act; and
- (b) if it thinks fit, order the occupier to pay to the owner the costs relating to the application or order.

(2) If after the expiry of 8 days from the date of the order the occupier continues to refuse to permit the owner to execute the works, the occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day or part of a day during which the occupier so continues to refuse.

(3) Every such owner is, during the continuance of such refusal, discharged from any penalty to which the owner might otherwise have become liable by reason of the owner's default in executing the works.

PART 13

MISCELLANEOUS PROVISIONS

Notices, orders and other documents may be given by authorised officer

65.—(1) All notices, orders, receipts, warrants and other documents of any nature which the Director-General is empowered to give by this Act may, subject to the direction of the Director-General, be given by any authorised officer on behalf of the Director-General.

(2) Where the notice, order, receipt, warrant or document requires authentication, the signature, or an official fax of the signature, of the Director-General or any authorised officer affixed thereto is sufficient authentication.

Service of documents, etc.

66.—(1) Subject to subsection (3), any notice, order or other document required or authorised to be given or served under this Act may be served —

- (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 prepaid registered post to, the usual or last known address of the individual's place of residence;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the individual's place of business;
 - (iv) by affixing a copy of the document in a conspicuous place at the usual or last known address of residence or business of the individual;
[Act 24 of 2021 wef 28/02/2022]
 - (v) by sending it by fax to the fax number operated at the usual or last known address of the individual's place of residence or business, or the last fax number given to the Agency or an

authorised officer by the individual as the fax number for the service of documents on the individual; or

[Act 24 of 2021 wef 28/02/2022]

(vi) by sending it by email to the individual's last email address;

[Act 24 of 2021 wef 28/02/2022]

(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;

(ii) by leaving it at, or by sending it by prepaid registered post to, the principal or last known place of business of the partnership in Singapore;

[Act 24 of 2021 wef 28/02/2022]

(iii) by sending it by fax to the fax number operated at the principal or last known place of business of the partnership in Singapore; or

[Act 24 of 2021 wef 28/02/2022]

(iv) by sending it by email to the partnership's last email address; and

[Act 24 of 2021 wef 28/02/2022]

(c) in the case of any body corporate (including a limited liability partnership) or an unincorporated association —

(i) by delivering it to the secretary or other similar officer of the body corporate or unincorporated association or the limited liability partnership's manager;

(ii) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;

(iii) by sending it by fax to the fax number operated at the registered office or principal office in Singapore of the body corporate or unincorporated association; or

(iv) by sending it by email to the last email address of the body corporate or unincorporated association.

[Act 24 of 2021 wef 28/02/2022]

- (2) Service of a notice, an order or other document under this section takes effect —
- (a) if the notice, order or other document is sent by fax and a notification of successful transmission is received, on the day of transmission;
 - (b) if the notice, order or other document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and
 - (c) if the notice, order or other document is sent by prepaid registered post, 2 days after the day the notice, order or other document was posted (even if it is returned undelivered).

[Act 24 of 2021 wef 28/02/2022]

(3) Any notice, order or other document required or authorised by this Act to be served on the owner or occupier of any premises may be served —

- (a) by delivering it or a true copy thereof to an adult person on the premises; or
- (b) by affixing it to a conspicuous part of the premises if there is no adult person on the premises to whom it can with reasonable diligence be delivered.

[12/2011]

(4) Any notice, order or other document required or authorised by this Act to be served on the owner or occupier of any premises is deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

[12/2011]

(4A) A notice, an order or other document may be served on a person under this Act by email only with that person's prior written consent.

[Act 24 of 2021 wef 28/02/2022]

(5) This section does not apply to notices, summonses and other documents to be served in proceedings in court.

[12/2011]

(6) In this section, "last email address" means the last email address given by the addressee concerned to the person giving or serving the notice, order or other document as the email address for the service of documents under this Act.

[Act 24 of 2021 wef 28/02/2022]

General penalties

67.—(1) Any person who is guilty of an offence under this Act (except for an offence under Part 7) for which no penalty is expressly provided shall be liable —

- (a) on the first conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; and
- (b) on a second or subsequent conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

(2) The court before which the conviction is heard may, in addition to the fine, order the person to pay to the Director-General the amount of any expense in connection with the execution of any work, together with any interest due thereon or any interest certified by the Director-General to be due from the person at the date of the person's conviction.

(3) The amount may be recovered according to any written law for the time being in force for the recovery of fines.

Furnishing of deposits

68.—(1) Where any permit, consent or approval is given by the Director-General under this Act for the execution of any work, the Director-General may require a deposit or other security in lieu thereof to be furnished by the person applying for the permit, consent or approval to secure the execution of the work.

(2) Where the work is not executed to the satisfaction of the Director-General, he or she may utilise the deposit or security or any part thereof to make good the defects.

Inaccuracies in document

69.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act, in any way affects the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act are invalid for want of form.

Evidence

69A.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act are, until the contrary is proved, presumed to be correct and the production of any book purporting to contain any apportionment made under this Act shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned in the book.

(2) All records, registers and other documents kept by the Agency or by any authorised officer for the purposes of this Act are deemed to be public documents, and copies thereof or extracts therefrom certified by the officer or employee of the Agency responsible for the custody thereof to be true copies or extracts (as the case may be) and subscribed by the officer or employee with his or her name and his or her official title is admissible in evidence as proof of the contents of the documents or extracts therefrom.

Evidence of analyst

70.—(1) The Director-General may, by instrument in writing under the hand of the Director-General, appoint persons who in his or her opinion are qualified to be analysts for the purposes of this Act.

(2) Subject to subsection (3), a certificate of an analyst appointed under subsection (1) stating that the analyst has analysed or examined a substance and stating the result of the analyst's analysis or examination is admissible in evidence in any proceedings for an offence under this Act as prima facie evidence of the facts stated in the certificate and of the correctness of the result of the analysis or examination.

(3) A certificate of an analyst mentioned in subsection (2) shall not be received in evidence under that subsection unless the person charged has been given a copy of the certificate together with reasonable notice of the intention of the prosecution to produce the certificate as evidence in the proceedings.

(4) Where a certificate of an analyst appointed under subsection (1) is admitted in evidence under subsection (2), the person charged may require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if the analyst had given evidence of the matters stated in the certificate.

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

Offences by bodies corporate, etc.

71.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any act or default on his or her part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[12/2011]

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

[12/2011]

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any act or default on his or her part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[12/2011]

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

[12/2011]

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[12/2011]

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act 2005;

“officer” —

- (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any 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, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

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

[12/2011]

(7) Regulations may provide for the application of any provision of this section, with any modification that the Agency considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

[12/2011]

Composition of offences

72.—(1) The Director-General may compound any offence under this Act which is prescribed to be a compoundable offence by accepting from the 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) \$15,000.

[26/2007]

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence except that any compensation, damages, fees, costs or expenses which are provided to be paid under this Act remain payable.

(3) Nothing in this section prevents the Director-General from issuing any further notice in respect of the same matter to the person who has paid the sum of money.

Jurisdiction of court

73. Despite anything to the contrary contained in the Criminal Procedure Code 2010, a District Court and a Magistrate’s Court have jurisdiction to try any offence under this Act and have power to impose the full penalty or punishment in respect of any offence under this Act.

Saving of prosecutions under other laws

74. Nothing in this Act prevents any person from being prosecuted under any other

written law for any act or omission which constitutes an offence under this Act or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act except that no person may be punished twice for the same offence.

Exemption

75. The Agency may, subject to the general or special directions of the Minister, either permanently or for any period that the Agency thinks fit, by order in the *Gazette*, exempt any, or any class of, person, thing, premises or works from any provision of this Act.

[Act 24 of 2021 wef 28/02/2022]

Amendment of Schedules

76.—(1) The Minister may at any time, by order in the *Gazette*, amend any Schedule except the Third Schedule.

(2) The Minister may, in any order made under subsection (1), make any incidental, consequential or supplementary provision that may be necessary or expedient.

Regulations

77.—(1) The Agency may, with the approval of the Minister, make regulations —

- (a) for or in respect of every purpose which is necessary for carrying out the provisions of this Act;
- (b) for prescribing any matter which is authorised or required under this Act to be prescribed; and
- (c) without limiting paragraphs (a) and (b) for or in respect of the matters specified in the Third Schedule.

(1A) Regulations made under this section may make different provision for different classes, descriptions or types of goods, persons, premises or works.

[Act 24 of 2021 wef 28/02/2022]

(2) The Agency may, with the approval of the Minister, in making any regulations, provide that any contravention of or failure to comply with the regulations shall be an offence punishable with —

- (a) a fine not exceeding \$50,000 or with imprisonment for a term not exceeding 2 years or with both; and
- (b) in the case of a continuing offence, a fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

(3) All regulations must be presented to Parliament as soon as possible after

publication in the *Gazette*.

Transitional provisions

78. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Director of Environmental Pollution Control under any provision of this Act immediately before 1 July 2002 is deemed to have been issued, made, given or approved under the same provision by the Director-General.

FIRST SCHEDULE

Sections 2, 6 and 76(1)

SCHEDULED PREMISES

Scheduled premises are any premises —

- (a) being used for —
 - (i) cement works, being works for the manufacture or packing of portland cement, similar cement or pozzolanic materials;
 - (ii) concrete works, being works for the manufacture of concrete and of each batch capacity greater than 0.5 cubic metre;
 - (iii) asphalt works, being works for the manufacture of asphalt or tarmacadam;
 - (iv) ceramic works, being works in which any products such as bricks, tiles, pipes, pottery goods, refractories or glass are manufactured in furnaces or kilns fired by any fuel;
 - (v) chemical works, being works in which acids, alkali, chemical fertilizer, soap, detergent, sodium silicates, lime or other calcium compounds, chlorine, chemicals or chemical products are manufactured;
 - (vi) coke or charcoal works, being works in which coke or charcoal is produced and quenched, cut, crushed or graded;
 - (vii) ferrous and non-ferrous metal works, being works in which metal melting process for casting and/or metal coating are carried out;
 - (viii) gas works, being works in which coal, coke, oil or other mixtures or derivatives are handled or prepared for carbonisation or gasification and

in which such materials are subsequently carbonised or gasified;

- (ix) crushing, grinding and milling works, being works in which rock, ores, minerals, chemicals or natural grain products are processed by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner;
 - (x) petroleum works, being works in which crude or shale oil or crude petroleum or other mineral oil is refined or reconditioned;
 - (xi) scrap metal recovery works, being works in which scrap metals are treated in any type of furnace for recovery of metal whether or not this is the primary object of any specific premises;
 - (xii) primary metallurgical works, being works in which ores are smelted or converted to metal of any kind;
 - (xiii) pulping works, being works in which wood or cellulose material is made into pulp; or
 - (xiv) abrasive blasting works, being works in which equipment or structures are cleaned by abrasive blasting;
- (b) on which there is erected any boiler of steam generating capacity of 2,300 kilograms or more per hour, incinerator or furnace burning 500 kilograms or more of solid combustible material per hour or 220 kilograms or more of liquid material per hour; or
- (c) being used or intended to be used for storing —
- (i) more than 100 tonnes of one or more of the following substances: chemicals, chemical products, hydrocarbons or hydrocarbon products which are toxic or which produce toxic gases on burning or on contact with water or air; or
 - (ii) more than 1,000 tonnes of one or more of the following substances: chemicals, chemical products, hydrocarbons or hydrocarbon products with a flash point lower than 55°C.

SECOND SCHEDULE

Sections 2, 21 and 76(1)

CONTROL OF HAZARDOUS SUBSTANCES

PART I

HAZARDOUS SUBSTANCES

<i>Substance</i>	<i>Exclusions</i>
1,2-Dibromoethane (EDB)	
2,2-Diphenyl-2-hydroxyacetic acid	Substances containing not more than 30%, weight in weight, of 2,2-Diphenyl-2-hydroxyacetic acid.
Acetic acid	Substances containing not more than 80%, weight in weight, of acetic acid; Preparations and solutions for photographic use.
Acetic Anhydride	
Acetochlor	
Acetyl bromide	
Alachlor	
Alkali metal bifluorides; Ammonium bifluoride; Potassium fluoride; Sodium fluoride; Potassium silicofluoride; Sodium silicofluoride; Silicofluoric acid	Preparations containing not more than 0.3%, weight in weight, of potassium fluoride in radiator protectors; Preparations containing not more than 0.96%, weight in weight, of potassium fluoride in photographic chemicals; Substances containing not more than 3%, weight in weight, of sodium fluoride or sodium silicofluoride as a preservative; Substances containing sodium fluoride intended for the treatment of human ailments.
Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides, which include but are not limited to — DF: Methylphosphonyldifluoride	
Allyl isothiocyanate	
Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	
Amitraz	

Amitrole	
Ammonia	Preparations and solutions of ammonia containing not more than 10%, weight in weight, of ammonia; Refrigeration equipment; Photographic and plan developers; Hair colour dyes; Perm lotions; Smelling bottles.
Ammonium chlorate	
Anionic surface active agents	Preparations containing less than 5% by weight of anionic surface active agents; Preparations containing anionic surface active agents which are at least 90% biodegradable under a test carried out in accordance with that part of the OECD method which is referred to as “Confirmatory Test Procedure” in European Communities Council Directive No. 73/405/EEC (C) or other equivalent test methods acceptable to the Director-General.
Antimony pentachloride	Polishes.
Antimony trihydride	
Arsenical substances, the following: Arsenic acid Arsenic sulphide Arsenic trichloride Arsine Calcium arsenite Copper arsenate Copper arsenite Lead arsenate Organic compounds of arsenic Oxides of arsenic Potassium arsenite	Pyrites ores or sulphuric acid containing arsenical poisons as natural impurities; Animal feeding stuffs containing not more than 0.005%, weight in weight, of 4-hydroxy-3-nitrophenyl-arsonic acid and not containing any other arsenical poison; Animal feeding stuffs containing not more than 0.01%, weight in weight, of arsanilic acid and not containing any other arsenical poison; Animal feeding stuffs containing not more than 0.0375%, weight in weight, of carbarson and not containing any other arsenical

Sodium arsenate Sodium arsenite Sodium thioarsenate	poison.
Asbestos in the form of crocidolite, actinolite, anthophyllite, amosite, tremolite, chrysotile and amphiboles and products containing these forms of asbestos	Asbestos in the form of chrysotile in any vehicle brake or clutch lining installed in any vehicle registered before 1 April 1995.
Atrazine	
Benzidine; its salts	
Bis(chloromethyl)ether	
Boric acid; Sodium borate	Boric acid or sodium borate in medicinal preparations, cosmetics, toilet preparations and substances being preparations intended for human consumption; Preparations containing boric acid or sodium borate or a combination of both where water or solvent is not the only other part of the composition.
Boron tribromide	
Boron trichloride	
Boron trifluoride	
Bromine; Bromine solutions	
BZ: 3-Quinuclidinyl benzilate	
Cadmium and its compounds in controlled EEE	Controlled EEE containing cadmium not exceeding 0.01% maximum concentration value by weight of homogeneous material in controlled EEE; Cadmium and its compounds in electrical contact; Cadmium in filter glass or glass used for reflectance standards; Cadmium in printing ink for the application of enamel on glass; Cadmium alloy as electrical or mechanical solder joint to electrical conductor located directly on voice coil in transducer used in

	<p>high-powered loudspeaker with sound pressure level of 100 dB (A) or more;</p> <p>Cadmium and cadmium oxide in thick film paste used on aluminium bonded beryllium oxide.</p>
Cadmium-containing silver brazing alloy	
Captafol	
Carbamates	<p>Benomyl;</p> <p>Carbendazim;</p> <p>Chlorpropham;</p> <p>Propham;</p> <p>Thiophanate-methyl;</p> <p>Preparations containing not more than 1%, weight in weight, of propoxur and not containing any other carbamate;</p> <p>Preparations containing not more than 1%, weight in weight, of methomyl and not containing any other carbamate.</p>
<p>Carbamates (quaternaries and bisquaternaries of dimethylcarbamoyloxy pyridines)</p> <p>Quaternaries of dimethylcarbamoyloxy pyridines: 1-[N,N-dialkyl($\leq C_{10}$)-N-(n-(hydroxyl, cyano, acetoxy)alkyl($\leq C_{10}$)) ammonio]-n-[N-(3-dimethylcarbamoxy-α-picolinyl)-N,N-dialkyl($\leq C_{10}$) ammonio]decane dibromide (n=1-8), which include but are not limited to —</p> <p style="padding-left: 40px;">1-[N,N-dimethyl-N-(2-hydroxy)ethylammonio]-10-[N-(3-dimethylcarbamoxy-α-picolinyl)-N,N-dimethylammonio]decane dibromide</p> <p>Bisquaternaries of dimethylcarbamoyloxy pyridines: 1,n-Bis[N-(3-dimethylcarbamoxy-α-picolyl)-N,N-dialkyl($\leq C_{10}$) ammonio]-alkane-(2,(n-1)-dione) dibromide (n=2-12), which include but are not limited to —</p> <p style="padding-left: 40px;">1,10-Bis[N-(3-dimethylcarbamoxy-α-picolyl)-N-ethyl-N-methylammonio]decane-2,9-dione dibromide</p>	

Carbon monoxide	Gas mixtures containing carbon monoxide weighing less than 1 metric tonne; Gas mixtures containing carbon monoxide as by-products from combustion activities.
Carbon tetrafluoride	
Chemicals, except for those listed in Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, which include but are not limited to — Methylphosphonyl dichloride Dimethyl methylphosphonate	Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate; Substances containing not more than 30%, weight in weight, of any of these chemicals, excluding methylphosphonyl dichloride and ethylphosphonic dichloride.
Chlorinated hydrocarbons, the following: Aldrin Benzene hexachloride (BHC) Bromocyclen Camphechlor Chlorbenside Chlorbicyclen Chlordane Chlordecone Chlordimeform Chlorfenethol Chlorfenson Chlorfensulphide Chlorobenzilate Chloropropylate Dicophane (DDT) pp'-DDT Dicofol Dieldrin Endosulfan Endrin	Paper impregnated with not more than 0.3%, weight in weight, of benzene hexachloride or gamma-BHC provided it is labelled with directions that no food, wrapped or unwrapped, or food utensils are to be placed on the treated paper, and that it is not to be used where food is prepared or served.

<p>Fenazaflor</p> <p>Fenson</p> <p>Fluorbenzide</p> <p>Gamma benzene hexachloride (Gamma-BHC), also known as lindane</p> <p>HCH (mixed isomers)</p> <p>HEOD [1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4 (exo): 5,8 (endo)-dimethano naphthalene]</p> <p>HHDN [1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4 (exo):5,8 (endo)-dimethano naphthalene]</p> <p>Heptachlor</p> <p>Hexachloroethane</p> <p>Isobenzan</p> <p>Isodrin</p> <p>Kelevan</p> <p>Methoxychlor [1,1,1-trichloro-2,2-di-(p-methoxyphenyl) ethane]</p> <p>Mirex</p> <p>Polychlorinated butadienes</p> <p>Tetrachlorodiphenylethane [TDE; 1,1-dichloro-2,2-bis (p-chlorophenyl) ethane]</p> <p>Tetradifon</p> <p>Tetrasul</p> <p>Toxaphene</p> <p>Allied chlorinated hydrocarbon compounds used as pesticides (insecticides, acaricides, etc.)</p>	
Chlorine	Chlorine used for chlorination of water in swimming pools.

Chlorine trifluoride	
Chlorobenzenes, the following: Monochlorobenzene Meta-dichlorobenzene Ortho-dichlorobenzene Trichlorobenzene Tetrachlorobenzene Pentachlorobenzene Hexachlorobenzene	
Chlorophenols, the following: Monochlorophenol Dichlorophenol Trichlorophenol Tetrachlorophenol Pentachlorophenol and its salts and esters	Substances containing not more than 1%, weight in weight, of chlorophenols.
Chlorophenoxyacids; their salts, esters, amines, which include but are not limited to — 2,4,5-T and its salts and esters	
Chloropicrin	
Chlorosarin: O-Isopropyl methylphosphonochloridate	
Chlorosilanes, the following: Hexachlorodisilane Phenyltrichlorosilane Tetrachlorosilane	
Chlorosoman: O-Pinacolyl methylphosphonochloridate	
Chlorosulphonic acid	
Chromic acid	Substances containing not more than 9%, weight in weight, of chromic acid; Photographic solutions containing chromic acid in individual containers containing not more than

	15 kilograms each of such solutions and of aggregate weight of not more than 500 kilograms of such solutions.
Cyanides, not including cyanogen chloride	
Cyanogen chloride	
Dechlorane plus	
Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	Substances containing not more than 30%, weight in weight, of dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates.
Diborane	
Dibromochloropropane	
Diethyl phosphite	Substances containing not more than 30%, weight in weight, of diethyl phosphite.
Diethyl sulphate	
Dinitro-ortho-cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	
Dinosam; its compounds with a metal or a base	
Dinoseb and its salts and esters, which includes but is not limited to — Binapacryl	
Dinoterb	
Diquat; its salts	
Drazoxolon; its salts	Dressings on seeds.
Dustable powder formulations containing a combination of — benomyl at or above 7 per cent, carbofuran at above 10 per cent, thiram at or above 15 per cent	
Endothal; its salts	
Epichlorohydrin	
Ethyl mercaptan	Substances containing less than 1%, weight in weight, of ethyl mercaptan.
Ethylene dichloride	
Ethylene imine	

Ethylene oxide	Mixtures of inert gases and ethylene oxide comprising not more than 12%, weight in weight, of ethylene oxide contained in cylinders of water capacity less than 47 litres and for aggregate of not more than 3 of such cylinders.
Ferric chloride	
Fipronil	Formulated products containing Fipronil approved for household use and belonging to Table 5 of the WHO Recommended Classification of Pesticides by Hazard.
Fluorine	
Fluoroacetamide	
Formaldehyde	Substances containing not more than 5%, weight in weight, of formaldehyde; Photographic glazing or hardening solutions.
Formic acid	Substances containing not more than 5%, weight in weight, of formic acid.
Germane	
Hexabromocyclododecane (HBCD)	
Hexavalent chromium in controlled EEE	Controlled EEE containing hexavalent chromium not exceeding 0.1% maximum concentration value by weight of homogeneous material in controlled EEE; Hexavalent chromium as anticorrosion agent, not exceeding 0.75% by weight, in the cooling solution of carbon steel cooling system in absorption refrigerator.
Hexazinone	
Hydrazine anhydrous; Hydrazine aqueous solutions	
Hydrochloric acid	Substances containing not more than 9%, weight in weight, of hydrochloric acid.
Hydrofluoric acid	Preparations or solutions containing

	not more than 2%, weight in weight, of hydrofluoric acid.
Hydrofluorocarbons, the following, including any mixture containing those hydrofluorocarbons: 1,1,1,2,2,3,4,5,5,5-decafluoropentane 1,1,1,2,2,3-hexafluoropropane 1,1,1,2,3,3,3-heptafluoropropane 1,1,1,2,3,3-hexafluoropropane 1,1,1,2-tetrafluoroethane 1,1,1,3,3,3-hexafluoropropane 1,1,1,3,3-pentafluorobutane 1,1,1,3,3-pentafluoropropane 1,1,1-trifluoroethane 1,1,2,2,3-pentafluoropropane 1,1,2,2-tetrafluoroethane 1,1,2-trifluoroethane 1,1-difluoroethane 1,2-difluoroethane Difluoromethane Fluoromethane (methyl fluoride) Pentafluoroethane Trifluoromethane	Any manufactured product containing any substance mentioned in the opposite column, not being a container containing the substance.
Hydrogen chloride	
Hydrogen cyanide; Hydrocyanic acid	Preparations of wild cherry; In reagent kits supplied for medical or veterinary purposes, substances containing less than the equivalent of 0.1%, weight in weight, of hydrocyanic acid.
Hydrogen fluoride	
Hydrogen selenide	

Iprodione	
Isocyanates	<p>Polyisocyanates containing less than 0.7%, weight in weight, of free monomeric diisocyanates;</p> <p>Pre-polymerised isocyanates in polyurethane paints and lacquers;</p> <p>Hardeners and bonding agents for immediate use in adhesives.</p>
Lead and its compounds in controlled EEE	<p>Controlled EEE containing lead not exceeding 0.1% maximum concentration value by weight of homogeneous material in controlled EEE;</p> <p>Lead in glass of cathode ray tube;</p> <p>Lead, not exceeding 0.2% by weight, in glass of fluorescent tube;</p> <p>Lead, not exceeding 0.35% by weight, as an alloying element in steel for machining purposes or galvanised steel;</p> <p>Lead, not exceeding 0.4% by weight, as an alloying element in aluminium;</p> <p>Lead, not exceeding 4% by weight, in copper alloy;</p> <p>Lead in high melting temperature type solder (that is, lead-based alloy containing 85% by weight or more lead);</p> <p>Electrical and electronic component containing lead in —</p> <p>(a) glass or ceramic (other than dielectric ceramic in capacitor); or</p> <p>(b) glass or ceramic matrix compound;</p> <p>Lead in dielectric ceramic in capacitor for rated voltage of 125 V AC, 250 V DC or higher;</p> <p>Lead in bearing shell or bush for refrigerant-containing compressor for</p>

	<p>heating, ventilation, air conditioning or refrigeration application;</p> <p>Lead in white glass for optical application;</p> <p>Lead in filter glass or glass used for reflectance standards;</p> <p>Lead in printing ink for the application of enamel on glass;</p> <p>Lead in solder for —</p> <p>(a) completing viable electrical connection between semiconductor die and carrier within integrated circuit flip chip package;</p> <p>(b) soldering to machined-through hole discoidal or planar array ceramic multilayer capacitor; or</p> <p>(c) soldering thin copper wire (with diameter not exceeding 100 µm) in power transformer;</p> <p>Lead in soldering materials in mercury-free flat fluorescent lamp;</p> <p>Lead oxide in surface conduction electron emitter display used in structural element;</p> <p>Lead bound in crystal glass;</p> <p>Lead in cermet-based trimmer potentiometer element;</p> <p>Lead in plating layer of high-voltage diode on base of zinc borate glass body.</p>
Lead compounds in paint	<p>Paint in which the total lead does not exceed 0.009% by weight of the paint;</p> <p>Paint in which the total lead exceeds 0.009% by weight of the paint, and</p>

	<p>which is —</p> <p>(a) copper-based anti-fouling paint or zinc-based anti-corrosion paint;</p> <p>(b) imported into or manufactured in Singapore, other than solely for export; and</p> <p>(c) in a container that is labelled in accordance with Part III of this Schedule.</p>
<p>Lewisites:</p> <p>Lewisite 1: 2-Chlorovinylchloroarsine</p> <p>Lewisite 2: Bis(2-chlorovinyl)chloroarsine</p> <p>Lewisite 3: Tris(2-chlorovinyl)arsine</p>	
Mercury	
Mercury and its compounds in controlled EEE	<p>Controlled EEE containing mercury not exceeding 0.1% maximum concentration value by weight of homogeneous material in controlled EEE;</p> <p>Cold cathode fluorescent lamp or external electrode fluorescent lamp, used for purposes other than general lighting, that —</p> <p>(a) is not more than 500 mm long and contains not more than 3.5 mg of mercury;</p> <p>(b) is more than 500 mm long but not more than 1500 mm long and contains not more than 5 mg of mercury; or</p> <p>(c) is more than 1500 mm long and contains not</p>

	more than 13 mg of mercury.
Mercury compounds including inorganic mercury compounds, alkyl mercury compounds, alkyloxyalkyl and aryl mercury compounds, and other organic compounds of mercury	
Mercury and its compounds in batteries	Batteries (including those in button form) containing not more than 0.0005% by weight of mercury per cell.
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps used for electronic displays	<p>Cold cathode fluorescent lamps or external electrode fluorescent lamps used for electronic displays, that —</p> <p>(a) are not more than 500 mm long and contain not more than 3.5 mg of mercury per lamp;</p> <p>(b) are more than 500 mm long but not more than 1500 mm long and contain not more than 5 mg of mercury per lamp; or</p> <p>(c) are more than 1500 mm long and contain not more than 13 mg of mercury per lamp.</p>
Mercury in fluorescent lamps (primarily for general lighting purposes)	<p>Compact fluorescent lamps containing mercury not exceeding 5 mg per lamp;</p> <p>Triband phosphor linear fluorescent lamps of less than 60 W per lamp containing mercury not exceeding 5 mg per lamp;</p> <p>Circular fluorescent lamps and other linear fluorescent lamps containing mercury not exceeding 10 mg per lamp.</p>
Mercury in high pressure mercury vapour lamps (primarily for general lighting purposes)	
Mercury in switches and relays	Very high accuracy capacitance and

	loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments containing mercury not exceeding 20 mg per bridge, switch or relay.
Mercury in the following non-electronic measuring devices: Barometers Hygrometers Manometers Thermometers Sphygmomanometers	Non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available.
Metanil yellow (sodium salt of metanilylazo-diphenylamine)	Dye-indicators used in laboratories.
Methyl-(bis(diethylamino)methylene)phosphonamidofluoridate	
Methyl chloride	
Methyl mercaptan	Substances containing less than 1%, weight in weight, of methyl mercaptan.
Monomethyl-dibromodiphenyl methane	
Monomethyl-dichloro-diphenyl methane	
Monomethyltetrachloro diphenyl methane	
N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	Substances containing not more than 30%, weight in weight, of N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.
N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	Substances containing not more than 30%, weight in weight, of N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts, excluding 2-(N,N-Diisopropylamino)ethylchloride hydrochloride, and 2-(N,N-Diethylamino)ethylchloride hydrochloride.
Neonicotinoid compounds used as pesticides, the following: Imidacloprid	Formulated products containing Imidacloprid approved for household use and belonging to Table 5 of the WHO Recommended Classification of Pesticides by Hazard.

Niclofolan	
Nicotine sulphate	
Nitric acid	Substances containing not more than 9%, weight in weight, of nitric acid.
Nitric oxide	
Nitrobenzene	Substances containing less than 0.1%, weight in weight, of nitrobenzene; Soaps containing less than 1%, weight in weight, of nitrobenzene; Polishes and cleansing agents.
Nitrogen mustards: HN1: Bis(2-chloroethyl)ethylamine HN2: Bis(2-chloroethyl)methylamine HN3: Tris(2-chloroethyl)amine	
Nitrogen trifluoride	
Nonylphenol and nonylphenol ethoxylates	
O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates, which include but are not limited to — Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	
O-alkyl (H or $\leq C_{10}$, incl. cycloalkyl) N-(1-(dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))alkylidene(H or $\leq C_{10}$, incl. cycloalkyl) phosphoramidofluoridates and corresponding alkylated or protonated salts, which include but are not limited to — O-n-Decyl N-(1-(di-n-decylamino)-n-decylidene)phosphoramidofluoridate Methyl (1-(diethylamino)ethylidene) phosphoramidofluoridate Ethyl (1-(diethylamino)ethylidene) phosphoramidofluoridate	
O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts, which include but are not limited to —	

<p>QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite</p>	
<p>O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts, which include but are not limited to —</p> <p>VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate</p>	
Oleum	
Orange II [sodium salt of p-(2-hydroxy-1-naphthylazo) benzenesulphonic acid]	Dye-indicators used in laboratories.
Organic peroxides	<p>Car puttys;</p> <p>Substances and preparations containing not more than 3%, weight in weight, of organic peroxides;</p> <p>Solutions of not more than 60%, weight in weight, of methyl ethyl ketone peroxides and total aggregate weight of less than 50 kilograms of such solutions.</p>
<p>Organo-tin compounds, the following:</p> <p>Compounds of fentin</p> <p>Cyhexatin</p> <p>Tributyl tin compounds</p>	
<p>Ozone depleting substances, namely:</p> <p>(a) Chlorofluorocarbons, the following:</p> <p>Chloroheptafluoropropane</p> <p>Chloropentafluoroethane</p> <p>Chlorotrifluoromethane</p> <p>Dichlorodifluoromethane</p> <p>Dichlorohexafluoropropane</p> <p>Dichlorotetrafluoroethane</p> <p>Heptachlorofluoropropane</p> <p>Hexachlorodifluoropropane</p> <p>Pentachlorofluoroethane</p> <p>Pentachlorotrifluoropropane</p>	<p>Products containing any ozone depleting substance other than the following products:</p> <p>(a) in the case of chlorofluorocarbons —</p> <p>(i) air conditioners in vehicles registered on or after 1 January 1995 or intended for such vehicles;</p> <p>(ii) equipment for domestic or commercial refrigeration or air conditioning installed</p>

	<p>on or after 1 January 1993, or heat pump equipment, which contains any chlorofluorocarbon substance as a refrigerant or in any insulating material of such equipment;</p> <p>(iii) refrigerators that have a compressor rating which exceeds one horsepower;</p> <p>(iv) non-pharmaceutical aerosol products;</p> <p>(v) insulation boards, panels or pipe covers;</p> <p>(vi) polystyrene sheets or finished products;</p>
<p>(b) Halons, the following:</p> <p>Bromochlorodifluoromethane</p> <p>Bromochloromethane</p> <p>Bromotrifluoromethane</p> <p>Dibromotetrafluoroethane</p>	<p>(b) in the case of Halons, portable fire extinguishers; and</p> <p>(c) in the case of bromotrifluoromethane, fire protection systems with building plans approved after 17 June 1991 and installed after 31 December 1991.</p>
<p>(c) Hydrochlorofluorocarbons, the following:</p> <p>1,1-dichloro-1-fluoro-ethane</p> <p>1,1-dichloro-2,2,3,3,3-pentafluoropropane</p> <p>1,3-dichloro-1,2,2,3,3-pentafluoropropane</p> <p>1-chloro-1,1-difluoro-ethane</p> <p>Chlorodifluoroethane</p> <p>Chlorodifluoromethane</p> <p>Chlorodifluoropropane</p>	

Chlorofluoroethane
Chlorofluoromethane
Chlorofluoropropane
Chlorohexafluoropropane
Chloropentafluoropropane
Chlorotetrafluoroethane
Chlorotetrafluoropropane
Chlorotrifluoroethane
Chlorotrifluoropropane
Dichlorodifluoroethane
Dichlorodifluoropropane
Dichlorofluoroethane
Dichlorofluoromethane
Dichlorofluoropropane
Dichloropentafluoropropane
Dichlorotetrafluoropropane
Dichlorotrifluoroethane
Dichlorotrifluoropropane
Hexachlorofluoropropane
Pentachlorodifluoropropane
Pentachlorofluoropropane
Tetrachlorodifluoropropane
Tetrachlorofluoroethane
Tetrachlorofluoropropane
Tetrachlorotrifluoropropane
Trichlorodifluoroethane
Trichlorodifluoropropane
Trichlorofluoroethane
Trichlorofluoropropane
Trichlorotetrafluoropropane
Trichlorotrifluoropropane

(d) Hydrobromofluorocarbons, the following:

Bromodifluoroethane
Bromodifluoromethane
Bromodifluoropropane
Bromofluoroethane
Bromofluoromethane
Bromofluoropropane
Bromoheptafluoropropane
Bromopentafluoropropane
Bromotetrafluoroethane
Bromotetrafluoropropane
Bromotrifluoroethane
Bromotrifluoropropane
Dibromodifluoroethane
Dibromodifluoropropane
Dibromofluoroethane
Dibromofluoromethane
Dibromofluoropropane
Dibromopentafluoropropane
Dibromotetrafluoropropane
Dibromotrifluoroethane
Dibromotrifluoropropane
Hexabromofluoropropane
Pentabromodifluoropropane
Pentabromofluoropropane
Tetrabromodifluoropropane
Tetrabromofluoroethane
Tetrabromofluoropropane
Tetrabromotrifluoropropane
Tribromodifluoroethane
Tribromodifluoropropane
Tribromofluoroethane
Tribromofluoropropane
Tribromotetrafluoropropane
Tribromotrifluoropropane

(e)	Carbon tetrachloride	
(f)	1,1,1-trichloroethane (methyl chloroform)	
(g)	Methyl bromide	
<p>P-alkyl (H or $\leq C_{10}$, incl. cycloalkyl) N-(1-(dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))alkylidene(H or $\leq C_{10}$, incl. cycloalkyl) phosphonamidic fluorides and corresponding alkylated or protonated salts, which include but are not limited to —</p> <p style="padding-left: 40px;">N-(1-(di-n-decylamino)-n-decylidene)-P-decylphosphonamidic fluoride</p> <p style="padding-left: 40px;">Methyl-(1-(diethylamino)ethylidene)phosphonamidofluoridate</p>		
Paraquat; its salts		Preparation in pellet form containing not more than 5%, weight in weight, of salts of paraquat ion.
Pentadecafluorooctanoic acid (PFOA); its salts and related compounds		
Perchloromethyl mercaptan		Substances containing less than 1%, weight in weight, of perchloromethyl mercaptan.
Perfluorohexane sulfonic acid (PFHxS); its salts and related compounds		
Perfluorooctane sulfonic acid (PFOS)		
PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene		
<p>Phenols, the following:</p> <p style="padding-left: 20px;">Catechol</p> <p style="padding-left: 20px;">Cresol</p> <p style="padding-left: 20px;">Hydroquinone</p> <p style="padding-left: 20px;">Octyl phenol</p> <p style="padding-left: 20px;">Phenol</p> <p style="padding-left: 20px;">Resorcinol</p>		<p>Preparations containing less than 1%, weight in weight, of phenols;</p> <p>Phenols which are intended for the treatment of human ailments and other medical purposes;</p> <p>Soaps for washing;</p> <p>Tar (coal or wood), crude or refined;</p> <p>Photographic solutions containing hydroquinone in individual containers containing not more than 15 kilograms each of such solutions and of aggregate weight of not more than 500 kilograms of such solutions.</p>

Phosgene	
Phosphides	
Phosphine	
Phosphoric acid	Substances containing not more than 50%, weight in weight, of phosphoric acid.
Phosphorus compounds used as pesticides (insecticides, acaricides, etc.), which includes but is not limited to: Chlorpyrifos Methamidophos Methyl-parathion Monocrotophos Parathion Phosphamidon Trichlorfon	<p>Acephate; Bromophos; Iodofenphos; Malathion; Pirimiphos-methyl; Temephos; Tetrachlorvinphos; Preparations containing not more than 0.5%, weight in weight, of chlorpyrifos and not containing any other phosphorus compound;</p> <p>Preparations containing not more than 0.5%, weight in weight, of dichlorvos and not containing any other phosphorus compound;</p> <p>Materials impregnated with dichlorvos and not containing any other phosphorus compound for slow release;</p> <p>Preparations containing not more than 1%, weight in weight, of azamethiphos and not containing any other phosphorus compound.</p>
Phosphorus oxybromide	
Phosphorus oxychloride	
Phosphorus pentabromide	
Phosphorus pentachloride	
Phosphorus pentafluoride	
Phosphorus trichloride	
Polybrominated biphenyls	
Polybrominated biphenyls in controlled EEE	Controlled EEE containing polybrominated biphenyls not exceeding 0.1% maximum concentration value by weight of

	homogeneous material in controlled EEE.
Polybrominated diphenyl ethers (PBDEs)	
Polybrominated diphenyl ethers in controlled EEE	Controlled EEE containing polybrominated diphenyl ethers not exceeding 0.1% maximum concentration value by weight of homogeneous material in controlled EEE.
Polychlorinated biphenyls	
Polychlorinated naphthalenes	
Polychlorinated terphenyls	
Potassium hydroxide	Substances containing not more than 17%, weight in weight, of potassium hydroxide; Accumulators; Batteries.
Prochloraz	
Pyrethroid compounds used as pesticides, the following: Fenvalerate Lambda-cyhalothrin	Formulated products containing Fenvalerate approved for household use and belonging to Table 5 of the WHO Recommended Classification of Pesticides by Hazard
Quinuclidin-3-ol	Substances containing not more than 30%, weight in weight, of quinuclidin-3-ol.
Ricin	
Saxitoxin	
Short-chain chlorinated paraffins (chain lengths at least C ₁₀ but not exceeding C ₁₃)	
Sodium azide	Air bag devices in motor vehicles.
Sodium hydroxide	Substances containing not more than 17%, weight in weight, of sodium hydroxide; Made-up formulated preparations either liquid or solid for biochemical tests.
Sulphur in diesel intended for use in Singapore as fuel for	Sulphur in diesel in which the

industrial plants	sulphur content is 0.001% or less by weight.
Sulphur in petrol intended for use in Singapore as fuel for industrial plants	Sulphur in petrol in which the sulphur content is 0.005% or less by weight.
Sulphur tetrafluoride	
Sulphur trioxide	
Sulphuric acid	Substances containing not more than 9%, weight in weight, of sulphuric acid; Accumulators; Batteries; Fire extinguishers; Photographic developers containing not more than 20%, weight in weight, of sulphuric acid.
Sulphuryl chloride	
Sulphuryl fluoride	
Tetraethyl lead, tetramethyl lead and similar lead containing compounds	
Thallium; its salts	
Thiodiglycol: Bis(2-hydroxyethyl)sulfide	Substances containing not more than 30%, weight in weight, of thiodiglycol: Bis(2-hydroxyethyl)sulfide.
Thionyl chloride	Substances containing not more than 30%, weight in weight, of thionyl chloride.
Titanium tetrachloride	
Triethanolamine	Substances containing not more than 30%, weight in weight, of triethanolamine.
Tris (2, 3-dibromo-1-propyl) phosphate	
Tungsten hexafluoride	
UV-328	

*[S 81/2023 wef 21/08/2023]
[S 436/2022 wef 01/03/2023]
[S 365/2021 wef 03/01/2022]*

Note:

In this Part, unless the context otherwise requires —

“air conditioner” means a self-contained assembly designed as a unit to deliver conditioned air to an enclosed space, room or zone, consisting of the following components (whether or not the assembly also consists of any means of humidifying, ventilating or exhausting the air):

- (a) a prime source of refrigeration for cooling and dehumidification of the air, where all the refrigeration components are hermetically sealed;
- (b) a means for the circulation and the cleaning of the air;
- (c) a drain arrangement for the collection or disposal of any condensate,

but does not include a second-hand air conditioner, a cooling tower, a chiller, or a large-scale air conditioner for any industrial or specialised use;

“Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction concluded at Paris on 13 January 1993;

[S 81/2023 wef 21/08/2023]

“computer” means a portable electronic, magnetic, optical, electrochemical, or other data processing device, or a group of such interconnected or related devices, performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with the device or group of such interconnected or related devices, but does not include —

- (a) an automated typewriter or typesetter;
- (b) a portable hand-held calculator; or
- (c) a similar device which is non-programmable or which does not contain any data storage facility;

“controlled electrical and electronic equipment” or “controlled EEE” means any air conditioner, flat panel display television, mobile phone, phablet, portable computer, refrigerator or washing machine, that is designed for household use (whether or not the controlled EEE is also designed for any non-household use);

“crystal glass” means any crystal glass described in Annex I to Directive 69/493/EEC of the Council of the European Union on the approximation of the laws of the Member States relating to crystal glass;

“flat panel display television” means a television with a flat display screen (at least 11 inches in width), but does not include —

- (a) a second-hand flat panel display television;
- (b) a flat panel display television installed in a car;
- (c) a flat panel display television installed —
 - (i) on a building;

- (ii) at a bus stop; or
- (iii) in a structure next to a bus stop,
for commercial advertisement purposes; or
- (d) a flat panel display television designed for any industrial or specialised use;

“homogeneous material” means —

- (a) a material of uniform composition throughout; or
- (b) a material consisting of a combination of materials that cannot be disjoined or separated into different materials by mechanical actions such as unscrewing, cutting, crushing, grinding or abrasive processes;

“mobile phone” means a hand-held device that uses a wireless network to allow a user to make voice calls, send text messages and transmit data, but does not include —

- (a) a second-hand mobile phone;
- (b) a cordless phone, a walkie talkie or a satellite phone; or
- (c) a mobile phone designed for any specialised use;

“phablet” means a hand-held device with a combination of the designs and functions of both a mobile phone and a tablet, but does not include —

- (a) a second-hand phablet; or
- (b) a phablet designed for any specialised use;

“portable computer” means a computer designed specifically for portability and to be operated for extended periods of time (whether with or without a direct connection to an alternating current mains power source), but does not include —

- (a) a second-hand portable computer;
- (b) a portable computer installed in a car (also known as a carputer); or
- (c) a portable computer designed for any specialised use;

“refrigerator” means a self-contained assembly (where all refrigeration components are hermetically sealed) consisting of —

- (a) a thermally insulated cabinet for the storage and cooling of foodstuffs or other material above 0°C; and
- (b) a refrigerating unit operating on the vapour compression principle and arranged to extract heat from within the cabinet mentioned in paragraph (a),

whether or not the refrigerator has any freezer compartment, but does not include —

- (c) a second-hand refrigerator;
- (d) a wine cabinet, a portable cooling box, a chiller or a freezer chest; or

(e) a refrigerator designed for any industrial or specialised use;

“television” means an appliance, with an in-built television tuner, designed primarily for the display and possible reception of television broadcast and similar services for terrestrial, cable, satellite and broadband network transmission of analogue or digital signals, and includes a television with additional functions not required for its basic operation as a television, but does not include a television displaying broadcasts by means of front or rear projection;

“washing machine” means an electrical machine with at least one function that uses water for washing, but does not include —

(a) a second-hand washing machine; or

(b) a large-scale washing machine designed for any industrial or specialised use.

PART II

GENERAL EXEMPTIONS

Adhesives other than those containing any of the following substances as defined in Part I of this Schedule: Pentadecafluorooctanoic acid (PFOA) and its salts and related compounds, Perfluorohexane sulfonic acid (PFHxS) and its salts and related compounds, polychlorinated naphthalenes or short-chain chlorinated paraffins;

Anti-fouling compositions other than —

(a) those containing tributyl tin compounds; and

(b) anti-fouling paints containing lead compounds;

Builders’ materials other than those containing asbestos as defined in Part I of this Schedule;

Ceramics;

Distempers;

Electrical valves;

Enamels;

Explosives;

Fillers other than those containing any of the following substances as defined in Part I of this Schedule: Pentadecafluorooctanoic acid (PFOA) and its salts and related compounds or Perfluorohexane sulfonic acid (PFHxS) and its salts and related compounds;

Fireworks;

Glazes other than those containing any of the following substances as defined in Part I of this Schedule: Pentadecafluorooctanoic acid (PFOA) and its salts and related compounds or Perfluorohexane sulfonic acid (PFHxS) and its salts and related compounds;

Glue;

Inks;

Lacquer solvents;

Loading materials;

Lubricants other than those containing any of the following substances as defined in Part I of this Schedule: polychlorinated naphthalenes or short-chain chlorinated paraffins;

Matches;

Motor fuels other than diesel oil and petrol;

Paints other than those containing any of the following substances as defined in Part I of this Schedule: asbestos, lead compounds, mercury compounds, Pentadecafluorooctanoic acid (PFOA) and its salts and related compounds, Perfluorohexane sulfonic acid (PFHxS) and its salts and related compounds, polychlorinated naphthalenes, or short-chain chlorinated paraffins;

Pharmaceutical aerosols;

Photographic paper;

Pigments other than those containing tributyl tin compounds as defined in Part I of this Schedule;

Plastics other than those containing any of the following substances as defined in Part I of this Schedule: polychlorinated naphthalenes or short-chain chlorinated paraffins;

Propellants other than those containing ozone depleting substances;

Rubber;

Varnishes other than those containing any of the following substances as defined in Part I of this Schedule: Pentadecafluorooctanoic acid (PFOA) and its salts and related compounds or Perfluorohexane sulfonic acid (PFHxS) and its salts and related compounds;

Vascular plants and their seeds.

[S 365/2021 wef 03/01/2022]

PART III

LABELS FOR COPPER-BASED ANTI-FOULING PAINT AND ZINC-BASED ANTI-CORROSION PAINT

The exterior part of the container must be affixed with a label —

(a) on which the following words are clearly legible in English:

“This paint contains lead.

Restricted to industrial applications only.

Do not use on furniture, buildings or in publicly accessible areas.”; and

(b) that conforms to the following dimensions:

- (i) where the capacity of the container does not exceed 3 litres — at least 52×74 millimetres;
- (ii) where the capacity of the container exceeds 3 litres but does not exceed 50 litres — at least 74×105 millimetres;
- (iii) where the capacity of the container exceeds 50 litres but does not exceed 500 litres — at least 105×148 millimetres;
- (iv) where the capacity of the container exceeds 500 litres — at least 148×210 millimetres.

[S 365/2021 wef 03/01/2022]
*[S 492/2004; S 78/2005; S 571/2005; S 296/2007; S 43/2008; S 62/2009; S 373/2011; S 441/2011;
S 373/2013; S 374/2013; S 688/2014; S 263/2016; S 378/2016; S 27/2017; S 126/2017;
S 783/2017; S 784/2017; S 359/2018; S 491/2019]*

THIRD SCHEDULE

Sections 76(1) and 77(1)

SUBJECT MATTERS OF REGULATIONS

1. The prescribing of types of tests to be carried out and the records to be maintained by occupiers of industrial or trade premises with respect to the emission of air impurities from, and the consumption of fuel on, such premises.

2. The prescribing of types of air pollution control equipment that may be used in or on any industrial or trade premises and the manner in which those equipment must be operated and maintained.

3. The prescribing of assistance and facilities (including access to, and the means of making examinations, inspections and tests) to be provided by the occupiers of industrial or trade premises to enable the Director-General and authorised officers to exercise their powers under this Act.

4. The prescribing of standards of concentration or rates of emission of air impurities from any source of air pollution, including motor vehicles and industrial plant, and the method of making tests for the purposes of ascertaining whether any of the provisions of this Act or any conditions attached to a licence or to an exemption are being or have been complied with.

5. The regulation or restriction of import, export, sale or supply of industrial plant which do not comply with standards prescribed under this Act or the regulations for the purpose of air pollution control.

6. The regulation or prohibition of either generally or in specified areas and either at all times or between specified hours the use of industrial plants for the purpose of air pollution control.

7. The prescribing of types and composition of fuel to be used.

8. The prescribing of returns of any information, statistics and data relating to air, water or noise pollution to be furnished to the Director-General and the contents thereof, and the persons or classes of persons who are required to furnish such returns.

9. The prevention of misuse or contamination of water.
10. The prescribing of standards of concentration or rates of discharge of trade effluent from any premises which may be discharged into drains or the sea.
11. The control of discharge of any trade effluent into drains and sea.
12. The control, by licensing or otherwise, of the storage, removal and disposal of toxic industrial waste and trade effluent.
13. The prescribing of fees for the collection and disposal of any trade effluent.
14. The import, export, use and control of hazardous substances.
15. The storage, transport and labelling of hazardous substances.
16. The sale, whether by wholesale or retail, or the supply of hazardous substances, by or to any person or class of persons which include regulating or restricting the sale or supply of hazardous substances by persons licensed under this Act and prohibiting the sale of any specified hazardous substance or class of hazardous substances by any class of such persons.
17. The prescribing of noise standards for the purposes of this Act.
18. The prescribing of standards of emission of noise from any source of noise pollution, and the methods of determining level, nature, character or quality of noise made or emitted.
19. The regulation or restriction of import, sale and use of industrial plants for the purpose of noise control.
20. The specification of limits of permitted noise levels from particular premises, activities, equipment, appliances, machinery and fuel burning equipment, and the requirement of labelling any such equipment, appliances, machinery and fuel burning equipment to show the specified limits.
21. The specification of the times at which specified levels of noise may not be emitted from particular premises, activities, equipment, appliances, machinery and fuel burning equipment.
- 21A. The restriction or prohibition of building works either generally or in specified areas during Saturdays, Sundays and public holidays (including between the hours of 10 p.m. on the eve of a public holiday and 7 a.m. on the day after the public holiday) and between the hours of 12 midnight and 7 a.m. on Mondays for the purpose of noise control.
22. The prescribing of codes of practice relating to the control and regulation of noise levels in work places and construction sites.
- 22A. The prescribing of matters relating to the plans of controlled works to be lodged or certified under Part 9A, including a requirement for the plans to be prepared by persons with prescribed qualifications and expertise.

[Act 23 of 2023 wef 18/12/2023]
- 22B. The prescribing of standards and codes of practice for the purposes of Part 9A, including by applying, adopting or incorporating by reference —
 - (a) either wholly or partially;
 - (b) with or without modification; or
 - (c) either specifically or by reference,

any matter contained in any standards or codes of practice, as in force or published at a particular time or as in force or published from time to time, relating to the prevention, reduction or control of pollution of the environment from completed buildings or industrial plants.

[Act 23 of 2023 wef 18/12/2023]

22C. The prescribing of matters necessary for the carrying out of section 33C, including requiring controlled works exempt from section 33B under regulations made under section 33C to be carried out in accordance with prescribed requirements.

[Act 23 of 2023 wef 18/12/2023]

22D. The prescribing of fees and charges for applications, lodgments and submission of documents for the purposes of Part 9A.

[Act 23 of 2023 wef 18/12/2023]

23. The prescribing of standards, codes of practice for the design, manufacture and use of equipment, appliances, machinery, industrial plant and fuel burning equipment to reduce pollution.

23A. The prescribing of greenhouse gases for the purposes of Part 10A.

23B. The prescribing of the IPCC Assessment Report for the purposes of Part 10A.

23C. The registration and regulation of regulated goods and the import or supply of regulated goods, including matters relating to the following:

- (a) global warming potential limits for regulated goods;
- (b) requirements for regulated goods relating to environmental protection and management;
- (c) requirements relating to the labelling of regulated goods.

[Act 24 of 2021 wef 01/10/2022]

23D. The registration and regulation of suppliers of regulated goods, including their duties and obligations.

[Act 24 of 2021 wef 01/10/2022]

23E. The registration and regulation of registered GHG entities, including their duties and obligations.

[Act 24 of 2021 wef 01/10/2022]

23F. The regulation of competent persons, including matters relating to their duties and obligations.

[Act 24 of 2021 wef 01/10/2022]

23G. The regulation of regulated GHG works, including the manner in which regulated GHG works must be carried out.

[Act 24 of 2021 wef 01/10/2022]

24. The prescribing of fees for licences and the prescribing of fees and charges for any of the purposes of this Act or the regulations.

25. The prescribing of penalty interest for late payment of any charges or fees prescribed by this Act or the regulations.

[26/2007; 12/2011]

LEGISLATIVE HISTORY

ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT 1999

(Formerly known as the Environmental Pollution Control Act (2002 Ed.))

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 9 of 1999—Environmental Pollution Control Act 1999

Date of First Reading	:	20.1.99
		(Bill No. 2/99 published on 21.1.99)
Date of Second and Third Readings	:	11.2.99
Date of commencement	:	1.4.99

2. 2000 Revised Edition—Environmental Pollution Control Act

Date of operation	:	30 December 2000
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3. G. N. No. S 605/2000—Environmental Pollution Control (Amendment Of Second Schedule) Order 2000

Date of commencement	:	1 January 2001
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4. Act 4 of 2002—National Environment Agency Act 2002

Date of First Reading	:	3.5.2002
		(Bill No. 13/2002 published on 4.5.2002)
Date of Second and Third Readings	:	24.5.2002
Date of commencement	:	1.7.2002

5. 2002 Revised Edition—Environmental Protection and Management Act

Date of operation	:	31 December 2002
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6. G. N. No. S 492/2004—Environmental Pollution Control Act (Amendment Of Second Schedule) Order 2004

Date of commencement	:	15 September 2004
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7. G. N. No. S 78/2005—Environmental Pollution Control Act (Amendment Of Second Schedule) Order 2005

- Date of commencement : 16 February 2005
- 8. Act 47 of 2004—Building Maintenance and Strata Management Act 2004**
- Date of First Reading : 6 February 2004
- Date of Second and Third Readings : 19 October 2004
- Date of commencement : 1 April 2005
- 9. G. N. No. S 571/2005—Environmental Pollution Control Act (Amendment Of Second Schedule) (No. 2) Order 2005**
- Date of commencement : 1 December 2005
- 10. G. N. No. S 296/2007—Environmental Pollution Control Act (Amendment Of Second Schedule) Order 2007**
- Date of commencement : 1 July 2007
- 11. Act 26 of 2007—Environmental Pollution Control (Amendment) Act 2007**
- Date of First Reading : 9 April 2007
(Bill No. 13/2007 published on 10 April 2007)
- Date of Second and Third Readings : 21 May 2007
- Dates of commencement : Date of coming into operation: 1 October 2007 (Section 5)
Date of coming into operation: 1 January 2008
- 12. G. N. No. S 43/2008—Environmental Protection And Management Act (Amendment Of Second Schedule) Order 2008**
- Date of commencement : 31 January 2008
- 13. G. N. No. S 62/2009—Environmental Protection And Management Act (Amendment Of Second Schedule) Order 2009**
- Date of commencement : 1 July 2009
- 14. Act 12 of 2011—Environmental Protection And Management (Amendment) Act 2011**
- Date of First Reading : 14 February 2011

- (Bill No. 1/2010 published on 14 February 2011)
- Date of Second and Third Readings : 10 March 2011
- Date of commencement : 1 September 2011
- 15. G. N. No. S 441/2011—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 2) Order 2011**
- Date of commencement : 1 September 2011
- 16. G. N. No. S 373/2011—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2011**
- Date of commencement : 1 July 2012
- 17. G. N. No. S 373/2013—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2013**
- Date of commencement : 1 July 2013
- 18. Act 11 of 2012—Energy Conservation Act 2012**
- Date of First Reading : 8 March 2012
- (Bill No. 8/2012 published on 8 March 2012)
- Date of Second and Third Readings : 9 April 2012
- Date of commencement : 1 September 2013
- 19. G. N. No. S 374/2013—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 2) Order 2013**
- Date of commencement : 1 October 2013
- 20. G.N. No. S 688/2014—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2014**
- Date of commencement : 1 November 2014
- 21. Act 4 of 2016—National Environment Agency (Miscellaneous Amendments) Act 2016**
- Date of First Reading : 28 January 2016
- (Bill No. 7/2016 published on 28 January 2016)

- Date of Second and Third Readings : 1 March 2016
- Date of commencement : 1 May 2016
- 22. G.N. No. S 378/2016—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 2) Order 2016**
- Date of commencement : 1 January 2017
- 23. G.N. No. S 263/2016—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2016**
- Date of commencement : 1 June 2017
- 24. G.N. No. S 27/2017—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2017**
- Date of commencement : 1 July 2017
- 25. Act 24 of 2017—Energy Conservation (Amendment) Act 2017**
- Date of First Reading : (Bill No. 17/2017 published on 9 March 2017)
- 9 March 2017
- Date of Second and Third Readings : 3 April 2017
- Date of commencement : 1 January 2018
- 26. G.N. No. S 126/2017—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 2) Order 2017**
- Date of commencement : 31 March 2018
- 27. G.N. No. S 783/2017—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 3) Order 2017**
- Date of commencement : 30 June 2018
- 28. G.N. No. S 359/2018—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2018**
- Date of commencement : 1 January 2019
- 29. G.N. No. S 784/2017—Environmental Protection and Management Act (Amendment of Second Schedule) (No. 4) Order 2017**

- Date of commencement : 1 January 2020
- 30. G. N. No. S 491/2019—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2019**
- Date of commencement : 12 February 2020
- 31. Act 40 of 2019—Supreme Court of Judicature (Amendment) Act 2019**
- Date of First Reading : 7 October 2019
(Bill No. 32/2019)
- Date of Second and Third Readings : 5 November 2019
- Date of commencement : 2 January 2021
- 32. Act 4 of 2021—Statute Law Reform Act 2021**
- Date of First Reading : 3 November 2020
(Bill No. 45/2020)
- Date of Second and Third Readings : 5 January 2021
- Date of commencement : 1 March 2021
- 33. 2020 Revised Edition—Environmental Protection and Management Act 1999**
- Date of operation : 31 December 2021
- 34. G.N. No. S 365/2021—Environmental Protection and Management Act (Amendment of Second Schedule) Order 2021**
- Date of commencement : 3 January 2022
- 35. Act 25 of 2021—Courts (Civil and Criminal Justice) Reform Act 2021**
- Bill : 18/2021
- First Reading : 26 July 2021
- Second and Third Readings : 14 September 2021
- Commencement : 1 April 2022
- 36. Act 24 of 2021—Environmental Protection and Management (Amendment) Act 2021**
- Date of First Reading : 2 August 2021

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|---|---|--------------------|
| | | (Bill No. 21/2021) |
| Date of Second and Third Readings | : | 13 September 2021 |
| Date of commencement | : | 28 February 2022 |
| | | 1 October 2022 |
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| 37. G.N. No. S 436/2022—Environmental Protection and Management Act 1999 (Amendment of Second Schedule) Order 2022 | | |
| Date of commencement | : | 1 March 2023 |
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| 38. G.N. No. S 81/2023—Environmental Protection and Management Act 1999 (Amendment of Second Schedule) Order 2023 | | |
| Date of commencement | : | 21 August 2023 |
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| 39. Act 23 of 2023—Building and Related Works (Miscellaneous Amendments) Act 2023 | | |
| Date of First Reading | : | 9 May 2023 |
| | | (Bill No. 19/2023) |
| Date of Second and Third Readings | : | 4 July 2023 |
| Date of commencement | : | 18 December 2023 |

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)

S.S.G.G.

Straits Settlements Government Gazette

S.S.G.G. (E)

Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE

ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT 1999

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2002 Ed.
33—(2)	33—(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(4A)
(7)	(4B)
(8)	(5)
(9)	(6)
(10)	(7)
(11)	(8)
(12)	(9)
(13)	(10)
—	PART XA
—	40A [<i>Repealed by Act 11 of 2012</i>]
—	40B [<i>Repealed by Act 11 of 2012</i>]
—	40C [<i>Repealed by Act 11 of 2012</i>]
—	40D [<i>Repealed by Act 11 of 2012</i>]
—	40E [<i>Repealed by Act 11 of 2012</i>]

—	40F [<i>Repealed by Act 11 of 2012</i>]
—	40G [<i>Repealed by Act 11 of 2012</i>]
—	40H [<i>Repealed by Act 11 of 2012</i>]
—	40I [<i>Repealed by Act 11 of 2012</i>]
—	40J [<i>Repealed by Act 11 of 2012</i>]
—	40K [<i>Repealed by Act 11 of 2012</i>]
—	78—(1) [<i>Deleted by Act 4 of 2021</i>]
78	(2)