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AIR NAVIGATION ACT
(CHAPTER 6)

AIR NAVIGATION
(REGULATED AIR CARGO AGENTS)
ORDER 2008

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In exercise of the powers conferred by section 3(1) of the Air Navigation Act, the Minister for Transport hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Air Navigation (Regulated Air Cargo Agents) Order 2008 and shall come into operation on 1st April 2008.

Application

2.—(1) This Order shall apply to any cargo that is to be carried on any aircraft engaged in passenger commercial air transport operations departing from any airport in Singapore.

(2) Unless the context otherwise requires, this Order shall not apply to any cargo carried on any military aircraft departing from any airport under the control of the Singapore Armed Forces.

Definitions

3. In this Order, unless the context otherwise requires —
“air cargo agent” means any person who —

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- (a) carries on the business of handling cargo intended for carriage on any passenger commercial aircraft; and
 - (b) delivers or causes to be delivered such cargo to an aircraft operator or its representative for carriage by such aircraft from any airport in Singapore to a destination outside Singapore;

“aircraft operator” has the same meaning as in the Air Navigation (Aviation Security) Order (O 5);

“airport” means an aerodrome;

“cargo” means any property carried or to be carried on an aircraft other than stores and accompanied or mishandled baggage;

“Commissioner” means the Commissioner of Police appointed under the Police Force Act (Cap. 235), or any police officer appointed by the Commissioner to act on his behalf;

“RACASP” means the Regulated Air Cargo Agent Security Programme which is a document prepared by an air cargo agent and submitted to the Commissioner under this Order and which —

- (a) describes the security measures and procedures to be used by the air cargo agent in handling any consignment, including the manner in which it accepts, processes, stores and transports cargo;
- (b) specifies the standards of security or protection provided by third-party service providers in handling the air cargo agent’s consignments;
- (c) describes the security measures and procedures for screening consignments, where applicable; and
- (d) complies with such requirements as the Commissioner may specify;

“regulated air cargo agent” means an air cargo agent who is registered under paragraph 6 and whose name appears in the List of Regulated Air Cargo Agents maintained by the Commissioner;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices which may be used to commit an

act of unlawful interference and includes any measure which is specified by the Commissioner under paragraph 7(3)(i) of the Air Navigation (Aviation Security) Order (O 5);

“stores” means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting;

“third-party service provider” means a service provider engaged by a regulated air cargo agent to assist in the handling or transportation of any cargo handed over to the regulated air cargo agent and includes any security service provider engaged to provide security services to the regulated air cargo agent.

PART II

REGISTRATION OF AIR CARGO AGENTS

List of regulated air cargo agents

4. The Commissioner shall maintain and publish at <http://www.spf.gov.sg/rcar> a List of Regulated Air Cargo Agents containing the names of persons registered as regulated air cargo agents under paragraph 6.

Application for registration

5.—(1) An application for registration as a regulated air cargo agent shall be made in such form and manner as the Commissioner may require.

(2) An application for registration as a regulated air cargo agent shall, unless otherwise specified by the Commissioner, be accompanied by —

- (a) the name, registration number and registered address of the air cargo agent;
- (b) the business profile of the air cargo agent including the following details:
 - (i) the principal activities of his business;
 - (ii) the principal place of his business;
 - (iii) the trade name of his business if it differs from the registered name of the business, company or limited

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- liability partnership (as the case may be) under which he carries on business as an air cargo agent; and
- (iv) the proprietors, managers, partners, directors, office bearers and shareholders of the business, company or limited liability partnership (as the case may be);
 - (c) subject to paragraph 7(2), a copy of the RACASP; and
 - (d) such other document or information as the Commissioner may require.

Registration of air cargo agents

6.—(1) On receipt of an application under paragraph 5, the Commissioner shall consider the application and may —

- (a) register the applicant as a regulated air cargo agent with or without conditions; or
- (b) refuse to register the applicant as a regulated air cargo agent.

(2) The Commissioner may at any time vary or revoke any of the existing conditions imposed under sub-paragraph (1)(a) or impose new conditions.

(3) The Commissioner shall, before adding to or varying any condition under sub-paragraph (2), give the regulated air cargo agent —

- (a) notice in writing of his intention to do so; and
- (b) an opportunity to be heard, within such time as may be specified in the notice, as to why the condition should not be added to or varied.

(4) Any person aggrieved by the decision of the Commissioner under sub-paragraph (1)(b) or (2) may, within 21 days of the date of notice of the decision of the Commissioner, appeal in writing to the Minister whose decision shall be final.

Certificate of registration

7.—(1) Where an applicant has been registered as a regulated air cargo agent, the Commissioner shall issue to him a certificate of registration which shall be valid for a period of 4 years, or such other period as may be specified in the certificate, and may be renewed upon its expiry.

(2) Where an air cargo agent who applies for registration on or after 1st April 2008 but before 1st October 2008 is unable to submit

his RACASP at the time of his application, the Commissioner may register him as a regulated air cargo agent but shall issue him with a certificate of registration with a validity period not exceeding one year, and if —

- (a) a copy of the RACASP is submitted by him on or before 1st October 2008 or on such other date as the Commissioner may allow; and
- (b) the RACASP complies with such requirements as the Commissioner may specify,

the Commissioner may extend the validity of the certificate to the maximum period as provided for in sub-paragraph (1).

Renewal of certificate of registration

8.—(1) Unless the Commissioner allows otherwise, a regulated air cargo agent who desires to renew his certificate of registration upon its expiry shall, not less than one month before the date of the expiry, submit his application for the renewal to the Commissioner in such form or manner as the Commissioner may require.

(2) An application under sub-paragraph (1) shall be accompanied by a declaration by the applicant verifying any information contained in or relating to the application.

Cancellation or suspension of certificate of registration

9.—(1) The Commissioner may cancel or suspend the certificate of registration of a regulated air cargo agent under any of the following circumstances:

- (a) if the regulated air cargo agent has ceased to carry on business as an air cargo agent and his registration, if any, of the business under the Business Registration Act (Cap. 32) has been cancelled;
- (b) if the regulated air cargo agent, being a company incorporated under the Companies Act (Cap. 50) or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), has gone into liquidation other than for the purpose of amalgamation or reconstruction;
- (c) if the regulated air cargo agent has furnished any false, misleading or inaccurate information, or has concealed or failed to disclose any material fact in his application for registration;

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- (d) if the regulated air cargo agent has, in the opinion of the Commissioner, contravened any of the provisions of the Act or any subsidiary legislation made thereunder, or with any of the conditions of his registration under this Order;
 - (e) if, in connection with the regulated air cargo agent's business, the regulated air cargo agent or the person responsible for the management of the business or the person carrying on the business has been convicted of —
 - (i) an offence under the Act; or
 - (ii) an offence involving dishonesty or an act prejudicial to public peace, welfare or good order; or
 - (f) if the Commissioner has reasonable cause to believe that the business of the regulated air cargo agent is being used or is intended to be used for an unlawful purpose or for purposes prejudicial to public peace, welfare or good order in Singapore, or that it would be contrary to the national security or interest for the regulated air cargo agent to continue to be registered under this Order.

(2) The Commissioner may, upon an application made by a regulated air cargo agent in such form or manner as the Commissioner may require, cancel the certificate of registration of the regulated air cargo agent and remove his name from the List of Regulated Air Cargo Agents.

(3) The Commissioner shall, before cancelling or suspending a certificate of registration under sub-paragraph (1) and removing the name of the regulated air cargo agent from the List of Regulated Air Cargo Agents, give the regulated air cargo agent notice in writing of his intention to do so, specifying a date, not less than 21 days from the date of the notice, upon which the cancellation or suspension shall take effect and calling upon the regulated air cargo agent concerned to show cause to the Commissioner why the certificate of registration should not be cancelled or suspended.

(4) Where the Commissioner has cancelled or suspended a certificate of registration under sub-paragraph (1), he shall immediately inform the regulated air cargo agent concerned by notice in writing of the cancellation or suspension.

(5) Any person whose certificate of registration has been cancelled or suspended under sub-paragraph (1) may, within 21 days of the date of the notice referred to in sub-paragraph (4) or such extended period

of time as the Minister may allow, appeal in writing against the cancellation or suspension to the Minister whose decision shall be final.

(6) Any cancellation or suspension under sub-paragraph (1) shall not take effect until the expiration of a period of 21 days from the date of the notice referred to in sub-paragraph (4), and if within that period, the regulated air cargo agent concerned gives due notice that an appeal has been made to the Minister, the cancellation or suspension shall not take effect unless the cancellation or suspension is confirmed by the Minister or the appeal is for any reason dismissed by the Minister.

Effect of cancellation or suspension of certificate of registration

10.—(1) Where any cancellation or suspension of a certificate of registration becomes effective under paragraph 9(6), the regulated air cargo agent concerned shall be deregistered as a regulated air cargo agent and his name shall be removed from the List of Regulated Air Cargo Agents.

(2) A person whose certificate has been cancelled or suspended shall surrender the certificate of registration to the Commissioner within 14 days of the cancellation or suspension taking effect.

(3) Any person who contravenes sub-paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Lifting or expiry of suspension

11.—(1) Where any certificate of registration has been suspended under paragraph 9, the Commissioner may, at any time and subject to such conditions as he may think fit to impose, lift the suspension if he considers it appropriate to do so.

(2) Upon the suspension being lifted or upon the expiry of the suspension, the registration of the air cargo agent shall be reinstated and his name shall be restored to the List of Regulated Air Cargo Agents.

Application for reinstatement of registration

12.—(1) Subject to sub-paragraph (2), an air cargo agent whose certificate of registration has been cancelled under paragraph 9 may

apply to have his registration reinstated in such form and manner as the Commissioner may require.

(2) No application for the restoration of a registration shall be made to the Commissioner before the expiration of one year from the date the cancellation takes effect.

Notification of change of particulars

13.—(1) A regulated air cargo agent shall, within 7 days of any change taking place in any of the particulars that were declared by him in his application for registration, inform the Commissioner of the change in such form and manner as the Commissioner may require.

(2) Any regulated air cargo agent who contravenes sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In this paragraph, “particulars” includes —

- (a) where the regulated air cargo agent is a partnership, particulars of the partnership; and
- (b) where the regulated air cargo agent is a company, particulars of its directors.

PART III

DUTIES OF REGULATED AIR CARGO AGENTS

Regulated air cargo agents to comply with RACASP

14.—(1) A regulated air cargo agent shall accept, process, store and transport any cargo in accordance with the security measures and procedures described in the RACASP.

(2) Any regulated air cargo agent who contravenes sub-paragraph (1) 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 12 months or to both.

Tendering of cargo for screening

15.—(1) Subject to sub-paragraph (2), a regulated air cargo agent shall tender all cargo he handles for screening at an air freight terminal.

(2) A regulated air cargo agent may screen any cargo at any premises under his management or control if he has obtained the prior approval of the Commissioner to do so under paragraph 16.

Application by regulated air cargo agent for premises to be approved for screening

16.—(1) A regulated air cargo agent may apply to the Commissioner, in such form and manner as the Commissioner may require, for any premises under his management or control to be used for the screening of any cargo.

(2) The Commissioner may, in granting approval for any premises to be used for the purpose of screening under sub-paragraph (1) —

- (a) require the regulated air cargo agent to implement such security measures and procedures as he may specify; and
- (b) impose such conditions as he deems fit.

(3) Any regulated air cargo agent who fails to comply with any requirement under sub-paragraph (2)(a) 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 12 months or to both.

PART IV

REGULATED AIR CARGO
AGENT SECURITY PROGRAMME

Review and amendment of RACASP

17.—(1) The Commissioner may, from time to time, require a regulated air cargo agent to —

- (a) review and amend the regulated air cargo agent's RACASP to incorporate such new security measures into the RACASP as the Commissioner deems fit; and
- (b) implement such new security measures and procedures in the RACASP by such date as may be specified by the Commissioner,

and the regulated air cargo agent shall comply with such requirement.

(2) A regulated air cargo agent shall not amend the RACASP without the prior approval of the Commissioner and any amendment

made to the RACASP without the approval of the Commissioner shall be void.

PART V
MISCELLANEOUS

False statements, etc.

18. Any person who, in compliance or purported compliance with this Order —

- (a) makes any statement or furnishes to the Commissioner any particulars, information, document or declaration which he knows to be false or does not believe to be true; or
- (b) by the intentional suppression of any material fact, furnishes the Commissioner with any information which is misleading,

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 12 months or to both.

Preservation of secrecy

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

- (a) a member of the Singapore Police Force who has been deployed in the Airport Police Division of the Singapore Police Force;
- (b) on secondment to the Airport Police Division of the Singapore Police Force; or
- (c) appointed as an inspector under this order,

shall disclose any information which has been obtained by him in the performance of his duties or the exercise of his functions under this Order.

(2) Any person who contravenes sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Made this 31st day of March 2008.

CHOI SHING KWOK
*Permanent Secretary,
Ministry of Transport,
Singapore.*

[IRS.474.2.01.0.2; AG/LEG/SL/6/2003/3 Vol. 1]