

THE STATUTES OF THE REPUBLIC OF SINGAPORE

LOCAL GOVERNMENT INTEGRATION ACT (CHAPTER 166)

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Local Government Integration Act

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An Act to integrate certain functions of the City Council and the Rural Board with those of the Government and to provide for matters incidental thereto.

[1st September 1963]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Local Government Integration Act.

Transitional provisions.
1936 Ed.
Cap. 133.
24/57.
1955 Ed.
Cap. 212.

2.—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the Municipal Ordinance, the Local Government Ordinance 1957 and the Burials Ordinance, shall, except where otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been prepared, made, granted or approved, as the case may be, under this Act.

(2) Notwithstanding the repeal of the Municipal Ordinance, the Local Government Ordinance 1957 and the Burials Ordinance, any subsidiary legislation made under those Ordinances, so far as it relates to matters falling within the scope of this Act and is not inconsistent with the provisions of this Act, shall remain in force within the respective areas of Singapore affected by that subsidiary legislation prior to the repeal of those Ordinances and shall have the force of regulations made under this Act until it has been revoked or replaced by subsidiary legislation issued or made under this Act:

Provided that the Minister may by regulations made under section 92 vary, amend, extend or revoke such subsidiary legislation so remaining in force or any part thereof as he thinks fit.

3.—(1) In this Act, unless the context otherwise requires — Interpretation.
59/73.

“aerial sign” means any sign, representation, communication or advertisement visible against the sky from any street or public place or any sound audible therefrom made, exhibited or displayed by or by means of an aircraft or other means not attached to premises other than a sign, representation, communication or sound made, exhibited, displayed or used for the purposes of aerial navigation;

“annual value” means annual value within the meaning of the Property Tax Act; Cap. 254.

“arcade” includes verandah;

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure, support or foundation connected to the foregoing;

“Building Authority” means the Deputy Director-General (Development and Building Control) of the Public Works Department;

“City Council” means the City Council of Singapore originally incorporated by Indian Act No. 27 of 1857 and incorporated under and by virtue of the Municipal (Elections—Amendment) Ordinance 1948 with the status of a City conferred by Royal Charter dated 24th July 1951 and as constituted under section 6 of the Local Government Ordinance 1957; 29/48.
24/57.

“competent authority” means any competent authority appointed under section 3 of the Planning Act. Cap. 232.

“dwelling-house” includes a building or tenement wholly or principally used, constructed or adapted for use for human habitation;

“footway” includes footways and verandah-ways at the sides of streets;

“holding” means any piece or parcel of land held or possessed under an instrument of title, capable of being registered under the Registration of Deeds Cap. 269.

- Cap. 157. Act, or where applicable under the Land Titles Act, relating exclusively thereto;
- “house” includes dwelling-house, warehouse, office, counting-house, shop, school, and any other building in which persons are employed;
- 1936 Ed.
Cap. 133.
24/57. “Municipal Provident Fund” means the Municipal Provident Fund established by the City Council under the provisions of the Municipal Ordinance and continued and deemed to have been established under the Local Government Ordinance 1957;
- “occupier” means the person in occupation of the premises in respect of which the word is used or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;
- “owner” means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the rent if the premises were let to a tenant and shall for the purposes of section 40 include a mortgagee not in possession and includes the person whose name is entered in the Valuation List authenticated under section 15 of the Property Tax Act;
- Cap. 254.
Cap. 236. “port” means the port within the meaning of the Port of Singapore Authority Act;
- “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 or not under statutory authority;
- “private street” means any street not being a public street;
- “public bridge” means a bridge which carries a public street;
- “public street” means any street over which the public has a right of way which was usually repaired or maintained by the City Council or the Rural Board before the commencement of this Act or which has

been transferred to or has become vested in the Government under this Act or in any other manner;

“Public Utilities Board” means the Public Utilities Board established by section 3 of the Public Utilities Act; Cap. 261.

“regular line of street” means a line of street shown on the Master Plan as defined in the Planning Act, and includes a regular line of street prescribed by the Singapore Improvement Trust under the Singapore Improvement Ordinance and before 1st July 1927 by the Municipal Commissioners of the Town of Singapore; Cap. 232.
1955 Ed.
Cap. 259.

“Rural Board” means the Rural Board, Singapore, constituted under the Municipal Ordinance; 1936 Ed.
Cap. 133.

“Singapore Improvement Trust” means the Singapore Improvement Trust constituted under the Singapore Improvement Ordinance;

“sky-sign” means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

“street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public has a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of the street;

“street works” includes work of sewerage, levelling, paving, metalling, flagging, kerbing, channelling, draining, lighting, laying of water, gas or

electricity services and otherwise the making good a street or part of the street;

“trade effluent” means the water-borne waste of any trade, business or manufacture;

“Treasury” means the Minister charged with responsibility for finance and includes any officer under the administrative control or direction of the Minister.

(2) In any written law and in any document whatsoever, unless the context otherwise requires, any reference to a local authority or the City Council or the Rural Board or any officer thereof, shall be construed as a reference to the Government, Minister or public officer for the time being, under and by virtue of this Act, discharging the functions performed by such local authority, the City Council, Rural Board or any officer thereof, as the case may be, prior to the commencement of this Act.

Exemption.

4. The Minister may by order published in the *Gazette* exempt any area or place from the operation of this Act or of any provision thereof.

Transfer of property, etc.

Transfer to Government of assets and liabilities of City Council and Rural Board.

5.—(1) Upon the commencement of this Act, all lands, buildings and other property, movable and immovable, of the City Council and of the Rural Board, including all assets, powers, rights, interests and privileges as well as debts, liabilities and obligations in connection therewith or appertaining thereto, other than those vested in and held by the City Council —

Cap. 261.

(a) for the purposes of the water, gas and electricity undertakings of the City Council as defined in section 39 of the Public Utilities Act; and

(b) in respect of all loans raised by the City Council by the issue of debenture stock and in respect of any other loans raised by the City Council for the purposes of the water, gas and electricity undertakings of the City Council under the provisions of the Municipal Ordinance or of the Local Government Ordinance 1957 including the sinking funds created for the redemption of such loans,

1936 Ed. Cap. 133. 24/57.

shall be deemed to have been transferred to and vested in the Government without further assurance, if it was vested

in and held by the City Council or the Rural Board on 31st December 1960, on 1st January 1961, and if it was acquired by the City Council or the Rural Board after 31st December 1960, on the date of commencement of this Act.

(2) If any question arises as to which of the properties, movable or immovable, have been transferred to and vested in the Government under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence of the vesting of such property, movable or immovable, in the Government.

(3) The Minister for Finance may, by notification in the *Gazette*, direct that any of the assets and liabilities so deemed to have been transferred to and vested in the Government shall be transferred to and vested in the Public Utilities Board and they shall be vested in the Board with effect from the date specified in the direction.

(4) In respect of the movable or immovable property transferred to the Government under this section —

(a) any proceedings pending immediately before the commencement of this Act —

(i) against the City Council or the Rural Board may be continued and enforced against the Government in the name of the City Council or the Rural Board, as the case may be, and the proceedings shall, if continued, comply with the provisions of the Government Proceedings Act; and Cap. 121.

(ii) by the City Council or the Rural Board may be continued and enforced by the Government in the name of the City Council or the Rural Board, as the case may be, and the proceedings, if continued, shall, notwithstanding the provisions of the Government Proceedings Act, be continued and enforced in accordance with the provisions of any written law and the rules of practice and procedure in force relating to proceedings between private persons; and

- (b) any matter or cause of action existing immediately before the commencement of this Act by or against the City Council or the Rural Board may be continued and enforced by or against the Government in accordance with the provisions of any written law and the practice and procedure in force relating to proceedings by or against the Government.

Public streets, sewers and bridges vested in Government.

6.—(1) All public streets, public sewers, public canals, public surface and storm water drains and public bridges and the pavements, stones and other materials thereof, and also all erections, materials, implements and other things provided for them shall be vested in the Government for the purposes of this Act.

(2) The Minister may declare by notification in the *Gazette* that any unnavigable river or stream outside the limits of the port, together with such means of access thereto and along the same as are set forth in the declaration, is required for the purposes of this Act, and thereupon the river or stream including its bed specified in the declaration and the land forming that means of access shall become vested in the Government and shall be maintained and cleaned at the expense of the Government.

(3) The Government shall make full compensation to the owner of any land for any damage which the owner sustains by reason of any such declaration as in subsection (2) mentioned and, if any dispute arises touching the amount of compensation, it shall be ascertained in the manner hereinafter provided:

Provided that the owner shall not be entitled to any compensation for such damage under any other written law for the time being in force.

Property in lamps, etc. Cap. 261.

7. Notwithstanding the provisions of Part IV of the Public Utilities Act, the property of and in all the lamps, lamp-irons, lamp-posts, posts, chains, poles and rails in, about or belonging to all public streets and public bridges and of and in all iron, timber, stone, bricks and other materials and furniture and things belonging thereto and of and in all public standpipes except when it is otherwise regulated by contract with the Government, shall be deemed to have been transferred to and vested in the

Government with effect from such date not earlier than 1st January 1961 as may be directed by the Minister for Finance.

8.—(1) If any person wilfully removes, destroys or damages any property belonging to the Government by virtue of this Act or acquired by the Government for the purposes thereof, or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and a Magistrate's Court may order him to pay compensation to the Government for any damage done by him.

Damage to property.

(2) Any private person may apprehend any person who in his view commits an offence under this section and shall on such apprehension without unreasonable delay hand over the person so apprehended to a police officer.

(3) Any person who carelessly or accidentally removes, destroys or damages any property belonging to the Government by virtue of this Act or acquired by the Government for purposes thereof, or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated shall pay by way of compensation to the Government such sum of money not exceeding \$1,000 as a Magistrate's Court thinks reasonable. Nothing in this subsection shall prevent the Government from taking legal proceedings for the recovery of the full amount of the damage caused by such person.

Transfer of employees, etc.

9.—(1) Upon the commencement of this Act, every person in the employment of the City Council who is not deemed to have been transferred to the service of the Public Utilities Board under section 42 of the Public Utilities Act shall be deemed to be transferred to the service of the Government at the same rate of pay and, as near as may be, on the same conditions of service as those on which he was employed by the City Council:

Transfer of employees.

Cap. 261.

Provided that in respect of those persons whose appointment to the public service is required by the Constitution to be made by the Public Service Commission, their transfer shall be subject to the approval of the Commission.

(2) The service under the City Council of every person transferred to the service of the Government under this section shall be deemed to have been service under the Government for the purposes and subject to the provisions of the Pensions Act.

Cap. 225.

Safeguarding
of Provident
Fund
benefits.
G.N. Nos.
S 179/56
S 201/56.

10.—(1) Until rules are made under section 12, the Municipal (Provident Fund) Rules 1956, as from time to time amended, shall continue to apply to every person transferred to the service of the Government under section 9 who, immediately before the commencement of this Act, was a member of the Municipal Provident Fund, or would have been eligible for membership of that Fund if he had attained the age of 20 years and had passed a medical examination of the standard prescribed, in the like manner as those Rules applied to such persons immediately before the commencement of this Act, and every reference to service or employment with the City Council in those Rules shall be construed as a reference to service or employment with the Government in respect of such persons.

(2) Until rules are made under section 12, the provisions of the Municipal (Provident Fund) Rules 1956, as from time to time amended, requiring the City Council to make payments into the Municipal Provident Fund shall apply to the Government and be construed as provisions requiring the Government to make payments into that Fund in respect of every person referred to in subsection (1) who is or who becomes a member of the Fund.

(3) Persons who have been transferred to the service of the Government under section 9 may count their previous service in the City Council, and their previous membership of the Municipal Provident Fund and their contributions to that Fund, for the purpose of determining the benefits to which they become entitled under this section.

Continuance
of Municipal
Provident
Fund.

11.—(1) The Municipal Provident Fund shall continue and be deemed to have been established under this Act and shall be held, managed and administered as a Government fund separate from other Government funds.

(2) Until rules are made under section 12, the Municipal (Provident Fund) Rules 1956 shall continue to have effect as though references therein to the powers and duties of the

City Council in relation to the management and administration of that Fund were references to the powers and duties of the Minister.

12.—(1) The Minister may make such rules for the maintenance of the Municipal Provident Fund as he may consider desirable and, in particular, for — Municipal
Provident
Fund Rules.

- (a) the provision of payments or other allowances on death, resignation, retirement or discharge to persons who are members of the Fund or who become members thereof;
- (b) the payment of moneys into the Fund by the respective employers of the members of the Fund;
- (c) the payment of contributions towards the management expenses of the Fund by the employers; and
- (d) the contribution of moneys into the Fund by the members thereof and for their ceasing to be members of the Fund.

Such rules shall not, in respect of every person whose provident fund benefits are safeguarded under section 10, provide for less favourable benefits than those conferred by the Municipal (Provident Fund) Rules 1956.

S 179/56
S 201/56.

(2) Subject to subsection (3), no payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of the Municipal Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever. No such payments or other allowances shall pass to the Official Assignee on the bankruptcy of that person, but if any such person is adjudicated a bankrupt or is declared insolvent by judgment of the court, such payments or other allowances shall be deemed to be impressed with a trust in favour of the objects entitled thereto on the death of that person. The bankruptcy of a member shall not affect the making of deductions from the salary of the member under the rules of the Municipal Provident Fund, but notwithstanding the provisions of any written law such deductions shall continue to be made notwithstanding the bankruptcy and the portion of salary so deducted shall be deemed not to form part of the member's after-acquired property.

(3) Notwithstanding subsections (2) and (4), the Minister shall be entitled —

- (a) to deduct from the benefits (less such portion of them as shall with interest thereon have been contributed by the member) which would otherwise be payable to a member (or to the trustees or estate of a deceased member) from the Municipal Provident Fund any debt legally due from the member to the Government or his employer; and
- (b) at his discretion to deduct the whole or part of the benefits (less such portion of them as shall with interest thereon have been contributed by the member) which would otherwise be payable from the Municipal Provident Fund to a member (or to the trustees or estate of a deceased member) who is dismissed from the service of the Government or his employer after conviction for an offence involving dishonesty which results in pecuniary loss to the Government or his employer, or who would have been so dismissed had he not died, or who retires from or resigns his employment with intent to escape being so dismissed:

Provided that the amount so forfeited shall not exceed the amount of the pecuniary loss to the Government or his employer.

Any sum so deducted from the benefits which would otherwise be payable to a member (or to the trustees or estate of a deceased member) shall be paid into the Consolidated Fund or to his employer, as the case may be.

(4) Subject to subsection (3), all moneys paid out of the Municipal Provident Fund on the death of any member shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of such deceased person, and shall not be deemed to form part of his or her estate or be subject to his or her debts but shall be deemed to be property passing on his or her death for the purposes of the Estate Duty Act.

Cap. 96.

(5) Any member may by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of the Municipal Provident Fund and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof. Such memorandum shall be in such form as may be

approved by the Minister and shall be deposited with the Government.

(6) If at the time of the death of any member or at any time afterwards there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof.

(7) The receipt of a trustee or trustees duly appointed or in default of any such appointment and of written notice thereof to the Government the receipt of the legal personal representative of a deceased member shall be a discharge to the Government for any moneys payable on his death out of the Municipal Provident Fund.

PART II STREETS

13.—(1) The President may, by notification in the *Gazette*, appoint an officer to be called the Director-General of Public Works (referred to in this Part as the Director-General) also one or more officers to be called Deputy Directors-General of Public Works and one or more officers to be called Assistant Directors-General of Public Works who, subject to such limitations as may be prescribed by the Director-General, may perform all duties imposed and exercise all powers conferred on the Director-General by this Part, and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Part.

Appointment of Director-General of Public Works and other officers.

(2) The Director-General may, subject to such conditions or restrictions as he thinks fit, delegate to any officer in Division I of the public service employed in the administration of this Part all or any of the powers, functions and duties vested in him by sections 18 to 21, and 35 to 37.

14.—(1) The Director-General shall, so far as the funds at his disposal will admit, cause all public streets together with the footways thereof, whether covered by arcades or not, to be maintained and repaired and may —

Maintenance and repair of public streets.

- (a) cause them to be paved, metalled, flagged, channelled, drained, kerbed, lighted or otherwise improved, and the surface of them to be raised, lowered or altered as he thinks fit;
- (b) make and keep in repair footways for the use of passengers in any public street; and

(c) place on the side of such footways or otherwise such fences and posts as are needed for the protection of foot passengers.

Boundary stones.

(2) The Director-General may set up or affix to any buildings abutting on a public street, boundary stones or other marks to denote the width of the street.

Penalty.

(3) Any person who removes, defaces or injures any such stone or mark shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

Owner or occupier to protect boundary stones.

(4) The owner and occupier of any premises in or against or to which such stone or mark is set up or affixed shall protect the same.

(5) The expense of replacing any such stone or mark shall be paid by the occupier or, if the premises are unoccupied, by the owner, and shall be recoverable as hereinafter provided.

Power to make and improve streets.
11/75.

15. The Director-General, with the sanction of the Minister, may —

- (a) make new streets and back-lanes;
- (b) build and construct bridges and tunnels;
- (c) turn, divert, discontinue or stop up any public street; and
- (d) widen, open, enlarge or otherwise improve any street,

making due compensation to the owners and occupiers of any land, houses or buildings which are required for any such purposes or which are injuriously affected by the works.

Power to take land adjoining new streets for building purposes.

16. In making any new streets, in addition to the land required for the carriageways and footways thereof, the Director-General may, with the sanction of the Minister, also —

- (a) acquire the land necessary for the houses and buildings to form the street;
- (b) erect any buildings upon the land so acquired or alter any existing buildings thereon; and
- (c) sell and dispose of such land, houses or buildings with such stipulations and conditions as to the class and description of houses or buildings to be erected on the land as he thinks fit.

17.—(1) Where the Director-General intends to make any new street or widen, open, enlarge or otherwise improve any existing street, he may prepare a plan incorporating all premises set aside as street reserves pursuant to any development proposals approved by the competent authority and, by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that the street reserves shall vest in the Government.

Declaration to vest street reserves in Government. 11/75.

(2) Any plan prepared by the Director-General under this section shall comply with the requirements of the Land Titles Act in respect of registered land and of the Registration of Deeds Act in respect of other lands and shall show thereon the premises which will vest in the Government.

Cap. 157.

Cap. 269.

(3) Such a declaration shall be published in the *Gazette*.

(4) Where any street reserve that has become vested in the Government under this section comprises premises included in separate lots already set aside as part of a street reserve, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

(5) Where any street reserve that has become vested in the Government under this section comprises premises included in an existing lot or existing lots, the premises forming the street shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

(6) Upon such registration the premises forming the street reserve shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting shall not be deemed to create a sub-division within the meaning of the State Lands Act.

Cap. 314.

(7) No compensation shall be payable for any premises vested in the Government pursuant to this section.

(8) When the Director-General has pursuant to this section registered any instrument, he may take possession of the premises described therein and may proceed to

demolish and remove any building or portion of any building forming part thereof. [16A

Director-General may recover cost of new street or of widening, opening, etc., of public street.

18.—(1) When the Director-General has made a new street or has widened, opened, enlarged or otherwise improved a public street, he may recover the cost of acquiring the land for, and of —

- (a) constructing the new street; or
- (b) widening, opening, enlarging or otherwise improving the public street,

as the case may be, from the owners of the premises —

- (i) abutting on the new street or public street, as the case may be; and
- (ii) which do not front, adjoin or abut on the new street or public street, as the case may be, but access to which is obtained through the new street or the widened, opened, enlarged or otherwise improved public street by means of another street or back-lane, and which, in the opinion of the Director-General, has benefited by the making of the new street or the widening, opening, enlarging or otherwise improving of the public street.

(2) Such cost shall be paid by the persons who are the owners when the work is completed according to the frontage of their respective premises in such proportions as are settled by the Director-General.

(3) If the owner of any such premises is dissatisfied with such apportionment of costs, he may appeal to the Minister whose decision shall be final.

(4) The Director-General may, if he thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

- (a) the degree of benefit accruing to any premises by the making of the new street; and
- (b) the amount and value of any street works already executed by the owners or occupiers of any such premises.

(5) The Director-General may, in any estimate of the expenses of street works, include reasonable charges in respect of surveys and superintendence.

(6) The Government may, if it thinks fit, pay the whole or any part of the expenses of the street works, and the payment of part of the expenses may be made in such a manner as wholly to relieve the owner of any particular premises to the exclusion of other owners or to relieve him to a greater extent than other owners.

(7) Section 64 shall apply to any sum payable by the owners under this section.

(8) For the purposes of this section, the construction of a new street may include the widening, opening, enlarging or otherwise improving any part or parts of any existing private street for the purpose of constructing the new street. [17

19.—(1) Every person who intends to make any new street shall give notice in writing thereof to the Director-General, accompanied by a plan in duplicate, showing the intended level and construction of the street and the level of the houses to be built on land abutting upon it and the proposed manner of draining it, and by a statement whether the street is intended for a carriage road, or for foot traffic only, in order that the plan may be approved by the Director-General subject to compliance with such directions as may be given under subsection (2):

Private persons making new streets.

Provided that the Director-General shall not approve the detailed plans of any new street unless the competent authority has first given written permission for the use of the land for this purpose under the provisions of the Planning Act.

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(2) The Director-General may give written directions to the person submitting a plan for a new street with regard to any of the following particulars:

Directions by Director-General.

- (a) compliance with this Act and any regulations made thereunder;
- (b) the line of the new street, so as to ensure that it forms a continuous street with any existing or proposed new street;
- (c) the level, material and construction of the new street;
- (d) the provision of footpaths and the size, specification and gradient of such footpaths;
- (e) the provision along the length of the new street of intersecting streets or back-lanes;

- (f) the width of the new street;
- (g) the width of any intersecting street or back-lane, which shall be of such width as the Director-General requires;
- (h) the gradients, levels and mode of drainage of the new street and of any intersecting streets or back-lanes;
- (i) the rounding of the corners of new streets;
- (j) the provision of culverts and the specification, size, and gradient of such culverts;
- (k) the provision of street lighting; and
- (l) the planting of trees.

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(3) The person to whom any such written directions are so given shall amend the plan accordingly.

(4) The person whose plan has been approved by the Director-General and each successor in title of that person, so far as the street lies in the land acquired by him, shall lay out the new street and demarcate its boundaries by such boundary stones or other marks as are considered sufficient by the Director-General to denote the length, width and alignment of the street.

(5) If the new street has not been laid out and demarcated within the period of 6 calendar months from the date when the plan was approved by the Director-General, the Director-General may enter upon the land and demarcate the boundaries of the new street at the expense of the person whose plan has been approved or of his successor in title.

(6) Any person who removes, defaces or injures any stone or mark set to denote the length, width or alignment of such new street shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(7) The person whose plan has been approved by the Director-General or his successor in title so far as the street lies in the land acquired by the successor, shall, if he constructs the new street, construct it in accordance with the plans approved by the Director-General within such period as may be specified in the approval:

Provided that the Director-General may in his discretion renew his approval for such period as he may consider necessary.

(8) Any person who —

- (a) constructs any new street otherwise than in accordance with a plan approved by the Director-General under this section;
- (b) erects any building on land abutting on a new street which has not been laid out in accordance with a plan so approved;
- (c) without the consent in writing of the Director-General erects any building or plants any hedge in such manner that any part thereof is —
 - (i) in any direction less than 5.5 metres from the centre of the roadway of any street, not being a public street;
 - (ii) within the area laid out as a reserve for any street by the competent authority; or
 - (iii) in any direction less than 11 metres from the opposite side of any street or path used or intended to be used as the means of access to two or more houses exclusive of the width of any footway as the Director-General requires; or
- (d) constructs any culvert on the line of the new street drainage otherwise than in accordance with the plans and specifications approved by the Director-General,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500, and a Magistrate's Court may, on the application of the Director-General make an order, which shall be deemed to be a mandatory order for the purposes of section 50 against the offender requiring him to execute any of the following works:

- (i) to alter the street;
- (ii) to alter any building so built;
- (iii) to remove any building so built or any hedge so planted;
- (iv) to alter or remove any culvert so constructed.

(9) Where any new street is stated to be intended for foot traffic only, the Director-General may impose such conditions for ensuring that the street shall not be used as a carriage road as he thinks fit.

Director-General may impose conditions.

Penalty.

(10) Any person who keeps open or uses such street in breach of such conditions shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and to a further fine not exceeding \$50 for every day during or on which the offence continues or is repeated.

Streets not to be closed.

(11) No person shall erect or maintain or permit to be erected or maintained any obstruction in any such street, and the Director-General may, where any such obstruction exists, take down and remove the same.

Continuation or alteration of existing streets.

(12) For the purposes of this section, "new street" shall be deemed to include the continuation of an existing street or the widening or alteration of any existing street or the adapting of a street made for foot traffic only for carriage traffic.

Appeal.

(13) If the person giving a notice under subsection (1) is dissatisfied with any requisition or disapproval by the Director-General, he may, within 7 days from the receipt of such requisition or disapproval, appeal to the Minister whose decision shall be final.

Approval of plans.

(14) If the Director-General does not, within two calendar months from the delivery of a notice and the plan under subsection (1) or of the date of the resubmission of the plan amended in pursuance of subsection (3), as the case may be, approve the plan, the plan shall be deemed to be approved unless the Director-General has previously disapproved it:

Provided that nothing herein shall be construed to exempt the person submitting the plan from otherwise complying with the provisions of this Act or any regulations made thereunder. [18

Approval of plans to expire. 1936 Ed. Cap. 133. 24/57.

20. All plans for a new street which were approved under section 101 of the Municipal Ordinance or section 142 of the Local Government Ordinance 1957 or under section 19, shall expire at the end of one year from a date to be appointed by the Minister by notification in the *Gazette*:

Provided that the Director-General may grant a renewal of such an approval for such period as he may determine, but a renewal shall not in the aggregate exceed 12 months. [19

Paving, etc., of private streets.

21.—(1) Where any private street or part of a private street in the opinion of the Director-General requires the execution in respect of it of street works, the

Director-General may from time to time decide with respect to that private street or part thereof to execute such street works as he considers necessary and the expenses incurred by the Director-General in executing those street works shall be apportioned (subject as in this section mentioned) among the premises fronting, adjoining or abutting on the private street or part thereof, and any such decision may include several private streets or parts thereof or may be limited to any part or parts of a private street.

(2) The Director-General shall cause to be prepared plans and specifications of the street works and an estimate of the expenses thereof and a provisional apportionment of the estimated expenses among the owners of the said premises and shall serve a notice of his decision in the prescribed form upon each of the owners of the premises and upon the owners of such other premises (if any) as the Director-General in accordance with subsection (3) decides to include in the provisional apportionment, requiring them to execute to the satisfaction and in accordance with the directions in writing of the Director-General, such street works within such period as may be specified in the notice commencing from the date of the service of the notice.

Preparation of plans and estimates and apportionment of expenses.

(3) In such a provisional apportionment of expenses of street works, the apportionment of expenses against the premises fronting, adjoining or abutting on the private street or part thereof in respect of which the expenses are to be incurred shall, unless the Director-General otherwise decides, be apportioned according to the frontage of the respective premises; but the Director-General may, if he thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

Settling of apportionment of expenses.

- (a) the degree of benefit to be derived by any premises from the street works; and
- (b) the amount and value of any street works already executed by the owners or occupiers of any such premises,

and the Director-General may also, if he thinks fit, include any premises which do not front, adjoin or abut on the private street or part thereof, but access to which is obtained from the street through another street or back-lane and which in his opinion will be benefited by the street works and may fix the sum or proportion to be charged against any such premises accordingly.

Estimate of expenses may include reasonable charges.

(4) The Director-General in any estimate of the expenses of street works may include such reasonable charges in respect of surveys, superintendence and publication and service of notices as he may from time to time determine.

Plans, etc., to be open to inspection by or on behalf of any person upon whom notice served.

(5) During one month from the date of the service of the notice, the plans, specifications, estimate and provisional apportionment prepared under subsection (2) shall be open to inspection by or on behalf of any person upon whom the notice has been served and by or on behalf of the owners of any building or holding listed in the Valuation List of the Comptroller of Property Tax for the time being in force, at the office of the Director-General, and that notice shall state that the aforesaid plans, specifications, estimate and provisional apportionment are so open to inspection as aforesaid during the usual office hours until a day, not less than one month from the date of the service of the notice, upon which the Director-General will consider any objections to the proposed street works or to the plans, specifications, estimate and provisional apportionment or any amendment thereof, and shall also state that in default of compliance with the requirements of the Director-General as stated in the notice, the Director-General will himself cause the street works to be executed.

Government may pay whole or any part of expenses of street works.

(6) The Government may, if it thinks fit, pay the whole or any part of the expenses of the street works and if it decides so to pay any part of those expenses, the provisional apportionment shall indicate the proportion of the expenses which the Government has decided to pay, and the payment of part of the expenses may be made in such a manner as wholly to relieve the owner of any particular premises served with a notice under this section to the exclusion of other owners or to relieve him to a greater extent than other owners.

Director-General may amend plan, etc., for any street works.

(7) The Director-General may from time to time amend the plans, specifications, estimate and provisional apportionment for any street works, but if by reason of such an amendment the estimate in respect of any private street or part thereof is increased or the provisional apportionment of the cost of the street works on any premises is increased, the notices previously served shall be withdrawn in the prescribed manner by the Director-General and fresh notices based on the amended plans, specifications, estimate and apportionment or any of them shall be served by

the Director-General in accordance with subsection (2) and the amended plans, specifications, estimate and provisional apportionment shall be similarly open to inspection.

(8) During the period of one month referred to in subsection (5), the owner of any premises shown in the provisional apportionment or amended provisional apportionment as liable to be charged with any part of the expenses of executing the street works may, by notice in writing in the prescribed form duly served upon the Director-General, object to the execution of the proposed street works and to the plans, specifications, estimate and provisional apportionment or any one or more of them or to any amendment thereof pursuant to subsection (7) on any one or more of the following grounds:

Owner of premises may object to execution of proposed street works and to plans, etc.

- (a) that the alleged private street or part thereof is not or does not form part of a street within the meaning of this Act;
- (b) that the alleged private street or part thereof is (in whole or in part) a public street;
- (c) that there has been some material informality, defect or error in or in respect of the decision, notice, plans, specifications, estimate or provisional apportionment or amendment thereof;
- (d) that the proposed street works are insufficient or unreasonable or that the expenses as estimated are excessive;
- (e) that any premises ought to be excluded from or listed in the provisional apportionment;
- (f) that the provisional apportionment or amended provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as provided in this section) in respect of the degree of benefit derived by any person or the amount and value of any street works already executed by the owner or occupier of any premises.

(9) Objections may be made in writing and in accordance with the prescribed procedure and after valid objections have been inquired into and the persons making them have

Objections.

been allowed an opportunity of being heard in accordance with the prescribed procedure, the Director-General may at his discretion confirm or amend the plans, specifications, estimate and provisional apportionment.

(10) The plans, specifications, estimate and provisional apportionment so confirmed or amended shall be open to inspection by the persons referred to in subsection (5) during the usual office hours at the office of the Director-General and notice in the prescribed form stating that they are open to inspection shall forthwith be published in the *Gazette* and in such other manner as the Director-General may determine.

(11) Any person who is dissatisfied with the decision of the Director-General may within 14 days of the publication of the notice under subsection (10) appeal to the Minister whose decision shall be final.

When
Director-
General may
execute
work.

(12) If such street works are not commenced within 14 days from the date of such confirmation or amendment or the date on which the plans, specifications, estimate and provisional apportionment are confirmed or amended by the Minister, as the case may be, or having been commenced are thereafter suspended or are not completed within the period specified in the notice mentioned in subsection (2), the Director-General may, if he thinks fit, cause them to be executed and completed.

Final
apportion-
ment on
completion
of work.

(13) When the street works have been completed and the expenses thereof ascertained, the Director-General shall cause a final apportionment of the cost of the street works to be made by dividing the expenses in the same proportions as those in which the estimated expenses were divided in the provisional apportionment or amended provisional apportionment (as the case may be) and that final apportionment shall be conclusive for all purposes and notice of the final apportionment shall be served upon the owners of the premises affected thereby; and the sums apportioned thereby shall be recoverable in the manner provided in section 64.

Extent of
liability of
owner when
expenses
exceeded.

(14) If the expenses incurred in executing the street works as shown in the final apportionment exceed the estimated expenses as shown in the provisional apportionment or amended provisional apportionment (as the case may be), the owners of the premises affected shall not be liable to pay that part of the expenses as shown in the final

apportionment which exceeds a sum equal to the estimates shown in the provisional apportionment plus 10% thereof.

(15) Where street works have been executed to the satisfaction of the Director-General under this Part in respect of a private street or part of a private street, not being less than 11 metres wide, then on the requisition —

Declaration
of public
street.
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(a) in the case of street works executed under this section — of the several owners of such of the premises listed in the final apportionment as together have an annual value of more than 50% of the total annual value of the premises so listed; or

(b) in any other case — of the several owners of such of the premises fronting, adjoining or abutting on the private street or part of a private street as together have an annual value of more than 50% of the total annual value of the premises fronting, adjoining or abutting on the private street or part of the private street, as the case may be,

demanding that the private street or part of the private street be declared a public street, the Minister shall in writing under his hand declare it to be a public street and the street shall thereupon become a public street and shall vest in the Government and for ever afterwards be repaired by the Government.

(16) Such a declaration shall be published in the *Gazette*.

(17) Where a street or part of a street that is declared to be a public street and to be vested in the Government comprises separate lots already set aside as part of a street, the declaration shall be registered under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

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(18) Where a street or part of a street that is declared to be a public street and to be vested in the Government comprises premises included in an existing lot or existing lots, the premises forming the street or part of the street shall be excised from the existing lot or lots and the declaration shall be registered against the excised portions under the provisions of the Land Titles Act, in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

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(19) Upon such registration the premises forming the street shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act. [20]

Payments to be made before erection of new buildings, in respect of street works.

22.—(1) Subject to this section where any building which is to be erected —

(a) will have a frontage on a private street in respect of which the Director-General may be able to exercise his powers under section 21 to require street works to be executed or to execute street works on his own; or

(b) in any case where a notice in writing is required, under section 19, for the making of a new street, no work shall be commenced or done for the purpose of erecting the building unless the person erecting it has deposited with the Director-General such sum, if any, as may be required to be deposited in accordance with an order made under section 24 (2).

(2) If any work is commenced for the erection of any new building in contravention of subsection (1), the person who, in the opinion of the Director-General, is responsible for the commencement of the work may be served with a notice, in writing, by the Director-General requiring that person to cease building operations forthwith.

(3) If any work is commenced for the erection of any new building in contravention of subsection (1), the person who, in the opinion of the Director-General, is responsible for the commencement of the work shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term which may extend to 12 months or to both. That person shall also be liable to a fine not exceeding \$100 for every day during which the contravention continues after his conviction.

(4) If any notice served under subsection (2) is not complied with, the person who was served with the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term which may extend to 12 months or to both, and to a further fine not exceeding \$100 for every day during which the notice is not complied with. That person shall also be liable

to a fine not exceeding \$100 for every day during which the contravention of subsection (1) continues after his conviction.

(5) Where any person has been convicted of an offence under subsection (3) or (4) and the erection of the building has been completed, the court before which the person is convicted may, in addition to the fine or imprisonment that it may impose under those provisions, order him to pay the amount of any deposit that he would have had to deposit under section 24 (5). Such amount as may be ordered by the court may be recovered according to the law for the time being in force for the recovery of fines.

(6) No prosecution for an offence under this section shall be instituted except by or with the sanction of the Director-General.

(7) A certificate of the Director-General stating that he is of the opinion —

- (a) that the person, body of persons, society, firm or company named in the certificate is responsible for the commencement of any work for the erection of any new building; or
- (b) that any new building, in respect of which a prosecution had been instituted in regard to the commencement of any work, for contravening subsection (1), has been completed,

shall be conclusive evidence for the purposes of any prosecution under this section. [21

23. The Minister may by order in writing exempt a particular building or class of buildings from section 22. Power to exempt.

[22

24.—(1) Every person shall, before commencing any work for the erection of any new building, submit an application in the prescribed form for the determination of the amount to be deposited, if any, for the execution of street works. Determination of amount to be deposited and date for completion.

(2) The Director-General shall —

- (a) on an application being made under subsection (1); or
- (b) where no such application has been made, after serving a notice on the person who is to be required to make the deposit,

by order in writing determine —

- (i) the amount, if any, that is required to be deposited for the execution of street works; and
- (ii) if a deposit is required, the date on or before which the street works shall be completed.

(3) Where no deposit is required, the Director-General shall issue a certificate to the person who made the application under subsection (1) in the prescribed form stating that no deposit is required to be made for the execution of street works before the commencement of building operations.

(4) The Director-General shall, in making an order under subsection (2), have regard to the amount that could be recovered by the Director-General if he executed the street works under the provisions of this Act.

(5) The Director-General shall serve a copy of the order on the person who is required to deposit the amount determined for the execution of street works. That amount shall be deposited with the Director-General within 14 days of the service of the copy of the order. Such a deposit shall not be refunded, except in accordance with section 26.

(6) Any person who is dissatisfied with the order may, within 10 days of the service of the copy of the order, appeal to the Minister. The decision of the Minister on such an appeal shall be final and shall not be questioned in any court. [23

Director-General may execute and cause to be properly carried out street works.

25.—(1) If street works are not commenced or executed to the satisfaction of the Director-General in any case where a deposit has been made under section 24 (5), the Director-General may, at any time, after the service of a notice in the prescribed form execute or cause the street works to be properly carried out.

(2) The costs of the execution of the street works or of causing the street works to be properly carried out by the Director-General shall be recovered from the deposit made under section 24 (5). [24

Refund of deposit when street works have been completed.

26.—(1) Where a deposit has been made under section 24 (5) and street works have been carried out to the satisfaction of the Director-General, the Director-General may, upon an application in the prescribed form, refund to the person who made the deposit the whole or part of the deposit.

(2) The Director-General may retain the deposit or any part of the deposit, if he is of the opinion that —

- (a) the street works have not been executed properly;
- (b) the building operations, in regard to the erection of any building which has not been commenced or completed, would require further street works to be executed; or
- (c) it is required for a period of maintenance, which period shall not exceed 12 months.

(3) In this section and in section 27, “building operations” means such works as are carried out for the erection of any new building, including works which are preparatory to the erection of a new building. [25]

27.—(1) Any person who has made a deposit under section 24 (5), and who subsequently decides not to proceed with the erection of any building, without having commenced any building operations, may give notice in the prescribed form to the Director-General of his intention not to proceed with the erection of the building.

Refund of deposit when building operations are not commenced.

(2) A copy of such a notice shall be served upon the Building Authority. The Building Authority shall, upon receipt of the notice, cancel the approval of the plans and specifications in respect of the proposed building.

(3) The Director-General shall, on an application in the prescribed form by a person who has given such a notice, refund the deposit or part thereof as he may determine.

[26]

28.—(1) If any street, not being a public street, is levelled, channelled, drained, paved, metalled, flagged and provided with lighting or otherwise made up to the satisfaction of the Director-General, he may, whether at the request of owners of premises fronting, adjoining or abutting on the street or otherwise, if he thinks fit, by writing under his hand, declare that at the expiration of one month from the date thereof the street shall become a public street.

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(2) A copy of such a declaration shall be forthwith posted up in some part of the said street.

Copy of declaration to be posted in the street.

(3) At the expiration of the said period, unless the owners of the premises fronting, adjoining or abutting on

the street or the owners of such premises having the greater part in value have, by notification to the Director-General in writing under their hands, objected thereto, the street shall become a public street and shall vest in the Government and for ever afterwards be repaired by the Government.

(4) Such a declaration shall be published in the *Gazette*.

(5) Where a street that has been declared to be a public street and has become vested in the Government under this section comprises premises included in separate lots already set aside as part of a street, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

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(6) Where a street that has been declared to be a public street and has become vested in the Government under this section comprises premises included in an existing lot or existing lots, the premises forming the street shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(7) Upon such registration the premises forming the street shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act.

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[27

Widening of
streets.
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29.—(1) The Director-General may, with the concurrence of the competent authority, decide that any private street or any part of a private street shall be widened to a width of not less than 11 metres throughout its length, and for this purpose may prepare a plan complying with the requirements of the Land Titles Act in respect of registered land and of the Registration of Deeds Act in respect of other land showing thereon the premises the acquisition of which will be rendered necessary to effect such widening and by deed may declare that the premises shall vest in the Government and may register the deed together with the aforesaid plan in accordance with the provisions of the Land Titles Act in respect of registered land and the Registration of Deeds Act in respect of other land.

(2) Upon such registration the aforesaid premises shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act:

Effect of registration.

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Provided that no part of the premises shall be deemed to be or to form part of a public street by reason of their having become vested in the Government or by reason of their subsequently being repaired or maintained by the Government notwithstanding the fact that the private street of which the premises may be deemed to form part may be a street over which the public has a right of way, but shall be deemed to be a part of that private street until the whole of the street or the entire width of that part of it adjoining those premises has been declared a public street in accordance with the provisions of this Part.

(3) Whenever any premises other than those referred to in subsection (1) have been acquired by the Government pursuant to subsections (5) and (6), the Director-General shall prepare a plan complying with the requirements mentioned in subsection (1) of the premises so acquired and shall by deed declare that those premises have been acquired by the Government and upon registration of the deed together with the plan the premises shall vest in the Government free from all encumbrances.

Acquisition of other land in connection with decision.

(4) When the Director-General has pursuant to this section registered any deed, he may take possession of the premises described therein and may proceed to demolish and remove any building or portion of any building forming part thereof.

Taking possession of land.

(5) Where the acquisition under this section of any portion of a building affixed to a holding renders useless the remainder of the building, the Government shall, if the owner so requires, acquire the remainder of the holding of which the building forms a part and shall pay compensation therefor in accordance with subsection (7).

Acquisition of whole building if part rendered useless.

(6) Where the acquisition under this section of any portion of a holding having no building affixed to that portion or to the remainder of the holding would render useless as a building site the remainder of the holding, the Government shall, if the owner so requires, acquire the remainder of the holding, and shall pay compensation therefor in accordance with subsection (7).

Acquisition of whole holding in certain circumstances.

Provisions
governing
compensa-
tion.
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(7) Compensation for premises acquired under this section shall be paid to such owners thereof as require to be paid compensation in accordance with the following provisions:

- (a) where the whole of a holding is acquired, compensation shall be paid for the whole of the holding;
- (b) where the premises acquired are vacant or there are no buildings other than an enclosing wall, hedge, paling, gateway or fence forming part thereof erected thereon, and a portion only of a holding is acquired, the Director-General shall set back the wall, hedge, paling, gateway or fence (if any) to the boundary of the premises acquired, and shall pay compensation for all premises acquired lying beyond the street reserve set aside pursuant to any development proposals approved by the competent authority or where no such reserve has been set aside beyond a distance of 5.5 metres from the centre of the street existing as at the date of the decision of the Director-General referred to in subsection (1), but no compensation shall be payable in respect of severance;
- (c) where there are buildings forming part of the premises acquired, compensation shall be paid for the premises, but in ascertaining the compensation the value of —
 - (i) all premises lying within the street reserve set aside pursuant to any development proposals approved by the competent authority; and
 - (ii) where there is no such reserve, all premises lying within a distance of 5.5 metres from the centre of the street existing at the date of the aforesaid decision,
shall not be taken into account, and no compensation for severance of land shall be payable where the whole of a building is acquired;
- (d) in the case of premises situate at the corner of the private street and another street where the frontage of the holding to the other street is of

greater value per square metre than the frontage to the private street the subject of widening referred to in this section, compensation shall be paid for the whole of the premises acquired to a depth not exceeding 30.5 metres from the other street.

(8) Subject to this section, the compensation to be paid by the Government for any premises acquired under this section shall be ascertained in accordance with the provisions of the Land Acquisition Act and any other written law for the time being in force governing the acquisition of land for public purposes, as if the premises were acquired for a public purpose, the date of the aforesaid registration being substituted for the date of the declaration under section 5 (1) of the Land Acquisition Act for the purpose of ascertaining the market value of the premises.

Ascertainment of compensation.

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(9) The total cost of acquisitions under this section shall be paid to the Government by the owners at the time of the apportionment mentioned in this subsection of the premises fronting, adjoining or abutting upon the street or part thereof so widened by the inclusion of the premises vested in the Government under subsection (2), in proportion to the frontages of the respective premises of those owners adjoining or abutting upon the street. The Director-General shall as soon as may be after completion of the acquisitions apportion that cost accordingly and may, without prejudice to any other remedies for the recovery thereof, recover the apportioned parts of the cost in the manner provided in section 64, and from the date of the apportionment until recovered the apportioned parts shall, subject and without prejudice to the rights of the Government, be first charges upon the premises to which they have been apportioned and such charges may be enforced and the remedies conferred by this subsection may be exercised against the respective premises or against any movable property or crops for the time being found thereon notwithstanding any changes in the ownership or occupation of the premises.

Owner to repay Government.

[28

30.—(1) Where any private street or any part thereof is in a dangerous or defective condition, the Director-General may, by notice in writing, require —

Repair of private streets.

- (a) the owners of all premises abutting on the street and having access or right of access thereto from those premises; or

- (b) any person, body of persons, society, firm or company, who, in the opinion of the Director-General, was responsible for causing the street to be in a dangerous or defective condition,

to cause the street to be properly repaired within such time as is stated in the notice and may in the notice specify the date before which the work shall be commenced.

(2) If such owners, person, body of persons, society, firm or company fail or fails to comply with the requirements of the notice, the Director-General may himself cause the work to be done and the owners, person, body of persons, society, firm or company shall pay to the Government the cost and expense thereof in such proportions as are settled by the Director-General:

Provided that if such owners, person, body of persons, society, firm or company fail or fails to commence the work before the date specified under subsection (1), the Director-General may in his discretion, notwithstanding that the period stated in the notice for the completion of the work has not yet expired, himself cause the work to be done and recover the cost and expense thereof in the manner provided in this subsection.

(3) If the owner of any such premises, person, body of persons, society, firm or company is dissatisfied with the apportionment of costs, he may appeal to the Minister whose decision shall be final.

(4) Notwithstanding subsections (1) and (2), the Director-General may, in his discretion, and so far as the funds at his disposal will admit, execute at the expense of the Government street works on any private street or any part thereof as may be considered necessary for or conducive to the public safety, health, convenience or comfort:

Provided that the execution of such street works at the expense of the Government shall not affect the liability of such owners, person, body of persons, society, firm or company under subsections (1) and (2).

(5) A certificate of the Director-General stating that he is of the opinion that such owners, person, body of persons, society, firm or company named in the certificate was responsible for causing a private street or part thereof to be in a dangerous or defective condition shall be conclusive

evidence for the purpose of any proceedings for the recovery of the cost and expense of repairing that private street. [29

31.—(1) The Director-General may in any case where he is of the opinion that any person is responsible for causing a private street or any part thereof to be in a dangerous or defective condition by notice require him not to make further use of the private street for the purpose of transporting any matter, material or thing until such deposit as may be required under subsection (2) has been made with the Director-General.

Notice on person causing private street to be in a dangerous or defective condition.

(2) The Director-General may, by order in writing, require any person who has been served with the notice to deposit with him such sum as may be required for causing the street to be properly repaired.

(3) The Director-General shall in making an order under subsection (2) have regard to the cost and expense that would have to be incurred if he should cause the work to be done.

(4) If any such notice is not complied with, the person who has been served with the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 12 months or to both, and to a further fine not exceeding \$100 for every day during which the notice was not complied with; and shall also be liable to a fine not exceeding \$100 for every day during which the contravention of subsection (1) continues after conviction.

(5) The certificate of the Director-General stating that he is of the opinion that the owner, person, body of persons, society, firm or company named in the certificate is responsible for causing a private street or part thereof to be in a dangerous or defective condition shall be conclusive evidence for the purposes of any prosecution under this section. [30

32.—(1) The Director-General may as respects any land which is in process of development or appears to him likely to be used for building purposes at an early date, prepare a scheme showing the streets, back-lanes and open spaces which he considers necessary to secure proper sanitary conditions, amenity and convenience in connection with the laying out and the use of that land and of any neighbouring lands.

Preparation of scheme for building.

Publication and service of notices.

(2) Upon the completion of the preparation of such a scheme, the Director-General shall —

(a) publish during 3 consecutive weeks in the *Gazette* and in one or more of the local newspapers an advertisement stating the fact of such a scheme having been prepared for a certain prescribed area and naming a place where a copy of the scheme may be seen; and

(b) serve a notice on every owner or reputed owner of any property affected by the scheme stating that such a scheme has been prepared and requiring him to signify his assent or dissent thereto within 3 months from the date of service.

Order confirming scheme.

(3) Upon compliance with subsections (1) and (2) with respect to the publication of an advertisement and the service of notices, the Director-General shall apply to the Minister that an order may be made confirming the scheme.

Application to be accompanied by copy of scheme.

(4) The application shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners who have dissented from the scheme.

Minister may authorise scheme to be carried out.

(5) If on consideration of the application and on proof of the publication of the proper advertisements and the service of the proper notices the Minister thinks fit to proceed with the scheme, he may, after giving any person who has dissented from it and the Director-General an opportunity of being heard, in the case of the Director-General, by a person appointed by him or by counsel and, in the case of the person dissenting, either in person or by counsel, make an order declaring the limits of the area comprised in the scheme and authorising the scheme to be carried into execution.

Order may be made with conditions.

(6) Such order may be made either absolutely or with such conditions and modifications of the scheme as the Minister thinks fit.

Minister may modify scheme.

(7) The Minister at any time after any scheme has been authorised under subsection (5) may modify the scheme or any part thereof on the application of either the owner of the land affected or the Director-General, after giving every owner or reputed owner of any property which in his opinion is affected by such modification and the Director-General an opportunity to be heard, as to the owners, in

person or by counsel, and, as to the Director-General, by a person appointed by him or by counsel.

(8) Any plan forming part of any scheme made under this section shall, for the purposes of section 5 of the Building Control Act, have the same effect as a plan approved by the Building Authority under that section:

Effect of plan forming part of scheme. Cap. 29. 59/73.

Provided that the duty imposed by subsection (5) thereof shall not attach to any person unless he submits a plan for the erection of a building on some part of the land comprised in the plan under section 5 of the Building Control Act. [31

33.—(1) When any building or any part thereof within a regular line of street prescribed under the Planning Act or the Singapore Improvement Ordinance, or prior to 1st July 1927, prescribed under section 107 of the Municipal Ordinance falls down or is burned down or is taken down, the Director-General shall take possession of the portion of land within the regular line of the street theretofore occupied by the building and, if necessary, clear it.

Director-General in certain cases may take possession of land within a regular line of street. Cap. 232. 1955 Ed. Cap. 259. 1936 Ed. Cap. 133.

(2) If any land, whether open or enclosed, lies within the regular line of a public street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on a public street or a portion of a platform, verandah, step or other such structure is within the regular line of such street, the Director-General may, after giving to the owner of the land or building not less than 7 clear days written notice of his intention to do so, take possession of that land with its enclosing wall, hedge or fence (if any) or of the said platform, verandah, step or other structure as aforesaid or of the portion of that platform, verandah, step or other structure as aforesaid and, if necessary, clear it.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Government.

Land taken to form part of street.

(4) Compensation for all lands acquired by the Government under this section shall be ascertained in accordance with the provisions of the Land Acquisition Act and any other written law for the time being in force governing the acquisition of land for public purposes, as if the lands were acquired for a public purpose, the date on which the regular

Compensation. Cap. 152.

Cap. 152. line of street was prescribed being substituted for the date of the declaration under section 5 (1) of the Land Acquisition Act for the purpose of ascertaining the market value of the land. [32]

Provision of
footways,
etc.
S 331/85.

34.—(1) Wherever there is a frontage to the public street vacant of houses to a depth of 1.2 metres or more, the Director-General may, by notice in writing, require the owner or owners of such vacant frontage or the owners of the several frontages making up the same forthwith to allow without compensation a footway of a width of 2.1 metres or equal to the vacant depth of the frontage whichever is less, to be made for the use of the public along the frontage, and, if necessary for this purpose, to set back any wall, fence, paling, hedge or other similar erection separating his or their land from the public street to a distance not exceeding 2.1 metres from the edge of the street within 3 months from the date of the notice.

(2) The cost of constructing and maintaining any footway proposed to be made under the powers given in this section, as well as the cost of setting back any such erection as aforesaid, shall be borne by the Government and the notice or notices required to be given shall contain an offer by the Government to pay the cost of carrying out such work.

Materials.

(3) The footway shall be made of such material and in such a manner as the Director-General may determine.

Who to
execute
work.

(4) On receipt of the notice, the owner or owners may either execute the work as regards their respective frontages or require the Director-General to do so, and, in the former case, if any owner fails to complete the work within the time specified in the notice, the Director-General may enter upon his land and carry out the work.

Plan to be
delivered.

(5) In every case where a footway is made under this section, the Director-General shall deliver to each owner of the land a plan showing the land taken for the footway with a declaration endorsed thereon under the hand of the Minister to the effect that the land has been taken under this section for use as a public footway, subject nevertheless to the right of each owner and his successors in title at any time to build in such manner and to such extent as he would have been entitled to build if the land had not been taken for use as a public footway.

(6) The Director-General may cause such lamp-irons, lamp-posts or other lighting apparatus to be put up or fixed upon or against the walls or palisades of any building or enclosure, doing as little damage as is practicable thereto, or to be put up or erected in such other manner within any street, road or place as he thinks proper and may cause such number of lamps of such sizes and sorts to be provided and affixed and put on such lamp-irons and lamp-posts as are necessary for lighting all or any of such streets, roads and places and cause the same to be lighted during such hours as are necessary.

Director-General may put up lamp-posts and lamps.

(7) The owner of every house or building shall, within 21 days after notice from the Director-General to that effect, put up and keep in good condition proper troughs, gutters and pipes for receiving and carrying the water from the roof and other part of the house or building and for discharging it in such manner as the Director-General may direct so that it shall not fall upon persons passing along the street or enter any sewer.

Troughs and pipes to be fixed.

(8) If the notice is not complied with, the Director-General at any time after the expiration of the time so specified may cause the work to be done and the cost and expenses of so doing shall be paid to the Government by the owner in default.

[33

Water pipes and lighting apparatus

35.—(1) If the Director-General considers it necessary for the purposes of this Act to raise, sink or otherwise alter the situation of any water-pipe, gas-pipe or other water-works or gas-works, electric lighting cable or main telegraph wire or other electric lighting apparatus or telegraph apparatus laid in any street, he may by notice in writing require the person to whom any such pipes, works, cables, mains or apparatus belong or under whose control they are, to cause forthwith, or as soon as conveniently may be, any such pipes, works, cables, mains or apparatus to be raised, sunk or otherwise altered in position in such manner as he directs, provided that the alteration is not such as permanently to injure such works, cables, mains or apparatus or to prevent the water or gas from flowing as freely and conveniently as before.

Situation of gas and water-pipes, etc., to be altered at the expense of Government.

(2) The expenses attending such raising, sinking or altering, and full compensation for the damage done

thereby, shall be paid by the Government as well to the persons to whom such pipes, works, cables, mains or apparatus belong as to all other persons.

(3) If any dispute arises touching the amount or apportionment of such compensation, it shall be settled in the manner hereinafter provided. [34]

If owners, etc., neglect to make alterations a Magistrate's Court may order them to be done.

36. If the person to whom any such pipes, works, mains, cables or apparatus belong, or under whose control they are, does not proceed forthwith, or as soon as conveniently may be, after the receipt of such a notice to cause them to be raised, sunk or altered in the manner required by the notice, a Magistrate's Court may, upon the application of the Director-General, issue a mandatory order for the execution of the necessary work. [35]

Where road is damaged by excavation Director-General may repair and recover expenses. 11/75.

37.—(1) If the roadway, drain or verandah-way in or adjoining any street is endangered or is damaged by or in consequence of any excavation on land adjoining the roadway, drain or verandah-way, the Director-General may repair and make good the damage done or cause remedial action of a preventive nature to be effected.

(2) All costs and charges arising therefrom shall be paid to the Government by the owner of the land on which the excavation has been made. [36]

Back-lanes

Director-General may acquire land for part of back-lane. Cap. 29. 59/73.

38.—(1) Where upon the submission of a plan relating to a building for the approval of the Building Authority under section 5 of the Building Control Act, it appears that the site thereof or any land set apart by the person submitting the plan abuts upon any land capable of forming part of a back-lane in conformity with a line laid down by the competent authority for a back-lane, the Director-General may, if he thinks fit, acquire the last mentioned land on behalf of the Government and shall notify the owner accordingly:

Provided that no land shall be acquired under this subsection the acquisition of which would cause a severance of land from other land forming part of the same holding.

Vesting of lands set apart or acquired under this section.

(2) Where any land is set apart or acquired under this section, the Director-General may prepare a plan of the land or any part thereof and by writing declare that it has been acquired by the Government under this section, and,

in the event of his so doing, shall register that declaration together with that plan under the Land Titles Act in respect of registered land and under the Registration of Deeds Act in respect of other land. Cap. 157.
Cap. 269.

(3) Upon such registration under subsection (2), the land comprised in the plan shall be deemed to have vested in the Government for the purposes of this Act freed from all encumbrances thereon, and, where the land is held under a statutory land grant, such setting apart or acquisition shall not be deemed to be a subdivision within the meaning of the State Lands Act. Cap. 314.

(4) After such registration the Director-General shall with all reasonable speed proceed to demolish and remove any building or portion of a building which is on the land so vested in the Government.

(5) A notification to the owner by the Director-General of his intention to acquire any land under this section shall have the like effect with respect to the acquisition by the Government of and payment for the land as if it were a declaration under section 5 of the Land Acquisition Act. Effect of
notice of
intention to
acquire.

Cap. 152.

(6) The Government shall make compensation for land set apart or acquired under this section, without any allowance in respect of compulsory purchase or any other matter, in accordance with the following provisions: Compensa-
tion for land
taken for part
of back-lane.

- (a) where the land is set apart or acquired for a back-lane and the whole or more than one-half in width of the land so set apart or acquired formed part of one holding, compensation shall be paid for such portion of that land as exceeds such one-half in width, and the Government shall at its own expense reconstruct the back portion of the building (if any) on such holding abutting on any land so acquired, in accordance with such scale of reconstruction as in its discretion it considers proper;
- (b) where the land is set apart or acquired for a back-lane and one-half or less in width of the land so set apart or acquired formed part of one holding, no compensation shall be payable, but the Government shall at its own expense reconstruct the back portion of the building (if any) on such holding abutting on the land so

acquired, in accordance with such scale of reconstruction as in its discretion it considers proper;

(c) where the acquisition under subsection (1) of part of a building renders useless the remainder of the building, the Government shall, if the owner so requires, acquire the remainder of the holding covered by the building and its appurtenances and shall pay for that remainder in accordance with this section;

(d) no compensation shall be paid for or in respect of any buildings on any land set apart for a back-lane by a person submitting a plan.

When not payable.

(7) Save as in this section mentioned, no compensation shall be paid in respect of land set apart or acquired under this section whether to form part of a back-lane or otherwise.

Compensation where setting apart causes severance.

(8) In cases where a setting apart would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but if the lesser portion of the land so severed has been rendered useless as a building site on account of the severance the Director-General shall acquire that lesser portion and shall pay in respect thereof compensation in accordance with this section.

Method of ascertaining compensation.

(9) When the Government is unable to agree with the person entitled thereto as to the compensation payable under this section, it shall be ascertained as follows:

(a) if the amount claimed does not exceed \$1,000, in the manner provided by section 61; and

(b) in all other cases, in accordance with sections 10 to 15 (inclusive), sections 25 to 29 (inclusive), 32 and sections 35 to 40 (inclusive) of the Land Acquisition Act but so that in section 10 (1) of that Act the words "After giving due notice to the Director-General and the person entitled to the land" shall be deemed to be substituted for the words "On the day so fixed, or on any other day to which the inquiry has been adjourned":

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Provided that if the Government and the parties claiming compensation agree to refer the question as to what

compensation is payable under the terms of this subsection to arbitrators, they may do so, and any arbitrator or arbitrators so appointed shall proceed to hear the parties and determine the amount payable as compensation.

(10) Without prejudice to the provisions of any other written law for the time being in force governing the acquisition of land for public purposes, the price to be paid by the Government for any land set apart or acquired or for buildings acquired under this section for which compensation is payable shall be ascertained in accordance with the following provisions:

Price to be paid for land set apart or acquired or for buildings.

(a) where there are no buildings on the land or where the whole of the land and buildings are acquired, in the manner provided in the Land Acquisition Act; in the case of a setting apart, as at the date the plan was submitted, and in other cases as at the date when the Director-General notified the owner of the Government's intention to acquire the land;

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(b) where there are buildings on the land and only part of the land is acquired —

(i) where the part of the buildings acquired is used as a dwelling-house and is, owing to the absence of air and light or other causes, unfit for human habitation, in accordance with the market value of the land and building materials thereon at the date the Director-General notified the owner of the Government's intention to acquire the land;

(ii) where the part of the buildings acquired is not used as a dwelling-house or for human habitation and is not in good sanitary condition, in accordance with the market value of the land and building materials thereon at the date the Director-General notified the owner of the Government's intention to acquire the land;

(iii) where the part of the buildings acquired is in good sanitary condition, in accordance with the market value of the land

and buildings at the date the Director-General notified the owner of the Government's intention to acquire the land.

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(11) When a plan is approved under section 5 (3) of the Building Control Act, in respect of a holding abutting on a back-lane or on vacant land set apart or acquired for a back-lane, for the setting apart or acquisition of which the Government has not paid any moneys, the person owning the holding shall reimburse the Government any moneys at any time thereafter paid or payable by it for the acquisition by any means of such portion of the back-lane or land so set apart or acquired to the centre thereof as abuts on that holding to the extent to which it so abuts.

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(12) Where the Government has acquired any land lying between any holding and a back-lane immediately opposite that holding, the owner at the time when the demand next hereinafter mentioned is made of every such holding shall, upon the demand of the Director-General in writing, reimburse to the Government all moneys at any time paid by it for that land, and upon such payment being made the Government shall assure to such owner that land and shall at its own expense construct party or other walls enclosing that land to such extent and in such manner as it may consider proper.

(13) No compensation under this section shall be paid in respect of land set apart or otherwise acquired prior to 1st January 1932 until sufficient land has been set apart or otherwise acquired to enable the Director-General to form a back-lane extending from one public street or back-lane to another public street or back-lane. [52*

Reimburse-
ment, how
recoverable.
59/73.

Cap. 254.

39.—(1) Whenever any person has become liable to reimburse the Government any moneys under section 38 (11) or (12) or section 40 (9), (12) or (13), they shall for that purpose be recoverable by the Director-General in the same manner as a tax is recoverable by the Comptroller under the Property Tax Act, on the premises in connection with which a plan has been submitted, in the case of section 38 (11), or on the respective holdings referred to in section 38 (12) or section 40 (9), (12) or (13), of such amount in each case as is sufficient to reimburse the Government together with interest at the rate not exceeding 6% per annum in such

*Sections 37 to 51 in the 1970 Edition were repealed by Act 29/75.

period not exceeding 10 years as the Government may in each case determine.

(2) At any time before the expiration of the period which in any particular case has been fixed by the Government, the owner of any premises may redeem the sum or tax recoverable in respect thereof by paying to the Government the full amount or full apportioned amount in which the Government is entitled to be reimbursed with interest thereon at the rate thereby provided to the date of payment or such of the amount as has not been already levied in respect of it. [54*]

Power to redeem.

40.—(1) The Minister may at any time on the recommendation of the Director-General and after receiving such report as he may think fit to call for from an officer appointed to inquire and report in each case, order that a back-lane, with approaches thereto if necessary, of a width not exceeding 7.6 metres shall be laid out through any lands, and that the lands specified in the order may be acquired for the purpose of providing such back-lane and approaches, if any.

Minister may order back-lanes to be laid out. S 331/85.

Any land which in the opinion of the Minister the Government may be required to purchase under subsection (7) or (8) or which abuts on or is near to the site of the back-lane may be specified in the order in addition to the land required for the site of the back-lane and approaches thereto.

(2) An approach to a back-lane shall be deemed to be part of the back-lane for the purposes of this Act.

(3) The Director-General may register such an order under the Registration of Deeds Act or in the case of registered land under the Land Titles Act.

Effect of such order. Cap. 269. Cap. 157.

(4) Upon such registration under subsection (3), the lands specified in the order shall be deemed to be vested in the Government for the purposes of this Act freed from all encumbrances, and, where the land is held under a statutory land grant, the order shall not be deemed to be a subdivision within the meaning of the State Lands Act.

Cap. 314.

(5) Whenever any lands other than those included in any order registered under subsection (3) have been acquired by

*Section 53 in the 1970 Edition was deleted by Act 59/73.

the Government in connection with that order under subsection (7) or (8), the Director-General shall prepare a plan of the lands so acquired and the Minister shall, by writing under his hand, declare that those lands have been acquired by the Government in connection with the order, and the registration of that declaration together with the plan shall vest those lands in the Government free from all encumbrances in like manner as if the lands had been originally included in the order.

Director-General may demolish.

(6) When the Director-General has registered the order or declaration in this section referred to, he may proceed to demolish and remove any building or portion of a building which is on the land specified in the order or writing.

When Government to acquire whole property.

(7) When the acquisition under this section of any portion of a building for a back-lane or for any approach thereto renders useless the remainder of any such building, the Government shall, if the owner so requires, acquire the remainder of the holding covered by the building and its appurtenances and shall pay therefor in accordance with this section.

Price to be paid for lands taken in special cases.

(8) Where the acquisition under this section of any vacant land for a back-lane or any approach thereto would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but, if any portion or the whole of the land so severed has been rendered useless as a building site on account of the severance, and if the owner so requires, the Government shall acquire that portion or the whole, as the case may be, and shall pay therefor in accordance with this section.

Compensation to be paid in ordinary cases. 59/73.

(9) Compensation shall be paid to the owners of lands acquired under this section in accordance with the following provisions:

- (a) where the whole of a holding is acquired, compensation shall be paid for the whole of the holding;
- (b) where the whole or more than one-half in width of the land so acquired for the purpose of forming a back-lane or an approach to a back-lane passes through one holding, compensation shall be paid for such portion of the holding taken as exceeds such one-half in width, and the Government shall at its own expense and

notwithstanding anything to the contrary in this Act rebuild or reconstruct so much of any portion of any building on the holding abutting on the land so acquired and in such a manner as will bring the building into conformity with the Building Control Act and the building regulations so far as in the sole discretion of the Director-General, it is reasonable to do so;

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- (c) where one-half or less in width of the land so acquired for the purpose of forming a back-lane or an approach to a back-lane passes through one holding, no compensation shall be payable to the owner of the holding, but if less than one-half in width so passes, the owner of the holding shall if so required by the Government reimburse the Government any moneys at any time paid or payable by it for the acquisition by any means of so much of that width as with the land taken from that holding makes up that one-half in width, and in either case the Government shall rebuild or reconstruct so much of any portion of any building on the holding abutting on the land so acquired and in such a manner as will bring the building into conformity with the Building Control Act and any regulations made thereunder so far as in the sole discretion of the Director-General it is reasonable to do so.

For the purpose of carrying out his duties under this subsection relating to the reconstruction of the back portion of any premises abutting on land acquired for a back-lane, the Director-General and any of his officers or agents in that behalf shall have all necessary powers of entry upon any holding affected by the reconstruction for the purpose of or in connection with the reconstruction.

(10) Without prejudice to the provisions of any other written law for the time being in force governing the acquisition of land for public purposes, the price to be paid by the Government for the portion of any land or buildings acquired under this section for which compensation is payable shall be ascertained in accordance with the following provisions:

Price to be paid in ordinary cases.

- (a) where there are no buildings on the land or where the whole of the land and buildings are

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acquired, in the manner provided in the Land Acquisition Act;

- (b) where there are buildings on the land and only part of the land is acquired —
- (i) where the part of the buildings acquired is used as a dwelling-house and is, owing to the absence of air and light or other causes, unfit for human habitation, in accordance with the market value of the land and building materials thereon at the date of the making of the order referred to in subsection (1);
 - (ii) where the part of the buildings acquired is not used as a dwelling-house or for human habitation and is not in good sanitary condition, in accordance with the market value of the land and building materials thereon at the date of the making of the order referred to in subsection (1);
 - (iii) where the part of the buildings acquired is in good sanitary condition, in accordance with the market value of the land and the buildings at the date of the making of the order referred to in subsection (1).

Method of
ascertaining
price.

(11) The method of ascertaining the price as defined by subsection (10) shall be that provided in section 38 (9).

(12) Where any land so acquired for a back-lane or an approach thereto abuts upon a holding but does not pass through it, the owner of the holding shall if so required by the Government reimburse the Government any moneys at any time paid or payable for the acquisition by any means of the portion of the land to the centre thereof which abuts on the holding to the extent to which it so abuts.

(13) The owner or owners at the time when such order is registered of any holding or holdings which is or are separated from the back-lane by any land acquired under this section, shall reimburse the Government any moneys paid or payable for that land or such part thereof as abuts upon his or their holding or holdings, and upon such payment being made the Government shall assure to such

owner or owners that land and shall at its own expense construct party or other walls enclosing that land to such extent and in such manner as it may consider proper. [55

41.—(1) Upon the commencement of this Act, the undertakings of the Singapore Improvement Trust relating to back-lanes shall, notwithstanding section 4 of the Planning Act and section 30 of the Housing and Development Act, be transferred to and vest in the Government without further assurance.

Transfer to Government of undertakings of the Singapore Improvement Trust relating to back-lanes. Cap. 232. Cap. 129.

(2) Without prejudice to the generality of subsection (1), there shall be included in such transfer —

(a) all lands and all assets, powers, rights and privileges held or enjoyed by the Singapore Improvement Trust in connection therewith, or appertaining thereto; and

(b) all liabilities and obligations of the Singapore Improvement Trust in connection therewith.

(3) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Singapore Improvement Trust or the Housing and Development Board in respect of such undertakings may be continued or enforced by or against the Government, as it might have been by or against the Singapore Improvement Trust or the Housing and Development Board had this Act not been passed. [56

42.—(1) In this Act and in any regulations made thereunder, “back-lane” includes every back-lane whether now or hereafter existing and any part thereof and any approach thereto and all land already or hereafter acquired or set apart for or laid out as a back-lane and all channels, drains and appurtenances of a back-lane.

General provisions as to back-lanes.

(2) Neither the public nor any person shall be deemed to have any right of ingress, egress or regress over any back-lane vested in the Government or any part thereof except by express grant by the Director-General which he may at his discretion withhold or give upon such terms as he may think fit.

(3) The Director-General may prepare a plan of any back-lane and the Minister by writing under his hand may declare that it shall vest in the Government and may register

Cap. 157.

Cap. 269.

the writing together with the plan under the Land Titles Act in respect of registered land and under the Registration of Deeds Act in respect of other land.

Cap. 314.

(4) Upon such registration the land comprised in the plan shall be deemed to be vested in the Government freed from all encumbrances, and, where the land is held under a statutory land grant, such vesting shall not be deemed to be a subdivision within the meaning of the State Lands Act.

(5) Subsections (3) and (4) shall not apply to any land set apart or acquired under section 38.

(6) The Minister may with the sanction of the President sell, lease or exchange for other land a back-lane or any part thereof. [57

Back-lanes
to be
levelled,
etc., by
Director-
General.

43.—(1) The Director-General shall level, pave, metal, channel and drain, and may provide lighting for all back-lanes set apart or laid out under section 38, or vested in the Government under section 42 (4) when sufficient land has been so set apart or laid out which in the opinion of the Director-General is adequate to construct a back-lane.

(2) When the Director-General has made up a back-lane, he may recover the costs of acquiring the land for and of making up the back-lane from the owners of premises abutting on the back-lane.

(3) Such costs shall be paid by the person or persons who are the owners when the work is completed according to the frontage of their respective premises in such proportions as are settled by the Director-General.

(4) If the owner of any such premises is dissatisfied by such apportionment of costs, he may appeal to the Minister whose decision shall be final.

(5) The Director-General may, if he thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

- (a) the degree of benefit accruing to any premises by the making up of the back-lane; and
- (b) the amount and value of any works already executed by the owners or occupiers of any such premises.

(6) The Director-General may, in any estimate of the expenses of works, include reasonable charges in respect of survey and superintendence.

(7) The Director-General may, if he thinks fit, pay the whole or any part of the expenses of the works and the payment or part of the expenses may be made in such manner as the Director-General thinks fit to the exclusion of other owners or to relieve one owner to a greater extent than other owners.

(8) Section 64 shall apply to any sum payable by the owners under this section. [58]

PART III

DISTRICT OFFICERS

44. For the purposes of this Part, unless the context otherwise requires, "authority" means the officer for the time being responsible for the carrying out of the relevant provisions of this Act or of any other written law. [82*] Definition.

45. There shall be provided in such parts of Singapore as may be determined by the Minister (referred to in this Part as districts) offices to be called district offices to each of which shall be assigned such officers of the authorities concerned in the administration of the various Parts and such other staff as may be considered necessary for the efficient carrying out of the provisions of this Act in the district. [83] District
Offices.

46.—(1) The President may appoint a fit and proper person to be the District Officer of each district and may likewise remove a person from such office and appoint another in his stead. Appointment
and duties of
District
Officers.

(2) The District Officer shall, inter alia —

(a) exercise such powers and perform such functions and duties as may be delegated to him under section 47 or any other written law and may in this connection give directions to any officer assigned by the authority to the district and that officer shall comply with his directions:

Provided that such directions shall not be at variance with any instructions given to the

officer by the authority or be incompatible with any policy laid down by the Ministry concerned:

And provided that nothing in this Part shall prevent the authority concerned from communicating direct with the officer on policy and technical matters and major administrative decisions, but copies of all such communications shall be forwarded to the District Officer;

- (b) act as the liaison officer in his district for all authorities concerned and advise the authorities, when necessary, of any problems which may arise concerning the administration of the various services provided in his district under this Act;
- (c) make every effort to ensure the adequacy of the various services provided and in this connection shall receive representations which he may refer to the appropriate authorities; and
- (d) act as the principal spokesman for the Government in his district with respect to matters within his jurisdiction under the provisions of this Act.

[84]

Delegation of powers to District Officers.

47.—(1) Any authority may, subject to such conditions or restrictions as he thinks fit, delegate to the District Officer such of the powers, functions and duties by this Act vested in him as he thinks necessary for the efficient discharge of his functions in any district and any power so delegated shall, with the consent of the Minister, be exercisable by the District Officer in the name and on behalf of the authority concerned:

Provided that the District Officer shall report every action taken and decision made by him under such delegated powers to the authority concerned within such time or periodically as the authority may direct.

(2) The authority may exercise any powers or perform any functions and duties conferred on him notwithstanding the delegation of his powers, functions or duties under this section.

[85]

District Officer may enter premises.

48.—(1) The District Officer may, for the purposes of this Act, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making

any survey or inspection without being liable to any legal proceedings or molestation whatsoever on account of such entry in pursuance of this Act:

Provided that the District Officer shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

(2) In the case of any class of premises for the control and supervision of which regulations may be made under this Act and which has been declared by the Minister pursuant to section 57 as being liable to night inspection, the District Officer may, at any time of the day or night without notice and using such force as may be necessary, enter into and search or inspect any such premises within the district.

[86]

PART IV

SUPPLEMENTARY

Mandatory orders

49. For the purposes of this Part, unless the context otherwise requires, "authority" means the officer for the time being responsible for the carrying out of the relevant provisions of this Act. Definition.

[87]

50.—(1) Whenever any owner or occupier is required under this Act to erect or remove any building or thing or to perform any other work and after due notice fails to erect or remove the building or thing or to perform the work within the prescribed time, the authority may make a complaint and the Magistrate's Court hearing the complaint may make on the owner or occupier a summary order (referred to in this Act as a mandatory order) requiring the owner or occupier to execute the required work. Mandatory order.

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Court is authorised to require to be executed within a time to be specified in the order and may also require that person to pay to the authority a sum for costs and expenses incurred in obtaining the order. Terms of mandatory order.

(3) Any person to whom a mandatory order is addressed who fails to comply with the requirements of the order shall, unless he satisfies the Court that he has used all due Penalty for non-compliance.

diligence to carry out the order, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 a day during his default, and the Court may direct the authority to enter the premises and execute the work so required to be executed and the expenses thereby incurred by the authority shall be paid by the person in default and, if that person is the owner, section 64 shall apply to those expenses, and in any other case section 61 shall apply thereto. [88

Provision as to appeal against order.

51.—(1) Where a person appeals to the High Court against a mandatory order, no liability to a fine shall arise nor, save as mentioned in this section, shall any proceedings be taken or work done under the order until after the determination or abandonment of the appeal.

Penalty where appeal fails.

(2) Where a mandatory order is made and a person does not comply with it and appeals against it to the High Court and the appeal is dismissed or is abandoned, the appellant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 a day during the non-compliance with the order, unless he satisfies the Court before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and, where the appeal is heard by the High Court, that Court may, on dismissing the appeal, impose the fine as if the Court were the Court before which the summons was returnable.

Proceedings pending appeal.

(3) Where a mandatory order is made on any person and appealed against and the Court which made the order is of opinion that the non-execution of the mandatory order will be injurious or dangerous to health and that the immediate execution of the order will not cause any injury which cannot be compensated by damages, that Court may authorise the authority immediately to execute the work.

(4) The authority, if he does the work and the appeal is successful, shall pay the cost of the work and the damages if any, sustained by the said person by reason of the work, but, if the appeal is dismissed or abandoned, the authority may recover the cost of the work from that person and, if that person is the owner of the premises in respect of which the order is made, section 64 shall apply to any sum recoverable from him hereunder and in any other case section 61 shall apply thereto. [89

52.—(1) Where the name or address of the owner of any premises with regard to which a Magistrate's Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, the Court may issue a summons addressed to the owner of the premises.

Proceedings where owner is unknown.

(2) The summons may be served in the manner specified in section 80.

(3) If the owner does not appear upon the hearing of the summons, the Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him. [90]

53.—(1) If in any case in which a Magistrate's Court has jurisdiction to make a mandatory order, the Court is of opinion that the matter complained of will be injurious or dangerous to health or safety and the immediate work sought to be done will not cause any injury which cannot be compensated for by damages, the Court may, by an ex parte order, authorise the authority immediately to do the work sought to be done.

In case of urgency order may be made ex parte.

(2) If the authority does the work and the application for a mandatory order is subsequently refused, he shall pay the cost of the work and the damages, if any, sustained by any person thereby, but if the mandatory order is subsequently granted the authority may recover the cost of the work as if it had been executed by him in pursuance of the power contained in section 51. [91]

Miscellaneous

54. In cases of emergency any authority, if he is unable immediately to communicate with the appropriate Minister, may direct the execution of any work or the doing of any act which the Minister is empowered to execute or do and which it is not by this Act or any regulations made thereunder expressly empowered to do and the immediate execution or doing of which is in its opinion necessary for the service or safety of the public:

Extra-ordinary powers of authority.

Provided that —

- (a) he shall not act under this section in contravention of any decision of the Minister or against any existing policy of the Government; and

(b) where he acts under this section he shall report such action to the Minister at the first opportunity to do so. [92]

Protection of Minister and officers from personal liability.

55. No matter or thing done and no contract entered into by any Minister and no matter or thing done by any officer employed in the administration of this Act or other person whomsoever acting under the direction of any Minister shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever. [93]

Indemnity by Government.

56. Any expense incurred by any Minister or officer or other person acting in accordance with section 55 shall be borne by the Government. [94]

Power to enter upon lands for the purposes of this Act.

57. Any authority may, for the purposes of this Act by his officers, employees, agents or contractors, enter at all reasonable hours in the daytime into and upon any building or land as well for the purpose of making any survey or inspection as for the purpose of executing any work authorised by this Act to be executed by him without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of that building or land in pursuance of this Act:

Provided that the authority shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier:

And provided that the Minister may declare that any class of premises for the control and supervision of which regulations may be made under this Act are liable to night inspection, and thereupon any officer, employee, agent or contractor in that behalf duly authorised in writing may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration. [95]

Power of any authority to enter on lands adjacent to works.
S 331/85.

58.—(1) Any authority may, by his officers, employees, agents or contractors, enter upon any land adjoining or being within the distance of 92 metres of any works by this Act authorised to be made, for the purpose of depositing upon that land any soil, gravel, sand, lime, brick, stone or

other materials or for any other purposes connected with the formation of those works without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of the land to the owner and occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage done and making compensation to the owner also for the permanent injury, if any, to the land.

(2) If any dispute arises touching the amount or apportionment of such compensation, it shall be settled in the manner provided by section 61.

(3) Before any authority makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, it shall give 7 days' notice of its intention to the owners and occupiers of the land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto. [96

Proviso.

59.—(1) Any authority in executing any works directed or authorised to be made shall provide and make a sufficient number of convenient ways, watercourses, drains and channels in the place of such as are interrupted, damaged or rendered useless by reason of the execution of the works. [96

Any authority in executing works to provide roads, etc., where existing ones are damaged.

(2) The Government shall make reasonable compensation to any person who suffers damage by reason of such works, the amount of the compensation in case of dispute to be ascertained and determined in the manner provided by section 61. [97

60. Any person who at any time hinders, obstructs or molests any authority or any of his officers, employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term which may extend to 3 months. [98

Penalty for obstructing any authority in his duty.

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

61.—(1) Except as herein otherwise provided, in all cases when compensation, damages, fees, costs or expenses are by this Act directed to be paid the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds \$1,000, by a District Court.

(2) 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 and recovered in the same way as if it were a fine imposed by a Magistrate's Court.

Cap. 68.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's or District Court under this section, and the provisions of the Criminal Procedure Code shall mutatis mutandis apply to all such appeals. [99

Occupier in default of owner may execute work.

62. Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of the premises may, with the approval of the authority, cause the work to be executed and the expense thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to the owner and the occupier may, in the absence of any special agreement to the contrary, retain possession until that expense has been fully reimbursed to him. [100

Exemption of agent who has no funds in hand.

63.—(1) No person receiving the rent of premises as receiver or agent for another person shall be liable to do anything by this Act required to be done by the owner of the premises if, after he or the actual owner has been required to do any work, the person gives notice to the authority, within 7 days after the requisition has been made, that he has not sufficient funds of the person on whose behalf he is receiving the rents to pay for the work.

(2) In such case the authority may himself execute the work and the expenses incurred thereby shall be charged and recoverable as provided in section 64. [101

64.—(1) All and any sums payable by or recoverable from the owner or owners in respect of expenses and costs incurred by the Government in or about the execution of any work which are, under this Act, recoverable from the owner or owners of any premises shall, subject and without prejudice to any other rights of the Government, be a first charge on the premises in respect of which the expenses or costs were incurred.

Recovery of expenses and costs payable by owners.

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

(3) Any occupier who when requested by or on behalf of the authority to state the name of the owner of the premises refuses or wilfully omits to disclose or wilfully mis-states the name shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(4) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay it, calling on him to pay that sum together with a fee of such amount as may be prescribed for the cost of the notice, within 15 days of the service of such notice.

Proceedings in default.

(5) If no person liable to pay the sum can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the authority and by fixing a copy thereof on some conspicuous part of the premises in respect of which the expenses or costs were incurred.

(6) At the expiration of the said period of 15 days or such further period as may be allowed by the authority, if any such sum or any part thereof remains due and unpaid, it shall be deemed to be arrears and may be recovered as hereinafter provided.

(7) The charge hereinbefore mentioned shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter those powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon,

notwithstanding any change or changes in the ownership or occupation of the premises subsequent to that date.

11/75
27/81.

(8) The authority may charge interest at a rate not exceeding 11%* per annum on any sum remaining unpaid at the expiry of the prescribed time. [102

Recovery of
expenses and
costs by
instalments.
27/81.

65.—(1) When any authority has incurred expenses or costs in or about the execution of any work, which are, under this Act, payable by or recoverable from the owner or owners, the authority may either recover those expenses and costs in the manner hereinbefore provided or, if he thinks fit, may take an engagement or engagements from the owner or owners for the payment of such instalments as will be sufficient to defray the whole amount of the expenses and costs with interest thereon at a rate not exceeding 11%* per annum, 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 any such engagement, the whole of the balance then outstanding of that amount, together with any interest in arrear, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises since the date of the engagement, may be recovered by the same means and in like manner as provided in section 64.

[103

Minister may
vary rates of
interest.

66. The Minister may, at any time by notification in the *Gazette*, vary the rates of interest prescribed in sections 64 (8) and 65 (1). [103A

Proceedings
for recovery
of arrears.

67.—(1) For the recovery of arrears, the authority shall have and may exercise, either successively or concurrently, in addition to any other remedies conferred by this Act either or both of the following powers:

- (a) the authority may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay the arrears and may also seize any movable property or any crops to whomsoever belonging 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 authority may, by notice of sale to be served or published in the prescribed manner, declare its intention of selling, at the expiration 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 expiration of that period, the arrears have not been paid or satisfied, the authority may sell by public auction, in lots or otherwise, the whole of the premises or such portion thereof or such interest therein as he considers sufficient for recovery of the arrears and costs:

Provided that the authority shall not proceed under paragraph (b) to sell the premises in respect of which the arrears are due, or any portion thereof or interest therein, where there is or are upon the premises and liable to be seized and sold under paragraph (a) movable property or crops belonging to the owner of a value estimated by the authority to be sufficient to realize the sum required to satisfy the arrears and costs.

(2) Any tenant, sub-tenant, or occupier, who, in order to avoid the seizure or sale of his property for non-payment of 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 him from the rent due or to become due by him to his immediate landlord on account of the premises or such part thereof as is held or occupied by him, and may retain possession until that amount has been fully reimbursed to him whether by deduction from the rent or otherwise. Any tenant or sub-tenant who has reimbursed, whether by allowing a deduction from his rent or otherwise, any sub-tenant or occupier holding or occupying under him the amount so paid by that sub-tenant or occupier shall have a similar right to deduct the amount from the rent due or to become due to his immediate landlord and to retain possession until similarly reimbursed.

(3) The receipt of any duly authorised public officer for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an acquittance in full for the like amount of rent.

(4) If any premises in respect of which arrears are due, or any such movable property or crops as are mentioned in

subsection (1) or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the authority is unable to exercise the remedies hereinbefore conferred, the authority may notify the Sheriff or the bailiff of the court concerned of the amount of the arrears, and shall be 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. A certificate from the authority shall, unless it be disputed by the judgment debtor, be conclusive evidence of the amount of the arrears, and, in case of dispute, the amount shall be summarily determined by a Magistrate's Court. [104

Attachment.

68.—(1) The attachment mentioned in section 67 (1) (a) may be made by a person appointed for the purpose by the authority who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached.

Cap. 224.

(2) Such a person shall be deemed to be a public servant within the meaning of the Penal Code.

(3) That person may break open in daytime any house or building for the purpose of effecting the attachment. [105

Application of proceeds.

69.—(1) The proceeds of a sale under section 67 (1) shall be applied in the first place in satisfaction of the arrears together with interest thereon at the rate of 6% per annum and costs.

(2) In the event of there being any surplus remaining, the authority shall, if satisfied as to the right of any person claiming the surplus, pay the amount thereof to that person or, if not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

(3) If no title is established to the surplus within a period of 5 years from the date of the sale, it shall be paid into the Consolidated Fund. [106

Title conferred by purchase at sale under section 67 (1) (b).

70.—(1) The purchaser at a sale held under section 67 (1) (b) shall be 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 such as are expressly reserved by the authority at the time of sale.

(2) The Authority shall notify by an advertisement in the *Gazette* the result of the sale and the conveyance to the purchaser of the property or right offered for sale. [107]

71. All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of the arrears. [108]

Costs of proceedings for recovery of arrears.

72. If any person having any interest in any property liable to be sold at any time previous to such sale tenders to the authority the arrears with interest and costs, the authority shall thereupon desist from all further proceedings in respect thereof. [109]

Power to stop sale.

73.—(1) If any person whose movable property, crop or land has been attached or advertised for sale disputes the propriety of the attachment or sale, he may apply to the High Court or, when the arrears do not exceed \$1,000, to a District Court for an order to stay the proceedings.

Application to Court.

(2) The Court, after hearing the authority and making such further inquiry as is necessary, shall make such order as is just. [110]

74. No application shall be entertained by the Court under section 73 unless the applicant has deposited in court the amount of the arrears and costs or given security for them to the satisfaction of the Court. [111]

Security to be given.

75.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Government in or about the execution of any work which are, under this Act, recoverable from the owner or owners thereof shall continue to be liable for the payment of all the costs and expenses payable in respect of the property and 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 has been given. [112]

Liability of transferor who has not given notice.

Cap. 254.

(2) Nothing herein shall affect the liability of the purchaser or transferee to pay such costs or expenses in respect of the property or affect the right of the authority to recover such costs and expenses or to enforce any obligation under this Act. [112]

Proceedings if an occupier opposes the execution of works.

76.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of the premises any of the provisions of this Act after notice of his intention to do so has been given by the owner to that occupier, a Magistrate's Court, upon proof thereof and upon application of the owner, may make an order in writing, requiring the occupier to permit the owner to execute all such works with respect to the premises as are necessary for carrying into effect the provisions of this Act and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to the application or order.

(2) If after the expiration 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, for every day during which he so continues to refuse, be liable on conviction to a fine not exceeding \$100, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing the works. [113]

Disposal of matters and things removed by authority.

77.—(1) Any matter or thing removed by any authority in executing any work which he is entitled to execute under this Act shall except as otherwise provided be the property of the Government and may be sold by public auction or, if the authority thinks that the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the authority and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of the matter or thing.

(3) If the surplus is not claimed within two years, it shall be paid into the Consolidated Fund.

(4) If any matters or things belonging to several persons are removed by the authority in executing any such work, the authority shall cause those matters or things, if sold, to be sold separately. [114]

Licences to be discretionary.

78.—(1) The grant or renewal of any licence in pursuance of this Act or any regulations made thereunder shall be in the discretion of the authority or person authorised to grant or renew it and the licence may be granted, renewed or

refused without any reason for the grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the authority or person granting or renewing he may think fit and shall be subject to suspension or revocation at any time without compensation and without notice by the authority upon breach of any restriction or condition subject to which it was issued.

(2) The authority or person empowered to grant or renew any licence may require any applicant therefor to furnish such information as the authority or that person may reasonably require for a full and proper consideration of the application and in the event of a refusal to furnish such information shall refuse to grant or renew the licence.

(3) Except as otherwise provided, any licence granted or renewed in pursuance of this Act or any regulations made thereunder may be for such period not exceeding 12 months as the authority thinks fit.

(4) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed by the Minister.

(5) No such licence shall be transferable without the consent of the authority or person granting it.

(6) Except as otherwise provided, any person aggrieved by the refusal by any authority or authorised person to grant or renew a licence or by the suspension or revocation by the authority or authorised person of any licence may within one month of the refusal, suspension or revocation appeal to the Minister whose decision shall be final.

(7) In this section, "licence" includes any approval, consent, permit, permission, authority, authorisation or licence which may be granted in pursuance of this Act or any regulations made thereunder. [115

79.—(1) All notices, orders, receipts, warrants and other documents of whatsoever nature which an authority is empowered to give by this or any other Act or under any regulations made thereunder may be given by any officer or employee authorised thereunto by the authority.

Receipts and notices may be given by officer authorised thereunto.

(2) Where any such notice, order, warrant, receipt or document requires authentication, the signature or a

facsimile thereof of the authority or any officer or employee authorised thereunto by the authority affixed thereto shall be sufficient authentication. [116]

Service of notices.

80.—(1) Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

- (a) by delivering it to that person or by delivering it at the last known place of abode of that person to some adult member or employee of his family;
- (b) by leaving it at the usual or last known place of abode or business of that person in a cover addressed to that person; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or business.

(2) A notice, order or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

(3) A notice, order, summons or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing the notice, order, summons or document to some conspicuous part of the premises. [117]

Default in compliance with notice. General penalty.

81.—(1) When any notice under this Act or any regulations made thereunder requires any act to be done or work to be executed by the owner or occupier of any premises and default is made in complying with the requirement of the notice, the person in default shall, where no fine is specially provided for such default, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Act or any regulations made thereunder, it shall fix a reasonable time for complying with the requirement. [118]

82.—(1) Any offence under this Act or any regulations made thereunder may be tried by a District Court and, unless the context otherwise requires, by a Magistrate's Court.

Court for trial of offences under this Act.

(2) All fines imposed for any offence under this Act or any regulations made thereunder shall be paid into the Consolidated Fund. [119]

83.—(1) No proceedings for an offence punishable under this Act or any regulations made thereunder shall be instituted, except by or with the sanction of the Public Prosecutor or the authority.

Authority, etc., may direct prosecution. 59/73.

(2) Any public officer or police officer may conduct such a prosecution on behalf of the authority. [120]

84.—(1) Any person who is charged by any officer or employee of the authority or any police officer with any offence under this Act or any regulations made thereunder shall give his name and address to the officer, employee or police officer, if so required.

Employee of authority may demand names and addresses in certain cases.

(2) The occupier of any premises shall, if required by any officer or employee of the authority or any police officer, give his name and the name and address of the owner of the premises, if known.

(3) Any person who offends under this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50. [121]

Penalty.

85.—(1) Any police officer or any officer or employee of the authority authorised in writing by the authority generally or in any particular case may arrest any person committing in his view or who he has reason to believe has committed any offence punishable under this Act or any regulations made thereunder —

Powers of arrest.

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if 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 name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained. [122

Saving of prosecutions under other laws.

86. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or any regulations made thereunder or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or any regulations made thereunder:

Provided that no person shall be punished twice for the same offence. [123

Limitation of liability to fines and penalties.

87. Except in any case where by reason of the act or omission complained of an injury or danger to health subsists at the date of the complaint no person shall be liable to any fine or penalty under this Act or any rules or regulations made thereunder for any offence under this Act unless the complaint respecting the offence is made within 3 years next after the date of the commission of the offence. [124

General penalties.

88. Any person guilty of an offence under this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$200. [125

Damage to property of Government to be made good in addition to penalty.

89.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed under this Act any damage to the property of the Government is committed by that person, he shall be liable to make good the damage as well as to pay the penalty.

(2) The amount of the damage shall, in case of dispute, be determined by the court by which the party incurring the penalty is convicted.

(3) The amount of the damage shall be recovered as if it were a fine imposed by the court. [126

Inaccuracies in documents.

90. 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 or any regulations made thereunder shall in any way affect the operation of this Act or any such regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under or by virtue of this Act or any such regulations shall be invalid for want of form. [127]

91.—(1) The contents of any document prepared, issued or served under, by virtue of or for the purpose of this Act shall until the contrary is proved be presumed to be correct and the production of any book purporting to contain any apportionment made under or by virtue of this Act shall without any other evidence whatever, be received as prima facie proof of the making and validity of the apportionment mentioned therein. Evidence.

(2) All records, registers and other documents required by this Act or any regulations made thereunder to be kept by the authority or by any public officer shall be deemed to be public documents and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies, or extracts, as the case may be, subscribed by that officer with his name and his official title shall be admissible in evidence as proof of the contents of the document or extract thereof. [128]

Regulations

92.—(1) The Minister may make regulations for or in respect of every purpose which is deemed by him necessary for carrying out those provisions of this Act for which he is responsible, for the prescribing of any matter which is authorised or required under this Act to be prescribed, and in particular and without prejudice to the generality of the foregoing for or in respect of all or any of the matters specified in the Schedule. Regulations.

(2) The appropriate Minister may from time to time, by notification in the *Gazette*, add to, alter or amend the Schedule.

(3) Such regulations may, where the circumstances of the case require, empower the authority —

(a) to require the owner or occupier of premises, or any other person having a duty under any

regulations, to execute any work or perform any act necessary in the opinion of the authority to secure compliance with those or any other regulations and in default of compliance with the requirement on the part of the owner or occupier or other person, to execute that work or perform that act itself and to recover the expenses and costs incurred by it in or about the execution of the work or the performance of any such act, from the owner, occupier or other person, as the case may be; or

(b) in case of emergency or where the owner cannot after due enquiry be found, to execute the work or perform the act itself without first requiring the owner, occupier or other person as aforesaid to do so, and to recover the expenses and costs incurred by it in or about the execution of the work or the performance of the act from the owner, occupier or other person.

(4) The Minister may in making any regulations relating to obstructions in streets or the cleanliness thereof prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed by the occupier of any building or land.

(5) The Minister may in making any regulations provide that any contravention of or failure to comply with any regulations shall be an offence and may prescribe the fine with which an offence shall be punishable but so that no such fine shall exceed for any one offence the sum of \$1,500, or, in the case of a continuing offence, the sum of \$50 for every day or part thereof during which the offence continues after conviction.

(6) The Minister may, in lieu of making any regulations prescribing the forms which by this Act are required to be or may be prescribed, authorise the authority to prescribe such forms as the authority thinks fit.

(7) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the

regulations are so presented annulling the regulations or any part thereof as from a specified date, the regulations or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations. [129]

THE SCHEDULE

SUBJECT MATTERS OF REGULATIONS

Section 92
(1), (2).
29/75.

Public Works Department

1. The laying or carrying of any line or rails, mains, pipes, conduits or electric lines along, through, across, over or under any street or any place laid out or intended for a street.

2. The granting of licences for the carrying and maintenance of telegraphic wires or cables or wires for the conveyance of electricity along or across or under public streets and the fixing and levying of annual or other fees therefor.

3. The level, width and construction of streets and the repairing, cleaning, watering and lighting of streets, roads, canals and bridges and the planting and preservation of trees.

4. The supervision and control of back-lanes vested in the Government, of public streets and of streets laid out or constructed by the Government, the licensing of persons to use such streets and back-lanes for any purpose or in any particular manner other than in the exercise of any right of way thereover.

5. The construction, paving, width and level of arcades and footways.

6. The construction, maintenance and repair in any building or on any premises of accommodation for the storage, preparation and cooking of food.

7. The prevention, removal and suppression of obstructions or encroachments in or on back-lanes, public streets, private streets and arcades abutting thereon and the provision, construction, dimensions and paving along any portion of any land alongside such streets.

8. The making of any hole in any street and the depositing of any building or other material thereon.

9. The closing, fencing, lighting and repair of any works, hole or place likely to be a danger to the public.

All Departments

1. The prescribing of forms for licences and for other purposes for use in connection with this Act.

2. The prescribing of fees and charges for the purposes of this Act.